

BY-LAWS
WEARE CONSERVATION COMMISSION
Adopted January 14, 2004
Last Revision: June 6, 2006

I. PURPOSE AND AUTHORIZATION

The Weare Conservation Commission (WCC) was established by vote of the Weare Town Meeting in March 1967 pursuant to RSA 36-A.

II. NAME

The name of the organization shall be the "Weare Conservation Commission" (WCC).

III. MEMBERSHIP AND TERMS OF OFFICE

- A. Regular Members: A full Commission shall consist of seven regular members, appointed by the Board of Selectmen for three-year terms. The appointment of members shall conform to terms and requirements of RSA 36-A.
- B. Alternates: The Board of Selectmen may appoint, in addition to regular members, alternate members who may serve upon designation by the Chair in place of a regular member in the event of absence or disqualification. The terms for alternates shall be the same as for regular members.
- C. Ex-Officio: The Board of Selectman has not had a history of ex-officio involvement with the WCC. At this time, the Weare Town Tree Warden is the only ex-officio member designate.

IV. OFFICERS AND THEIR DUTIES

- A. Election of Officers: The WCC shall elect, by a majority vote at its first meeting following the close of Town Meeting, the following officers from among its membership. The term of each officer shall be one year, and any officer may be eligible for re-election.
- B. Role and Duties of Officers
 - 1. Chair: The Chair shall preside at all meetings and hearings of the WCC and shall have the duties normally conferred on such officers. The Chair shall appoint such Committees as directed by the WCC. As directed by the WCC, the Chair may affix his/her signature in the name of the WCC to all approved plans and all correspondence from the WCC. The Chair shall approve the agenda for all regular and special meetings of the WCC.
 - 2. Vice-Chair: The Vice-Chair shall act for the Chair in his/her absence and shall adhere to all requirements set forth for the Chair. In the absence of an administrative assistant, the Vice Chair shall assist the Chair to ensure that the regular meeting agenda and filing are completed in a timely manner each month.
 - 3. Secretary: In the absence of administrative staff, the Secretary shall be responsible for the WCC's meeting records. The Secretary shall record the minutes of the meetings. The Secretary shall act as Chair in the absence of the Chair and Vice-Chair and, in such instances, shall affix his/her signature to all plans approved by the WCC on behalf of the WCC. In the absence of the Secretary, the WCC may appoint another member to act as Secretary.

V. MEMBERS AND THEIR DUTIES

- A. Regular Members: Regular Members are expected to attend all regular and special meetings, work sessions, public hearings, and joint meetings conducted by the WCC. If a member cannot be present at any meeting they shall notify the WCC Chair prior to the meeting of his/her inability to attend. In the absence of a regular member, the Chair shall appoint an alternate from among those alternate members present to act in the place of the absent member. If a member is late to arrive for a meeting, the Chair shall appoint an alternate member from among those alternate members present to act in the place of the absent member until the agenda item is completed. Upon the start of a new agenda item, the regular member may take his/her seat on the WCC replacing the alternate member.

If a member chooses to step down from the WCC for a particular agenda item, the Chair shall appoint an alternate from among those alternate members present to act in the place of the member for that agenda item. Upon start of a new agenda item, the member may take his/her seat on the WCC replacing the alternate.

- B. Alternate Members: Alternate members are expected to attend all regular and special meetings, work sessions, public hearings, and joint meetings conducted by the WCC. If an alternate member cannot be present at any meeting he/she shall notify the WCC Chair prior to the meeting of his/her inability to attend.

Alternate Members may participate in questioning a petitioner or discussing plans but will not vote unless they have been appointed to act as a member of the hearing as described in paragraph V.A.

- C. Ex-Officio Member: The Weare Town Tree Warden (aka Town Forrester) shall serve as an ex-officio member, with full voting rights when less than seven regular members are present.

