

ARTICLE \_\_: To see if the Town will vote to amend the Code of Sunderland by inserting the following new bylaw titled, "**Community Preservation Committee**":

1. Membership of the Committee.

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to the provisions of G.L., c.44B, Section 5. The composition of the committee, the appointing authority and the term of office for the committee members shall be as follows:

one member of the Conservation Commission as designated by said Commission;  
one member of the Historical Commission as designated by said Commission;  
one member of the Planning Board as designated by said Board;  
one member of the Recreation Committee as designated by the Committee;  
*one member of the Regional Housing Authority, who is a resident of Sunderland, as designated by said Authority; (HOUSING COMMITTEE)*  
*one member of the Open Space Committee (AGRICULTURAL COMMISSION) as designated by said Committee; and*  
one member of the Board of Assessors as designated by said Board;  
one resident to be appointed by the Moderator; and  
one resident to be appointed by the Board of Selectmen.

The term for the first appointed and designated Community Preservation Committee members shall begin on the effective date of this bylaw, and shall end on June 30, 2010. Thereafter, each member of the Committee shall serve for a term of one year or until the person no longer serves in the position or on the board or committee as set forth above, whichever is earlier. Should any of the officers and commissions, boards, or committees who have appointing authority under this by law be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in their place.

2. Duties:

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 board of park commissioners 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 city or town.

3. Recommendations to the Town

The community preservation committee shall make recommendations to the Town Meeting 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 acquisition, 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.

4. Set Aside Recommendations

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 funds for general purposes that are consistent with community preservation.

5. Annual revenues; open space, historic resources and community housing

In every fiscal year, the community preservation committee must recommend either that the Town Meeting spend, or set aside for later 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 in the Community Preservation Fund for historic resources; and not less than 10 % of the annual revenues in the Community Preservation Fund for community housing.

6. Requirement for a quorum and cost estimates

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. Recommendations to the Town Meeting shall include their anticipated costs.

7. Amendments.

The Community Preservation Committee shall, from time to time, review the administration of this by-law, making recommendations, as needed, for changes in the by-law and in administrative practice to improve the operations of the Community Preservation Committee. The first review shall be completed no later than January 1, 2011 and subsequent reviews shall be completed in no more than five-year intervals.

This by-law may be amended from time to time by a majority vote of the Town Meeting, consistent with the provisions of G.L. c.44B.

8. Severability.

In case any section, paragraph or part of this by-law is for any reason declared invalid or unconstitutional by any court, every other section, paragraph or part shall continue in full force and effect.

9. Effective Date

Provided that the Community Preservation Act is accepted by the voters at the May 1, 2010 annual town election, this bylaw shall take effect upon approval by the Attorney General of the Commonwealth and after all requirements of MGL .c. 40, section 32 have been met. Each appointing authority shall have thirty (30) days after the effective date to make its appointments.

Or take any vote or votes in relation thereto.

**Majority Vote -G.L. c. 40, §20; G.L. c.44B0, §5**

SUBMITTED BY: Community Preservation Act Advisory Committee

SELECTMEN RECOMMENDATION:

FINANCE COMMITTEE RECOMMENDATION:

PERMANENT BUILDING COMMITTEE RECOMMENDATION: