

GENERAL BY-LAWS  
OF THE  
TOWN OF BILLERICA

THESE BY-LAWS WERE REWRITTEN AND RECODIFIED BY COMMITTEE  
APPOINTED UNDER SECTION 7-9-B OF THE 1979 CHARTER AS REVISED IN  
1997.

EDWARD GIROUX – CHAIRMAN  
PATRICK LOGUE – VICE-CHAIRMAN  
MARYANNE PERRY – SECRETARY

JOHN GRIFFIN  
CHRISTINE MARTELL  
SCOTT MORRIS

JAMES MURPHY  
ANTHONY VENTRESCA  
SCOT WEISMAN

Re-codified and amended under Article 26 of the Annual Fall Town Meeting of October, 2007 and  
amended through October, 2017.

## **42. COMMUNITY PRESERVATION COMMITTEE**

### **42.1 Establishment**

There is hereby established a Community Preservation Committee (hereinafter referred to as “CPC”) consisting of **nine (9)** members pursuant to MGL Chapter 44B.

- **The Chief Assessor**
- **One member of the Finance Committee, as designated by the Finance Committee, for a term of three years**
- One member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Conservation Commission for a term of three years.
- One member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Historical Commission for a term of three years.
- One member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Planning Board for a term of two years and thereafter for a term of three years.
- One member of the Recreation Commission (created by Section 2 of Chapter 45) as designated by the Recreation Commission for a term of two years and thereafter for a term of three years.
- One member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Commissioners for a term of one year and thereafter for a term of three years.
- One at-large member, a citizen of Billerica, to be appointed by the Town Manager for an initial term of one year and thereafter for three years.
- One at-large member, to be appointed by the Board of Selectmen, for an initial term of two years, and thereafter for a term of three years.

### **Amended: Art. 34, AFTM 10/2017**

Any vacancy on the Community Preservation Committee shall be filled by the commission, authority or board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term.

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

### **42.2 Duties**

42.2.1 The CPC shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with the Town Manager, existing municipal boards, including the Board of Selectmen, the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commissioners and the Housing Authority, 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 which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

42.2.2 The CPC shall make recommendations to Town Meeting for the acquisition creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. 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 de eloped sites.

42.2.3 The CPC may include in its recommendation to the Town Meeting a recommendation 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 that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

### **42.3: Requirement for a Quorum and Cost Estimates**

The CPC Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the CPC shall constitute a quorum. The CPC shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

#### 42.4 Amendments

The CPC shall from time to time, review the administration of this By-Law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the CPC. This By-law may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

#### 42.5 Severability

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

#### 42.6 Effective Date

Following municipal acceptance of the Community Preservation Act and Town Meeting approval of this by-law, this Section shall take effect. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

Amended: AFTM 10/2016; Art.48

Amended: AFTM 10/2017; Art.34