

## **4-19 COMMUNITY PRESERVATION COMMITTEE**

### **Section 1. Established**

There is hereby established a Community Preservation Committee, in accordance with Chapter 267 of the Acts of 2000, Massachusetts Community Preservation Act, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B.

### **Section 2. Membership**

The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

- A. One (1) member of the Conservation Commission as designated by the Commission for a term of three (3) years.
- B. One (1) member of the Historical Commission as designated by the Commission for an initial term of two (2) years, and thereafter for a term of three (3) years.
- C. One (1) member of the Hanover Affordable Housing Trust Board of Trustees as designated by the Board of Selectmen for an initial term of two (2) years, and thereafter for a term of three (3) years, subject to approval by a majority vote of the Board of Selectmen.

*(Amended May 5, 2015), (Approved by the Attorney General August 17, 2015)*

- D. One (1) member of the Parks and Recreation Committee as designated by the Committee for an initial term of one (1) year and thereafter for a term of three (3) years.
- E. One (1) member of the Open Space Committee as designated by the Committee for a term of three (3) years.
- F. One (1) member of the Planning Board as designated by the Board for an initial term of one (1) year and thereafter for a term of three (3) years.
- G. Three (3) members of the general public to be appointed by the Town Moderator, subject to approval by a majority vote of the Board of Selectman, one member to be appointed for a term of one (1) year and thereafter for a term of three (3) years, one member to be appointed for a term of two (2) years and thereafter for a term of three (3) years, and one member to be appointed for a term of three (3) years.

The Commissions, Boards, or persons who have appointment authority under this Article shall appoint such Committee Members within 45 days of the effective date of this Bylaw.

Should there be a vacancy or resignation in any of the Community Preservation Committee positions, the Commissions, Boards, or persons who have appointment authority under this Article shall appoint a new Committee Member within 45 days of the first date of vacancy or resignation.

Should any of the Commissions, Boards, or persons who have appointment authority under this Article be no longer in existence for any reason, the appointment authority for that Commission, Board, or person shall become the responsibility of the Town Moderator, subject to approval by a majority vote of the Board of Selectmen.

### Section 3. Powers and Duties

A summary of powers and duties is as follows:

- (1). 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 council 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.
- (2). The community preservation committee shall make recommendations to the legislative body for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration 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 the rehabilitation or restoration of open space, land for recreational use and community housing that is acquired 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.
- (3). The Community Preservation Committee 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 to set aside for later spending for general purposes that are consistent with community preservation. The Community Preservation Committee may recommend the issuance of general obligation bonds or notes in anticipation of revenues to be raised pursuant to section 3 of the Act, the proceeds of which shall be deposited in the Community Preservation Fund. Bonds or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon after such revenues are collected as is expedient. The Town shall make every effort to limit the administrative costs of issuing such bonds by cooperating with other cities and towns using methods including, but not limited to, common issuance of bonds or common retention of bond counsel. Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of Chapter 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged so that for each issue the amounts payable in the several years for principal and interest combined shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of principal.
- (4). The Committee shall have at least one public meeting each year at which time any Town Department, public or private agency, business, non-profit organization, or member of the general public may submit proposals for the use of Community Preservation Funds. The Committee shall also schedule a public hearing on its current and proposed activities, to be held at least 21 days prior to any Town Meeting in which it submits an article.

Notice of the time and place of such public hearing and the general purpose of such meeting shall be published in a newspaper of general circulation in the Town once in each of two successive weeks, the first publication to be not less than fourteen days before the date of said hearing, and by posting such notice in a conspicuous place in Town Hall for a period of not less than fourteen days before the date of said hearing.

The Committee shall establish submission requirements for the proper and consistent review of all project proposals. The Committee shall make recommendations to Town Meeting for the appropriate use of

Community Preservation Funds for any such project proposals or initiatives undertaken by the Committee itself.

As provided in the Massachusetts Community Preservation Act, no expenditures shall be made from the Community Preservation Fund without the approval of Town Meeting.

The Community Preservation Committee will submit an annual administrative and operating budget for the Community Preservation Committee, which cannot exceed five percent (5%) of the annual revenues in the Community Preservation Fund, to Town Meeting for approval.

Section 5(b) of M.G.L. Chapter 44B, "Community Preservation" enumerates the powers and duties of the Community Preservation Committee and are incorporated herein by reference.

#### **Section 4. Rules and Regulations**

By majority vote of the members of the Committee, the Committee may adopt and promulgate rules and regulations for the conduct of its business on any matter within the Committee's jurisdiction under the Massachusetts Constitution, Massachusetts General or Special Laws, the Code of Massachusetts Regulations (CMR), Bylaw, or other legal right or authority granted to or conferred upon the Committee.

The proposed rule or regulation shall be submitted to all Committee members at least 48 hours prior to any vote to adopt the same; provided, however, the Committee may make such amendments to the proposed rules or regulations as it deems appropriate at the said meeting. Upon approval of any rule or regulation by the Committee, a copy of the same shall be filed with the Town Clerk and become effective as of the date of filing thereof unless the specific vote of the Committee establishes a later effective date.

#### **Section 5. Amendments**

This Chapter may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not cause a conflict to occur with M.G.L., Chapter 44B.

#### **Section 6. Severability**

In case any section, paragraph or part of this Article is 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.

*(Accepted May 2, 2005), (Approved by the Attorney General, July 14, 2005)*