

## DEDHAM FALL TOWN MEETING NOVEMBER 13, 2023

### ARTICLE TWELVE: PROPOSED AMENDMENT TO CHAPTER 12, ARTICLE 5 OF THE GENERAL BYLAWS

To see if the Town will vote to amend the General Bylaws, Chapter 12 (Board, Commissions and Committees), Article XII (Open Space and Recreation Committee), by deleting Article XII in its entirety, and replace with the following text, as follows:

#### Article XII. Conservation Commission

##### § 12-18. Purpose; establishment and members; resource associate members

A. Purpose. The Conservation Commission is established to protect, promote and enhance the quantity and quality of the natural resources within the Town, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The Conservation Commission may conduct research into its local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.

B. Establishment and Members. There shall be in the Town of Dedham a Conservation Commission, established under the Conservation Act, General Laws, Chapter 40, Section 8C, comprised of seven residents appointed by the Select Board. Should a member of the Conservation Commission remove from the Town, the Town Clerk shall declare the seat vacant.

C. Resource Associate Members. The Select Board, following recommendation from the Conservation Commission, may appoint two advisory Resource Associate Members, each for a term of two years. Resource Associate Members shall have the authority to participate in deliberations of the Conservation Commission but shall not have a vote or count towards the quorum of the Commission.

##### § 12-19. Term; compensation; officers.

A. Term. Members of the Conservation Commission shall each serve for a term of three years or until a successor is duly appointed.

B. Compensation. All Commission members shall serve without compensation.

C. Officers. The Commission shall annually elect from among its members a Chair, a Vice-Chair and a Clerk, and such other officers as the committee shall deem necessary and proper, and, as may be appropriate, may reorganize from time to time.

##### § 12-20. Duties.

The Conservation Commission shall:

A. Administer the Wetland Protection Act, Chapter 131, Section 40 and its implementing regulations, as they may be amended from time to time, and have all the powers and duties conferred by law upon municipal conservation commissions in Massachusetts;

B. Administer the Wetland Protection Bylaw, Chapter 271 of the General Bylaws, as it may be amended from time to time;

C. Provide informal guidance to other Town departments or officers, unrelated to pending applications and upon request, concerning the application of the Wetlands Protection Act and Bylaw on use of land owned or controlled by the Town;

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D. Administer land purchased by or given to the Town for conservation or open space purposes, as well as any land placed under its jurisdiction by Town Meeting or the Select Board, and, acquire land meeting the requirements of G.L. c.40, §8C, with the approval of the Select Board, with funds available to the Commission;

E. Oversee the 5-year action plan for open space and recreation, required by the Executive Office of Energy and Environmental Affairs for eligibility for certain grants, known as the Town of Dedham Open Space & Recreation Plan (“OSR Plan”), including, from time to time, updating the OSR Plan on the initiative of the Conservation Commission and approval of 5-year periodic updates to the OSR Plan recommended by the Open Space & Recreation Plan Subcommittee in accordance with §12-21(C.)(1.);

F. Increase public awareness and support for acquisition and use of open or recreational space in Dedham through education, advocacy, and promotion of the use of land trusts and conservation or agricultural restrictions for suitable properties within the Town of Dedham;

### § 12-21. Open Space & Recreation Plan Sub-Committee.

A. Establishment and Members. There is hereby established a subcommittee of the Conservation Commission to be known as the Open Space & Recreation Plan Sub-Committee (“OSRP”) comprising a total of seven (7) residents to include at least two Conservation Commission members or their designees, who may also be the Resource Associate members authorized by the prior section), a member of the Select Board or its designee, a member of the Planning Board or its designee, a member of the Parks and Recreation Commission or its designee, and two members at large appointed by the Conservation Commission.

#### B. Term; Compensation; Officers

1. Term. OSRP members serving by virtue of their respective offices and without compensation shall serve for the duration of their appointed or elected terms or their earlier retirement, resignation or removal therefrom; OSRP members serving as designees and at-large shall serve for three years or such shorter period as the designating or appointing authority may provide. Notwithstanding anything in this section to the contrary, however, following approval by the Conservation Commission of the OSR Plan, pursuant to §12-20(E.), the then-constituted OSRP shall be dissolved, regardless of the length of time remaining in any appointment or designation of a member made under §12-20(A.). New appointments to the OSRP shall be made, within no more than 60 days from the date of the Conservation Commission’s approval of the OSR Plan, consistent with this Bylaw.

2. Compensation. OSRP members shall serve without compensation.

3. Officers. Officers of the OSRP shall annually be selected from among the members, and may be reorganized from time to time, as follows: (1) a Chair and Vice Chair shall be selected by the Conservation Commission; and (2) a Clerk shall be selected by the OSRP.

#### C. Duties.

1. The primary duty of the OSRP shall be to periodically prepare for approval by the Conservation Commission of the 5-year Open Space & Recreation Plan, consistent with the provisions of §12-20(E).

2. The Conservation Commission may seek support from the OSRP from time to time concerning matters within its jurisdiction pursuant to a charge separately voted by the Commission.

or take any other action relative thereto.

