

# **Town of Whately**

## **2024 Community Preservation Committee Plan**

### **I. Introduction**

The Community Preservation Act (the “CPA”, MGL Chapter 44B) is statewide enabling legislation allowing cities and towns in the Commonwealth of Massachusetts to adopt a property tax surcharge with revenues from this surcharge (plus state matching funds) to be used for open space preservation, creation of community housing, preservation of historic buildings and landscapes, and creation and preservation of recreation opportunities. Whately adopted the CPA at the 2008 Annual Town Meeting and at a State Election in November 2008. The surcharge went into effect with the start of Fiscal Year 2010 on July 1, 2009.

Consistent with the requirements of the CPA and with the Whately bylaw, the Community Preservation Committee (“CPC”) was formed to study the needs, possibilities and resources of the town regarding community preservation. The CPC, appointed by the Selectmen, includes representatives of the town’s Conservation Commission, Historical Commission, Planning Board, Recreation Commission, Housing Committee, and two at-large citizen members, one of whom has typically represented the Agricultural Commission.

Our plan is based on a review of existing town studies, including the 1994 Master Plan, the 2009 Whately Reconnaissance Heritage Inventory Landscape Report, the 2021 Open Space and Recreation Plan, and the 2023 Housing Production Plan, as well as outreach to Conservation Commission, Agricultural Commission, Planning Board, Historical Commission and Housing Committee for their input on goals and priorities for Whately CPA projects.

CPA funds may be used for open space, historical preservation, community housing, and recreation. This plan outlines goals and priorities for each of these areas, the CPC’s overall project criteria and criteria for each type of project, and a prototype project application.

### **I. Open Space**

The Terrain. Within its boundaries, the Town of Whately contains two contrasting landscapes: a flat plain stretching between the Connecticut River and the Mill River in eastern Whately, and high hills with valleys carved by brooks in the western portion of town. Whately is located in southern Franklin County and neighboring towns include: Hatfield to the south, Williamsburg to the south and west, and Conway and Deerfield to the north. The Connecticut River forms the eastern boundary of the town. The glacial lake bottom sediments and floodplain soils in the eastern portion of town form the fertile lowlands that characterize East Whately. A complex of moderate uplands extends west from the town’s eastern lowlands and dominates the western part of town. Elevations increase from 200 feet to 300 feet on the eastern border of the uplands to between 800 and 1,000 feet near the Whately/Williamsburg border. The predominant uplands in Whately are Mount Esther, Chestnut Mountain, and Dry Hill, all part of the eastern foothills of the Green Mountains. The Mill River bisects the town and drains a portion of East Whately and the hills of West Whately via Roaring Brook, Esther Brook and West Brook and their tributaries. Most of the lowlands of East Whately drain to the Connecticut River.

Open space is generally defined as undeveloped land. In Whately, open space includes large tracts of forested land, open upland ridge line views, streams and wetlands, agricultural fields, scenic views,

and significant historical structures and landscapes. These natural resources and landscapes are what make Whately unique. Planning for the protection of Whately’s “green” infrastructure will enable the town to proactively manage growth, protect wildlife habitat, ensure the integrity of drinking water supplies, continue to provide residents and visitors with a variety of outdoor recreation opportunities, and, at least in part, provide for residents’ livelihoods.

The table below shows the portion of permanently and temporarily protected land in Whately in 2023.

Protected Land in Whately		
	2022	
	acres	% of town acreage
<b>Permanently protected</b>		
Agricultural Preservation Restriction	701	5.3%
Conservation Restriction	697	5.3%
Dept of Conservation & Recreation	43	0.3%
Dept of Fish & Game	1,275	9.6%
Mass Audubon	135	1.0%
Public Drinking Water Supply	1,143	8.6%
Cemeteries	13	0.1%
<b>Total permanently protected</b>	<b>4006</b>	<b>30.2%</b>
<b>Partially-protected</b>		
Other town-owned	52	0.4%
Chapter 61, 61A, or 61B*	3,747	28.3%
<b>Total partially-protected</b>	<b>3799</b>	<b>28.7%</b>
<b>Total permanently and partially protected</b>	<b>7805</b>	<b>58.9%</b>

\*Assumes 80% of mixed use chapter land is partially protected  
 Sources: MGIS data as of 8/22 from FRCOG, Whately Assessor

Currently 30% of the acreage in Whately is permanently preserved and another 29% temporarily protected. Attachment 1 shows the location of the permanently and partially protected parcels.

