

# Town of Franklin

355 East Central Street  
Franklin, Massachusetts 02038-1352



Phone: (508) 520-4949  
www.franklinma.gov

OFFICE OF THE TOWN ADMINISTRATOR

## Memorandum

January 30, 2020

To: Town Council  
From: Jamie Hellen, Town Administrator

### Re: Community Preservation Act (CPA) Discussion

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At the request of multiple Councilors over the past year, tonight will be a discussion on the Community Preservation Act (CPA). There is no vote tonight, just a discussion. The following memo has some highlights of information to help begin a conversation.

#### Overview of the CPA

The Community Preservation Act was passed in 2000 to help communities empower themselves to raise a dedicated revenue source for the purposes of open space preservation, historic preservation, affordable housing and recreation.

Please visit <https://www.communitypreservation.org/adoption> for more. I have attached a two page overview in this packet as well.

Everything on CPA can be found here: <https://www.communitypreservation.org/>

#### Past History

Franklin has voted once on the CPA, in 2007, and it failed at the ballot. I have included the certified vote of the Town Clerk on that election and highlighted the final vote.

3,845 votes were cast in that election. 2,174 were No (56.5%), 1,528 were Yes (39.7%) and 143 blanks (3.7%).

I have attached [a map of the 176 Towns in Massachusetts](#) that have approved the CPA. As you can see, most of the Towns that surround Franklin approved the CPA.

#### Local Estimates Revenues

I have attached a chart of the estimated local revenues that would be generated at 1%, 2% or 3%. These numbers assume two of the allowed exemptions under CPA: the first \$100,000 in real property value is exempt and the low income exemption. This will be discussed tonight.

Due to the Legislature approving additional revenue for the CPA state match contribution this past fiscal year, we would assume approximately a 24% match of state monies. The most frequent match this year is 23.9%. It is a far cry from the original communities in 2001-2009 who saw a \$1 to \$1 match. But this recent policy development is a carrot for more communities to consider CPA, given the increase in communities adopting CPA.

### Important facts & recent trends

- Each year, 10% of funds raised must be allocated for open space, 10% for historic preservation and 10% for affordable housing. The remaining 70% are discretionary. You do not have to spend it all in one year and can save those funds aside for future projects.
- A Community Preservation Committee must be established to recommend expenditures to the Town Council for final approval. Five members are required by law, one member each from the Planning Board, Conservation Commission, Housing Authority, Historical Commission and Recreation Board. The Committee may also have up to four additional at-large members.
- As referenced above, the state does match local contributions with a state matching formula. The state match changes every year. See above.
- I have attached a recent memo from the Registrar of Deeds with the annual amount of financial real estate transactions that occurs in Franklin, which we contribute to the state matching fund. Franklin transactions accounted for \$126,300 for calendar year 2019. Those are monies paid for by local residents in real estate fees that go to matching funds in other towns. In other words, Franklin gives out and receives nothing in return for our investment.
- CPA requires a ballot vote of the citizenry at a regular state election. Language would be required to be adopted 60 days prior to that election to be placed on the municipal ballot. <https://www.communitypreservation.org/adoption>
- A list of [CPA Exemptions are here](#), however the most two frequent (and almost automatic) would be the first \$100,000 of real estate and the low and moderate income earners.

I did invite the Community Preservation Coalition to do a presentation, but they are unavailable due to the demand on their staff at the moment. However, it is worth noting that both the Town Attorney and I have a fair amount of knowledge around the CPA. I began my professional career on the strategic team to get the Act passed at the state level and implemented locally in many communities. The Town Attorney has been the Chair of the Medway Community Preservation Committee for over a decade.

We are happy to answer any questions to the best of our knowledge.

