

**An Island of Their Own: The Case for Passing the
Community Preservation Act in Marlborough**

A thesis submitted by

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ABSTRACT

Since the early 2000s, the Community Preservation Act (CPA) remains an important tool for municipal growth unique to Massachusetts. Through a community opt-in process via ballot approval, residential and commercial property owners pay a set 1-3 percent surcharge based on their property value that receives state matching funds from the Community Preservation Trust Fund. Each municipality then decides to allocate these vital resources through their respective Community Preservation Committee towards the designated priority areas of 1) open space preservation/recreation, 2) historic preservation and 3) affordable housing. To date, 196 communities have passed CPA and reap the benefits of this key funding that can help transform a locality. However, Marlborough, a robust MetroWest city, stands out as an anomaly for narrowly rejecting the CPA in 2010 and not initiating another attempt at passage. This thesis details the background, purpose, critiques, and approval process for CPA, ultimately arguing in favor of Marlborough becoming the next municipality to pass the CPA.

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TABLE OF CONTENTS

List of Tables	v
List of Figures	v
List of Appendices	v
I. Introduction	2
II. Research Questions	3
III. Historical Background and Literature Review	4
A. What is the CPA?	4
B. How does the CPA operate?	6
C. What communities use the CPA?	10
D. Evaluation of the CPA	11
E. Areas for Improvement	19
IV. CPA Passage	22
A. Modern Era	22
B. Patterns	27
V. Understanding Marlborough	32
A. Background	32
B. The 2010 Attempt	33
C. Road to Passage	41
D. Marlborough as an Anomaly	45
VI. Conclusion	51
Bibliography	62

LIST OF TABLES

Table 1: List of Exemptions	8
Table 2: CPA by the Numbers	11
Table 3: CPA Adoption Method	27
Table 4: CPA Surcharge Adoption	28
Table 5: CPA Exemption Adoption	29
Table 6: CPA Adoption by Year	30
Table 7: CPA Adoption for 495/MetroWest Partnership Communities	46
Table 8: FY21 Marlborough CPA Financial Information at 1 Percent	49
Table 9: FY21 Marlborough CPA Financial Information at 2 Percent	50

LIST OF FIGURES

Figure 1: Map of CPA Communities	45
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LIST OF APPENDICES

Appendix 1: Ballot Question Petition Language	53
Appendix 2: Ballot Measure Language	54
Appendix 3: Sample of CPA Communities After Multiple Ballot Attempts	55
Appendix 4: CPA Adoption for MAPC Communities	58
Appendix 5: CPA One Pager	61

AN ISLAND OF THEIR OWN:

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IN MARLBOROUGH**

I. INTRODUCTION

All politics is local. However, many people know the least about their local government and look to either the state or federal government for policy change. Although broader levels of government possess a myriad of policy levers, it is local government initiating the most visible impact on an individual's day-to-day life. Yet, as our national discourse becomes increasingly polarized and even global, it is time that civilians focus on enacting change at the local level. Cities and towns are best positioned for innovation where citizens can collectively transform their interests into direct local policy action. Importantly, residents will see the fruition of their advocacy without the stagnancy or bureaucracy often plaguing state and federal governments.

In a December 2023 study out of the Pew Research Center, individuals preferred their local governments over their state and federal counterparts.¹ This comparatively higher trust of local government juxtaposes the limited powers that local governments possess to carry out their functions, specifically taxation, distribution of services, and education, among others. Narrowing in on taxation and localizing a focus to Massachusetts, local governments possess creative options to generate money and support a high quality of life in their communities. One such innovative element of the local government toolbox is the focus of this thesis and unique to the state of Massachusetts: The Community Preservation Act (CPA).

¹ Joseph Copeland, "Americans Rate Their Federal, State and Local Governments Less Positively than a Few Years Ago," *Pew Research Center*, April 11, 2024, <https://perma.cc/9KHK-GW5P>.

II. RESEARCH QUESTIONS

To date, 196 communities chose to adopt the CPA, representing 55 percent of state municipalities but even more staggering, communities with CPA passage encompass 70 percent of the state population.² So, that leaves an important question: what about the rest of Massachusetts? What should these cities and towns do? In this thesis, I argue that passing CPA proactively supports the future of a community's residents and helps the municipality gain financial resources for important municipal planning.

To offer a strong foundation for CPA passage, correct misinformation and articulate the value of local organizing, I specifically look to my home community of Marlborough as a place that should seek to adopt the CPA. Questions under consideration that undergird this thesis include:

- What is the history and value of CPA?
- What myths exist about CPA?
- What arguments exist for how best to improve CPA?
- What are the most popular types of CPA projects?
- What is the history of Marlborough's previous attempt to pass CPA?
- How can Marlborough pass the CPA?

² Community Preservation Coalition, "CPA: An Overview," *Community Preservation Coalition*, accessed April 17, 2024, <https://perma.cc/62HZ-9KN7>.

III. HISTORICAL BACKGROUND AND LITERATURE REVIEW

A. What is the CPA?

The Community Preservation Act (CPA) is a “smart growth tool” providing communities with a recurring funding source to prioritize areas that strengthen community uniqueness and sustainability via open space preservation/recreation, affordable housing construction and historic preservation.³ It originally bore out of a Nantucket program in which the Nantucket Islands Land Bank collected a 2 percent real estate transfer tax on property sold.⁴ Massachusetts State Representative (and Marlborough resident) Robert Durand initiated the legislation using the Nantucket program as a model, intending to replicate how land banks protected parcels and developed affordable units.⁵ Its original inception as legislation charts back to 1987 and in 1997, later using property surcharges, CPA became a rallying call for environment and housing.⁶ Thus, CPA developed out of previous advocacy movements such as environmentalists looking to protect land via real estate activity but the real estate industry pushed back against such a tax.⁷

The concept of protecting open space and supporting affordable housing then included the addition of historic preservation for a powerful trifecta of transformative change for municipalities.⁸ During its initial inception, CPA did not include matching funds from the state, now one of the most enticing elements of the program.⁹ In September 2000, now Environmental

³ Community Preservation Coalition, “CPA: An Overview.”

⁴ Community Preservation Coalition, “CPA History,” *Community Preservation Coalition*, accessed December 4, 2023, <https://perma.cc/949H-FA3T>.

⁵ Community Preservation Coalition, “CPA History.”

⁶ Community Preservation Coalition, “CPA History.”

⁷ Robin Sherman and David Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” *Rappaport Institute for Greater Boston*, July 2007, 3, <https://perma.cc/Z5G5-H6YB>.

⁸ Community Preservation Coalition, “CPA History.”

⁹ Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 3.

Secretary Durand successfully partnered with the legislature and Governor Cellucci, originally from Hudson (Marlborough’s neighbor), to formally pass what we identify today as CPA.¹⁰

The first community to formally pass CPA was Bedford in March of 2001.¹¹ Fast forward to 2024 and Marlborough could become the next city on the successful list of CPA municipalities in Massachusetts. Much of the information to support CPA communities and to ensure the protection of the CPA program derives from the Community Preservation Coalition (the Coalition or CPC).¹² The Coalition seeks to achieve the self-described goals of “help[ing] municipalities understand, adopt and implement CPA, and advocates for CPA at the state level, thereby advancing effective growth and sustainable development in communities across Massachusetts.”¹³ Multiple nonprofits joined together to spearhead the Coalition’s existence such as: The Trust for Public Land, Citizens’ Housing and Planning Association, Massachusetts Affordable Housing Alliance, Mass Audubon and Preservation Massachusetts as well as the later addition of The Trustees.¹⁴

*“The CPA should be hailed as another milestone in Massachusetts’ conservation story. In less than a decade, the CPA has become the **embodiment of a strong intergovernmental partnership**, yielding more than \$500 million worth of new public investments in land conservation, as well as affordable housing and historic preservation.”¹⁵*

¹⁰ Community Preservation Coalition, “CPA History.”

¹¹ “Bedford, MA, First to Adopt New State Funding Tool,” Press Release, *The Trust for Public Land*, March 16, 2001, <https://perma.cc/L4LS-7HSE>.

¹² Community Preservation Coalition, “About the Community Preservation Coalition,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/G5PE-8P4S>.

¹³ Community Preservation Coalition, “About the Community Preservation Coalition.”

¹⁴ Community Preservation Coalition, “About the Community Preservation Coalition.”

¹⁵ Matthew Zieper, “The Massachusetts Community Preservation Act: A Case Study in Fostering Intergovernmental Partnership in Conservation Finance,” in *Conservation Capital in the Americas*, ed. James N. Levitt (Cambridge, Massachusetts: Lincoln Institute of Land Policy, 2010), 30, <https://perma.cc/9QQ4-XRKV>.

B. How does the CPA operate?

CPA operates by levying a tax or surcharge on residential and commercial properties within a community up to a maximum of 3 percent, which can be utilized for the three priority areas.¹⁶ In addition to the locally collected tax, a CPA community is then eligible for annual state matching funds.¹⁷ The state matching funds derive from fees individuals pay when filing at the Registry of Deeds.¹⁸ When individuals sell their properties, part of the transfer tax becomes pooled into the CPA Trust Fund, money which residents across Massachusetts already pay into regardless of local CPA passage.¹⁹ Importantly, this is a distinct surcharge and does not shift the actual tax rate within the resident's locality.²⁰ With the increase of communities opting into CPA, the state may allocate additional resources into the Trust Fund from the state budget surplus, if available.²¹ Governor Patrick started this additional funding stream via 2012 legislation to supplement the Registry of Deed's main funding.²² The added amount to the Trust Fund can vary, with contributions as high as \$25 million added in 2013 and as recent as \$20 million added in 2022.²³

A community's adoption of CPA establishes a Community Preservation Committee (CPC) of five to nine members which then offers suggestions to the respective legislative body about CPA funding use on eligible projects.²⁴ Membership in the CPC must include

¹⁶ Community Preservation Coalition, "CPA: An Overview."

¹⁷ Community Preservation Coalition, "CPA: An Overview."

¹⁸ Community Preservation Coalition, "What is the CPA Trust Fund?" *Community Preservation Coalition*, accessed December 10, 2023, <https://perma.cc/GT2J-CZSM>.

¹⁹ Peter Golden, "Who's Afraid of the CPA?" *MetroWest Daily News*, November 21, 2015, <https://perma.cc/XC2R-Q29P>.

²⁰ Community Preservation Coalition, "Where Does CPA Funding Come From?" *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/4MDA-VREY>.

²¹ Community Preservation Coalition, "What is the CPA Trust Fund?"

²² Community Preservation Coalition, "What is the CPA Trust Fund?"

²³ Community Preservation Coalition, "What is the CPA Trust Fund?"

²⁴ Community Preservation Coalition, "CPA: An Overview."

representatives from various areas of the funds’ uses covering historic preservation, open space/recreation and housing.²⁵ These five ‘required’ members represent entities such as the Conservation Commission, Planning Board, Historical Commission, Housing Authority and Board of Park Commissioners.²⁶ Communities may also supplement the required members with another four “at-large” seats, receiving their post from direct election or by appointment.²⁷ CPCs must complete the following tasks to comply with the CPA statute requirements: initiate a local roadmap for CPA, undertake evaluation and support of upcoming projects for CPA and maintain consistent information on the CPA budget.²⁸

A community must designate a minimum of 10 percent of their CPA funding to each of the established CPA priority areas: affordable housing, historic preservation, and open space/recreation.²⁹ Then, the CPC can distribute the outstanding funding across these three areas in any way the community sees fit but cannot deviate from these categorical uses.³⁰ Such parameters for allocation inherently protect the explicit purpose of the funding collected and validates the specialized types of projects that residents knew the money would support when they initially voted in favor of CPA passage. The Coalition describes the transformative possibility of CPA as “giv[ing] a community the funds needed to control its future.”³¹

²⁵ Zieper, “The Massachusetts Community Preservation Act: A Case Study in Fostering Intergovernmental Partnership in Conservation Finance,” 39.

²⁶ Community Preservation Coalition, “Community Preservation Committees,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/B5UC-BR55>.

²⁷ Community Preservation Coalition, “Community Preservation Committees.”

²⁸ Community Preservation Coalition, “Community Preservation Committees.”

²⁹ “Governor Cellucci Signs Community Preservation Act,” Press Release, *Community Preservation Coalition*, September 14, 2000, <https://perma.cc/HQS9-RNY6>.

³⁰ “Governor Cellucci Signs Community Preservation Act.”

³¹ Community Preservation Coalition, “CPA: An Overview.”

To ensure communities maintain a range of options in passing the CPA, exemptions and mitigation for specific reasons exist for municipal adoption such as the following allowed exemptions:³²

TABLE 1. List of Exemptions³³

Exemption	Description
<i>Low Income</i>	“Property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town ... Residents must apply annually to receive this exemption.”
<i>Commercial</i>	“Class three, commercial, and class four, industrial, properties in cities or towns with classified ("split") tax rates. Very few communities have adopted this exemption.”
<i>First \$100,000 - Residential</i>	“The first \$100,000 of taxable value of residential real estate. This exemption is automatically applied to residential property taxes prior to bills being issued by the city or town.”
<i>First \$100,000 - Commercial</i>	“The first \$100,000 of taxable value of class three commercial, and class four industrial properties.”

State matching funds consist of a maximum of three iterations for allocation to CPA municipalities.³⁴ The first round is where all CPA contributing communities receive funding with 80 percent of the Trust Fund distributed using the “same percentage match to funds raised locally with their CPA surcharges.”³⁵ After that funding round, communities that opted into the 3

³² Community Preservation Coalition, “Exemptions to the CPA Surcharge,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/EL77-BFMV>.

³³ This table utilizes direct language from the Community Preservation Coalition’s website; Community Preservation Coalition, “Exemptions to the CPA Surcharge.”

³⁴ Community Preservation Coalition, “Understanding the Distribution Formula,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/64Q6-Z876>.

³⁵ Community Preservation Coalition, “Understanding the Distribution Formula.”

percent surcharge (currently 70 municipalities) can receive more resources in the next two rounds of distribution.³⁶ Participation in subsequent funding rounds is one of the notable benefits to passing the maximum end of the CPA surcharge.³⁷

In the next round, the Commissioner of Revenue employs a previously-established community ranking system by decile where a community's size and wealth factor into the municipality's ranking, such that a community possessing both lower valuation and smaller population will benefit from priority matching.³⁸ For example, communities in decile 1 (receiving the highest amount) that passed CPA include places like Granville, Hubbardston, Phillipston, and Sunderland.³⁹ Notably, the Commissioner listed all cities/towns in the decile system regardless of whether CPA passed, likely to categorize communities in complete decile categories that adequately represent size and property value across the Commonwealth.⁴⁰ Deciles also correspond to weighted adjustment percentages of the state pool that communities will receive.⁴¹ However, including all communities could also subtly signal that the State anticipates more communities will pass the CPA such that knowing their respective decile would inform where that locality falls in the state match and could entice CPA passage at 3 percent.⁴²

From the present 2020 rankings, Marlborough falls in decile 9 (factoring population and property value per capita) translating to receipt of a 60 percent of base figure.⁴³ To contextualize Marlborough further, communities such as Cambridge and Brookline fall in the decile 10,

³⁶ Community Preservation Coalition, "Understanding the Distribution Formula."

