

**TOWN OF NORTH BERWICK  
CONSERVATION AND AGRICULTURAL COMMISSION  
BYLAWS**

**ARTICLE 1 - ESTABLISHMENT.**

There is hereby established a conservation commission consisting of seven (7) members serving without pay to be appointed by the Board of Selectmen pursuant to 30-A M.R.S.A. § 3261. The term of office is three (3) years. One of the seven (7) member positions is reserved for the Tree Warden appointed by the Board of Selectmen. The Commission shall elect among themselves a Chairman, Vice Chairman and Secretary.

**ARTICLE 2 - DUTIES.**

***A. General***

1. The Commission shall at a minimum meet every month and shall keep records of its meetings and activities to be filed with the North Berwick Town Clerk and shall make an annual report to the town to be published as part of the annual town report, and may employ such personnel as may be approved by the town manager. A quorum of 4 members will be required.
2. The Commission shall conduct research and make recommendations as to the protection, development and use of the natural resources located within the territorial limits of the town. It shall coordinate its activities with existing municipal agencies, commissions, departments, and conservation/agricultural bodies organized for similar purposes (i.e. Great Works Regional Land Trust) and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary with the approval of the Board of Selectmen.
3. The Commission shall review all town policy and ordinances with the purpose of making recommendations to the Board of Selectmen to promote agriculture in North Berwick as a way to provide jobs and food for the people of North Berwick. This review should be done in reference to the Town's Comprehensive Plan. The Committee shall coordinate its activities with existing municipal agencies, commissions, departments, and conservation/agricultural bodies organized for similar purposes to develop specific proposals and ordinance changes to be presented to the Board of Selectmen.
4. The Commission shall make recommendations to carry out the conservation and agricultural implementation strategies outlined in the approved Comprehensive Plan. All recommendations shall be coordinated with municipal agencies, commissions, departments, and conservation/agricultural bodies organized for similar purposes. Final recommendations shall be submitted to the Board of Selectmen for their review.

### ***B. Inventory of Lands***

1. The Commission shall prepare and maintain an Inventory of Town-Owned Land, as directed by the Board of Selectmen, and shall update the inventory from time to time, but at least every three years. The inventory shall identify Town-owned real property, including easements and other interests in land, and shall reference any deed restrictions or covenants limiting the use of said land.
2. The Commission shall solicit comments from the Board of Selectmen; Land, Parks, Recreation Commission and the Planning Board regarding the properties contained in the Inventory, and they shall provide those comments, in writing, to the Commission before the Inventory or updates are submitted to the Board of Selectmen.
3. Upon approval by the Board of Selectmen, the Inventory shall be filed in the Town Clerk's Office. The Town Clerk shall provide copies of the Inventory to the Town Manager, the Planning Board, Land, Parks and Recreation Commission and the Code Enforcement Office.

### ***C. Classification of Lands***

1. As part of the Inventory of Town-Owned Land, the Commission shall recommend that the Town designate appropriate parcels of Town-owned land to be reserved as "conservation land or agricultural land" when the Commission finds that the land, either of its own value or in conjunction with other parcels that are or may be acquired by the Town, will be useful in advancing one or more of the following objectives:
  - a) Preserve and enhance Conservation or Open Space opportunities, including but not limited to critical natural resources, water resources, groundwater resources, fisheries and wildlife habitats;
  - b) Preserve and enhance Agriculture opportunities, including but not limited to prime agricultural soils and forested lands;
  - c) Provide the public with opportunities for non-intensive traditional, typically non-motorized, outdoor recreation activities, which are dependent on the presence of undeveloped natural features. Non-intensive traditional outdoor recreation activities include hiking, snowshoeing, skiing, fishing, hunting, birding, picnicking, photography, and orienteering.
2. When the Commission recommends that a parcel of land be designated as "conservation land or agricultural land", the Board of Selectmen shall forward this designation to the Town Meeting for approval. Such designation shall become effective, and the Town's use of the land limited by the designation, only after the designation is confirmed by vote of the Town at any Town Meeting.

#### ***D. Management of Conservation and Agricultural Lands***

1. Land designated as "conservation land or agricultural land" shall be managed to preserve the objectives specified section C.1 of this Article. Non-intensive traditional outdoor recreation activities shall be encouraged, provided that these activities do not significantly impair the purpose of sustaining wildlife, providing open space opportunities, providing agricultural opportunities or threaten public safety. The Town may provide amenities or improvements, such as parking areas, trails, shelters or other small improvements on conservation and agricultural lands to facilitate use for non-intensive traditional outdoor recreation activities.
2. The Commission shall draft a policy regarding the Town's management of conservation and agricultural lands and submit the policy to the Board of Selectmen for review and approval.
3. The Town may cut trees on conservation and agricultural lands only if there is no significant overall impairment of wildlife habitat, open space or agricultural opportunity. In the case of donated lands, logging will take place only if consistent with the intent of the donor. Logging activity will proceed according to a management plan approved by the Town Tree Warden and placed on file with the Town Clerk.

#### ***E. Acquisition and Donations of Additional Land, Easements or Funds***

1. The Commission, on a continuing basis, shall identify conservation and agricultural lands for town acquisition. The Commission, at least thirty (30) days prior to making any recommendations pursuant to this section to the Board of Selectmen, shall solicit input from the Board of Selectmen, Land, Parks and Recreation Commission and Planning Board. The Commission is authorized to negotiate for the acquisition of lands or easements for conservation and agricultural purposes in conjunction with the Town Manager. During negotiations, the Commission shall make clear that Town Meeting approval is necessary to conclude the acquisition of any land or easement. Once the lands have been identified and terms negotiated, the Commission shall present the details to the Board of Selectmen who shall decide whether the project is to be forwarded on to the Town Meeting for approval.
2. The Town may accept donations of land, funds or easements for conservation, agricultural or park purposes, which may come with restrictions affecting the future use of the donation. Any such restrictions are to be reflected in the inventory prepared by the Commission. The Board of Selectmen vote on accepting any donation of land, funds or easements that is subject to restrictions on the development or use of the donated lands, funds or easements shall make specific reference to the restrictions.

### **ARTICLE 3 - CONFLICT WITH OTHER DEPARTMENTS/POSITIONS**

Nothing in these bylaws shall be construed to conflict with or usurp any duties, powers, or functions of the Conservation Commission nor the powers and duties conferred upon the town tree warden pursuant the 30-A M.R.S.A. § 3282.