



**TOWN OF WAREHAM  
54 MARION ROAD  
WAREHAM, MASSACHUSETTS 02571**

**TOWN CLERK**

**OCTOBER 17, 2001**

I hereby certify the following to be the vote on **ARTICLE FOURTEEN** of the **Annual Fall Town Meeting** convened and voted on October 15, 2001:

**ARTICLE:** To see if the Town will vote, pursuant to the provisions of G.L.c.44B, §5, to amend the Town Bylaws to adopt a new general bylaw creating a Community Preservation Committee to read as follows:

Chapter – 1 Establishment

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the committee, the appointment authority and the term of office for the committee members shall be as follows:

One member of the Conservation Commission as designated by the Commission for a term of three years.

One member of the Historical Commission as designated by the Commission for a term of three years.

One member of the Planning Board as designated by the Board for a term of three years.

One member of the Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

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.

Three members to be appointed by the Board of Selectmen, one member to be 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.

Notwithstanding the terms of office set forth above, in the event that a person no longer serves in the position or on the board designated above, such person shall be deemed to have vacated his or her position on the Committee.

Should any of the Commissions, Boards, or Committees who have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Board, or Committee shall become the responsibility of the Board of Selectmen.

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### **Chapter – 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 recreation commission 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 Town.

The community preservation committee shall make recommendations to the 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 affordable housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and affordable housing that is acquired or created as provided in this section. With respect to affordable housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

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.

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% of the annual revenues in the Community Preservation Fund for: (a) open space (not including land for recreational use); (b) historic resources; and (c) community housing.

### **Chapter – 3 Requirement for a quorum and cost estimates**

The community preservation committee shall comply with the provisions of the Open Meeting Law, G.L. c. 39, §23B. 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.

### **Chapter – 4 Amendments**

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

### **Chapter – 5 Severability**

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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.

Chapter – 6 Effective Date

Provided that the Community Preservation Act is accepted at the 2002 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.

**MOTION:** I move the Town vote, pursuant to the provisions of MGL Chapter 44B, Section 5, to amend the Town By-Laws to adopt a new general bylaw creating a Community Preservation Committee as printed in the warrant Article 14.

**VOTE:**

**UNANIMOUS - FAVORABLE ACTION**

A TRUE COPY ATTEST

A handwritten signature in cursive script, appearing to read "Mary Ann Silva".

MARY ANN SILVA  
TOWN CLERK

NOTE: This article has been reproduced exactly as presented, in accordance with the law.  
Inserted by Susan Makepeace, et. al.

## **ARTICLE 13**

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition and preservation of historic resources, the acquisition, creation and preservation of land for recreational use, the creation, preservation and support of affordable housing, and the rehabilitation and restoration of such open space, historic resources, land for recreational use and affordable housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 3% of the annual real estate tax levy against real property; that the Town will accept the following exemption from such surcharge permitted under Section 3(e) of said Act: to exempt \$100,000 of the value of each taxable parcel of residential real property; and to take any other action relative thereto.

Inserted by the Board of Selectmen

## **ARTICLE 14**

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One member of the Planning Board as designated by the Board for a term of three years.

One member of the Recreation Commission as designated by the Commission for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Authority for an initial term of two years and thereafter for a term of three years.

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.

Three members to be appointed by the Board of Selectmen, one member to be 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.

Notwithstanding the terms of office set forth above, in the event that a person no longer serves in the position or on the board designated above, such person shall be deemed to have vacated his or her position on the Committee.

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## Chapter - 2 Duties

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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.

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