

# Casco Open Space Conservation Ordinance

## **ARTICLE 1: INTENT AND AUTHORITY**

**1.1 Intent and Purpose.** The intent of this ordinance is to protect, conserve, enhance and provide stewardship for open space and its natural resources in the Town of Casco in accordance with the provisions of this ordinance, the Casco Open Space Plan and the Casco Comprehensive Plan. To achieve these objectives this ordinance also intends to establish a conservation commission.

**1.2 Authority.** This ordinance has been prepared and adopted pursuant to the provisions of:

- the State of Maine’s home rule authority found in Title 30-A M.R.S.A., Section 3001;
- the State of Maine’s laws regarding the establishment of Conservation Commissions found in Title 30-A M.R.S.A., Section 3261;
- the State of Maine’s Growth Management, Title 30-A M.R.S.A., Sections 4312 and 4321-4323;
- the Casco Comprehensive Plan, originally adopted on June 11, 2003 and most recently amended on June 13, 2007; and
- the Casco Open Space Plan adopted by the municipal legislative body on June 14, 2006.

**1.3 Title.** This ordinance shall be known and may be cited as the “Casco Open Space Conservation Ordinance.”

**1.4 Amendments.** Either the municipal officers or the Commission, as established in Article 2, shall have the authority to initiate amendments to this document. All proposed amendments must be approved by the municipal officers to be placed on a warrant and voted on by the municipal legislative body.

## **ARTICLE 2: ESTABLISHMENT OF COMMISSION**

**2.1 Establishment.** There is hereby established a conservation commission, which shall be known as the Casco Open Space Commission (“Commission”) and whose purpose is to administer this ordinance. The responsibilities, authorities and limitations of the Commission are those described in this ordinance and as amended by the municipal legislative body. It is meant to be separate from the Town’s existing conservation committee and to serve a related, but different purpose.

## **ARTICLE 3: MEMBERSHIP, TERMS AND REMOVAL**

**3.1** The Commission shall consist of five (5) voting members who shall be residents of the Town of Casco. Three (3) shall be appointed by the municipal officers, and two (2) members shall be elected in municipal-wide elections.

**3.2** Not more than one municipal officer nor more than one Planning Board member may be an appointed member of the Commission.

**3.3** Terms shall be staggered and shall be three-year terms, except for the initial appointments/elections, in which the three appointed seats shall consist of a one-year term, a two-year term, and a three-year term. The initial elected seats shall consist of a two-year term and a three-year term.

**3.4** The election of Commission members shall occur on the same date as the election of municipal officers.

**3.5** Initial appointments of all five (5) members shall be made by the municipal officers within 30 days of the adoption of this ordinance. Appointments at other times shall be made promptly to ensure that Commission official business can continue to be conducted.

**3.6** Members may serve until the appointment or election of their successors.

**3.7** When there are fewer than two elected members, for whatever reason, the municipal officers shall appoint a replacement who shall serve only until the next scheduled election of Commission members.

**3.8** A quorum and a majority shall consist of three (3) voting members present at any meeting. No business shall be conducted without a quorum.

**3.9** The municipal officers shall have the power to remove appointed members, with just cause, by a majority vote.

**3.10** The municipal officers shall have the authority to remove an elected member, with just cause, by a unanimous vote of its full membership.

**3.11** Members are expected to attend all meetings. Attendance at fewer than 75% of the meetings in any 12-month period, or absence at three consecutive regularly scheduled meetings, may be considered just cause for removal.

#### **ARTICLE 4: REQUIRED DUTIES OF THE COMMISSION**

**4.1 Procedural Duties.** The following shall be the procedural duties of the Commission.

4.1.1 Meetings. The Commission shall determine the schedule and frequency of meetings. It shall meet regularly and conduct its business at open meetings, such meetings to be posted at public locations as to time and place.

4.1.2 Election of Officers. The Commission shall elect officers annually. Required officers shall include a chair, vice chair and a secretary.

4.1.3 Minutes. The Commission shall keep a record of its meetings and decisions, which shall be made available to the public. A draft copy of the minutes shall be available in the Town Office within 30 days of the meeting, and a final approved copy of the minutes submitted to the Town Office within 10 days of approval by the Commission.

4.1.4 Annual Report. The Commission shall, at least once a year or at the request of the municipal officers, file a report at the Town Office containing information as to its activities of the past year, an outline of the program anticipated in the coming year, and all relevant financial information, including the value of protected lands and the gain or loss in tax revenue due to implementation of the Open Space Plan.

4.1.5 Fiscal Responsibilities. The Commission shall submit an annual budget, including its Annual Report, to the municipal officers, subject to their annual budget review process and the municipal legislative process. Expenditures shall not exceed the Commission's financial resources, including amounts approved by the municipal legislative body.

4.1.6 Acquisition or Transfer of Land or Interest in Land. The Commission shall only acquire, accept, sell, trade or transfer any land parcel or interest therein, including fee interests, easements and leases, with the approval of the municipal legislative body and only in the name of the Town of Casco.

**4.2 Open Space Duties.** The following shall be the Open Space duties of the Commission.

4.2.1 Open Space Plan. The Commission shall implement the provisions of the Casco Open Space Plan adopted at the June 2006 Town Meeting, or as subsequently amended or updated by vote of the municipal legislative body.

4.2.2 Conservation Easements. The Commission shall manage any conservation easement that the Town holds, as provided in Article 5. Management responsibilities shall include regular landowner contact, monitoring and stewardship activities in accordance with the terms of the easement.

4.2.3 Conservation Lease Program. The Commission shall research and develop prototype agreements and set up a structure and criteria for determining the amount of lease payments for open space land to further the goals of the Casco Open Space Plan. It shall manage any conservation leases the Town holds. Management responsibilities shall include regular landowner contact, monitoring and stewardship activities in accordance with the lease agreement.

4.2.4 Town-owned Lands. The Commission shall seek input from the Parks and Recreation Department and shall develop and implement a management plan for any Town-owned land with natural resource values to ensure appropriate monitoring and stewardship of those values.

4.2.5 Education and Outreach. The Commission shall develop an education and outreach program.

4.2.6 Natural Resources Inventory. The Commission shall develop an inventory of natural resources in the Town, including, but not limited to, such things as brooks, streams, woodlands, wetlands, wildlife habitats, and other unique or important natural areas.

4.2.7 Coordination with other Conservation Organizations. The Commission shall seek to coordinate its activities with other local, regional or state conservation organizations such as conservation commissions or similar groups in neighboring towns, and land trusts or other organizations qualified to hold conservation easements.

4.2.8 Duty under other Regulations. The Commission shall perform any duties required of it under any State or local legislative action, including a Comprehensive Plan, as long as such duties further the purpose and intent of this ordinance.

## **ARTICLE 5: POWERS OF THE COMMISSION**

The following shall be the discretionary powers of the Commission.

5.1 Procedures and Policies. The Commission may adopt procedures and policies for its operation, subject to the approval of the municipal officers.

5.2 Planning and Priorities. The Commission may adopt plans, criteria and priorities for open space protection.

5.3 Amendments to Open Space Plan. The Commission may recommend to the municipal officers any amendments to the Open Space Plan to be voted on by the municipal legislative body.

5.4 Acquisition of lands. The Commission may enter into purchase option agreements solely in the name of the Town of Casco with landowners with the approval of the municipal officers.

5.5 Conservation Easements. The Commission may negotiate agreements solely in the name of the Town of Casco with landowners for conservation easements on land in Casco with the approval of the municipal officers.

5.6 Conservation Leases. The Commission may negotiate with landowners for conservation leases solely in the name of the Town of Casco on land in Casco with the approval of the municipal officers.

5.7 Recreational Use of Lands. The Commission may, in association with the Parks and Recreation Department, develop and implement strategies for the use and development of public parks, trails and access to outdoor recreation opportunities on Town-owned lands.

**5.8 Distribution of maps and literature.** The Commission may prepare, print and distribute maps, plans and literature as needed to promote conservation and other initiatives of the Commission.

**5.9 Use of Outside Services.** The Commission may, within its budget, engage the services of professionals, such as foresters, ecologists, biologists, botanists, wildlife specialists and land use planners needed to accomplish its work.

**5.10 Grants.** The Commission may, with approval of the municipal officers, apply for and administer grants in furtherance of its work.

**5.11 Fund Raising.** With the approval of the municipal officers, the Commission may conduct fundraising campaigns and administer said funds in furtherance of its work.

**5.12 Donations.** With the approval of the municipal officers, the Commission may accept donations to further the purposes of its work, and to administer said gifts in accordance with the wishes of the donor.

**5.13 Other activities not listed.** The Commission may undertake other conservation related activities that further the purposes set forth in this ordinance or in the Open Space Plan, with approval of the municipal officers.

## **ARTICLE 6: VALIDITY, REPEALER AND EFFECTIVE DATE**

**6.1 Validity.** Should any section or provisions of this ordinance be declared by a court of competent jurisdiction to be invalid, such determination shall not invalidate or affect any other section or provision of this ordinance, and to that end the provisions of this ordinance are declared to be severable.

**6.2 Repealer.** All ordinances, resolutions, orders and votes of the Town of Casco, by whatever governing body enacted and which relate to the Commission, are hereby repealed to the extent they are inconsistent with this Ordinance.

**6.3 Effective Date.** The effective date of this ordinance shall be the first day of the month after adoption by the municipal legislative body.