VI. MEETINGS

- A. Regular Meetings: Regular meetings of the WCC shall be held at least once monthly and shall be open to the public. Regular meeting will generally be held on the second Wednesday of each month and will generally start at 7 PM and conclude at 10 PM. Agenda items not addressed during the regular meeting hours will be held over until the next regular meeting by a majority vote of the members present. Regular meetings shall conclude by a majority vote of the members present. Meetings shall not be held on Sundays or legal holidays. The following general rules of procedure shall govern the conduct of such meetings:

1. Quorum Required: A majority of the current regular membership of the WCC shall constitute the quorum necessary in order to transact business at any meeting.
2. Notice of Meetings: Notice of the time, date and place of any public meeting of the WCC shall be posted in two public places at least 24 hours in advance, excluding Sundays and holidays, prior to the meeting hours in accordance with RSA 91-A.
3. Records Required: Minutes of the events of the meeting shall be taken and shall include the names of members in attendance, persons appearing before the WCC, a brief description of the topics discussed, and a record of any actions taken, including results of site walks taken by the WCC. Such minutes shall be available for public inspection within 144 hours in accordance with RSA 91-A. Minutes of Non-Public Session shall conform to the requirements of RSA 91-A: 3.
4. Purpose: The purpose of the regular meeting shall be to consider and act on concerns regarding the Town's natural resources brought before the WCC by the Planning Board, Board of Selectmen, Zoning Board, town residents, or other interested parties, including,

but not limited to, wetland permit applications, site plan reviews, lot line adjustments, and conservation land purchase proposals.

5. Order of Business for Regular Meetings:
 - a. Chair will open meeting.
 - b. Items shall be considered in general accordance with the agenda.
 - c. Chair will announce agenda item and introduce issue to be considered.
 - d. Motions will be considered for the agenda item.
 - e. Chair will announce closure of agenda item discussion.
 - f. Chair will announce next agenda item.
 - g. Chair will solicit discussion of items not on the agenda.
 - h. Chair will entertain motion to close meeting following completion of agenda items or by majority vote to hold agenda items not met in the 7 PM to 10 PM time frame over until the next regular meeting.
6. Voting: A motion, duly seconded, shall be passed by a majority of members present, voting in the affirmative, once a quorum has been established. After all discussion of the motion by WCC members has been completed, the Chair will call for a vote on the motion by the WCC. If the vote is not unanimous, the minutes of the meeting shall indicate members by name that are in favor, opposed or abstaining. The Chair shall not make motions.
7. Absent Petitioner: If no applicant or duly authorized representative is present at a meeting when the Chair announces the agenda item to be considered, a member of the WCC may make a motion to table the item until the next Regular Meeting or, in the case of wetland permit applications, request the State Wetlands Bureau to hold their review for 40 days to allow review by the WCC. If there is a second occurrence of non-representation at any time regarding the same item where there is no applicant or duly authorized representative present when the Chair announces the agenda item, a member of the WCC may make a motion to recommend denial of the request based on lack of representation and the denial shall be noted as such.
- B. Work Sessions: Work Sessions of the WCC shall be held as required and shall be open to the public. Work Sessions will primarily focus on committee work and general planning. A Work Session agenda may include continued hearings and/or other business from Regular Meetings in the Work Session agenda. Typically, such business would involve matters requiring little discussion or debate. Work Session procedures will follow the guidelines of VI. A. 1-3. Any votes taken during a Work Session will follow the guidelines of VI. A.5 & 6 as applicable.
- C. Annual Meeting: An annual organizational meeting shall be held at the first Regular Meeting or Work Session following the close of Town Meeting, but not later than thirty days following the close of Town Meeting. The purpose of the annual meeting will be to elect officers and to review the by-laws.
- D. Sitewalks: Any WCC Member may make a motion for the WCC to conduct a sitewalk in order to verify information provided by the applicant, abutters or other interested parties. The time and date of the sitewalk will be decided during the discussion of the motion before

voting. Sitewalks will be considered a continued hearing. Whenever a quorum of the WCC exists for a sitewalk, the Secretary or designee will provide a brief summary of events and observations for inclusion in the minutes of the next Regular Meeting or Work Session.

- E. Master Plan: The WCC will assist the Weare Planning Board, as requested, with the Master Plan review and update.

VII. PUBLIC HEARING

- A. Public Hearing Required: A public hearing shall be held for issues of special merit as specified in RSA 36-A, such as the use of Conservation Funds for the purchase of property.
- B. Conduct of the Hearing: The Chair or, in his/her absence, the Vice-Chair shall preside at the public hearing and shall:
 1. Convene the meeting and read the legal advertisement announcing the date, the time and purpose of the meeting into the record.
 2. Briefly state the manner in which the hearing shall be conducted.
 3. Call upon the applicant or sponsor of any proposal to present the proposal.
 4. Read any written testimony received concerning the proposal into the record.
 5. Call upon those appearing in favor of, or in opposition to, the proposal to direct questions or comments to the Chair.
 6. Call the hearing to a close, as appropriate, outlining the WCC's anticipated procedure concerning the proposal.
- C. Record of Hearing: A public record of the proceedings shall be taken in writing and incorporated into the WCC's minutes. The hearing shall also be recorded by a sound-recording device and such recording shall be kept on file as part of the public record until the minutes of said meeting are adopted.

VIII. JOINT MEETINGS AND HEARINGS

- A. Request for Joint Meetings: The WCC or any applicant or any other land use Board, Organization or Commission may request a joint meeting or hearing of the Commissions and /or Boards on any topic common to their respective jurisdiction. Each Board/Commission shall have the discretion as to whether or not to hold a joint meeting with another Board/Commission unless mandated by the Board of Selectmen.
- B. Chair of Joint Meetings: The Chair of the Board calling the Joint Meeting Shall Chair any joint meeting. The Chair shall follow the general rules of conduct outlined in the by-laws of that Board or Commission.
- C. Notices of Decision: Each Board/Commission participating in the joint meeting or hearing shall be responsible for providing notice, filing minutes and decisions, and for rendering and issuing decisions, as appropriate, for the subject matter within its jurisdiction, as prescribed for that Board/Commission by statute, local ordinance or other rules of procedure.

IX. STAFF AND FINANCES

Within the limits of funding made available for its use by the Town Meeting and in accordance with RSA 36-A, the WCC may employ such staff personnel and/or consultants as it may require to

aid the WCC in its work. Appointments shall be made by a majority of the members present at any regular or special meeting at which a quorum has been established. The Chair may be authorized to sign contracts for employing personnel and contracting for consulting services as approved by the WCC.

X. PUBLIC RELATIONS

The Chair or a duly appointed WCC member or staff personnel may be authorized by the WCC to act as the principal public relations contact for the WCC. Duties shall be as prescribed by the WCC.

XI. COMMITTEES

- A. Establishment: The Chair may appoint special committees for purposes and terms approved by the WCC.
- B. WOSC: The Weare Open Space Committee (WOSC) is a standing subcommittee of the WCC that meets once per month on the fourth Tuesday of the month. The purpose of the WOSC is to consider acquisition of new conservation lands only. WOSC membership is open to all residents of Weare. WOSC members are appointed by the WCC Chair. WOSC composition and procedures will be consistent with general principles stated in the WCC By-Laws and applicable state laws.

XII. APPLICATIONS, SITE PLANS, AND FORMS

- A. Applications: Applications for alterations to wetlands shall be completed in accordance with the current standards set forth by the New Hampshire Wetlands Bureau.
- B. Site Plans: Site plans shall be considered for review in accordance with mutually acceptable procedures established in conjunction with the Planning Board.
- C. Submission of Applications or Site Plans: No application or site plan shall be placed upon regular meeting agenda of the WCC unless the application or site plan is received by the WCC no later than the Friday preceding the next scheduled regular meeting.
- D. Review by the WCC Required: In every instance where a submission of a plat or any other document is made to the WCC by a property owner or his/her duly authorized agent in writing and in accordance with the deadline established in Section XII, B of these by-laws, and whether WCC approval is required or not, the plat or other document shall be reviewed by the WCC for its consideration.

XIII. AMENDMENTS

- A. Amendments: These by-laws may be amended at any Regular Meeting or Work Session of the WCC by a majority vote of the WCC.
- B. Filing with the Town Clerk: These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection. A complete set of by-laws, as amended, shall also be attached to the minutes of the WCC's annual organizational meeting and kept on file. Updated by-laws will be available at the WCC web site.
- C. Effective Date: These by-laws and any subsequent amendments shall become effective immediately upon passage by the WCC as recorded in the minutes of the meeting at which such action occurs.