

# DALTON CONSERVATION COMMISSION BYLAWS

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# DALTON CONSERVATION COMMISSION BYLAWS

## ARTICLE I: NAME, MISSION, PURPOSE

### Section 1. Name

The name of this organization shall be the Dalton Conservation Commission, hereafter called the “Conservation Commission”

### Section 2. Mission

The Dalton Conservation Commission is dedicated to the protection of the Town of Dalton’s rural character and natural environment by encouraging and supporting land conservation efforts, public education, and careful Town planning.

### Section 3. Function and Duties Relative to the Mission

The Conservation Commission of Dalton, 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 Dalton, as authorized by Chapter 36-A:1 of the New Hampshire Revised Statutes Annotated, and any amendments. The full versions of the Land Use Statues 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](http://www.gencourt.state.nh.us/rsa/html/indexes).

The Conservation Commission shall perform the following functions and have the following duties:

- A. Protect in perpetuity a minimum of 15% of Dalton’s land through the use of conservation easements.
- B. Raise or leverage funds to protect lands that are determined as vital to conserve and to assist private landowners’ efforts to conserve their land in agreement with the following priorities:
  - a. The land is of sufficient size so that its significant attributes remain intact even if adjacent properties are developed.
  - b. The land has agricultural value

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- c. The land has historic importance to the Town
  - d. The land provides significant scenic value
  - e. The land might help to leverage further land conservation projects if protected from development
  - f. The land provides diverse or unique natural animal habitat, wildlife corridor, protects a public water or recharge area, or a forest in a natural state of growth
  - g. The land provides opportunities for public recreation and education or other open space benefits.
- C. Protect wild habitat for plants and animals, not only for human enjoyment, recreation or other human use, but also for the sustainable health of our ecosystem.
  - D. Retain agricultural land as the foundation of the Townspeople's food security.
  - E. Maintain open and continual communication with the Board of Selectmen to ensure their support of the Conservation Commission's identified areas of conservation priority.
  - F. Encourage incorporation of land protection in the Town's master plan and zoning ordinance.
  - G. Educate the Townspeople about the land conservation protection priorities with the intention of fostering Town-wide support of the Conservation Commission's efforts to protect these areas.
  - H. Exercise powers under New Hampshire statutes and Town ordinances to advise, intervene and manage in areas of dredge and fill (RSA 482-A), wetlands designation (RSA 482-A:15), sand and gravel excavations (RSA 155-E), forest management (RSA 31:110-113), and others as warranted.
  - I. Develop and maintain a Conservation Plan with mapping layers. As much as possible, this information will be shared among all Town boards, any interested residents, and regionally to support land protection intentions.
  - J. Monitor all Town-held conservation easements.
  - K. Manage and oversee Town-owned properties for the enhancement of the natural resource base of the Town and for the benefit of the community.

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- L. Appoint committees, groups, and individuals and hire consultants to further the work of the Conservation Commission.
- M. Keep records, prepare a yearly budget, and file an annual report.
- N. Work in collaboration with other conservation-minded organizations to achieve our goals.

## **Section 4. Authority**

These Bylaws are established based on the authority provided under New Hampshire RSA 36-A. The Dalton Conservation Commission was formed by a vote of the Dalton Conservation Commission on:

## **ARTICLE II: MEMBERSHIP**

### **Section 1. Members**

The Conservation Commission shall consist of not fewer than three (3) nor more than seven (7) regular members, per RSA 36-A:3. All members shall be appointed by the Town Board of Selectmen.

Alternate members may be appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers.

Any member of the Conservation Commission may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

Members of the Conservation Commission shall be residents of the Town of Dalton.

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## **Section 3. Terms of Office**

Terms of the members shall be for a period of three (3) years and arranged so those terms will expire yearly. The expiration date for terms shall be January 31 of the applicable year.

## **Section 4. Attendance**

All members shall strive to attend all meetings and shall notify the Chairperson or Secretary in advance when unable to attend a meeting within 24 hours of meeting.

If any member misses three (3) consecutive meetings with no contact with the Chairperson or Secretary, this will be evidence of non-interest; the Chairperson shall then attempt to reach out and gauge interest of the member. Based on interest, the Conservation Commission shall then vote on whether or not to recommend to the Board of Selectmen that the member be removed from the Conservation Commission.

If an alternate member is unable to attend regular meetings due to personal or work conflicts, appropriate alternative circumstances can be adopted as voted on by the Conservation Commission. Alternative circumstances should be of a regular schedule and of significant added value to the Conservation Commission with regular contact between the chairperson or Secretary and appropriate regular member.

## **Section 5. Vacancies**

Any vacancy occurring other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment, just after the vacancy occurs.

