

Town of Lenox

**Community Preservation Plan
January 16, 2008**

Community Preservation Committee

Members

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Town of Lenox Community Preservation Plan Overview

Introduction

In May 2006, the residents of Lenox voted to adopt the Community Preservation Act (CPA – MGL Chapter 44B). The CPA is a statewide enabling legislation that allows communities in Massachusetts to adopt a property tax surcharge to fund projects for open space preservation, creation of community housing, preservation of historic buildings and landscapes and the creation of recreation. The Lenox CPA surcharge is three percent of the local property tax bill - the first \$100,000 of residential value is exempt. Taxpayers who are low income or senior taxpayer who are low or moderate income qualify for an exemption. Lenox's annual local share is expected to exceed \$200,000. Currently, the Commonwealth provides a one-hundred percent match for funds raised by the property tax surcharge. To date 127 communities in Massachusetts have adopted the CPA. As the number of communities increases, it may not be possible for the Commonwealth to continue the current one-hundred percent match. Lenox will be eligible for its first state match in 2008.

The Lenox Community Preservation Committee (CPC) was formed in the winter of 2007 to make recommendations to Town Meeting on how to utilize the funds raised through the surcharge and the state match. The CPA requires that at least ten percent of the CPA funds received in each fiscal year be spent or reserved for each of the CPA's three main purposes: open space, historic preservation, and community housing. CPA funds that are not expended in one year may be banked and carried over to subsequent years. It is noted that once CPA funds are banked for a specific purpose, they must ultimately be used for the purpose for which it they were banked. The remaining seventy percent of CPA funds in each fiscal year are available to be appropriated or banked, according to the Town's discretion, for one or more of four purposes: the three as listed above, as well as for recreational uses. Finally, subject to certain restrictions, up to five percent of the CPA funds raised annually may be used for costs associated with administering the work of the CPC.

Community Preservation Committee – Membership and Responsibilities

The CPC consists of nine members and includes representatives of the town's Conservation Commission, Historical Commission, Planning Board, Community Center Board, Housing Authority, Board of Selectmen and three at-large citizen members.

The CPC members agree that the role of the committee is to be a catalyst for projects, not an initiator and to be a funding source and not a developer. When members evaluate potential projects they will consider the following:

- Does the project fulfill existing community goals previously set forth in planning documents such as the Master Plan, Open Space Plan and Community Development Plan; and
- Does the project meet preservation goals outlined in this plan.

The CPC members have reviewed existing planning documents such as the Master Plan, Open Space Plan Update and Community Development Plan to develop community preservation goals for Lenox. The board and committee representatives have each worked with their board or committee to develop goals for this plan. This plan is a summary of these goals and objectives. The subsequent sections of this plan discuss community goals and projects specific to preservation within each of the four designated purposes for the CPA. In addition to these goals, the CPC has articulated guidelines for how the CPA funds can be used.

CPA Funding Requirements and Guidelines

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

CPA defines community preservation as “the acquisition, creation and preservation of open space, the acquisition, creation and preservation of historic structures and landscapes, and the creation and preservation of community housing.” The monies may be spent to undertake the following primary community preservation purposes:

- The acquisition, creation and preservation of open space. Open Space, as defined by the CPA, “shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh...water marshes and other wetlands, ... river, stream, lake and pond frontage, ...lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.”
- The creation, preservation and support of community housing. The CPA defines community housing as, “low and moderate income housing for individuals and families, including low or moderate income senior housing.”
- The acquisition and preservation of historic resources. The CPA recognizes historic resources as, “historical structures and landscapes,” including “a building, structure, vessel or real property that is listed or eligible for listing on the state register of historic places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of a city or town.” For CPA purposes, the local historic preservation commission is the Town of Lenox Historical Commission.
- The acquisition, creation, and preservation of land for recreational use. The CPA defines recreational use as, “active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.

CPA funds may also be used for the following purposes:

- The rehabilitation or restoration of open space, historic resources, land for recreational use and community housing that is acquired or created using monies from the Fund.
- A community may set aside revenues for later spending.
- Annual “administrative and operating expenses” of the CPC, not to exceed five percent of the Fund’s estimated annual revenues.
- Annual principal and interest payments, preparation, issuance and marketing costs for bonds or notes for borrowings for community preservation purposes.
- Damages payable to property owners for real estate interests taken by the town by eminent domain for community preservation purposes.
- “Local share for state and federal grants” for allowable community preservation purposes.
- Property acquisition-related expenses including appraisal costs, expenses for title searches, and closing fees.