Open Space, Farmland and Forest Land Goals

- 1) To preserve and enhance the special rural and agricultural landscape which makes the Town of Whately unique – the farms of East Whately; the ridges and forests of West Whately; and the town’s scenic roadways and historic landscapes.
- 2) To protect and, where necessary, enhance the quality of Whately’s natural resources including: groundwater and surface water quality and quantity; wildlife habitat; wetlands; and contiguous blocks of forested land.

## Open Space, Farmland and Forest Land CPA Project Priorities

Purchase or acquire development rights of land for:

- Preservation of farm property
- Protection of public drinking water supply
- Preservation of forest land
- Maintenance of scenic views and historic landscapes
- Protection of wildlife habitats

Priority will be given to projects in the areas highlighted in the maps in Attachment 2.

## II. Historic Preservation

The History. Whately's fertile soils, abundant water resources and wildlife-filled uplands provided Native Americans adequate subsistence resources. Native settlements were probably concentrated in Whately's eastern lowlands, particularly near the Mill River and the Connecticut River, in an area that belonged to the Norwottucks, or Fresh Water Indians, and their Sagamore (leader), Quonquont. The land within the Town of Whately's borders was once North Hatfield. The land had been purchased by Hatfield in 1695 from Quonquont's widow and children. Whately was incorporated in 1771 and named by then Massachusetts Governor Hutchinson for Thomas Whately, a political mentor of his who was a member of the British Parliament.

Early colonial settlers grew crops in the valley and uplands, hunted in the forests, and built mills along the many brooks. Pits of red clay, rich in iron deposits, made good bricks and provided material for twenty-one potters in Whately between 1778 and 1861. Beds of lead, potash, umber, and sienna supplied incomes for many in the late 1800's. Whately's abundant and powerful streams powered numerous mills in the 18th and 19th centuries, including: grist mills, sawmills, woolen mills and furniture mills. The neighboring towns of Northampton and Deerfield take their drinking water from Whately's two largest streams, West Brook and Roaring Brook, respectively.

Whately's three by six-mile area includes some of the most fertile river valley land in New England and is one of the few areas where the high-quality Sumatra tobacco can be grown outside of Indonesia. Tobacco has been a cash crop in town since the mid- 1800's and was a particularly large source of income and a way of life in Whately from the 1940's through the 1960's.

Historic Resources. Whately is fortunate in retaining much of its historic character, with many historic structures and neighborhoods. With its beautiful homes and large trees set back from the road, Whately's main street, Chestnut Plain Road, is said to be one of the finest main streets in New England. Both Whately Center and West Whately are listed on the National and State Registers of Historic Places. The town's historic inventory includes listings for many important neighborhoods and farms, as well as descriptions of more than 100 historic buildings and other structures. Whately has designated Chestnut Plain Road, North Street, Haydenville Road, Poplar Hill, Strippe Road, Webber Road as scenic roads, in recognition of their historic character and importance to the town's history. The map in Attachment 3 identifies important scenic resources and unique environments in Whately.

In the 2009 Whately Heritage Landscape Inventory Report (also known as the Whately Reconnaissance Report), the town identified five heritage landscapes it believes most worthy of preservation. Heritage landscapes are those special places created by human interaction with the

natural environment that help define the character of a community and reflect its past. The five that Whately identified are

- Whately Center
- Whately Cemeteries
- North Street Corridor
- Tobacco Barns
- West Brook Mill Corridor

Each is representative of the town's history and closely associated with its rural and agrarian character. Their locations are identified in Attachment 4.

### Historic Preservation Goal

To protect and preserve the Town's historic character, structures and landscapes.

#### **Historic Preservation CPA Project Priorities**

- Preserve and rehabilitate historically significant buildings, structures and archaeological resources and landscapes in Whately.
- Preserve, rehabilitate and document gravestones and landscapes in the town cemeteries.
- Preserve the town's historic records and artifacts and provide storage to ensure their preservation.
- Preserve the Whately Historical Society's collection of Whately artifacts, photographs, and documents.
- Update the existing inventory of historic structures, buildings, and houses, including tobacco barns, mill sites, and stone walls and survey and document archaeological resources.

### **III. Community Housing**

Whately is a rural community with only 78 people per square mile. As of 2020, the town had 1607 residents. Data from the 2016-2020 American Community Survey (ACS) show that most Whately residents own their homes, with only 100 or 15.9% percent of households living in rental units. Twenty-three percent of Whately residents were 65 or older, compared to fifteen percent in 2010. Housing is generally considered reasonably affordable when households spend no more than 30% of their gross income on housing costs. According to the ACS, 25.6% of Whately homeowners spent more than 30% of their gross household income on housing costs. Among renters, 27% spent more than 30% of their gross income on housing.

As defined in the CPA, community housing is “housing for low and moderate income individuals and families, including low and moderate income senior housing. Low income is less than 80 percent of the area wide median income as defined by HUD; moderate income is below the HUD area wide median income.

For Whately, HUD defines the area-wide median income as the U.S. Census American Community Survey median family income for Franklin County, excluding Sunderland. For fiscal year 2021 this was \$82,900, 13% below Whately's 2020 median family income of \$95,104. The table below shows the distribution of household incomes in Whately in 2020.

**Whately Household Income Distribution**

\$50,00 and below	20.1%
\$50,000-74,999	23.7%
\$75,000-99,999	17.5%
\$100,000-149,999	14.1%
\$150,000 and above	24.7%

Source: 2016-2020 American Community Survey,

The 2023 moderate-income limit for eligibility for community housing for a family of four in Whately is \$98,600, according to the Community Preservation Coalition. Moderate- and low-income limits for other household sizes are shown in Appendix 5.

**Housing Goals**

To provide housing opportunities that are financially reasonable and appropriate for Whately citizens, with emphasis on seniors, current residents and municipal employees.

To create diverse affordable housing opportunities that preserve the rural agriculture character of Whately; if possible by rehabilitating existing structures, alternatively by creating new units.

**Community Housing CPA Project Priorities**

- Increase the affordable housing options for low and moderate income individuals, seniors and families.
- Assist in the development, promotion, and affordability of low and moderate income and senior housing
- Contribute to the goal of 10% affordable housing stock in Whately.
- Provide housing that is harmonious in architectural design, scale, setting and materials with the surrounding neighborhood.
- Investigate housing opportunities in existing buildings or construction on previously developed or town-owned sites.
- Use CPA funds to leverage other funding for the development or rehabilitation of affordable rental and owner-occupied housing for local residents.
- Give priority, as allowable, to Whately residents and town employees for newly available affordable housing.

**IV. Recreation**

Whately’s rural nature, open fields and large amount of protected open space provides the ideal setting for a variety of active and passive recreational opportunities. Whately includes protected land that is owned by the Commonwealth and various non-profit organizations that residents may use for picnics, hiking, running, horseback riding, cycling and cross-country skiing, to name a few.

The Massachusetts Division of Wildlife and Fisheries owns 1275 acres of land that may be used for hunting and fishing (by permit). The Snowmobile Club maintains an extensive network of trails across

public and private land for snowmobiling and cross-country skiing (by permit). Mass Audubon and Kestrel Trust maintain conservation land area with trails for walking and cross-country skiing.

There are playgrounds, athletic fields and/or swimming available at:

- Whately Elementary School (Long Plain Road)
- Herlihy Field (River Road)
- Whately Volunteer Fire Station (Christian Lane)
- Tri-Town Beach

### **Recreation Goal**

To offer fun, safe and high-quality year-round recreational opportunities to individuals of all ages, abilities and interests, without regard to race, color, national origin, age, disability, sex, gender identity, religion, reprisal, and where applicable, political beliefs, marital status, familial or parental status, sexual orientation, or whether all or part of an individual's income is derived from any public assistance program.

#### **Recreation CPA Project Priorities**

- Rehabilitation of existing fields at Herlihy Field to include: irrigation, power & dugouts
- Development of a multi-purposed trail network that provides hiking and other outdoor recreational possibilities such as snowmobiling, cross-country skiing, mountain biking, horseback riding, and the like, and provides links to trails of adjacent towns.
- Foster relationships with area recreational committees to offer additional opportunities.

## **V. CPA Project Criteria and Application Process**

All proposed projects must be eligible for CPA funding according to the requirements described in the legislation. CPA funds can only be spent for four main community preservation purposes – open space, historic preservation, community housing and recreation. These funds cannot be spent on maintenance. In addition, up to 5% of the annual Community Preservation revenues can be spent on administrative and operating expenses of the CPC. See Attachment 4 for an outline of the state funding criteria.

Each community preservation project will also be judged based on the priorities for its funding category and the category-specific criteria, as outlined below.

Each project must have a sponsoring group or organization that will be responsible for project design, financial estimates, and implementation. The project should seek the endorsement of a relevant town board or committee whenever this entity exists.

It is anticipated that most CPA funding requests will be presented for approval at the annual town meeting in the spring. The deadline for submitting final project requests, including detailed cost estimates, will be the Tuesday before the second Wednesday in December. Applicants are encouraged to bring preliminary project proposals to the Committee well before this date for feedback.

Time-sensitive projects may be proposed for consideration at a special town meeting in the fall. The deadline for these projects will be the Tuesday before the second Wednesday in June.

## General Criteria

The Community Preservation Committee will give preference to proposals that meet the following general criteria:

- Are eligible for CPA funding according to the requirements of the CPA legislation;
- Are consistent with the Master Plan, Open Space Report, Heritage Landscape Inventory, Housing Production Plan and other planning documents that have received wide scrutiny and input and have been adopted by the town;
- Preserve the essential character of the town as described in the Master Plan;
- Save resources that would otherwise be threatened and/or serve a currently under-served population;
- Demonstrate practicality and feasibility, and demonstrate that they can be implemented expeditiously and within budget;
- Produce an advantageous cost/benefit value;
- Leverage additional public and/or private funds;
- Preserve or utilize currently owned town assets; and
- Receive endorsement by other municipal boards or departments.

## Category-specific criteria

**Open space** proposals, including land protection through purchase or acquisition of development rights, that address as many of the following specific criteria as possible, will receive preference:

- Protect land important for aquifer protection
- Protect active farmland, especially farm parcels with one or more of the following characteristics:
  - Threat of development
  - Adjacent or near to other permanently protected farmland
  - History of successful farming
  - Prime or statewide important soils
- Protect land in one of the five focus areas identified by the Conservation Commission, especially parcels with the following characteristics:
  - High natural resource value
  - High risk of development
  - Protection of which would help protect other portions of the focus area
- Protect land that is part of a large block of unbroken forest
- Protect scenic views
- Leverage other funding sources
- Fit with Whately's zoning bylaws and Master Plan

**Historic preservation** proposals that address as many of the following criteria as possible will receive preference:

- Preserve restore and/or rehabilitate historic resources identified in the Heritage Landscape Inventory, on the National or State Register of Historic Places, or in Whately Historic Districts.
- Preserve, restore and/or rehabilitate historic resources that are endangered;

- Preserve, restore and/or rehabilitate town-owned properties, features or resources of historical significance.
- Preserve and restore historical resources that the town is legally required to maintain.
- Preserve, restore and/or rehabilitate historic landscapes and viewsapes contributing to the town's character.

CPA funds may only be used for preservation and rehabilitation of resources that are listed on the National or State Registers of Historic Places or those that the Whately Historical Commission has determined to be a Historic Resource of the town. Applicants should have the Historical Commission review the resource's eligibility prior to submission to the CPC.

The Historical Commission has established the following criteria for approval of CPA funding for historic preservation of private property:

1. The entity being preserved shall be of historic significance as determined by the Historical Commission. This may be because
  - the entity played an important role in Whately's history
  - the entity is an excellent example of an architectural style
  - the landscape is an important one in Whately and/or illustrates an important aspect of Whately's history
  - the object represents an important part of Whately's history or played a direct role in Whately's history.
2. The preservation funding will result in a demonstrable public good.
3. The applicant is demonstrably committed to preserving what is being funded.

The Community Preservation Committee will require a grant agreement between the applicant and the town as a condition of approval for private projects and may also require additional conditions such as a preservation restriction, right of first refusal, or repayment of the funds if preservation is not maintained for a specific period of time.

**Community housing** proposals that address as many of the following criteria as possible will receive preference:

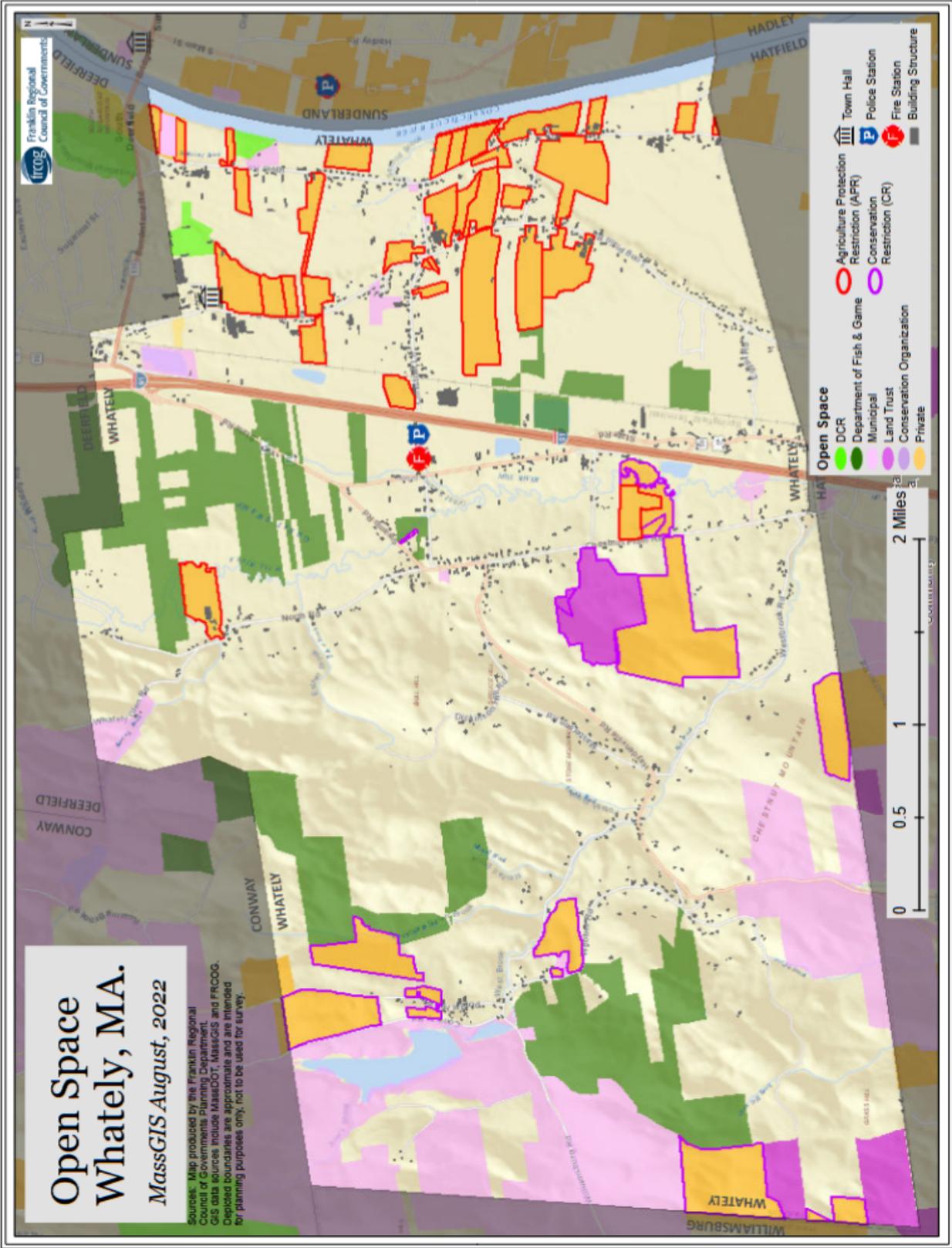
- Increase the affordable housing options for individuals, seniors and families.
- Contribute to the goal of 10% affordable housing stock in Whately..
- Provide housing that is harmonious in architectural design, scale, setting and materials with the surrounding neighborhood.
- Use existing buildings or construction on previously developed or town-owned sites.
- Use CPA funds to leverage other funding for the development or rehabilitation of affordable rental and owner-occupied housing for local residents.
- Give priority consideration, as allowable, to Whately residents and town employees for newly available affordable housing..

**Recreation** proposals that address as many of the following criteria as possible will receive preference:

- Support multiple recreation uses;
- Serve a significant number of residents;

- Expand the range of recreational opportunities available to Whately residents of all ages;
- Maximize the utility of land already owned by Whately (e.g., school property); or
- Provide access to natural resources and conservation areas throughout town.

Attachment 1

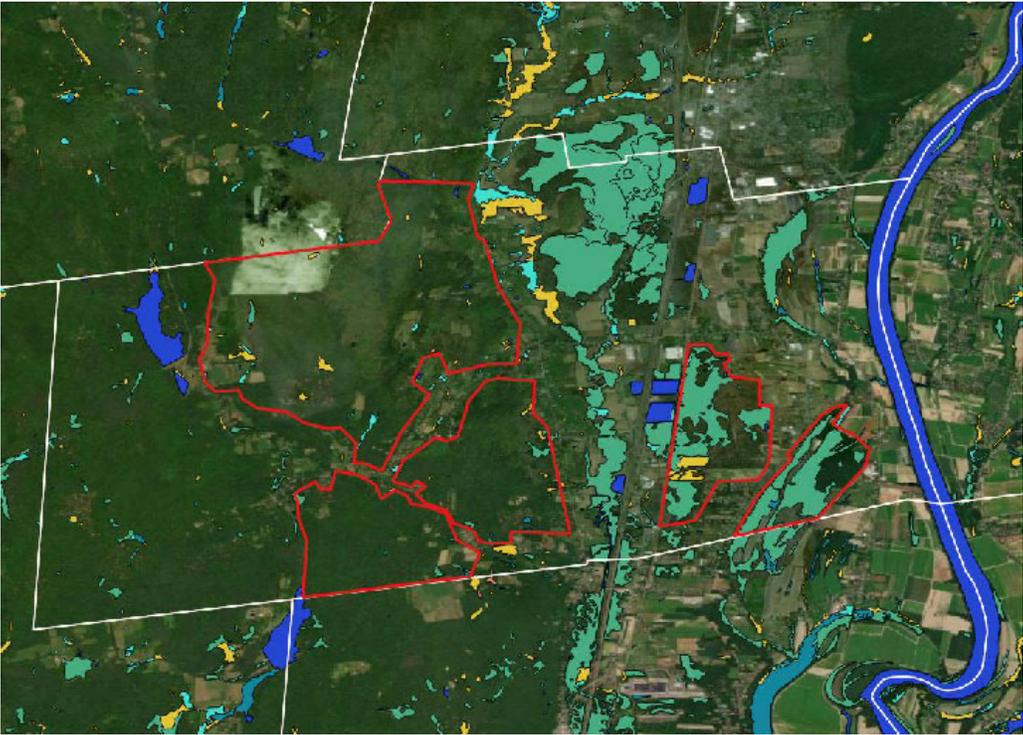


**Attachment 2**

**Open Space Focus Areas and Protected Land**

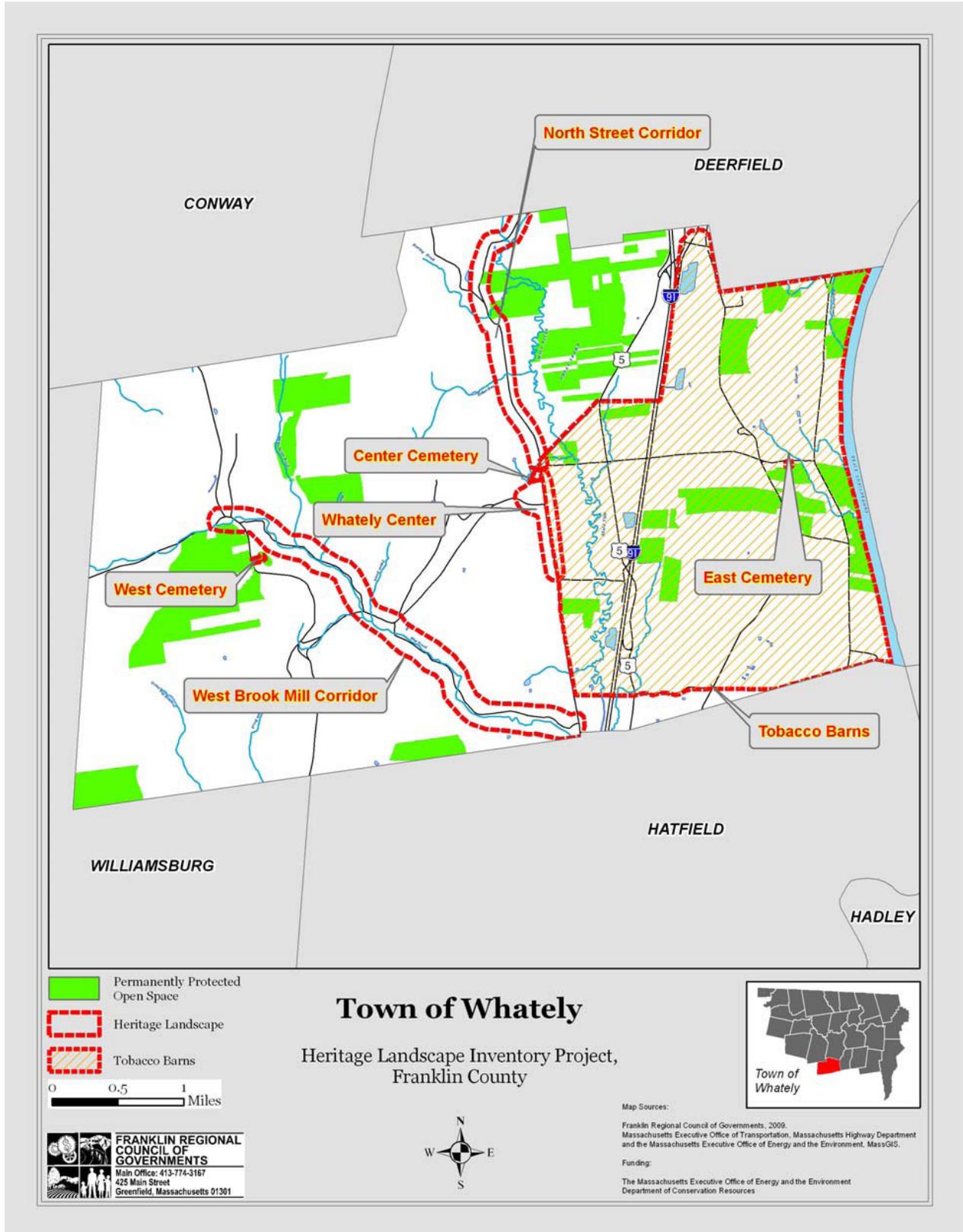


**Open Space Focus Areas and Wetlands**





Attachment 4



**Attachment 5**

**Determining Eligibility for CPA-funded Community Housing Units or Programs and Local Tax Abatements**

**CPA Project Funding**

“HUD income guidelines are used to determine who is eligible to live in the affordable housing units or be served by the housing programs developed by communities with their CPA funds. Housing developed with CPA funds may be offered to those persons and families whose annual income is less than 100 percent of the areawide median income, as determined by HUD.

Please note, though, that communities may choose to limit certain housing units created with CPA funds to those persons and families earning less than 80 percent of the areawide median income annually, as determined by HUD. This allows communities to include these units on their Subsidized Housing Inventory (SHI) with the state.”

