

**Guidelines Governing the Operations and
Meetings of the Uxbridge Conservation Commission**

October 2, 2017

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Received by
Uxbridge
Town Clerk

1. Name and Purpose

- a. The name of this organization is the Uxbridge Conservation Commission, herein called the Commission.
- b. The purpose of the Commission is to protect the natural resources of the Town of Uxbridge for the health and welfare of the community, and to provide those functions as defined under the Conservation Commission Act (M.G.L. Ch. 40 s8C), as amended.
- c. The Commission is responsible for the procurement and management of open space parcels for conservation and passive recreation uses and administering the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 s. 40).
- d. The Commission will conduct public outreach, collaborate with elected and appointed Town boards and commissions, and with state and federal natural resources agencies with regard to natural resource regulations and other regulations imposed by law, and shall perform other duties as may be imposed by law.

2. Elections

- a. The officers of the Commission shall be elected from the voting members annually following the end of the fiscal year or at such other time as may be designated by a simple majority vote of the Commission during a public meeting. The meeting following the end of the fiscal year shall be designated the election meeting. The following officers shall be elected: chair, vice chair, clerk and treasurer.

3. Officers and Staff

- a. Chair: The chair shall, in addition to the duties imposed by law, moderate all meetings of the Commission at which the chair is present. The chair shall be an ex-officio member of all committees of the Commission.
- b. Vice Chair: The vice chair shall moderate all meetings of the Commission in the absence of the chair.
- c. Secretary: The secretary shall keep an accurate record of the proceedings of the Commission. In absence of the Conservation Administrator, the clerk shall send draft copies of the meeting minutes to each member by e-mail or post, and shall notify each member of each meeting of the Commission.
- d. Treasurer: The treasurer shall coordinate with the conservation administrator/agent or town treasurer and accountant so that he/she is prepared to render a monthly report on the status of all funds under the jurisdiction of the Commission if necessary. In the absence of the conservation administrator the treasurer shall recommend action on all bills to the appropriate municipal office for disbursement approval required for payment, monthly reports, and shall perform all duties imposed by law, assigned by the chair, or otherwise provided herein.

**Guidelines Governing the Operations and
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October 2, 2017

4. Officers and Staff – cont'd

- e. Staff – Conservation Administrator: The conservation administrator shall serve as the liaison between the Commission and the public, and shall be responsible for the daily operations of the Commission including but not limited to:
 - i. Assisting the public with questions concerning natural resource protection, wetland laws and regulations, and application requirements.
 - ii. Reviewing incoming applications for completeness.
 - iii. Coordinating with Town boards and agencies to ensure protection of the Town's natural resources.
 - iv. Supplying technical administrative support to the Commission.
 - v. Enforcing the Wetlands Protection Act.
 - vi. Taking and providing accurate and complete minutes
 - vii. Prepare and post agendas and legal notices
 - viii. Process bills as approved by the Commission
- f. Conservation Staff-Agent: The conservation agent shall also serve as a liason between the Commission and the public, and shall be responsible for the daily operations of the Commission including but not limited to:
 - i. All tasks of the administrator
 - ii. Conducting site visit inspections for new applications
 - iii. Conduct routine inspections of open and active sites with Order of Conditions
 - iv. Performing pre-work inspections for erosion controls and applicable special conditions
 - v. Supplying assistance and recommendations to the Commission
 - vi. Act as an enforcement authority on behalf of the Commission
 - vii. Final site inspections for Certificate of Compliance requests

5. Duties of Members

- a. The members of the Commission shall perform the duties and responsibilities as set forth in M.G.L. Ch. 40 s. 8C as amended; the Environmental Handbook for Massachusetts Conservation Commissioners, and these guidelines.
- b. All members of the Commission are expected to prepare for, attend and participate in public meetings of the Conservation Commission. In the event that a member cannot attend a meeting of the Commission, the member shall notify the administrator or agent prior to the meeting.
- c. Excessive unexcused absenteeism may result in a request to step down from the Commission and/or removal from the Commission by the appointing authority. Conservation Commission may send a request for removal to the appointing authority by a majority vote of the during a scheduled public hearing. All members are strongly encouraged to attend site visits in preparation for public hearings.
- d. Commission members will manage all conservation or open space parcels and easements, including maintaining an accurate inventory and periodic visits to

Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission

October 2, 2017

properties with easements. Members will familiarize themselves with local land and water resources. Commissioners will work with the planning board and other municipal and nonprofit organizations to keep an index of all open space and natural, aesthetic or ecological areas of Uxbridge.

- e. Associate Commissioners. As individuals express an interest in assisting the Commission with its duties, associate commissioners may be appointed by the Commission by a majority vote. Associate commissioners may participate in all activities of the Commission but may not vote. In the event of a vacancy on the Commission, an associate commissioner who so wishes, may be nominated by the Commission to the Town Manager for consideration of appointment to the Commission as a full voting member. There is no limit to the number of associate commissioners allowed to participate in Commission activities; however, associate commissioners must not disrupt the duties of the Commissioners. Associate commissioners shall bring skills, knowledge or enthusiasm specific to the duties of the Commission.

6. Subcommittees

- a. Subcommittees 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 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. Subcommittees are subject to the provisions of the open meeting laws.

