

**CONSERVATION COMMISSION  
TOWN OF SALEM, NEW HAMPSHIRE**  
**BYLAWS and RULES OF PROCEDURE**

**Article 1 – PURPOSE and AUTHORITY**

- 1.1** Establishment of the Salem Conservation Commission (“Commission”) was authorized at the 1965 Town Meeting pursuant to Article #23. The purpose of the Commission is to further proper utilization and protection of the natural resources, and to protect the watershed resources within the Town of Salem.
- 1.2** These rules of procedure (“Bylaws”) are adopted pursuant to the authority of New Hampshire Revised Statutes Annotated, RSA 36-A.

**Article 2 – MEMBERS**

- 2.1** The Commission shall consist of seven members. The Town Council shall appoint seven members, one of whom shall be a Town Councilor as an ex-officio member with power to vote.
- 2.2** As authorized by RSA 36-A:3 and the Town Charter, the Town Council may appoint up to five (5) alternate members to serve on the Commission.
- 2.3** Terms of office for members and alternates will commence on April 1<sup>st</sup> and end on March 31<sup>st</sup>. Each term shall run for three years provided, however, that the term may continue until the appointment of successor Commission members.
- 2.4** For members and alternates the selection, qualification, terms of office, removal, and filling of vacancies shall conform to RSA 36-A:3.
- 2.5** Pursuant to RSA 36-A:3, Commission members may serve on any other municipal board or commission. However, only one Commission member may simultaneously serve on the Planning Board.

**Article 3 – OFFICERS AND AGENT**

- 3.1** Conservation Commission officers shall be elected annually, normally at the first regular Commission meeting following the appointments of Commission members by the Town Council, by a majority vote of the Commission. Officers shall be as follows:
  - a. A Chair who shall preside over all meetings and hearings, set the agenda for meetings, prepare an annual report, and perform other duties customary to the office. The Chair shall be responsible for the conduct and decorum of the meeting. The Chair shall have the responsibility to ensure that all parties receive a full and fair hearing before the Commission. The Chair shall enforce the rules herein and applicable State laws.
  - b. A Vice-Chair who shall preside in the absence or at the request of the Chair and who shall have the full powers of the Chair on matters which come before the Commission while so presiding. The Vice-Chair will also perform oversight of the Conservation Fund in accordance with RSA 36-A:5 and Article 15 of these bylaws and report monthly activity at Commission meetings.

c. A Secretary who shall maintain a record of all meetings and site walks, transactions, and decisions of the Commission, and perform such other duties as the Commission may direct by resolution. The Commission may retain a recording secretary whose records shall be reviewed by the Secretary for accuracy. In the absence of the Secretary and recording secretary, the Chair shall appoint a secretary pro-temp to keep records of the meeting. If both Chair and Vice-Chair are absent from a meeting, the Secretary shall assume the Chair duties.

d. The Town Council's ex-officio member shall not hold any office.

**3.2** The Town Manager shall designate a Town employee (currently the Community Development Program Manager) as the Agent for the Conservation Commission.

a. The Agent shall be responsible for providing each Commission member with an information packet before each meeting. The packet shall include a meeting agenda, copies of plans, and correspondence for each item on the agenda, and other information that the Commission may request or the Agent may deem to be necessary.

b. The Agent shall issue notices of all meetings, notify applicants and abutters of hearings, and prepare such correspondence and fulfill such duties as the Commission may specify.

c. The Agent shall maintain all Commission permanent file records.

d. The Agent may sign correspondence, applications, and memos on behalf of the Commission.

#### **Article 4 – COMMISSION MEMBER DUTIES**

**4.1** Pursuant to RSA 36-A:2, the Commission shall:

- a. Conduct researches into its local land and water areas;
- b. Seek to coordinate the activities of unofficial bodies organized for similar purposes;
- c. Keep an index of all open space and natural, aesthetic or ecological areas in Salem, including lands owned by the State or Town, with the plan of obtaining information pertinent to proper utilization of these areas;
- d. Keep an index of all marshlands, swamps and other wetlands (and may recommend to Town officials or the NH Dept. of Natural and Cultural Resources a program for the protection, development, or better utilization of all such areas); and
- e. Keep accurate records of Conservation Commission meetings and actions, and file an annual report which is printed in the annual Town Report.

