



TOWN OF NEWMARKET, NH **CONSERVATION COMMISSION**

Conservation Commission Operational Guidelines

ADOPTED

**By the Newmarket Conservation Commission
June 8, 2023**

(This replaces the Conservation Commission By-Laws last amended 4-12-2007)

I. Purpose

In accordance with NH RSA 36-A:2 the Newmarket Conservation Commission was established in 1971 by Town Warrant "for the proper utilization and protection of the natural resources and for the protection of watershed resources in town."

II. Responsibilities

- Maintain an inventory of all open space, natural, aesthetic, or ecological areas, including all wetlands.
- Care for town-owned conservation areas.
- Annually monitor town-held conservation easements.
- Review and comment on wetlands permit (dredge and fill) applications.
- Provide review and comment on matters before the Planning Board at their request.
- Review sand and gravel excavation permit applications and renewals.
- Partner with other community entities as needed, including Scouts, Newmarket schools, Town Departments, and other Town Boards and Committees to steward lands, complete projects, conduct assessments, and identify solutions to conservation issues.
- Create interpretive materials for conservation area kiosks, trails signs, and other venues and host conservation-related educational programs.
- Work with interested landowners and partners to conserve land that protects drinking water, wildlife habitat, wetlands and streams, and other critical resources in the community.
- Maintain accurate records of meetings and actions.
- Create subcommittees or launch other initiatives to fulfill purpose and responsibilities.
- Refer to the New Hampshire's Municipal Conservation Commissions Handbook by the NHACC for further guidance.

III. Composition of the Conservation Commission

- The Conservation Commission shall consist of no less than three (3) and not more than seven (7) term members appointed for staggering three (3) year terms by the Town Council.
- One Commissioner shall serve as a representative from the Planning Board.

- One member of the Town Council shall serve as ex-officio, non-voting member.
- The Conservation Commission shall consist of up to three (3) alternates appointed for staggering three (3) year terms by the Town Council.
- Conservation Commissioners shall be residents of the town.
- Members must be sworn in by the Town Clerk prior to starting their term.

IV. Officers

- The Commission shall elect a Chair and Vice Chair by a majority vote of the Conservation Commission members at the first monthly meeting following the Town Council Organizational Meeting that appoints members. Vacancies in office shall be filled immediately at the next meeting by a majority vote of the Commissioners in attendance, providing a quorum is present.
- Responsibilities of the Chair:
 - Prepare and distribute the monthly meeting agenda and Chair the monthly meeting. In the absence of the Chair, the Vice Chair shall run the monthly meeting.
 - Serve as the primary contact person with the Town Council, Town Manager, Town Planner, and Other Department Heads
 - Ensure that town-held conservation easements are monitored annually, and copies of the monitoring reports are filed with partners, where required, and a hard copy kept in the Conservation Commission files at the Town Hall.
 - Ensure that the Conservation Commission webpages on the Town Website are maintained with accurate and up-to-date information.
 - Ensure an accurate list of town-owned conservation areas and conservation easements is maintained.
 - Work with the Town Finance Office to prepare a monthly finance report for presentation at the monthly Conservation Commission meeting.
 - Submit an annual report for inclusion in the Town's Annual Report.
 - Respond to information requests, permit requests, and other correspondence.
 - Delegate any of the above responsibilities to other members of the Commission, as needed.

V. Meetings

- All meeting shall be open to the public. Notice of all monthly meetings shall be posted in two places at least four (4) days in advance and in accordance with all applicable local, state and federal laws.
- The Conservation Commission shall hold monthly meetings on the second Thursday of every month in the Newmarket Town Hall.
- A Recording Secretary shall take the minutes at the monthly Conservation Commission meetings. Draft minutes shall be approved at a subsequent meeting. Final approved meeting minutes shall be submitted by the Recording Secretary to the Town Manager's

Office for filing with the Town Clerk and posting to the Town website.

- Business may be conducted with any number of members present, but should a quorum not be present, all business requiring a vote, shall be deferred until the next regularly scheduled monthly meeting or emergency meeting. If the next regularly scheduled meeting fails to have a quorum, a favorable vote by a majority of the members present shall decide for the Conservation Commission, all such deferred business.
- In the absence of a term member at a given monthly meeting, the Chair shall appoint an alternate to vote in their place for the duration of that meeting.
- These Conservation Commission Operational Guidelines can be amended at any time by a majority vote of the Commission.

VI. Finances

- The Conservation Commission has sole authority to expend from the Conservation Fund, a non-lapsing fund that can accumulate year-to-year and which can receive both private and public funds.
- The allocation of 50% of the Land Use Change Tax (LUCT) to the Conservation Fund was approved at the 1989 Town Meeting. LUCT is paid by a landowner to the municipality when land that was enrolled in the Current Use assessment program is removed from current use.
- The Commission also receives an annual allocation from the General Fund budget. The Commission submits a budget request to the Town Planner and Town Manager for consideration during the annual budget process. These funds are used for operating expenses such as personnel (recording secretary, consultants), membership dues, postage, and supplies.
- The Commission approves expenditures from the Conservation Fund at a monthly meeting and submits payment requests to the Town Finance Department, which manages the Conservation Commission accounts.
- The Commission must hold a public hearing before using money from the Conservation Fund to acquire any interest in real property. The meeting notice must be posted in two places and published in a local newspaper at least ten (10) days prior to the hearing. The Town Council must also approve the acquisition of any interest in land.
- At the 2009 Newmarket Town Meeting, voters passed a warrant article that "...adopts the provisions of RSA 36-A: 4-a, I (b) allowing the Conservation Commission to expend funds for contributions to qualified organizations (such as land trusts) for the purchase of property interests, or facilitating transactions related to thereto, where the property interest is to be held by the qualified organization and the town will retain no interest in the property." At the same town meeting, voters did not approve provisions related to RSA 36-A: 4-a, I (a), which would have authorized the Conservation Commission to expend funds to purchase interest in land outside the boundaries of Newmarket.