



TOWN OF BRUNSWICK CONSERVATION COMMISSION

Board Composition.

The Conservation Commission consists of seven members who are appointed by the Town Council.

Term of office.

The term of office is three (3) years.

Meeting Schedule.

2nd and 4th Wednesday at 7:00 p.m. (2nd Wednesday is a workshop)

Powers and duties.

The Conservation Commission has the following powers and duties:

- (1) *Research and coordination.* The commission shall conduct research, in conjunction with the Planning Board, into the local land areas and shall seek to coordinate the activities of conservation bodies organized for similar purposes.
- (2) *Information.* It may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets which it deems necessary within the limits of any funds appropriated for that purpose by the town council, or otherwise acquired.
- (3) *Index of open areas.* It shall keep an index of all open areas, publicly or privately owned, within the town, including open marsh lands, swamps, and other wet lands, for the purpose of obtaining information pertinent to proper utilization, protection, development, or use of these open areas and may recommend to the Town Council or any town body or board, or any body politic or public agency of the state, a program for the better utilization, protection, development, or use of these areas, which may include the acquisition of conservation easements.
- (4) *Land acquisition.* It may, with the approval of the Town Council, acquire land in the name of the town for any of the purposes set forth in sections 2-76 through 2-82.
- (5) *Gifts.* It may, with the approval of the Town Council, receive gifts in the name of the town for any of its purposes and shall administer the same for such purposes, subject to the terms of the gift.
- (6) *Records and annual report.* It shall keep records of its meetings and activities and shall make an annual report to the town to be published as part of the annual town report.

Town Staff Person.

Natural Resources Planner – Vanessa Leveque (725-6639)

**TOWN OF BRUNSWICK
CONSERVATION COMMISSION**
Current as of January 1, 2008

Town Ordinances Chapter 2, sections 2-76 to 2-85 and M.R.S.A. Title 30-A, § 3261

CODE OF ORDINANCES

DIVISION 2.

**CONSERVATION
COMMISSION***

* **Cross References:** Marine activities, structures and ways, Ch. 11; shellfishing, § 11-71 et seq.; streets, sidewalks and other public places, Ch. 14; parks and recreation areas, § 14-96 et seq.; zoning, App. A.

State Law References: Conservation commission, 30-A M.R.S.A. § 3261.

Sec. 2-76. Composition.

There shall be a conservation commission appointed by the town council consisting of seven (7) members, called conservation commissioners as authorized by 30-A M.R.S.A. § 3261.
(Ord. of 10-3-88, § 101)

Sec. 2-77. Term of office.

The terms of office initially shall be one (1), two (2) and three (3) years, such that the terms of approximately one-third of the members shall expire each year, or until the appointment of their successors, and their successors shall be appointed for terms of three (3) years each. Any commissioner presently serving a term greater than three (3) years may serve until his term expires. The appointment of his successor shall be for a term of three (3) years.
(Ord. of 10-3-88, § 101(1))

Sec. 2-78. Prohibition of membership.

A town councilmember may not be a conservation commissioner.
(Ord. of 10-3-88, § 101(2))

Sec. 2-79. Organization.

The conservation commission shall elect annually on or about April 1 a chairman, vice-chairman, and secretary from its own membership.
(Ord. of 10-3-88, § 101(3))

Sec. 2-80. Duties.

The chairman shall call and preside at all meetings of the conservation commission. The vice-chairman shall act in the absence of the chairman. The secretary shall keep the official minutes of the commission.
(Ord. of 10-3-88, § 101)

Sec. 2-81. Powers and duties.

The conservation commission has the following powers and duties:

- (1) *Research and coordination.* The commission shall conduct research, in conjunction with the planning board, into the local land areas and shall seek to coordinate the activities of conservation bodies organized for similar purposes.
- (2) *Information.* It may advertise, prepare, print, and distribute books, maps, charts, plans, and pamphlets which it deems necessary within the limits of any funds appropriated for that purpose by the town council, or otherwise acquired.
- (3) *Index of open areas.* It shall keep an index of all open areas, publicly or privately owned, within the town, including open marsh lands, swamps, and other wet lands, for the purpose of obtaining information pertinent to proper utilization, protection, development, or use of these open areas and may recommend to the town council or any town body or board, or any body politic or public agency of the state a program for the better utilization, protection, development, or use of these areas, which may include the acquisition of conservation easements.
- (4) *Land acquisition.* It may, with the approval of the town council, acquire land in the name of the town for any of the purposes set forth in sections 2-76 through 2-82.
- (5) *Gifts.* It may, with the approval of the town council, receive gifts in the name of the town for any of its purposes and shall administer the same for such purposes subject to the terms of the gift.
- (6) *Records and annual report.* It shall keep records of its meetings and activities and shall make an annual report to the town to be published as part of the annual town report.

(Ord. of 10-3-88, § 102)

State Law References: Similar provisions, 30-A M.R.S.A. § 3261(2), (3).

Sec. 2-82. Definition of "open areas".

For purposes of this division, "open areas" means any space or area the preservation or restriction of the use of which would maintain or enhance the conservation of natural or scenic resources, protect natural streams or water supplies, promote conservation of swamps, wetlands, beaches, or tidal marshes, enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or other open areas or spaces, affect or enhance public recreation opportunities, preserve historic sites, implement the plan of development adopted by the planning commission of any municipality, or promote orderly urban or suburban development.

(Ord. of 10-3-88, § 103)

State Law References: Open areas definition, 30-A M.R.S.A. § 2001(13).

Sec. 2-83. Public parks and shade trees excepted.

The regulation of public parks and shade trees is not within the jurisdiction of the conservation commission.

(Ord. of 10-3-88, § 104)

Cross References: Parks and recreation areas, § 14-96.

Sec. 2-84. Notice of planning operations.

Any body politic or public agency of the state conducting planning operations with respect to the open areas within the town shall notify the commission of all plans and planning operations at least thirty (30) days prior to the implementation of any action thereunder.

(Ord. of 10-3-88, § 105)

Cross References: Buildings and building regulations, Ch. 5; zoning, App. A.

State Law References: Similar provisions, 30-A M.R.S.A. § 261(2)(D)(1).

Secs. 2-85--2-100. Reserved.

STATE LAW

30-A §3261. Conservation commissions

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30-A §3261. Conservation commissions

Unless otherwise provided under their home rule authority, municipalities may establish conservation commissions as provided in this section.

1. Appointment of commissioners. The municipal officers may appoint at least 3, but not more than 7, conservation commissioners. Members shall initially be appointed for terms of one, 2 and 3 years, such that the terms of approximately 1/3 of the members will expire each year. Their successors shall be appointed for terms of 3 years each. Members shall serve until the appointment of their successors.

The commission may recommend to the municipal officers that associate members be appointed to assist the commission as the commission requires. Associate members are nonvoting members. Their terms of office shall be for one, 2 or 3 years.

2. Duties of commission. The commission shall:

- A. Keep records of its meetings and activities and make an annual report to the municipality;
- B. Conduct research, in conjunction with the planning board, if any, into the local land areas;
- C. Seek to coordinate the activities of conservation bodies organized for similar purposes; and
- D. Keep an index of all open areas within the municipality, whether publicly or privately owned, including open marshlands, swamps and other wetlands, for the purpose of obtaining information relating to the proper protection, development or use of those open areas. The commission may recommend to the municipal officers or any municipal body or board, or any body politic or public agency of the State, a program for the better protection, development or use of those areas, which

may include the acquisition of conservation easements.

(1) Any body politic or public agency of the State conducting planning operations with respect to open areas within a municipality having a conservation commission shall notify that conservation commission of all plans and planning operations at least 30 days before implementing any action under that plan.

3. Powers of commission. The commission may:

A. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary;

B. Have the care and superintendence of the public parks and, subject to the approval of the municipal officers, direct the expenditure of all money appropriated for the improvement of those parks;

C. Acquire land in the municipality's name for any of the purposes set forth in this section with the approval of the municipal legislative body; and

D. Receive gifts in the municipality's name for any of the commission's purposes and shall administer the gift for those purposes subject to the terms of the gift.

4. Park commission under previous law. This section does not require a municipality which has previously created a park commission under prior law to establish a conservation commission. Any such park commission previously created may continue to operate as originally established.