Passed at Townsend Town Meeting May 6, 2025

Chapter 139 Community Preservation Committee

Section 1: Establishment, Membership, and Appointing Authority

There is hereby established a Community Preservation Committee ("CPC" or the "Committee"), consisting of seven (7) voting members, pursuant to MGL Chapter 44B (the "Act"). The composition of the CPC, the appointment authority, and the term of office for the committee members shall be as follows:

One (1) member of the Townsend Conservation Commission as designated by that Commission.

One (1) member of the Townsend Historical Commission as designated by that Commission. Should no Historical Commission exist, the member will be designated by the Townsend Historic District Commission.

One (1) member of the Townsend Planning Board as designated by that Board.

One (1) member of the Townsend Cemetery and Parks Commission as designated by that Commission.

One (1) member of the Townsend Housing Authority as designated by that Authority.

Two (2) members to be appointed at large by the Townsend Select Board. At large members must be residents of Townsend and not Town employees.

The members of the CPC shall be appointed for three (3) year terms, but the terms of initial appointments of members by the Conservation Commission and the Historical Commission or the Historic District Commission shall be one (1) year, and the terms of the initial appointments of the Planning Board and the Cemetery and Parks Commission shall be two (2) years, to allow for staggered terms, and may be reappointed. The initial appointments of the Housing Authority and the two Select Board selections shall be for three years.

Any vacancy on the Community Preservation Committee shall be filled by the Commission, Authority or Board that designated the member who creates the vacancy by designating another member in accordance with the above for the unexpired term. Should any of the Commissions, Authority or Boards that have appointment authority under this Chapter be no longer in existence for whatever reason, the appointment authority for that Commission, Authority or Board shall become the responsibility of the Select Board.

The CPC shall elect a Chair, Vice Chair, and Secretary from among its members. After having a public hearing and requesting recommendations from Town boards and committees, the Committee shall adopt policies, rules and regulations for conducting its affairs and for carrying out its responsibilities. Any member of the Committee may, after a public hearing before the Commission, Authority or Board which appointed the said member, be removed for cause by majority vote of such Commission, Authority or Board, except that no member shall be removed from office solely on account of any vote or position taken on any matter pending before or decided by the Committee.

Section 2: Powers and Duties

(1) 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 appointing bodies identified in Section 1 of this bylaw, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold at least one annual public informational hearing, 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 Committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.

(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 with Community Preservation Funds. The Community Preservation Committee may submit to the Town Meeting for approval an annual administrative and operating budget for expenses incurred by the Committee for the implementation of the Community Preservation Act; said budget cannot exceed five percent (5%) of the Community Preservation Fund estimated annual revenues.

(3) 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 recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

Section 3: Requirement for a quorum and cost estimates

The Community Preservation Committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. 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 the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

Section 4: Severability

In case any section, paragraph or part of this bylaw is 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.

Section 5: Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth and proper posting by the town according to G.L. c. 40, § 32. Each appointing authority shall have sixty days after this bylaw takes effect to make their initial appointments.