Town of Franklin						
CPA Estimated Calculations						
FY20 Data						
Property Class	Levy Availability	Less Exemptions	CPA Taxable Revenue	3%	2%	1%
Total Tax on Residential Property	\$65,394,573	-15,316,768	\$50,077,805	\$1,502,334	\$1,001,556	\$500,778
Total Tax C/I Property	\$12,869,712		\$12,869,712	\$386,091	\$257,394	\$128,697
Total Tax on Real Property	\$78,264,285	-15,316,768	\$62,947,517	\$1,888,425	\$1,258,950	\$629,475
			State Match (24%)*	\$451,333	\$300,889	\$69,242
			<b>Total Annual Revenue</b>	<b>\$2,339,758</b>	<b>\$1,559,839</b>	<b>\$698,717</b>
<u>What does this Mean for me?</u>						
Median Home Value	\$460,400					
Residential Exemption	\$100,000					
Total CPA Applied	\$360,400					
Tax Rate	\$14.51					
Property Tax Subject to levy surcharge	5,229.40					
3% surcharge	\$156.88					
2% surcharge	\$104.58					
1% surcharge	\$52.29					
Exemption, per residential property	\$100,000					
# of Residential Exemptions	\$10,448					
Total Exemption	\$1,044,800,000					
Tax Exemption	\$15,316,768					

\* The state match fluctuates every year based off the actual numbers of revenue generated at the local level and based on revenues appropriated by the Legislature into the CPA Match Fund at the state.



# Community Preservation Coalition

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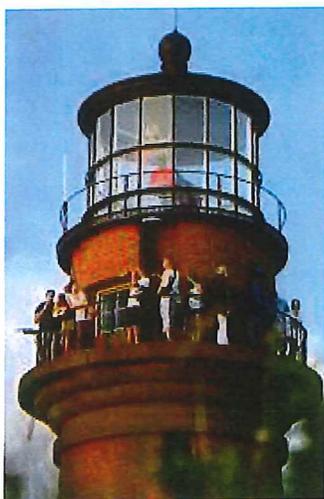
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## CPA: An Overview



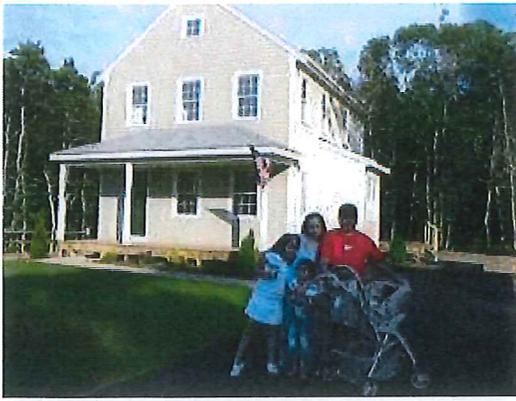
The Community Preservation Act (CPA) is a smart growth tool that helps communities preserve open space and historic sites, create affordable housing, and develop outdoor recreational facilities. CPA also helps strengthen the state and local economies by expanding housing opportunities and construction jobs for the Commonwealth's workforce, and by supporting the tourism industry through preservation of the Commonwealth's historic and natural resources.

Over a decade of work went into the creation of the CPA; it was ultimately signed into law by Governor Paul Cellucci and Lieutenant Governor Jane Swift on September 14, 2000. **[Read more about the history of CPA.](#)**



CPA allows communities to create a **[local Community Preservation Fund](#)** for open space protection, historic preservation, affordable housing and outdoor recreation. Community preservation monies are raised locally through the imposition of a surcharge of not more than 3% of the tax levy against real property, and municipalities must adopt CPA by ballot referendum. To date, 176 municipalities in the state have adopted CPA. **[View a map of all CPA communities.](#)**

The CPA statute also creates a statewide Community Preservation Trust Fund, administered by the Department of Revenue (DOR), which provides distributions each year to communities that have adopted CPA. These annual disbursements serve as an incentive for communities to pass CPA. **[Learn more about the distribution amounts received to date by CPA communities.](#)**



Each CPA community creates a local Community Preservation Committee (CPC) upon adoption of the Act, and this five-to-nine member board makes recommendations on CPA projects to the community's legislative body. To explore CPA projects completed to date, visit our CPA Projects Database.

Property taxes traditionally fund the day-to-day operating needs of safety, health, schools, roads, maintenance, and more. But until CPA was enacted, there was no steady funding source for preserving and improving a community's character and quality of life. The Community Preservation Act gives a community the funds needed to control its future.

