

COMMUNITY PRESERVATION COMMITTEE BYLAW

CHAPTER 1: ESTABLISHMENT

- 1.1 There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to M.G.L. Chapter 44B, §5(a).
- 1.2 With the exception of subsection c., which is appointed by the Planning Board, the members of the Committee shall be appointed by the Board of Selectmen as follows:
- a. One member of the Conservation Commission as designated by such Commission.
 - b. One member of the Historical Commission as designated by such Commission.
 - c. One member of the Planning Board as appointed by such Board.
 - d. One member of the Recreation Commission as designated by such Commission.
 - e. One member of the Housing Board as designated by such Board.
 - f. One member of the Agricultural Commission as designated by such Commission.
 - g. One member to be designated by the Finance Committee (FC).
 - h. Two members to be appointed by the Board of Selectmen (BoS).
 - i. 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.
 - j. For the first year, appointments will be staggered as follows:
 - i. Three at 1 year: Agricultural Commission designee; 1 BoS appointee; FC designee;
 - ii. Three at 2 years: 1 BoS appointee; Planning Board appointee; Recreation Commission designee;
 - iii. Three at 3 years: Conservation Commission designee; Housing Board designee; Historical Commission designee.
- 1.3 Should any of the officers, commissions, or boards who have appointment authority under this Chapter be no longer in existence for whatever reason, the Board of Selectmen shall appoint a suitable person to serve in his/her place.
- 1.4 Any member of the Committee may be removed for cause by his/her respective appointing authority after hearing.

CHAPTER 2: DUTIES

- 2.1 The Community Preservation Committee shall study the needs, possibilities and resources of the Town regarding community preservation pursuant to M.G.L. Chapter 44B. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Commission, the Agricultural Commission and the Boxborough Housing Board in conducting such studies. In its study of the needs, possibilities and resources of the Town regarding community preservation, the Committee shall review the Town's Capital Plan, maintained by the Finance Committee, and identify such overlap as may exist between Capital Plan prescriptions and community preservation proposals. As part of its study, the Committee shall hold one or more public informational hearing annually 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, or equivalent publication, of general circulation in the Town.
- 2.2 The Community Preservation Committee shall make recommendations to 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, preservation, rehabilitation and restoration of land for recreational use, for the acquisition, creation, preservation and support of community housing and for the rehabilitation or restoration of open space 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. The Committee shall, to the degree practicable in its recommendations to Town Meeting, conform its proposed expenditures to the long term capital spending profile outlined in the Town's Capital Plan, so as to moderate fluctuations in the Town's direct and debt service spending.
- 2.3 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.
- 2.4 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 each of (a) open space, (b) historic resources, and, (c) community housing.

CHAPTER 3: REQUIREMENT FOR A QUORUM

- 3.1 The Community Preservation Committee shall comply with the provisions of the Open Meeting Law, M.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.

- 3.2 After receiving such recommendations from the Community Preservation Committee, Town Meeting shall then take such action and approve such appropriations from the Community Preservation Fund as set forth in section 7 of the Act, and such additional appropriations as it deems appropriate to carry out the recommendations of the Community Preservation Committee.

CHAPTER 4: COST ESTIMATES

- 4.1 Recommendations to Town Meeting shall include their anticipated costs and strategies for longer term financing within the provisions of the Community Preservation Act.
- 4.2 Town Meeting may appropriate money in any year from the Community Preservation Fund to the Affordable Housing Trust Fund.

CHAPTER 5: AMENDMENTS

- 5.1 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 M.G.L. Chapter 44B.

CHAPTER 6: SEVERABILITY

- 6.1 In case any section, paragraph or part of this Bylaw 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 7: EFFECTIVE DATE

- 7.1 This Bylaw shall take effect upon the acceptance by the voters at the November 4, 2014 State Election and approval by the Attorney General of the Commonwealth, and after all requirements of M.G.L. c. 40 §32B have been met.
- 7.2 Each appointing authority shall make their appointments within thirty (30) days of the effective date of this bylaw.

Adopted by Annual Town Meeting: May 13, 2014
Approved by Attorney General: July 8, 2014