

ARTICLE I
Community Preservation Committee
[Adopted 10-22-2001 STM, Art. 7]

§ 44-1. Establishment; composition; terms; appointment authority; removal.

- A. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to MGL c. 44B. **[Amended 5-6-2013 ATM, Art. 28]**
- B. The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:
- (1) Composition.
- (a) One member of the Conservation Commission as designated by the Conservation Commission for a term of three years.
 - (b) One member of the Planning Board as designated by the Planning Board for a term of three years.
 - (c) 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.
 - (d) One member of the Parks and Recreation Commission as designated by the Parks and Recreation Commission for an initial term of one year and thereafter for a term of three years.
 - (e) 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.
 - (f) One member of the Open Space Committee as designated by the Open Space Committee for an initial term of two years and thereafter for a term of three years.
 - (g) One member of the Affordable Housing Task Force or Affordable Housing Trust as designated by the Affordable Housing Trust for an initial term of two years and thereafter for a term of three years. **[Amended 5-6-2013 ATM, Art. 28]**

- (h) One member of the Finance and Advisory Committee as designated by the Finance and Advisory Committee for an initial term of two years and thereafter for a term of three years. **[Added 5-6-2013 ATM, Art. 28]**
 - (i) One Town resident as designated by the Board of Selectmen for an initial term of two years and thereafter for a term of three years. **[Added 5-6-2013 ATM, Art. 28]**
- (2) 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.
- (3) Should any of the commissions, boards, councils or committees who have appointment authority under this chapter 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.
- C. Any member of the Committee may be removed for cause by their respective appointing authority after hearing.

§ 44-2. 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 Parks and Recreation Commission, the Housing Authority, the Open Space Committee, and the Affordable Housing Committee 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 recommendations at the 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 as provided in this section; provided, however, that funds expended pursuant to this chapter shall not be used for maintenance. 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. With respect to recreational use, the acquisition of artificial turf for athletic fields shall be prohibited. The Community Preservation Committee shall keep a full and accurate account of all of its actions, including its recommendations and the action taken on them and independent records of all appropriations or expenditures made from the Community Preservation Fund. The Committee shall also keep records of any real property interests acquired, disposed of or improved by the city or town upon its recommendation, including the names and addresses of the grantor's or grantees and the nature of the consideration. The records and accounts shall be public records. **[Amended 5-5-2014 ATM, Art. 32]**

- 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 MGL c. 44B.

§ 44-3. Conduct of meetings; cost estimates.

- A. The Community Preservation Committee shall comply with the provisions 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, which shall constitute a quorum. The Community Preservation Committee shall approve its actions by majority vote.

- B. Recommendations to the Town Meeting shall include the Committee's anticipated costs.

§ 44-4. Amendments.

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

§ 44-5. Severability.

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

§ 44-6. When effective.

Following Town Meeting approval, this article shall take effect immediately upon approval by the Attorney General of the Commonwealth, and after all requirements of MGL c. 40, § 32 have been met. Each appointing authority shall have 30 days after approval by the Attorney General to make its initial appointments. Should any appointing authority fail to make its appointment within that allotted time, the current acting Chairman on each of the seven groups listed under § 44-1, will sit on the Community Preservation Committee until another representative is appointed.