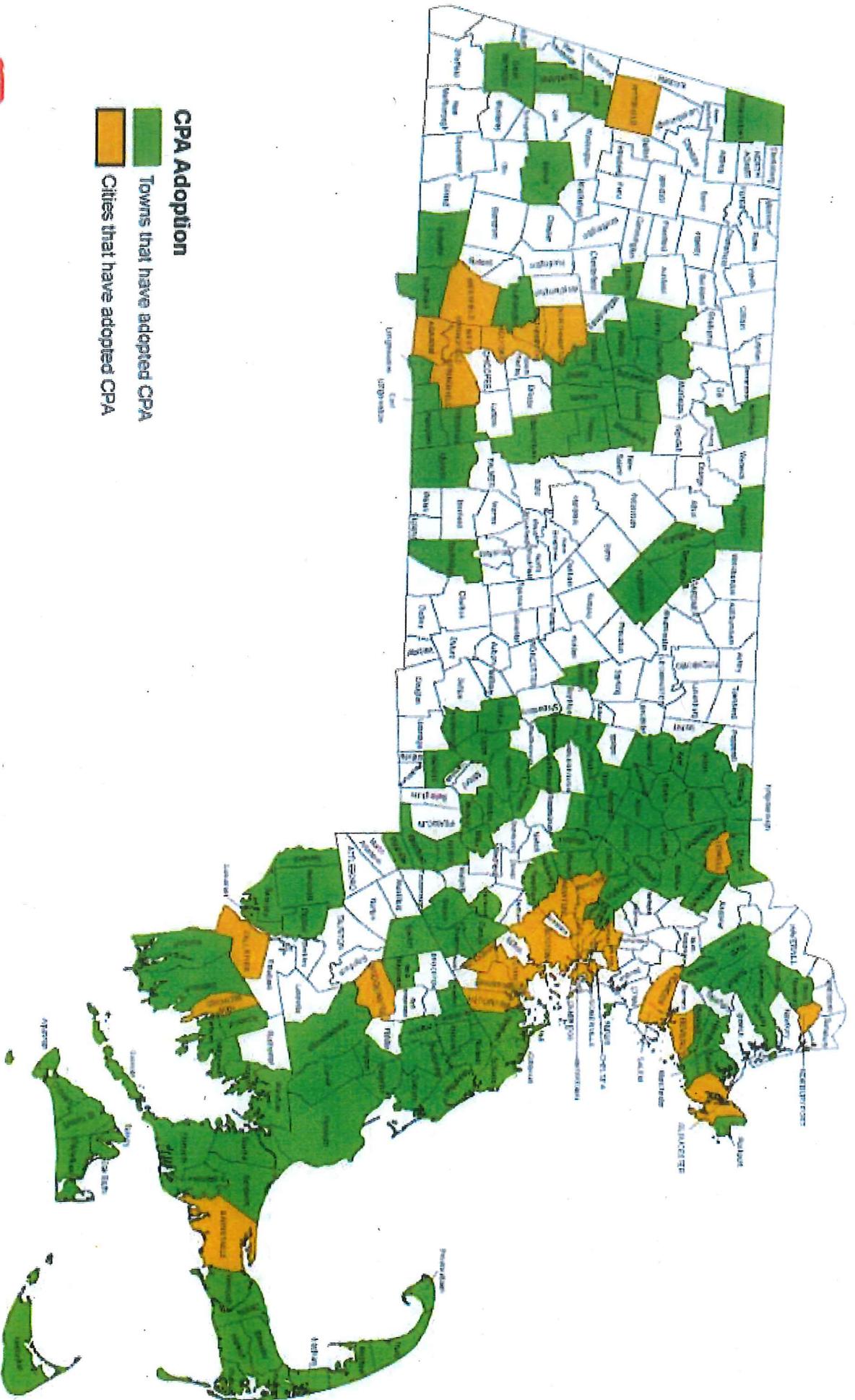
### **CPA Accomplishments To-Date**

- 176 communities have adopted CPA (50% of the Commonwealth's cities and towns)
- Of the total number of adopted communities, 31 are cities and 145 are towns
- 62% of the state population live in a CPA community
- Just over \$2.35 billion has been raised to date for community preservation funding statewide
- Over 12,000 projects have been approved by local legislative bodies
- More than 6,800 affordable housing units have been created with an additional 10,700 units supported
- 30,894 acres of open space have been preserved
- Over 5,500 appropriations have been made for historic preservation projects
- Over 2,500 outdoor recreation projects have been initiated

