CITY OF NEWTON
LAW DEPARTMENT MEMORANDUM

To: **Alice E. Ingerson**
             Community Preservation Program Manager

From: **Marie M. Lawlor**
             Assistant City Solicitor

Date: **June 20, 2013**

Re: **Needham Street Corridor – preliminary proposal**
             Eligibility for CPA funds

As you requested, I have reviewed the Needham Street Corridor preliminary proposal (the "Proposal"). The Proposal requests $70,000 in CPA funding for a planning study and report whose listed components encompass a wide variety of goals, including a variety of environmental improvements on public and private property, as well as identification of recreational opportunities for public property in the area, such as locating potential sites for public parks, trails, and open space that might be acquired with CPA funds.

As you know, CPA funds may be used to acquire, create, or preserve both open space and recreational sites. In addition, a recent amendment to the CPA allows funding for the rehabilitation and/or restoration of recreational sites. Rehabilitation and/or restoration of open space, however, are not eligible unless the site was acquired or created with CPA funds.

Planning studies to identify potential sites for the above purposes are eligible for funding, but only to the extent the study is used to identify sites in themselves eligible for funding. In the context of this Proposal, those portions of the study which are for the purpose of "enhancing environmental benefits" may not be eligible, since environmental benefits are not in themselves eligible for funding. Portions of the first bulleted component in the Proposal and the entire second bulleted component do not appear to be eligible activities.

If the Proposal goes forward, the CPC should carefully review itemized components of the proposed study. Only those portions of the Proposal directly related to identifying potential sites for acquisition, creation or preservation of open space, or for acquisition, creation, preservation, or rehabilitation of recreational sites are eligible for funding.