

**RULES GOVERNING THE ORGANIZATION AND OPERATION OF THE
TEWKSBURY CONSERVATION COMMISSION
Approved as amended January 7, 2009**

- 1.0. Name and Purposes: The Commission shall be officially know as the “Tewksbury Conservation Commission”, herein called the Commission. It shall be comprised of five members, appointed by the Selectmen.
- 1.1 The purposes of the Commission are to promote and develop the natural resources and to protect the watershed resources of the Town. The Commission will research local land areas and develop a plan to accomplish the purpose set forth above. It will conduct a broad educational program, cooperate with the State and Federal natural resource agencies with regard to natural resource regulations and other regulations imposed by law, and shall perform other duties as may be imposed, or permitted, by law.
- 1.2 The primary purpose of the Commission shall be the administration of the State Wetlands Protection Act, (MWPA) and the administration of the Town's local Wetlands Protection Bylaw (TWPBL). Such administration shall include the regulating and controlling of activities that fall under the TWPBL and the local administration of the MWPA.
- 1.3 Additional purposes shall include the administration of the existing conservation land of the Town of Tewksbury; the procurement of additional conservation land, as allowed under MGL c.40 s.8C, to the extent permitted by available funds, or as received by gift such as those available through the Community Preservation Act; and the seeking of State and Federal grants for reimbursement of funds expended in conservation land procurement. The Commission shall also seek, where appropriate, conservation restrictions and/or conservation easements on land under the control of others.
- 1.4 The Commission shall participate in, and encourage, open space and recreational planning in combination with other interested Boards, Committees, Commissions and Town agencies.
- 2.0 Elections: The officers of the Commission shall be elected from the membership annually in the first meeting of the Commission after the appointment of members by the Selectmen, or at such other time as may be designated by amendment to these rules. The Meeting shall be designated as the annual reorganization of the Commission.
- 2.1 The following officers shall be elected: Chairperson, Vice Chairperson, Clerk.
- 2.2 In the event of a resignation of an officer, there shall be an election as soon thereafter as is feasible to fill the unexpired term.
- 3.0 Officers

- 3.1 Chairperson: The Chairperson shall, in addition to duties imposed by law, preside at all meetings of the Commission at which he or she is present, unless there is a need to not participate on an issue, and shall direct the work of the Commission. The Chairperson shall annually appoint members to committees and designate chairperson of the same, as provided for under Article 6, at the first meeting of the Commission following the election meeting and shall direct the calling of meetings of the Commission. The Chairperson shall be an ex-officio member of all committees.
- 3.2 Vice-Chairperson; The Vice-Chairperson shall preside at all meetings of the Commission in the absence of the Chairperson, and shall perform all duties and have all powers of the Chairperson in case of absence, or incapacity, of the Chairperson.
- 3.3 Clerk: The Clerk shall keep an accurate record of the proceedings of the Commission, shall deliver copies of the minutes to each member, and shall verify project submission and data. The Clerk shall be responsible that Commission meetings are posted in accordance with the Open Meeting Law, MGL c.39, s.23A to and including 23C. This person shall perform all other duties imposed by law, assigned by the Chairperson, or otherwise herein provided.
- 3.4 Associate Members:
- 4.0 Duties of Members: The members of the Commission shall perform the duties and responsibilities as set forth in MGL C.40 S.8C, as amended, the Massachusetts Conservation Commissioner's Environmental handbook, and these Rules.
- 4.1 Attendance: Members are expected to attend all meetings and perform all duties assigned by the Chairperson. Members unable to attend a meeting of the Commission shall notify the Conservation Administrator in advance of the meeting. As quorums are extremely important in conducting the Commission's functions, members need to communicate their absence in advance. Missing three (3) or more regularly scheduled meetings in a year may be grounds for the Commission to recommend to the Board of Selectmen for immediate dismissal of the member from the Commission.
- 5.0 Committees: If not appointed by the Chairperson of the Commission, committees may be created by vote of the Commission as such committees may be needed. These committees shall be responsible for planning within their specific area of concern and for reporting the results of this planning to the Commission. They shall act in the name of the Commission only when directed to do so by vote of the Commission. Committees may include, but not be limited, to the following committees: Planning Committee, Land Acquisition Committee, Information and Education Committee, Land Management Committee, and Pollution Control Committee.
- 5.1 Planning Committee: This committee shall be responsible for the preparation and updating of natural resource inventories, open space inventories, wetland inventories, and a conservation and passive outdoor recreation plan, as specified in MGL c.40 s8C, and the coordination of these plans with community master plans or plans of the Planning Board and any regional planning agencies.

