

# Town of Sandwich

MASSACHUSETTS  
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TOWN CLERK  
145 MAIN STREET, SANDWICH, MA 02563

I, Barbara J. Walling, Town Clerk of the Town of Sandwich, hereby certify that the below stated Article 1 and Vote taken thereon is a true record from the Special Town Meeting held in Sandwich on March 21, 2005.

## ARTICLE 1

To see if the Town will vote to adopt Section 298 of Chapter 149 of the Acts of 2004, as amended, allowing the Town to replace the Cape Cod Open Space Land Acquisition Program with the Community Preservation Act and to dedicate the three per cent property tax surcharge currently being assessed through fiscal year 2020, along with state matching funds that will be available to the Town under the Community Preservation Act, to a Community Preservation Fund that may be appropriated in accordance with the Community Preservation Act for certain open space, historic resources, and affordable housing purposes, effective for the fiscal year beginning July 1, 2005, or take any action relative thereto.

### And further,

To see if the Town will vote to adopt a new bylaw, as printed below, creating a Community Preservation Committee, in accordance with §298 of Chapter 149 of the Acts of 2004, as amended, and G.L. c.44B, §5, or take any action relative thereto.

### Section 2.02 Community Preservation Committee Bylaw

#### Part 1: Establishment

There is hereby established a permanent committee of the Town to be known as the Community Preservation Committee, consisting of nine (9) voting members, pursuant to §298 of Chapter 149 of the Acts of 2004, as amended, and G.L. c.44B §5. The composition of the committee, the appointing authority, and the term of office for the committee shall be as follows:

- (1) One member of the Conservation Commission as designated by the Commission;
- (2) One member of the Historical Commission as designated by the Commission;
- (3) One member of the Planning Board as designated by the Board;
- (4) One member of the Housing Authority as designated by the Authority;
- (5) One member of the Recreation Committee as designated by the Committee;
- (6) Four members as designated by the Board of Selectmen.

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; provided, however, that the initial terms shall be staggered as follows: the initial appointment of the designee from the Conservation Commission, the Historical Commission, and one of the designees of the Board of Selectmen shall be for a term of one year; and the initial appointment of the designee of the Planning Board, the Housing Authority, and the second designee of the Board of Selectmen shall be for a term of two years; and the initial appointment of the designee from the Recreation Committee and the remaining two designees of the Board of Selectmen shall be for a term of three years.

Should any of the officers and commissions, boards, or committees who have appointing 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.

Any member of the committee may be removed for cause by their representative appointing authority after hearing.

## **Part 2: Duties**

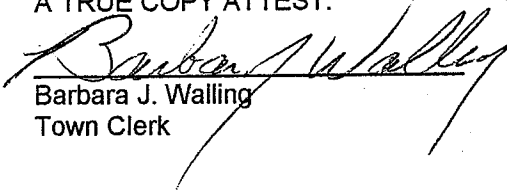
- (1) The community preservation committee shall study the needs, possibilities, and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the housing authority, the recreation 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 annual public informational hearing, or more at its discretion, on the needs, priorities, 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 Town Meeting for the acquisition, creation, and preservation of open space; for the acquisition, preservation, restoration, and rehabilitation 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 such open space, land and 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. Recommendations to the Town Meeting shall also include the committee's anticipated costs. The placement of any and all articles recommended by the committee on the Town Meeting warrant shall require the approval of the Board of Selectmen.
- (3) The community preservation committee may include in its recommendation to 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.
- (4) 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 per cent of the annual revenues in the Community Preservation Fund for open space (not including land for recreational use); not less than 10 per cent of the annual revenues in the Community Preservation Fund for historic resources; and not less than 10 per cent of the annual revenues in the Community Preservation Fund for community housing.

## **Part 3: Effective Date**

Provided that the Community Preservation Act is accepted by the voters at the 2005 Annual Town Election, this bylaw shall take effect upon approval by the Attorney General of the Commonwealth, and after all requirements of G.L. c.40, §32 have been met. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

**VOTED:** That the Town adopt Section 298 of Chapter 149 of the Acts of 2004, as amended, allowing the Town to replace the Cape Cod Open Space Land Acquisition Program with the Community Preservation Act, and further, that the Town adopt a new Community Preservation Committee Bylaw as printed in the Warrant under Article 1. This was a voice vote and declared carried by the Moderator.

A TRUE COPY ATTEST:

  
Barbara J. Walling  
Town Clerk