**4.2** The Commission shall perform duties authorized by local voters at town meetings including management and oversight of the Conservation Fund pursuant to Article #29 of the 1969 Town Meeting; and management of the Salem Town Forest pursuant to Article #17 of the 1983 Town Meeting.

**4.3** Pursuant to RSA 36-A and other references, the Commission may:

- a. Intervene, investigate, and make recommendations on various wetland permit applications filed with the NH Dept. of Environmental Services (NHDES) Wetlands Bureau (RSA 482-A);
- b. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work (RSA 36-A:2);
- c. Prepare reports and maps for local designation of prime wetlands (RSA 482-A:15), and notify the NHDES of projects adjacent to prime wetlands (WT 703.01);
- d. Advise Town officials on conservation matters, including Sand and Gravel Excavation Permits (RSA 155-E:3 and RSA 36-A:2);
- e. Receive, manage and control gifts of money and property for conservation purposes, subject to approval of the local governing body and in the name of Salem (RSA 36-A:4);

- f. Acquire, manage and control property or property rights for conservation purposes, subject to approval of the local governing body and in the name of Salem (RSA 36-A:4). Property rights include privately-held conservation and open space easements; for these properties, duties should include maintaining accurate inventories and baseline documentation, and monitoring properties by making periodic visits in accordance with the Land Trust Alliance standards and practices;
- g. Manage, protect, and properly utilize all Town-owned conservation lands (RSA 36-A:4); and
- h. Appoint clerks and other employees or subcommittees as it may from time to time require. (RSA 36-A:2)

## **Article 5 – AD-HOC COMMITTEES**

- 5.1** The Commission may from time to time and by formal vote create ad-hoc committees for any purpose deemed necessary. Ad-hoc committees shall have a specific mission and goals, and report to the Commission at each meeting or at such other times as may be requested. When no longer needed, the Commission shall disband an ad-hoc committee by formal vote. (Rev. 8/05/2007)
- 5.2** Ad-hoc committee meetings are public meetings and are subject to all the requirements of RSA 91-A

## **Article 6 – MEETINGS**

- 6.1** A “Meeting” is defined as the convening of a quorum of the Commission to discuss or act upon a matter over which the Commission has supervision, control, jurisdiction, or advisory power. RSA 91-A:2.I
  - a.** Meetings include gatherings such as regular and special meetings, public hearings, site-visits, and workshops. All meetings shall comply with RSA 91-A, as amended, with respect to notice, minutes, and public access (see Article 10 “Notice” and Article 13 “Records”).
  - b.** A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting. RSA 91-A:2.I
  - c.** A meeting does not include circulation of draft documents which when finalized are intended to formalize decisions previously made in a meeting RSA 91-A:2.I.d
- 6.2** A regular monthly meeting is normally held on the first Wednesday of each month, normally commencing at 6:00 PM, in the Knightly Meeting Room at the Salem Town Hall. The Commission may vote to set a different date, starting time, or location for a particular meeting, given proper public notice.
- 6.3** Special meetings may be called: (1) by the Chair; or, (2) in the absence of the Chair by the Vice-Chair; or, (3) at the request of a quorum of Commission members.
- 6.4** Regular or special meetings of the Commission may be recessed to a time and place certain as a continuation of said meeting without further notice.
- 6.5** Attendance: Members and alternates are expected to attend all meetings, including site walks. It is incumbent on all Commission members to notify the Chair and Commission’s Agent when they expect to be late or unable to attend any meeting. Notification of absence should be made in advance when possible; continued unexcused absences may result in removal from the Commission.
- 6.6** Quorum: A majority of Commission members and alternates sitting in place of regular members shall constitute a quorum whether in person, by means of telephone or electronic communication, or in any other manner that all participating members are able to communicate with each other. Members or alternates who have been disqualified from participation in a particular matter shall not be included in determining whether a majority is present.

**6.7** Alternates: Except for the ex-officio member, if any regular Commission member is late or absent from a meeting or hearing, or self-disqualifies from sitting on a particular application, the Chair shall designate one of the alternate members to sit in place of the late, absent or disqualified member. Such alternate shall have all the powers and duties of a regular member with regards to any matter under consideration while so sitting. Except for disqualification, when a regular member attends subsequent meetings, or arrives after the start of a meeting, the alternate shall yield to the regular member upon their arrival at the conclusion of any hearing in progress, or at the option of the Chair. Before voting on an application where previous hearings have been missed, the regular member shall state what has been done to review information and testimony presented at the meetings missed and whether the member is familiar enough with the application to vote on it. When an alternate continues sitting until a matter is completed, the regular member does not vote on that matter.

a. The Town Council may designate an alternate if their ex-officio member cannot serve. The ex-officio member is to advise the Chair of the Town Council when an alternate is needed for any reason.

b. Alternates may be asked to sit based on the following factors: (i) the extent to which any alternate has previously considered or participated in one or more of the items under consideration, (ii) the extent to which any alternate has previously been present (but not participating) during a presentation on one or more of the items under consideration, (iii) the necessity of any alternate to be present as a replacement for a recused member, for one or more agenda items, (iv) the rotation and balance of workload by and among alternate members.

d. When an alternate is not designated to participate in Commission business, the alternate shall not participate or deliberate on that business, except as follows: (i) upon request of the Chair; (ii) upon motion of the Commission; or (iii) to the extent that members of the public are generally allowed to so participate.

e. Once selected to participate in a certain Commission business item because of the disqualification of a regular member, the designated alternate shall participate in all hearings and proceedings on that particular matter and shall have all the powers and duties of the replaced regular member as it relates to that matter. The designated alternate shall be responsible for verifying when the particular matter is scheduled for further consideration by the Commission and to be present at that time.

**6.8** Disqualification: Any member with a direct personal or pecuniary interest in the outcome of an application must self-disqualify. Further, a member should step down if they would be disqualified for any cause to act as a juror if the matter were to go to trial. Juror standards, listed in RSA 500-A:12, specify a person may not be a juror if they expect to gain or lose upon disposition of a case, is related to either party, has advised or assisted either party, has given an opinion or formed an opinion, is employed by either party, or does not appear to be indifferent. Please refer to Town of Salem Code Chapter 33, Article I Code of Ethics for Boards, Committees and Committees.

a. If any member finds it necessary to disqualify themselves from sitting on a particular matter, the member shall notify the Chair and Commission's Agent as soon as possible so that an alternate may be requested to fill the place.

b. The disqualification shall be announced by either the Chair or the member before the discussion or the public meeting or hearing on the matter begins. The disqualified member shall leave the Commission table during all deliberations and any public meeting or hearing on the matter. A member or alternate of the Commission shall not participate in the Commission's discussions or deliberations on any matters for which the member or alternate has been disqualified.

c. If any question arises as to the disqualification of a Commission member in a matter, by request of that member or any other member of the Commission, the remaining Commission members shall vote on whether the conflicted member should be disqualified. Any request or vote shall be made before the

commencement of any public meeting or hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than Commission members.

**6.9** **Voting:** A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Commission members sitting may be counted to determine whether a quorum exists although they abstain from voting affirmatively or negatively.

a. When the vote on a motion is evenly divided, the motion shall be deemed to have been defeated. Members abstaining shall not be considered ‘member voting’ in determining whether a motion has been adopted. There is no provision to allow absentee votes by any method, including letter or e-mail to the Commission.

b. A motion to reconsider a previous vote by the Commission shall be in order only if made by a member who voted with the prevailing side, or by a member did not vote on the original motion.

c. No vote may be taken by secret ballot. (RSA 91-A:2, II)

d. When a meeting includes at least one member participating by telephone or other electronic means, all votes taken during such meeting shall be by roll call vote. (RSA 91-A:2, III, e)

**6.10** All public meetings will have the following ‘Order of Business’ (unless modified by the Chair):

a. **Call to order by Chair**

b. **Pledge of Allegiance**

c. **Roll Call**

d. **Public Hearing**

e. **Work Session**

f. **Old Business**

g. **New Business**

h. **Other Commission Business**

i. **Unscheduled Commission Matters**

j. **Nonpublic Session**

k. **Adjournment**

**6.11** **Work sessions** may be held to receive presentations on, or to study one or more selected topics. The public may participate at the option of the Chair.

**6.12** **Nonpublic Sessions:**

a. Nonpublic sessions are only allowed for the specific exemptions detailed in RSA 91-A, including the exemption for land acquisition which is RSA 91-A:3,II(d).

b. The Commission may enter non-public session only after passing a motion to enter during the public session and stating the exemption relied upon for the nonpublic session. The motion, duly seconded, must be passed by an affirmative, recorded, roll-call vote of a majority of the members present. (RSA 91-A:3, I)

c. All discussion and decisions made during nonpublic session shall be confined to the matters set out in the motion. The Secretary shall take minutes of the proceedings. (See Article 13 “Records”.)

## **Article 7 – PERMIT APPLICATIONS**

- 7.1** Applications for NHDES permits must be filed at either the Planning Office or at the Town Clerk’s office (if in doubt, check with the Commission’s Agent). In any case, an electronic copy of the permit must be provided to the Commission’s Agent. Permits include wetland permits and notifications, Shoreland Water Quality Protection Act (SWQPA) permits, alteration of terrain permits, and dam permits.
- 7.2** When applicable and in accordance with RSA 482-A, within fourteen days of an application to the NHDES Wetlands Bureau being filed with the Town Clerk, the Chair (or designated Town Employee) shall notify the Wetlands Bureau in writing of the Commission’s intent to intervene.
- 7.3** To be placed on the Commission’s agenda, a new application must be received by the Commission’s Agent no less than twelve days prior to the meeting at which the application is to be reviewed, according to the Land Use Meeting Calendar posted on the Town’s website.
- 7.4** Other than new applications, requests to be placed on the Commission’s agenda must be received no less than twelve days prior to the date of the meeting.
- 7.5** Upon receipt by the Commission’s Agent, applications shall be scheduled for a public meeting at the next regular Commission meeting as “New” or “Old Business,” in order of receipt by the Commission’s Agent.
- 7.6** Site walks will normally be scheduled for the Monday afternoon preceding the regular meeting after an application is placed on the meeting agenda (see Article 8 “Site Walks”). The site walk date and time may be modified by the Chair, or after discussion of the Commission at a meeting, or by the Commission’s Agent, in consultation with the Commission members and alternates, when logistically necessary.
- 7.7** The applicant shall notify all abutters of site walks, the initial meeting and all subsequent meetings at which the Commission will hear the application (see Article 10 “Notice”).
- 7.8** The applicant will be advised if the Commission’s Agent determines an application is inaccurate, incomplete (including improper or missing abutter notification), or not appropriate for the proposed project.
- 7.9** The Commission may vote “to continue” or “to table” any application not substantially complete or where the Commission was unable to conduct an adequate site walk. In these cases, the applicant will be asked to notify NHDES and request an extension pursuant to the timeframes established by State law.
- 7.10** For each application not continued or tabled, the Commission may vote to recommend approval, conditional approval, or disapproval. The Commission shall submit the recommendation to NHDES within the timeframes established by State law. When applicable, permit applications will be signed by the Chair or the Commission’s Agent. For Conditional Use Permits, the recommendation will be forwarded to the Planning Board. When applicable, NHDES wetland application recommendations will be forwarded to the Planning Board.
- 7.11** For applications involving the construction of wetland mitigation areas, the Commission shall impose, or request the appropriate regulatory agency (Planning Board or NH Wetlands Board) to impose, the following standard conditions:
  - a. A performance guarantee (letter of credit, bond, etc.), sufficient to cover the costs of constructing and planting the mitigation area shall be submitted.

- b. Monitoring through three (3) growing seasons. A portion of the performance guarantee will be held during this time to cover replanting and minor site work revisions if necessary.
- c. Monitoring reports, from a qualified wetland scientist, shall be submitted to Town staff and the Commission. In some cases, the Commission may require an independent firm to monitor construction and planting on behalf of the Town, at the applicant's expense.
- d. Submission of as-built topographic plans, and certification that the wetland mitigation area was constructed and planted according to approved plans, before occupancy.
- e. Removal of invasive plant during the monitoring period, if present.

