

Town of Orleans

Chapter 81. COMMUNITY PRESERVATION COMMITTEE

[HISTORY: Adopted 5-7-2001 ATM, Art. 39. Editor's Note: This bylaw provided that it shall become effective if the Town votes to accept the provisions of the Community Preservation Act, MGL c. 44B, §§ 3 through 7, inclusive. Amendments noted where applicable.]

GENERAL REFERENCES

Open Space Committee — See Ch. 35.
Park Commissioners — See Ch. 38.
Affordable housing — See Ch. 104.
Demolition of historical structures — See Ch. 106.
Scenic roads — See Ch. 139.
Zoning — See Ch. 164.
Subdivision rules and regulations — See Ch. 192.

§ 81-1. Composition and Term.

[Amended 5-9-2005 ATM, Art. 40]

A Community Preservation Committee shall be established consisting of nine members. The membership of the committee shall include the following: one member of the Conservation Commission as designated annually by the Conservation Commission, one member of the Historical Commission as designated annually by the Historical Commission, one member of the Planning Board as designated annually by the Planning Board, one member of the Park Commissioners as designated annually by the Park Commissioners, one member of the Open Space Committee as designated annually by the Open Space Committee, and one member of the Housing Authority as designated annually by the Housing Authority. The three remaining members shall be appointed by the Board of Selectmen as follows: initially, one member shall be appointed for a one year term, one member for a two year term and one member for a three year term. Thereafter, each member appointed by the Board of Selectmen shall be appointed for a three year term.

§ 81-2. Powers and Duties.

A) Survey of Needs

1. The 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 Park Commissioners and the Housing Authority 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.

B) Recommendations

1. In every fiscal year, the Community Preservation Committee must recommend either that Town Meeting spend, or set aside for future spending, and subject to expenditures for the operation of the Community Preservation Committee, not less than an amount of the annual revenues in the Community Preservation Fund for open space that would be equivalent to the amount that would have been available through the Cape Cod Open Space Land Acquisition Program, provided, that such amount does not exceed 80% of the annual revenues, except as authorized by Section 298 of Chapter 149 of the Acts of 2004, as amended by Sections 129-133 of Chapter 352 of the Acts of 2004; and not less than 10% of the annual revenues in the Community Preservation Fund for historic purposes; and not less than 10% of the annual revenues in the Community Preservation Fund for community housing; provided, however, if the expenditures for open space exceed 80% of the annual revenues, the remaining funds will be expended pursuant to the provisions of Section 298 of Chapter 149 of the Acts of 2004, as amended, as follows: one-half for historic resources and one-half for community housing. Provided, however, that in every fiscal year after fiscal year 2020, the Community Preservation Committee must recommend either that Town Meeting spend or set aside for future spending, not less than 10% of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10% of the annual revenues for historic purposes; and, not less than 10% of the annual revenues for community housing. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

[Amended 5-9-2005 ATM, Art. 40]

2. The 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 funds for general purposes that are consistent with community preservation.

3. Throughout the year, the Committee may make additional recommendations to Town Meeting on acquisition or initiatives to the extent funds are available in the Community Preservation Fund.

4. All recommendations to the Town Meeting shall include their anticipated costs.

C) Other Powers and Duties. In addition to the provisions set forth in this By-law, the Community Preservation Committee shall be vested with all the authority and responsibilities set forth in the Community Preservation Act, G.L. Ch. 44B § 3-7 inclusive.

§ 81-3. Procedure.

The Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Community Preservation Committee shall constitute a quorum. The Committee shall approve its actions by majority vote.

§ 81-4. Record Keeping.

In addition to the records required to be kept by all committees pursuant to the applicable provisions of the Open Meeting Law, G.L. c.39 § 23B, the Committee shall be responsible for maintaining records relating to the use of the Community Preservation Fund as follows:

A) Recommendations. The Committee shall keep a record of all of its recommendations to the Town Meeting and the specific action taken by the Town Meeting on each recommendation.

B) Expenditures. The Committee shall keep a record of all appropriations and expenditures made from the Community Preservation Fund.

C) Property Interests. The Committee shall maintain an inventory of all real property interests acquired, disposed of or improved by the Town after recommendation of the Committee. The inventory shall contain, at a minimum, the names and addresses of the grantors and grantees, the amount of consideration and all relevant action dates. It should also reference all documents related to acquisitions, dispositions and improvements, such as purchase and sale agreements and deeds.