- 5.2 Land Acquisition Committee: This committee shall recommend to the Commission specific land areas to be acquired under the conservation and passive outdoor recreation plan so as to represent a logical time-phased acquisition program for the Town. The Committee shall, in accordance with MGL c40 s8C, present to the Commission recommendations for specific acquisition projects to include: engagement of appraisers, land surveyors and legal counsel, as required; sources of financial assistance; and a plan for proceeding with acquisition. Upon approval by the Commission, it shall secure the required services. It shall prepare applications for financial assistance under the self-help program and appropriate Federal programs, and submit these to the Commission. It shall accomplish other land activities as approved by the Commission.
- 5.3 Information and Education Committee: This committee shall be responsible for the conduct of a public information and education program designed to further the purposes of the Commission. It shall seek to coordinate the activities of unofficial bodies organized for similar purposes as set forth in MGL c40 s8C. Activities for this committee may include:
- a. Liaison with the school administration to encourage inclusion of conservation programs within the educational program, provision of educational materials to the schools or libraries, development of selected school sites for conservation education, and presentations on Commission activities.
 - b. Contact with the news media to encourage continuing public education in conservation matters and concerns.
 - c. Assistance to unofficial bodies, such as land trusts or recycling organizations, in the development of cooperative programs.
- 5.4 Land Management Committee: This committee will be responsible for the preparation of plans for the use of lands under the administrative control of the Commission. It will prepare regulations governing the use of lands under Commission control for adoption by the Commission. It will assure that allowable uses for all legitimate interests of the Town's citizens are considered in plans and facilities. It shall, with the approval of the Commission, coordinate the construction, installation and maintenance of signs, vehicular access ways and controls of same, bridges, dams, wildlife habitat, and other facilities for improving the availability, accessibility, use and enjoyment of conservation areas by the public. It shall mark and maintain trails, boundaries, and access points to such areas, and develop and publish maps and guides to all conservation areas as directed by the Commission. It shall provide supervision over all conservation areas, either by commission members, consultants, Public Works and Recreation Department employees, or paid employees of the Commission, as required.
- 5.5 Pollution Control Committee: This committee shall be responsible for gathering and collating information and data on all forms of pollution within the Town and shall keep appropriate records of pollution levels. It shall coordinate its activities with other Town agencies and unofficial groups concerned with pollution and lend such assistance to such groups as maybe available. It shall cooperate with the Information and Education Committee so that students and the general public will be made aware of the pollution problems in the Town and what actions they may undertake to minimize the problems.