**7.12** Applicants may request a conceptual consultation prior to submitting an application to NHDES. The consultation shall be directed at review of the basic concept of the proposal and suggestions to assist in resolving problems with meeting requirements during future applications. Such consultation shall not bind either the applicant or Commission members, and statements made by Commission members shall not be a basis for disqualifying said member at future meetings. Votes will not be taken at conceptual discussions, and applicants should not use comments from these meetings to imply Conservation Commission concurrence of a proposal before other boards.

**Article 8 – SITE WALKS**

- 8.1** A “site walk” is defined as a visit by Commission members to a location which is the subject of an application before the Commission. This does not include a view of the site from adjoining public roads or other observations that can be made without entering onto the property.
- 8.2** Scheduled site walks are considered a public meeting and shall therefore comply with RSA 91-A, including notice, public access, and minutes when a quorum was present (see Article 10 “Notice”).
- 8.3** Site walks are normally scheduled for the Monday afternoon before the regular meeting at which an application or other matter is to be heard. The applicant for a proposed project, or the applicant's agent, is usually requested to attend and explain the project. The site walk date and time may be modified by the Chair, or after discussion of the Commission at a meeting, or by the Commission's Agent, in consultation with the Commission members and alternates, when logically necessary.
- 8.4** If inclement weather or unusual field conditions (such as deep snow cover) prevent an adequate site walk environmental impact assessment, the Commission may request the applicant to agree to continue the hearing until an adequate assessment can be made (see Article 7.9 “Permit applications”).
- 8.5** During a site walk, Commission members may ask questions and discuss technical aspects of a proposal with the applicant or applicant's agent. However, opinions will not be discussed with the applicant, applicant's agent, or other Commission members.
- 8.6** The Commission normally deems site walks necessary for adequate consideration of NHDES permit applications and Conditional Use Permits. Applicants must grant permission for access onto private property to allow site walks. Per RSA 91-A, access must include the public. If permission is refused, including to the public, the Commission may at its next meeting vote to not hear the application, and notify the NHDES that “the Commission is unable to intervene in the application process due to failure of the applicant to provide adequate access to the property, which precludes the Commission from obtaining sufficient information upon which to make a recommendation”.
- 8.7** The practice of an applicant directly calling a member to invite that member to visit a property shall be discouraged as an inappropriate course of conduct.

## **Article 9 – FORMS and FEES**

**9.1** All NHDES forms and fees are those set forth by applicable NHDES regulations.

## **Article 10 – NOTICE**

**10.1** NHDES Permit applicants shall, by certified mail, notify all abutters of the initial meeting and all subsequent meetings at which the Commission will hear the application. Abutters shall be notified by certified mail at least ten days prior to the meeting.

**10.2** “Abutter” (as defined by the NHDES Wetlands Bureau Rules) means any person whose property is immediately contiguous to the property on which a project has occurred or is proposed, provided that: (a) The term does not include any property that is separated by a public road from the property on which a project has occurred or is proposed, or that is more than ¼-mile from the limits of the work or proposed work; (b) For any project located on the shoreline of a surface water body, the term includes any property within 100 feet of the shoreline impact in any direction; (c) For any project that will impact a watercourse, the term includes any property within 100 feet upstream or downstream of the impact area; and (d) If an abutting property is owned in whole or in part by the person who undertook the work or is proposing to undertake the work, or is necessary to meet a frontage requirement, the term includes the next contiguous property, subject to the ¼-mile limitation.

**10.3** Public notice of the date, time, and place of each meeting shall be posted in two appropriate places, one of which is the Town’s website, at least 24 hours excluding Sunday and legal holidays, prior to such meeting.

**10.4** Public notices will include the agenda summary for that meeting. Notice for public meetings or public hearings, on topics other than NHDES applications, shall contain a summary of the topic together with the notation that the full text is available upon request.

## **Article 11 – PUBLIC MEETINGS and HEARINGS**

**11.1** In addition to the meetings discussed in Article 7 “Permit Applications”, the Commission shall hold informational public meetings on other topics such as proposed Master Plan changes, amendments to zoning ordinances, and proposed ballot articles. The Commission may also hold public hearings on land acquisitions that use the Conservation Fund, and changes to the Town Forest rules.

In voting on proposed Master Plan changes, zoning amendments, or ballot articles, the Commission shall consider each separate item, and vote to recommend each item to the Planning Board for a public hearing only if approved by a majority Commission vote.

