

ARTICLE XIV
Community Preservation Committee
[Adopted 2-11-2020]

§ 9-46. Definitions.

As used in this article, the following terms shall have the following meanings indicated:

COMMUNITY HOUSING — Also termed affordable housing, low- and moderate-income housing for individuals and families, including low- and moderate-income senior housing.

COMMUNITY PRESERVATION — The acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; the acquisition, creation, preservation and support of community housing; and the rehabilitation or restoration of open space and/or community housing acquired or created pursuant to MGL c. 44B.

HISTORIC RESOURCES — A building, structure, vessel, real property, document or artifact that is listed on the Federal or State Register of Historic Places or Sites or has been determined by the local historic board to be significant in the history, archeology, architecture or culture of the City of Lowell.

OPEN SPACE — Include, but not be limited to, land to protect existing and future watershed lands, well fields, aquifers and recharge areas, agricultural lands, grasslands, fields, forest land, freshwater and saltwater marshes, and other wetlands; ocean, river, stream, lake, and pond frontage; beaches, dunes and other coastal lands; lands to protect scenic vistas; land for wildlife or natural preserves; and land for recreational use.

§ 9-47. Establishment; number of members.

There is hereby established, pursuant to MGL c. 44B, § 1 et seq., a Community Preservation Committee, consisting of nine voting members.

§ 9-48. Membership.

The Committee shall be composed of:

- A. One member of the Lowell Conservation Commission as designated by said Commission;

- B. One member of the Lowell Historic Board, as established by Chapter 566 of the Acts of 1983, as designated by said Board;
- C. One member of the Lowell Planning Board as designated by said Board;
- D. One member of the Lowell Board of Parks as designated by said Board;
- E. One member of the Lowell Housing Authority as designated by said Authority;
- F. Two citizens appointed by the City Manager to be approved by the Council;
- G. The Director of the Department of Planning and Development or his/her designee; and
- H. The Director of the Division of Development Services or his/her designee.

§ 9-49. Term of office; officers; voting.

- A. When a committee is first established, the terms of the members shall be for one, two or three years as determined by the City Manager and so arranged that the terms of 1/3 of the members shall expire each year. Successors shall be appointed for three-year terms. In the event a vacancy occurs as to a Committee position, the respective board, commission, City Manager, authority or director shall fill the vacancy for the remainder of the unexpired term.
- B. The Committee shall annually elect one of its members as Chairperson and one as Vice Chairperson to serve in the absence of the Chair.
- C. Five members shall constitute a quorum for the purposes of convening a meeting and conducting the business of the Committee. Committee actions shall be approved by a majority vote.
- D. The Committee shall meet at least six times per annum.

§ 9-50. Powers and duties.

- A. The Committee shall study the needs, possibilities and resources of the City of Lowell regarding community preservation. The Committee shall consult with municipal boards, authorities, commissions, the City Manager, the Mayor and City Council and

other City agencies and personnel in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings annually on the needs, possibilities, and resources of the City regarding community preservation. Notice of such hearings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the City.

- B. The Committee shall review and recommend proposals to the City Manager, to be conveyed to the Mayor and City Council, for approval and appropriations, which recommendations may be for, but not limited to:
- (1) Acquisition, creation and preservation of open space and/or rehabilitation or restoration of open space;
 - (2) Acquisition, creation, rehabilitation, restoration and preservation of land for recreational use;
 - (3) Acquisition, preservation, rehabilitation and restoration of historic resources;
 - (4) Acquisition, creation, preservation, and support for community housing or the rehabilitation or restoration of community housing acquired or created pursuant hereto; and
 - (5) With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or the construction of new buildings on previously developed sites.
- C. The Committee shall submit its budget to the City Manager, to be transmitted to the City Council, which may approve or veto appropriations made pursuant to MGL c. 44B. After receiving recommendations from the Committee, the City Council shall approve appropriations from the Community Preservation Fund and additional non-Community Preservation Fund appropriations as it deems necessary. The budget may include recommendations to set aside for later spending funds for specific purposes 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. Annual appropriations for administrative and operating expenses of the Committee may not exceed 5% of the year's estimated annual Community Preservation Fund resources.

- E. By June 1 of each year, the Committee shall provide all anticipated community preservation projects and funding sources for the upcoming fiscal year.
- F. The Committee shall keep a full and accurate account of all its actions, including its recommendations and actions taken by the City Council as to those recommendations. The Committee shall also keep records of all appropriations and expenditures made from the Community Preservation Fund. Records shall also be kept by the Committee of any real property interests acquired or improved pursuant to the Committee's recommendations, including the names of grantors and grantees and the consideration paid.

§ 9-51. Applicability.

The provisions of this article shall be interpreted and applied consistently with the provisions of MGL c. 44B and all provisions of any relevant general or special act.