

# **Hampstead, New Hampshire Conservation Commission Bylaws/Rules of Procedure**

## **Purpose and Authority**

1. The purpose of the Conservation Commission is to protect the watershed resources, and promote the proper utilization and protection of natural resources within the Town of Hampstead.
2. These Bylaws and Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 36-A, "Conservation Commission".
3. Forestry pursuant to RSA 31:110-113.

## **Membership**

1. The Hampstead Conservation Commission shall consist of seven full time members and two alternate members appointed by the Board of Selectmen as authorized by RSA 36-A:3.
2. All full time Commission members shall be appointed for three year terms.
3. Terms of office commence on April 1<sup>st</sup> and end on March 31<sup>st</sup> three years subsequent, provided however that the term shall continue until successors have been appointed.
4. A vacancy occurring by other than term expiration shall be filled for the unexpired term in the same manner as an original appointment.
5. The secretary shall forward to the municipal clerk for recording, each Commission members' term appointment and expiration dates.

## **Officers**

1. The Commission Officers and their duties shall be:
  - a. **Chairman:** The Chairman shall preside over all meetings and hearings in accordance with Roberts Rules of Order, and shall, with the assistance of the secretary and town staff, post meeting notices, prepare an annual report and perform other duties customary to the office.
  - b. **Vice-Chairman:** The Vice-Chairman shall preside in the Chairman's absence and shall have the full powers of the Chairman on matters that come before the Commission during the Chairman's absence.
  - c. **Secretary:** The Secretary (or designated Town employee) shall be responsible for the maintenance of the Commission minutes and records. The Commission may retain a Recording Secretary whose records shall be reviewed by the Commission for accuracy.

2. Commission officers shall be elected annually by a majority vote of the Commission at the meeting immediately following the date new members are appointed.

### **Duties of the Commission**

1. Conduct research into Hampstead land and water areas. (RSA 36-A:2)
2. Keep an index of all open space and natural aesthetic or ecological areas in Hampstead including marchlands, swamps and other wetlands. (RSA 36-A:2)
3. Advise the Planning Board and other local bodies on conservation matters (RSA 36-A:2)
4. Seek to coordinate the activities of unofficial groups involved with the protection of natural or watershed resources. (RSA-36A:2)
5. Keep accurate records of Conservation Commission meetings and actions and file an annual report. (RSA 36-A; RSA 91-A)
6. Manage, protect and properly utilize conservation land. (RSA-36-A:4)
7. Intervene, investigate and make recommendation on Dredge and Fill permit files with the NH Department of Environmental Services (DES). (RSA 482-A)
8. Prepare reports and maps for local designation of prime wetlands (RSA 482-A:15)
9. Notify the NH DES of projects adjacent to prime wetlands (WT 703.01)
10. Manage the Town conservation land and Town Forests. (RSA 36-A:4, RSA 31:110-113)
11. Receive, manage and control gifts of money and property for conservation purposes, subject to approval of the local governing body and in the name of the Town of Hampstead. (RSA36-A:4)
12. Acquire, manage and control property or property rights for conservation purposes, subject to approval of the local governing body and in the name of the Town of Hampstead.
13. Review and make recommendations to the Planning Board on Sand and Gravel Excavation permits. (RSA 155-E:3)
14. Manage all conservation and open space easements, including maintaining an accurate inventory and periodic visits to properties with easements.

### **Committees**

1. The Chairman may from time to time appoint subcommittees for any purpose deemed necessary. Each subcommittee shall report to the Commission at each meeting or at such other times as may be requested.

### **Meetings**

1. All meetings, including non-public session, shall be held in accordance with RSA 91-A as needed.
2. Regular meetings shall be held monthly at the Town Hall at 7:00 p.m., normally on the third Wednesday of each month.

