

## Chapter 13

### Community Preservation Committee Bylaw

#### **Sec. 13-1. Establishment**

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Board of Selectmen as designated by the Board of Selectmen for a term of three years.

One member of the Finance Committee as designated by the Finance Committee for a term of three years.

One member of the Conservation Commission as designated by the Conservation Commission for a term of three years.

One member of the Planning Board as designated by the Planning Board for a term of three years.

One member of the Historical Commission as designated by the Historical Commission for an initial term of one year and thereafter for a term of three years.

One member of the Recreation Committee as designated by the Recreation Committee for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Housing Authority for an initial term of one year and thereafter for a term of three years.

One member of the Open Space & Trails Committee as designated by the Open Space & Trails Committee for an initial term of two years and thereafter for a term of three years.

One member of the Affordable Housing Task Force as designated by the Affordable Housing Task Force for an initial term of two years and thereafter for a term of three years.

Each member of the Committee shall serve for the term as set forth above, or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier.

Should any of the Commissions, Boards, Councils or Committees who have appointment authority under this Section be no longer in existence for what ever reason, the appointment authority for that Commission, Board, Council, or Committee shall become the responsibility of the Board of Selectmen.

Any member of the Committee may be removed for cause by their respective authority after hearing.

### **Sec. 13-2. Duties**

- (a) The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee, the Housing Authority, the Open Space & Trails Committee, and the Affordable Housing Task Force or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources. Notice of the meetings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.
- (b) The Community Preservation Committee shall make one or more recommendations at the Town Meeting for the acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the acquisition, creation and preservation of land for natural resources and conservation purposes; for the creation, preservation and support of affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is required or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
- (c) The Community Preservation Committee may include a recommendation at Town Meeting to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish those specific purposes or to set aside for later spending funds for general purposes that are consistent with community preservation.
- (d) In every fiscal year, the Community Preservation Committee must recommend either that the legislative body spend, or set aside for later spending, not less than 10% of the annual revenues in the Community Preservation Fund consistent with the provisions in M.G.L. Chapter 44B.

### **Sec. 13-3. Requirement for a quorum and cost estimates**

The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.G.L. c. 39, §23B. The committee shall not meet or conduct business without the presence of a majority of the members of the Community Preservation Committee, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Town Meeting shall include the committee's anticipated costs.

**Sec. 13-4. Amendments**

This bylaw may be amended from time to time by a majority vote of the Town Meeting consistent with the provisions of M.G.L. c. 44B.

**Sec. 13-5. Severability**

In case any section, paragraph or part of this bylaw is, for any reason, declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

**Sec. 13-6. Effective Date**

Following Town Meeting approval, this bylaw shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments. Should any appointing authority fail to make their appointment within that allotted time, the current acting Chairman on each of the nine groups listed under the Establishment section, will sit on the Community Preservation Committee until another representative is appointed.

Adopted April 26, 2004