

This document describes the needs and goals of the town in the three areas that are covered in the Community Preservation Act: Open space and recreation, historic preservation and housing

1. Open Space Needs

Shelburne residents, business owners, and property owners who responded to the Open Space and Recreation Survey in late 2022 and early 2023 overwhelmingly felt that preserving the rural and agricultural character of Shelburne was extremely important. They placed clean drinking water, rivers and streams, clean air, ponds and wetlands, wildlife corridors, large blocks of forest, pollinator habitat, preserving scenic views, and maintaining farmland as open space as their top open space priorities (in that order from higher to lower). Access to public spaces was a top interest that residents mentioned many times. Trails, the Deerfield River, and farming were other strong interests. Additionally, over 80% of responders were very or somewhat interested in recognizing the indigenous heritage of the land when thinking about open space protection in town.

When asked about specific areas in town that should be protected, Shelburne residents most commonly mentioned the Deerfield River (62 mentions out of 104 responses), and the Potholes area downstream of the Deerfield No. 3 Dam was second. Patten Hill or the Patten District and Wilcox Hollow were also high priorities. A property located just over the town line in Charlemont at the confluence of the North and Deerfield Rivers, known locally as Sunburn Beach, was mentioned many times. Though this property is outside of the town boundaries, it represents one of the few swimming holes in or near Shelburne, where both parking and access for swimming has been increasingly restricted over the last several years.

CPA Eligibility

CPA funds may be spent on the *acquisition, creation, and preservation* of open space, and for the rehabilitation or restoration of any open space that has been acquired or created using CPA funds.¹ It is important to note that a permanent deed restriction is required for all real property interests acquired under CPA. This restriction must be filed as a separate instrument, such as a Conservation Restriction (CR) or Agricultural Preservation Restriction (APR).

Open space includes, but is not limited to, the following:

- Land to protect existing and future well fields
- Aquifers, recharge areas, and watershed land
- Agricultural land
- Grasslands, fields and forest land

¹ As Shelburne is a new CPA community, the second part of this sentence does not yet apply to Shelburne.

- Fresh water marshes and other wetlands
- River, stream, lake and pond frontage
- Lands to protect scenic vistas
- Land for wildlife or nature preserve
- Open space properties may allow passive recreation (see separate category information in the next section for active and passive recreation projects)

Open Space Goals

The CPC has identified the following evaluation criteria for Open Space proposals. These criteria were developed with the needs and goals in mind from the 2024 Open Space and Recreation Plan, outreach to the Open Space Committee and Agricultural Committee, and public input.

The CPC will support Open Space proposals that meet one or more of the following objectives:

- Protect land that allows public access to open space, particularly lands along the Deerfield River.
- Promote and support the viability of farms and forests.
- Protect lands that have ecological, historical, agricultural, cultural, and recreational significance, including places that are significant to indigenous peoples.
- Protect lands that are wildlife corridors, sequester carbon, and are contiguous with other undeveloped tracts of land.
- Create public spaces in Shelburne Falls village where residents can meet, socialize, stay active, eat together, and/or enjoy arts and culture.

Recreation Needs

In the Open Space and Recreation Community Survey in late 2022 and early 2023, the highest priority for recreation was river access for swimming, fishing, paddling, and access to the Potholes. Other top priorities were walking and hiking trails that can also be used for cross-country skiing and snowshoeing in the winter, bike lanes and trails, on- and off-leash dog walking areas, a community garden, hunting access, and parks in the village.

CPA Eligibility

CPA funds may be used to acquire land to be used for recreation, or for the creation of new permanent outdoor recreational facilities on land a community already owns. A 2012 amendment to CPA broadened the law to also allow for the rehabilitation of existing, outdoor recreational facilities. The amendment made it clear that with respect to land for recreational use, "rehabilitation" could

include the replacement of playground equipment and other capital improvements to the land or the facilities thereon to make them more functional for their intended recreational use.

CPA funds may not be spent on ordinary maintenance or annual operating expenses; only capital improvements are allowed. In addition, CPA funds may not be used for horse or dog racing facilities, or for a stadium, gymnasium, or similar structure. This prohibition has generally been interpreted to mean that CPA funds may be used only for outdoor, land-based recreational uses and facilities. The CPA law prohibits the use of CPA funds for the acquisition of artificial turf for athletic fields.

The focus for CPA recreational projects is on outdoor passive or active recreation, such as (but not limited to) the use of land for:

- trails.
- noncommercial youth and adult sports.
- parks, playgrounds or athletic fields.
- community gardens.

Recreation Goals

The CPC has identified the following evaluation criteria for recreation proposals. These criteria were developed with the needs and goals in mind from the 2024 Open Space and Recreation Plan, outreach to the Recreation Committee and Open Space Committee, and public input.

The CPC will support recreation proposals that meet one or more of the following objectives:

- **To enhance** and provide public access to the Deerfield River for fishing, swimming, and boating, particularly within the village.
- **To expand** the number of multi-use trails in Shelburne.
- **To provide** opportunities to link walking options in the Shelburne Falls village to locations outside the village.
- **To maintain** and expand the outdoor recreation options for people of all ages and abilities in Shelburne.
- **To create** public spaces in Shelburne Falls village where residents can meet, socialize, stay active, eat together, and/or enjoy arts and culture.
- **To create** a natural public swimming area in Shelburne.

2. Historic Preservation Needs

Shelburne does not have a municipal Historic Commission working to preserve the town's heritage. The Shelburne Falls Historic District is a National Historic District, which is an honorary designation,

and does not require oversight or preservation of elements.² As a small, rural town with a limited town budget, the town has had no consistent funding source for historical preservation projects, and there has been no recent analysis of the historical preservation needs in Shelburne. With the CPA now providing a source of historical preservation funding, it is expected that there are many preservation needs in town for historical documents, buildings, and landscapes.

CPA Eligibility

Under the CPA, a historic resource is defined as a building, structure, vessel, real property, document, or artifact that is either:

- listed on the State Register of Historic Places; or
- determined by the local Historic Commission to be significant in the history, archeology, architecture, or culture of the city or town.

Shelburne, however, is unusual among CPA communities in that it does not have an active town Historic Commission. The CPC has one member who represents historic interests. The CPC has decided that, if a resource is not listed on the state register, the CPC will determine local significance. The CPC will use the following resources to determine CPA eligibility for historical preservation projects for projects not listed on the State Register of Historic Places: 1) historical or town documents or 2) personal contact with people familiar with Shelburne's history. People familiar with Shelburne's history this may include town residents, members of historical commissions from neighboring towns, organizations like Pocumtuck Valley Memorial Association, and members of indigenous groups or allied organizations like the Ohketeau Cultural Center in Ashfield.

CPA funds may be spent on the acquisition, preservation, rehabilitation, and restoration of historic resources. In addition, CPA funds may be appropriated to pay a nonprofit organization to hold, monitor, and enforce a deed restriction as described in Section 12 of the CPA Act (amended Summer 2012). Furthermore, within the definition of "rehabilitation," the CPA is allowed to fund improvements to make historic resources functional for their intended use, including improvements to comply with the Americans with Disabilities Act and other building or access codes.

All rehabilitation work, with respect to historic resources, is required to comply with the Standards for Rehabilitation stated in the US Secretary of the Interior's Standards for the Treatment of Historic Properties (codified in 36 C.F.R. Part 68).³

Historic Resource Goals

The CPC has identified the following evaluation criteria for historic preservation proposals. The CPC will support historic preservation proposals that meet one or more of the following objectives:

² The difference between Local and National Historic Districts is explained in this fact sheet from the MA Secretary of State's office: <https://www.sec.state.ma.us/mhc/mhcpdf/difference.pdf>

³ More information on these standards is online at <https://www.communitypreservation.org/SOI-standards>.

- Preservation and protection of Shelburne's historic buildings, façades, and landscapes
- Prioritizing of historic preservation projects that serve multiple public purposes
- Preservation and repair of headstones and markers at Shelburne's cemeteries
 - Shelburne Center Road Cemetery, Shelburne Center Road
 - South Cemetery, South Shelburne Road
 - Hill Cemetery, Old Village Road
 - Shelburne Center Cemetery, Percy Roberts Road
 - Arms Cemetery, Mechanic Street
- Providing accessibility at historic sites

3. **Housing Needs**

Shelburne's 2018 Housing Plan identified the following types of housing needed in town.

Senior Housing: Though Highland Village offers 46 units of affordable senior housing in town, when the 2018 Housing Plan was written, there was a waiting list of 34 households. Additionally, seniors now make up one-third of the town's population, and that is likely to increase.

Housing for First-Time Homebuyers: Starter homes for first-time homebuyers was the top housing need identified in a community survey in 2017 that was part of the Housing Plan work. Single family home sale prices have increased by 78% in the previous eight years, approaching or surpassing a median of \$400,000, which is unaffordable for typical incomes in Franklin County. Few homeowners are under the age of 35 in Shelburne, which suggests that prices are too high for most young people who are looking to purchase their first home.

Rental Housing: Shelburne continues to have low availability of apartment rentals. Demand is consistently higher than supply, which has likely also been impacted by the recent rise of housing being used for short term rentals in town. The 2018 Housing Plan identified that additional rental housing is needed for a range of income levels to serve seniors, families, young professionals, and others who either cannot afford to own their own home or who do not wish to own a home.

Housing for Families: The 2018 Housing Plan identified an interest in supporting housing for families with children to help increase school enrollment and support a stable population into the future.

Housing for Persons with Disabilities: The 2018 Housing Plan stated that 14% of Shelburne's population has a disability of some type, and this percentage is higher among seniors. As the

population of seniors increases, additional residents will need accessible housing. Of Highland Villages 46 units, only three are built to be accessible for those with disabilities.

CPA Eligibility

CPA funds may be spent on the **acquisition, creation, preservation, and support of community housing**, and for the **rehabilitation or restoration** of community housing that has been acquired or created using CPA funds. As Shelburne is a new CPA community, no housing has yet been acquired or created using CPA funds. The CPA requires that whenever possible, preference be given to the adaptive reuse of existing buildings or construction of new buildings on previously developed sites.⁴

Community housing is defined in the CPA legislation as low and moderate income housing for individuals and families, including low or moderate income senior housing.

Preservation is defined as “protection of personal or real property from injury, harm or destruction, but not including maintenance.”

Support is defined as “programs that provide grants, loans, rental assistance, security deposits, interest-rate write-downs or other forms of assistance directly to individuals and families who are eligible for community housing.”

The creation or preservation of community housing under the CPA includes low- and moderate-income housing for individuals, families and senior citizens. These terms are defined as follows:

Low-income Housing – Housing for those persons and families whose annual income is less than 80% of the area-wide median income (AMI) as determined by the U.S. Department of Housing and Urban Development (HUD).

Moderate-income Housing - Housing for those persons and families whose annual income is less than 100% of the AMI as determined by HUD.

Low- or moderate-income Senior Housing - Housing for those persons having reached the age of 60 or over who would qualify for low- or moderate-income housing.

Housing developed with CPA funds may be offered to those persons and families whose annual income is less than 100% AMI (moderate income). Communities may choose, however, to limit certain housing units created with CPA funds to those persons and families earning less than 80% of the AMI (low income). This allows communities to include these units on the Massachusetts Department of Housing and Community Development’s (DHCD) Subsidized Housing Inventory (SHI) in order to reach the goal of 10% affordable housing established in M.G.L. Chapter 40B.

Affordability limits for Franklin County by household size are shown below.

Household Size and FY2024 Income Limits for Franklin County

⁴ Community Preservation Coalition, <https://www.communitypreservation.org/allowable-uses>

Low income (80% AMI)	1 \$52,136	2 \$59,584	3 \$67,032	4 \$74,480
Moderate income (100% AMI)	1 \$65,170	2 \$74,480	3 \$83,790	4 \$93,100

Source: https://www.communitypreservation.org/allowable-uses#anchor_housing

The CPA Statute also allows CPA funds to be appropriated to a Municipal Affordable Housing Trust (MGL c.44 s.55C). Shelburne does not have an Affordable Housing Trust, but may consider setting one up in the future. Massachusetts Housing Partnership (MHP) provides technical assistance to towns looking into establishing a Municipal Affordable Housing Trust.

Housing Goals

The CPC has identified the following evaluation criteria for community housing proposals. The CPC will support community housing proposals that meet one or more of the following objectives:

- Actively pursue and fund a variety of community housing initiatives to increase housing choice and enhance Shelburne's diversity and vibrancy.
- Promote affordable, safe, ADA-accessible and energy efficient rental opportunities.
- Increase options for first-time and first-generation homebuyers.
- Support affordable housing for all ages, abilities and income levels.
- Support the creation of affordable units that count on the state's Subsidized Housing Inventory, per MGL c.40B, by funding context-sensitive developments.
- Encourage the inventive reuse of existing buildings or new buildings on previously developed sites.