

**Topic:** Land Acquisition; Open Space Preservation  
**Resource Type:** Regulations  
**State:** Massachusetts  
**Jurisdiction Type:** Municipal  
**Municipality:** Town of Bedford  
**Year (adopted, written, etc.):** Unknown  
**Community Type - applicable to:** Suburban; Rural  
**Title:** Town of Bedford Community Preservation Ordinances  
**Document Last Updated in Database:** October 17, 2016

### ***Abstract***

Bedford's Community Preservation Ordinances adopt the Massachusetts General Law Ch 44B, Community Preservation Act. Article 2 levies a 3% property tax surcharge, to be set aside for activities outlined in the Community Preservation Act, including open space preservation; and Article 6 establishes a Community Preservation Committee. The Community Preservation Act is a state law designed to encourage open space preservation by authorizing communities to raise funds through a property tax surcharge, as well as offering potential matching state funds.

### ***Resource***

Article 2      Community Preservation Act - Open Space, Historic Buildings and Affordable Housing

To determine whether the Town will vote to accept General Laws Chapter 44 Sections 3-7, known as the Community Preservation Act, which establishes a special "Community Preservation Fund" that may be appropriated and spent for certain open space, historic resources and affordable housing purposes, to approve a property tax surcharge of three percent of the taxes assessed annually on real property which shall be dedicated to the fund, such surcharge to be imposed on taxes assessed for fiscal years beginning on or after July 1, 2001, and to exempt from the surcharge any or all of the following:

- (1) property owned and occupied as a domicile by a person who qualifies for low income housing or low or moderate income senior housing in the town;
- (2) \$100,000 of the assessed valuation of Class One, Residential parcels,

Pass any vote or take any action relative thereto.

This article would authorize the Town to levy a 3% increase in property taxes to be used for purposes outlined below subject to certain exemptions. If adopted at Town Meeting

and a subsequent Town Election, the Town would be eligible to receive matching funds from the Commonwealth to be used exclusively for preservation of open space, historic buildings and affordable housing. The matching funds would be available in October, 2002. Under the Act, Towns are required to spend at least 10% of the fund for open space, 10% for historic preservation, and 10% for affordable housing. An appointed Community Preservation Committee including one each from Selectmen, Conservation Commission, Historic Preservation Commission, Housing Authority, and Planning Board and up to four additional members to be appointed by the Selectmen would be established to work with Town Boards and Commissions to plan recommendations for expenditures of the funds. The plan would be presented to the voters for appropriation at Town Meetings. The surcharge may be any percentage up to 3% and may be adjusted by Town Meeting in future years. It is the intent of the current Selectmen to place an Article on the warrant of each Annual Town Meeting after the first year to consider whether or not the surcharge would be changed.

#### Recommendations

Selectmen: Approval Recommended  
Finance Committee: Recommendation to be made at Special Town Meeting  
Capital Expenditure Committee: Recommendation to be made at Special Town Meeting

#### Article 6

##### General Bylaw Amendment - Community Preservation Committee

##### Community Preservation Committee

###### 1. Authority

The Community Preservation Committee is established under MGL Ch.44B Section 5.

###### 2. Membership

The Community Preservation Committee shall consist of nine members appointed by the Selectmen for staggered three-year terms. One member each from the Conservation Commission, Historic Preservation Commission, Planning Board, Selectmen (acting as Park Commissioners), Housing Partnership and Housing Authority shall be required.

###### 3. Responsibilities

The Community Preservation Committee shall perform duties required of the committee as outlined in Section 5 of Massachusetts General Laws Chapter 44B, including study of community preservation needs, communicating with other municipal boards and committees, holding public informational hearings, and making funding recommendations to Town Meeting.

This article proposes to amend the General Bylaws in order to establish a committee required by the Community Preservation Act. The purpose of the Committee would be to make recommendations to Town Meeting for the appropriation of funds to be collected through the Community Preservation surcharge and matched by the Commonwealth. Funds raised or received by the Town as a match from the Commonwealth may only be used for the purpose of acquiring and preserving open space, historical preservation and affordable housing.

#### RECOMMENDATIONS

Selectmen: Approval recommended

Finance Committee: Recommendation to be made at Town Meeting