

# Conservation Commission **FREEDOM, NEW HAMPSHIRE**

## **BY-LAWS and RULES OF PROCEDURE** FOR THE TRANSACTION OF BUSINESS as Per RSA 676.1

### ARTICLE I - AUTHORITY AND ADOPTION

The Conservation Commission of Freedom, New Hampshire, as established by Chapter 36-A:1, shall have such rights, powers, and duties as are conferred or imposed upon it, by the residents of Freedom at the Town Meeting on March 5, 1973, as authorized by Chapter 36-A:1 of the New Hampshire Revised Statutes Annotated, and any amendments. The full versions of the Land Use Statutes may be found in the New Hampshire Planning and Land Use Regulation issued by the New Hampshire Office of Energy and Planning; and at <http://www.gencourt.state.nh.us/rsa/html/indexes>.

### ARTICLE II - PURPOSE AND INTENT

The Commission is established pursuant to RSA 36-A for “*the proper utilization and protection of the natural resources and for the protection of watershed resources*” of the Town.

### ARTICLE III - MEMBERS AND VACANCIES

SECTION 1 - Per RSA 673:5, II & III, The term of an appointed Conservation Commission member shall be three (3) years. The initial terms of members first appointed to the commission shall be staggered so that no more than three (3) appointments occur annually in the case of a seven (7) member Commission, except when required to fill a vacancy.

SECTION 2 - One member of the Commission may serve as a member on the Planning Board.

SECTION 3 - Vacancies of a Commission member shall be filled by appointment by the Board of Selectmen, whether to complete a vacated three year appointment or to serve a complete three year appointment, or by recommendation from the Commission to the Board of Selectmen.

SECTION 4 - Each appointed Commission member, including full and alternate members, shall be sworn in and take an oath of office as required by RSA 42:1.

SECTION 5 - Per RSA 673:10, III, A majority of the membership of the Commission shall constitute a quorum necessary in order to transact business at any meeting/hearing of the Commission. A quorum shall include alternates sitting in place of regular members.

SECTION 6 - Per RSA 673:11, Whenever a regular member of the Commission is absent or whenever a regular member disqualifies herself/himself, the Chairperson shall designate an alternate, if one is present, to act in the absent member’s place.

SECTION 7 - Commission members and alternates who are unable to attend the regularly scheduled meetings/hearings/workshops shall inform the Chairperson at least twenty-four (24) hours or as soon as possible, via email or by phone if possible, before the scheduled meeting/hearing/workshop date.

SECTION 8 - Commission members and alternates who miss three (3) or more consecutive meetings/hearings/workshops without notifying at least the Chairperson of the Commission may be subject to removal by recommendation of the Commission members to the Board of Selectmen, in accordance with RSA 673:13.

SECTION 9 – A Commission member shall be U.S citizen, a Freedom town resident, and of voting age.

SECTION 10 - Per RSA 673:5, III, An appointed member whose three year term has expired shall continue to serve with voting rights until reappointment or a replacement by the Selectmen and that candidate has taken the oath of office.

SECTION 11 - Per RSA 673:16, 1 and 36-A: 2, The Commission may appoint clerks and such employees as it deems necessary for its work. The Commission may also contract with planners, soil engineers, wetland scientists, surveyors, foresters, and other consultants for such services as it may require.

#### ARTICLE IV - ORGANIZATION & OFFICERS

SECTION 1 - The Commission shall consist of seven (7) members and two (2) alternates. The Commission will interview applicants for vacant Commission positions and make recommendations to the Board of Selectmen. New Commission members shall be appointed by the Board of Selectmen or upon recommendation by the Commission.

SECTION 2 – The Conservation Commission and Forest Advisory Committee shall consist of a Chairperson and Vice-Chairperson, each officer elected by their respective Commission or Committee. The Committee representative to the Commission shall be appointed by the Committee Chairperson. The representative will serve as the liaison between the Commission and the Committee. The representative will not have voting rights on Commission matters, except if appointed as a member of the Commission. All Commission and Committee members shall be appointed by the Board of Selectmen.

SECTION 3 - The Commission shall hold an annual organizational meeting of the Conservation Commission and the Forest Advisory Committee in April of each year. This joint meeting may be a regular monthly meeting or a special meeting. The Commission Chairperson shall call the meeting to order. At this meeting, the Commission and Committee shall review these Rules of Procedure and elect one of its members as chairperson and one as vice-chairperson. The Commission may appoint such clerks and other employees or subcommittees as it may require. The Commission and Committee shall address the goals and objectives for the upcoming year at this meeting.

SECTION 4 - Special purpose subcommittees shall be created by the Commission, when deemed necessary, in order to conduct its work. Such subcommittees shall cease to exist when their final report is acted upon by the Commission, Committee, the Board of Selectmen, or at the next organizational meeting, whichever is sooner. The Septic Review Committee and the Forest Advisory Committee are standing subcommittees of the Commission.

SECTION 5 - Candidates for any office receiving a majority vote of the Commission shall be declared elected. The elected candidate shall take office immediately.

SECTION 6 - The Chairperson shall call the meeting to order, preside over deliberations, ensure that all proceedings are in accordance with New Hampshire statutes, have all the powers and perform all the duties normally conferred by parliamentary usage on that office.

SECTION 7 - The Chairperson shall present a report for inclusion in the Town's Annual Report, prepare annual budget reports, appoint subcommittees and their respective chairpersons, and perform all other duties of the presiding officer.

SECTION 8 - The Chairperson is responsible for directing the generation of all correspondence and recommendations, including letters to the State and other Town boards.

SECTION 9 - The Vice-Chairperson shall perform all the duties of the Chairperson in her/his absence or disability.

SECTION 10 - The term of the officers shall be one (1) year. The officers shall be eligible for reelection as per RSA 673.9.

## ARTICLE V - DUTIES

SECTION 1 - It shall be the duty of every member to be familiar with the Duties, Powers and Authorized Appropriations of Conservation Commissions as established by RSA 36-A:2; RSA 36-A:4; RSA 36-A:4a; and RSA 36-A:5.

SECTION 2 - The Commission, through its mission on behalf of the town:

- Shall conduct research into its local land and water areas
- Shall keep an index of all open space and natural, esthetic or ecological areas within the town
- Shall keep an index of all marshlands, swamps, and all other wetlands and may recommend to the selectmen or DNCR a program for protection, development, or better utilization of all such areas
- Shall keep accurate records of its meeting.

SECTION 3 - Review all major subdivision applications as they are submitted to the Planning Board and make recommendations as appropriate.

SECTION 4 – Review all applications impacting wetlands submitted through DES and make recommendations as appropriate.

SECTION 5 - The Commission shall continue to monitor the water quality of Ossipee Lake and the bays by participation in the Voluntary Lake Assessment Program and by implementing correction measures noted in the Ossipee Lake Watershed Management Plan, Phase I & II.

SECTION 6 - Commission members are encouraged to attend environmental training conferences, workshops, and other like programs as made available by the Office of Strategic Initiatives, the NH Municipal Association, the NH Association of Conservation Commissions, regional commissions, other conservation groups, and land trusts. The Commission may, by majority vote, authorize the payment of reasonable expenses incident to such attendance.

SECTION 7 – Commission members, in the performance of their functions to gather data, shall not enter private property without obtaining prior landowner approval.

SECTION 8 - The Commission may, from time to time, suggest recommendations to the Planning Board for the town’s Master Plan, amendments to the Zoning Ordinances, and edits to the official town maps.

SECTION 9 - The Forest Advisory Committee, under RSA-36A-A:2, will meet on the first Wednesday of each month, and will advise the Commission on management decisions for the town forest.

SECTION 10 - The Committee, which shall be overseen by the Commission and the Selectboard, will have the primary responsibility for managing the town forest in accordance with the conservation easement help by the state of New Hampshire.

SECTION 11 - The Committee shall have between five (5) and seven (7) members, and must include a representative from the FCC, Selectboard, and a Planning Board ex officio member.

SECTION 12 - The Committee shall act as an advisory body regarding the expenditure of monies from forest accounts and must receive approval by a majority vote of the Commission prior to such expenditures. In addition, it is required that the Selectboard approve all expenditures.

SECTION 13 - Commission and Committee members are urged to establish separate email accounts, i.e., Gmail, AOL, etc...) to be used only for Commission business. This suggestion is procedural, not statutory. Commission decisions are not permitted by email or teleconference.

#### ARTICLE VI - FINANCE

SECTION 1 - The annual budget shall be created and approved by a majority of the Commission members. The chairperson shall submit the proposed annual budget to the Board of Selectmen by the required deadline.

SECTION 2 - The Commission shall authorize expenditures of funds within the approved budget.

SECTION 3 - The Commission shall administer the Conservation Fund as established by vote of town meeting March 2005. Expenditures of monies from the existing fund may only occur upon vote of a majority of Commission members after a public hearing in accordance with RSA 36-A: 5 II, with notice given in accordance with RSA 675:7.

SECTION 4 - Expenditures to purchase any interest in real property requires coordination with and approval by the Board of Selectmen.

#### ARTICLE VII - WAIVER

Except for Rules required by state statute, the Commission may vote to waive any requirement of these Rules by a majority vote taken at a meeting with a quorum present when it is determined that such waiver will properly carry out the purpose and intent of these Rules.

## ARTICLE VIII - AMENDMENT

The Commission shall, from time to time, prepare updates, amend, and revise its By-Laws and Rules of Procedure. Amendments shall occur in the manner prescribed by RSA 676:1 as amended.

## ARTICLE IX - ATTENDANCE

Members shall attend all meetings and must inform the chairperson, the vice-chairperson or clerk of expected absences. If a member misses three (3) consecutive meetings or four (4) meetings within twelve (12) months with no contact, this shall be evidence for noninterest. The FCC may then vote and recommend to the Board of Selectmen that the member be removed from the FCC.

## ARTICLE X - VOTING

SECTION 1 - A majority of the membership constitutes a quorum. A lesser number may meet, but may not vote on matters before the Commission. After discussion has occurred on an item, the chairperson will call for a motion to be made. If seconded, discussion will be called for on the motion. A majority vote of the voting members present is needed to approve any item. If a vote is not unanimous, the record shall indicate by name those voting in favor, opposed and abstaining.

SECTION 2 - Commission members are encouraged to actively participate in Commission discussions and present their views clearly and succinctly. Differing views will enable members to consider various aspects of a particular matter and shall be presented in a socially acceptable manner. The chain-of-command shall be utilized to resolve disputes and establish accountability.

SECTION 3 - No Conservation Commission member shall participate in deciding or shall sit upon a hearing of any question which the Commission is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action of law. Reasons for disqualification do not include exemptions from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

SECTION 4 - When uncertainty arises, the Commission shall, upon the 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. Such a vote shall be advisory and non-binding and may be requested only by a Commission member.

SECTION 5 - Once the Commission member has disqualified herself/himself, the disqualification shall be announced by the Chairperson or Vice-Chairperson before the discussion or public hearing. The Commission member disqualified shall leave the Commission table during all deliberations on the matter. The Chairperson shall fill the vacancy by the alternate next in rotation, if one is present. Once the matter has been closed for discussion, the alternate, if one is present, shall step down from the Commission and the regular Commission member shall rejoin the table.

SECTION 6 - Members shall endeavor to protect their unbiased status to participate in any case before the Commission.

## ARTICLE XI - MEETING REQUIREMENTS

SECTION 1 - Meetings of the Commission shall be conducted under Robert's Rules of Order and scheduled for the third Tuesday of each month at 7:00 pm in the Freedom Town Hall unless otherwise specified by the Chairperson.

SECTION 2 - Agenda items for meetings close at 12:00 pm, five (5) business days before the scheduled meeting (calculations of the closing date shall not include the closing day, meeting day, weekends, or holidays).

SECTION 3 - Applications submitted to the Commission for formal action should be submitted to the Town Office by 12:00 pm, five (5) business days before the scheduled meeting (calculation of the closing date shall not include the closing or meeting days). In addition, participants for informal discussion should request to be included on the agenda by the closing date.

SECTION 4 - The clerk shall issue notice of all meetings in accordance with RSA 91-A. For formal public hearings, he/she shall notify all abutters and make notice of the time and place as required by RSA 675:7.

SECTION 5 - After the meeting closing date, the clerk shall mail a meeting packet to all members prior to the meeting. It shall include a copy of the agenda, any minutes to be considered for approval, copies of any documents or applications that will be considered by the members at that meeting, copies of correspondences, invoices, notices or other information received.

SECTION 6 - All meetings, including subcommittee meetings, are open to the public with the exception of non-public sessions properly called and held under RSA 91-A:3.

SECTION 7 - Subcommittee meetings shall be held as needed to facilitate their appointed function. Adjustments to the posted schedule shall be made as necessary for situations such as holiday, weather events, or the lack of a quorum.

SECTION 8 - Special or emergency meetings may be called by the chairperson, or in the absence of the chairperson, the vice-chairperson or designee. All Commission members shall receive at least twenty-four (24) hours notice of such a special meeting. The agenda shall specify the purpose of the meeting and no other business shall be discussed. The meeting shall be properly posted and recorded.

SECTION 9 - Meetings may be continued or rescheduled by a majority vote of the members present and notification of all absent members.

SECTION 10 - All agenda portions of the meeting shall be terminated by 10:00 pm except that a matter under consideration may be continued or terminated as determined by a majority of members present. Agenda items not yet considered shall be deferred to the next meeting.

SECTION 11 - A recording secretary of the Commission shall keep a full and accurate record of the proceedings of all meetings. Minutes of meetings shall be taken and shall include the names of members present and absent, persons appearing before the FCC and a summary of the matters discussed and action taken. Records shall be produced and retained in accordance with RSA 91-A.

## ARTICLE XII - MEETING ORDER

At each regular meeting, the order of the proceedings typically shall be as follows:

- Call to Order and Quorum Check
- Approval of Minutes of previous meeting.
- Public hearings (applications, proposals, etc)
- Informal hearings and discussions with applicants
- Reports of Committees
- Introduction of new proposals, other new business, and correspondence
- Public comment
- Adjourn

## ARTICLE XIII - OPERATIONAL PROCEDURES

**A. Dredge and Fill Applications:** The applicant to the Planning Board shall also submit a copy of the application to the Commission in accordance with RSA 155-E.

**B. Wetlands Bureau Applications:** The applicant submits five (5) copies of the Bureau's standard application form, signed by the town clerk, and delivered to the Conservation Commission. Only a conservation commission has the power to "intervene", or delay consideration of an application to the Wetlands Bureau to allow time for local review of the proposal.

**C. Public Hearings:** The FCC will hold formal public hearings in the following manner:

Must hold a public hearing prior to members voting to expend monies from the conservation fund to acquire "any interest in real property" (RSA 36-A: 5. II)

Must hold a public hearing for any subject for which the Commission wishes to solicit general public input

Must hold a public hearing for a proposed new recreational, educational or research proposal on the Freedom Town Forest

Must hold a public hearing for proposed changes to the Freedom Town Forest Stewardship Plan

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Paul Elie  
Conservation Commission Chair

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Cheryl Harris  
Conservation Commission Vice-Chair

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Sarah Tabor  
Conservation Commission Member

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John McVitty  
Conservation Commission Member

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Alice Custard  
Conservation Commission Member

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Frank Lalumiere  
Conservation Commission Member

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David Straw  
Conservation Commission Member

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Sue Hoople  
Conservation Commission Alternate

**DATES:**

**Adopted 01/15/2008**  
**Amended 09/17/2013**  
**Amended 07/17/2018**