

TOWN OF BARRINGTON, N.H., CONSERVATION COMMISSION

By-laws

Adopted September 4, 2014

Revised May 19, 2016

1. **Name:** The name of this body shall be the Barrington Conservation Commission, hereinafter called the Commission.

2. **Authority:** The Commission was established in accordance with RSA 36-A:1 at the February 16, 1973 Town Meeting.

The Commission will recommend ways by which the development of the community can be balanced with the proper utilization and protection of the area's natural resources, However, the power to decide how to protect what we value will always belong collectively to the citizens of Barrington in accordance with statute.

3. **Statement of Purpose:** The purpose of the Commission is to identify and promote awareness of the natural resources of the Town of Barrington and encourage wise decisions for the protection of these resources.

4. **Duties Related to Purpose:** The Commission shall have the following duties and functions:

a. To conduct research into Barrington's natural resources and create a Natural Resources Inventory (NRI) along with maps and charts of all open space, natural areas (areas mostly unchanged by human habitation), aesthetic areas (open or natural areas that are of significant beauty), and ecologically significant areas (places which help maintain the natural life of the area), streams, ponds, and wetlands.

b. To educate and enlighten the public as to these natural resources through printing, advertising and distributing documents (maps, charts, plans, pamphlets, books) resulting from its researches or other sources, and publicizing its researches through public meetings, internet resources, hearings, and workshops, including field outings to experience the joy that natural areas can bring.

c. To recommend conservation plans or programs for the protection, development or better utilization of natural areas in Barrington listed in the Natural Resources Inventory, including acquisition of land for conservation through ownership (fee simple) conservation easement, or deed restriction. Such recommendations shall be made to the Board of Selectmen, Planning Board, or other town boards and to the citizenry of Barrington via the annual Town Meeting with the intention of placement in the town's Master Plan.

d. To cooperate with the Board of Selectmen, Planning Board, other Town boards, nonprofit conservation organizations, developers and landowners as well as regional and state agencies on conservation-related matters, including but not limited to reviewing applications for wetlands permits and making recommendations thereon to state agencies, local bodies and the applicants.

e. To serve as a sounding board for and provide guidance to individual citizens and unofficial bodies with conservation-related concerns.

f. To administer the Conservation Fund

5. Membership: The Commission shall consist of five (5) regular members and up to five (5) alternate members. One member may also be a member of the Barrington Planning Board. In addition, a Selectman may also be a non-voting member at the pleasure of the Selectmen. Members shall be residents of Barrington per RSA 36-A. Members and alternate members shall be appointed by the Board of Selectmen for three-year terms or to fill an unexpired term of a vacancy occurring otherwise than by expiration of a term. Regular appointments shall be made soon after the Barrington Town Elections so that the newly-elected Selectman may participate in the appointments. Appointments to fill unexpired terms shall be made right after the vacancy occurs. The terms shall be staggered such that the terms of approximately one-third (1/3) of the members shall expire each year. Any member of the Commission may be removed for cause by the Board of Selectmen.

Alternate members shall join the regular members in all presentations, public hearings, and discussions except that such alternates may not vote on any proposal or motion before the Commission unless appointed by the Chair to fill a vacancy, and that alternate shall then act as a regular member.

In these by-laws, the term member shall include alternate member unless explicitly stated otherwise.

6. Officers: The regular members shall elect a Chair, Vice Chair, and Treasurer at the first meeting following the Barrington Town Meeting voting day 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 a successor is elected by majority vote on a formal motion.

7. Duties of Officers:

a. The Chair shall be responsible for the organization and direction of the Commission, the appointment of members to committees, the preparation of the meeting agenda, scheduling of hearings, conducting meetings, acting as liaison to the Board of Selectman, Planning Board, and Zoning Board of Adjustment, receiving suggestions and concerns from the public and ensuring that the work of the Commission is carried out promptly. The Chair shall ensure that meeting notices are posted and shall prepare the annual Commission report. The Chair may delegate these duties in order to accomplish the work of the Commission.

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

c. A Recorder assigned by the Selectmen shall keep minutes of the meetings and other proceedings of the Commission.

d. The Treasurer shall work together with the Town Treasurer in monitoring the Conservation Fund and Stewardship Fund.

8. **Duties of Members:** Members shall familiarize themselves with Barrington zoning, subdivision and site plan regulations, New Hampshire state land use regulations, and the Handbook for Municipal Conservation Commissions in New Hampshire. They shall serve on standing and *ad hoc* committees if requested by the Chair. Members shall strive to attend all meetings and notify the Chair in advance when unable to attend a meeting.

