

# Preservation gold rush

By **PATRICK CASSIDY**  
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The Massachusetts Community Preservation Act has arrived on the shores of Cape Cod with a host of admirers and plenty of questions.



■ Tamsen Cornell, director of the Orleans Historical Society's museum, examines donated glass plate negatives. The historical society is preserving the Harry J. Sparrow glass plate collection with money drawn from the state-backed Community Preservation Act.

(Staff photo by Kevin Mingora)

The CPA, which imposes a local property tax surcharge to help towns pay for historic preservation, affordable housing and open space, is becoming so popular town leaders are questioning how to spend the money and wondering how long state matching cash will last.

"The first year can be the roughest," said Valerie Foster, a member of the Dennis Community Preservation Committee.

Not only has competition for the money heated up, but as more and more Massachusetts towns adopt the CPA, matching money from Beacon Hill is expected to dwindle.

Nearly every Cape town, as well as Martha's Vineyard and Nantucket, have adopted the CPA in the past six years.

"The process is all so new," Foster said. "Everything is still very touchy."

Guidelines outlining how CPA revenue - raised through a 3 percent real estate tax surcharge and matched by the state - can be spent have been called purposefully vague and have left questions about what is allowed.

Cape towns making legal judgments about what can be funded through the CPA have little oversight from the state.

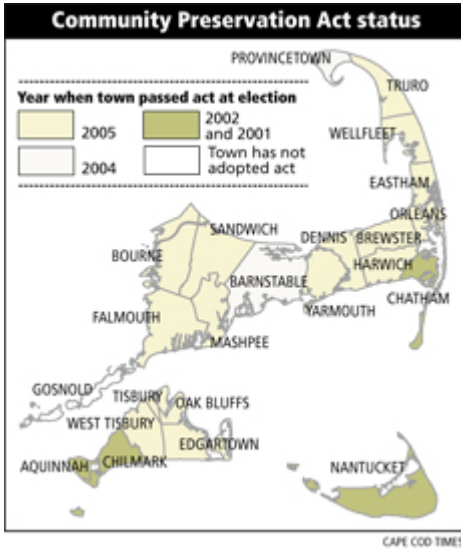
Despite the measure of uncertainty associated with the CPA, many towns are pushing forward - and some say pushing the envelope - approving CPA projects.

At special town meetings two weeks ago, 29 CPA projects, totaling nearly \$3 million, were approved in Wellfleet, Falmouth, Brewster and Truro.

**'New territory'**

The Community Preservation Act has raised constitutional questions based on the use of taxpayer money for historic preservation projects on church buildings, a possible clash of church and state.

Examples of popular projects funded by the act range from the renovation of old churches, preservation of historic documents and photographs, skateboard parks, land acquisitions for open space and pre-development grants for so-called "community housing" projects.



Local community preservation committees, with members typically drawn from other town panels and departments, are charged with recommending projects. Because they decide which projects get funded, the committees are becoming a powerful new player in towns across the Cape & Islands.

At Dennis special town meeting in September, members of the town's finance committee questioned a CPA project at the Dennis Union Church.

"The question is, does the (Community Preservation Committee) really have lots of money to spread around for private projects or should municipal needs be met first?" said Peter McDowell, vice-chairman of the Dennis Finance Committee.

More than \$1 million in a dozen community preservation spending recommendations, including the church restoration work, were approved in Dennis, most unanimously. Similar approval rates are reported across the Cape. Most projects that endure the application process are approved at town meetings.

"We have probably had experience with 120 projects," said Barry Rector, former chairman of the Nantucket Community Preservation Committee.

Nantucket residents have approved more than \$8 million in CPA projects since accepting the act in 2001, making it a poster child for CPA spending.

Getting on board early had its advantages but it also meant Nantucket had to find its own way navigating best way to administer CPA projects, Rector said.

"There wasn't a lot written other than the act itself," Rector said. "We found ourselves pushing a lot of new territory."

### State support has limit

With a third of Massachusetts' 351 communities signed on to the CPA and the number growing, the level of state matching money could fall, said Katherine Roth, associate director of the Community Preservation Coalition, an alliance of open space, affordable housing and preservation groups.

"At some point, we'll reach the tipping point," said Roth, whose coalition of nonprofit groups

came up with the idea for the CPA more than a decade ago.

Roth said local towns were quick to sign on to the CPA because it was a logical successor to the Cape Cod Land Bank - the former open space acquisition fund supported by a 3 percent surcharge on property taxes.

Voter approval was required for Cape towns to replace the land bank with the CPA, but the new program was welcomed with open arms.

Many towns commissioned a study of the act before signing on, but topping off a tax residents already agreed to pay with matching state money was a "no-brainer," Harwich Community Preservation Committee Chairman Jack Brown said.

"It would have been really smart for everybody to adopt this act in 2002," he said.

Now, towns across Massachusetts are playing beat the clock and signing up for the CPA before state matching money drops, potentially down to 70 percent in the next two years by some estimates.

According to the law, at least 5 percent of the local revenue must be matched by state taxpayer money.

The Community Preservation Coalition is lobbying for continuation of the 100-percent level of state matching money. With more communities slicing into the state's CPA pie, an increase to Registry of Deeds fees or creation of a new revenue stream would be required to maintain state matching money at 100 percent, Roth said.

### **Local character**

"Gray areas" in the language of the act have allowed communities to shape its use around local needs, Rector said.

Provincetown decided to reserve 80 percent of its CPA money for affordable housing, while other towns require restrictions on projects receiving CPA financial support.

Provincetown is also one of the towns that decided to maintain the Cape Cod Land Bank alongside the CPA, in essence imposing two 3 percent surcharges on real estate tax bills.

However towns choose to use the CPA, they will continue to make it their own, and in Nantucket that means keeping the doors "wide open," Rector said. "Look at what's been accomplished with this thing," he said. "How can you not feel good at the end of the day?"

The Cape Cod Commission is sponsoring a workshop on the CPA Wednesday from 3 to 5 p.m. at the Harwich Community Center, 100 Oak St., Harwich. The workshop will focus on the appropriate use of CPA funds for historical preservation projects.

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(Published: November 26, 2006)