

Goffstown Conservation Commission

Bylaws and Rules

ARTICLE I **Name**

The Name of this organization shall be called the Goffstown Conservation Commission of Goffstown, New Hampshire, hereinafter called THE COMMISSION.

ARTICLE II **Purpose**

The purpose of the Commission shall be to ensure the proper utilization and protection of the Natural resources of Goffstown; to further the awareness of conservation practices and policies throughout the Town and to protect the watershed resources of the Town.

ARTICLE III **Membership**

The Commission shall consist of seven (7) regular members and three (3) alternate members, all citizens of the Town of Goffstown and all appointed by the Board of Selectmen.

The Board of Selectmen shall appoint seven (7) regular members of the Commission who shall serve staggered terms of three (3) years. The Selectmen shall also appoint three (3) alternate members to the Commission to act in the place of an absent or disqualified regular member. Alternates shall serve for three (3) staggered terms. The chairman shall designate an alternate to serve in the place of an absent or disqualified member.

The Board of Selectmen shall appoint one of its members in April of each year to serve as its representative on the Commission in an advisory capacity.

The officers of this Commission shall consist of a Chairman, Vice-Chairman, Secretary and Treasurer who shall be appointed by members of the Commission.

Section 2 **Annual Meeting**

An annual meeting will be held on the first meeting in May at which time nomination and election of officers will occur. Candidates for any office receiving a majority vote of the entire membership of the Commission shall be declared elected. The elected candidate shall take office immediately. Vacancies in offices shall be filled at the next regular meeting by regular election procedure.

ARTICLE IV

Duties of Officers

The Chairman shall preside at all meetings of the Commission having such powers and duties normally conferred by parliamentary usage on that office including directing the work of the Commission and the calling of all regular and special meetings of the Commission.

Section 2

Vice Chairman

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

Section 3

Treasurer

The treasurer shall maintain an accurate record of the funds of the Commission. The treasurer shall report at the last meeting of the year and at such other times as directed on the financial condition of the Commission.

ARTICLE V

Rights, Powers and Duties

The members and officers of the Commission shall carry out their duties and responsibilities and exercise their powers as set forth in the Enabling Act, Section 36-A:2 and Section 36-A:4 of the New Hampshire Revised Statutes Annotated.

36-A:2 Conservation Commission: A city or town which accepts the provisions of this chapter may establish a conservation commission, hereinafter called the commission, for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land and water areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. It shall keep an index of all open space and natural, aesthetic or ecological areas within the city or town, as the case may be, with the plan of obtaining information pertinent to proper utilization of such areas, including lands owned by the state or lands owned by the town or city. It shall keep an index of all marshlands, swamps and all other wetlands in a like manner, and may recommend to the city council or selectmen or to the department of resources and economic development a program for the protection, development or better utilization of all such areas. It shall keep accurate records of its meetings and actions and shall file an annual report, which shall be printed in the annual town or municipal report. The commission may appoint such clerks and other employees or subcommittees as it may from time to time require.

36-A:4 Powers: Said commission may receive gifts of money and property, both real and personal, in the name of the city or town, *subject* to the approval of the city council in a city or the selectmen in a town, such gifts to be managed and controlled by the commission for the purpose of this section. Said commission may acquire in the name of the town or city by gift, purchase, grant, bequest, devise, development right, easement, covenant, or other contractual

right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same, but the city or town or commission shall not have the right to condemn property for these purposes.

ARTICLE VI

Section 1 Meetings

The Commission shall hold a monthly meeting, as specified by the Chairman, at the Town Hall, unless posted otherwise. Additional meetings may be held at the discretion of the Chair if needed.

Section 2 Quorum

A majority of the membership of the Commission shall constitute a quorum. Whenever a quorum is not present at a regular or special meeting, the meeting will be considered adjourned and will be rescheduled to such other time and place, as the Chair may deem appropriate.