³⁷ Community Preservation Coalition, "Understanding the Distribution Formula."

³⁸ Community Preservation Coalition, "Understanding the Distribution Formula."

³⁹ Community Preservation Coalition, "All Communities by CPA Decile Ranking," *Community Preservation Coalition*, accessed April 29, 2024, https://www.communitypreservation.org/cpc-report?report_src=bbzvidkqg%3Fa%3Dq&qid=71.

⁴⁰ Community Preservation Coalition, "All Communities by CPA Decile Ranking."

⁴¹ Community Preservation Coalition, "All Communities by CPA Decile Ranking."

⁴² Community Preservation Coalition, "All Communities by CPA Decile Ranking."

⁴³ Community Preservation Coalition, "All Communities by CPA Decile Ranking."

Framingham, Northborough and Southborough are decile 8, while peers from the 495/MetroWest Partnership, Acton, Franklin and Shrewsbury are also decile 9.⁴⁴ With this particular decile system, some communities with lower decile values (thus prioritized) may benefit with a 100 percent match to their locally raised revenue at this second round.⁴⁵ Then, the Commissioner can assess whether to proceed with the third round of funding, likely determined by the funds remaining after the initial two rounds.⁴⁶ Historically, the Commissioner has pursued the third funding round consistently since 2010.⁴⁷ Remaining Trust Fund resources carry over to the next year’s matching allocation including subsequent interest.⁴⁸ The State records the CPA Trust Fund monthly so communities can project potential distributions.⁴⁹ At the close of March 2024, the Trust Fund already recorded a total of \$18,080,000 for municipality distribution, a 6.3 percent decrease from the year prior but the fund regularly fluctuates.⁵⁰

C. What communities use the CPA?

A total of 55 percent of Massachusetts communities adopted CPA as of 2023, representing 196 cities and towns.⁵¹ Even more important given the population distributions and regional concentrations across our state, 70 percent of residents in the Commonwealth reside in a CPA participating community.⁵² Out of the 50 cities in Massachusetts, 36 cities or 72 percent have adopted CPA. Marlborough is *visibly* absent from that list.⁵³

⁴⁴ Community Preservation Coalition, “All Communities by CPA Decile Ranking.”

⁴⁵ Community Preservation Coalition, “Understanding the Distribution Formula.”

⁴⁶ Community Preservation Coalition, “Understanding the Distribution Formula.”

⁴⁷ Community Preservation Coalition, “Understanding the Distribution Formula.”

⁴⁸ Community Preservation Coalition, “Understanding the Distribution Formula.”

⁴⁹ Community Preservation Coalition, “Monthly Statewide CPA Trust Fund Collections,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/46CS-RP8T>.

⁵⁰ Community Preservation Coalition, “Monthly Statewide CPA Trust Fund Collections.”

⁵¹ Community Preservation Coalition, “CPA: An Overview.”

⁵² Community Preservation Coalition, “CPA: An Overview.”

⁵³ Community Preservation Coalition, “CPA: An Overview.”

Some of the tremendous benefits of CPA adoption statewide include the following statistics:

TABLE 2. CPA by the Numbers⁵⁴

By the Numbers		
Over \$3.4 billion has been raised to date for community preservation funding statewide.	16,266 CPA projects have been approved by local legislative bodies.	More than 11,500 affordable housing units have been created with an additional 18,000 units supported.
36,098 acres of open space have been preserved.	Over 7,100 appropriations have been made for historic preservation projects.	Over 3,700 outdoor recreation projects have been initiated.

D. Evaluation of the CPA

Even shortly following its inception, researchers explored CPA’s potential challenges to recommend changes to its existing structure. As noted in their 2007 Report, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays,” researchers Robin Sherman and David Luberoff highlighted the disproportionate benefit CPA provided to higher-income municipalities, need for stronger data collection about actual projects as well as an over-emphasis on open space out of the selected municipal funding uses.⁵⁵ For example, Sherman and Luberoff harp on Boston

⁵⁴ This list of bulleted accomplishments derives directly from the Community Preservation Coalition’s website; Community Preservation Coalition, “CPA: An Overview.”

⁵⁵ Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 1.

as a key example in their argument about CPA’s pitfalls, as the city was not part of CPA at the time, and in fact rejected CPA in 2001.⁵⁶

Other highly populated cities similarly did not experience the return benefits of the deed fees to their community because they had not yet (as of 2006) successfully voted for CPA.⁵⁷ Further, disparities existed when evaluating monetary benefits based upon the various counties, with Middlesex County and Barnstable County benefiting most from CPA matching funds.⁵⁸ Back in 2007, Sherman and Luberoff labeled a series of communities as CPA “losers” given their large contributions to the overall Trust Fund (this list included Boston) while simultaneously not receiving any money in return and having lower median incomes across their population.⁵⁹ Out of the ten communities listed as losers in the 2007 study, seven have since passed the CPA and are now part of the beneficiaries.⁶⁰ Since their article, larger and more economically diverse municipalities have also opted into CPA and now benefit from the state matching funds.⁶¹

Importantly, Sherman and Luberoff noted that early CPA adopter communities received the most outsized benefit in addition to those communities who opted to pass the maximum 3 percent surcharge because they received added financial benefits from the state through the higher match, despite that they were likely to be wealthier cities and towns.⁶² Sherman and Luberoff recommended continued research to study CPA and evaluate overall housing costs, citing a lack of detail for CPA community reporting or state information as an improvement

⁵⁶ Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 1.

⁵⁷ Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 1.

⁵⁸ Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 1.

⁵⁹ Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 15.

⁶⁰ Community Preservation Coalition, “Alphabetical List of CPA Communities,” *Community Preservation Coalition*, accessed April 17, 2024, https://www.communitypreservation.org/cpc-report?report_src=bbzvidkqg%3Fa%3Dq&qid=30&ifv=1.

⁶¹ Community Preservation Coalition, “Alphabetical List of CPA Communities.”

⁶² Sherman and Luberoff, “The Massachusetts Community Preservation Act: Who Benefits, Who Pays?” 20.

area.⁶³ They proposed several equity changes to CPA's next iteration such as setting a maximum match that a municipality could receive to manage the existing wealth disparities across the state, explicit requests for building *new* affordable housing, increasing the minimum percent required for housing from the floor of 10 percent as well as a myriad of improvements to the reporting process for further detail and transparency.⁶⁴

A recurring issue that surfaces in the modern era when evaluating CPA is the challenge of promoting affordable housing, one of the required three tenets that communities have intentionally and unintentionally deprioritized at the municipal level.⁶⁵ Within the initial five years of CPA passage, a mere 17 percent of total CPA spending was for affordable housing, a figure that excludes Cambridge because of its otherwise outsized influence that would inadequately indicate affordable housing as a larger priority in other communities as it is in Cambridge.⁶⁶

In Massachusetts Housing Partnership's 2005 report, author, then-Cornell MA Regional Planning candidate Ann Dillemoth, highlighted a loophole within CPA's structure: communities may designate specific CPA funds for affordable housing slated for an unknown future date without accountability to make communities act on those allocations.⁶⁷ After interviews with local leaders, Dillemoth found that municipal staff lacked knowledge about how to implement affordable housing and alongside resident efforts, prioritized CPA's other program priorities.⁶⁸ Programmatically, CPA has potential to be quite effective, particularly when city planning

⁶³ Sherman and Luberoff, "The Massachusetts Community Preservation Act: Who Benefits, Who Pays?" 21.

⁶⁴ Sherman and Luberoff, "The Massachusetts Community Preservation Act: Who Benefits, Who Pays?" 21-22.

⁶⁵ Sherman and Luberoff, "The Massachusetts Community Preservation Act: Who Benefits, Who Pays?" 2.

⁶⁶ Ann Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," *Massachusetts Housing Partnership*, August 2006, 5, <https://perma.cc/5YW4-4QMQ>.

⁶⁷ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 5.

⁶⁸ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 5.

efforts align with larger grant opportunities.⁶⁹ Dillemath spotlighted Amherst, Bedford, Chatham, Holliston, Newton and Westford as successful early CPA adopters.⁷⁰ Aligning with the allowed use of up to 5 percent of local CPA funding on administrative costs, Newton, for example, invested in city planning and on a yearly basis allocated 3-4 percent of CPA resources for a specific staff role that also provided updated online CPA materials for the city.⁷¹

Another marker of successful CPA housing efforts was the active presence of local advocacy efforts through established active groups or residents.⁷² In analyzing why open space was likely of high priority in local CPA funding uses, Dillemath noted that, “[o]pen space acquisition involves spending money to preserve undeveloped land, an action that is popular with the public, easily understood, and often easily accomplished.”⁷³ This is incredibly important because many residents, particularly in early stages of or further into CPA may not understand alternative project uses or think holistically about the overall funding distribution across the three required funding areas. As Dillemath’s research suggests, preserving open space is tangible for residents and equates to keeping the current infrastructure and aesthetic of a city or town in its current form which residents enjoy when compared to potential future developments.⁷⁴

In contrast, affordable housing “suffers from negative public opinion due to a lack of understanding of the issues involved,” a consistent trend following municipalities into the

⁶⁹ Dillemath, “The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years,” 7.

⁷⁰ Dillemath, “The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years,” 24.

⁷¹ Dillemath, “The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years,” 28-29.

⁷² Dillemath, “The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years,” 29.

⁷³ Dillemath, “The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years,” 40.

⁷⁴ Dillemath, “The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years,” 40.

modern days of CPA.⁷⁵ One of Dillemoth's takeaways about the value of CPA reminds communities that have yet to adopt CPA that the three priority areas (open space, historic preservation and affordable housing) remain "vital [to] preserving a community's character and livability," essential qualities for a residential high quality of life.⁷⁶ Thus, CPA itself is a catalyst that strengthens the community's overall assets.⁷⁷

Within the last year, the Center for State Policy Analysis at Tufts University with support from the Greater Boston Real Estate Board published a new report entitled, "Missed Opportunities: Funding Housing Through the Community Preservation Act." This report grappled with the tension of the housing crisis in Massachusetts that is at odds with "the more preservationist goals of CPA [that] have lost their urgency."⁷⁸ Although not designed as the birthplace for a housing boom, researchers and housing advocates now see CPA as "a vital and flexible program that . . . could become a critical tool in the effort to expand housing options for families."⁷⁹

Issues around housing that have slowed the CPA's activity in this area remain like those from its early inception.⁸⁰ Some of the Center's takeaways include: (1) how few housing related CPA projects happen, particularly with new developments, (2) communities avoiding the minimum 10 percent for affordable housing, (3) use of local housing trusts that need teeth for

⁷⁵ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 40.

⁷⁶ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 42.

⁷⁷ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 42.

⁷⁸ Center for State Policy Analysis at Tufts University, "Missed Opportunities: Funding Housing Through the Community Preservation Act," *Greater Boston Real Estate Board*, June 2023, 1, <https://perma.cc/5PW5-69SF>.

⁷⁹ Center for State Policy Analysis at Tufts University, "Missed Opportunities: Funding Housing Through the Community Preservation Act," 1.

⁸⁰ Center for State Policy Analysis at Tufts University, "Missed Opportunities: Funding Housing Through the Community Preservation Act," 2.

requiring use of the funds, (4) better alignment with local planning needed and (5) CPA with necessary changes could help combat the lack of housing availability and affordability in MA.⁸¹

In detailing the CPA's overall benefit, the report authors shared positive elements of the program such as: local opt-in through resident participation, range of tax percent for passage (1-3 percent), benefit of state matching funds, as well as flexibility and autonomy for communities to decide funding allocations within broader guidelines.⁸²

“The Community Preservation Act has been – and continues to be – a policy success story, proof that state-municipal partnerships can yield valuable results. Not only does CPA offer meaningful state resources to cities and towns, it leverages municipalities’ unique ability to assess the local landscape and identify the most impactful projects.”⁸³

In current funding patterns, urban communities pursue affordable housing as a CPA priority at higher levels (over 50 percent more) than their suburban counterparts.⁸⁴ Even accounting for places with investment in affordable housing, this report found that under 5 percent of CPA funds directly apply to *new* affordable housing units.⁸⁵ Data demonstrated a trend for more CPA dollars in total allocated to affordable housing but this merely represented the increased cost of such housing.⁸⁶ Because of the cost burden of building new housing and the

⁸¹ Center for State Policy Analysis at Tufts University, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 2.

⁸² Center for State Policy Analysis at Tufts University, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 3.

⁸³ Center for State Policy Analysis at Tufts University, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 9.

⁸⁴ Center for State Policy Analysis at Tufts University, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 5.

⁸⁵ Center for State Policy Analysis at Tufts University, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 5.

⁸⁶ Center for State Policy Analysis at Tufts University, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 5.

state's minimal support, many communities instead applied their respective CPA funds toward rental assistance, helpful in the short-term but such actions do not address the overall housing crisis.⁸⁷

Since CPCs are bodies outside typical planning staff, these entities often have separate funding priorities that are not necessarily aligned with larger city/town planning, challenging coordinated funding efforts around local master planning for housing.⁸⁸ Currently, some communities sought to hire positions aimed at improving the function and staffing for the local CPC such as Worcester's April 2024 posting for a CPA Manager and Framingham hiring for a CPA Coordinator from October 2023.⁸⁹

Some of these earlier hurdles that Sherman and Luberoff identified have improved as more communities adopted CPA. For example, in the earliest days, less communities participated in CPA resulting in many communities contributing significantly to the financial 'pool' of Registry of Deed fees that put money into the Trust Fund but did not retrieve the benefits because their community had not adopted CPA.⁹⁰

This constant tension between development and open space continued from the inception of CPA to its current state.⁹¹ *CommonWealth Beacon* published a piece written by former Boston City Council President Lawrence S. DiCara and Michael Nicholson focused on the income inequalities exacerbated by state financial policies such as Prop 2 ½ and CPA.⁹² Prop 2 ½

⁸⁷ Editorial Board, "Amend the Community Preservation Act to Promote More Housing," *Boston Globe*, December 26, 2023, <https://perma.cc/67UT-YXJQ>.

⁸⁸ Center for State Policy Analysis, "Missed Opportunities: Funding Housing Through the Community Preservation Act," 6.

⁸⁹ Community Preservation Coalition, "City of Worcester Seeks CPA Manager," *Community Preservation Coalition*, April 29, 2024, <https://perma.cc/GN7B-HDQ2>; Community Preservation Coalition, "City of Framingham Seeks CPA Coordinator," *Community Preservation Coalition*, October 5, 2023, <https://perma.cc/T53J-YTE7>.

⁹⁰ Sherman and Luberoff, "The Massachusetts Community Preservation Act: Who Benefits, Who Pays?" 15.

⁹¹ Sherman and Luberoff, "The Massachusetts Community Preservation Act: Who Benefits, Who Pays?" 21.