**“An important note about the 80 per cent income figures on the spreadsheet:** There is a difference in the 80 percent figure stipulated by the CPA legislation, which is used on the spreadsheet, and the 80 percent figure used by HUD. The state's Department of Housing and Community Development (DHCD) uses the HUD number to determine if the unit will qualify for the state's Subsidized Housing Inventory.”<sup>1</sup>

**Property Tax Abatements**

Whately voters approved both low-income and senior (over 60) low- and moderate-income exemptions from the CPA tax surcharge. The low-income limit for all age groups is 80% of the area median income for that household size; the moderate income cap for those over 60 is 100% of the area median income. Abatements must be filed annually.

Whately’s data is based on the areawide median income in Franklin County. For a family of four the 2023 figure is \$98,600.

**2023 Whately Moderate- and Low-Income Limits by Household Size**

household size	Moderate income limits	Low Income Limits
1	\$ 69,020	\$ 55,216
2	78,880	63,104
3	88,740	70,002
4	98,600	78,880
5	106,488	85,190
6	114,376	91,501
7	122,264	97,811
8	130,152	104,122

Source: [communitypreservation.org](https://www.communitypreservation.org)

<sup>1</sup> <https://www.communitypreservation.org/income-limits>

Chart 1  
COMMUNITY PRESERVATION FUND ALLOWABLE SPENDING PURPOSES (G.L. c. 44B, § 5)

DEFINITIONS (G.L. c. 44B, § 2)	OPEN SPACE	HISTORIC RESOURCES	RECREATIONAL LAND	COMMUNITY HOUSING
Land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use	Yes	Building, structure, vessel, real property, document or artifact listed on the state register of historic places or determined by the local historic preservation commission to be significant in the history, archeology, architecture or culture of the city or town	Land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. Does <u>not</u> include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.	Housing for low and moderate income individuals and families, including low or moderate income seniors.  Moderate income is less than 100%, and low income is less than 80%, of US HUD Area Wide Median Income
<b>ACQUISITION</b> Obtain property interest by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. Only includes eminent domain taking as provided by G.L. c. 44B	Yes	Yes	Yes	Yes
<b>CREATION</b> To bring into being or cause to exist <i>Stodders v. City of Newton</i> , 432 Mass. 472 (2000)	Yes		Yes	Yes
<b>PRESERVATION</b> Protect personal or real property from injury, harm or destruction	Yes	Yes	Yes	Yes
<b>SUPPORT</b> Provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of assistance directly to individuals and families who are eligible for community housing, or to entity that owns, operates or manages such housing, for the purpose of making housing affordable				Yes, includes funding for community's affordable housing trust
<b>REHABILITATION AND RESTORATION</b> Make capital improvements, or extraordinary repairs to make assets functional for intended use, including improvements to comply with federal, state or local building or access codes or federal standards for rehabilitation of historic properties	Yes if acquired or created with CP funds	Yes	Yes	Yes if acquired or created with CP funds

Source: Department of Revenue (DOR) 10-5-2012 conference, "Recent Developments in Municipal Law," Workshop B - Local Finances