

*BY-LAWS OF THE EXETER CONSERVATION COMMISSION*

**Article I: Name and Location**

The name of this (voluntary, non-profit,) organization shall be the Exeter Conservation Commission (hereafter called The Commission). The principal office of The Commission shall be located at The Exeter Town Office Building, 10 Front Street, Exeter, New Hampshire.

**Article II: Authority**

Established in March 1965 by a vote at Exeter Town Meeting, the Commission derives its authority from State Law RSA 36-A and from the Town of Exeter Ordinances. Nothing in these by-laws is intended to conflict with these.

**Article III: Purposes**

1. To ensure the conservation and proper utilization of the natural resources and the protection of watershed resources of the Town of Exeter.
2. To advise other Town boards and State agencies on conservation and natural resource matters as defined by local and state regulations.
3. To acquire land for fee (full title) or through conservation easement for conservation purposes and to receive gifts of money or property in the name of the Town. This may include water resources. The Commission will then manage these areas.
4. To manage duly authorized town forests.
5. To conduct research into local land and water natural resources to ascertain their value for conservation purposes.
6. To keep the public informed as to actions taken and lands available for public use.
7. To intervene when appropriate within 10 days of a dredge and fill of wetlands application, and to investigate and report its findings and recommendations within 40 days to the NH Wetlands Board.(RSA 483A)
8. To receive copies of sand and gravel excavation permit applications and make necessary comments and recommendations to the proper board.(RSA 155-E)
9. To advise the Planning Board on Conditional Use Permits, Wetland Buffer Waivers and other natural resource matters as requested.
10. To monitor open space and conservation lands, including easements for compliance with the deed.
11. To conduct or sponsor activities which foster conservation education.
12. To assist in the Town's Master Plan up-dates and to implement the actions dealing with natural resources.
13. To attend workshops, informational meetings and conferences so that the Commission is adequately informed about conservation issues.

**Article IV: Membership**

**1. Membership And Terms Of Office**

- A. **Regular Members:** A full Commission shall consist of seven (7) regular members, appointed by the Board of Selectmen for three-year terms. Terms shall be arranged so that approximately one-third of the members' terms expire yearly. Members may serve no more than two consecutive three-year terms and are eligible for alternate member position after maximum terms are served. The appointment of members shall conform to terms and requirements of RSA 36-A.
- B. **Alternates:** The Board of Selectmen may appoint five (5) alternate members. Upon designation of the Chair, alternate members may serve in place of a regular member in the event of absence or recusal. The terms for alternates shall be the same as for regular members.
- C. New members shall file an application with the Town Manager's Office and will be contacted for an interview by the Board of Selectmen. All members must be residents of Exeter.

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- D. The Natural Resource Planner participates as an advisor to the Commission but does not vote.
- 2. **Election Of Officers**  
Officers for the Commission shall be elected each May for a term of one year and may serve consecutive terms.
- 3. **Absenteeism**
  - A. Members are expected to attend all monthly meetings unless the Chair is notified in advance.
  - B. Unexcused absence from four meetings may result in a letter being sent to the regular member or alternate in question. If no reply is forthcoming in a reasonable amount of time (usually one month), the member will be requested to submit his or her resignation and the Selectmen will be so notified to select a replacement.

**Article V: Responsibilities of Offices**

- 1. **Chairperson**
  - A. It shall be the duty of the Chair, or his/her designate, to notify in advance all members of the Commission of any scheduled meeting. The Chair is also responsible for finalizing agenda for the meeting listing issues to be discussed.
  - B. The Chair shall run the meeting and assign the floor to those speakers who request it.
  - C. The Chair may take part in any discussions relative to the business at hand and will rule on any disputes that arise during debates.
- 2. **Vice-Chairperson**
  - A. 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.
- 3. **Clerk**
  - A. In the absence of administrative staff, the Clerk shall keep an accurate record of the meetings and other proceedings of the Commission
  - B. In accordance with RSA 91-A:2, a typed copy of the minutes shall be made available for public inspection not more than 5 business days after the meeting, and a copy brought to the Town Clerk's Office.
  - C. In the absence of administrative staff, the Clerk shall be responsible for correspondence designated by the Commission.
- 4. **Treasurer**
  - A. The Treasurer ensures all monies received by the Commission is accounted for and deposited into the Conservation Fund and disbursed from that account only with proper authorization by official vote of The Commission.
  - B. The Treasurer shall report on the status of the Commissions monies at meetings of the Commission not less than quarterly and file a copy of that report with the Planning Department of the Town of Exeter.
  - C. The Treasurer, with support of the Natural Resource Planner, is responsible for preparing the annual budget request.

**Article VI: Committees**

**1. The Raynes Farm Stewardship Sub-Committee**

- A. **Objectives:** This committee is advisory to the Commission and shall:
- (i) Help identify and prioritize preservation and public use objectives for Commission review.
  - (ii) The Conservation Commission serves as the primary contact person for inquiries regarding the property and may call upon the Stewardship Committee to advise, particularly in maintaining the Town's relationship with the farmers who lease the farmland and barn.
  - (iii) Review the LCHIP monitoring report, the farmer-Commission lease agreement, and the Raynes Farm Long Range Development Plan. Any suggestions for changes that are agreed upon by the Committee shall be submitted to The Commission for their approval.
  - (iv) Provide recommendations to the Conservation Commission on implementation of projects that have budgetary impacts.
- B. **Membership:** This committee shall consist of at least 5 members including 2 representatives from The Commission, a member of the Exeter Historical Society, a member of the Public Works Department and private citizens. In addition, any individuals leasing the land will also be a part of the committee but will not vote when decisions concerning their lease are discussed. Other members may be appointed by the Commission from the town at large with the goal of furthering the objectives of the Long Range Development Plan.
- C. **Procedures:** The committee shall elect its own chair annually. The committee shall meet at least annually for the purposes of reviewing the LCHIP monitoring report, the Farmer-Commission lease agreement, and the progress with projects identified in the Raynes Farm Long Range Development Plan.