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

- “Replace existing operating funds, only augment them.” The Fund is a supplementary funding source intended to increase available resources for community preservation acquisitions and initiatives.
- Pay for routine maintenance, defined as, “the upkeep of any real or personal property.”
- Gymnasiums, stadiums, or any similar structure.
- Projects without a public purpose or public benefit.

Funding Process

The Town Manager, town boards, committees and departments, civic organizations and residents may bring proposals for funding to the CPC. The CPC will give favorable consideration to those proposals which best meet our guidelines and are consistent with Lenox goals in the areas of open space, recreation, historic resources and community housing.

The CPC does not have the power to appropriate funds for particular projects, only to make recommendations to Town Meeting. Under the law, the power to appropriate CPA funds is reserved solely for Town Meeting, acting only upon the recommendations of the CPC. The CPC will use existing planning documents and the goals outlined in the plan as a framework to provide consistent rationale for recommendations to Town Meeting. The CPC will strive to take a town-wide and long-range perspective in evaluating projects. It is noted that the CPC may choose to recommend to Town Meeting that some or all of the CPA funds be “banked” for future projects or opportunities. The CPC is dedicated to creating an effective process through which organization and citizens may gain access to CPA funds for projects that will enhance Lenox.

Town of Lenox Community Preservation Plan Community Housing

Lenox seeks to provide a variety of housing choices for its current and future residents. The town is committed to working to increase its supply of affordable housing, recognizing that many of its children cannot afford to live where they grew up. It recognizes the need to have a diverse housing stock in order to have a healthy community. It realizes that market forces will continue to make it very difficult for affordable housing to be built and is taking an active role in providing affordable housing. The town recently appointed the Affordable Housing Committee and members are committed to preparing a plan that will increase the number of affordable housing units in Lenox.

Between 1990 and 2000 the number of housing units increased 303 units, or 12% and most were homes built for the upscale second home market. During the 1990's the town averaged 30 new housing units a year. The value of the new housing units continues to rise. The average median sales price reflects the increasing cost of housing in Lenox. In 1997, the median sales price was \$153,500. In 2000, the median sales price jumped to \$220,000 and by 2006 the median sales price was well over \$400,000. (The Warren Group & Lenox Assessors Office)

Of the total number of housing units, 67.4 % are owner-occupied and 32.6 % are renter occupied (U.S. Census). An estimated 13.2% of the housing units are used on a seasonal basis. A current trend in south Berkshire County is to build a vacation home and upon retirement - permanently move to the area. Many of the affordable housing opportunities are in Lenox Dale, in existing mobile home parks, and in rental units located in the center of town. Based on income trends and the fact that very few starter homes are available in Lenox – the demand for affordable single family houses outpaces market supply.

In the 2007, the Lenox Affordable Housing Task Force offered the following housing goals to the Board of Selectmen:

- Zoning
 1. Changes that would allow for additional housing units in the village districts in return for affordable housing, smart growth districts that allow for smaller lots, and affordable units in retirement communities.
 2. Utilize inclusionary zoning that requires all projects to have an “affordable” component.
 3. Incentive and cluster zoning that provides density bonuses and increased design flexibility for affordable units.

- Development Incentives
 1. Make recommendations to the Community Preservation Committee regarding the use of CPA funds.
 2. Apply an expedited permitting process when affordable units are included; hold joint meetings of permitting boards to review projects simultaneously.
 3. Define means to provide incentives to developers or landlords to offer affordable units.
 4. Make town-owned land available for affordable development, or purchase existing apartment complexes and keep them affordable.
 5. Initiate “friendly 40B” projects with faith-based groups, non-profits groups and developers.
- Education, Networking and Partnerships
 1. Conduct an educational campaign regarding affordable housing.
 2. Meet with landlords to explain guidelines for keeping units affordable.
 3. Meet with local employers who provide housing to determine if they could be made to qualify as affordable by deed restricting them.
 4. Partner with local and regional nonprofit resources to sponsor affordable housing.

