Amended 11-2018

Town of Farmington
Conservation Commission

Commission By-Laws

Article I : Name

The name of this organization shall be The Farmington Conservation Commission, hereinafter called "The Commission".

Article II : Authority

The Commission derives its authority from State Law (RSA 36-A) and from the Town of Farmington Ordinances. Nothing in these By-Laws are intended to conflict with either of these instruments.

Article III : Principle Place of Business

The principle place of business of the Commission shall be at Farmington in the County of Strafford and the State of New Hampshire, hereinafter called "Town". The mailing address of the Commission shall be Farmington Municipal Offices located at 356 Main Street Farmington, NH 03835.

Article IV : Purpose

The purpose of the Commission is to protect and promote the Town's natural resources and to protect the watershed resources of the Town.

Article V : Duties and Functions Relative to Purpose

The Commission shall have the following duties and perform the following functions:

1. Prepare a program of conservation and open space protection for the Town of Farmington and in undertaking this program, conduct research into the local natural resources, open spaces, and areas of aesthetic value along with evaluating the uses thereof. Seek to determine areas within the Town of natural value, ecological importance, historic significance or aesthetic value. Seek to

coordinate the activities of other bodies conducting studies, research and evaluation for similar purposes.

2. Keep an index of open space, public lands, swamps and wetlands within the Town.

3. Prepare, adopt, and from time to time review and amend, a conservation and open space plan, and submit said plan to the Planning board for consideration as part of the master plan for the Town.

4. In the preparation of a conservation and open space plan, obtain information pertinent to the proper utilization of open areas in the Town, including public lands managed by the Town and by the State.

5. Protect open space and sensitive areas through the acquisition of interests in land and conservation easements by purchase or gift consistent with RSA 36-A:4. In addition, the Commission may assist landowners with the costs of donating conservation easements.

6. Receive and acquire real and personal property, or interest therein, including money, subject to the provisions of Article VI, below.

7. Base conservation and open space plans as well as related programs, inasmuch as possible, on the concept of multiple, conservation use of natural resources and open space, and in accordance with terms set forth in the Master Plan of the Town.

8. Advise municipal agencies, the Selectmen, the Planning Board, private interests and the public of the manner in which the objectives of the Commission may be accomplished. Make recommendations for the better promotion or utilization of natural resources and open areas of the Town.

9. Keep accurate records of meetings and actions, and file an annual report to be included in the annual town report.

10. Subject to the conditions set forth in Article XI, hire such employees and appoint subcommittees or designate a member of the Commission to act as an agent to execute documents or take other such action which has already been authorized by the Commission as the Commission may from time to time require.

Article V : (cont)

11. Inform itself of the ways and means by which its plans and programs may be achieved.

Article VI : Real Property Interests

A. Approval and Holding

The acquisition of any interest in real property, whether by gift or purchase, shall be subject to the approval of the Board of Selectmen and, upon approval, shall be received and held by the Commission in the name of the Town.

B. Management and Control

The Commission shall manage and control all such interests in real property in accordance with the purpose of the Commission, subject to the review and approval of the Board of Selectmen.

Article VII : Publications and Advertisements

The Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets, which in its judgment it deems necessary for its work and for which approved funds are available.

Article VIII : Finances

A. Conservation Fund

1. Any monies received by the Commission under Article V, paragraph 6 above, shall be placed in a Conservation Fund and allowed to accumulate from year to year.

2. The Town may make appropriations to the Conservation Fund.

3. Monies may be expended by the Commission from the Conservation Fund for purposes consistent with those permitted by New Hampshire RSA 36-A:4.

4. Pursuant to New Hampshire RSA 36-A:5 II and RSA 41:29, the town treasurer shall have custody of all monies in the Conservation Fund and shall disburse them only upon order of the Commission. The disbursement

Article VIII : (cont)

of conservation funds shall be authorized only by a majority vote of Commission members qualified to vote and pursuant to the conditions set forth in Article XII. Prior to the use of such funds for the purchase of any interest in real property, the Commission shall hold a public hearing with notice in accordance with RSA 675:7.

B. Administrative Expenditures

The Commission shall limit its administrative expenditures, including compensation for agents, to appropriations so designated by the Town.

Article IX : Members

A. Qualifications and Appointments

1. The Commission shall consist of seven (7) regular members, and one Selectmen's representative. The Board of Selectmen shall appoint seven (7) regular members of the Commission who shall serve staggered terms of three years. The Board of Selectmen shall also appoint three (3) alternate members to the Commission to act in the place of an absent or disqualified regular member. Alternate members shall serve for three year staggered terms. The Chairperson shall designate an alternate to serve in the place of an absent or disqualified member.

