

**CONSERVATION COMMISSION ORDINANCE**  
**FOR THE**  
**TOWN OF WINDSOR, MAINE**

ENACTED: Special Town Meeting, June 17<sup>th</sup>, 2006

CERTIFIED BY: *Paul C. Cunningham*  
Name

*Clerk*  
Title

Affix Seal

Attest: A true copy of an ordinance entitled "Windsor Conservation Commission," as certified to me by the Board of Selectmen of Windsor on the 16<sup>th</sup> day of May, 2006.

Signature *Paul C. Cunningham*  
Town Clerk of Windsor

## WINDSOR CONSERVATION COMMISSION

**Section 1. Intent and Purpose.** This ordinance is established to protect, conserve and enhance the natural resources of the Town of Windsor. To achieve these objectives it is intended to establish a Conservation Commission which will act in an advisory capacity to the Town of Windsor. The Conservation Commission will provide oversight for the conservation of Town owned lands, or easements, be they forests, meadows, or wetlands. The Commission shall coordinate, and act as a point of contact for, the efforts of State and Federal agencies as well as Windsor residents undertaking natural resource projects or other significant projects which may impact natural resources in the Town.

**Section 2. Establishment of Conservation Commission.** Pursuant to the provisions of Title 30-A M.R.S.A., §3261, the Town of Windsor, Maine hereby establishes a Conservation Commission.

### **Section 3. Appointment and Membership**

- 3.1. Members of the Conservation Commission shall be appointed by the Board of Selectmen, who shall determine their compensation, if any. Members shall be sworn in by the town clerk or other person authorized to administer oaths. The Commission may make recommendations to the Board of Selectmen as to nominations for future membership on the Commission.
- 3.2. The Commission shall consist of five (5) regular members. Members of the Commission immediately prior to enactment of this ordinance shall continue as regular members of the Commission as reestablished by this ordinance for the unexpired portion of their terms.
- 3.4. Regular members shall serve three (3) year staggered terms, except that initial appointments made under this ordinance may be for one (1) year, two (2) years or (3) years as necessary to achieve the purpose of this subsection. Decisions of the selectmen relating to the staggering of terms pursuant to this subsection shall be final.
- 3.5. When there is a permanent vacancy on the Commission, the Selectmen shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a legal resident of the municipality. The Board of Selectmen may remove members of the Conservation Commission by majority vote, after providing notice and an opportunity for a hearing.

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- 3.6. Honorary Membership. The Board of Selectmen may name various persons to the Commission as honorary members as it deems appropriate, on recommendation of the Commission. Such honorary membership may be conferred on individuals in recognition of their contribution to conservation in Windsor, or as a means to bring special training, skills and perspective to the work of the Commission. Honorary members may participate in meetings of the Commission but may not vote nor otherwise exercise the authority which is hereby granted to the full Commission members.
- 3.7. Neither a member of the Board of Selectmen nor his or her spouse may serve as a member of the Conservation Commission.

### **Section 4. Organization and Rules.**

- 4.1. The Commission shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or hire a non-board member to serve as secretary. The term of all offices shall be one (1) year with eligibility for re-election.
- 4.2. The chairperson shall call at least one regular meeting of the board each month.
- 4.3. No meeting of the board shall be held without a quorum consisting of three (3) members authorized to vote. The board shall act by majority vote of the members present and voting.
- 4.4. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

### **Section 5. Powers and Duties.** The following shall be the powers of the Conservation Commission:

- 5.1. Research. The Commission shall conduct research, in conjunction with the Planning Board, if any, into the local land areas.
- 5.2. Coordination with other conservation bodies. The Commission shall seek to coordinate the activities of conservation bodies organized for similar purposes.
- 5.3. Assistance. At the request of other Town departments and Boards the Commission shall provide assistance on environmental and conservation issues.

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- 5.4. Land index. The Commission shall 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 Board of Selectmen or any municipal body or Commission, 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.
- 5.5. 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.
- 5.6 Notification of land acquisition or sale. The Conservation Commission shall be notified by the Town Manager of any project, acquisition, or sale by Municipal, State or Federal agencies which may impact the Town's natural resources or public lands. The Commission shall be given adequate opportunity to present its findings relative to such actions.
- 5.7. Acquisition of lands. With the approval of the Town or by referendum the Commission may acquire land or any interest therein in the name of the municipality for any purpose set forth in Title 30-A M.R.S.A., § 3264, as amended, and may accept gifts of land, money or easements for conservation.
- 5.8. Tree planting program. The Commission may develop and undertake an annual tree planting program within funding constraints of the Town budgeting process.
- 5.9. Windsor Conservation Award. The Commission may maintain and review nominations for a Windsor Conservation Award in conjunction with the Board of Selectmen.
- 5.10. Natural resources inventory. The Commission may, in association with the Board of Selectmen, develop an inventory of Natural Resources in the Town, to include: brooks, streams woodlands, wetlands, wildlife habitats, and other unique natural areas, to identify conservation opportunities.
- 5.11. Strategic Plan. The Commission may, in association with the Board of Selectmen, develop strategic plans for the use and development of public parks, trails and. access to outdoor recreation opportunities.
- 5.12. Coordinate and implement conservation on municipal lands. The Commission may coordinate and implement conservation on municipal lands subject to the approval of the Town and direct expenditure of all money appropriated for conservation projects on municipal lands.
- 5.13. Distribution of maps and literature. The Commission may prepare, print and distribute maps, plans and literature as needed to promote conservation and the initiatives of the Commission.

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- 5.14. Local Energy Conservation and Recycling Efforts. The Commission may provide leadership and direction for local energy conservation and recycling education.
- 5.15. Coordination with other conservation bodies. The Commission may coordinate efforts with those of other local, regional and state organizations.
- 5.16. Coordination with other bodies. The Commission may coordinate efforts with other public and private organizations to secure funding and other resources for local conservation, energy conservation, and recycling projects.
- 5.17. Other activities not listed. The Commission may undertake other conservation related activities not listed here subject to Board of Selectmen approval.

### **Section 6 Severability Clause**

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

**WINDSOR JUNE 2006 SPECIAL TOWN MEETING WARRANT**

amount owed. Motion passed as written.

**ARTICLE 29:** Shall an ordinance entitled 'Windsor Conservation Commission' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Moved and seconded to accept as written. Motion carried.

**ARTICLE 30:** Shall an ordinance entitled 'Windsor Planning Board' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Jeff Frankel, Moderator stepped down, as he wanted to be able to speak on this article. He appointed Carol Eckert as Deputy Moderator in his place. Moved and seconded to accept as written. Article passed.

**ARTICLE 31:** Shall an ordinance entitled 'Board of Appeals Ordinance' be enacted?

**Board of Selectmen Recommends: Yes**

**Planning Board: Yes**

Moved and seconded to accept as written. Article passed.

**ARTICLE 32:** Shall Section VII of the Building Code of the Town of Windsor be amended to read:

**SECTION VII. APPEALS AND VARIANCE REQUESTS.**

Appeals and variance requests from the decisions of the Code Enforcement Officer may be taken to the Board of Appeals.

**A. Administrative Appeals**

The Board of Appeals shall hear and decide appeals from decisions of the Code Enforcement Officer refusing to issue a building permit pursuant to this ordinance, or from the failure of the Code Enforcement Officer to timely act on a permit application.

**B Variance Requests From Dimensional Standards**

The Board of Appeals shall hear and decide requests for variances from the dimensional standards contained in this ordinance following the Code Enforcement Officer's refusal to issue a building permit when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood;