



Fundamentals of Conservation Commissions



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NH Association of Conservation Commissions
November 5, 2022

WORKSHOP GOALS



- **Where do Conservation Commissions (CCs) derive their authority?**
- **What are the primary roles of a CC?**
- **What are other potential roles of a CC?**
- **What can lead to success for a CC?**

REGULATORY AUTHORITY

RSA 36-A



CC RESPONSIBILITY

“FOR THE PROPER UTILIZATION AND PROTECTION OF THE NATURAL RESOURCES AND FOR THE PROTECTION OF WATERSHED RESOURCES OF THE TOWN.”



CC RESPONSIBILITY

“SHALL CONDUCT RESEARCHES INTO ITS LOCAL LAND AND WATER AREAS.”

EXAMPLES:

- NATURAL RESOURCE INVENTORY
- FORESTRY MANAGEMENT PLANS
- BASELINE DOCUMENTATION
- BIOBLITZ
- EASEMENT MONITORING
- TRAIL HIKES



CC RESPONSIBILITY

“Coordinate the activities of unofficial bodies organized for similar purposes and may advertise prepare, print, and distribute books, maps, charts, plans and pamphlets”

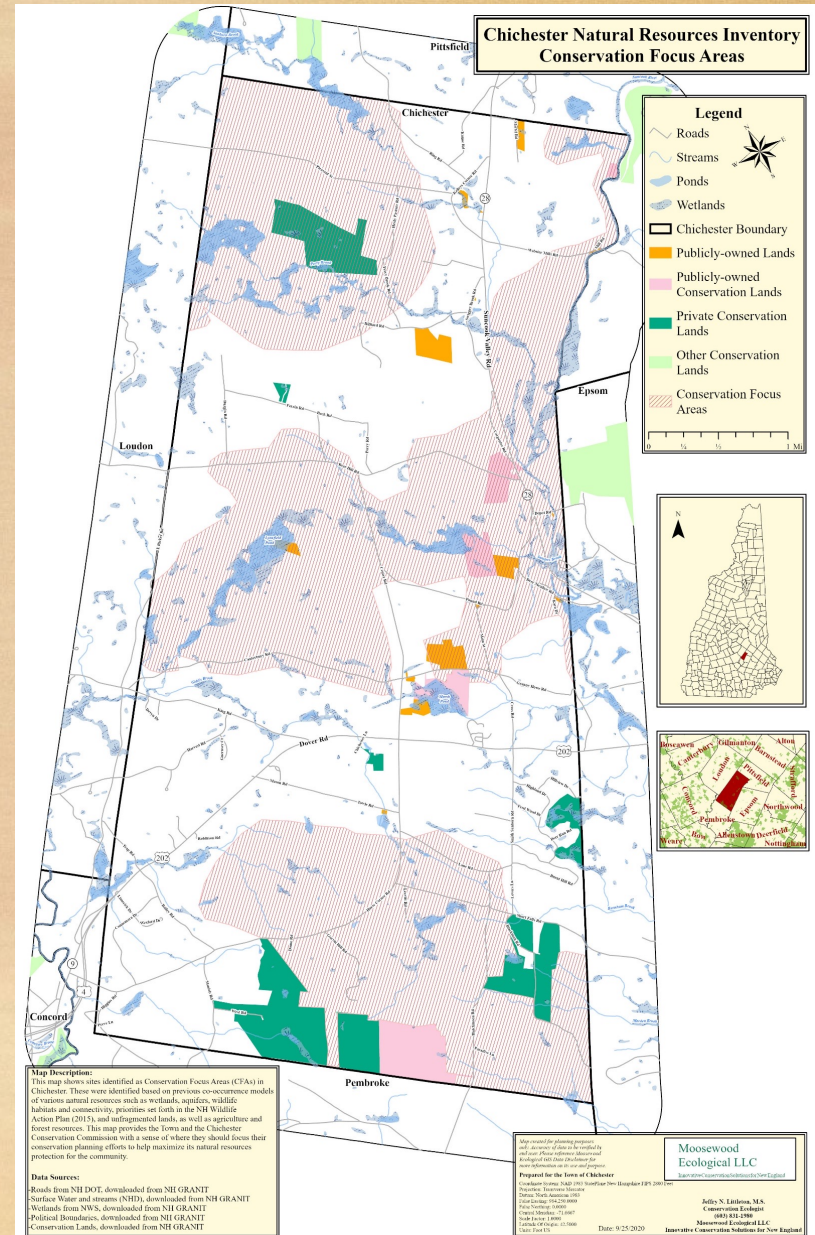
EXAMPLES:

- NRI
- Conservation area plans
- Forestry management plans
- Trail maps

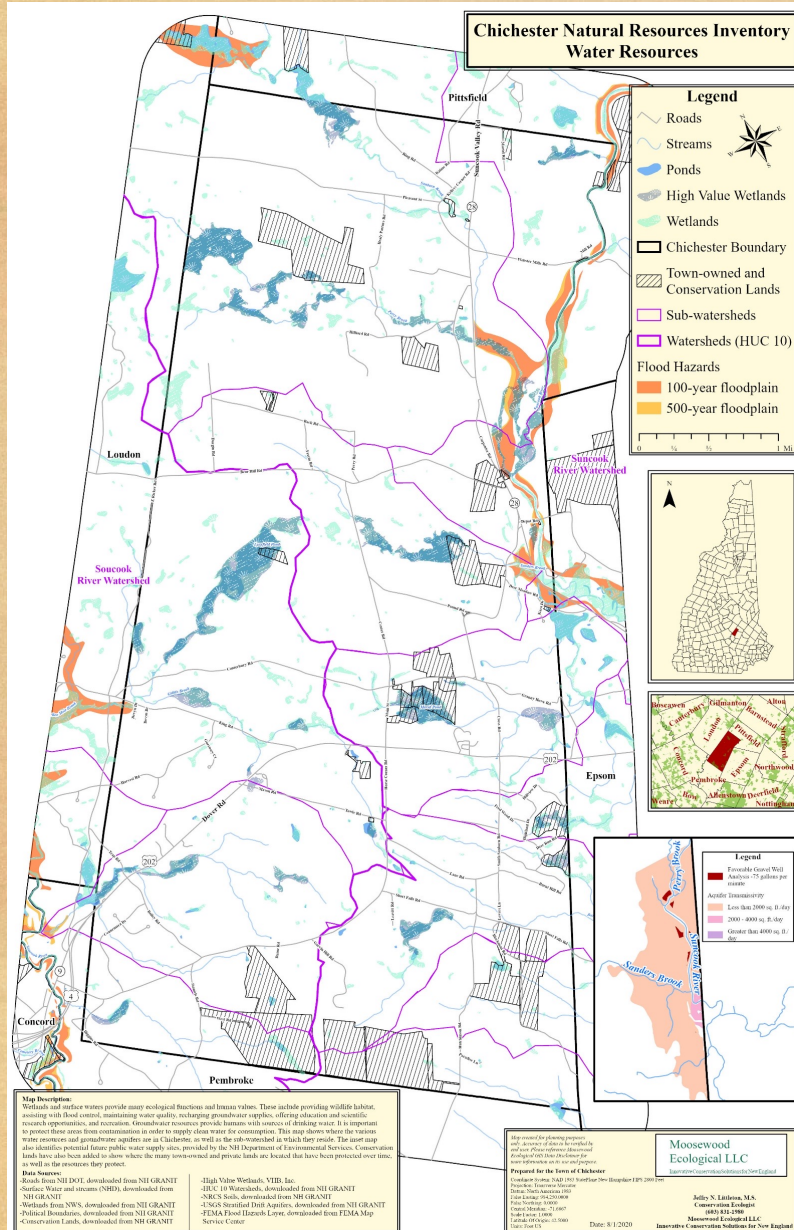


CC RESPONSIBILITY

- “SHALL KEEP AN INDEX OF ALL OPEN SPACE AND NATURAL, AESTHETIC, OR ECOLOGICAL AREAS WITHIN THE CITY OR TOWN.”



CC RESPONSIBILITY



“SHALL KEEP AN INDEX OF ALL MARSHLANDS, SWAMPS, AND ALL OTHER WETLANDS IN A LIKE MANNER.”