2. The Board of Selectmen shall appoint one of its members to serve as its representative on the Commission. The Selectmen's representative shall advise on all matters coming before the Commission.

3. The Commission may include one (1) high school student selected by the high school faculty and agreed upon by the Commission, to participate in discussion and activity and to be considered a non-voting member, for a term of one year.

4. All members and alternates appointed pursuant to this article shall be citizens of the Town.

B. Duties of Members

1. Members shall familiarize themselves with the Farmington and New Hampshire land use regulations, the Handbook for Municipal Conservation Commissions in New Hampshire and the By-laws of the Commission, as time to time amended. They shall serve on standing and ad hoc committees if requested by the chairperson.

Article IX (cont)

2. Members shall strive to attend all meetings and notify the Chairperson in advance when unable to attend a meeting at which time the Chairperson may excuse the member from attendance. The Commission shall request a member's resignation and/or request (pursuant to the conditions set forth elsewhere in Article IX) that the Selectmen designate an alternative to fill the position of a member in the event that either of the following conditions occurs:

    a) The member has four unexcused absences in any sixty day period.

    b) The member is absent without excuse from 50% or more of the meetings in any six month period.

C. Vacancies

A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

D. Removal

Any member of the Commission may, after a public hearing is requested, be removed by the Board of Selectmen.

Article X : Officers

A. Election of Officers

The regular members shall elect a Chairperson, Vice Chairperson, and Secretary at the first meeting following the Farmington Annual Town Meeting each year. Vacancies in these offices shall be filled at the next meeting following the occurrence of the vacancy. The term of office shall be one (1) year or until their successors are elected and qualified by a majority vote on a formal motion.

B. Duties of Officers

Officers shall perform all duties imposed by law, assigned by the Chairperson, or otherwise herein provided.

1. The Chairperson shall be responsible for the organization and direction of the Commission, appointment of members to committees, preparation of the meeting agenda, scheduling of

hearings, conducting of meetings, and ensuring that the work of the Commission is carried out promptly and competently. The Chairperson shall ensure that meeting notices are posted and shall prepare the annual Commission report. The Chairperson may delegate these duties in order to accomplish the work of the Commission and to provide training for the members.

2. The Vice Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson and shall perform all duties and have all powers of the Chairperson in case of temporary or incapacity of the Chairperson.

3. The Secretary shall keep accurate records of the meetings and other proceedings of the Commission. The Secretary shall maintain an accurate record of the funds and other properties, real and personal, of the Commission.

Article XI : Committees, Directors, Consultants and Associate Members

A. Committees

Committees shall be established by vote of the members of the Commission for any purpose deemed necessary in accordance with the purpose of the Commission. Committee members shall be appointed by the Chairperson of the Commission as provided by Article X : B (1), above. Unless otherwise provided, the first person appointed to a Committee shall be chairperson of such Committee. Each Committee shall report to the Commission at each meeting or at such other times as the Commission may require.

B. Directors

By vote of the members of the Commission, positions of Director shall be established for any purposes deemed necessary in accordance with the purpose of the Commission. Such a position may be established for the management, supervision, and oversight of regulations pertaining to any legislatively mandated responsibility. Each Director shall report to the Commission at each meeting or at such other times as the Commission may require. Directors shall be unpaid volunteers.

Article XI (cont)

C. Consultants

By vote of the members of the Commission, Consultants to the Commission may be hired for any purpose deemed necessary in accordance with the purpose of the Commission. Each Consultant shall report to the Commission at each meeting or at such other times as the Commission may require.

D. Associate Members

By vote of the members of the Commission, Associate Members of the Commission may be elected for any reason deemed in furtherance of the purpose of the Commission. Without limiting the foregoing, Associate Membership may be granted to persons who have or may tender to the Commission assistance or financial support. Associate members shall be unpaid volunteers.

E. Election of Directors, Consultants, and Associate Members

Directors, Consultants and Associate Members shall be elected from time to time by the Commission members. Care shall be taken whenever possible to involve outdoor oriented groups and individuals who are dedicated to the goals of conservation. Any person so elected, however, shall not have the rights and privileges of a member of the Commission and in particular, shall not have the right to vote.