**2. Trails Sub-Committee**

- A. **Objectives:** This committee is advisory to The Commission and shall:
- (i) Oversee the creation and maintenance of trails on Conservation Lands in accordance with the trail management plan and advise The Commission on actions that need to be taken.
  - (ii) Submit a list of recommended trail projects to the Commission each year in order to meet budget planning schedules.
- B. **Membership:** This committee shall consist of at least 2 representatives from The Commission. Other members may include both residents and non-resident users of the trail network with the goal of having representation from a diversity of recreational uses and furthering the intent of the Trail Plan.
- C. **Procedures:** The committee shall meet at least 2 times a year to identify and prioritize trail projects needs and as needed to further the objectives of the trail management plan.

**3. Ad Hoc Committees**

- A. Ad Hoc committees may be appointed by the Chair of the Commission as the need arises. At least one member of the Commission shall serve on each committee.

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**Article VII: Operating Procedures**

**1. Meetings**

- A. Public notice of Commission Meetings must be posted in two public places, such as the Town Offices, the Town's website, or the Library 24 hours prior to the meeting. The notice shall be published according to State law RSA 91, a copy of which is available in the Conservation Commission Handbook.
- B. At the discretion of the Chair there shall be not less than one regular meeting of the Commission each month. Such meetings will be held in the Town Offices on the second Tuesday of each month at 7:00 p.m. unless otherwise specified by the Commission or the Chair prior to the second Tuesday.
- C. Special meetings may be held, if necessary, at the discretion of the Chair. They may also be called by the Commission on a majority vote of the members for a special purpose. At any special meeting, no business other than that specified by the Commission may be considered.
- D. Individual notification of each Commission member by the Chair shall be given not less than five days before the date of any special meeting.
- E. A majority of the members of the Commission then in office shall constitute a quorum for the transaction of any business.
- F. It is the responsibility of the Chair to convey to the appropriate State, County or Town board or commission recommendations passed by the Commission.
- G. No discussion of action items would continue after 10:00 pm unless otherwise voted on by the Commission.

**2. Public Hearings**

- A. A public hearing must be held before any money from Conservation funds is used to acquire "any interest in real property"(RSA 36-A:5 II). A public hearing may be held to solicit opinions on other issues deemed important by the Commission.
- B. Notice for such a meeting must be posted in two public places and in a newspaper "of general circulation in the municipality" at least 10 days before the hearing, counting neither the day of posting or the day of the hearing. (RSA 675:7)
- C. Conduct of the meeting should follow the procedure outlined on p. III-4 of the Handbook for Municipal Conservation Commissions in New Hampshire.
- D. Minutes of the meeting should include the members of the commission present, those who testified and a summary of their positions. These minutes should be distributed in the same manner as regular minutes, described in Article V, Section 3B.

**3. Dredge and Fill Applications**

- A. Upon receipt of a copy of an application to dredge and fill wetlands from the Town Clerk, per RSA 482-A:3 (except for agricultural and minimum impact applications as noted in D below), the Natural Resource Planner on behalf of the Chair shall send a letter of intervention to the wetlands board asking for an additional 30 days for review if a regularly scheduled meeting will not meet review deadlines.

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- B. The Commission may hold public hearings, public informational meetings and/or conduct site walks as part of its review. The application must be discussed, and a decision made as to its impact, at a regular meeting of the Commission.
- C. A final letter of recommendations shall be sent to the wetlands board.
- D. Upon receipt of agricultural wetlands or minimal impact applications, the Commission shall review the application and sign the supplied forms in accordance with State procedures if expedited review is supported by the Commission.

**4. Review of Sand and Gravel Excavations**

- A. Upon receipt of a copy of an application for a permit to excavate, per RSA 155-E, the Commission will review the application as to its impact on the natural resources of the area.
- B. The Commission may hold public hearings, public informational meetings and/or conduct site walks as part of its review. The application must be discussed, and a decision made as to its impact, at a regular meeting of the Commission.
- C. A final letter of recommendations shall be sent to the Planning Board.

**5. Request from Planning Board, Zoning Board or Technical Review Committee for Advice or Review.**

- A. Upon receipt of a Conditional Use Permit application or request for input or review by any Town board or committee, the Commission shall review the request and respond appropriately.
- B. For projects that appear before the Commission prior to other land use boards, The Commission shall provide written recommendations to those Boards for consideration.

**6. Conceptual Discussions**

- A. Prior to a formal application submission, the Commission may meet, if requested, with a potential applicant who anticipates submitting a formal application for review by the Commission. The purpose of the meeting is to generally discuss the project concept and any potential issues in order to help the applicant revise and improve their application before it is submitted.
- B. Such consultation shall not bind either the applicant or the Commission, and statements made by the Commission members shall not be the basis for disqualifying said members or invalidating any future action taken. The Commission and the applicant may discuss proposals in conceptual form only and neither the applicant nor the Commission shall be bound by the discussions.

**7. By-laws**

- A. These By-laws shall be reviewed annually and revised as needed by a majority vote of the Commission.