

Town of Canterbury New Hampshire

Conservation Commission By-Laws

Approved: January 12, 2004

Edits suggested by Kelly for 2025 update

Section 1. Name.

The name of this body shall be: Canterbury Conservation Commission, hereinafter called the Commission.

Section 2. Authority.

The Commission was established, in accordance with RSA 36-A:1, at the 1969 Canterbury Annual Town Meeting.

Section 3. Purpose.

The Canterbury Conservation Commission seeks to preserve the Town of Canterbury's (town's) rural character and quality of life by protecting its ecological, aesthetic and recreational resources.

Section 4. Principal Place of Business.

The principal place of business of the Commission shall be at the Sam Lake House, Canterbury, in the county of Merrimack and State of New Hampshire. The mailing address of the Commission shall be P.O. Box 500, Canterbury, New Hampshire 03224-0500.

Section 5. Duties and Functions of the Commission Relative to Purpose.

The Commission shall have the following duties and perform the following functions (though not be limited to such duties and functions), as detailed under New Hampshire RSA 36-A:

- 1) Provide advice and recommendations on conservation matters to other town boards.
- 2) Maintain a Strategic Plan outlining the goals and priorities of the Commission. The Strategic Plan shall be reviewed by the Commission annually periodically and amended as appropriate.
- 3) Use publicly available data to identify and pursue protection of ~~Conduct, and update periodically, a natural resources inventory of the town for the purposes of identifying and protecting~~ ecological, aesthetic and recreational resources that preserve the town's rural character and quality of life.
- 4) Protect open space by:
 - A) acquiring interests in land and conservation easements by purchase or gift consistent with RSA 36-A:4; or
 - B) expending funds for contributions to "qualified organizations," as defined in section 170(h)(3) of the Internal Revenue Code of 1986, for the purchase of property interests or facilitating transactions relative thereto to be held by the qualified organization, when such purchase carries out the purposes of this chapter. (RSA 36-A:4-a, I(b)).
- 5) Serve as stewards of conservation lands under management of the Commission.

Commented [K1]: I don't think this should call for an NRI of the town, since we can't do NRI on land we don't own. Also, NRI is a specific, detailed assessment, which is beyond our capacity.

Commented [K2]: This can be simplified, but for now I copied language from the RSA.

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- 6) Monitor, or contract for the monitoring of easements in which the Commission is designated the easement holder.
- 7) Prepare, print, advertise, and distribute books, maps, charts, plans, pamphlets and other media, which, in the judgment of the Commission, are deemed necessary for its work.
- 8) Keep accurate records of meetings and actions, and file an annual report to be included in the annual town report.
- 9) Appoint such clerks and other employees or subcommittees as from time to time may be required.
- 10) Coordinate the preparation or revision of the conservation section of the master plan for the town when appropriate.
- 11) Review and provide comment on wetlands permit matters, per RSA 482-A, and other conservation related issues as they come before the town.
- 12) Educate itself so that it may better serve the town in performing its duties and functions.

Section 6. Membership.

The Commission shall consist of not more than seven (7) members and seven (7) alternates, all citizens of Canterbury, New Hampshire, and all appointed by the Board of Selectmen. The term of appointment shall be three (3) years or to fill an unexpired term. There is no limit to the number of terms that a member may serve. The Chair of Commission shall keep a list of people who: a) would like to be members of the Commission, and/or b) might be asked to serve on the Commission. When there is a need for a new member, the list will be prioritized by vote of the Commission. The prioritized list will be given to the Board of Selectmen for their consideration in appointing new Commission members. New members and alternates must register with the Town Clerk and take their oath of office. The Chair of the Commission shall keep an updated list of all members and alternates. A vacancy occurring other than by expiration of a term may be filled for the unexpired term in the same manner as an original appointment.

Section 7. Removal of Members.

- 1) Any member or alternate member of the Commission may, if requested by the Board of Selectmen after consultation with the Commission, be removed, after a public hearing, for cause.
- 2) The Board of Selectmen shall declare any position vacant upon evidence that the member or alternate member is no longer a legal town resident.
- 3) A member who wishes to resign should do so in writing to the Chair of the Commission or to the Board of Selectmen.
- 4) After consultation with the Commission, the Board of Selectmen may declare any position vacant if a member does not participate in Commission meetings or work for 6 months, and does not confer with the chair about his/her prolonged absence.
- 5) The vacancy of a member under this section shall be final when filed in the Office of the Town Clerk by the Board of Selectmen.