**Source URL:** <https://www.communitypreservation.org/about>

# Community Preservation Act Adoption

November 2019



## CPA Adoption

- Towns that have adopted CPA
- Cities that have adopted CPA



# Community Preservation Coalition

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[Home](#) > Governor Baker Signs FY20 Budget with CPA Funding Increase

## Governor Baker Signs FY20 Budget with CPA Funding Increase



The Coalition is thrilled to report that as of this morning, Governor Baker has officially signed the FY20 state budget, including the long-awaited permanent increase to the CPA Trust Fund.

The Governor made no amendments or vetoes to the CPA sections included in the budget - this means that beginning in 2020, this legislation will increase the recording fees at the Registries of Deeds which provide revenue to the statewide CPA Trust Fund. This increase is expected to raise an estimated \$36 million in additional revenue for CPA communities each year.

We are also happy to report that the budget additionally included language that would provide up to \$20 million in budget surplus funds for the November 2019 CPA Trust Fund distribution. Should a budget surplus be available, these funds would avoid a record-low disbursement this year. More details will be available regarding the budget surplus funds in the fall.

We are grateful to Governor Baker for his support of CPA, as well as the members of the legislature that worked towards making this improvement to the Community Preservation Act possible, including:

Longtime CPA champion Senator Cynthia Stone Creem as well as Representative Ann-Margaret Ferrante; House Ways & Means Chair Aaron Michlewitz and Senate Ways & Means Chair Michael Rodrigues; Speaker of the House Robert DeLeo and Senate President Karen Spilka, and the 100+ members of the legislature who supported CPA. Special thanks to former Representative Steven Kulik, who championed this legislation in the House for years, laying the groundwork for the success we've seen today.

## What was included in the Final FY20 Budget for CPA?

*SECTION 29. Section 8 of chapter 44B of the General Laws, as so appearing, is hereby amended by striking out, in lines 3, 8 and 23, the figure "\$20" and inserting in place thereof, in each instance, the following figure:- \$50.*

*SECTION 30. Said section 8 of said chapter 44B, as so appearing, is hereby further amended by striking out, in lines 10, 14 and 24, the figure "\$10" and inserting in place thereof, in each instance, the following figure:- \$25.*

*SECTION 81. Notwithstanding any general or special law to the contrary, prior to transferring the consolidated net surplus in the budgetary funds to the Commonwealth Stabilization Fund pursuant to section 5C of chapter 29 of the General Laws, the comptroller shall dispose of the consolidated net surplus in the budgetary funds for fiscal year 2019 in the following order of precedence: (i) an amount not more than \$10,000,000, to the Massachusetts Life Sciences Investment Fund established in section 6 of chapter 23I of the General Laws; and (ii) an amount not more than \$20,000,000, to the Massachusetts Community Preservation Trust Fund established in section 9 of chapter 44B of the General Laws.*

*SECTION 105. The commissioner of revenue shall notify the registers of deeds, the assistant recorders and the joint committee on revenue of the new surcharge amounts established in sections 29 and 30. All documents or instruments received by the registers of deeds and assistant recorders that are postmarked prior to the effective date of said sections 29 and 30 shall be subject to the fee surcharge applicable under section 8 of chapter 44B of the General Laws that was in effect before that date.*

*SECTION 107. Sections 29 and 30 shall take effect on December 31, 2019.*

## Further Resources

- **"Governor permanently hikes funding to CPA program"** - Greenfield Recorder
- **"Surplus & Fee Revenues to Feed CPA"** - State House News Service
- **"Municipal Leaders Want Piece of Surplus for CPA"** - State House News Service
- **"State to Boost Community Partnerships"** - State House News Service
- **"State Should Pay Its Fair Share on CPA"** - Boston Globe editorial endorsing the increase to CPA funding
- **"Our View: Paying for Community Preservation"** Gloucester Times editorial endorsing the increase to CPA funding
- **"Our Opinion: Make successful CPA even more successful"** - The Berkshire Eagle editorial endorsing the increase to CPA funding

Source URL: <https://www.communitypreservation.org/home/news/governor-baker-signs-fy20-budget-cpa-funding-increase>

# STATE HOUSE NEWS SERVICE

## SURPLUS, FEE REVENUES TO FEED COMMUNITY PRESERVATION

By Colin A. Young  
STATE HOUSE NEWS SERVICE

STATE HOUSE, BOSTON, JULY 22, 2019.....State accountants have not yet verified how much money is left over from above-expectation tax collections in fiscal year 2019, but lawmakers have already decided how to spend the first \$30 million of it.