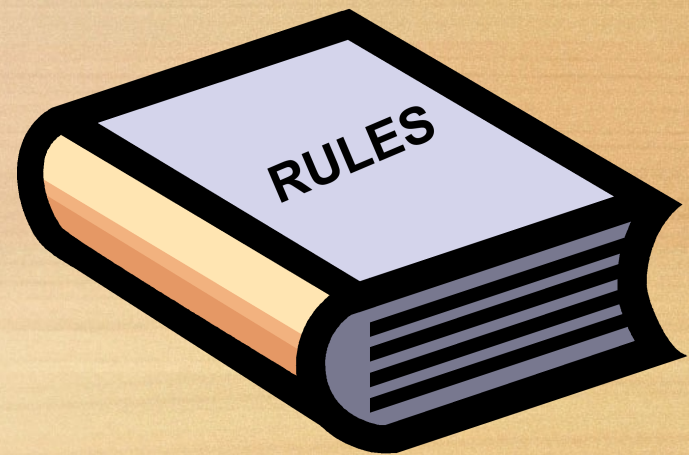




CC - RESPONSIBILITY

“MAY” RECOMMEND TO THE CITY COUNCIL/SELECTMEN OR DEPARTMENT OF NATURAL AND CULTURAL RESOURCES “A PROGRAM FOR THE PROTECTION, DEVELOPMENT OR BETTER UTILITIZATION OF ALL SUCH AREAS.”

- Wetland/Natural Resource ordinances
- Land protection
- Conservation Areas
- Designate Prime Wetlands





CC RESPONSIBILITY

“KEEP
ACCURATE
RECORDS OF ITS
MEETINGS AND
ACTIONS.”





CC RESPONSIBILITY

“RSA 91-A Access to Governmental Records and Meeting”

- “Meeting” quorum or majority of members
- In Person, Telephone, Electronic Communications
- Discussing or acting upon matters
- NOT - Circulation of Draft Documents
- Post all meetings
- Minutes promptly recorded and open to public inspection in not more than 5 business days.
- NON-Public Sessions – Acquisition sale or lease of real or personal property



CC - RESPONSIBILITY

“File an annual report which shall be printed in the annual town or municipal report”

“May appoint such clerks or other employees or subcommittees”

- Land Protection Committee
- Trails Committee
- Forestry Commission



CC – MAKE UP

- 3 – 7 Members appointed by Mayor (Subject to City Charter) or Selectmen
- Alternate members may be appointed in like manner
- “May appoint such clerks or other employees or subcommittees”
- Appointed for alternating terms
- May be on other Commissions and Boards
- One may be from the planning board



CC – POWERS

- Receive gift of money, personal property, real property within or outside political boundary by gift, grant, bequest subject to approval of governing body
- Acquire in the name of the municipality by purchase land or water rights or lesser rights such as easements subject to approval of the governing body.
- No commission, its member or designees shall enter private property with out permission (written or oral)
- Towns may appropriate money for the purposes, may be put in Conservation Fund under control of Town Treasurer.

OPTIONAL

THOMPSON TOWN FOREST

LAND MANAGEMENT

- Forestry (revenue)
- Community gardens/recreation/trails
- Educational Events



CC – Optional Town Forest RSA 31 Sections 110-113

- The legislative body may establish City or Town Forest
- Encourage proper management of timber, firewood and other natural resource through planting, timber stand improvement, thinning, harvesting reforestation and other multiple use programs consistent with forest management program and any restrictions
- Managed by Forestry Committee 3-5 Members, Tree warden?
- May be managed by the Conservation Commission
- Proceeds from said Forest shall be place in Special Forest Maintenance Fund

SOURCES OF INFORMATION

- **NHACC – Networking with other towns**
- **UNH Cooperative Extension**
- **UNH GRANIT**
- **NH Wetland Mapper**
- **NRCS Web Soil Survey**
- **Wildlife Action Plan**



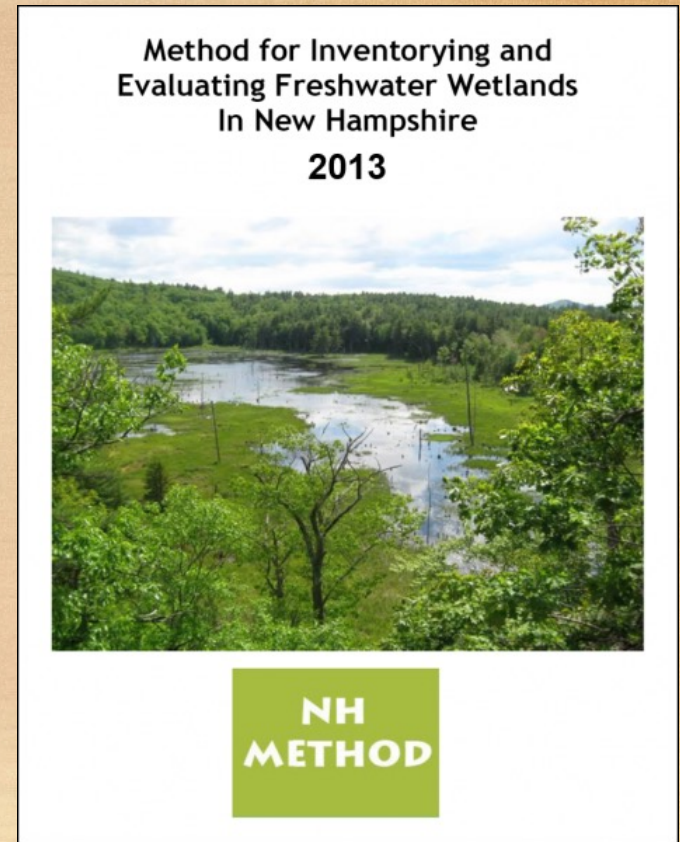
WHY COMPLETE A WETLAND ASSESSMENT?