Section 8. Membership Voting.

Voting shall be open to regular members. In the temporary absence of a regular member, an alternate member may be appointed by the Chair of the Commission. If more alternates are present than regular members absent, then the Chair shall have the discretion to choose which alternate(s) shall act as a regular member(s). When choosing alternates to take the place of absentee members, the Chair shall be equitable, considering when the last time an alternate had a voting privilege.

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Votes of the Commission shall be conducted when a quorum is achieved. A quorum, as described in "Section. 10 Meetings" shall consist of 4 voting members of the Commission, 2 of which shall be regular members.

Commented [KS3]: Do we want to maintain this stipulation? It could limit the ability of CCC to make a timely decision when needed.

Section 9. Positions of the Commission.

Terms and Election Procedures: Officers shall be elected ~~by secret ballot~~ from the regular members of the Commission at the first Commission meeting following the annual town meeting. A slate of Officers to be considered for elections shall be presented by a nominating committee at the meeting at least one month prior to elections. The nominating committee shall consist of at least 2 members of the Commission either volunteering to serve, or appointed by the Chair if no such volunteers come forward.

The Chair shall serve a term of two (2) years, and all other officers shall remain in office for one (1) year. Officers may be re-elected at the regularly scheduled election following town meeting. Officers shall not serve more than a total of six (6) consecutive years in the same position. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as originally elected.

Job Descriptions:

Chair: The Chair shall be responsible for the organization and direction of the Commission, appointment of members to subcommittees, preparation of meeting agendas in consultation with members, scheduling of hearings, conducting meetings, and ensuring that the work of the Commission is carried out. The Chair shall: ~~prepare the meeting agenda in advance of the meeting and in consultation with members~~

- Ensure that meeting agendas are posted in the Sam Lake House and on the Town website at least 24 hours in advance of meetings, either by a member of the Commission or by town staff;
- Ensure that minutes are posted in the same locations within 5 working days of a meetings;
- Have the power to sign documents for or on behalf of the Commission, as authorized by the Commission.
- ~~The Chair shall call the meeting to order and preside over all meetings and hearings of the Commission. The Chair shall appoint any committee found necessary to carry out the business of the Commission. The Chair will also appoint the leaders of any such committee established.~~ Maintain a list of current Commission Members, both alternates and regular members, and officers, along with their terms and provide the complete roster of members, with email contact information, to the NH Association of Conservation Commissions so that all members can receive NHACC communications.

The Chair may delegate these duties to accomplish the work of the Commission or to train members.

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

Treasurer: The Treasurer shall be responsible for the ~~administration~~ drafting the CCC annual budget. After budget approval by a vote of the Commission, the Treasurer shall forward the draft budget to the Town Administrator or staff designee as a recommendation to the Select Board, of all budgets and funds under the jurisdiction and control of the Commission. The Treasurer shall ~~be prepared to provide~~ request updates on the operating budget and the Land Use Change Tax account, and any other accounts under the jurisdiction ~~and control~~ for the benefit of the

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Commission, from the Accounting Clerk or other appropriate staff and share with the full Commission as needed.

Secretary: The Secretary shall act as recorder and correspondent for the Commission and shall keep accurate minutes of the meetings of the Commission. ~~It shall be the duty of the Secretary to post notices of Commission meetings as necessary, and to provide copies of the minutes to Commission Members and appropriate Town Officials.~~ The Secretary shall record all members as being either present or absent at each meeting. When the position of Secretary is not filled, members will share the Secretary's duties on a rotating basis, as requested by the chair. The Secretary or other minute-taker will send the first draft of the minutes to the chair who will review and correct as needed to accurately reflect the decisions of the meeting and will then send the draft minutes to all members.

All Officers: Any officer may approve an invoice for payment as long as it is consistent with the budget approved for the year by Town Meeting.

Section 10. Meetings.