Town of Lenox Community Preservation Plan Historic Preservation

Historic Resources are defined by the CPA as buildings, structures, vessels or real properties that are listed or eligible for listing on the State Register of Historic Places or are significant in the history, archeology, architecture or culture of Lenox as determined by the Lenox Historical Commission. CPA funds may be used for preservation, restoration or rehabilitation of historic resources, but not for routine maintenance. Unless such historic resources are in public ownership, the public purpose of investments in historic resources must be apparent, and must be protected by a permanent preservation restriction that ensures a public benefit.

Currently, Lenox has a considerable number of historic assets, including municipal buildings, private homes, churches and cemeteries. The Lenox Historic District includes approximately ninety building and structures. Local Historic District designation under M.G.L. 40C includes listing on the State Register and provides regulatory protections to preserve the historic integrity of the district.

Lenox has an active Historical Commission, Historical Society and Historic District Commission. Lenox residents have shown a desire to preserve historic properties and assets. The rapid rise of local land values threatens the historic character of Lenox. Infill residential development is often out of scale with the neighborhood and setting. Of particular concern are the historic neighborhoods located outside the Historic District as these neighborhoods are not protected by MGL 40C. It is generally more feasible to remove older structures and replace them with new structures. In recent years, the Gilded Age mansion of Ventfort Hall, located outside the official Historic District, was nearly demolished

Unfortunately, during the period from 1950 – 1980, historic preservation was neglected and historic structures were lost. The Historical Commission has explored adopting a demolition delay bylaw. However, it was determined that it was premature to adopt a bylaw because the town needs a survey of historic properties. Many character-contributing historic resources are not adequately documented and are at risk of demolition. The CPA is an opportunity to make real progress toward the preservation of Lenox's historic resources.

The Historical Commission has developed the following goals:

- Provide education and community outreach regarding the extensive historical and cultural resources in Lenox.
- Maintain the Lenox Historic District.
- Protect, preserve, revitalize and restore historic properties, structure, landscapes and streetscapes (historic streetlights) throughout Lenox.
- Restore and preserve historic assets and documents.
- Fully document the architectural and historical significance of Lenox's historic resources including, but not limited to, buildings, barns, outbuildings, burial grounds, markers, monuments, stone walls, historic land and streetscapes and street lights. This includes surveying Lenox Historic District properties and as well as properties located outside the District.

Town of Lenox
Community Preservation Plan
Open Space and Recreation

- Recently, the town prepared the *Open Space and Recreation Plan Update (OSRP Update)*. This plan delineates the elements of Lenox's open space areas and recreation programs and facilities that contribute to residents' enjoyment of the town. In addition, it seeks to determine whether the benefits of these attributes are suitably accessible to all Lenox residents. The plan also examines the degree of success Lenox has had in protecting these important features, which represent the town's rich cultural history and its future. Findings from the OSRP Update include:
 - Lenox is changing in many ways: economically, demographically, environmentally, and socially.
 - Lenox's strong historical and cultural assets remain an important defining characteristic for the town. Open spaces and natural resources make the town aesthetically appealing and provide a sense of connection to the natural world. Recreational opportunities and linkages between areas of town should be bolstered in order to foster community interaction and quality of life.
 - Overall, the population is aging, and there is an influx of second homeowners. At the same time, while families still maintain a strong presence in town, young families and singles are experiencing significant difficulty finding suitable and affordable housing. All of these groups have unique recreational needs that must be addressed, preferably in ways that encourage interaction between these groups.
 - Lenox, despite having a fine Community Center and town parks, still has a long way to go in meeting the recreational needs of its population. Particular attention needs to be paid to the development of recreation programs for all age groups, and to the maintenance of its facilities, including the provision of modern, safe equipment that is accessible to the handicapped population.
 - More development will occur on marginal lands as the town approaches full buildout. This will put many environmentally sensitive lands into jeopardy. Much of Lenox's landscape is vulnerable due to its geology, soils and topography. Development needs to be carefully monitored and controlled in order to prevent degradation of the natural environment, which would be disastrous from environmental, aesthetic, and economic standpoints.

- Many important lands are already under the protection of the town, state and other organizations; however, there still remain areas of town that should be protected from development.
- Better utilization of suitable lands under town control should be encouraged. For example, while Kennedy Park is used extensively, Post Farm's 200 plus acres near the Housatonic are vastly underutilized. This town recreational resource can and should be better connected to an existing/planned trails/recreational/natural appreciation network.
- Many opportunities to enhance the breadth of current and future resource offerings and assets will require cooperative efforts between communities, and with state government and regional organizations. This plan and related efforts will be successfully implemented only to the extent that these efforts are supported and acted on both within the town and with external entities.

Through the *OSRP Update* process the following key open space and recreation goals were identified:

- Local and regional efforts support the preservation of lands, promote scenic and historic assets, and encourage recreation for all ages and abilities.
- Water resource areas are preserved and protected.
- Diversity of plant and wildlife habitat, ecologically sensitive areas is protected.
- Agricultural lands are preserved.
- Lenox's outstanding historical, cultural and visual resources are preserved.
- Town recreational opportunities for all ages, physical conditions, and interests are improved with minimum impact on the environment.
- The Housatonic River is easily accessible to canoeists, wildlife observers, and pedestrian traffic.
- Public Lands are well-preserved and utilized and provide multi-use recreation and conservation areas.
- Increased community interaction to enhance the quality of life for residents, and to bolster community spirit and interest.

In the 2006 Town of Lenox Open Space and Recreation Plan (OSRP) Community Survey the residents of Lenox identified three key recreation goals:

- Bicycle Trails
- Access to and along the Housatonic River
- Hiking and Cross-country skiing trails.

The Conservation Commission offered the following goals specific to open space preservation:

- Preservation of open space parcels that are significant because of their size or location.
- Enhancement of current lands, especially open spaces that are contiguous to existing town-owned land.
- Linkages connecting open space and recreation resources throughout the town.
- Protection of surface and groundwater quality and quantity through protection of wells, aquifers, watersheds, and groundwater recharge areas.

The Community Center Board offered the following goals specific to recreation:

- New windows for the Community Center. It is noted that the Community Center is a historic structure.
- Enhancements to the Town Beach.
- Playground structures at Orbed Field.
- Gardens and courts for public use.
- A flat walking track.
- Create a recreation area on the land located behind St. Helena. This is an ideal location for a recreational area for older children who reside in north Lenox.
- Purchase open space to recreate new recreational facilities for all ages. The Board is especially concerned about new facilities for older children and seniors. These population groups are currently underserved.

**Town of Lenox
Community Preservation Plan
Appendix 1 – Glossary**

Affordable Housing

Low income housing is for persons and families whose annual income is less than 80% of the area-wide median income. The area-wide median income is determined annually by the United States Department of Housing and Urban Development for specific regions including Berkshire County.

Moderate Income housing is for persons and families whose annual income is less than 100% of the area-wide median income. The area-wide median income is determined annually by the United States Department of Housing and Urban Development for specific regions including Berkshire County.

Community Preservation Act (CPA)

The CPA is found in MGL c. 44B and is legislation designed to help communities plan ahead for sustainable growth and raise funds to achieve their goals. CPA allows towns to levy a community-wide property tax surcharge of up to 3% for the purpose of creating a local Community Preservation Fund (CPF) and qualifying for state matching funds. The Fund must be used to acquire and protect open space, preserve historic resources such as buildings and landscapes, and create and maintain affordable housing. The state will provide matching funds to communities approving CPA.

Community Preservation Committee (CPA)

A nine-person committee with individual members from the Board of Selectmen, Conservation Commission, Historical Commission, Housing Authority, Planning Board, Community Center Board and three at-large members appointed by the Board of Selectmen. The Committee reviews funding applications and make recommendations to the Town Meeting for the appropriation of CPA monies.

Community Preservation Surcharge

The locally raised share of CPA revenue comes from a surcharge on real estate tax bills. Lenox voted a 3% surcharge.

Historic Resources

Historic resources include a building, structure, vessel, real property, document or artifact that is listed or eligible for listing on the state register of historic places or has been determined by the local historical commission to be significant in the history, archeology, architecture or culture of the town.

Infill Development

Development that occurs in established areas of a town or city. Infill can occur on long-time vacant lots or on pieces of land with dilapidated buildings. It is often a change that results in a more intensive use of a property.

Open Space

Open space shall include land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, marshes and other wetlands, river, stream, lake and pond frontage, beaches, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

Recreational Use

Recreational use shall mean active or passive recreational use including, but not limited to land for community gardens, trails, and noncommercial youth and adult sports and the use of land as a park, playground or athletic field. Recreational use shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.