**11.2** The Chair shall enforce such order and decorum as may be necessary for the sufficient conduct of the Commission’s business, guided by a desire to maximize public input on matters before the Commission. Further, the Chair shall establish such rules of parliamentary procedure as are necessary, subject to the provision that the Chair may be overruled by a majority vote of the Commission.

**11.3** Public meetings or hearings shall not commence prior to 6:00 PM, nor shall any new items be taken up after 9:30 PM, unless otherwise voted by a majority of the Commission, provided, however, the Commission may continue to the conclusion of a public hearing on a matter which commenced prior to 9:30 PM.

**11.4** The conduct of public meetings and hearings shall be governed by the following rules:

- The Chair shall call the hearing in session, read the application/proposal, and identify the applicant/presenter.

- b. The applicant/presenter shall identify themselves by name and address or company, and then present the application/proposal, followed by staff comments.
- c. Commission members may ask questions at any point, at the discretion of the Chair.
- d. Questions/input by abutters and other members of the public-at-large will follow the presentation.
- e. Any party to the matter who desires to ask a question of another party must go through the Chair.
- f. Everyone who speaks shall be required to state their name and address and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
- g. Any person may testify in person or in writing.
- h. In presentations by abutters, the Commission shall generally allow wide latitude in allowing persons to speak, reserving the right to limit presentations which are not relevant to the matters at hand or are repetitive of points previously made.
- i. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

## **Article 12 – DECISIONS**

**12.1** The Commission shall act within the timeframes established by State law and vote to recommend approval, conditional approval, or disapproval.

## **Article 13 – RECORDS**

**13.1** Commission meeting minutes shall be kept in accordance with the provisions of RSA 91-A. Meeting minutes, including the Commission members' names, persons appearing before the Commission and a brief description of the subject matter and final decisions, shall be available for public inspection at the Town Hall Planning Office within five business days of the public meeting. Minutes, once adopted by the Commission with any corrections noted, will be the official record of the meeting and will be posted on the Town's website. Upon request, copies of minutes will be provided for their reproduction cost.

**13.2** Minutes of all meetings including non-public sessions shall include names of members, persons appearing before the public body, and a brief description of the subject matter discussed and final decisions. The names of members who made or seconded each motion shall be recorded in the minutes.

**13.3** When possible, Commission meetings and public hearings shall be recorded by tape or other electronic device. All meeting materials are considered part of the public record and subject to public review. In the event of a challenge to a decision by the Commission, tapes and other records shall be retained by the Town in an appropriate repository for at least one year or until any appeal period has passed, whichever is later.

**13.4** Minutes of site walks and other meetings shall be kept if there is a quorum of Commission members present at the site. The record of site walks will be incorporated within the regular meeting minutes.  
(Revised 4/6/11)

**13.5** The Commission's Secretary shall keep minutes of proceedings in nonpublic session, and the record of all actions shall be promptly made available for public inspection within 72 hours of the meeting as outlined in RSA 91-A:3, III. If it is determined, by a recorded vote of 2/3 of the members present, that divulgence of the information would have an adverse effect (see RSA 91-A:3, III), information may be withheld by sealing the minutes. In that case, the Commission will immediately go back into public session and take a roll call vote to seal the minutes.

**13.6** When the circumstances for sealed minutes no longer apply, in the opinion of the majority of members, a vote to unseal the minutes will be made in public session.

## **Article 14 – CONSERVATION FUND**

- 15.1** Pursuant to RSA 36-A:5 money appropriated in any year, and any gifts of money, may be placed in a conservation fund and allowed to accumulate from year to year. This allows accrual of funds which may be expended by the Commission, for the purposes of RSA 36-A and, without further approval of Town Meeting or Town Council, except for land or easement acquisition.
- 15.2** Pursuant to Article #40 of the 2004 Town Meeting, all Land Use Change Taxes (LUCT) are deposited in the Conservation Fund.
- 15.3** The Town Council must accept all donations prior to their deposit in the Conservation Fund.
- 15.4** Funds may be used to purchase, monitor, or manage conservation lands and conservation easements or other interests in real property as provided by RSA 36-A:4, plus associated expenses; and costs to manage and maintain the Town Forest.
- 15.5** The Town Treasurer has custody of all monies in the fund and makes deposits and disbursements on behalf of the Commission. However, since the Commission manages and controls the fund, payments are made only after a majority vote of the Commission members, followed by order of the Commission's Agent.
- 15.6** Prior to use of conservation funds for purchase of any interest in real property, the Commission shall hold a public hearing in accordance with RSA 675:7 and the acquisition must also be approved by the Town Council as provided by RSA 36-A:4.
- 15.7** Commission duties include tracking disbursements from and deposits into the fund and providing a report at each monthly meeting.