10. **Conflict of Interest:** No member shall participate in a vote or the discussion leading up to a vote if that person has a potential conflict of interest. Any member who has a potential conflict of interest shall disclose that fact to the Commission. A conflict of interest occurs when a member has a direct personal or pecuniary interest in the outcome of a vote which substantially differs from the interest of other citizens.

When uncertainty arises as to the application of the above to a Commission member in particular circumstances, the Commission shall, upon request of that member or another member of the Commission, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing.

9. **Committees:** Subcommittees shall be established by vote of the members of the Commission for any purpose deemed necessary for the fulfillment of the purposes of the Commission. Ad hoc committees to investigate specific projects may be established and appointed by the Chair. Each Committee shall report to the Commission at each regular meeting or at such other times as the Commission may require. Standing Committees include but are not limited to The Town Forest task Force and the Natural Heritage Committee and shall assist the Commission in planning for conservation of town land and outreach.

11. **Meetings of the Commission:** The Commission shall normally meet twice a month, or more or less often depending on the workload. After the election of officers, the Commission shall decide on a place and time for regular meetings and publicize that information. Any change during the year likewise shall be publicized.

12. **Public Hearings and Informational Meetings:** The Commission is required to hold a Public Hearing in connection with the disbursement of monies from the conservation fund when proposing using such funds for property interests. Public Hearings and Informational Meetings will be held in accordance with RSA 91-A:1 through A:3.

13. **Quorum:** Three (3) members, one of whom must be a regular member, shall constitute a quorum for the transaction of regular business.

14. **Conservation Fund:** Upon establishment of a conservation fund and pursuant to 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 of conservation funds shall be authorized by a majority vote of the Commission members and alternates present and qualified to vote. In accordance with RSA 675:7 The Commission shall hold a Public Hearing with notice and seek approval of the Board of Selectmen, before using money from the conservation fund for property interests.

The Stewardship Fund is a part of the conservation fund that is held in reserve for the defense and monitoring of the conservation easements held by the town. Money is normally added to the fund whenever the town accepts a new conservation easement, or executory interest in an easement, in an amount determined by the commission. The Conservation Commission Treasurer is charged with keeping track of the amount in the stewardship fund.

15. **Acceptance of Gifts:** Upon establishment of a conservation fund, the Commission shall vote at a regular meeting whether to accept a gift. Although the receipt of gifts by the Commission is authorized by RSA 36-A:4, the Commission may refuse a gift for any reason and shall refuse any gift which in the Commission's judgment might be detrimental to the interests of the town.

16. **Use of the Conservation Fund:** Upon establishment of a conservation fund, that fund may be used to acquire any interest in real property or property rights, or to support protection of land for conservation purposes as provided for in RSA 36-A:4. In addition, the fund may be used to support the duties and functions relative to the purpose, as enumerated in paragraph 4, not otherwise funded by annual appropriations voted by the Town of Barrington in accordance with the Memorandum of Agreement with the Selectmen dated May 3, 1999, which states:

MEMORANDUM OF AGREEMENT

This memorandum of agreement, between the Conservation Commission and the Board of Selectmen, covers use of the Conservation Fund monies and is intended as a political document only.

As allowed by RSA 36-A, the Conservation Commission shall utilize funds from the Conservation Fund as outlined below:

1. All land purchases and receipt of gifts or money and property, both real and personal, by the Commission, will be subject to the approval of the Board of Selectmen.
2. Survey and appraisal costs associated with the development of conservation easements.
3. Associated costs of a natural resources inventory.

4. Educational outreach programs for community awareness. The Conservation Commission shall report quarterly to the Board of Selectmen regarding the expenditure and proposed uses of the Conservation Fund monies.

17. Procedure for Requests from Other Town Boards for Advice or Review

The Commission shall promptly investigate requests from other town boards and shall determine whether the Commission has a legitimate interest in the request and shall inform the requester when a reply will be generated. Conversely, the Commission shall advise other Town boards if the Commission has an interest in any matter coming before the other boards. When a matter of interest to the Commission is to be investigated, the Chair 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.

18. Adoption and Amendment of By-laws:

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

b. Amendment: 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 (1) regular meeting prior to the vote, and the final draft of the amendments shall be in the hands of members at least two (2) weeks prior to the vote. After approval of any amendments, the Chair shall file a copy of the amended by-laws with the Town Clerk and provide a copy to the Board of Selectmen.