The budget accord (H 4000) filed Sunday and passing through both branches on Monday afternoon directs the state's comptroller to transfer \$10 million from any fiscal 2019 surplus to the Massachusetts Life Sciences Investment Fund and another \$20 million to the Massachusetts Community Preservation Trust Fund.

The funding for the CPA Trust Fund, which is distributed to cities and towns that use the Community Preservation Act to preserve open space, build affordable housing, and renovate historic buildings and parks, represents a win for the scores of municipal chief executives who [wrote to legislative leaders](#) asking for an infusion of up to \$20 million from the surplus.

The initial idea of the CPA was for the state to match 100 percent of what each participating municipality raised through its own property tax surcharge to preserve open space, renovate historic buildings and parks and to build new playgrounds and athletic fields. But as more communities adopted the CPA, each town's share of the pie has become smaller as the state has not held up its part of the bargain.

"Without this money, the statewide match will be an estimated 11 percent," the 101 municipal officials wrote in a June letter coordinated by the Community Preservation Coalition and the Metropolitan Area Planning Council. "This short-term solution for 2019, coupled with the long-term fix for 2020 and beyond, will ensure a viable, vibrant, and enduring CPA."

Through 11 months of fiscal 2019, state tax collections totaled \$26.511 billion, \$952 million more than the budget benchmark, and \$1.873 billion or 7.6 percent more than the same fiscal year-to-date period in 2018, the Department of Revenue reported. DOR is expected in coming days to detail tax collections for the full fiscal year and verify the size of the surplus.

Some of the surplus money -- including any capital gains revenues exceeding \$1.2 billion -- is already bound for the state's stabilization fund, but lawmakers could have an opportunity to

spread the unrestricted surplus funds around between numerous priorities. A \$636 million automatic deposit of capital gains revenues for fiscal 2019 through May into reserves reduced the potential fiscal 2019 revenue surplus to \$805 million, pending June tax collections, the News Service reported last month.

Though the House and Senate budgets both authorized an increase in CPA funding starting next year, that money will not be available to CPA communities until fall 2020.

The House and Senate voted to increase the recording fees that feed the CPA Trust Fund from \$20 to \$50 for most documents and from \$10 to \$25 for municipal lien certificates, a change that the Community Preservation Coalition estimates will provide the trust fund with an infusion of \$36 million in new money each year.

-END-

07/22/2019

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COUNTY OF NORFOLK  
COUNTY OF PRESIDENTS  
REGISTRY OF DEEDS

NORFOLK REGISTRY DISTRICT OF THE LAND COURT

**WILLIAM P. O'DONNELL**  
REGISTER OF DEEDS  
ASSISTANT RECORDER OF THE  
LAND COURT

January 10, 2020

Franklin Municipal Center  
Town Administrator Jamie Hellen  
355 East Central Street  
Franklin, MA 02038

Dear Town Administrator Hellen,

The fees for the Community Preservation Act are set by the State Legislature on land documents recorded here at the Norfolk County Registry of Deeds. I thought the chart on the reverse side would be of interest to you. It provides an illustration of the funds generated by the Community Preservation Act (CPA) in your community based on recorded real estate filings during the 2019 calendar year. Please note these fees were recently readjusted upwards by the legislature and went into effect on December 31, 2019.

The Community Preservation Act was signed into law on September 14, 2000. Today there are 176 Massachusetts communities that have adopted this act. There are 16 communities out of the 28 communities that make up Norfolk County that have adopted the law. The Registry of Deeds, at no additional cost to the Commonwealth or local communities, collects these revenues once a land document is recorded and forwards the monies to the Massachusetts Department of Revenue on a monthly basis. The funds forwarded to the Commonwealth are then redistributed back to the communities that have adopted the Community Preservation Act.