3. Special meetings may be called by the Chairman or in his/her absence, the Vice-Chairman or at the request of three Commission members. Public notice and notice to each member shall be given at least 25 hours prior to such meeting, excluding Sundays and legal holidays. The notice shall specify the meeting's purpose.
4. **Quorum:** A majority of the Commission membership shall constitute a quorum, including alternates sitting in place of regular members. If any regular Commission member is absent from a meeting or hearing or is disqualified from sitting on a particular application, the Chairman shall designate an alternate member to sit in place of the absent or disqualified member. Alternate members have all regular member powers and duties in regard to any matter under consideration on which the regular member is unable to act.
5. A motion duly seconded shall be carried by an affirmative hand vote of a majority of the members present.
6. Members are requested to attend all regular meetings and as many other meetings and site walks as they can. Notification of absence must be submitted to the Chairman in advance. Continued absences (more than three consecutive unexcused absences) will result in a letter of warning to the member. If absences continue, at the discretion of the Chairman, the member may be requested to submit his/her resignation by a certain date. If the member does not submit his/her resignation by the date, the Board of Selectmen will be so notified and requested to remove the member for cause pursuant to RSA 36-A:3.
7. **Disqualification:** Any Commission member who has a personal or pecuniary interest, direct or indirect, in any matter before the Commission, shall be disqualified from voting or speaking on said matter. If any member finds it necessary to be disqualified from sitting on a particular case, he/she shall notify the Chairman as soon as possible so that an alternate may be identified to fill the place. Either the Chairman or the member shall announce the disqualification before the discussion or the public hearing on the application begins. The member disqualified shall leave the Commission table during all deliberations and the public hearing on the matter. If uncertainty arises as to whether a Commission member should disqualify him/herself on the request of that member or the request of another member of the Commission, the Commission shall vote on the question of whether that member should be disqualified. Such request and vote shall be made at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than Commission members.
8. Order of Business shall be (as applicable):
  - a. Call to order by Chairman
  - b. Roll call
  - c. Public hearing
  - d. Old business
  - e. New business
  - f. Non-public Session
  - g. Adjournment

## **Non-public Session**

1. Non-public sessions are only allowed for specific exemptions detailed in RSA 91-A. The exemption for land acquisition is RSA 91A:3 II (d).
2. The Conservation Commission may exclude the public only after passing a motion stating the exemption relied upon for the non-public session. The motion, duly seconded, must be carried by an affirmative recorded roll-call vote of a majority of the members present.
3. All discussion and decisions made during non-public session shall be confined to the matters set out in the motion.
4. Minutes of the proceedings in non-public session shall be kept, and the record of all actions shall be made available for public inspection outlined in RSA 91-A:3 III. If it is determined by a recorded vote of 2/3 of the members present that divulgence of the information would have an adverse affect (see RSA 91-A:3 III), information may be withheld by sealing the minutes until (in the opinion of a majority of the members) the applicable circumstance no longer applies. In that case, immediately after the non-public session, the Commission will take a roll call vote in public session to seal the minutes.

## **Public Hearings**

The conduct of public hearing shall be governed by the following rules:

1. The Chairperson shall call the hearing into session, identify the applicant or agent and ask for their report on the proposal.
2. The applicant shall present the application to the Commission.
3. The members of the Commission may ask questions at any point during the presentation.
4. Any party to the matter who desires to ask a question of another party must do so through the Chairman.
5. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Commission at each hearing.
6. Each person who speaks shall be required to state his/her name, address and indicate whether he /she is a party in this matter or any agent or counsel to a party in this matter.
7. Other parties such as representatives of Town departments and other Town boards or commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
8. The Chairman shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.
9. The Commission shall act to approve, conditionally approve, or disapprove within the timeframes established by State law.

10. Notice of decision will be made available for public inspection at the Town office building. If the application is disapproved, the Commission shall provide the applicant with written reason for this disapproval.

