

## **TOWN OF EASTHAM/COMMUNITY PRESERVATION COMMITTEE**

### **ARTICLE III, Community Preservation Committee [Adopted 2-13-2000 STM by Art. 3]**

#### **49-11. Establishment; membership.**

There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to the provisions of MGL C. 44B, § 5, appointed by the Board of Selectmen. The composition of the Committee 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 as designated by said Board; one member of the Recreation Commission, as designated by said Commission; one member of the Eastham Housing Authority as designated by said Authority; one member of the Eastham Affordable Housing Task Force as designated by said Task Force; one member of the Open Space Committee as designated by said Committee; and two at-large individuals. Each member of the Committee shall serve for a term of three years 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 officers and commissions, boards, or committees who have recommending authority under this bylaw be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

#### **49-12. 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 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 annual public informational hearing, or more, 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 in a newspaper of general circulation in the Town for each of two weeks preceding a hearing.

B. The Community Preservation Committee shall make recommendations to the Board of Selectmen and 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 affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is acquired or created as provided in this section. With respect to affordable housing, the Community Preservation Committee may recommend the reuse of existing buildings or construction of new buildings on previously developed sites.

C. The Community Preservation Committee may include in its recommendation to the Board of Selectmen and 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 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 in each of the following areas: open space (not including land for recreational use), historic resources, affordable housing, or as otherwise authorized under Section 298 of Chapter 149 of the Acts of 2004.

**§ 49-13. Quorum required to conduct business; cost estimates to be supplied with recommendations.**

The Community Preservation Committee shall comply with the provision of the Open Meeting Law, MGL 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. The Community Preservation Committee shall approve its actions by majority vote. Recommendations to the Board of Selectmen and Town Meeting shall include the Committee's anticipated costs.

**§ 49-14. Amendments.**

This bylaw may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of MGL C. 44B.

**§ 49-15. 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.