- 6.0 Meetings: The Commission shall hold no less than two meetings each month, with the exception of July and August when there shall only be one per month, except when a quorum, as defined in Article 7, is not present. In general, Robert's Rule of Order shall govern meeting procedure, when not in conflict with statutes or these rules. Notices of meeting will be given by the Recording Secretary, as indicated in Article 3.3. meeting, and notices there of, shall comply with the provisions of MGL c39 s23A to and including 23C, the Open Meeting Law.
- 7.0 Quorum: In the absence of an existing Town Bylaw to the contrary, a majority of the member of the Commission shall constitute a quorum. A majority of those present and voting, if a quorum is present, shall be sufficient to conduct the business of the Commission, however, three votes in the affirmative shall be required to approve all permits issued by the Conservation Commission. .
- 8.0 Appointments and Vacancies: Appointments to the Commission are made by the Board of Selectmen in accordance with MGL c40 s8C.
- 9.0 Hearings: When the Commission is required by law to conduct a public hearing, a quorum of the members must be present. The Commission is required to conduct a public hearing on any properly executed Request for Determination of Applicability, or Notice of Intent, filed under the provisions of the MWPA, MGL c131, s40 and/or the TWPBL. The hearing must be held with twenty-one days of receipt of a properly filed notice, and at least a majority of the Commission must be in attendance. A majority of the Commission present any hearing held on said application must sign the Determination, or the Order of Conditions issued pursuant to the application filed.
- 9.1 The Chairperson shall preside at the hearing. The Chairperson shall open the hearing by reading the purpose for which the hearing is held, and then call for a description of the project by the petitioner, or the petitioner's representative. The Chairperson shall then allow questions to be asked of the petitioner, first by members of the Commission, then by representatives of other Town bodies, and then by the public. Speakers shall be asked to first identify themselves and any special expertise they may have. Testimony may, but need not, be taken under oath. The hearing shall be tape recorded or televised via cable by the Commission and/or the petitioner and/or the public unless facilities are not available. No Commissioner who has any personal interest in the outcome, which might cause, or appear to cause, a conflict of interest, shall participate in the hearing or vote of the Commission unless under the rule of necessity of the conflict of interest law.
- 9.2 A list should be circulated so that members of the public may identify themselves. A copy of the Commission's decision shall be sent to all persons so requesting.
- 10.0 Annual Report: The Commission shall produce an annual report, indicating the Commissioners serving for the year, significant activities of the Commission, and changes in the status of the conservation lands of the Town. The annual report shall be printed as part of the Town's Annual Report.
- 11.0 Commission Employees: The Commission is empowered to employ persons to assist in the Commission's endeavor, to the extent that assistance is not provided by other

departments, and the extent of the available funds. Assistance from the Conservation Administrator is available during normal Town government business hours.

- 12.0 Contracted Services and Supplies: The Commission is empowered to contract for supplies and for services that are required to meet the Commission's purposes, to the extent that the same are not provided by other departments and in accordance with MGL c30B, the Uniform Procurement Act.
- 13.0 Complaint Policy: To insure timely action by the Conservation Commission all complaints should be filed in writing.
- 14.0 These rules may be amended at any regular meeting of the Commission by a two-thirds vote of the entire Commission, provided written notice of the intent to amend is supplied to each member of the Commission at least seven (7) days prior to the meeting at which the proposed action is to be taken.
- 15.0 Engineering Review: All commercial and industrial parcels that require a Notice of Intent application to the Tewksbury Conservation Commission shall be required to submit a separate \$1,000.00 check made out to the Town of Tewksbury for the purpose of Professional Engineering Review Services.
- 15.1 Two or more single family house lots that require a Notice of Intent Application to the Tewksbury Conservation Commission shall be required to submit a \$500.00 check made out to the Town of Tewksbury for the purpose of Professional Engineering Review Services.
- 15.2 One single family house lot shall be exempt from the \$500.00 Professional Engineering Review Services Fee, however the Commission retains the authority to request a professional engineering review to determine the impact on the resource area, at the expense of the applicant.
- 15.3 This fee shall be mandatory and the Commission shall require the completion and submittal of the Professional Engineering review report prior to the close of the public hearing on said application.
- 15.4 Request for Determination: All Requests for Determination of Applicability submitted for the purpose of establishing limits of resource areas (i.e. Edge of wetlands) prior to submitting a Notice of Intent must have all resource areas flagged and numbered both in the field as a result of a field survey, and shown on the submitted plan. A fee of \$250.00 may be required at the discretion of the Conservation Commission with the submittal to allow for a professional scientific review to be conducted by the Conservation Commission.
- 16.0 Severability: The invalidity of any provision of the Commission Rules shall not invalidate any other provision hereof.