

TOWN OF SCARBOROUGH

A PARKS AND CONSERVATION LAND BOARD

AS AN ADVISORY BODY TO THE TOWN COUNCIL

ADOPTED AUGUST 15, 2001
AMENDED MARCH 20, 2002
AMENDED NOVEMBER 6, 2002

1. **Establishment.** There is hereby established a Parks and Conservation Land Board (the Board) as a standing committee and an advisory body to the Town Council.
2. **Organization.** The Board shall consist of seven (7) members appointed by the Town Council for a term of three (3) years. The terms shall be staggered with three (3) members serving an initial one (1) year term, two (2) members serving a two (2) year term, and two (2) members serving a three (3) year term. The members of the Board shall elect a Chair and Vice-Chair. In the event of resignation or other incapacity of the Chair, the Vice-Chair shall act as Chair until a new Chair is selected. The Town Manager or his or her designee shall be an ad hoc member of the Board. A member of the Town Council shall serve as a Liaison to the Board.
3. **Duties.** The duties of the Board shall be as follows:
 - A. To develop a written Acquisition Evaluation Process (AEP) consistent with the Parks and Land Conservation Bond Taskforce Report. The AEP will be used to evaluate potential acquisitions in a consistent manner. The Board will maintain a goal and assign priority to acquisitions where private funding can be used to match public funding.
 - B. To recommend and advise the Town Council on land acquisitions identified by the Acquisition Evaluation Process.
 - C. To recommend any conditions, restrictions or protective measures appropriate for Council consideration on land identified for acquisition.
4. **Procedure.** The committee shall meet at least quarterly and provide an annual report to the Town Manager and Town Council on its activities in addition to any recommendations presented throughout the year. The Chair shall call meetings as required and when requested to do so by a majority of the members of the Board, the Town Manager or the Town Council. The Chair shall preside at all the meetings of the Board. Permanent records of the minutes of the all Board

meetings and all correspondence of the Board shall be maintained and filed by and in the office of the Town Clerk.

5. **Authority.** The Board shall assist and advise the Town Council in the acquisition of properties or rights to properties considered for the following: (a) to provide or maintain public access; (b) to allow passive or active recreation; (c) to conserve water quality, natural areas; (d) to provide easements for walking or biking trails; (e) to preserve significant scenic, cultural or historic sites; (f) to preserve sites which are considered part of the character of the community; and (9) to add to existing conservation and public areas.

6. **Council Acceptance.** The written recommendations of the Board shall be included in the Council Order authorizing any land or rights acquisition.

7. **Land Acquisition Reserve Fund.**

7.1 Establishment. There is hereby established a Town of Scarborough Land Acquisition Reserve Fund as recommended by the Parks and Conservation Land Advisory Board. That under and pursuant to the provisions of Title 30-A, Sections 5801 and 5802 of the Maine Revised Statutes, as amended and supplemented, a permanent reserve fund of the Town of Scarborough, Maine, to be known as the Parks and Conservation Land Acquisition Reserve Fund, hereinafter called the Fund is hereby established.

7.2 Expenditures from the Fund shall be used to acquire real estate, or interests in real estate, as defined in Article XXII (Parks and Conservation Land Board), in order to:

- a. Preserve land in its natural state; or,
- b. Protect a natural resource, or a historic site; or,
- c. Provide for recreational use.

7.3 Deposits approved by the vote of the Town Council and appropriated to the Fund may include but are not limited to:

- a. Any grant received on behalf of the Fund and interest from deposits and investments of the Fund;
- b. Unspent appropriations from town committees, such as the Conservation Commission and Shellfish Conservation Commission;
- c. Voluntary contributions of money or other liquid assets;
- d. Interest from deposits and investments of other town funds;
- e. Proceeds from the disposal of real or personal property interests such as from the sale of tax-acquired property;

- f. Bonds or notes issued not exceeding amounts established by Town Charter; and
- g. Other municipal funds such as impact fees and density offset contributions.

DEFINITIONS:

- A. **Natural Resources.** Natural resource areas are lands that have been identified in Town, State or Federal planning processes for their unique natural resource importance, and those that have not yet been identified but may meet natural resource criteria. These areas include, but not limited to, the Scarborough Marsh, the coast and beach areas, estuaries and major rivers (Nonesuch, Scarborough, Libby and Dunstan), wetlands and brooks, wildlife areas, and unique agricultural and forest lands (with emphasis on large tracts of undeveloped land).
- B. **Linkages, Buffers and Additions to Conservation or Other Public Lands.** These lands include parcels that connect or abut existing conservation or public lands or private lands for public use. Buffer lands are those that afford an extra level of protection to these parcels from surrounding encroachments.
- C. **Public Access.** Public access lands are parcels conducive to public use and enjoyment. These areas may include small properties that provide the sole legal source of public ingress and egress to larger conservation or public lands, or private lands, which allow public use. These public access areas may also include lands or rights or privileges for the public to use Scarborough's coast, ponds, rivers, streams and brooks.
- D. **Active and Passive Recreation.** Active recreation areas are lands, such as ball fields, that have been significantly altered (and that require ongoing maintenance) for the use and enjoyment of the public. Passive recreation areas are lands that are generally unimproved but may be managed for forestry, wildlife or agricultural purposes or enjoyed in their natural state for a variety of activities i.e. hiking, exploring, hunting and fishing, scenic purposes, and other uses.
- E. **Community Character and Historical Significance.** Lands of community character are areas that are of unique and exceptional importance to the Town of Scarborough's landscape, culture and history. Historical areas included, but not limited to, lands, structures, sites and monuments that have been or may be identified by the Scarborough Historical Society for their historical importance.