



**TOWN OF HOOKSETT
PUBLIC ACCESS TO CONSERVATION LANDS POLICY**

PURPOSE:

The purpose of this policy is to guide the activities of the Town Council appointed commissions and boards, town departments, and other organizations in developing public access to existing and future conservation lands consistent with the overriding need to protect and preserve the land as required by the conservation restriction governing each property. Through this policy, the Town Council is affirming the responsibility and authority of the Conservation Commission under RSA 36-A:2 and RSA 36-A:4 to manage town lands subject to and in accordance with the requirements of recorded conservation easements and deed restrictions (conservation lands).

INTENT:

It is anticipated that the primary form of public access on the conservation lands will be foot paths and other facilities needed to support the passive recreational use of the properties. The intent of this policy is to support and encourage collaboration, coordination and communication amongst the Conservation Commission, Town Council, and other Town Council appointed boards and commissions, town departments and other organizations to create and maintain facilities that increase the public benefit afforded by access to conservation lands.

GUIDING PRINCIPLES:

1. All proposed activities will be vetted with public input.
2. Prioritization will occur on an annual basis at an annual work session called by the Conservation Commission.
3. One town appointed board/commission or other organization should be the lead for any particular effort. This will be decided by consensus at the annual work session.
4. Entities with existing authority over funds, i.e., impact fees, conservation funds or grants retain the existing approval authority on the expenditure of the funds.
5. All activities shall be conducted in accordance with existing state law, conservation easements, deed restrictions, Town of Hooksett Administrative Code, Town of Hooksett Town Charter, Town of Hooksett Zoning Ordinances and align with the goals of the Town of Hooksett Master Plan and Open Space Plan.
6. Town of Hooksett entities and supporting organizations will collaborate with and assist in supporting public access and trail development.

RESPONSIBILITIES:

1. TOWN COUNCIL

- a. Develops and authorizes town policies, procedures and ordinances that support public access to conservation lands.
- b. Considers and has authority to accept property for conservation purposes via fee simple, conservation easement or deed restriction transactions.
- c. Encourages, supports and delegates responsibility for the development of a Town of Hooksett recreational trail plan.



2. CONSERVATION COMMISSION

- a. Facilitates and coordinates prioritization of public access efforts.
- b. Ensures compliance with conservation easements and deed restrictions.
- c. Communicates with Town Council appointed boards and commissions, Town of Hooksett Departments, and other organizations on efforts to develop public access.
- d. Develops and maintains web-accessible public access maps and trail guides.

3. PUBLIC WORKS DEPARTMENT

- a. Develops resources and activities to support existing public access.
- b. Via the Parks and Recreation Advisory Board, participates and coordinates staff and resources to support public access maintenance and development to conservation lands.

4. PARKS AND RECREATION ADVISORY BOARD (PRAB)

- a. Participates in and supports public access development on conservation lands.
- b. Advises and assists the Department of Public Works Parks and Recreation Division in efforts to include public access development and maintenance in Hooksett's Recreation Infrastructure Inventory (Inventory). Works to support the Inventory with appropriated funds, impact fees when applicable, and grants.

5. COMMUNITY DEVELOPMENT DEPARTMENT

- a. Provides technical (GIS) and administrative assistance (coordinates with Planning Board) to support public access development on conservation lands.
- b. Develops tools and methods, and communicates quality of life and economic development nexus of public access to recreational trails and conservation lands.

6. PLANNING BOARD

- a. Provides support and guidance on parking area development for public access to conservation lands.
- b. Seeks input from Town Council appointed boards and commissions, town departments, and other organizations when considering proposed conservation easements or deed restrictions.
- c. Works with developers to obtain trail or other appropriate easements to help connect conservation lands and trails.

7. HERITAGE COMMISSION

- a. Participates in and supports public access development with historical or cultural heritage nexus.



- b. Provides guidance on appropriate communication of historic or cultural heritage characteristics that exist on conservation lands.