### **Joint Meetings and Hearings**

1. The Commission may hold joint meetings and hearings with other “land use boards” including the Planning Board. Each Board shall have discretion whether or not to hold such joint meeting or hearing. (RSA 676:2)
2. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairman of the two boards.
3. The Rules of Procedure for joint meetings and hearings, the subject matter of which involves the Commission, shall be the same as these Rules of Procedure except that the order of business shall be as follows:
  - a. Call to order by Chairman.
  - b. Introduction of members of both boards by Chairman.
  - c. Explanation of reason for joint meeting/hearing by Chairman.
  - d. In the case of public hearing relative to a requested permit or an application for a plan of approval, or both, the applicant shall be called to present his/her proposal.
  - e. Adjournment.
4. Each board involved in a joint public hearing shall make its own decision based on its criteria for the particular matter.

### **Records**

1. Commission records shall be kept by the Secretary (or designated Town employee), and shall be made available for public inspection at the Town Clerk/Tax Collector’s Office.
2. Minutes of meetings including the Commission members’ names, persons appearing before the Commission, and a brief description of the subject matter, shall be open to public inspection as required in RSA 91-A:2, II.

### **Procedure for Standard Dredge and Fill Applications**

1. Application to the New Hampshire Wetland Board must be filed at the Town Clerk’s Office at least ten days in advance of the Conservation Commission meeting at which the application is to be reviewed by the Commission. The applicant shall, by certified mail, notify all abutters (as defined by the NH Wetlands Bureau Rules) of the application.
2. Within fourteen days of an application to the NH Wetlands Board being filed with the Town Clerk, the Chairman (or designated Town employee) shall notify the NH Wetlands Board in writing of the Commission’s intent to intervene, in accordance with RSA 492-A.

3. The application shall be scheduled for a public hearing at the next regular Commission meeting. A site walk shall normally be scheduled for the Saturday before the regular meeting.
4. If inclement weather or unusual field conditions (i.e. deep snow coverage that prevents an adequate impact assessment) the Commission may request an applicant to postpone action until an adequate assessment can be made.
5. A written report stating the Commission's action on the application shall be sent to the Wetlands Board within 40 days of the original filing date with the Town Clerk.
6. For applications involving the construction of wetland mitigation areas, the Commission shall impose, or request the appropriate regulatory agency (Planning Board or NH Wetlands Board) to impose the following standard conditions:
  - a. A performance guarantee shall be submitted (letter of credit, bond, etc.) sufficient to cover the costs of constructing and planting the mitigation area.
  - b. Monitoring to continue through three (3) growing seasons. A portion of the performance guarantee will be held during this time to cover replanting and minor site work revisions if necessary.
  - c. Monitoring reports from a qualified wetland scientist shall be submitted to Town staff and the Commission. In some cases, the Commission might require an independent firm to monitor construction and planting on behalf of the Town, at the applicant's expense.
  - d. Submission of as-built topographic plans and certification that the wetland mitigation area was constructed and planted according to approved plans, before construction of the site begins.

### **Procedure for Minimum Impact Expedited Applications**

1. An application received by the Town Clerk/Tax Collector's office for a minimum impact expedited permit will be treated like a Standard Dredge and Fill application with the exception that staff will not send a notice of intervention to the Wetlands Board.
2. The application shall be scheduled for a public hearing at the next regular Commission meeting. A site walk shall normally be scheduled for the Saturday before the regular meeting. The applicant will be advised if the Commission determined a Standard Dredge and Fill Application should be filed.

### **Amendments**

1. These Bylaw and Rules of Procedure may be amended by a majority vote of the Commission members provided that such an amendment is read at the meeting immediately preceding the meeting at which the vote is to be taken. The amended Bylaws and Rules of Procedure shall be filed with the municipal clerk.

Adopted by a majority vote of the Hampstead Conservation Commission, as indicated by signatures below.

\_\_\_\_\_  
David Treat, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Kendra Stanley, Vice-Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sarah Low

\_\_\_\_\_  
Date

\_\_\_\_\_  
David Dufresne

\_\_\_\_\_  
Date

\_\_\_\_\_  
Steve Mills

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael Terrile

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bill Guest

\_\_\_\_\_  
Date