Announcement and Invitation for Public Comment

To: Recreation Participants

From: Community Preservation Committee

Date: January 16, 2013

Re: Comments on Draft Criteria for Implementation of the Amended CPA Law Rehabilitation and Restoration of Existing Recreational Land/Facilities
(Draft approved by full CPC on December 13, 2012)

The CPC is inviting Public Comment from Recreation Organizations regarding the draft criteria to be used to evaluate recreation proposals at the January 24, 2013 meeting of the CPC at 7:30 p.m. The meeting will be held in the Civil Defense Room at Falmouth Town Hall, commencing at 7 p.m.

The following criteria are to be implemented in reviewing proposals for grants under new provisions in the CPA legislation passed in the summer of 2012. (Please refer to the CPA legislation definitions in the final section below.)

The Falmouth CPC will take proposals for recreation rehabilitation/restoration projects for the November, 2013 town meeting. In crafting the criteria, the CPC invited comments from town department representatives in November; will be asking recreation organizations for comments in January; and will open it to the general public in February.

Criteria for considering recreation rehabilitation/restoration projects:
(Note: terms in bold are drawn from legal definitions in the next section.)

Higher priority will be given when a project:

- contributes to equitable project distribution across the Town
- makes clearly defined **capital improvement** or **rehabilitation** investments at a facility
- makes a facility more functional for its intended use, in terms of:
  - current levels of use and projected need
  - ADA accessibility
  - cross-age participation
- invests in outdoor activities
- materially adds to the value of the facility
- involves the broadest possible range of activities
• provides free and open access to the public
• (if from a Town entity) has a clear priority in the capital plan of that department and/or the Town that is shown by available documentation
• includes an existing fund to purchase replacement parts (most desirable), or a predictable, established source or a clear plan for fund-raising with designated leadership (less desirable)

Additionally, the CPC recommends that applicants should have discussed the plans for location, equipment, and construction with the Superintendent of the Trees, Parks, Forestry and School Grounds Department before appearing before the CPC.

Also, the CPC main mission is land and recreational applications, so the funding of signage is a lower priority. Signs at such facilities that are important for the preservation of the property or the safety of its users will be given higher consideration than more general educational signage.

Definitions: Permitted and Prohibited Uses
(Newly amended language is in bold font; language specific to recreation is shaded.)

Permitted Uses:

Section 5. (b)(2)
The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation and preservation, (new) rehabilitation and restoration (resume) of land for recreational use; for the acquisition, creation, preservation and support of community housing, and for the rehabilitation or restoration of open space, land for recreational use, and community housing that is acquired or created as provided in this section; (new) provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. (resume) With respect to community housing, the community preservation shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites. (new) With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited.

Recreational Use
Same for old and revised act
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. It shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

Preservation
Former Act is some language crossed out (below)
Protection of personal or real property from injury, harm or destruction but not including maintenance.

Rehabilitation
The remodeling, reconstruction and capital improvements, or the making of extraordinary repairs, to historic resources, open spaces, lands for recreational use and community housing for the purpose of making such historic resources, open spaces, lands for recreational use and community housing functional for their intended uses including, but not limited to, improvements to comply with the Americans with Disabilities Act and other federal, state or local building or access codes; (new language added) provided, that with respect to historic resources, ‘rehabilitation’ shall have the additional meaning of work to comply with the Standards for Rehabilitation state in the U.S. Secretary of Interior’s Standards for the Treatment of Historic Properties codified in 36 C.F.R. Part 68; (new language) and provided further, that with respect to land for recreational use, ‘rehabilitation’ shall include the replacement of playground equipment and other capital improvements to the land or the facilities thereon which make the land or the related facilities more functional for the intended recreational use.

Capital Improvement
Not defined in previous Act
Act of July 2012: reconstruction or alteration of real property that (1) materially adds to the value of the real property or appreciably prolongs the useful life of the real property; (2) becomes part of the real property or is permanently affixed to the real property so that removal would cause material damage to the property or article itself; (3) is intended to become a permanent installation or is intended to remain there for an indefinite period of time

Prohibited Uses:

Maintenance
Former Act: The upkeep of real or personal property.
Act of July 2012: The upkeep of real or personal property; (new) Incidental repairs which neither materially add to the value of the property nor appreciably prolong the property’s life, but keep the property in a condition of fitness, efficiency or readiness.

Original act: shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure.

Act of July 2012: the acquisition of artificial turf for athletic fields shall be prohibited