7. Meetings

- a. The Commission shall hold no fewer than two meetings each month, except when a quorum, as defined in Article 6, is not present. A recognized parliamentary guide shall govern meeting procedures, when not in conflict with statutes or town bylaws. Notices of meetings will be given by the conservation administrator or secretary. Meetings, and notices thereof, shall comply with the provisions of M.G.L. Ch. 39 s 23A-C.
- b. Regular monthly meetings are held in a public space 6:30 pm on the first and third Monday of the month (unless otherwise posted). If the first or third Monday falls on a holiday, the meeting will be the following day (Tuesday).
- c. Special meetings are held in a designated public space or other posted location in Town Hall at a time officially posted by the Town Clerk. These meetings are scheduled as needed. The purpose of these meetings is to hold or continue public hearings (under special circumstances), discuss land management efforts, schedule future events and discuss policy issues, and other matters related to the Commission's purview.
- d. The order of business before the Commission shall follow the format below:
 - i. Old Business
 - ii. New Business
 - iii. Wetland Updates/Issues
 - iv. Reported/Ongoing violations
 - v. Processing

**Guidelines Governing the Operations and
Meetings of the Uxbridge Conservation Commission**

October 2, 2017

- vi. Any other business
 - vii. Executive Session (if necessary)
 - e. In order to expedite meetings and to ensure that each attendee's concern is addressed in a timely manner, the Commission will allow a maximum of one half hour (30 minutes) of discussion per item at a time. When this time period has elapsed, the Commission will either continue the item to a later point in the meeting or to the next scheduled meeting at the discretion of the chair or, in his or her absence, the vice chair.
8. Quorum
- a. In the absence of a municipal bylaw or charter to the contrary, a majority of the Commission members 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 unless otherwise specified by statute.
9. Hearings
- a. The Commission is required to conduct a public hearing on any properly executed Notice of Intent filed under the provisions of the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131 s. 40) or local wetlands bylaw or ordinance. At least a majority of the Commission must be in attendance. A majority of the Commission must sign the Order of Conditions or denial issued.
 - b. The chair shall moderate the hearing. The chair shall open the hearing by reading the purpose for which the hearing is held, and then conduct the hearing as follows:
 - i. Call for a description of the project by the project applicant or the applicant's representative.
 - ii. Open the public hearing to questions and comments by abutters and the audience. If time is limited or a large number of people wish to speak, ask each speaker to limit questions or discussion to two (2) minutes. At the appropriate time, and if necessary, ask individuals to comment only if there is new information offered. Speakers shall be asked to identify themselves for the record. Testimony may, but need not, be taken under oath.
 - iii. Ask the Commission and staff to present their information/observations and ask questions of the applicant or applicant's representative.
 - iv. The chair, at his or her discretion, shall announce that the Commission will deliberate and should not be interrupted.
 - v. ii. and iii. may be taken out of order at the discretion of the chair. However, time for public comments shall be allotted before the hearing is closed.
 - c. A Commissioner who has any interest in the outcome that might cause or appear to cause a conflict of interest should not participate in the hearing or vote of the Commission. A member electing to recuse him or herself shall leave the room until the public hearing has concluded or has been continued to a later date.
 - d. The Commission shall generally follow the above procedures for any other

Guidelines Governing the Operations and Meetings of the Uxbridge Conservation Commission

October 2, 2017

hearings it may be required to hold and also for public meetings (e.g., under a wetlands Protection Act Request for Determination of Applicability or before adopting regulations for use of its land).

10. Site Visits

- a. The purpose of site visits is to review development plans, alleged wetlands violations, on-going site development, and completed projects requesting a Certificate of Compliance. These visits are intended to gather additional site-specific information and insight into the impact of a proposed project. Site visits are essential to responsible discussion and decision-making by the members of the Commission. Site visits are generally conducted on evenings (seasonal daylight permitting) or Saturday mornings.
- b. All site walks conducted relating to the application shall be with a representative unless otherwise designated. Two Commissioners should always be present while conducting site walks, but one member is sufficient if the site visit is scheduled at least forty-eight (48) hours in advance. Additionally, one commissioner shall be sufficient if the Conservation Agent is in attendance as well.
- c. Site visits will take place only after limits of construction are physically marked in the field. These include the house, well, septic and boundaries. Lot numbers in the case of subdivisions shall also be prominently displayed to ensure proper location. Photographs of areas of special concern are recommended.

11. Enforcement

- a. Two Commissioners shall always be present when conducting enforcement and violation site visits.
- b. If one Commissioner sees a violation, the office shall be called to alert the agent to go visit the potential violation within twenty-four hours of when said violation is noticed. If no agent is on staff, the Commissioner shall contact the chair or office to notify and leave record with the administrator stating who is conducting the site visit, the location, time, and nature of the violation.
- c. The agent, on behalf of the Commission, may be the issuing authority for issuing Enforcement Orders in cases where work must cease or action must be taken immediately.
- d. Violations will be discussed at the next regularly scheduled meeting.

12. Other Duties and Responsibilities

- a. It is strongly encouraged that members without prior familiarity with wetland law and science and the responsibilities of a Conservation Commissioner attend the series of one-day courses, Fundamentals for Conservation Commissioners, given by the Massachusetts Association of Conservation Commissions (MACC).
- b. Each Commissioner is expected to adhere to the objectives of the Commission as stated in 1.b., and shall endeavor to stay current with the Wetlands Protection Act and its implementing regulations.
- c. Members may be requested to serve on sub-committees, as the need arises.

13. Amendments

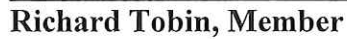
- a. These guidelines may be amended at any regular meeting of the Commission by a

**Guidelines Governing the Operations and
Meetings of the Uxbridge Conservation Commission**
October 2, 2017

two-thirds vote of the total Commission.



Andrew Gorman, Chairman


Jim Hogan, Vice-Chair
Jeffrey Shaw, Clerk
Lauren Steele, Member
Dale Bangma, Member
Richard Tobin, Member

Russell Holden, Treasurer

December 4, 2017
Date