## **Section 6. Termination**

Any member of the Conservation Commission may (after public hearing if requested) be removed with due cause by a recommendation from the Conservation Commission and approval by the Board of Selectmen. In such case, the Board of Selectmen will present a written notice of such action to the member involved and to the Conservation Commission Chairperson, including reasons for said action.

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The Board of Selectmen shall declare any position vacant upon evidence that a member is no longer a resident of Dalton. Any vacancy other than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

## **Section 7. Duties**

Each member of the Conservation Commission shall carry out the duties and functions of the Conservation Commission as set forth in these Bylaws and under RSA, 36-A. Members shall familiarize themselves with the Handbook for New Hampshire's Municipal Conservation Commissions.

As a member of the Conservation Commission, each member will be responsible to participate in one or more standing committees.

### Conservation Properties

At present, the Town of Dalton does not hold any conservation easements

The following conservation properties are located in Dalton.

#### **Easements held by other groups:**

1. Forest Lake State Park (420 acres) (DRED)
2. Bradley Conservation Easement (263 acres) (NEFF)
3. Greason Tract (247 acres)
4. Smith Farm (43.4)
5. Ruth and Slade Gorton Memorial Forest (132 acres) (NEFF)
6. David Dana Forest (296 acres) (SPNF)

## **Section 8. Orientation and Training:**

The Conservation Commission shall provide an information packet to new members which will include, as a minimum, a copy of these bylaws, a list of members names and contact

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information, a list of subcommittees and their members, and a copy of and the Handbook for the New Hampshire Municipal Conservation Commissions. It is strongly recommended that new members attend the annual New Hampshire Association of Conservation Commissions sessions and related training activities.

## **Section 9. DCC owned equipment and materials:**

In order to handle exchanges and to keep track of all conservation commission property, the following procedure will be followed:

There will be a logbook at Town Hall in which handoff of equipment, electronics or supplies will be logged. A town representative (clerk or administrator) needs to be present to verify log with what is being taken or returned. All present during exchange must sign and date log. Log should be kept in the town clerk's office.

## **ARTICLE III: OFFICERS AND TERMS**

### **Section 1. Officers**

The Conservation Commission shall have three officers; Chairperson, Vice Chairperson, Secretary.

### **Section 2: Election of Officers**

Conservation Commission officers shall be elected annually by a majority vote of the Conservation Commission members at the first meeting immediately following the annual Town Meeting. Officers shall hold office for terms of one year. Any officer elected by the members may be removed from office at any time by the affirmative vote of a majority of the members. Officer vacancies that occur after the annual election shall be filled by the Secretary.

### **Section 3. Duties of Officers and Committee Chairs**

The Conservation Commission Officer's duties shall be:

- **Chairperson:** (Elected Position, BY DCC) The Chairperson shall prepare agendas and preside over all meetings and hearings, and shall post meeting notices with assistance from the Secretary. The Chairperson shall also prepare the annual budget, report on

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expenditures, prepare an annual report for the annual Town Report and perform other duties customary to the office.

- **Vice-Chairperson:** (Elected Position, BY DCC) The Vice Chairperson shall preside in the Chairperson's absence, and shall have the full powers of the Chairperson on matters that come before the Conservation Commission during the Chair's absence.
- **Secretary:** (Elected Position, BY DCC) The Secretary is responsible for keeping minutes of all meetings, posting notices of meetings in at least two places and/or as the law requires, and will track for the Conservation Commission; expenditures and monies received and on accounts entrusted to the Conservation Commission and will maintain files. Appointing vacant member/alternate positions.
- **Select board liaison:** The select board liaison is a member of the town Select Board. The role of the liaison is to facilitate communication between the DCC the select board and other committees in town and is considered a voting Conservation Commission member.

## ARTICLE IV: COMMITTEES

### Section 1. Appointments

The Conservation Commission Chair may, from time to time, appoint committees for any purpose deemed necessary. Each committee shall report to the Conservation Commission regularly or at such times as may be requested by Conservation Commission members or the Chair.

### Section 2. Current Standing Committees

Current Standing Committees are: N/A at time of adoption

### Section 3: Other Committees

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The Conservation Commission Chair may also designate such other committees as deemed necessary for the efficient conduct of the business of the Conservation Commission. These committees may consist of members of the Conservation Commission or such other persons deemed significant to the resolution of issues authorizing the creation of that committee.

## ARTICLE V: MEETINGS

### Section 1. Regular Meetings

All meetings shall be conducted pursuant to parliamentary authority, as set forth in Robert's Rules of Order for small boards, 10th Ed., p. 469-71. The Conservation Commission shall only conduct a meeting and transact business when a quorum is present. A quorum shall be a minimum of three (3) of the 5 current regular members alternates may stand in for absent member upon. (As stated previously 3-7 members are permitted. Quorum will change based on number of members)

The Conservation Commission shall use a decision-making process based on reaching a consensus whenever possible. Final determination on any matter before the Conservation Commission shall require the concurrence of a majority of the regular members present and voting.

Monthly meetings are normally held on the Third Tuesday of each month at 6:30 PM. Meetings are held in the Town offices of the Dalton Town Hall at 756 Dalton Rd, Dalton, NH unless special circumstances dictate remote meetings. The meetings shall be open to the public.

### Section 2. Special Meetings

The Chairperson may call special meetings of the Conservation Commission provided that 48 hours notice is given along with location and purpose of the meeting is given to each member of the Conservation Commission and provided that the special meeting is given proper public notice in accordance with RSA 91A:2.

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## Section 3. Public Hearings

The Conservation Commission shall hold a public hearing prior to spending Conservation Fund moneys to acquire any interest in real property. Notification of a public hearing will be properly warned.

## Section 4. Minutes of Meetings

The Conservation Commission shall keep clear, concise, accurate records of meetings and hearings, and make them available to the public. (RSA 36-A; RSA 91-A; RSA 482-A: 11, III)

All Conservation Commission Records shall be kept at the Dalton Town Offices. Minutes of Conservation Commission meetings and public hearings shall be retained permanently. Other Conservation Commission records shall be retained in accordance with RSA 33-A: 4-a.

Minutes of all such meetings shall be promptly recorded and open to public inspection within 5 to 7 business days per (RSA 91-A: 2, II).

Minutes of meetings shall include:

- Conservation Commission name and type of meeting (regular, special, committee)
- Date, time and place of the meeting
- Who attended the meeting and who presided
- Approval of minutes of the previous meeting with additions or corrections noted
- Summary of reports, discussion, and disposition of agenda items
- Record of each vote, including names of those making and seconding motions
- Dates of upcoming scheduled meetings
- Time of adjournment

In addition to meeting minutes, the Conservation Commission records include all reports and correspondence to and from the Conservation Commission. All Conservation Commission records shall be available for public inspection under the Right-to-Know Law. (RSA

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91-A: 2, II). All meetings of the Committee are recorded by type or other electronic device and are deleted or destroyed post approval of the written summary of the minutes.

### **ARTICLE VI: DREDGE AND FILL IN WETLANDS**

Wetlands are land areas dominated by water to the extent that water determines the nature of soil development and plant growth. Wetlands are among the most biologically diverse, productive, and unique habitats on earth and play a critical role in water quality maintenance and improvement, flood control, groundwater discharge and recharge, and fish and wildlife habitat.

Due to the extensive value of wetlands, dredging, filling, and placing structures in wetlands and surface waters are regulated at the state level with provision for conservation Commission participation in permitting processes and enforcement (RSA 482-A).

Two programs in the Water Division of the NH Department of Environmental Services (DES) issue permits: The Wetlands Bureau under RSA 482-A, and the Site-Specific Program under RSA 485-A: 17. The principal concern of Site Specific is to ensure that projects do not adversely impact water quality. The Wetlands Bureau considers other aspects of the proposal such as impacts on flood desynchronization and on wildlife habitat.

To dredge, fill or place a structure in a wetland located within the Town of Dalton, applicants must complete, sign, and file five copies of either the Standard Permit Application, Minimal Impact Permit Application, Expedited application, or Permits by Notification (PBN) with the Town Clerk using New Hampshire DES Wetlands Bureau forms. The Town Clerk shall sign and date the application, which becomes the filing date. The Town Clerk shall distribute copies of the application to:

1. The Board of Selectmen
2. The Planning Board
3. The Conservation Commission
4. The Wetlands Bureau, Town Clerk will retain a copy.

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The applicant shall also provide the Town Clerk, certified mail receipts to show that abutting landowners have been notified of the application (RSA 482-A)

- Only the Conservation Commission has the authority to delay Wetlands Bureau consideration of the application in order to allow additional time for local review of the proposed project. In order to intervene, the Conservation Commission must notify the Wetlands Bureau in writing that it wishes to investigate the application. Such notification must be received by the Wetlands Bureau within fourteen days of the filing date (RSA 482-A).
- If the Conservation Commission files for a permit intervention, the Conservation Commission may hold a public hearing to review the application. A site walk will normally be scheduled prior to the hearing and a record of the site walk shall be prepared. If inclement weather or unusual field conditions (such as deep snow cover) prevent adequate impact assessment, the Conservation Commission may request an applicant to postpone action until adequate assessment can be made. The Conservation Commission should consider preparing an action plan for the intervention to include more research and fact finding, additional public meetings or hearings, and possible consultation with the Town of Dalton attorney.
- For applications involving the construction of wetland mitigating areas, the Conservation Commission may request that the appropriate regulatory agency (the Town Planning Board or the Wetlands Bureau) impose all or some of the following standard conditions:
  - A performance guarantee (letter of credit, bond, etc.), sufficient to cover the costs of constructing and planting the mitigation area
  - Monitoring to continue through three growing seasons. A portion of the performance guarantee will be held during this time to cover replanting and minor site work revisions if necessary
  - Monitoring reports from a qualified wetlands scientist shall be submitted to the Conservation Commission. In some cases the Conservation Commission may

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require an independent firm to monitor construction and planting on behalf of the Town of Dalton, at the applicants expense.

## **ARTICLE VII: SAND AND GRAVEL EXTRACTION**

The Conservation Commission will assist and advise the Board of Selectmen and Planning Board on best practices for the extraction of sand or gravel within the Town.

## **ARTICLE VIII: FORESTRY**

### **Section 1. Registered American Tree Farm Properties**

There are eight certified Tree Farms in Dalton encompassing 1,153 acres.

Due to a confidentiality agreement the Society of Protection of New Hampshire Forests (SPNHF) is not allowed to share names of Tree Farms/Tree Farmers.

## **ARTICLE IX: FINANCE**

### **Section 1: Operating Expenses**

1. Conservation Commission operating expenses are funded annually through the Town of Dalton budget. (RSA 36-A: 5, I)
2. Each year, the Conservation Commission shall submit a budget request to the Board of Selectmen for review and inclusion in the Town's budget to be voted on at the annual town meeting.
3. The Town Treasurer shall have custody of the operating expense funds appropriated at the annual town meeting. The Conservation Commission shall submit written requests to the Treasurer for approval to pay out of those funds. (RSA 41:29)
4. The Conservation Commission will receive quarterly reports from the Town Treasurer showing execution of the Conservation Commission's operating budget and report such at a regular Conservation Commission meeting.
5. Operating expense funds not expended by the end of the fiscal year lapse and are not available to the Conservation Commission. However, the Conservation Commission may

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request that unexpended funds be transferred to the Conservation Fund, which requires approval at the annual town meeting.

6. The Chairperson has the authority to spend Operating expenses without a vote of the Conservation Commission.

## Section 2. Conservation Fund

1. Each year the Conservation Commission shall place, if needed, a warrant article for funds to be voted on at Town meeting for an additional amount to be placed into the Conservation Fund.
2. Money in the fund may be used for any activity authorized by RSA 36-A, and is available until expended.
3. Expenditures from the fund must be authorized by a majority vote of Conservation Commission members.
4. The Town Treasurer shall have custody of the Money Market Account and shall only pay out money from the fund by order of the Conservation Commission.
5. If money in the fund is to be used to purchase any interest in land, the Conservation Commission must hold a public hearing and the acquisition must be approved by the Board of Selectmen. (RSA 36-A: 4)

## Section 3: Other Funds

The Conservation Commission also has additional funds whose name and purpose are listed below. All funds are under the control of the Town Treasurer and any expenditure must be approved by a majority vote of the Conservation Commission.

## ARTICLE X: CONFLICT OF INTEREST AND ETHICAL CONDUCT

All members of the Dalton Conservation Commission will, at all times, function in an ethical manner and in the best interest of the Conservation Commission and the Town of Dalton. As a guideline all members of the Conservation Commission shall adhere to the ethics standards set forth in RSA 500-A: 12.

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The Public's trust in the Conservation Commission's honesty and integrity is invaluable to our work. Therefore, each Conservation Commission member has the responsibility to inform the Chairperson of any potential conflict of interest or unethical behavior they become aware of.

No member of the Conservation Commission may introduce, speak on or vote on any motion, resolution or issue in which they have a direct or indirect personal or pecuniary interest in. The Conservation Commission may, however, permit or request a member to speak or testify on a motion, resolution or issue they have an interest in but the member will not be allowed to participate in voting.

No member of the Conservation Commission shall identify themselves as spokesperson for, or make public comments on behalf of, the Conservation Commission without the majority vote of the Conservation Commission.

### **ARTICLE XI: AMENDMENTS**

These bylaws may be amended, repealed or replaced by a majority vote of regular members provided that notice of such change is given in the notice of an upcoming meeting and not less than one month prior to such meeting. Changes will be automatically made to reflect changes to New Hampshire laws or regulations.

### **ARTICLE XII: APPROVAL**

These bylaws were approved by a majority vote of Conservation Commission members on July 26<sup>th</sup>, 2022 and became effective on that date.