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### VOTED

That it be so voted with the insertion of additional language shown in **bold italic** and deleting language shown in ~~striketrough~~, as follows:

To see if the Town will vote to amend the General Bylaws, Chapter 12 (Board, Commissions and Committees), Article ~~XIV~~ **V** (Open Space and Recreation Committee), by deleting Article ~~XIV~~ **V** in its entirety, and replace with the following text, as follows:

#### Article ~~XIV~~ **V**. Conservation Commission

§ 12-18. Purpose; establishment and members; resource associate members

A. Purpose. The Conservation Commission is established to protect, promote and enhance the quantity and quality of the natural resources within the Town, especially wetlands, wildlife and water resources, through planning, acquisition, land management, regulation, scientific research and public education. The Conservation Commission may conduct research into its local land areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes.

B. Establishment and Members. There shall be in the Town of Dedham a Conservation Commission, established under the Conservation Act, General Laws, Chapter 40, Section 8C, comprised of seven residents appointed by the Select Board. Should a member of the Conservation Commission remove from the Town, the Town Clerk shall declare the seat vacant.

C. Resource Associate Members. The Select Board, following recommendation from the Conservation Commission, may appoint ~~two~~ **up to three** advisory Resource Associate Members, each for a term of two years. Resource Associate Members shall have the authority to participate in deliberations of the Conservation Commission but shall not have a vote or count towards the quorum of the Commission.

§ 12-19. Term; compensation; officers.

A. Term. Members of the Conservation Commission shall each serve for a term of three years or until a successor is duly appointed.

B. Compensation. All Commission members shall serve without compensation.

C. Officers. The Commission shall annually elect from among its members a Chair, a Vice-Chair and a Clerk, and such other officers as the committee shall deem necessary and proper, and, as may be appropriate, may reorganize from time to time.

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### § 12-20. Duties.

The Conservation Commission shall:

- A. Administer the Wetland Protection Act, Chapter 131, Section 40 and its implementing regulations, as they may be amended from time to time, and have all the powers and duties conferred by law upon municipal conservation commissions in Massachusetts;
- B. Administer the Wetland Protection Bylaw, Chapter 271 of the General Bylaws, as it may be amended from time to time;
- C. Provide informal guidance to other Town departments or officers, unrelated to pending applications and upon request, concerning the application of the Wetlands Protection Act and Bylaw on use of land owned or controlled by the Town;
- D. Administer land purchased by or given to the Town for conservation or open space purposes, as well as any land placed under its jurisdiction by Town Meeting or the Select Board, and, acquire land meeting the requirements of G.L. c.40, §8C, with the approval of the Select Board, with funds available to the Commission;
- E. Oversee the 5-year action plan for open space and recreation ***in collaboration with the Open Space & Recreation Plan Sub-Committee***, required by the Executive Office of Energy and Environmental Affairs for eligibility for certain grants, known as the Town of Dedham Open Space & Recreation Plan ("OSR Plan"), ~~including, from time to time, updating the OSR Plan on the initiative of the Conservation Commission and approval of 5-year periodic updates to the OSR Plan recommended by the Open Space & Recreation Plan Subcommittee in accordance with §12-21(C)(1.);~~
- F. Increase public awareness and support for acquisition and use of open or recreational space in Dedham through education, advocacy, and promotion of the use of land trusts and conservation or agricultural restrictions for suitable properties within the Town of Dedham;

### § 12-21. Open Space & Recreation Plan Sub-Committee.

- A. Establishment and Members. There is hereby established a subcommittee of the Conservation Commission to be known as the Open Space & Recreation Plan Sub-Committee ("OSRPC") comprising a total of seven (7) residents to include at least two Conservation Commission members or their designees, who may also be the Resource Associatemembers authorized by the prior section), a member of the Select Board or its designee, a member of the Planning Board or its designee, a member of the Parks and Recreation Commission or its designee, and two members at large appointed by the Conservation Commission.

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### B. Term; Compensation; Officers

**1. Term.** *Members of the OSRPC shall each serve for a term of three years or until a successor is duly appointed.*

~~OSRP members serving by virtue of their respective offices and without compensation shall serve for the duration of their appointed or elected terms or their earlier retirement, resignation or removal therefrom; OSRP members serving as designees and at large shall serve for three years or such shorter period as the designating or appointing authority may provide. Notwithstanding anything in this section to the contrary, however, following approval by the Conservation Commission of the OSR Plan, pursuant to §12-20(E.), the then-constituted OSRP shall be dissolved, regardless of the length of time remaining in any appointment or designation of a member made under §12-20(A.). New appointments to the OSRP shall be made, within no more than 60 days from the date of the Conservation Commission's approval of the OSR Plan, consistent with this Bylaw.~~

2. Compensation. OSRPC members shall serve without compensation.

3. Officers. Officers of the OSRPC shall annually be selected from among the members, and may be reorganized from time to time, as follows: (1) a Chair and Vice Chair shall be selected by the Conservation Commission; and (2) a Clerk shall be selected by the OSRPC.

### C. Duties.

*The primary duties of the OSRPC shall be to:*

~~1. The primary duty of the OSRP shall be to p~~  
**Periodically** prepare for approval by the Conservation Commission of the 5-year Open Space & Recreation Plan, consistent with the provisions of §12-20(E).

*2. Maintain continuous review and implement the OSR Plan on the initiative of the Conservation Commission.*

**3.** The Conservation Commission may seek support from the OSRPC from time to time concerning matters within its jurisdiction pursuant to a charge separately voted by the Commission.

**AS DECLARED BY THE MODERATOR A**

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**MAJORITY VOTE**