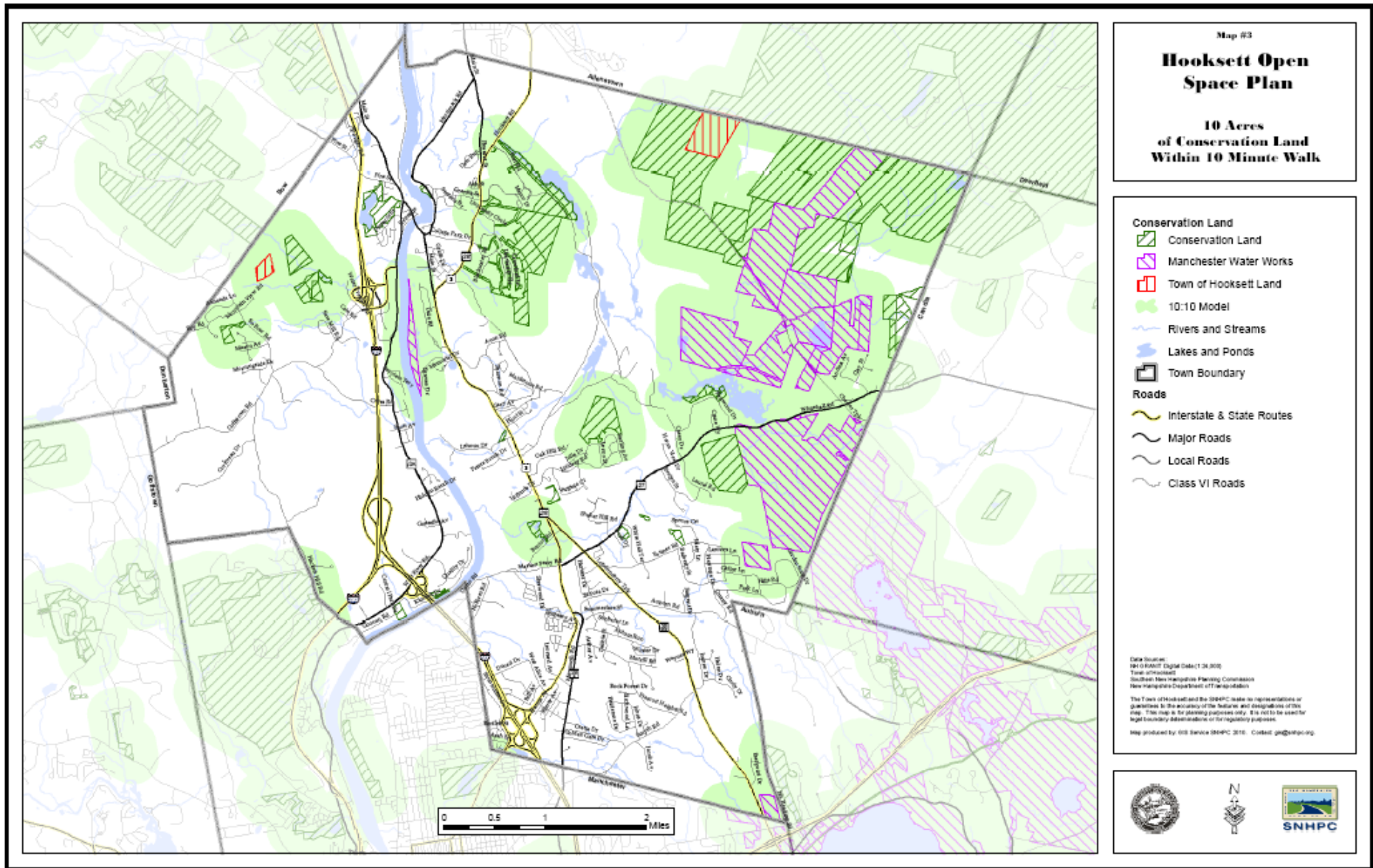
8. OTHER ORGANIZATIONS

- a. This includes, but is not limited to, non-profit, civic and ad hoc organizations.
- b. Participate in and support public access maintenance and development on conservation lands.
- c. Lead, organize, fundraise and otherwise participate and support public access maintenance and development efforts within the mission of their organization and in full coordination with the Conservation Commission.

Adopted: March 28, 2012

Revised:

Appendix A: Town of Hooksett Conservation Lands



Source: Town of Hooksett Open Space Plan (2011). Retrieved from http://www.hooksett.org/Pages/HooksettNH_CommDev/Hooksett_OSP_Final_062011.pdf

**TITLE III
TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

**CHAPTER 36-A
CONSERVATION COMMISSIONS**

Section 36-A:1

36-A:1 Method of Adoption. – Any city by vote of its city council, and any town at any duly warned meeting, may adopt or rescind the provisions of this chapter.

Source. 1963, 168:1, eff. Aug. 20, 1963. 2008, 317:1, eff. Jan. 1, 2009.

