

## Chapter 10, COMMUNITY PRESERVATION COMMITTEE

[HISTORY:<sup>EN(1)</sup> Adopted by the Annual Town Meeting of the Town of Stoughton 5-4-2009, Art. 43. Amendments noted where applicable.]

### **CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated 07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY PRESERVATION COMMITTEE / § 10-1. Establishment; membership; terms of office.**

#### **§ 10-1. Establishment; membership; terms of office.**

- A. Establishment. There is hereby established a Community Preservation Committee, consisting of nine voting members pursuant to Massachusetts General Law, Chapter 44B. The composition of the Committee, the manner of appointment and the term of office for the Committee members shall be as follows:
- (1) One member of the Conservation Commission as designated by the Commission for a term of three years.
  - (2) One member of the Historical Commission as designated by the Commission for a term of three years.
  - (3) One member of the Planning Board as designated by the Board for a term of three years.
  - (4) One member of the Stoughton Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.
  - (5) One member representing the Recreation Department, recommended by the Recreation Director. The Recreation Director, subject to approval of the Board of Selectmen, may serve on the Community Preservation Committee. The initial term of the Recreation Department representative shall be one year and thereafter for a term of three years.

- (6) One member of the Open Space Committee as designated by the Committee for an initial term of one year and thereafter for a term of three years.
  - (7) Three members, who are residents of the Town, to be appointed by the Board of Selectmen, one member appointed for a term of one year and thereafter for a term of three years; and two members to be appointed for a term of two years and thereafter for a term of three years.
- B. All members of the Community Preservation Committee must be registered voters in the Town of Stoughton. The yearly term of all members of the Community Preservation Committee shall be from July 1 to June 30. No later than April 1, the Town Manager shall notify by U.S. mail each appointing body and its designated member when his or her term expires on the following 30th day of June. Any member whose term on the Community Preservation Committee has expired, and has not been removed from the Town or the board, council, committee or authority he or she so represents, shall remain a member of the Community Preservation Committee until his or her successor is duly qualified to serve. Should any person appointed to the Community Preservation Committee cease to be a member of the board, council, commission or authority or be appointed or elected to a Town board, commission, authority, council, or standing committee of Town Meeting which prohibits by the Town Charter multiple office holding, he or she shall immediately cease to be a member of the Community Preservation Committee. It will be the responsibility of the Community Preservation Committee to notify, in writing, the Town Manager of any vacancy that may occur. Appointments to fill a vacancy shall be the same appointing or designating authority as described in § 10-1A. No member of a Town Meeting standing committee as defined in the Town Charter shall serve on the Community Preservation Committee.
- C. Should any of the commissions, boards, councils or committees who have appointing authority for membership on the Community Preservation Committee under this bylaw be no longer in existence for whatever reason, the appointment authority for that commission, board, council or authority shall become the responsibility of the Board of Selectmen.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated  
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY  
PRESERVATION COMMITTEE / § 10-2. Duties of meetings; recommendations.**

**§ 10-2. Duties of meetings; recommendations.**

The duties of the Community Preservation Committee shall be as described under Massachusetts General Law Chapter 44 § 5,<sup>EN(2)</sup> as amended. The Community Preservation Committee shall serve as an advisory committee to the Stoughton Representative Town Meeting in the use of funds allocated or raised through the Community Preservation Act. As an advisory committee to

Town Meeting it shall be subject to all the provisions of the Town Charter and bylaws regarding public hearings, legal advertising, reporting, publishing, and distribution of its recommendations to the Town Meeting Representatives.

- A. The Community Preservation Committee shall annually meet before the 30th day of November, to 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 Director and the Housing Authority, or the 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, and not less than seven days preceding such hearing in a newspaper of general circulation in the town.
- B. The Community Preservation Committee shall annually make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition and preservation of historic resources; for the acquisition, creation and preservation of land for recreational use; for the creation, preservation, and support of community housing that is required or created as provided in this section. With respect to community housing, the Community Preservation Committee shall recommend, wherever possible, the re-use of existing buildings or construction of new buildings on previously developed sites. Recommendations to the Town Meeting shall include anticipated costs.
- C. The Community Preservation Committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending 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.

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07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY  
PRESERVATION COMMITTEE / § 10-3. Quorum.**

**§ 10-3. Quorum.**

The Community Preservation 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 Community Preservation Committee shall approve its actions by

majority vote of those members present.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated  
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY  
PRESERVATION COMMITTEE / § 10-4. Amendments.**

**§ 10-4. Amendments.**

This bylaw may be amended from time to time by a majority vote of the Town Meeting; provided, however, that the amendments would not cause a conflict to occur with Massachusetts General Law, Chapter 44B.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated  
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY  
PRESERVATION COMMITTEE / § 10-5. Severability.**

**§ 10-5. Severability.**

In case any section, paragraph or part of this chapter be 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.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated  
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 10, COMMUNITY  
PRESERVATION COMMITTEE / § 10-6. Effective date.**

**§ 10-6. Effective date.**

Following approval by majority vote of Town Meeting, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have 20 days after approval by the Attorney General to make its initial appointments. Should any appointing authority fail to make its appointment within the allotted time, the Selectmen shall make the appointment.

**CODE OF THE TOWN OF STOUGHTON MASSACHUSETTS, v5 Updated  
07-01-2010 / PART I ADMINISTRATIVE LEGISLATION / Chapter 18, HANDICAP  
COMMISSION**