



Town of Brewster

2198 Main Street
BREWSTER, MASSACHUSETTS 02631

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OFFICE OF:
COLETTE WILLIAMS MMC/CMMC
TOWN CLERK
JUSTICE OF THE PEACE

To Whom It May Concern:

This letter is to certify that at the Special Town Meeting, held Monday, November 14th, 2022, with a quorum being present, the following article was adopted:

10:16pm

TOWN CODE AMENDMENT TO COMMUNITY PRESERVATION ACT BYLAW

ARTICLE NO. 5: To see if the Town will vote to amend the General Bylaws, Section 17, as shown below, with additions shown in **bold** and deletions shown in ~~strike through~~, with such revision to take effect on July 1, 2023:

Section 17-1. Membership of the Committee – There is hereby established a Community Preservation Committee, consisting of nine (9) voting members. pursuant to the provisions of Section 298 of Chapter 149 of the Acts of 2004, as amended by Sections 129-133 of Chapter 352 of the Acts of 2004. The composition of the Committee, the appointing authority and the term of office for the committee members shall be as follows; one member of the Conservation Commission, as designated by said Commission; one member of the Historical Commission, as designated by said Commission; one member of the Planning Board, designated by the said Board; one member of the Recreation Commission, as designated by the Commission; one member of the Brewster Housing Authority, as designated by said Authority; and four individuals to be appointed by the **Select** Board of ~~Selectmen~~. Each member of the Committee shall serve a term of three years or until the person no longer serves in the position or on the board or on the committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards or committees who have appointing authority under this bylaw be no longer in existence for whatever reason, the **Select** Board of ~~Selectmen~~ shall appoint a suitable person to serve in their place. Any member of the committee may be removed by the Selectmen, with prior notice to the member and a hearing, for good cause.

Section 17-2. Duties – The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation.

A. Annually, the Committee shall consult with existing municipal boards, including the Conservation Commission, the Recreation Commission, the Historical Commission, the Planning Board, ~~the Department of Public Works~~, 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, at its discretion, 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.

B. Every five years ending in 2 and 7:

- (1) The Committee shall conduct a public process to develop a Community Preservation Plan ("CPP") establishing goals for expenditures in each of the eligible categories. The CPP shall include a Target Allocation Policy ("TAP") setting forth non-binding guidelines for the next five years for the allocation of CPA funds amongst eligible expenditure categories, expressed as percentages of estimated annual revenues.**
- (2) Following adoption of the CPP under Section B(1), the non-binding TAP contained therein shall be presented to Town Meeting as a proposed amendment to Section 17-4(B) of this bylaw.**

Section 17-3. The Community Preservation Committee shall make recommendations **no less than annually** to 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 creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section.

Section 17-4.

- A. Annual Minimum Recommendations. As required by MGL Ch. 44B Sec. 6,** in every fiscal year, the Community Preservation Committee shall recommend that Town Meeting spend, or set aside for future spending, the fixed figure of ~~fifty (50%)~~ **ten (10%)** percent of the ~~net~~ **CPA estimated** annual revenues in the Community Preservation Fund for open space **and recreation** purposes, not less than ten (10%) percent of the ~~net~~ **CPA estimated** annual revenues for community housing purposes, and not less than ten (10%) percent of the ~~net~~ **CPA estimated** annual revenues for historic resources purposes. ~~In every fiscal year, the Community Preservation Committee shall recommend that Town Meeting spend or set aside for future spending the remaining thirty (30%) percent of the net annual revenues for community housing, recreation and historic resources purposes, but not for open space purposes.~~
- B. For the fiscal years FY24 through FY27, and until otherwise voted by Town Meeting, the non-binding TAP shall be as follows: 30% open space; 30% community housing; 10% recreation; 10% historic preservation, and 20% to be allocated as recommended by the CPC. Actual CPC recommendations may vary from the non-binding percentages set forth in the TAP.**

~~Notwithstanding the foregoing, the net annual revenues paid into the Community Preservation Fund shall be dedicated to open space purposes until such time as prior appropriations made pursuant to the so-called Land Bank Act have been fully expended, even if the aggregate amount of such expenditures exceeds 80% of the annual revenues.~~

~~Section 17-5. Provided that the Community Preservation Act is accepted at the 2005 Annual Town Election, this section shall take effect upon approval by the Attorney General of the Commonwealth of Massachusetts and after all the requirements of Mass. Gen. Laws, ch. 40, § 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.~~

Or to take any other action relative thereto.

(Select Board)

(Majority Vote Required)

Motion made by Select Board Member Mary Chaffee: I move to approve Article Number 5 as printed in the warrant, but changing the word “Selectmen” to “Select Board” in the last line of Section 17-1, with such revisions, if approved, to take effect on July 1, 2023.

ACTION: Adopted. Voter Cards.

Sincerely,

Colette M. Williams
MMC/CMMC
Town Clerk
Brewster, MA

Community Preservation Committee Bylaw

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Section 17-2. Duties – 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 Recreation Commission, the Historical Commission, the Planning Board, the Department of Public Works, 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, at its discretion, 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.

Section 17-3. The Community Preservation Committee shall make recommendations to 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 creation, preservation and support of community housing and for rehabilitation or restoration of such open

space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section.

Section 17-4. In every fiscal year, the Community Preservation Committee shall recommend that Town Meeting spend, or set aside for future spending, the fixed figure of fifty (50%) percent of the net annual revenues in the Community Preservation Fund for open space purposes, not less than ten (10%) percent of the net annual revenues for community housing purposes, and not less than ten (10%) percent of the net annual revenues for historic resources purposes. In every fiscal year, the Community Preservation Committee shall recommend that Town Meeting spend or set aside for future spending the remaining thirty (30%) percent of the net annual revenues for community housing, recreation and historic resources purposes, but not for open space purposes. Notwithstanding the foregoing, the net annual revenues paid into the Community Preservation Fund shall be dedicated to open space purposes until such time as prior appropriations made pursuant to the so-called Land Bank Act have been fully expended, even if the aggregate amount of such expenditures exceeds 80% of the annual revenues.

Section 17-5. Provided that the Community Preservation Act is accepted at the 2005 Annual Town Election, this section shall take effect upon approval by the Attorney General of the Commonwealth of Massachusetts and after all the requirements of Mass. Gen. Laws, ch. 40, § 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

or to take any other action relative thereto.

(Majority Vote Required)
(Board of Selectmen)

SUMMARY

Under the special legislation creating the Modified CPA, the towns are required to establish by bylaw a Community Preservation Committee. Per the provisions of the statute, this committee must be comprised of certain members from different boards within the town. The statute also mandates that the duly organized committee make annual recommendations to town meeting relative to how funds from the Community Preservation Fund will be appropriated each year. Per the statute, at least 10% of the revenues each year are to be divided among the following three categories of purposes: i) open space; ii) community housing; and iii) historic resources. The statute does not dictate how the remaining 70% must be split beyond requiring that it

be spent on open space, community housing, historic and recreational purposes. Section 17-4 of the proposed bylaw sets forth the formula the committee must follow each year when recommending the division of the proceeds.