⁹² Lawrence S. DiCara and Michael Nicholson, "The Downsides of Prop. 2 ½ and Community Preservation Act," *CommonWealth Beacon*, December 17, 2015, <https://perma.cc/MZE4-9WFR>.

operated in MA since its ballot passage in 1980 that “limits, with statutory exceptions, the amount of money a municipality can collect from property taxes.”⁹³ Their critique of Prop 2 ½ found that wealthier communities (examples given include Newton and Duxbury) are much more likely to pass a tax override compared to less affluent communities (examples provided to include North Attleboro and Rutland).⁹⁴ Similarly, they argued that wealthier communities, more likely to have passed CPA, now have additional resources to dedicate to desirable community investments such as historic preservation and open space, which inherently contribute to the city/town’s appeal to new residents, creating a continuous cycle that further divides cities/towns from one another.⁹⁵ DiCara and Nicholson narrowed in on the smaller population in Pembroke as a prime example, having invested in CPA early on in 2006, the locality benefited from increases in population and income levels accordingly.⁹⁶

CPA’s success necessitates a municipality opting into a local surcharge from 1–3 percent annually that the state compounds with matching resources, the latter of which DiCara and Nicholson attribute to be what “underscore[s] the inequities of the system.”⁹⁷ They argue that the state CPA matching pool consists of deed fees that *all* municipalities pay into but it is only the wealthy who have passed CPA that can ultimately reap the benefits of this pooled fund.⁹⁸ State collected fees are a flat amount set by the Registry, such as a declaration of trust costing \$255 while a deed costs \$155 as of the most recently available data.⁹⁹

⁹³ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

⁹⁴ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

⁹⁵ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

⁹⁶ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

⁹⁷ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

⁹⁸ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

⁹⁹ “Registry of Deeds Fee Schedule,” *Secretary of the Commonwealth*, accessed April 29, 2024, <https://www.sec.state.ma.us/divisions/registry-of-deeds/rod-fees.htm>.

For example, Cambridge adopted CPA back in 2002 and though only contributing 1 percent of the funds collected, Cambridge received approximately 15 percent of the state match.¹⁰⁰ DiCara and Nicholson point to Worcester and Boston as having the opposite effect, as at the time of their article’s publication in 2015, these communities did not participate in CPA, but have since passed CPA.¹⁰¹ In their words, CPA “has unwittingly created a system in which the rich are subsidized by the poor.”¹⁰² Because many communities chose to use CPA funds for open space preservation, this increased the cost of available parcels and cost of living in those communities, furthering the financial divide.¹⁰³ Moreover, they argued that communities willing to pass Prop 2 ½ overrides and opt into CPA have experienced a larger increase in property values using data comparisons from 1990 to 2015.¹⁰⁴ To counteract the income disparity, they recommended using 25 percent of state CPA funds specifically for non-CPA communities because these residents were likely interested in similar community projects but have not had success in passing the local surcharge to pay for them.¹⁰⁵

E. Areas for Improvement

As noted in the literature review, researchers and housing organizations envision the CPA’s affordable housing prong as potential for addressing the longstanding high cost and lag in building within Massachusetts.¹⁰⁶ CPA has dramatically increased municipal efforts for historic preservation and open space, but this same level of success has not (yet) translated into growth in

¹⁰⁰ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁰¹ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁰² DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁰³ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁰⁴ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁰⁵ DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁰⁶ Center for State Policy Analysis, “Missed Opportunities: Funding Housing Through the Community Preservation Act,” 8.

affordable housing.¹⁰⁷ For example, Peabody allocated CPA funds to purchase an available parcel to prevent building when a developer moved ahead with a housing proposal.¹⁰⁸ Utilizing CPA as an anti-housing strategy does not bode well for the future of housing development statewide and serve as caution that CPA communities should seek to balance their investments across the priority issue areas rather than skew their allocations in one particular direction.¹⁰⁹

The *Boston Globe*'s Editorial Board offered three specific changes to CPA aimed at reversing this anti-housing inclination.¹¹⁰ First, they recommended enlarging the state resources for CPA given the expensive nature of building today.¹¹¹ With more communities passing CPA, inevitably a positive, the state then provides lower matching grants to each respective city/town.¹¹² To reverse this trend, the Legislature must increase the deed fees that accumulate to total the Trust Fund each year.¹¹³ Second, the *Globe* recommended promoting housing as a CPA use by incentivizing communities that pursued projects that exceed the minimum 10 percent funding allocation.¹¹⁴ Finally, cities and towns need strong planning infrastructure beyond the sole use of large nonprofits like the Massachusetts Housing Partnership, requiring the state to provide financing to bolster local planning departments.¹¹⁵ This particular recommendation also applies to Marlborough which does not have a city planner and intermittently relies on external expertise from the Metropolitan Area Planning Council but would inevitably benefit from an internal city planner.¹¹⁶

¹⁰⁷ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹⁰⁸ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹⁰⁹ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹¹⁰ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹¹¹ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹¹² Editorial Board, "State Should Pay its Fair Share on Preservation Act," *Boston Globe*, April 26, 2019, <https://perma.cc/J2EL-VA68>.

¹¹³ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹¹⁴ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹¹⁵ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

¹¹⁶ Sam Bonacci, "ZBA: Marlborough Needs a City Planner," *Patch*, December 31, 2012, <https://perma.cc/8NEW-RTYL>.

To foster interest and provide explicit guidance, the Massachusetts Housing Partnership (MHP) drafted a 2016 report on utilizing CPA funds for local housing creation.¹¹⁷ To best position a municipality, MHP recommended assessing the community’s housing needs, relying on an array of planning via a housing needs assessment, housing plan, housing production plan, master plan and/or a community preservation plan.¹¹⁸ To counteract lower local funds collected through CPA common in smaller or rural municipalities, MHP suggested regional collaboration.¹¹⁹ MHP also recommended pursuit of an affordable housing trust utilizing M.G.L. c.44B s.55C, which can serve as a designation for CPA funds and remove the cumbersome barriers of repeatedly looking to the legislative body for funding approval.¹²⁰

Reviewing how many rural communities set aside CPA money for housing but have yet to spend it does not inherently translate to that specific community’s disinterest in affordable housing.¹²¹ Not every area that wants housing in the state can attract development, such is the case in communities like Royalston and Phillipston which passed CPA at the maximum 3 percent.¹²² *CommonWealth Beacon* investigated these communities and found that their “tiny tax base, minimal planning infrastructure, expensive construction costs, and almost nonexistent developer interest have been a barrier to spending the CPA funding.”¹²³

¹¹⁷ The Massachusetts Housing Partnership, “Create, Preserve, Support: Using Community Preservation Act Funds to Foster Local Housing Initiatives,” *The Massachusetts Housing Partnership*, March 2016, <https://perma.cc/4GY8-6JKD>.

¹¹⁸ The Massachusetts Housing Partnership, “Create, Preserve, Support: Using Community Preservation Act Funds to Foster Local Housing Initiatives,” 5.

¹¹⁹ The Massachusetts Housing Partnership, “Create, Preserve, Support: Using Community Preservation Act Funds to Foster Local Housing Initiatives,” 7.

¹²⁰ The Massachusetts Housing Partnership, “Create, Preserve, Support: Using Community Preservation Act Funds to Foster Local Housing Initiatives,” 9.

¹²¹ Jennifer Smith, “The Mixed Blessing of the Community Preservation Act,” *CommonWealth Beacon*. June 8, 2023, <https://perma.cc/GF4R-YW7A>.

¹²² Smith, “The Mixed Blessing of the Community Preservation Act.”

¹²³ Smith, “The Mixed Blessing of the Community Preservation Act.”

This tension between protecting open space and then having little developable land for housing further complicates decisions for CPA localities.¹²⁴ For example, in the town of Mattapoisett on the south shore, 40 percent of the community remains protected from development because of past conservation efforts.¹²⁵ Chair of Mattapoisett's CPC Chuck McCullough expressed this issue directly: "The question becomes, is it too late for Mattapoisett...[w]e've just taken acres upon acres off the rolls for housing. I just hope it wasn't done purposefully, but I don't know."¹²⁶

*"As the CPA spreads across Massachusetts from tiny rural towns to upscale suburbs, economically challenged cities to seasonal resort communities, a revolution in public conservation finance is taking place that **holds inspiration for conservation leaders** across the Americas."¹²⁷*

IV. CPA PASSAGE

A. Modern Era

During the pandemic, support for CPA remained strong, particularly notable at a time when fiscal outcomes remained uncertain for municipalities.¹²⁸ In November 2020, nine municipalities placed CPA on their respective ballots and residents supported the measure.¹²⁹ These municipalities represented a landmark passage during one election, representing areas

¹²⁴ Smith, "The Mixed Blessing of the Community Preservation Act."

¹²⁵ Smith, "The Mixed Blessing of the Community Preservation Act."

¹²⁶ Smith, "The Mixed Blessing of the Community Preservation Act."

¹²⁷ Zieper, "The Massachusetts Community Preservation Act: A Case Study in Fostering Intergovernmental Partnership in Conservation Finance," 47.

¹²⁸ Elaine Thompson, "Communities Approve CPA Despite Pandemic," *Telegram & Gazette*, November 5, 2020, <https://perma.cc/6RHE-DMWE>.

¹²⁹ Thompson, "Communities Approve CPA Despite Pandemic."

across the state: Hopedale, Lancaster, Franklin, Framingham, Shrewsbury, Milton, Whitman, Lee, and Greenfield.¹³⁰

Communities continue to express enthusiasm for CPA as they discuss putting it to the ballot. In February 2023, Reading’s Select Board discussed development of a CPA study committee with interest for CPA to be on the upcoming November ballot.¹³¹ Reading’s proposal would seek a 1 percent surcharge with various exemptions, estimating a request for the average single-family homeowner to pay an additional \$84 to support the local pool of CPA funds.¹³² In July 2023, Swampscott also moved to examine CPA passage, looking for a 3 percent surcharge with hopes that CPA “would create a more sustainable form of funding for [] community projects.”¹³³ Swampscott’s Select Board Chair David Grishman estimated that Swampscott would collect \$800,000 from the 3 percent surcharge, prior to state matching.¹³⁴ Town Administrator Sean Fitzgerald reinforced the community excitement of increased resources for projects, saying “[w]e’re doing extraordinary things in Swampscott, but we don’t get a nickel out of any of those community-preservation dollars.”¹³⁵

In February 2024, Clarksburg’s Select Board also placed CPA on the town meeting warrant because of interest from the Historical Commission.¹³⁶ They too opted for a 3 percent surcharge along with various exemptions “so we give a little and get a lot” which would approximate to an average of \$55.44 per taxable parcel.¹³⁷ Kickstarting CPA advocacy within the

¹³⁰ Thompson, “Communities Approve CPA Despite Pandemic.”

¹³¹ Patrick Blais, “Select Board to Consider Formation of Committee for CPA Study,” *Daily Times Chronicle*, February 27, 2024, <https://perma.cc/ZH9V-TAU9>.

¹³² Blais, “Select Board to Consider Formation of Committee for CPA Study.”

¹³³ Anthony Cammalleri, “Swampscott Considers Creating Community Preservation Committee,” *ItemLive*, July 20, 2023, <https://perma.cc/RL4S-KPDK>.

¹³⁴ Cammalleri, “Swampscott Considers Creating Community Preservation Committee.”

¹³⁵ Cammalleri, “Swampscott Considers Creating Community Preservation Committee.”

¹³⁶ Tammy Daniels, “Clarksburg to Consider Community Preservation Act,” *iBerkshires*, February 17, 2024, <https://perma.cc/23MT-S2XG>.

¹³⁷ Daniels, “Clarksburg to Consider Community Preservation Act.”

current 2024 cycle, Sherborn successfully passed a town meeting article on CPA, officially putting the question up for voters during the November 2024 election.¹³⁸ As of early May, Spencer decided to put CPA on the ballot for the first time following the support of town meeting; their proposal seeks a 1 percent surcharge and residential, commercial and low-income exemptions.¹³⁹ Winchester also hopes to pass CPA on the 2024 ballot after support from their town meeting.¹⁴⁰ This represents Winchester’s second CPA push, now looking for a 1.5 percent surcharge, residential and commercial property exemptions as well as exemptions for low-income and low/moderate-income senior property owners.¹⁴¹ Following Select Board engagement and involvement from residents through public forums and the Sheffield Land Trust, CPA will be on Sheffield’s upcoming 2024 ballot with a 1 percent surcharge and the various residential, commercial and low-income exemptions.¹⁴² The Coalition also anticipates more communities placing CPA on the ballot such as potential proposals from town meeting season for Clarksburg, Colrain, Halifax, Otis, Rutland and Swampscott.¹⁴³

Other localities are contemplating whether to pass CPA in their community, even pushing for the ballot question after an unsuccessful attempt in the past. For example, Woburn was unsuccessful in passing the CPA back in 2002.¹⁴⁴ During the City’s second attempt over a decade

¹³⁸ Community Preservation Coalition, “CPA Adoption Update: Sherborn is the First to Place CPA on November 2024 Ballot,” *Community Preservation Coalition*, April 25, 2024, <https://perma.cc/8DQN-QUKQ>.

¹³⁹ Community Preservation Coalition, “CPA Adoption Update: Spencer & Winchester Both Place CPA on November Ballot,” *Community Preservation Coalition*, May 3, 2024, <https://perma.cc/WZG9-APDY>.

¹⁴⁰ Community Preservation Coalition, “CPA Adoption Update: Spencer & Winchester Both Place CPA on November Ballot.”

¹⁴¹ Community Preservation Coalition, “CPA Adoption Update: Spencer & Winchester Both Place CPA on November Ballot.”

¹⁴² Community Preservation Coalition, “CPA Adoption Update: Sheffield Next to Advance CPA to November Ballot,” *Community Preservation Coalition*, May 7, 2024, <https://perma.cc/NK8G-Q9PG>.

¹⁴³ Community Preservation Coalition, “CPA Adoption Update: Sheffield Next to Advance CPA to November Ballot.”

¹⁴⁴ Ryan Laroche, “Local Communities Continue to Weigh CPA Pros, Cons,” *Middlesex East*, March 8, 2024, <https://perma.cc/ET22-25LX>.

later, Woburn voters narrowly rejected the CPA, by a slim margin of 131 votes.¹⁴⁵ Woburn's interest in a 1 percent surcharge at that time would have equated to approximately \$26 across residential properties (as low as \$14.31 for a condo to \$35.60 for a single-family).¹⁴⁶ Using FY13 information, the 1 percent surcharge would equate to \$733,000 from local collections and at a 2 percent surcharge, Woburn could have raised \$1.3 million, which could have supported Woburn projects such as the library addition.¹⁴⁷ Another attempt at passage in 2015 was not successful for Woburn.¹⁴⁸ Woburn's story further highlights that putting CPA on the ballot without the voter education campaign and effort to reach voters, will not set the ballot question up for success.¹⁴⁹

Additionally, Stoneham and Winchester had unsuccessful attempts to pass CPA, though Winchester is exploring another ballot attempt in 2024 while Stoneham has yet to make another attempt.¹⁵⁰ Although not an issue for Marlborough which has not needed a Prop 2 ½ override, Reading Select Board Member Karen Herrick favored CPA citing that it “helps communities avoid overrides.”¹⁵¹ Overriding Prop 2 ½ means a community seeks to collect additional property taxes and thus, it is likely that Select Board Herrick viewed CPA as an avenue for increasing local funds that a community can collect.¹⁵² In contrast to its neighbors, Tewksbury passed CPA in 2006 and tangibly witnessed the benefits, raising \$13 million locally prior to state matching funds contributing to historic renovation, boardwalks and other municipally desired projects that otherwise would not have occurred.¹⁵³

¹⁴⁵ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

¹⁴⁶ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

¹⁴⁷ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

¹⁴⁸ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

¹⁴⁹ Community Preservation Coalition, “CPA Campaign Case Study: Natick (2022).” *Community Preservation Coalition*, April 25, 2024, <https://perma.cc/7CZJ-TNUZ>.

¹⁵⁰ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

¹⁵¹ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

¹⁵² DiCara and Nicholson, “The Downsides of Prop. 2 ½ and Community Preservation Act.”

¹⁵³ Laroche, “Local Communities Continue to Weigh CPA Pros, Cons.”

In 2015, local columnist Peter Golden wrote a compelling opinion piece that furthered how CPA “defin[es] the idea of community” within the MetroWest region, an area he coined as “only now awakening to its past while challenged in the present by the prospect of ever-growing urbanization.”¹⁵⁴ Golden’s words, though now almost ten years old, clearly delineate the tension for MetroWest and Marlborough in seeking CPA passage where the community is experiencing further urbanization that would benefit from more resources.¹⁵⁵ Golden articulated the CPA as an “invaluable” tool for municipalities to “strengthen a sense of place, enhance our health and wellbeing and foster more inclusive communities.”¹⁵⁶ At the time, Golden referenced that MetroWest communities of Framingham, Marlborough, Milford and Natick had unfortunately not passed CPA, likely based on a myriad of arguments which he divided into “[n]o-new taxes!”, already having other avenues for the taxes to go into and “the defensive” of refusing to alter the existing municipal system in favor of the status quo.¹⁵⁷ Ironically, since Golden’s piece, Framingham and Natick have passed the CPA, clearly catching up to their forward-thinking MetroWest counterparts.¹⁵⁸ Yet, Marlborough remains an outlier.¹⁵⁹

“Heritage values strengthen our communities, our sense of living somewhere special and how we feel about ourselves. As a means to those ends engaged citizens and officials in the towns and cities of MetroWest need to put aside their doubts, denial and fears and lead the way to the CPA.”¹⁶⁰

¹⁵⁴ Golden, “Who’s Afraid of the CPA?”

¹⁵⁵ Golden, “Who’s Afraid of the CPA?”

¹⁵⁶ Golden, “Who’s Afraid of the CPA?”

¹⁵⁷ Golden, “Who’s Afraid of the CPA?”

¹⁵⁸ Community Preservation Coalition, “Community Preservation Act Adoption,” *Community Preservation Coalition*, November 7, 2023, <https://perma.cc/7K9R-TZA2>.

¹⁵⁹ Community Preservation Coalition, “Community Preservation Act Adoption.”

¹⁶⁰ Golden, “Who’s Afraid of the CPA?”

B. Patterns

For contemplating CPA passage patterns, I analyzed the frequency of the two methods of placing CPA on the ballot. 223 attempts utilized a legislative body vote to put CPA on the ballot whereas 94 attempts were a ballot question petition.¹⁶¹ Note that ‘attempts’ also include communities who sought to pass the CPA multiple times. Out of the legislative body votes to place CPA on the ballot, 63.68% attempts were successful at passing CPA.¹⁶² Out of the petition process and then ballot question, 57.45% attempts were successful at passing CPA.¹⁶³ Table 2 explains this breakdown based on adoption method to the ballot:

TABLE 3. CPA Adoption Method¹⁶⁴

CPA Ballot Method	Attempt Records	Successful (%)	Unsuccessful (%)
<i>Legislative Body Vote</i>	223	142 (63.68%)	81 (36.32%)
<i>Ballot Petition</i>	94	54 (57.45%)	40 (42.55%)

Evaluating the adoption process, I then investigated the patterns of surcharge adoption. The largest number of communities (39.80%) passed CPA at a 3 percent surcharge, followed by a 1 percent surcharge (28.06%) and then a 1.5 percent surcharge (20.92%).¹⁶⁵ As noted in the chart, a few communities also decided to pass surcharges at uncommon intervals of 0.5 percent

¹⁶¹ Community Preservation Coalition, “CPA Communities by Path of Adoption,” *Community Preservation Coalition*, accessed April 29, 2024, https://www.communitypreservation.org/cpc-report?report_src=bca5gqwrk%3Fa%3Dq&qid=49.

¹⁶² Community Preservation Coalition, “CPA Communities by Path of Adoption.”

¹⁶³ Community Preservation Coalition, “CPA Communities by Path of Adoption.”

¹⁶⁴ Community Preservation Coalition, “CPA Communities by Path of Adoption.”

¹⁶⁵ Community Preservation Coalition, “CPA Communities by Surcharge Level,” *Community Preservation Coalition*, accessed April 29, 2024, https://www.communitypreservation.org/cpc-report?report_src=bbzvidkqg%3Fa%3Dq&qid=28.

(1.02%) and 1.25 percent (0.51%).¹⁶⁶ Table 3 below highlights the variety in surcharge frequencies:

TABLE 4. CPA Surcharge Adoption¹⁶⁷

CPA Surcharge	Frequency	% of CPA Communities
0.5%	2 communities	1.02%
1%	55 communities	28.06%
1.25%	1 community	0.51%
1.5%	41 communities	20.92%
2%	19 communities	9.69%
3%	78 communities	39.80%

Note. As of April 2024, a total of 196 communities adopted CPA.

The most common pairing of exemptions when passing CPA was to both exempt low-income residents and the first \$100,000 of residential property, evidenced by 115 communities pursuing these two exemptions together, representing 58.67% of the 196 CPA communities.¹⁶⁸

Table 4 included below represents the combination of exemptions for CPA communities:

¹⁶⁶ Community Preservation Coalition, “CPA Communities by Surcharge Level.”

¹⁶⁷ Community Preservation Coalition, “CPA Communities by Surcharge Level.”

¹⁶⁸ Community Preservation Coalition, “CPA Communities by Exemptions,” *Community Preservation Coalition*, accessed April 29, 2024, https://www.communitypreservation.org/cpc-report?report_src=bbzvidkqg%3Fa%3Dq&qid=29.

TABLE 5. CPA Exemption Adoption¹⁶⁹

Exemption	Frequency	Percentage
<i>First \$100,000 - residential</i>	14 communities	7.14%
<i>Low income</i>	12 communities	6.12%
<i>Low income, first \$100,000 - residential</i>	115 communities	58.67%
<i>Low income, first \$100,000 - residential, commercial</i>	4 communities	2.04%
<i>Low income, first \$100,000 - residential, first \$100,000 - commercial</i>	34 communities	17.35%
<i>No exemptions</i>	17 communities	8.67%

Note. As of April 2024, a total of 196 communities adopted CPA.

In determining frequency of adoption, I analyzed the type of election in which the community passed CPA, i.e., whether it was a pure local election, a local election during a state/federal year, a state/federal midterm, or a state/federal presidential election. Given the range of turnout based on the type of election, I assessed the success of these efforts. The years with the most passages occurred in 2001 shortly after CPA became possible (36 adoptions, all local elections) and in 2005 (28 adoptions, all local elections).¹⁷⁰ However, in the most recent phase of CPA’s existence, there were two larger surges during presidential years with 11 passages during the state/federal election in 2016 and a notable 9 passages in 2020, during the most recent presidential election.¹⁷¹ A multitude of factors likely determine whether a community chooses to work on passing CPA during any given year, such as resident or legislative body interest, status

¹⁶⁹ Community Preservation Coalition, “CPA Communities by Exemptions.”

¹⁷⁰ Community Preservation Coalition, “CPA Communities by Exemptions.”

¹⁷¹ Community Preservation Coalition, “CPA Communities by Exemptions.”

of CPA for surrounding communities, current political landscape, and other factors like the state match. However, I will note that voter turnout remains highest during a presidential election, so this is an advantage for communities like Marlborough when seeking to pass CPA as a greater number of residents participate in the vote.¹⁷²

TABLE 6. CPA Adoption by Year¹⁷³

Year Adopted	Designation	Frequency	Election Type
2001		36	Local Election
2002	<i>Local</i>	15	Local Election
	<i>State/Federal</i>	7	State, Federal Midterm
2003		3	Local Election
2004	<i>Local</i>	4	Local Election
	<i>State/Federal</i>	10	State, Federal Presidential
2005		28	Local Election
2006	<i>Local</i>	8	Local Election
	<i>State/Federal</i>	8	State, Federal Midterm
2007		8	Local Election
2008	<i>Local</i>	6	Local Election
	<i>State/Federal</i>	7	State, Federal Presidential
2009		2	Local Election

¹⁷² This statistic is evident in comparisons across Marlborough elections where 19.21% voted in the 2021 local general election while 78.78% voted in the 2020 presidential election; Marlborough City Clerk’s Office, “OFFICIAL Municipal Election Results,” Marlborough, Massachusetts, November 2, 2021, <https://perma.cc/4ND4-YVQQ>; Neal McNamara, “2020 Election: Marlborough Sets New Voting Records,” *Patch*, November 5, 2020, <https://perma.cc/4B2R-UF74>.

¹⁷³ Community Preservation Coalition, “CPA Communities by Date of Adoption,” *Community Preservation Coalition*, accessed April 29, 2024, https://www.communitypreservation.org/cpc-report?report_src=bca5gqwrk%3Fa%3Dq&qid=20.

2010	<i>Local</i>	1	Local Election
	<i>State/Federal</i>	4	State, Federal Midterm
2011		1	Local Election
2012		7	State, Federal Presidential
2013		0	Local Election
2014		3	State, Federal Midterm
2015		2	Local Election
2016	<i>Local</i>	1	Local Election
	<i>State/Federal</i>	11	State, Federal Presidential
2017		0	Local Election
2018	<i>Local</i>	1	Local Election
	<i>State/Federal</i>	2	State, Federal Midterm
2019		1	Local Election
2020	<i>Local</i>	1	Local Election
	<i>State/Federal</i>	9	State, Federal Presidential
2021		1	Local Election
2022	<i>Local</i>	2	Local Election
	<i>State/Federal</i>	5	State, Federal Midterm
2023		2	Local Election

Note. For year adopted, state and federal election years may have multiple entries to reflect if the municipality passed CPA at their local election or in alignment with the state/federal election during that year. 2024 data is not included since municipalities can still add CPA to the upcoming ballot.

V. UNDERSTANDING MARLBOROUGH

A. Background

Marlborough is a city located in the MetroWest region of Massachusetts, about 30 miles from Boston. It is also a community within the jurisdiction of the Metropolitan Area Planning Council (MAPC), designated as a Subregional Urban Center.¹⁷⁴ MAPC defines these areas as distinguished by their “urban-scale downtown core surrounded by more suburban residential neighborhoods” with the appearance of “[n]ew growth tak[ing] the form of redevelopment in downtown or industrial areas, and greenfield development on the periphery.”¹⁷⁵

Minimal information is available online to best understand Marlborough’s initial attempt to pass the CPA. Unfortunately, Marlborough rejected CPA during the 2010 election cycle by the slimmest margin, 48 percent in favor and 52 percent against.¹⁷⁶ During the 2010 cycle, Marlborough placed the CPA on the ballot via a petition, set the surcharge at 2 percent and selected two exemptions: (1) low income and (2) first \$100,000 - residential.¹⁷⁷ In the November election, the CPA question was the fourth on the ballot, sometimes a difficult spot when voters have fatigue and already may not understand the ballot question.¹⁷⁸

The Marlborough Community Preservation Act Committee (MCPAC), consisting of local residents, hosted a March 2010 forum at the public library to help residents understand the

¹⁷⁴ “Data Common on Marlborough,” *Metropolitan Area Planning Council*, accessed April 23, 2024, <https://perma.cc/VEU2-ZLLY>.

¹⁷⁵ “Data Common on Marlborough.”

¹⁷⁶ Community Preservation Coalition, “History of Failed Attempts to Adopt CPA,” *Community Preservation Coalition*, accessed April 21, 2024, https://www.communitypreservation.org/cpc-report?report_src=bca5gqwrk%3Fa%3Dq&qid=23.

¹⁷⁷ Community Preservation Coalition, “History of Failed Attempts to Adopt CPA.”

¹⁷⁸ Staff Writer, “Community Preservation Act Forum Held Tuesday in Marlborough,” *MetroWest Daily News*, October 18, 2010, <https://perma.cc/56AZ-KG52>.

CPA.¹⁷⁹ MCPAC calculated that across the years 2001-2007, Marlborough contributed upwards of over \$1 million towards the CPA Trust Fund through their Registry of Deed fees.¹⁸⁰ Barbara Earley served as the Committee President for the MCPAC's effort.¹⁸¹ Unfortunately, Earley passed away in 2021 and was not able to see Marlborough fulfill her vision for CPA passage.¹⁸² Though not adopted back in 2010, the Community Preservation Coalition's main website remains linked on the City of Marlborough website under 'Environmental Organizations' even today in 2024.¹⁸³ Whether or not this remains a technical oversight is unknown but foreshadows the ensuring promise to pass CPA in Marlborough.

B. The 2010 Attempt

Active residents as part of the MCPAC attempted to pass the CPA with a 2 percent surcharge in Marlborough in 2010.¹⁸⁴ The vote unfortunately was too close, ultimately resulting in voter rejection of CPA with a vote total of 5,774 against to 5,330 in favor.¹⁸⁵ Again, this demonstrates the importance of the election in which CPA is on the ballot as the difference in the vote total to secure rejection was only 444 votes.¹⁸⁶ Despite the total votes in the end tally, MCPAC received local group endorsements from the Conservation Commission, the Marlborough Historical Society, and the Sudbury Valley Trustees.¹⁸⁷

¹⁷⁹ "Forum on Community Preservation Act," *Main Street Journal*, February 27, 2010, <https://perma.cc/D3CA-QK6F>.

¹⁸⁰ "Forum on Community Preservation Act."

¹⁸¹ "Forum on Community Preservation Act."

¹⁸² Community Advocate, "Barbara Earley, 77, of Marlborough," *Community Advocate*, March 4, 2021, <https://perma.cc/9F6J-TWHJ>.

¹⁸³ "Environmental Organizations," *City of Marlborough*, accessed April 23, 2024, <https://perma.cc/UXF2-6HSS>.

¹⁸⁴ Paul Crocetti, "Marlborough Voters Reject CPA," *MetroWest Daily News*, November 3, 2010, <https://perma.cc/SE2L-J3NA>.

¹⁸⁵ Crocetti, "Marlborough Voters Reject CPA."

¹⁸⁶ Crocetti, "Marlborough Voters Reject CPA."

¹⁸⁷ Paul Crocetti, "Marlborough CPA Supporter Points to Positives after Ballot Loss," *MetroWest Daily News*, November 7, 2010, <https://perma.cc/5JYR-89H5>.

Then Council President (later Mayor) Arthur Vigeant opposed the local CPA effort.¹⁸⁸ Despite not supporting outright CPA passage, Vigeant expressed interest in addressing the issue areas that CPA money would have strengthened.¹⁸⁹ Then Councilor Michael Ossing (current Council President) stated at the time that he opposed the effort to tax people, though the Community Preservation Coalition noted that the average homeowner would have only seen a \$58 increase in their overall tax bill if the CPA passed.¹⁹⁰ MCPAC reiterated that residents already paid the Registry of Deeds over \$1 million dollars from 2001 through 2007, but never saw the productivity of those funds because Marlborough rejected CPA so could not access the state match.¹⁹¹

Coinciding with Marlborough's CPA discussion was investigation into hiring a city planner, of interest to then-Mayor Nancy Stevens. The April 6th, 2010 City Council meeting included a letter from Donna Jacobs, Director of MetroWest Growth Management (MWGMC) urging the City to hire a planner as her organization "cannot serve as a replacement for a City Planner" and "advise[d] that a community without a full-time professional planner is at a distinct disadvantage in many ways."¹⁹² Specifically, Director Jacobs articulated the following value add that a city planner would bring to Marlborough:

- "Fully evaluated proposed developments using planning expertise to address the multitude of complex and politically sensitive issues that surround new development[.]
- Issues defensible decisions on development proposals to reduce legal costs,
- Develops new growth in areas where it is desired and infrastructure already exists,

¹⁸⁸ Paul Crocetti, "Marlborough Voters to See CPA on the Ballot," *MetroWest Daily News*, September 8, 2010, <https://perma.cc/E5B4-AFDQ>.

¹⁸⁹ Crocetti, "Marlborough CPA Supporter Points to Positives after Ballot Loss."

¹⁹⁰ Crocetti, "Marlborough Voters Reject CPA."

¹⁹¹ "Forum on Community Preservation Act."

¹⁹² Donna Jacobs, MetroWest Growth Management Committee to Marlborough City Council, April 1, 2009, in Marlborough City Council Regular Meeting Packet April 6, 2009, 26, <https://perma.cc/FS2R-WW9L>.

- Preserves the City’s valuable open space and natural resources,
- Engages the community in the planning process, and
- Ensures the City has plans in place that will result in the type of development that is desired by the City of Marlborough.”¹⁹³

Similarly, the Metropolitan Area Planning Council, an entity the City hires intermittently today for planning services, wrote a letter to the Marlborough City Council also supporting a city planner.¹⁹⁴ Executive Director Marc Draisen, after outlining the myriad of benefits to a planner, noted MAPC’s internal limitations to support communities and that a planner was vital for Marlborough’s future success.¹⁹⁵ Support for strong city planning harks back to recommendations that researchers made about how lack of state support of city planning hinders effective use of the CPA and allocation of funding for housing.¹⁹⁶

At the June 8, 2009 Council meeting, the request for the city planner was on the agenda: Order No. 09-1002149B - Communication from the Mayor regarding the appointment of Nancy Savoie for the position of City Planner which expires two years from the date of confirmation.¹⁹⁷ This same item appeared again under ‘Unfinished Business’ on the June 15, 2009 Council meeting agenda.¹⁹⁸ At the June 22 meeting, there was an item under the Personnel Committee dealing with the City Planner position asking for a partial fee to go towards a planner salary in

¹⁹³ Jacobs, MetroWest Growth Management Committee to Marlborough City Council, April 1, 2009.

¹⁹⁴ Marc Draisen, Metropolitan Area Planning Council to Marlborough City Council, April 1, 2009, in Marlborough City Council Regular Meeting Packet April 6, 2009, 27, <https://perma.cc/S8N4-J88K>.

¹⁹⁵ Draisen, Metropolitan Area Planning Council to Marlborough City Council, April 1, 2009.

¹⁹⁶ Editorial Board, “Amend the Community Preservation Act to Promote More Housing.”

¹⁹⁷ Marlborough City Council Meeting Agenda, June 8, 2009, 2, <https://perma.cc/YG2K-9JFM>.

¹⁹⁸ Marlborough City Council Meeting Agenda, June 15, 2009, 1, <https://perma.cc/TE7L-8K3E>.

the amount of \$14,677.¹⁹⁹ Tracking aspects of how Marlborough handled hiring a City Planner at this interval provides insight into Council views once CPA was part of Council discussion.

CPA appeared as an agenda item via a ‘Communication from the Mayor’ on the July 20, 2009, City Council Agenda.²⁰⁰ Both the Sudbury Valley Trustees and Colonial Garden Club of Marlborough submitted letters asking the City Council to support CPA.²⁰¹ During discussion, some of the Councilors questioned whether the current match was worth passing CPA as the CPC projected an upcoming 30 percent state match, when in past years the match was a higher rate.²⁰² Then-Councilors Trish Pope, Steven Levy, Joseph Delano and Paul Ferro all spoke against CPA but did not provide reasoning available in the record beyond an issue with timing.²⁰³ Mayor Stevens and many Councilors opposed the “additional tax,” but the Coalition explained that the average resident homeowner would only see an increase of \$58 at a 2 percent surcharge.²⁰⁴ To put it in perspective, MCPAC member Tony Valerio equated this contribution as “less than buying a cup of coffee in a week” and here the benefit was communal.²⁰⁵

Principal Assessor Anthony Trodella also calculated potential surcharges for residents based on CPA passage.²⁰⁶ Utilizing data on a resident’s average taxes and property value, a 1 percent surcharge would result in a residential property owner paying \$44 while a 3 percent surcharge would result in an amount of \$131.²⁰⁷ Rather than acting on the letters, the Council ‘filed’ both communications, ending further engagement on the issue.²⁰⁸

¹⁹⁹ Marlborough City Council Meeting Agenda, June 22, 2009, 3, <https://perma.cc/NB8J-ZGPC>.

²⁰⁰ Marlborough City Council Meeting Agenda, July 20, 2009, <https://perma.cc/D4EJ-CAP6>.

²⁰¹ Paul Crocetti, “Marlborough Officials Say No to Groups’ CPA Requests,” *MetroWest Daily News*, July 23, 2009, <https://perma.cc/ADU6-Z4SX>.

²⁰² Crocetti, “Marlborough Officials Say No to Groups’ CPA Requests.”

²⁰³ Crocetti, “Marlborough Officials Say No to Groups’ CPA Requests.”

²⁰⁴ Paul Crocetti, “Marlborough Looks at Need for CPA,” *MetroWest Daily News*, October 24, 2010, <https://perma.cc/6EPU-M5UH>.

²⁰⁵ Crocetti, “Marlborough Looks at Need for CPA.”

²⁰⁶ Crocetti, “Marlborough Officials Say No to Groups’ CPA Requests.”

²⁰⁷ Crocetti, “Marlborough Officials Say No to Groups’ CPA Requests.”

²⁰⁸ Crocetti, “Marlborough Officials Say No to Groups’ CPA Requests.”

Around the time of the 2010 election with CPA on the ballot, several Marlborough residents wrote letters to the editor in the *MetroWest Daily News* to express their views for or against the ballot question. Resident Ed Krikorian did not detail explicit reasons for his opposition to the CPA and instead counteracted arguments in favor.²⁰⁹ Krikorian wrote that Marlborough “is one of only seven communities that exceed the state mandate” for affordable housing which does not accurately portray how affordable housing operates in Massachusetts.²¹⁰ Nonprofit Housing Navigator Massachusetts recently developed a publicly available data portal to track affordable housing across the Commonwealth finding that “the state’s shortage of affordable housing is even worse than previously known.”²¹¹ According to their data, Marlborough has 773 affordable units and 13 affordable properties.²¹² Residents should not only look to their elected leaders to determine whether a policy issue is best for the community. However, Mr. Krikorian argued that without endorsement from Mayor Stevens or the City Council, “why should we?” support CPA.²¹³

In support of CPA passage, resident Ernie Ginnetti also wrote in the *MetroWest Daily News* to promote support for the community to pass the CPA now.²¹⁴ He asked “[i]f not now when?” and cited several historic sites in need of local protection or could have benefitted in the past from such protection but were now lost such as Williams Tavern, the train station, Mauro’s

²⁰⁹ Ed Krikorian, “Krikorian: City Doesn't Need the CPA,” *MetroWest Daily News*, October 29, 2010, <https://perma.cc/2XTM-HN6E/>.

²¹⁰ Ed Krikorian mistakenly refers to a ‘state mandate’ for affordable housing. Massachusetts’ 40B is not a state mandate and aims for a minimum of 10 percent of a city/town’s housing stock to be affordable to the area wide median household income; Krikorian, “Krikorian: City Doesn't Need the CPA.”

²¹¹ Craig LeMoult, “There Are Even Fewer Affordable Apartments in Massachusetts Than We Thought, According to New Data,” *GBH News*, January 20, 2024, <https://perma.cc/PM97-V3Q4>.

²¹² Housing Navigator Massachusetts, 2023 State of Affordable Housing: Marlborough, distributed by Housing Navigator MA, 2024, https://public.tableau.com/app/profile/housingnavigatorma/viz/hnmi_2024_01/HousingDashboard2.

²¹³ Krikorian, “Krikorian: City Doesn't Need the CPA.”

²¹⁴ Ernie Ginnetti, “Ginnetti: Marlborough Needs the CPA,” *MetroWest Daily News*, September 30, 2010, <https://perma.cc/Z8PT-M54A>.

Farm as well as the need to protect the historical site of the Samuel Brigham House.²¹⁵ He also connected CPA passage as a true tribute that would honor Marlborough's 350th birthday, that it was "imperative we pass CPA" and to follow neighboring communities.²¹⁶ Marlborough Historical Society Curator Bob Kane also supported CPA for historic preservation and hoped that the Peter Rice Homestead in Marlborough could utilize CPA funding to repair the building as they had "been keeping it together with Band-Aids."²¹⁷ Kane's request for funding to promote historic preservation in Marlborough aligns with the existing CPA data as it is often the most common CPA use for municipalities.²¹⁸

The benefit Marlborough would have received, even at the time of CPA on the ballot in 2010, equated to approximately \$1.2 million generated from the surcharge and \$370,000 in state matching.²¹⁹ Such state funds represented a pool of resources that Marlborough residents already paid into via the Registry of Deeds, but currently only CPA-participating communities receive the match benefit.²²⁰ Arguments that Marlborough missed the window to participate in CPA since the initial match was 100 percent in the earliest days of the legislation, ignore what Associate Director of the statewide CPC explained as: "where else are you getting [at this time in 2010] 27 cents to the dollar?"²²¹ Roth's argument highlights that any match to locally raised funds is a benefit to the community writ large and Marlborough should not ignore this opportunity while other municipalities are opting in.²²²

²¹⁵ Ginnetti, "Ginnetti: Marlborough Needs the CPA."

²¹⁶ Ginnetti, "Ginnetti: Marlborough Needs the CPA."

²¹⁷ Crocetti, "Marlborough Looks at Need for CPA."

²¹⁸ Editorial Board, "Amend the Community Preservation Act to Promote More Housing."

²¹⁹ Crocetti, "Marlborough Looks at Need for CPA."

²²⁰ Crocetti, "Marlborough Looks at Need for CPA."

²²¹ Crocetti, "Marlborough Looks at Need for CPA."

²²² Crocetti, "Marlborough Looks at Need for CPA."

Then Councilor and Conservation Commission Chair Edward Clancy also favored CPA as an additional tool for purchasing available land.²²³ Councilors Vigeant and Ferro’s argument that Marlborough already provided open space funding does not equate to the resources CPA would provide, with Vigeant saying that \$4 million of city funds went to open space in his seventeen years on the Council.²²⁴ Calculating the average contribution, this total towards open space only equates to a little over \$235,000 per year, far under the generated surcharge or the state matching that the CPA would have provided Marlborough at the time of passage per year.²²⁵ Project ideas for Marlborough included the capped landfill as a potential park, potentially updating a city building, or reserving the funds “as leverage for other state, federal or private funding.”²²⁶

Marlborough resident and member of MCPAC Karin Paquin also wrote a letter to the editor in favor of CPA passage in advance of the 2010 election, specifically targeting the financial implications for residents.²²⁷ She wrote to clarify since “there has been a lot of misunderstanding and deliberate misinformation distributed regarding the cost of the CPA for the average Marlborough taxpayer” which she corrected using the 2 percent surcharge and first \$100,000 of the residential property value exemption.²²⁸ Using the average home price at that time of \$315,000, she projected that residential property owners would pay approximately \$58.²²⁹ As others have already indicated, and Paquin emphasized, Marlborough residents real

²²³ Crocetti, “Marlborough Looks at Need for CPA.”

²²⁴ Crocetti, “Marlborough Looks at Need for CPA.”

²²⁵ Crocetti, “Marlborough Looks at Need for CPA.”

²²⁶ Crocetti, “Marlborough Looks at Need for CPA.”

²²⁷ Karin Paquin, “Paquin: What Will the CPA Cost?” *MetroWest Daily News*, October 29, 2010, <https://perma.cc/TV2M-USCB>.

²²⁸ Paquin, “Paquin: What Will the CPA Cost?”

²²⁹ Paquin, “Paquin: What Will the CPA Cost?”

estate transaction fees enable CPA projects in other communities so Marlborough should also receive local benefits.²³⁰

Isn't it time we get our money to work for us and help preserve the quality of life in Marlborough? CPA mandates that all of the money we raise here, plus the state match, will be spent here, by us, according to our priorities.

In these difficult economic times when city budgets are strained, it's often open space, recreation and preservation of unique historic treasures which go unfunded. These are the unique features that make Marlborough a special place to live.²³¹

Resident Ernest K.S. Beer's October 6, 2010, letter to the editor in the *MetroWest Daily News* summarized the irony of Marlborough opting out of CPA best.²³² Below is an excerpt from his letter to the editor:

Community... that's your neighborhood. Preservation means keeping your neighborhood safe, caring and planning for the future. The CPA means getting funds back from the state to protect open space and parkland for those who care about Marlborough in the long run and wish to protect it for future generations, not as a means of gaining profit. It means protecting Marlborough's past so future citizens can enjoy what past generations have saved for us. You probably have seen the big X on some old buildings which might mean that some day, they could end up the way the old RR station and the Williams tavern did. Wouldn't it be a shame to see this happen in this 350th year of celebrating our history. . . .

You have seen at least eight years of Marlborough contributing to the well being of 142 other communities in the Commonwealth by paying fees into the Registry of Deeds. Isn't it time to get some of that money for our neighborhoods. It is better to give than to receive, but let's let all of those other communities around us have the opportunity to give as well. Isn't it ironic that 'two locals,' former Gov. Cellucci and State Senator Durand,

²³⁰ Paquin, "Paquin: What Will the CPA Cost?"

²³¹ Paquin, "Paquin: What Will the CPA Cost?"

²³² Ernest K.S. Beer, "Beer: CPA and Your Neighborhood," *MetroWest Daily News*, October 6, 2010, <https://perma.cc/SGF8-GUHY>.

helped enact this bill, and yet Marlborough has not participated in it. Here is an opportunity to preserve our past, save our present and plan our future. Communities and neighborhoods are worth voting for!²³³

C. Road to Passage

Marlborough, like every community without CPA, ends up supporting residents in localities that opted into the CPA, regardless of when such localities joined.²³⁴ Marlborough remains one of the few communities within MetroWest, in addition to Framingham, with significant hard to count census tracts from the 2020 census with areas in the harder to reach at 65-70 percent and 70-73 percent census participation.²³⁵ For food access, Marlborough also stood out with a census tract of 10-15 percent living in food insecurity.²³⁶ Marlborough, like Framingham, also has defined environmental justice communities within its borders.²³⁷ Additionally, Marlborough increasingly has become a home for a diversity of residents, notably a destination for Brazilian immigrants and residents.²³⁸ All of these constituencies would benefit from increased resources heading into Marlborough and the exemptions would prevent those with the least resources from paying the surcharge. These facets of Marlborough's population matter because locally generated CPA funds as well as the state match can support CPA

²³³ Beer, "Beer: CPA and Your Neighborhood."