Article XII : Meetings

A. Holding of Meetings

The Chairman shall direct the holding of not less than one (1) regular meeting of the Commission each month. After the election of officers, the Commission shall decide on a place and time for regular meetings and publicize that information in a local newspaper of general circulation. Any change during the year likewise shall be publicized. Meetings shall be adjourned no later than ten o'clock p.m. unless extended by vote of the Commission. Special meetings may be held, if necessary, at the discretion of the Chairman. It shall be the duty of the Chairman to call such a meeting when requested to do so by a majority of the members of the Commission when such request specifies the purpose of such a meeting. At any special meeting no business other than that specified in the written notice may be considered except by unanimous consent of those present. Whenever a quorum is not present at a regular or special meeting, the meeting shall be considered adjourned and will be rescheduled at such other time and place as the Chairman may deem appropriate.

Article XII (cont)

B. Quorum

Four members, two of which must be regular members, shall constitute a quorum for the transaction of regular business. A quorum for public hearings and subsequent votes on disbursement of conservation funds shall be four members, three of which must be regular members.

C. Conduct of Meetings

All meetings shall be conducted pursuant to parliamentary authority, as set forth in Robert's Rule of Order. The order of business shall be:

1) Call to order by the Chairman.
2) Pledge of Allegiance.
3) Non-case specific public comment.
4) Review of minutes of prior meetings.
5) Guest presentations.
6) Old business
7) New Business
8) Setting of next meeting date.
9) Adjournment.

All agenda items shall be identified by title or subject matter both on the written notice of each meeting and prior to consideration at any meeting. All requests for items to be included on the agenda shall be filed with the Chairperson on or before five o'clock p.m. seven (7) days preceding the meeting. Any matter not requiring prior legal notice may be placed on the agenda at any meeting by a majority vote of the members present.

In all cases, ample opportunity for public comment shall be made for each agenda item, and prior to all votes by the Commission.

Any member that has four unexcused absences from meetings in any sixty day period, or from 50% or more meetings in any six month period, the Commission will request that member's resignation and/or request that the Selectmen designate an alternate to fill the position of such a member.

D. Conflict of Interest

No member of the Commission shall introduce, speak on or vote on any resolution or issue in which that member has a personal or pecuniary interest, direct or indirect. Notwithstanding the foregoing, the Commission may permit or request

any such member to speak or testify on any motion or issue for which the member is an applicant or the agent of an applicant. All other such members with a conflict of interest may submit comments in writing to the Commission.

E. Proxies

Members may not vote by written proxy.

F. Right to Know

All meetings of the Commission shall be held in accordance with the provisions of New Hampshire RSA, Chapter 91-A, as amended, relating to meetings open to the public and executive sessions.

Article XIII : Procedures

A. Requests from Other Town Boards for Advice or Review.

The Commission shall promptly investigate requests from other town boards. Conversely, the Commission shall advise other town boards if the Commission has an interest in any matter coming before the other board. When a matter of interest to the Commission is to be investigated, the Chairperson shall appoint an ad hoc committee to review the matter, make a site visit,and draw conclusions on the conservation and environmental impacts. The conclusion and recommendations shall be reported in writing to the other board. The report shall be provided in a timely manner to ensure that the proceedings of the other board are not delayed.

B. Expedited Minimum Impact Applications to the NH Wetlands Board

1) Receive application from the Town Clerk.
2) Check to see if the landowner/contractor has filed the correct application for the work to be done, and that the application is correctly and completely filled out. Ensure that the copies match the original. If errors or omissions are not so simple that they can be resolved by a phone call, the application shall be returned to the applicant.

3) Review the application to make sure the work as outlined is in compliance with the regulations and meets all specifications.
4) Make a site visit to see the local conditions, assess how they affect the proposed work, and make suggestions as necessary. Arrangements should be made with the landowner before making the site visit unless it is known that the landowner is not in residence.
5) If there are any issues or disputes with the landowner/contractor that cannot be resolved by the Committee, it shall refer the matter to the full Commission. The Committee shall resist any pressure to sign a faulty application.
6) If all is satisfactory, sign all copies and return to the Town Clerk.
7) Every effort should be made to review the application in a timely matter since any delay at the town level is added to the delay at the state level.

