



March 3, 2003

Rocco J. Longo
Town Manager
Town Hall
878 Tremont Street
Duxbury, MA 02332-4499

Re: Community Preservation Fund
Our File No. 2003-24

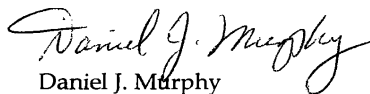
Dear Mr. Longo:

You asked whether the Town of Duxbury may appropriate community preservation fund monies to the conservation fund established by G.L. Ch. 40 §8C. Under that statute, cities and towns may appropriate monies into the fund, which the conservation commission may then spend without further appropriation, or other legislative body action, for various purposes including the acquisition of the fee or other interest in land for open space or other conservation purposes.

We think that the town may use community preservation fund monies to fund all or part of an annual appropriation to the conservation fund, but any expenditure of such monies remains subject to the restrictions imposed by the Community Preservation Act (CPA). G.L. Ch. 44B. This means the conservation commission may spend them only for those purposes that are authorized by both G.L. Ch. 40 §8C and the CPA. In this case, it appears you plan to use the monies solely for the acquisition of land for allowable CPA purposes and to place deed restrictions on any such acquisitions as required by the CPA. G.L. Ch. 44B §12. To ensure that intent is carried out, any town meeting vote appropriating the funds should expressly include those conditions.

If you have any further questions, please do not hesitate to contact me again.

Very truly yours,


Daniel J. Murphy
Chief, Property Tax Bureau

DJM/KC

Cc: Friend Weiler, Chair, Conservation Commission
Holly Morris, Chair, Community Preservation Committee