Section 36-A:2

36-A:2 Conservation Commission. – A city or town which accepts the provisions of this chapter may establish a conservation commission, hereinafter called the commission, for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land and water areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. It shall keep an index of all open space and natural, aesthetic or ecological areas within the city or town, as the case may be, with the plan of obtaining information pertinent to proper utilization of such areas, including lands owned by the state or lands owned by a town or city. It shall keep an index of all marshlands, swamps and all other wet lands in a like manner, and may recommend to the city council or selectmen or to the department of resources and economic development a program for the protection, development or better utilization of all such areas. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual town or municipal report. The commission may appoint such clerks and other employees or subcommittees as it may from time to time require.

Source. 1963, 168:1. 1973, 550:1, eff. Sept. 3, 1973.

Section 36-A:3

36-A:3 Composition of Commission. – The commission shall consist of not less than 3 nor more than 7 members. In a town which has a planning board, one member of the commission may also be on the planning board. In a city which has a planning board, one member of the commission may be on the planning board. In cities, the members of the commission shall be appointed by the mayor subject to the provisions of the city charter, and in towns the members of the commission shall be appointed by the selectmen. Alternate members may be appointed in a like manner and when the alternate serves in the absence or disqualification of a regular member, the alternate shall have full voting powers. When a commission is first established, terms of the members shall be for one, 2, or 3 years, and so arranged that the terms of approximately 1/3 of the members will expire each year, and their successors shall be appointed for terms of 3 years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the

Appendix B: Conservation Commission Statutory Authority

unexpired term in the same manner as an original appointment. Members of a conservation commission shall be residents of the city or town which they represent. Members of a conservation commission also may serve on other municipal boards and commissions, including, but not limited to a historic district commission established under RSA 673:4, and a heritage commission established under RSA 673:4-a.

Source. 1963, 168:1. 1973, 550:2. 1974, 44:2. 1987, 318:1. 1995, 138:1, eff. July 23, 1995. 1997, 31:1, eff. June 27, 1997.

Section 36-A:4

36-A:4 Powers. – Said commission may receive gifts of money, personal property, real property, and water rights, either within or outside the boundaries of the municipality, by gift, grant, bequest, or devise, subject to the approval of the local governing body, such gifts to be managed and controlled by the commission for the purposes of this section. Said commission may acquire in the name of the city or town, subject to the approval of the local governing body, by purchase, the fee in such land or water rights within the boundaries of the municipality, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations, or reversions, as may be necessary to acquire, maintain, improve, protect, or limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same, but the city or town or commission shall not have the right to condemn property for these purposes.

Source. 1963, 168:1. 1973, 550:3. 1995, 138:2, eff. July 23, 1995. 2008, 317:2, eff. Jan. 1, 2009.

Section 36-A:5

36-A:5 Appropriations Authorized. –

I. A town or city, having established a conservation commission as authorized by RSA 36-A:2, may appropriate money as deemed necessary for the purpose of this chapter. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to RSA 36-A:4 may be placed in a conservation fund and allowed to accumulate from year to year. Money may be expended from said fund by the conservation commission for the purposes of this chapter without further approval of the town meeting.

II. The town treasurer, pursuant to RSA 41:29, shall have custody of all moneys in the conservation fund and shall pay out the same only upon order of the conservation commission. The disbursement of conservation funds shall be authorized by a majority of the conservation commission. Prior to the use of such funds for the purchase of any interest in real property or for a contribution to a qualified organization for the purchase of property interests under RSA 36-A:4-a, I(b), the conservation commission shall hold a public hearing with notice in accordance with RSA 675:7.

III. In the municipality that has adopted the provisions of RSA 79-A:25, II, the specified percentage of the revenues received pursuant to RSA 79-A shall be placed in the conservation fund.

Source. 1963, 168:1. 1973, 550:4. 1987, 318:2. 1988, 120:1, eff. June 18, 1988. 2008, 317:4, eff. Jan. 1, 2009.

Source: N.H. General Court. Retrieved from <http://www.gencourt.state.nh.us/rsa/html/III/36-A/36-A-mrg.htm> (February 18, 2012)

Appendix C: Town of Hooksett Town Charter, Administrative Code, and Master Plan: Authorities, Roles, Responsibilities and Guidance

Town of Hooksett Town Charter

Sec. 3.11 Town Council Powers and Duties

Except as herein otherwise provided, the Town Council shall have all the powers and discharge all the duties conferred or imposed upon town councils, town meetings, board of mayor and alderman, and selectman of towns by law. Except as otherwise provided in this Charter, all members of all boards, commissions and committees, and vacancies thereto shall be appointed by the Council from among town residents.

Sec. 11.1. Administrative Committees.

A. Planning Board. There shall be a Planning Board consisting of nine (9) members and three (3) alternates as provided by state statute. Six (6) of these members shall be appointed by the Council for terms of three (3) years, such terms to be staggered. The Town Administrator and one other member of the Town administration appointed by the Town Administrator shall serve as ex-officio members and one representative from the Town Council shall be appointed annually at the Council's first meeting. These representatives shall have all the rights of membership except the right to hold office of the Planning Board. The Council shall fill any vacancy for the period of the unexpired term. The Planning Board shall have all the powers granted to planning boards by state law.

B. Conservation Commission. There shall be a Conservation Commission consisting of seven (7) members. The five (5) appointed by the Town Council shall be appointed for terms of three (3) years, such terms to be staggered. The Planning Board and Town Council shall each appoint a representative to the Conservation Commission annually at their first meetings. These representatives shall have all the rights of membership except the right to hold office on the Conservation Commission. The Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to conservation commissions by state law.

Source: Town of Hooksett, Town Charter (July 1, 2011). Retrieved from http://www.hooksett.org/Pages/HooksettNH_Admin/Town_Charter_0711.pdf

Town of Hooksett Administrative Code

4. Boards, Commissions, Committees and other Officials

(to include elected or appointed officials.)

The appropriate State laws, The Town Charter, and Town Ordinances, direct the listed Boards, Commissions, Committees and other Officials. The following descriptions are for guidance only in the daily conduct of business.

4.17 Town Council - Consists of nine elected members, one from each District and three At-large members. It is the governing body of the Town and directed by the specifications of the Town Charter. Prepares and passes ordinances, submits a proposed budget to the Budget Committee and gives direction to the Town through the Town Administrator and appointed Boards and Committees.

Appendix C: Town of Hooksett Town Charter, Administrative Code, and Master Plan: Authorities, Roles, Responsibilities and Guidance

4.3 **Conservation Committee** (Appointed) - Research and catalog all open space, natural, ecological, wetland or aesthetic areas within the Town; develop a program to protect listed areas; and obtain land in the name of the Town through gift, purchase, grant, bequest or other legitimate means for continued preservation.

4.10 **Parks and Recreation Advisory Board** (Appointed) - Under the jurisdiction of the Town Council, assist the Parks and Recreation Department in an advisory capacity on recreational projects, budgetary items and capital improvements. Assist the Parks & Recreation Superintendent with the submittal of applications for federal, state, and other grant monies. Develop plans and work with the Conservation Commission in obtaining and receiving land for recreational purposes.

4.11 **Planning Board** (Appointed) - Prepare and amend the Master Plan, review and recommend Zoning Ordinance amendments to the local legislative body and review and act on all subdivision and site plan applications.

Source: Town of Hooksett, Administrative Code (January 1, 2012). Retrieved from http://www.hooksett.org/Pages/HooksettNH_Admin/Admin_Code_010112.pdf

Town of Hooksett, N.H.: 2004 Master Plan (2004)

F. Trail Systems

A public-private initiative is currently active in acquiring the necessary right-of-ways to develop and open the Hooksett section of the Heritage Trail along the Merrimack River. This would include tracks on both the east side of the river south of the Village and on the west side of the river north of the Village. One possibility to connect these two segments of the trail is to rejuvenate the Lilac Bridge, which is currently closed to both vehicular and pedestrian traffic in the Village. Development of the Heritage Trail would enhance the utility and beauty of the Merrimack River and make the river and its environs significantly more accessible to more members of the public.

In addition, conservation of our natural resources should also be perceived to include conservation of trails and tracks throughout Hooksett to enable citizens to safely travel through the Town both by bike and on foot. In a broad sense, conservation should be considered to extend to and include conservation of pathways parallel with or striking out from streets and highways in order to give the public greater access to conservation areas, including small, fragmented but naturally retained and preserved tracts throughout Town.

E. Develop a Municipal Open Space Trail System Plan

This plan would serve to link the existing formal and informal trail networks through the Town, as well as propose new trail and recreational opportunities. This plan would complement and enhance an Open Space Priorities Plan, as it would develop means to ensure connectivity, access, and passive recreational use of the properties identified in the Open Space study. More importantly, the Towns of Pembroke and Bow have each already developed a Municipal Open Space Trail System Plan. This creates the potential for a multi-town trail system, which would only increase the value, access, appropriate, and appreciation of Hooksett's resources.

Source: Town of Hooksett, N.H.: 2004 Master Plan (2004). Retrieved from http://www.hooksett.org/Pages/HooksettNH_CommDev/master.pdf

Appendix D: Town of Hooksett Conservation Lands-Public Access and Trail Development Flow Chart

