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Questions persist on turf fields

By **Katie Liesener**/ Staff Writer

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If you lay artificial turf to replace a sod playing field, are you creating a new field or restoring an old one?

It is hardly a philosophical question. For several cities and towns in Massachusetts, thousands, sometimes millions, of dollars in Community Preservation Act funds hang in the balance.

Wayland and Newton are two of those communities. Proponents of using CPA funds for artificial turf fields call this creation of fields, and therefore a legal use of the money. Some of their fellow residents are not convinced the laying of turf meets either the spirit or letter of the law.

"We understand there is a problem in this area from the volume of calls we get day to day on how to interpret the recreation piece of the law," said Katherine Roth, assistant director of the Community Preservation Coalition, a nonprofit organization that helps cities and towns implement the CPA.

"Because the CPA is a law, there are as many different interpretations as there are lawyers," she said.

If adopted by a community, the CPA allows a local tax surcharge of up to 3 percent that can be used for historical preservation, affordable housing and open space and recreational projects, and is matched with state funds according to a formula.

For recreational projects, if the land in question is not acquired through the CPA (as in both Wayland and Newton), state regulations stipulate CPA money can only be used for the acquisition, creation or preservation of recreational land - not for its rehabilitation or restoration.

Because there is no state enforcement agency in place, Roth said it is up to individual communities to decide whether the laying of artificial turf is an act of creation or restoration.

That decision-making, which she calls "truly democratic," can also lead to bitter battles when there is money at stake and ambiguity at work.

In Newton, the Community Preservation Committee recommended the town bond \$2.25 million in CPA money over 10 years to fix drainage and replace a Newton South High School athletic field with artificial turf.

After one local lawyer unsuccessfully brought a lawsuit against the city to block the proposal (the case was dismissed without prejudice on procedural grounds), 10 other residents sued the city for approving CPA money for a similar project for upgrades to Stearns-Pellegrini Park..

"It's exactly the same issue. You can't use CPA money for capital improvements on property the town already owns," said Jeff Seideman, one of the residents bringing the lawsuit.

He said they have asked city officials to put aside the artificial turf proposal until their suit is heard.

"The city of Newton seems to have a very cavalier interpretation of the rules of the CPA," he said. "It's like going up to a No Parking sign and saying, 'I'm not sure what that means.'"

Concerned by the lawsuits flaring up in Newton, the Wayland Community Preservation Committee recently declined to consider an initial proposal for an artificial field on the site of a routinely wet and patchy grass field at the high school.

The committee received one opinion from a state Department of Revenue attorney calling the project "maintenance" or "rehabilitation" of the field, and another from town counsel calling it the "creation" of a new field.

Michael Patterson, committee chairman, told selectmen the committee did not want to recommend an illegal use of CPA funds.

"When we go to Town Meeting, voters have every reason ... to expect we've done our homework and are in keeping with the legal intent of the CPA," he said.

Craig Foreman, president of the Wayland Boosters, which has been working on the proposal for the last year, said the difference in use between artificial turf and the current sod field should be taken into account.

The conditions of the current field limit it to 25 uses in the spring and 25 in the fall; it is rested completely in the summer. If artificial turf were put down, he said, the field could be used 2,700 hours a



An example of an artificial turf field at Franklin High School utilized by the football team, with the Panther logo marking the 50-yard line. - File photo by Mike Springer

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year (as opposed to 150 currently).

"I think (the regulations) clearly allow for artificial turf," he said. "What we're doing is creating a recreational opportunity for the town that does not exist today."

The Boosters are requesting \$300,000 of CPA funds for the \$960,000 project, and looking to raise the rest.

Artificial fields that have been funded with CPA money at Lincoln-Sudbury Regional High School and Acton-Boxborough Regional High School will not help clarify the issues facing Newton and Wayland, said Chris Morely, chairman of the Sudbury Community Preservation Committee. He said that in those instances, Acton and Sudbury had to acquire a legal interest to the property from the regional school districts, meaning the towns did not have preexisting access to the land.

Roth predicts that as long as municipal funds are tight and private funds scarce, communities will continue to look to the CPA for the funding of artificial turf fields to replace sod fields.

To ease their confusion, she said, the coalition is trying to raise money to lobby state legislators to either change or clarify the law.

Until that happens or until the issue is settled in the courts, local playing fields across Massachusetts will remain political battlegrounds as well.




"We have advised communities to stay away from artificial turf because these kinds of problems start to arise," she said. "We can give advice, but ultimately it's their decision."

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