- An obligation of Conservation Commissions
- Component of Natural Resource Inventories
- To identify highest values wetlands in Town (e.g. for prime wetland assessment)
- Essential for impact assessment
- Component of wetland mitigation and restoration
- Important for buffer width justification
- Land use decisions



NEW HAMPSHIRE METHOD

- Last Updated in 2016
- Designed to compare wetlands
- Assesses 12 functions and values
- Generates a value (for ranking wetlands)
- <https://nhmethod.org/>





CC – Wetlands Bureau Input

- State looks to CCs for input on wetland permits, permit-by-notifications, and wetland mitigation
- CC may request a 40-day application hold for review
- May request a site walk (ask permission)
- Provide input to applicant, DES and Planning Board



INPUT ON WETLAND MITIGATION

- 1989 – “NO NET LOSS OF FUNCTIONS AND VALUES”
 - Mitigation required by feds and states at certain thresholds (10,000 Sq Ft)
 - Individual municipalities may have mitigation requirements
 - Open Space Protection
 - Restoration
 - Creation
 - In-lieu fee
 - Stewardship Funds



TOOLS FOR SUCCESS



- BASE YOUR COMMENTS ON RELEVANT RULES, REGULATIONS, ZONING
- Work with Planning Board to update zoning ordinance to address items outside of the scope of state wetland permitting





TOOLS FOR SUCCESS

- BE PREDICTABLE
- consider a list of application considerations for your website
- Criteria for Accepting Easement

Town of Hudson
Conservation Commission
Town Hall, 12 School Street,
Hudson NH 03051-4249

CHECKLIST Date Completed _____

Project address _____

Sheet(s) _____ Lot(s) _____ Property _____

Name(s) of wetland/buffer impact _____

Owner _____ Applicant _____

SUPPLY A NARRATIVE REPORT FOR INFORMATION ON THE CHECKLIST
Check off Yes, No, or Not Applicable in the appropriate circle regarding the documentation provided
THIS CHECKLIST IS TO BE ATTACHED TO THE HCC APPLICATION FORM

Yes	No	NA	Questions/Information Needed	HCC Comments
NARRATIVE REPORT				
Existing Conditions				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Has a DDES Dredge and Fill Permit been issued for any part of this site? If yes, provide number, date, and description.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Is there evidence of altered wetlands or surface waters on site?	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All prime and other wetlands in the vicinity, plus any wetlands/watersheds past the immediate vicinity affected by this project.	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Description of each wetland and associated values	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Wetland mapping results -- Including the flagging date and technique plus the name, company and qualifications of the wetland scientist	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Was property surveyed? If yes, the date of survey. (Please attach the survey plan)	
National Wetland Inventory				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Vegetative cover types	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Existence of vernal pools and associated habitat	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Unique geological and cultural features	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• NH Natural Heritage inventory -- For list of rare and endangered species, contact the NH Division of Forests and Lands (603)271-3623	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	• Wildlife and fauna species, including estimated number and locations (large projects)	

- 1 -

TOOLS FOR SUCCESS



- BE CONSISTENT (to avoid this):



TOOLS FOR SUCCESS



Don't try to function as a technical specialist, consider a third-party review for contentious/legal matters

HOW DO I FIND A PROFESSIONAL

- NH Joint Board of Licensure
 - List of certified professionals by name and town
 - NH Association of Natural Resource Scientists (www.nhanrs.org)
 - Certified Wetland Scientist





TOOLS FOR SUCCESS

- BUILD RELATIONSHIPS WITH PLANNING & MUNICIPAL STAFF





TOOLS FOR SUCCESS



-IDENTIFY POSSIBLE SOLUTIONS TO PROBLEMS





QUESTIONS?



**I
appreciate
a town with
a plan!**