Section 3 Conduct

The conducting of business shall be in accordance with Roberts Rules of Order generally, and the other of business shall be as specified on the agenda but shall also make provision for new business that any member may introduce. Actions shall be taken on the basis of a motion duly seconded by a member of the Commission

Section 4 Right to Know

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

ARTICLE VII Hearings

The Commission may, in its discretion, hold public or informational hearings when it determines that such hearings will be in the public interest. Notice of such hearings shall be published or posted at least fourteen (14) days prior to the date of such hearings. The matter before the Commission shall be presented in summary form by a member of the Commission or by a person designated by the Commission. Any parties in interest shall be privileged to appear before parties not in interest. Testimony or other evidence shall not be presented under oath. A record shall be kept of those persons testifying and/or presenting evidence at such hearings and, if appearing on behalf of another person or entity, the name of such person or entity.

ARTICLE VIII

Review Procedures

A. Town Consultations

The Commission is the only board specifically charged with the protection of the town's natural resources. Therefore, they should be available to the various town boards (ie., Planning, Zoning Board of Adjustment, Water Precincts, Sewer Commission, Public Works Department and Selectmen) for consultation. Any request concerning land or wetlands shall be reviewed on site by a minimum of two (2) Commission members. Results should be presented to the Commission first and recommendations should be voted on before forwarding to the appropriate town board.

B. Applications to the NH Department of Environmental Services (NHDES)

1. Upon signing an application to the NH Department of Environmental Services, Wetlands Bureau, the Town Clerk shall send one copy of the application with supporting plans to the Chairman of the Commission.
2. The Chairman shall review the application forthwith and, if he/she deems it necessary, shall write to the Department of Environmental Services, Wetlands Bureau, to request additional time to review said application.
3. The Chairman shall then assign the application to two or more members for further review. All applications shall have a field inspection. If the members so assigned believes additional time is needed for review and the Chairman has not requested it, the member shall advise the Chairman, whereupon the Chairman or the member shall write to the NHDES, Wetland Bureau, to request additional time.
4. If, after reviewing the application, the member to whom it has been assigned
 - a. Foresees no problems if the project is carried out as proposed, or
 - b. Foresees no problems provided minor conditions are added, including but not limited to: increased culvert size; no further alteration of wetlands for lot development; sedimentation and erosion controls; or riprap

the member shall so advise the Chairman, and the member or the Chairman shall report without delay these recommendations to the with copies to the applicant and the Planning Board.

5. If, after reviewing the application, the member to whom it has been assigned foresees that the project as proposed will cause problems and should be substantially altered or the permit denied, the member shall present his recommendations to the Commission at its next regular meeting. The Commission shall vote on its recommendations, which shall be reported without delay to the NHDES-Wetlands Bureau, with copies to the applicant and the Planning Board.

ARTICLE IX

Committees

Special purpose and study committees as the Commission may from time to time deem necessary in order to conduct its business effectively in accordance with its duties and responsibilities, shall be appointed by the Chairman. These members shall consist of Commission members or other interested parties that show a desire to contribute to that project. These appointments will be approved through the Chair.

ARTICLE X

Land Management

The Commission shall manage open spaces and land and water areas, as acquired pursuant to RSA 36-A:4 ("Commission Lands"), so as to maintain the character of the town's landscape and to conserve the land, water, forest, wildlife and recreational sources.

1. Commission lands shall not be used for any private use except those allowed under legally executed easements.
2. Commission lands shall be available to the general public for passive recreational activities including, but not necessarily limited to; hiking, hunting, fishing, trapping, horseback riding, skiing snow-shoeing and snow-mobiling.
3. Camping on Commission lands is permitted only with prior written approval from the mission.
4. Agricultural and forestry activities shall be performed to the extent reasonably practicable in accordance with a coordinated management plan and consistent with commonly accepted management practices.
5. The following activities are specifically prohibited on Commission lands:

Construction of structures or utilities

Use of motorized, wheeled vehicles.

Removal of living trees, shrubs or other vegetation

Earth disturbance.

Any other activities, which alter the natural condition of the land

Open fires

The Commission may make exception to these provisions if it finds it to be in the best interests of the public and consistent with commonly accepted land management practices.

ARTICLE XI

Amendments

The Commission may suspend any of these rules by a unanimous vote. These bylaws may be amended at any regular meeting of the Commission by a two-thirds vote of the entire membership. Amendments presented at any regular meeting may not be voted until the next regular meeting.

(Revised 7/30/08)