²³⁴ Beer, "Beer: CPA and Your Neighborhood."

²³⁵ "Census 2020 Hard to Count Areas," *Metropolitan Area Planning Council*, March 1, 2019, <https://perma.cc/67PX-GNJB>.

²³⁶ "Food Access and Security," *Metropolitan Area Planning Council*, March 3, 2019, <https://perma.cc/C3DR-M826>.

²³⁷ "Open Space and Environmental Justice," *Metropolitan Area Planning Council*, July 10, 2017, <https://perma.cc/45KS-QXYM>.

²³⁸ Boston College Department of History, "Brazilians," *GlobalBoston*, accessed May 7, 2024, <https://perma.cc/9ADQ-6PWQ>.

proposals from organizations committed to affordable housing and land conservation which in turn will promote a higher quality of life for all residents in Marlborough.²³⁹

Secretary Bob Durand was instrumental to the CPA's passage and benefits impacting municipalities across the state.²⁴⁰ It is unfortunate that his home community of Marlborough rejected CPA and cannot access state money to support open space protection, historic preservation, and the development of affordable housing.²⁴¹ CPA is important for communities as it promotes local control, most evident through both the necessity of local resident support for passage (and if applicable, legislative approval for the ballot) and the local CPC retains ultimate decision-making about funding projects.²⁴²

Without strong mechanisms to protect open space, restore historical sites, or promote housing affordability in Marlborough, much of the charm that makes Marlborough special and an amazing place to live, work, and play will cease to exist. Even in the last year, Marlborough was a potential site for development projects targeting key environmental parcels such as land near Sasseville Way at the headway of the Fort Meadow Reservoir, encroachment on the last remaining rural area with the requested overlay at Robin Hill Street and minimal attempts to preserve historic sites such as the Rowe Funeral Home which is projected for housing development.²⁴³ Residents in Marlborough remain greatly mobilized in opposition to these

²³⁹ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 42.

²⁴⁰ Zieper, "The Massachusetts Community Preservation Act: A Case Study in Fostering Intergovernmental Partnership in Conservation Finance," 32-33.

²⁴¹ Beer, "Beer: CPA and Your Neighborhood."

²⁴² Center for State Policy Analysis at Tufts University, "Missed Opportunities: Funding Housing Through the Community Preservation Act," 1.

²⁴³ Maureen Sullivan, "Application for Sasseville Way Overlay District Withdrawn," *Community Advocate*, December 5, 2023, <https://perma.cc/J259-3MZ4>; Maureen Sullivan, "Pulte Proposes Over-55 Housing in Marlborough," *Community Advocate*, November 9, 2023, <https://perma.cc/P4KT-A9HE>; Maureen Sullivan, "City Reaches Settlement with Developers of Former Rowe Funeral Home," *Community Advocate*, March 8, 2024, <https://perma.cc/59JE-MZ7Q>.

projects.²⁴⁴ However, Marlborough does not have a city planner or an updated master plan (in violation of state law, see G.L. c.41 §81-D) further heightening the tension between growth and quality of life.²⁴⁵ This same issue was evident back in 2012 when the Planning Board and Zoning Board sought the input of a city planner because of the numerous development projects.²⁴⁶ Calling for a city planner, ZBA member Lynn Faust resigned from her post, writing that “[u]nless city boards and departments use sound planning to guide their actions, the city is bound to make mistakes that harm taxpayers for the benefit of a few.”²⁴⁷ Such frustration with the City’s lack of city planning, coupled with the rejection of CPA in 2010 have left Marlborough with few tools to support the priorities of affordable housing, open space and historic preservation, especially compared to peer communities in MetroWest.²⁴⁸

Passage of the CPA requires a community supporting G.L. c. 44B §§ 3-7 either by voter approval at a municipal or state election following an affirmative vote of the local legislative body or following a ballot petition with 5 percent of the city’s voters signing on.²⁴⁹ For cities like Marlborough, this equates to a vote by the Marlborough City Council to put CPA on the ballot or submission of 5 percent of the city’s voters. As of the 2024 Presidential Primary election, Marlborough has 25,776 registered voters; 5 percent of that population equates to a minimum of 1,289 signatures in support of putting CPA on the ballot.²⁵⁰ The next regularly scheduled election for Marlborough is the state/federal presidential general election on Tuesday, November 5, 2024.

²⁴⁴ Sullivan, “Application for Sasseville Way Overlay District Withdrawn”; Sullivan, “Pulte Proposes Over-55 Housing in Marlborough.”

²⁴⁵ Jesse Collings, “Samantha Perlman Says Marlborough Needs Master Plan, Sees Her Youth as a Strength,” *MetroWest Daily News*, November 1, 2023, <https://perma.cc/N8AX-K8BD>.

²⁴⁶ Bonacci, “ZBA: Marlborough Needs a City Planner.”

²⁴⁷ Bonacci, “ZBA: Marlborough Needs a City Planner.”

²⁴⁸ Golden, “Who’s Afraid of the CPA?”

²⁴⁹ “Informational Guideline Release: Community Preservation Fund,” *Division of Local Services MA Department of Revenue*, December 2019, <https://perma.cc/V66E-HRH6>.

²⁵⁰ Marlborough City Clerk’s Office, “OFFICIAL Presidential Primary Results,” Marlborough, Massachusetts, March 5, 2024, <https://perma.cc/A9LH-M93D>.

Signatures must be submitted to the City Clerk 42 days prior to the 2024 election.²⁵¹ Since the 2024 state/federal election will occur on Tuesday, November 5, 2024, residents must submit signatures by Tuesday, September 24, 2024.

To move forward with passage, Marlborough residents should create a CPA Ballot Question Committee, an entity registered with the state Office of Campaign and Political Finance (OCPF).²⁵² Registering with OCPF allows the Ballot Question Committee to raise money to support the campaign for CPA passage and requires designating individuals to the positions of chair and treasurer.²⁵³ For example, Natick’s CPA Ballot Question Committee raised a total of \$9,034 from the period January 1, 2022 to October 21, 2022, preceding the November election.²⁵⁴ Fortunately, the Coalition website provides a myriad of user-friendly materials to support local CPA efforts such as sample campaign materials, draft presentations to give a legislative body and economic studies.²⁵⁵

The Coalition website contains a variety of resources to jumpstart local CPA campaigns such as a 2020 guide entitled, “Campaign Tips for Bringing the Community Preservation Act to Your Community.”²⁵⁶ Some of the Coalition’s immediate recommendations include storytelling how CPA funds can support projects in the community and language choice in communicating with neighbors such as “local control,” “quality of life”, “community character” and “housing for seniors.”²⁵⁷ The key for communication is to align the local CPA effort with the “four C’s”

²⁵¹ Community Preservation Coalition, “CPA Adoption.”

²⁵² Community Preservation Coalition, “Forming a CPA Ballot Question Committee,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/62MF-T3PE>.

²⁵³ Community Preservation Coalition, “Forming a CPA Ballot Question Committee.”

²⁵⁴ CPA for Natick, “Form CPF M 102: Campaign Finance Report Municipal Form,” *Office of Campaign and Political Finance*, October 31, 2022, <https://perma.cc/UCT5-U8JR>.

²⁵⁵ Community Preservation Coalition, “Forming a CPA Ballot Question Committee.”

²⁵⁶ Community Preservation Coalition, “Campaign Tips for Bringing the Community Preservation Act to Your Community,” *Community Preservation Coalition*, 2020, <https://perma.cc/H7KN-FLC8>.

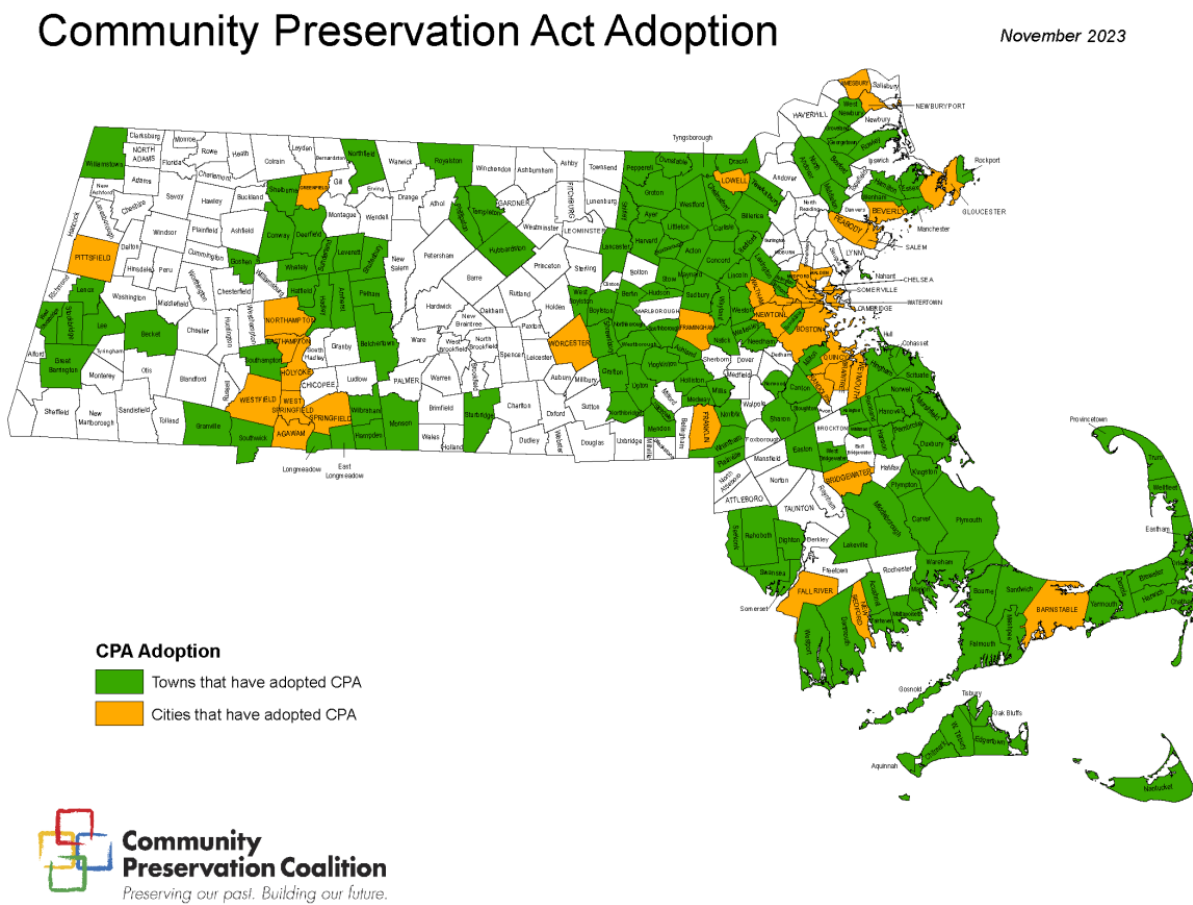
²⁵⁷ Community Preservation Coalition, “Campaign Tips for Bringing the Community Preservation Act to Your Community,” 2.

which include the following: 1) concise, 2) compelling, 3) consistent and 4) controlled by you.²⁵⁸

Building off the messaging advice, the Coalition recommends initiating community engagement across your locality in addition to utilizing key influencers and direct outreach to the media.²⁵⁹

D. Marlborough as an Anomaly

FIGURE 1. Map of CPA Communities²⁶⁰



²⁵⁸ Community Preservation Coalition, “Campaign Tips for Bringing the Community Preservation Act to Your Community,” 2.

²⁵⁹ Community Preservation Coalition, “Campaign Tips for Bringing the Community Preservation Act to Your Community,” 3.

²⁶⁰ Community Preservation Coalition, “Community Preservation Act Adoption.”

Figure 1 above and Table 6 below starkly highlight Marlborough’s unique status within the MetroWest region as a community without CPA.²⁶¹ From a visual perspective, Marlborough as a municipality without CPA (noted as white in the map) is an island of their own compared to the entire region where Marlborough is geographically located.²⁶² I utilized the 495/MetroWest Partnership for comparisons in order to situate Marlborough within the context of groupings that Marlborough considers as potential ‘peer’ communities given their proximity to one another or membership. This assumed impact of peer communities tracks with Zieper’s analysis of trends within CPA passage where one city/town passing CPA resulted in surrounding localities becoming more familiar with CPA and thus sparking “a sense of competition between communities (if they can do it, so can we) and of jealousy (they are getting state matching funds, and we are not) propels activity within a region.”²⁶³

TABLE 7. CPA Adoption for 495/MetroWest Partnership Communities²⁶⁴

Municipality	CPA	Year Adopted	Percent Adopted	Low Income Exception	Commercial Industrial Exemption	Residential Assessed Value	Decile Ranking
<i>Acton</i>	Y	2003	1.5%	1	-	3	9
<i>Ashland</i>	Y	2003	3%	1	-	3	8
<i>Bellingham</i>	N	-	-	-	-	-	7
<i>Berlin</i>	Y	2020	3%	1	0	0	4
<i>Bolton</i>	N	-	-	-	-	-	5

²⁶¹ “Local Option CPA,” *Division of Local Services MA Department of Revenue*, accessed April 20, 2024, <https://perma.cc/V4YF-28U5>.

²⁶² Community Preservation Coalition, “Community Preservation Act Adoption.”

²⁶³ Zieper, “The Massachusetts Community Preservation Act: A Case Study in Fostering Intergovernmental Partnership in Conservation Finance,” 42-43.

²⁶⁴ “Local Option CPA”; “All Communities by CPA Decile Ranking.”