## **Article 16 – TOWN FOREST**

- 16.1** Pursuant to RSA 36-A:4, RSA 31:110-113, and Article #16 of the 1983 Town Meeting, the Town Forest was established. Pursuant to RSA 31:112-II and Article #17 of the 1983 Town Meeting, the Commission was authorized to manage the Town Forest.
- 16.2** The Town Forest is managed according to a Forest Management Plan, which is updated from time to time. The plan encourages proper management of timber and other natural resources including timber harvest and wildlife habitat improvements.
- 16.3** Pursuant to Article #18 of the 1983 Town Meeting, Article #50 of the 1993 Town Meeting, and Article #20 of the 2021 Town Meeting, all net proceeds from timber harvests go into the Town Forest Maintenance Fund to assist with Town Forest maintenance and habitat improvements.
- 16.4** Passive recreational use by the public is encouraged in the Forest Management Plan. A formal trail system exists throughout the forest; trail maps are provided by the Commission and available at the Town Hall and on the Town website. The Commission will actively maintain the Town Forest trail system on an annual basis.
- 16.5** Town Forest Rules and Regulations are promulgated by the Commission and available at the Town Hall and on the Town website.
- 16.6** Public education is promoted by occasional nature walks.

## **Article 17 – STANDARDS OF CONDUCT**

- 17.1** The primary obligation of Commission members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Commission and the conduct of its business.
- 17.2** Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
- 17.3** To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public Commission decision must not participate in that decision. The private benefit may be direct or indirect; create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table or podium area when Commission members deliberate and vote on a matter. Further, the Commission member may not discuss the matter privately with any other Commission member voting on the matter or otherwise communicate directly or indirectly with Commission members regarding the matter in question so as to attempt to influence the vote on said question.
- 17.4** A Commission member must not disclose or improperly use confidential information obtained in the course of his duties for financial gains or further a personal interest.
- 17.5** All Commission members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members may, either by intention or inadvertence, be in violation of these standards, the member shall call that fact to the attention of the Chair who shall in turn call it to the attention of the member in question. In event of a dispute as to whether a member should or should not participate, the question shall be posed to the Commission, as to whether the member in question should or should not participate. Such vote shall be advisory and non-binding and not be requested by other than Commission members.
- 17.6** All discussions between Commission members and applicants or their agents regarding matters to be decided by the Commission shall take place at public hearings as part of the public record.
- 17.7** All reports of alleged conservation violations made personally to a member shall be referred to town staff. The member should also make Commission officers aware of the alleged violation.
- 17.8** Town Code Chapter 33, Article I Code of Ethics for Boards, Committees, and Commissions applies to all Conservation Commission members.

#### **Article 18 – AMENDMENT**

- 18.1** These Bylaws and Rules of Procedure may be amended by majority vote of the Commission. The amended Bylaws and Rules of Procedure shall be filed with the Town Clerk.

**Adopted by the Salem Conservation Commission on January 6, 1993**

**Amended by the Salem Conservation Commission on July 7, 1993**

**Amended by the Salem Conservation Commission on February 1, 1995**

**Amended by the Salem Conservation Commission on April 3, 1996**

**Amended by the Salem Conservation Commission on August 6, 1997**

**Amended by the Salem Conservation Commission on March 4, 1998**

**Amended by the Salem Conservation Commission on March 6, 2002**

**Amended by the Salem Conservation Commission on August 7, 2007**

**Amended by the Salem Conservation Commission on April 1, 2009**

**Amended by the Salem Conservation Commission on April 6, 2011**

**Amended by the Salem Conservation Commission on April 7, 2021**

**Amended by the Salem Conservation Commission on April 3, 2024**