

Bylaws of the Cornish Conservation Commission

Town of Cornish, New Hampshire

Amended and Approved 2-22-23

ARTICLE I: NAME, MISSION, PURPOSE

Section 1: Name

The name of this organization shall be the Cornish Conservation Commission, hereafter called the "Commission"

Section 2: Mission

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

Section 3: Function and Duties Relative to the Mission

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

- A. Protect in perpetuity a minimum of 25% of Cornish'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
 - 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 corridors, 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 Selectboard to ensure their support of the 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 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 representing the priorities listed in Article II Section 1.B. 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.
- L. Appoint subcommittees, groups, and individuals and hire consultants to further the work of the Commission.
- M. Keep records, prepare a yearly budget, conduct an annual review of the Bylaws, and file an annual report with the Town.
- 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 Cornish Conservation Commission was formed by a vote of the Town meeting in 1972

ARTICLE II: MEMBERSHIP

Section 1. Members

The Commission shall consist of not fewer than 3 nor more than 7 regular members and an unspecified number of alternate members, all appointed by the Town Select Board. Members must be residents of the town of Cornish. The Commission recommends that a member from the Select Board be appointed to the Commission as a non-voting representative. The Commission will recruit potential candidates, review a letter of interest and qualifications and vote to add a person after said person has attended at least one regularly scheduled meeting. Then the Commission will forward their recommended new member(s) to the Select Board for appointment.

Section 2. Alternate Members

Alternates may vote only if appointed to do so by the Chairperson when a quorum of regular members is not present or to ensure an odd number of voting members.

Section 3. Terms of Office

Terms of the members shall be for a period of three years and so arranged that terms will expire yearly. The expiration date for terms shall be March 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.

If any member misses three consecutive meetings with no contact with the Chairperson, 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 Commission shall then vote on whether or not to recommend to the Select Board that the member be removed from the 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 Commission. Alternative circumstances should be of a regular schedule and of significant added value to the commission with regular contact between the chairperson or 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 Commission may (after public hearing if requested) be removed with due cause by a recommendation from the Commission and approval by the Select Board. In such case the Select Board will present a written notice of such action to the member involved and to the Commission Chairperson, including reasons for said action.

The Select Board shall declare any position vacant upon evidence that a member is no longer a resident of Cornish. 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 Commission as set forth in these Bylaws and under RSA 36-A. Members shall familiarize themselves with the Land Conservation Guide for the Town of Cornish (Adopted April 25, 2007) and the Handbook for New Hampshire's Municipal Conservation Commissions

Each member will be responsible to participate in one or more subcommittees.

Each member will be strongly encouraged to participate in at least one annual property monitoring.

Section 8. Orientation and Training

The 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 information, a list of subcommittees and their members, a copy of the Land Conservation Guide for the Town of Cornish 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.

ARTICLE III: OFFICERS AND TERMS

Section 1: Officers

The commission shall have four (4) officers; Chairperson, Vice Chairperson, Treasurer, and Secretary.

Section 2: Election of Officers

Commission officers shall be elected annually by a majority vote of the Commission members at the first meeting immediately following the annual Town Meeting. Officers shall hold office for terms of one year, or until their successors are elected and sworn in as members. 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 a majority vote of the members.

Section 3: Duties of Officers and Subcommittee Chairs

The Commission Officer's duties shall be:

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

Vice-Chairperson: 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 Commission during the Chair's absence.

Secretary: The Secretary shall prepare and maintain Commission minutes and records and post minutes and perform other duties customary to the office.

Treasurer: The Treasurer shall keep an accurate record of the finances of the commission and ensure that all obligations are promptly paid as approved by the members. The Treasurer shall also prepare a quarterly report of income, expenditures and balances for the members. Copies of such reports will be maintained on file by the Treasurer and will be available for public review.

By vote of the Commission the Officer positions of Vice Chair and Treasurer may be combined into one position.

ARTICLE IV: SUBCOMMITTEES

Section 1: Appointments

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

Section 2: Current Subcommittees

Current subcommittees are: Town Water Protection, Land Monitoring Logistics, Education, Natural Resources Inventory, and Climate Resilience.

Section 3: Other Subcommittees

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

ARTICLE V: MEETINGS

Section 1: Regular Meetings

All meetings shall be conducted pursuant to parliamentary authority, generally as set forth in Robert's Rules of Order. The Commission shall only conduct a meeting and transact business when a quorum is present. A quorum shall be a minimum of four (4) regular members.

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

Monthly meetings are normally held on the fourth Wednesday of each month.

Section 2: Special Meetings

The Chairperson may call special meetings of the commission, provided that at least 48 hours notice of the time, place and business of the meeting is given to each member of the Commission and provided that the special meeting is given proper public notice in accordance with RSA 91-A:2.

Section 3: Public Hearings

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

Section 4: Minutes of Meetings

The 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 Commission records shall be kept at the Cornish Town Offices. Minutes of Commission meetings and public hearings shall be retained permanently. Other 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 days, from the minutes being approved, for Commission meetings and 72 hours (3 days) for public hearings. (RSA 91-A:2, II)

Minutes of meetings shall include:

- Commission name and type of meeting (regular, special, subcommittee).
- Date, time and place of the meeting.
- Who attended the meeting and who presided.
- Approval of the 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 the minutes of meetings, Commission records include all reports and correspondence to and from the Commission, including emails. All Commission records shall be available for public inspection under the Right-to-Know Law. (RSA 91-A: 2, II)

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 Cornish, 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 Selectboard, (2) the Planning Commission, (3) the Conservation Commission, (4) the Wetlands Bureau, and (5) retain a copy. 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 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 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 Cornish attorney.
- For applications involving the construction of wetland mitigating areas, the Conservation Commission may request that the appropriate regulatory agency (the Town Planning Commission 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 Commission. In some cases the Commission may require an independent firm to monitor construction and planting on behalf of the Town of Cornish, at the applicants expense.

ARTICLE VII: SAND AND GRAVEL EXTRACTION

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

ARTICLE VIII: FINANCE

Section 1: Operating Expenses:

1. Commission operating expenses are funded annually through the Town of Cornish budget. (RSA 36-A:5, I)
2. Each year, the Commission shall submit a budget request to the Selectboard 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 Commission shall submit requests to the Treasurer for approval to pay out those funds. (RSA 41:29)
4. The Commission Treasurer will receive quarterly reports from the Town Treasurer showing execution of the Commission's operating budget and report such at a regular Commission meeting.
5. Operating expense funds not expended by the end of the fiscal year lapse and are not available to the Commission. However, the Commission may 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 Commission.

Section 2: Conservation Fund

1. A Conservation Fund was established as a result of the formation of the Conservation Commission at Town meeting in 1972. At that time the Town voted to deposit 100% of the revenue collected pursuant to RSA 79-A (the land use change tax) in a fund known as the Conservation Fund as authorized by RSA 79-A:25, II, to be administered by the Conservation Commission to help preserve the rural character of Cornish by encouraging the conservation of open land in accordance with RSA 36-A:5, III. At Town meeting in 2010 the Town voted to split future funds collected from the land use tax with 60% of such funds going into the Conservation Fund and 40% going into the Town's general fund.
2. Each year the Commission shall place a warrant article to be voted on at Town meeting for an additional amount to be placed into the Conservation Fund.
3. Money in the fund may be used for any activity authorized by RSA 36-A, and is available until expended.
4. Expenditures from the fund must be authorized by a majority vote of Commission members.

5. The Town Treasurer shall have custody of the Conservation Fund and shall only pay out money from the fund by order of the Commission.
6. If money in the fund is to be used to purchase any interest in land, the Commission must hold a public hearing and the acquisition must be approved by the Selectboard. (RSA 36-A:4)

Section 3: Other Funds

The Commission also has three 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 Commission.

1. CREA Fund: Funds must be used to improve or enhance the Cornish Recreational and Educational Area (CREA) located on Townhouse and South Parsonage Rds. The funds emanated from the original fund drive to purchase and develop CREA.
2. Palmer Fund: The Palmer fund is used for Environmental and Conservation education that benefit students, teachers and citizens in the Town of Cornish. If the principal balance of the fund goes below the original donation (\$10,000) the CCC will initiate a fundraising campaign to replenish the fund.
3. "Bunny" Barker Fund: Funds may be used for out-of-the-ordinary expenses incurred while pursuing the work of the Commission. The funds emanated from an original donation from E. Leonard "Bunny" Barker with additional contributions from the Barker family.

ARTICLE IX: CONFLICT OF INTEREST AND ETHICAL CONDUCT

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

The Public's trust in the Commission's honesty and integrity is invaluable to our work. Therefore each 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 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 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 Commission shall identify themselves as spokesperson for, or make public comments on behalf of the Commission without the majority vote of the Commission.

ARTICLE X: 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 the upcoming meeting. Changes will be automatically made to reflect changes to New Hampshire laws or regulations.

ARTICLE XI: APPROVAL

These bylaws were approved by a majority vote of Commission members on November 19, 2014 and became effective on that date.