<i>Boxborough</i>	Y	2014	1%	1	-	-	5
<i>Foxborough</i>	N	-	-	-	-	-	8
<i>Framingham</i>	Y	2022	1%	1	2	-	8
<i>Franklin</i>	Y	2022	2%	1	-	3	9
<i>Grafton</i>	Y	2003	1.5%	1	0	3	7
<i>Harvard</i>	Y	2002	1.1%	0	0	0	5
<i>Hopedale</i>	Y	2021	1%	-	-	-	3
<i>Hudson</i>	Y	2008	1%	0	0	0	7
<i>Littleton</i>	Y	2008	1%	1	2	0	7
<i>Marlborough</i>	N	-	-	-	-	-	9
<i>Maynard</i>	Y	2007	1.5%	1	2	3	4
<i>Medfield</i>	N	-	-	-	-	-	8
<i>Medway</i>	Y	2002	3%	1	0	3	7
<i>Milford</i>	N	-	-	-	-	-	7
<i>Millis</i>	Y	2008	1%	1	0	3	5
<i>Natick</i>	Y	2024	1%	1	0	3	10
<i>Norfolk</i>	Y	2002	1%	1	0	3	6
<i>Northborough</i>	Y	2006	1.5%	1	0	3	8
<i>Sherborn</i>	N	-	-	-	-	-	7
<i>Shrewsbury</i>	Y	2022	1%	1	3	2	9
<i>Southborough</i>	Y	2004	1%	1	0	3	8
<i>Stow</i>	Y	2002	3%	1	0	3	6
<i>Sudbury</i>	Y	2003	3%	1	2	3	9
<i>Upton</i>	Y	2004	3%	1	0	3	4
<i>Wayland</i>	Y	2002	1.5%	1	0	3	9

<i>Westborough</i>	Y	2024	0.5%	1	2	3	9
<i>Westford</i>	Y	2002	3%	1	0	3	9
<i>Wrentham</i>	Y	2018	1%	0	0	1	7

In addition to the breakdown and comparisons of Marlborough within the 495/MetroWest Partnership, I analyzed how Marlborough fares in relation to the peer 101 cities and towns under MAPC’s jurisdiction, visible in Appendix 4. In total 69 MAPC communities participate in CPA (68.32%) compared to only 32 that do not (31.68%). Of those that participate in CPA, 39 passed CPA during a state/midterm election (56.52%) and 10 passed CPA during a presidential election year (14.49%). Marlborough is also part of an entity within MAPC known as the MetroWest Collaborative and is the *only* community out of those municipalities that has *yet* to pass CPA. Out of the 23 cities in MAPC, 5 have not passed the CPA.²⁶⁵ Besides Marlborough, the other four cities without CPA in MAPC are Everett, Lynn, Melrose and Revere, communities near one another and all part of MAPC’s Inner Core Committee (ICC).²⁶⁶

Marlborough is not the only community who could pursue CPA adoption after a prior defeat. In 2006, Swampscott’s residents at Town Meeting approved CPA for the town-wide ballot but the voters did not ultimately pass it.²⁶⁷ Now, CPA will return for another time and the community is contemplating either a 1 percent or 1.5 percent surcharge.²⁶⁸ Swampscott Select Board Member Doug Thompson interpreted the easier Town Meeting win of 2006 as a distraction because supporters felt that CPA would pass the ballot easily resulting in less

²⁶⁵ Community Preservation Coalition, “Community Preservation Act Adoption”; Metropolitan Area Planning Council, “Subregions,” *Metropolitan Area Planning Council*, accessed May 1, 2024, <https://perma.cc/US97-7BMJ>.

²⁶⁶ Community Preservation Coalition, “Community Preservation Act Adoption”; Metropolitan Area Planning Council, “Subregions.”

²⁶⁷ Scott Souza, “Making the Community Preservation Act Case in Swampscott,” *Patch*, April 15, 2024, <https://perma.cc/7VT9-HN2H>.

²⁶⁸ Souza, “Making the Community Preservation Act Case in Swampscott.”

organizing efforts prior to the election.²⁶⁹ The Coalition documented 121 past CPA attempts (including multiple attempts in various communities) that were unfortunately unsuccessful but 55 of those cities/towns are now proud CPA municipalities so hope remains for places like Marlborough to also adopt CPA.²⁷⁰

On the financial front using FY21 information for Marlborough, I calculated what the average property owner based on property type would pay at the intervals of 1 percent without an exemption, 1 percent with a 100,000 residential exemption and then 1 percent with the RCI exemption. The average single-family homeowner would only see a maximum of \$55.85 investment if Marlborough employed CPA at 1 percent without any exemptions. This information is available below in Table 8.

TABLE 8. FY21 Marlborough CPA Financial Information for 1 Percent²⁷¹

Property Type	FY21 Avg. Home Value	FY21 Tax Rates	FY21 Avg. Property Tax	1% CPA, No Exemption	1% CPA, Res. Exemption	1% CPA, RCI Exemption
<i>Single Family Home</i>	\$404,682	\$13.80	\$5,585	\$55.85	\$42.05	\$42.05
<i>Condominiums</i>	\$237,066	\$13.80	\$3,272	\$32.72	\$18.92	\$18.92
<i>2 Family Homes</i>	\$352,239	\$13.80	\$4,861	\$48.61	\$34.81	\$34.81
<i>3 Family Homes</i>	\$420,902	\$13.80	\$5,808	\$58.08	\$44.28	\$44.28
<i>Commercial</i>	\$2,103,679	\$24.47	\$51,447	\$514.77	\$514.77	\$490.30
<i>Industrial</i>	\$2,501,432	\$24.47	\$61,210	\$612.10	\$612.10	\$587.63

²⁶⁹ Souza, “Making the Community Preservation Act Case in Swampscott.”

²⁷⁰ Community Preservation Coalition, “History of Failed Attempts to Adopt CPA.”

²⁷¹ Marlborough Board of Assessors, “Fiscal Year 2022 Tax Classification Hearing,” Marlborough, Massachusetts, December 6, 2021, 4, <https://perma.cc/D3PB-G8WR>.

Using the same FY21 average home values and potential exemptions, I calculated what the amount for each residential and commercial property on average would equal using a 2 percent surcharge. Without any exemptions, single family homeowners on average would pay \$111.69 while with the residential exemption of the first \$100,000 of their property, they would pay \$84.09. These projections allow for an estimated range of what residents would pay based on their respective property value by type with and without a residential exemption. Comparing this information to the projections of MCPAC from 2010, this is only a difference of \$26 from the projected \$58 per residential property for CPA at a 2 percent surcharge with the first \$100,000 residential exemption.²⁷² Considering the advantage of the state match, this is a minimal contribution from the average property owner to contribute to the longevity of Marlborough’s open space/recreation, historic preservation, and affordable housing.

TABLE 9. FY21 Marlborough CPA Financial Information at 2 Percent²⁷³

Property Type	FY21 Avg. Home Value	FY21 Tax Rates	FY21 Avg. Property Tax	2% CPA, No Exemption	2% CPA, Res. Exemption	2% CPA, RCI Exemption
<i>Single Family Home</i>	\$404,682	\$13.80	\$5,585	\$111.69	\$84.09	\$84.09
<i>Condominiums</i>	\$237,066	\$13.80	\$3,272	\$65.43	\$37.83	\$37.83
<i>2 Family Homes</i>	\$352,239	\$13.80	\$4,861	\$97.22	\$69.62	\$69.62
<i>3 Family Homes</i>	\$420,902	\$13.80	\$5,808	\$116.17	\$88.57	\$88.57
<i>Commercial</i>	\$2,103,679	\$24.47	\$51,447	\$1,029.54	\$1,029.54	\$980.60
<i>Industrial</i>	\$2,501,432	\$24.47	\$61,210	\$1,224.20	\$1,224.20	\$1,175.26

²⁷² Paquin, “Paquin: What Will the CPA Cost?”

²⁷³ Marlborough Board of Assessors, “Fiscal Year 2022 Tax Classification Hearing,” 4.

VI. CONCLUSION

Marlborough is well positioned to place CPA on an upcoming ballot and successfully adopt the CPA. Not only does the CPA enable decision-making to remain at the local level for open space, historic preservation, recreation, and affordable housing but it provides an annual tailored investment aimed at improving the quality of life for Marlborough.²⁷⁴ Moreover, the state match ensures Marlborough's dollars have expanded use and apply local control toward projects the community wants to pursue.²⁷⁵ Currently, Marlborough real estate transactions directly feed into the Trust Fund but offer no return benefit to Marlborough residents.²⁷⁶ Even though CPA did not pass during the initial attempt in 2010, residents interested in passing it today should focus on educating voters about the potential projects, anticipated annual match and how many other communities/projects have utilized CPA.

Although the literature suggests that emphasis on affordable housing through CPA has not reached its full potential compared to open space preservation and historic preservation, participating in the CPA is of far greater advantage to Marlborough residents than refusing to opt in.²⁷⁷ At a time when residents are already fighting for CPA priorities within Marlborough, this pivotal ballot question will ensure guaranteed resources for these designated areas. Further, the more communities that participate in CPA will support advocacy to increase resources in the Trust Fund, so all localities receive a higher match.²⁷⁸

²⁷⁴ Dillemoth, "The Community Preservation Act and Affordable Housing in Massachusetts: Learning from the First Five Years," 42.

²⁷⁵ Center for State Policy Analysis at Tufts University, "Missed Opportunities: Funding Housing Through the Community Preservation Act," 3.

²⁷⁶ Paquin, "Paquin: What Will the CPA Cost?"

²⁷⁷ Golden, "Who's Afraid of the CPA?"

²⁷⁸ Cynthia Stone Creem, "The Argument: Should the State Increase Registry of Feeds Recording Fees to Boost Community Preservation Act Revenues?" *Boston Globe*, March 17, 2019, <https://perma.cc/58MN-8CXM>.

Marlborough is a true anomaly in the state, particularly in MetroWest, by failing to institute the CPA.²⁷⁹ Adopting the CPA puts decision-making back in the hands of residents, allowing the community to finally access state matching funds and express the importance of these three issue areas to Marlborough’s leaders. It is time that residents demonstrate that Marlborough is no longer an island and affirmatively pass CPA on the 2024 ballot. The Coalition’s data also supports presidential election years as a popular time to place CPA on the ballot and hopefully vote in favor of CPA passage.²⁸⁰ Let Marlborough residents carry forward the vision from the 2010 MCPAC:

“The significant number of votes for the CPA sends a message to elected officials that conservation and historic preservation are important to residents, ” said Barbara Earley, president of the Marlborough Community Preservation Act Committee. “We remain hopeful that in the future, under different economic circumstances, the majority of voters would choose a different outcome and support the CPA,” Earley said.”²⁸¹

²⁷⁹ Community Preservation Coalition, “Community Preservation Act Adoption”; Metropolitan Area Planning Council, “Subregions.”

²⁸⁰ Community Preservation Coalition, “CPA Adoption Update: Spencer & Winchester Both Place CPA on November Ballot.”

²⁸¹ Crocetti, “Marlborough Voters Reject CPA.”

APPENDIX 1. Ballot Question Petition Language²⁸²

We, the undersigned registered voters in the [Town or City] of [Name of Municipality] request that the following question be placed on the ballot at the next regularly scheduled election:

“Shall the [Town or City] of [Name of Municipality] accept sections 3 to 7 inclusive of Chapter 44B of the General Laws, 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, (hereinafter “the Act”) establish a dedicated funding source to enable cities and towns to (1) acquire, create and preserve open space, which includes land for parks, recreational uses, conservation areas and the protection of drinking water supplies, and rehabilitate local parks, playgrounds, and athletic fields; (2) acquire, preserve, rehabilitate and restore historic buildings and resources; and (3) create and preserve affordable housing.

In [Name of Municipality], the funding source for these community preservation purposes will be a surcharge of [x%] on the annual property tax assessed on real property beginning in fiscal year 20[___], and by annual distributions made by the state from a trust fund created by the Act. Only communities that adopt the Act receive a distribution from this state trust fund.

[OPTIONAL EXEMPTIONS] If approved, the following will be exempt from the surcharge: [property owned and occupied as a domicile by a person who qualifies for low income housing or low or moderate income senior housing in the [Town or City] of [Name of Municipality], as defined in Section 2 of said Act]; [class three, commercial, and class four, industrial, properties as defined in section 2A of GLc.59, in cities or towns with classified tax rates]; [\$100,000 of the value of each taxable parcel of residential property]; [\$100,000 of the value of each taxable parcel of class three, commercial property, and class four industrial property as defined in GLc.59, section 2A]. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

Upon acceptance by the voters, a Community Preservation Committee will be established by [town by-law or city ordinance], composed of local citizens, to study community preservation resources, possibilities and needs, and to make annual recommendations to [Town Meeting, Town Council, or City Council] on the use of the funds. All expenditures must be approved by [Town Meeting, Town Council, or City Council].”

²⁸² This is direct sample petition language from the Coalition’s website; Community Preservation Coalition, “Sample Ballot Language,” *Community Preservation Coalition*, accessed April 29, 2024, <https://perma.cc/F5MT-7383>.

APPENDIX 2. Ballot Measure Language²⁸³

Shall (MUNICIPALITY) accept sections 3 to 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 farmland and forests from future development, restore and preserve historic properties, and help meet local families' housing needs. In (MUNICIPALITY), the Community Preservation Act will be funded by an additional excise of [x%] on the annual tax levy on real property to be assessed beginning in fiscal year [20__], and by annual distributions provided by the state. [OPTIONAL EXCLUSIONS: [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] [class three, commercial, and class four, industrial, properties as defined in G.L. c.59, §2A] [\$100,000 of the value of each taxable parcel of residential real property] [\$100,000 of the value of each taxable parcel of class three, commercial property, and class four, industrial property as defined in section 2A of said Chapter 59]]. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge. A Community Preservation Committee composed of local citizens will make recommendations on the use of the funds and all expenditures must be approved by Town Meeting.

²⁸³ This is direct sample ballot measure language from the Coalition's website; Community Preservation Coalition, "Sample Ballot Language."

APPENDIX 3. Sample of CPA Communities After Multiple Ballot Attempts²⁸⁴

Community	Attempt	Year of Attempt	Method	Surcharge	Exemptions	Yes/ No Vote
<i>Amesbury</i>	1	2016	Ballot Petition	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	41% / 59%
	2	2023	Leg. Vote	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	61% / 39%
<i>Berlin</i>	1	2001	Ballot Petition	3.00%	Low income, first \$100,000 - residential	49% / 51%
	2	2006	Leg. Vote	2.00%	Low income, first \$100,000 - residential	28% / 72%
	3	2018	Leg. Vote	3.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	57% / 43%
<i>Boston</i>	1	2001	Ballot Petition	2.00%	Low income, first \$100,000 - residential	43% / 57%
	2	2016	Leg. Vote	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	74% / 26%
<i>Bridgewater</i>	1	2002	Leg. Vote	3.00%	Low income, first \$100,000 - residential	49% / 51%
	2	2005	Ballot Petition	2.00%	Low income, first \$100,000 - residential	62% / 38%
<i>Brookline</i>	1	2006	Leg. Vote	3.00%	Low income, first \$100,000 - residential	43% / 57%
	2	2021	Leg. Vote	1.00%	Low income	77% / 23%
<i>Canton</i>	1	2006	Leg. Vote	1.00%	Low income, first \$100,000 - residential	47% / 53%
	2	2012	Leg. Vote	1.00%	Low income, first \$100,000 - residential	43% / 57%
	3	2012	Ballot Petition	1.00%	Low income, first \$100,000 - residential	57% / 43%

²⁸⁴ I developed this table using the Coalition’s list of failed attempts to adopt CPA and their list of CPA communities; Community Preservation Coalition, “History of Failed Attempts to Adopt CPA”; Community Preservation Coalition, “Alphabetical List of CPA Communities.”

<i>Essex</i>	1	2002	Leg. Vote	3.00%	Low income, first \$100,000 - residential	42% / 58%
	2	2006	Leg. Vote	3.00%	Low income, first \$100,000 - residential	43% / 57%
	3	2007	Leg. Vote	0.50%	Low income, first \$100,000 - residential	54% / 46%
<i>Franklin</i>	1	2007	Leg. Vote	3.00%	Low income, first \$100,000 - residential	41% / 59%
	2	2020	Leg. Vote	2.00%	Low income, first \$100,000 - residential	61% / 39%
<i>Gloucester</i>	1	2001	Leg. Vote	3.00%	First \$100,000 - residential	32% / 68%
	2	2007	Leg. Vote	1.00%	Low income, first \$100,000 - residential	50% / 50%
	3	2008	Leg. Vote	1.00%	Low income, first \$100,000 - residential	58% / 42%
<i>Hudson</i>	1	2002	Leg. Vote	3.00%	Low income, first \$100,000 - residential, commercial	44% / 56%
	2	2007	Leg. Vote	1.00%	None	73% / 27%
<i>Hull</i>	1	2001	Ballot Petition	1.00%	Low income	42% / 58%
	2	2006	Leg. Vote	3.00%	Low income, first \$100,000 - residential	36% / 64%
	3	2016	Leg. Vote	1.50%	Low income	59% / 41%
<i>Lakeville</i>	1	2006	Leg. Vote	1.00%	Low income, first \$100,000 - residential	26% / 74%
	2	2022	Leg. Vote	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	78% / 22%
<i>Milton</i>	1	2012	Leg. Vote	1.50%	Low income, first \$100,000 - residential	44% / 56%
	2	2020	Leg. Vote	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	62% / 38%
<i>Natick</i>	1	2006	Leg. Vote	1.00%	Low income, first \$100,000 - residential	39% / 61%
	2	2022	Leg. Vote	1.00%	Low income, first \$100,000 - residential	63% / 37%

<i>Pittsfield</i>	1	2006	Leg. Vote	1.00%	Low income, first \$100,000 - residential	42% / 58%
	2	2016	Leg. Vote	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	63% / 37%
<i>Plympton</i>	1	2001	Ballot Petition	3.00%	Low income	46% / 54%
	2	2006	Ballot Petition	3.00%	Low income	49% / 51%
	3	2008	Ballot Petition	1.50%	Low income, first \$100,000 - residential	67% / 33%
<i>Salem</i>	1	2007	Leg. Vote	1.00%	Low income, first \$100,000 - residential	47% / 53%
	2	2012	Ballot Petition	1.00%	Low income, first \$100,000 - residential, first \$100,000 - commercial	54% / 46%
<i>Seekonk</i>	1	2008	Ballot Petition	1.25%	Low income, first \$100,000 - residential	48% / 52%
	2	2009	Ballot Petition	1.25%	Low income, first \$100,000 - residential	53% / 47%
<i>Stoughton</i>	1	2006	Leg. Vote	2.00%	Low income, first \$100,000 - residential	42% / 58%
	2	2008	Leg. Vote	1.50%	Low income, first \$100,000 - residential	51% / 49%
<i>Sunderland</i>	1	2010	Leg. Vote	3.00%	Low income, first \$100,000 - residential	46% / 54%
		2010	Ballot Petition	3.00%	Low income, first \$100,000 - residential	62% / 38%
<i>Waltham</i>	1	2001	Leg. Vote	3.00%	First \$100,000 - residential	41% / 59%
	2	2005	Ballot Petition	2.00%	Low income, first \$100,000 - residential	50% / 50%
<i>Watertown</i>	1	2005	Ballot Petition	2.00%	Low income, first \$100,000 - residential	41% / 59%
	2	2016	Ballot Petition	2.00%	Low income	60% / 40%
<i>Wrentham</i>	1	2006	Leg. Vote	2.00%	Low income, first \$100,000 - residential	44% / 56%
	2	2006	Ballot Petition	2.00%	Low income, first \$100,000 - residential	47% / 53%
	3	2016	Ballot Petition	1.00%	First \$100,000 - residential	68% / 32%

APPENDIX 4. CPA Adoption for MAPC Communities²⁸⁵

Municipality	Designation	City/Town	CPA	Percent	Year
<i>Everett</i>	ICC	City	<i>No</i>	-	-
<i>Lynn</i>	ICC	City	<i>No</i>	-	-
<i>Melrose</i>	ICC	City	<i>No</i>	-	-
<i>Revere</i>	ICC	City	<i>No</i>	-	-
<i>Cambridge</i>	ICC	City	Yes	3%	2002
<i>Newton</i>	ICC	City	Yes	1%	2002
<i>Waltham</i>	ICC	City	Yes	2%	2006
<i>Quincy</i>	ICC	City	Yes	1%	2007
<i>Somerville</i>	ICC	City	Yes	1.5%	2014
<i>Malden</i>	ICC	City	Yes	1%	2016
<i>Medford</i>	ICC	City	Yes	1.5%	2016
<i>Chelsea</i>	ICC	City	Yes	1.5%	2017
<i>Boston</i>	ICC	City	Yes	1%	2018
<i>Watertown</i>	ICC	City	Yes	2%	2018
<i>Saugus</i>	ICC	Town	<i>No</i>	-	-
<i>Winthrop</i>	ICC	Town	<i>No</i>	-	-
<i>Belmont</i>	ICC	Town	Yes	1.5%	2014
<i>Arlington</i>	ICC	Town	Yes	1.5%	2016
<i>Brookline</i>	ICC	Town	Yes	1%	2021
<i>Marlborough</i>	MetroWest	City	<i>No</i>	-	-
<i>Framingham</i>	MetroWest	City	Yes	1.5%	2022
<i>Holliston</i>	MetroWest	Town	Yes	1.5%	2002
<i>Wayland</i>	MetroWest	Town	Yes	1.5%	2002
<i>Weston</i>	MetroWest	Town	Yes	3%	2002
<i>Ashland</i>	MetroWest	Town	Yes	3%	2003
<i>Wellesley</i>	MetroWest	Town	Yes	1%	2003
<i>Southborough</i>	MetroWest	Town	Yes	1%	2004
<i>Natick</i>	MetroWest	Town	Yes	1%	2024
<i>Bolton</i>	MAGIC	Town	<i>No</i>	-	-
<i>Bedford</i>	MAGIC	Town	Yes	3%	2002
<i>Carlisle</i>	MAGIC	Town	Yes	2%	2002
<i>Stow</i>	MAGIC	Town	Yes	3%	2002
<i>Sudbury</i>	MAGIC	Town	Yes	3%	2003
<i>Concord</i>	MAGIC	Town	Yes	1.5%	2005
<i>Lincoln</i>	MAGIC	Town	Yes	3%	2005
<i>Lexington</i>	MAGIC	Town	Yes	3%	2007
<i>Maynard</i>	MAGIC	Town	Yes	1.5%	2007
<i>Hudson</i>	MAGIC	Town	Yes	1%	2008

²⁸⁵ I developed this table using the Coalition’s adoption map and MAPC’s map of communities with designated subregions; Community Preservation Coalition, “Community Preservation Act Adoption”; Metropolitan Area Planning Council, “Subregions.”

<i>Littleton</i>	MAGIC	Town	Yes	1%	2008
<i>Boxborough</i>	MAGIC	Town	Yes	1%	2014
<i>Acton</i>	MAGIC	Town	Yes	1.5%	2017
<i>Peabody</i>	NSTF	City	Yes	1%	2002
<i>Gloucester</i>	NSTF	City	Yes	1%	2010
<i>Beverly</i>	NSTF	City	Yes	1%	2014
<i>Salem</i>	NSTF	City	Yes	1%	2014
<i>Danvers</i>	NSTF	Town	No	-	-
<i>Ipswich</i>	NSTF	Town	No	-	-
<i>Marblehead</i>	NSTF	Town	No	-	-
<i>Swampscott</i>	NSTF	Town	No	-	-
<i>Topsfield</i>	NSTF	Town	No	-	-
<i>Rockport</i>	NSTF	Town	Yes	3%	2003
<i>Middleton</i>	NSTF	Town	Yes	1%	2005
<i>Nahant</i>	NSTF	Town	Yes	3%	2005
<i>Hamilton</i>	NSTF	Town	Yes	2%	2006
<i>Manchester-by-the-sea</i>	NSTF	Town	Yes	1.5%	2006
<i>Wenham</i>	NSTF	Town	Yes	3%	2006
<i>Essex</i>	NSTF	Town	Yes	1.5%	2008
<i>Burlington</i>	NSPC	Town	No	-	-
<i>Lynnfield</i>	NSPC	Town	No	-	-
<i>North Reading</i>	NSPC	Town	No	-	-
<i>Reading</i>	NSPC	Town	No	-	-
<i>Stoneham</i>	NSPC	Town	No	-	-
<i>Wakefield</i>	NSPC	Town	No	-	-
<i>Wilmington</i>	NSPC	Town	No	-	-
<i>Winchester</i>	NSPC	Town	No	-	-
<i>Woburn</i>	NSPC	Town	No	-	-
<i>Braintree</i>	SSC	City	Yes	1%	2003
<i>Weymouth</i>	SSC	City	Yes	1%	2006
<i>Holbrook</i>	SSC	Town	No	-	-
<i>Cohasset</i>	SSC	Town	Yes	1.5%	2002
<i>Duxbury</i>	SSC	Town	Yes	1%	2002
<i>Hingham</i>	SSC	Town	Yes	1.5%	2002
<i>Marshfield</i>	SSC	Town	Yes	3%	2002
<i>Norwell</i>	SSC	Town	Yes	3%	2003
<i>Scituate</i>	SSC	Town	Yes	3%	2003
<i>Hanover</i>	SSC	Town	Yes	3%	2006
<i>Pembroke</i>	SSC	Town	Yes	1%	2008
<i>Hull</i>	SSC	Town	Yes	1.5%	2018
<i>Rockland</i>	SSC	Town	Yes	1.5%	2018
<i>Franklin</i>	SWAP	City (calls itself a town)	Yes	2%	2022

<i>Bellingham</i>	SWAP	Town	<i>No</i>	-	-
<i>Milford</i>	SWAP	Town	<i>No</i>	-	-
<i>Sherborn</i>	SWAP	Town	<i>No</i>	-	-
<i>Hopkinton</i>	SWAP	Town	<i>Yes</i>	2%	2002
<i>Medway</i>	SWAP	Town	<i>Yes</i>	3%	2002
<i>Norfolk</i>	SWAP	Town	<i>Yes</i>	1%	2002
<i>Millis</i>	SWAP	Town	<i>Yes</i>	1%	2008
<i>Wrentham</i>	SWAP	Town	<i>Yes</i>	1%	2018
<i>Dover</i>	SWAP and TRIC	Town	<i>No</i>	-	-
<i>Dedham</i>	TRIC	Town	<i>No</i>	-	-
<i>Foxborough</i>	TRIC	Town	<i>No</i>	-	-
<i>Medfield</i>	TRIC	Town	<i>No</i>	-	-
<i>Walpole</i>	TRIC	Town	<i>No</i>	-	-
<i>Westwood</i>	TRIC	Town	<i>No</i>	-	-
<i>Randolph</i>	TRIC	Town	<i>Yes</i>	2%	2006
<i>Sharon</i>	TRIC	Town	<i>Yes</i>	1%	2006
<i>Stoughton</i>	TRIC	Town	<i>Yes</i>	1.5%	2009
<i>Canton</i>	TRIC	Town	<i>Yes</i>	1%	2013
<i>Norwood</i>	TRIC	Town	<i>Yes</i>	1%	2018
<i>Needham</i>	TRIC and ICC	Town	<i>Yes</i>	2%	2006
<i>Milton</i>	TRIC and ICC	Town	<i>Yes</i>	1%	2021

MAPC Designations:

ICC - Inner Core Committee

MetroWest - MetroWest Regional Collaborative

MAGIC - Minuteman Advisory Group on Interlocal Coordination

NSTF - North Shore Task Force

SSC - South Shore Coalition

SWAP - Southwest Advisory Planning Committee

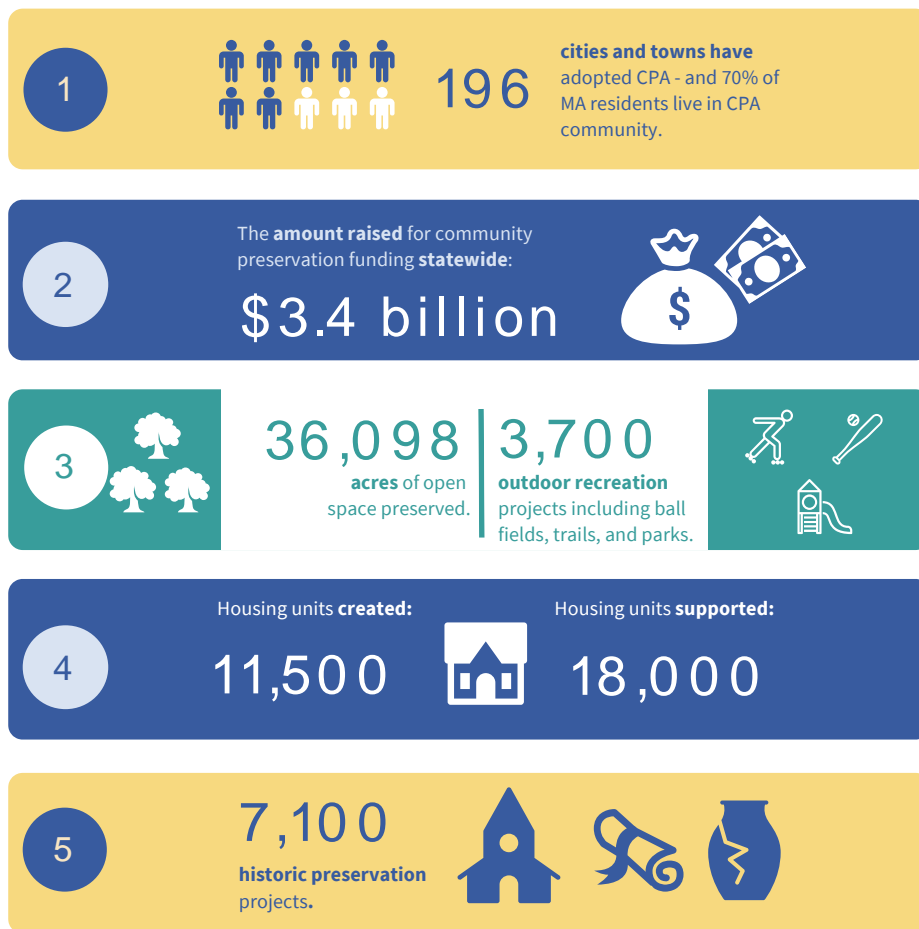
TRIC - Three Rivers Interlocal Council

APPENDIX 5. CPA ONE PAGER²⁸⁶

An Overview of the Community Preservation Act (CPA)

CPA is a state law passed in 2000 that allows Massachusetts communities to conduct a referendum to add a small surcharge on local property taxes. When combined with matching funds from the statewide Community Preservation Trust Fund, this dedicated fund is used to build and rehabilitate parks, playgrounds, and recreational fields, protect open space, support local affordable housing development, and preserve historic buildings and resources.

5 facts about CPA's statewide impact (as of November 2023):



www.communitypreservation.org

[@CPA_Coalition](https://twitter.com/CPA_Coalition)

[CPA Coalition](https://www.facebook.com/CPACoalition)

²⁸⁶ This is the Coalition's 2024 one-page flyer; Community Preservation Coalition, "An Overview of the Community Preservation Act (CPA) Flyer," *Community Preservation Coalition*, 2024, <https://perma.cc/LYT5-YTKB>.

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