C. Procedures for Wetlands Dredge and Fill Permit Applications

1) Receive application from Town Clerk.
2) The Chairperson reviews the application with the Commission at its next regular meeting.
3) If further investigation is required, the Chairperson shall appoint an ad hoc committee to review the matter, make a site visit, and draw conclusions on the conservation and environmental impacts.
4) If the committee wishes to comment on the application, it shall draft a report and review it with the full Commission. The Commission shall vote on the final draft of the report,and if it approves, forward it to the Wetland Bureau.
5) During the above procedure, the Chairperson and the committee must be mindful of the requirements of New Hampshire RSA 482-A:11 III. If the committee determines that it might want to comment and needs more time for the investigation, it must notify the Wetlands Bureau that it needs more time. That notice must be in

their office within fourteen (14) days from the date the application was filed with the Town Clerk. The Wetlands Bureau must receive the committee's report within forty (40) days from the date the application was filed with the Town Clerk. Extension of the deadline may be requested.

D. Procedures for Review of Intent-to-cut Applications

1) Check the application for completeness and note the date received by the Board of Selectmen. The report of the investigation must be received by them within ten days.
2) Locate the lot on the tax map and a topo map to determine if it is in the Waterfront Protection Overlay Zone, and/or if wetlands are involved.
3) Assess area of proposed cut for potential damage to the environment and review volume of timber to be harvested.
4) Contact owner, forester or logger to get any questions answered.
5) Depending on items 2 and 3 above, drive by or walk the lot to determine any potential problems.
6) Notify the Board of Selectmen that the investigation is complete and inform them if there are any concerns.

E. Procedure for Review of Earth Excavation Permit Applications

1) Receive copy of the application from the landowner. (in accordance with RSA 155 E-3 as amended).
2) Ascertain the date and time of the RSA 155-E public hearing from the chair of the Planning Board.
3) Review application for effect on the water table and any potential damage to the environment that would be a byproduct of the excavation. Assess the reclamation plan for short and long term effects on the environment. Review fuel and chemical handling and storage procedures for potential problems.

Article XIII (cont)

Forward comments to the chair of the Planning Board before the public hearing.

Article IX : By-Laws and Amendments

A. Adoption

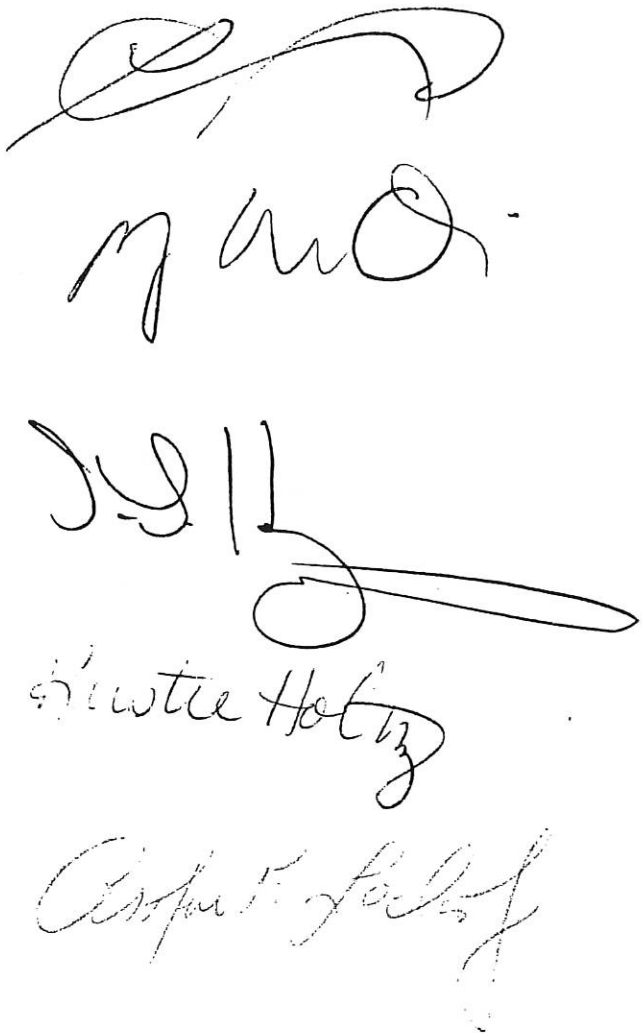
Upon adoption, the Chairperson shall file a copy of these by-laws with the Town Clerk and provide a copy to the Board of Selectmen.

B. Amendments

These by-laws may be amended by majority vote of the regular members of the Commission at a regular meeting. Amendments shall be proposed at least one regular meeting prior to the vote and the final draft of the amendments shall be in the hands of members at least two weeks prior to the vote. After approval of any amendments, The Chairperson shall file a copy of the amended by-laws with the Town Clerk and provide a copy to the Board of Selectmen.

Record of Adoption of Amended By-laws

At a regular meeting of the Conservation Commission on

12.8.10

These amended by-laws were adopted by: