

RULES OF PROCEDURE

BEDFORD CONSERVATION COMMISSION

ARTICLE 1. AUTHORITY AND ADOPTION: In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 36-A, as amended, and the authority granted by the voters of the Town of Bedford at its Town Meeting on March 9, 1965, the Bedford Conservation Commission has been established. The Conservation Commission shall have all the powers granted to Conservation Commissions by state law.

ARTICLE 2. PURPOSE AND INTENT: Pursuant to R.S.A. 36-A:2, the Bedford Conservation Commission is established for the proper utilization and protection of the natural resources and for the protection of watershed resources of the Town. Natural resources include the air, land, surface and ground waters, fish, wildlife, plants, wetlands, soils, minerals, and scenic quality.

- a. The Commission may advise the Planning Board and other local boards on conservation matters and may advise the New Hampshire Wetlands Bureau on applications for Dredge and Fill Permits pursuant to RSA 482-A.
- b. The Commission, with the approval of the Town Council, may protect open space within the Town through the direct acquisition (fee title) of lands, conservation easements, development rights, purchase options or rights of first refusal, covenants, or right-of-way agreements.
- c. The Commission may advise the Town Council and Planning Board on the management of all natural resources on all town-owned conservation areas as obtained in Article 2,b.
- d. The Commission shall conduct researches (studies) into its local land and water areas and shall seek to coordinate the activities of unofficial town bodies organized for similar purposes.
- e. The Commission shall keep an index (inventory) of all wetlands and may recommend to the Town Council or Planning Board a

program for the protection, development or better utilization of all such areas.

f. The Commission shall keep an index (inventory) of all open space and natural, aesthetic or ecological areas within the town, with the plan of obtaining information pertinent to proper utilization of such areas, including lands owned by the State or lands owned by the Town.

g. The Commission may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.

h. The Commission shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual Town Report.

i. The Commission may appoint such clerks and other members of sub-committees as it may from time to time require.

j. The Commission may receive gifts of money and property, both real and personal, in the name of the Town, subject to the approval of the Town Council, with all such gifts to be managed and controlled by the Commission for any or all of the above stated purposes.

ARTICLE 3. MEMBERSHIP: Members of the Conservation Commission shall be residents of the Town of Bedford. The Conservation Commission shall consist of seven (7) members. The five (5) appointed by the Town Council shall be appointed for terms of three (3) years, such terms to be staggered. The Planning Board and Town Council shall each appoint one of their members as a representative to the Conservation Commission annually at their first meeting after the March elections. These representatives shall have all the rights of membership, including the right to hold office. The Council shall fill any vacancy for the period of the unexpired term. Three alternate members shall be appointed by the Town Council, each serving three (3) year terms, staggered.

Selection, qualification, term, removal of members, filling of vacancies, organization, meetings and rules shall conform with New Hampshire R.S.A. Chapter 36-A.

ARTICLE 4. ORGANIZATION: At its annual organizational meeting

after the March elections, the Conservation Commission shall be called to order by the existing Chairman. At this meeting, the Commission shall organize for the election of one of its members as Chairman and one as Vice Chairman/Corresponding Secretary.

ARTICLE 5. MEETINGS:

a. Regular meeting shall be held at least monthly on the fourth Tuesday of the month beginning at 7:00 PM. If necessary, an additional regular meeting may be held. The additional regular meeting shall be scheduled at the discretion of the Chairman, which decision shall be made during the regular meeting immediately preceding it. Regular meetings shall be scheduled to hear the following operational items:

- (1) Applications for Dredge and Fill Permits
- (2) Other business
- (3) Land Acquisition/protection of open space

b. Site walks of agenda items may be called by the Chairman and scheduled at the convenience of the applicant and Commission members. With a quorum present, a vote on a Dredge and Fill Application may be taken. The decision shall be delivered to the Clerk of the Commission.

c. The time and place of a meeting can be changed at any time by a 2/3 vote in the affirmative and notification of any absent members.

d. Meetings may be postponed and/or canceled by the Chairman if requested by three (3) members and if all other members are notified.

e. Special meetings of the Conservation Commission shall be called by the Chairman, or in his absence, the Vice Chairman, at the request of three (3) members of the Commission and shall take place within seven (7) days of such request.

f. All agenda portions of the meeting shall be terminated by ten (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.

g. In the event that normal meeting dates conflict with

State or National holidays, or with other Town events, a new date will be posted on the bulletin board at the Town Offices.

h. On any matter in which an alternate replaces a regular member of the Commission or the Planning Board member, such alternate is required to continue with the matter until its completion and the regular member so replaced is allowed no vote on that matter, though allowed to participate in the discussions.

ARTICLE 6. QUORUM: Four (4) voting members constitute a quorum. A lesser number may meet, but may not vote on matters before the Commission.

ARTICLE 7. THE MEETING ORDER: At each regular meeting, the order of proceedings shall be as follows:

- a. Call to order and quorum check.
- b. Approval of minutes of previous meetings.
- c. Dredge and Fill Applications
- d. Old Business.
- e. New Business.
- f. Reports of Committees.
- g. Public Hearings.
- h. Reading of communications to the Commission.
- i. Other concerns.
- j. Adjournment.

ARTICLE 8. DUTIES OF THE OFFICERS:

- a. The CHAIRMAN shall call the meeting to order, preside over deliberations, and see that all proceedings are in accordance with the rules of the Town and the laws of the State. The Chairman shall use Robert's Rules of Order in presiding over all public meetings and public hearings and shall perform all other duties of the presiding officer.
 1. The Chairman shall present a yearly report for inclusion in the Town's Annual Report.
 2. With approval of Town Council, the Chairman may appoint committees of resident citizens as necessary (with one member of the Commission acting as Chairman).
 3. The Chairman shall notify the Clerk of the

Commission of votes on Dredge and Fill Applications.

4. Annually at the first meeting after the March elections, the Chairman shall appoint a commission member representative to the Pulpit Rock Subcommittee.
5. For easements that the Commission has obtained and/or been named monitoring agent, the Chairman shall initially direct a baseline evaluation to be performed. The Chairman shall direct monitoring of Commission easements to take place at least annually.

b. The VICE CHAIRMAN/CORRESPONDING SECRETARY, in the absence of the Chairman, shall perform all the duties of presiding officer, including but not limited to calling the meeting to order, presiding over deliberations, and insuring that all proceedings are in accordance with the rules of the Town and the laws of the State. He/she is responsible for generating the Commission's correspondence.

c. The CLERK of the Commission, who may be a town employee and not a regular member of the Commission, shall keep a full and accurate record of the proceedings of all meetings. He/she shall issue notices of all meetings and notify all members and committees of their appointment. He/she shall notify permit applicants of the applicants' placement on the Commission's scheduled agenda. He/She shall notify all abutters of the time and place of public hearings as required by the State statutes and regulations. He/she shall notify the State Wetlands Bureau of any and all recommendations of the Commission.

ARTICLE 9 - CODE OF CONDUCT

a. A Conservation Commission member will attend meetings regularly and punctually. He/she shall notify the Chairman, Clerk or other member in advance of a planned absence.

b. A member shall not act as an individual in settling complaints registered with the member, but shall refer these complaints to the entire Commission.

c. A member shall pledge no action in advance, nor place

himself/herself in other than an openly neutral position until a decision has been voted on by a sub-committee or the full Commission.

d. A member shall maintain an attitude of loyalty to the Commission and its decisions.

e. A member shall not accept any favors or special privileges for himself/herself or his/her family.

f. Members shall excuse themselves from voting on any issue in which a conflict of interest, either personal or professional, may exist. A member shall not be a presenter of a Dredge and Fill Application before the Commission.

ARTICLE 10. GENERAL PROCEDURES:

a. Appearance before the Conservation Commission is by appointment only. This should take the form of a written request to the Clerk of the Commission. The number of operational applications (i.e. requests for Dredge & Fill, acquisition of land, etc.) heard at regular meetings shall not be more than eight (8) or limited by the discretion of the Chairman.

b. The general procedure for new subdivisions of land or new commercial/industrial development is to first appear before the Planning Board for a Concept Review. After that review and "go ahead", where wetlands are impacted, the developer should file the NH Dredge and Fill application with the Town Clerk and apply for a review by the Conservation Commission. This would notify the Clerk of the Conservation Commission to request an intervention with the NH Wetlands Bureau for a review and a recommendation. The applicant would then be placed on the Conservation Commission agenda for review at a public meeting.

For modifications to existing approved lots, such as, but not limited to, additions, outbuildings, driveways, pools, etc. where wetlands are impacted, a Dredge and Fill permit to the NH Wetland Bureau is also required. Similarly this application would be filed with the Town Clerk and initiate the review by the Conservation Commission. All such permit applications shall require a Public Hearing and shall be required to submit an abutters list along with all appropriate fees as described in Article 10.h, General Procedures. (revised 10/28/03)

c. The Planning Dept. and/or Planning Board may also direct an applicant to the Conservation Commission when issues regarding acquisition of conservation easements, acquisition of land for conservation/recreation purposes, or issues regarding scenic roads or timber stands are involved.

d. The Conservation Commission, shall, within 30 days of receipt of an application, schedule the application for a public meeting, public hearing, subcommittee review, or other appropriate action, as needed. The Conservation Commission will notify the New Hampshire Wetlands Board within 14 days of the Town Clerk's signing if they plan to intervene. Further evaluation and comments will be provided within 40 days unless an extension is granted, to the New Hampshire Wetlands Board.

e. The Conservation Commission shall transmit a letter of recommendation regarding each application to the NH Wetlands Board, the applicant, the Planning and Zoning Department and other agencies as necessary.

f. The NH Wetland Bureau recognizes three levels of projects defined in RSA 482-A and Rules Wt. 202.03, Wt. 303.03 and Wt. 303.04. MINIMAL IMPACT PROJECTS are those projects that, among other criteria, disturb less than 3000 square feet of wetlands, and may be eligible for an expedited application. MINOR IMPACT PROJECTS, among other criteria, disturb greater than 3000 square feet of wetlands, and MAJOR IMPACT PROJECTS, among other criteria, disturb greater than 20,000 square feet of wetlands. MINOR and MAJOR IMPACT PROJECTS are not eligible for expedited applications.

g. Agendas for public meetings are closed at 12 noon, seven days before the scheduled meeting. An agenda may be closed sooner, if, in the opinion of the Chairman, the length of the agenda and subject matter is such that completion before 10:00 PM is unlikely. All agendas shall be posted in two (2) public places at least five (5) days prior to any scheduled meeting.

h. If a public hearing is scheduled, a notice of the public hearing shall be placed in a newspaper of general circulation at least seven (7) days prior to such public hearing. For public hearings where abutters are required to be notified by registered mail, they shall be notified at least seven (7) days in advance. Cost of notification of the public hearing shall be paid by the applicant.

i. Any revisions to a proposal and plan must be resubmitted

prior to a letter of recommendation being issued.

ARTICLE 11. DECISIONS/RECOMMENDATIONS:

A proposal that has been reviewed by the Commission may be issued a letter of recommendation signed by the Chairman or, in his absence, the Vice-Chairman or any duly authorized member of the Commission.

ARTICLE 12. ENFORCEMENT:

a. The Town Zoning Administrator or Building Inspector shall direct all applicants who desire to dredge and/or fill Hydric A soils to the Zoning Board of Adjustment. The Conservation Commission shall issue a letter of comment to any applicant prior to the applicant's appearance at the Zoning Board of Adjustment for a request to dredge and/or fill Hydric A soils.

b. The Zoning Administrator shall investigate any complaints of violation regarding disturbance of wetlands to verify whether or not valid permits have been issued. The Zoning Administrator may contact the Conservation Commission to report the complaint and may either perform an on-site investigation or refer the investigation to the NH Department of Environmental Services.

ARTICLE 13. REVISIONS:

The Conservation Commission may, from time to time, amend and revise its Rules of Procedure. Amendments and/or revisions may be placed on the agenda which shall be posted in two (2) public places at least five (5) days prior to any scheduled meeting.
(Revised 11/14/89; 12/10/91; 4/12/95; 12/28/99)

APPROVAL:

We hereby approve revisions to the Bedford Conservation Commission Rules of Procedure, this date, ~~December 28, 1999~~October 28, 2003
~~Derwood Haskell~~

~~Christopher Kelley (alternate)~~

Glenn Boston

Denise Ricciardi

Paul Hannan (alternate)

Karen Simmons (Alternate)

Kevin Keyes (Council Alternate)

Mervyn Taub (Chairman)

Jon Levenstein (Planning Board Alternate)

Jeffrey Nelson

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~~Steve Korkin~~

~~Jim Lamp (Vice Chairman)~~

~~Jon Levenstein (Chairman)~~