The Norfolk County Registry of Deeds which is located at 649 High Street, Dedham, is the principal office for real property in Norfolk County. The Registry is a resource for homeowners, title examiners, mortgage lenders, genealogists, municipalities and others with a need for secure, accurate, accessible land record information. For assistance, please contact our Customer Service Center at (781) 461-6101, or visit our website at [www.norfolkdeeds.org](http://www.norfolkdeeds.org).

I hope you find this data to be timely, informative and useful. In the meantime, if I can be of assistance to you, please do not hesitate to contact me at 781-461-6116 or by email at [registerodonnell@norfolkdeeds.org](mailto:registerodonnell@norfolkdeeds.org). I wish you a happy and healthy New Year.

Sincerely yours,

William P. O'Donnell  
Norfolk County Register of Deeds

WPO/aag

649 HIGH STREET, DEDHAM, MASSACHUSETTS 02026  
TELEPHONE: 781-461-6116 FAX: 781-326-4246  
EMAIL: [registerodonnell@norfolkdeeds.org](mailto:registerodonnell@norfolkdeeds.org)

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 [linkedin.com/company/Norfolk-County-Registry-of-Deeds](https://linkedin.com/company/Norfolk-County-Registry-of-Deeds) [@NorfolkDeeds](https://instagram.com/NorfolkDeeds)



**NORFOLK COUNTY REGISTRY OF DEEDS**  
**COMMUNITY PRESERVATION ACT (CPA)**  
**SURCHARGES BY TOWN FOR CALENDAR YEAR 2019**

<b>TOWN</b>	<b>TOTAL</b>
AVON	\$19,945
BELLINGHAM	\$74,615
BRAINTREE	\$143,415
BROOKLINE	\$162,560
CANTON	\$92,585
COHASSET	\$43,625
DEDHAM	\$95,680
DOVER	\$25,515
FOXBOROUGH	\$60,995
FRANKLIN	\$126,230
HOLBROOK	\$45,280
MEDFIELD	\$52,215
MEDWAY	\$52,215
MILLIS	\$35,195
MILTON	\$95,750
NEEDHAM	\$116,460
NORFOLK	\$42,300
NORWOOD	\$91,890
PLAINVILLE	\$30,805
QUINCY	\$257,605
RANDOLPH	\$104,350
SHARON	\$60,715
STOUGHTON	\$105,130
WALPOLE	\$98,430
WELLESLEY	\$93,550
WESTWOOD	\$61,725
WEYMOUTH	\$205,230
WRENTHAM	\$52,960

**WARRANT FOR THE FRANKLIN TOWN ELECTION  
NOVEMBER 6, 2007  
COMMONWEALTH OF MASSACHUSETTS**

**NORFOLK: SS.**  
To either of the Constables of the Town of Franklin in Norfolk County,

**GREETING:**  
In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the qualified voters of the said Town of Franklin to vote at the polling place listed below on:

**POLLING PLACE: FRANKLIN HIGH SCHOOL FIELD HOUSE ON POND STREET**

**TUESDAY, NOVEMBER 6, 2007 FROM 6:00 A.M. TO 8:00 P.M. FOR THE FOLLOWING PURPOSE:**

**TO ELECT:**

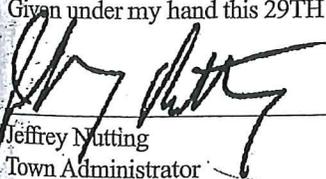
- (2) ASSESSORS FOR FOUR YEAR TERM
- (2) BOARD OF HEALTH MEMBERS FOR FOUR YEAR TERM
- (3) PLANNING BOARD MEMBERS FOR FOUR YEAR TERM
- (3) CONSTABLES FOR FOUR YEAR TERM
- (7) SCHOOL COMMITTEE MEMBERS FOR TWO YEARS
- (9) TOWN COUNCILLORS FOR TWO YEARS
- (1) TOWN CLERK FOR FOUR YEAR TERM
- (1) TREASURER/COLLECTOR FOR FOUR YEAR TERM

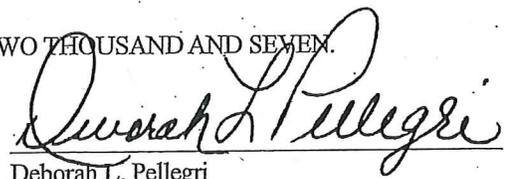
**QUESTION ONE .... Shall the Town of Franklin accept sections 3-7 inclusive, of Chapter 44B of the General Laws; as approved by its legislative body, a summary of which appears below\*:**

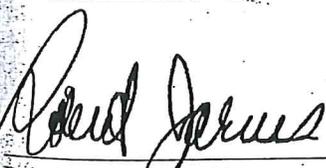
Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to acquire and preserve open space, parks and conservation land, protect public drinking water supplies, and scenic areas, protect farm land and forests from future development, restore and preserve historic properties, and help meet local families' housing needs; In the Town of Franklin, the Community Preservation Act will be funded by an additional excise of 3% on the annual tax levy on real property commencing in the fiscal year 2009 and by matching funds provided by the state. Property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act and \$100,000 of the value of each taxable parcel of residential real property shall be exempt from the surcharge. Any other taxpayer receiving an exemption of real property authorized by Chapter 59 of the General Laws shall receive a pro rata reduction with respect to the portion exempt. A Community Preservation Committee composed of local citizens will make recommendations on the use of the funds and all expenditures will be subject to an annual audit.

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under my hand this 29TH DAY OF OCTOBER, IN THE YEAR TWO THOUSAND AND SEVEN.

  
Jeffrey Nutting  
Town Administrator

  
Deborah L. Pellegrini  
Town Clerk / Election Administrator

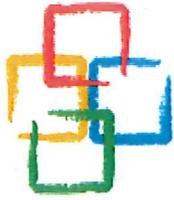
  
Robert Jarvis, Constable

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3845  
  
Total  
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30  
3845  
  
Total  
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1893  
1673  
1236  
1979  
1481  
1568  
1549  
1692  
1348  
1337  
2201  
1680  
1237  
1978  
69  
4605  
  
Total  
3314  
2265  
2094  
17  
7690

	<u>Pct.1</u>	<u>Pct.2</u>	<u>Pct.3</u>	<u>Pct.4</u>	<u>Pct.5</u>	<u>Pct.6</u>	<u>Pct.7</u>	<u>Pct.8</u>	<u>Total</u>
<b>BOARD OF HEALTH</b>									
Blanks	229	274	289	299	228	286	291	319	2215
✓ PAUL J. CHELI	193	237	257	184	161	185	200	153	1570
JEFFREY HARRIS	175	160	149	145	141	164	194	197	1325
LYNN A. HUNCHARD	153	178	172	149	136	152	161	113	1214
✓ DONALD G. RANIERI, JR.	168	150	205	153	179	195	168	144	1362
Scattered write ins	0	1	0	0	1	0	2	0	4
Total Votes	918	1000	1072	930	846	982	1016	926	7690
<b>SCHOOL COMMITTEE</b>									
Blanks	1499	1767	2121	1673	1327	1713	1667	1686	13453
✓ CORA A. ARMENIO	226	232	220	210	229	234	261	211	1823
✓ EDWARD CAFASSO	234	234	212	200	221	341	255	202	1899
✓ PAULA T. MULLEN	240	255	219	221	227	233	258	218	1871
✓ SUSAN T. ROHRBACH	217	237	204	205	215	228	243	212	1761
✓ JEFFREY N. ROY	247	259	242	236	240	258	294	245	2021
✓ ROBERTA A. TRAHAN	265	244	255	231	237	257	275	212	1976
✓ MATTHEW T. KELLY	281	257	272	254	259	276	294	248	2141
Scattered write ins	4	15	7	25	6	7	9	7	80
Total Votes	3213	3500	3752	3255	2961	3547	3556	3241	27025
<b>PLANNING BOARD</b>									
Blanks	349	421	455	373	337	391	445	389	3160
JAMES C. CHILSON	127	141	164	117	147	142	120	144	1102
DAVID J. LAMBERTO	184	181	216	182	160	198	199	204	1524
✓ GREGORY R. BALLARINO	251	283	302	288	222	265	255	237	2103
✓ RONALD E. CALABRESE	211	224	229	197	193	237	228	181	1700
✓ MARK S. DENOMMEE	255	247	242	233	208	237	274	231	1927
Scattered write ins	0	3	0	5	2	3	3	3	19
Total Votes	1377	1500	1608	1395	1269	1473	1524	1389	11535
<b>CONSTABLE</b>									
Blanks	603	704	739	659	534	673	704	717	5333
✓ PHILIP M. BRUNELLI, SR.	277	286	310	257	258	292	305	237	2222
✓ RICHARD P. DELFINO	236	258	249	216	236	237	256	210	1898
✓ ROBERT JARVIS	260	248	305	254	239	266	259	221	2052
Scattered write ins	1	4	5	9	2	5	0	4	30
Total Votes	1377	1500	1608	1395	1269	1473	1524	1389	11535
<b>QUESTION</b>									
Blanks	15	15	35	12	21	10	21	14	143
YES	193	203	172	186	169	182	249	174	1528
✓ NO	251	282	329	267	233	299	238	275	2174
Total Votes	459	500	536	465	423	491	508	463	3845

I, Deborah L. Pellegri, CMC, Town Clerk, Franklin, Norfolk County, MA do hereby certify and attest that the foregoing results are true and accurate to the votes cast on November 6, 2007 Biennial Town Election held at the Franklin High School.

  
 Deborah L. Pellegri, CMC  
 Town Clerk, Franklin, MA  
 11/7/07



# Community Preservation Coalition

*Preserving our past. Building our future.*

Published on *Community Preservation Coalition* (<https://www.communitypreservation.org>)

[Home](#) > [About](#) > CPA History

## CPA History



The Community Preservation Act (CPA) is the result of nearly two decades of hard work devoted to passing legislation that would give all 351 Massachusetts cities and towns a tool to preserve their most unique natural, community, and built features in the face of rapid growth and development.

While the Commonwealth enjoyed healthy growth in the period following World War II, beginning in the 1980s, communities long blessed with a beneficial mix of farms and forests, historic town centers, and compact patterns of development began to find that they no longer recognized themselves. Some communities wanted to protect working farms, others desired to protect historic buildings from being razed, and still others strived to provide affordable housing to enable the next generation of long-time residents to remain close to home.



The concept of a statewide enabling authority to preserve community character had its original inspiration in the Nantucket Islands Land Bank, the first program of its kind in the United States, passed in 1983. This land conservation program was created to acquire, hold, and manage important open space resources and endangered landscapes of Nantucket Island for the use and enjoyment of the general public. The Land Bank levies a 2% real estate transfer tax (RETT) on the sale price of a property. The program was conceived by Nantucket's planning commission, adopted by the voters of Nantucket, and established by a special act of the Massachusetts legislature.

Over the next several years, the legislature was flooded with a wide range of land bank proposals based on the RETT model. Some provided universal enabling authority for all cities and towns. Others were targeted at a specific city or town via a so-called home-rule petition. In 1987, **Representative Robert A. Durand** sponsored the first bill that would have allowed land banks to create affordable housing and conserve land. While this bill was unsuccessful, Durand tirelessly championed the paired concepts of land conservation and affordable housing in the House and later in the Senate. In 1997, Durand linked them with historic preservation and filed the first legislation entitled the Community Preservation Act. Finally, when he served as Governor Paul Cellucci's Secretary of Environmental Affairs, Durand built the groundswell necessary to lift support for the CPA, allowing it to become law. CPA was ultimately approved by the legislature and signed by Governor Cellucci in September, 2000.

*The text above is excerpted and adapted from Matthew Zieper's essay, "The Massachusetts Community Preservation Act, A Case Study in Fostering Intergovernmental Partnership in Conservation Finance," in **Conservation Capital in the Americas**. (James N. Levitt, Editor. Lincoln Institute of Land Policy, 2010.)*

### Further Resources

- **Download the full essay** for a detailed review of the history of the CPA and how it became law in Massachusetts.
- **Community Preservation Coalition Press Release** from September 14, 2000
- **Career Profile of Robert Durand** - Berkshire Eagle

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