General Business Meetings: All meetings shall be conducted by the Chairman consistent with parliamentary authority as generally described in Robert's Rules of Order. Regular meetings of the Commission shall be held on the second ~~Monday~~ Thursday of each month at 7:00 p.m., or at an alternate date and time as agreed to by Commission members. The Chair reserves the right to call, cancel or postpone a meeting. Whenever a quorum is not present, the ~~general meeting may proceed as a work session, but no votes shall be taken. The regular meeting shall be considered adjourned and~~ will be considered cancelled or may be rescheduled at such time as the Chair may deem appropriate.

Special Meetings: Special Meetings of the Commission may be called by the Chair provided that at least 48 hours notice of the time, place and business of such meeting is given to each member of the Commission and provided that the Special Meeting is given public notice as necessary. At any Special Meeting no business other than that specified in the notice may be considered except by unanimous consent of those present. Special Meetings shall be called by the Chair upon receipt of written request by two (2) regular members.

Hearings: The Commission at its discretion, or as required by law, holds public ~~or informational~~ hearings when it determines such hearings will be in the public interest. Notices of such hearings will be published or posted at least ten (10) days prior to the date of such hearing, or earlier if required by law. Any interested parties shall be privileged to appear and speak. A record shall be kept of those persons testifying and/or presenting evidence at such hearings.

Place of Meetings: Meetings of the Commission shall normally be held in the ~~Sam Lake Meeting~~ House, ~~Hackleboro Road~~ Center Road, Canterbury, New Hampshire or at a place selected by the Commission that meets Commission needs.

Notices of Meetings: Public notice of all regularly scheduled meetings will be posted at two (2) public places at least twenty-four (24) hours in advance of the meeting, excluding Sundays and legal holidays. The Town website shall be one of the places where notices are posted.

Quorum for Meetings: The Commission shall only conduct a meeting and transact business when a quorum is present. A quorum shall consist of 4 voting members of the Commission, 2 of which shall be regular members.

Majority Vote Required: Determination on any matter before the Commission shall require the concurrence of a majority of the members present and voting.

Right to Know: All meetings of the Commission shall be held in accordance with the provisions of N.H. RSA 91-A, as amended, relating to meetings open to the public and executive sessions.

Commented [K4]: Make sure this section consistent with RTK rules.

Commented [K5]: Make sure consistent with RTK rules

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Conflict of Interest: No member of the Commission shall introduce, speak on or vote on any motion, resolution or issue in which that member has a personal or pecuniary interest, direct or indirect. Notwithstanding the foregoing, the Commission by vote may permit or request any such member to speak or testify on any such motion, resolution or issue.

Section 11. Acceptance of Gifts.

Although the receipt of gifts by the Commission is authorized by RSA 36-A:4, the Commission shall vote whether to accept any gift at a regular meeting. The Commission may refuse a gift for any reason, and shall refuse any gift which in the Commission's judgment is discriminatory or self-serving in any way that might be detrimental to the interests of the town.

Section 12. Use of the Conservation Fund.

The Conservation Fund may be used to acquire any interest in real property or right, 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 special, non-annual expenditures ~~the duties and functions~~ relative to the purpose as enumerated in Section five (5) not otherwise funded by annual appropriations or warrant voted at town meeting. The Commission encourages the donation of both land and conservation easements on land for conservation purposes.

Section 13. Real and Personal Property Interests.

Interests in real property may be acquired by the Commission by gift, purchase, grant, devise, lease, or otherwise. Such interests may include the following: the fee interest, any lesser interest, development right, easement, covenant or other contractual right, including conveyances with conditions, limitations of reversions, or water rights. The acquisition of any such interest in real property, whether by gift or by purchase, shall be subject to the approval of the Canterbury Board of Selectmen, and, upon approval, shall be received and held by the Commission in the name of the town of Canterbury. The Commission shall manage and control all such interests in real property in accordance with the purpose of the Commission. The Commission may also receive and acquire personal property, or interests therein, including money, subject to the provisions of this Section.

Section 14. By-Law Amendments.

The Commission may amend these By-Laws at a regular meeting of the Commission by an affirmative vote of a majority of the Commission provided that the amendment has been presented in writing to each member of the Commission at least ten (10) days preceding the meeting at which the vote is taken.

Section 15. Adoption.

These By-Laws are adopted by the Canterbury Conservation Commission at a lawfully called and posted meeting on the date specified below and are effective on and after that date and upon the lawful filing as required by law, and voted by the majority present, as signed by the Commission Members below.

Adopted

Date: _____

Signatures Affirming: