

**TITLE XIII
OGUNQUIT MUNICIPAL CODE
CONSERVATION COMMISSION ORDINANCE**

CHAPTER 13 Conservation Commission

101 Title

This title shall be known as the Ogunquit Conservation Commission Ordinance.

102 Purpose

The Town of Ogunquit shall establish a Conservation Commission to implement the policy recommendations of the Comprehensive Plan to preserve and protect valuable natural and wildlife resources, to mitigate the loss of open spaces, particularly along the shoreline and adjacent to wetlands.

103 Definitions

Conservation Land shall be defined as land, owned in fee or by easement by the Town of Ogunquit, which, either by its own value or in conjunction with other town-owned parcels will be useful to advance one or more of the following objectives:

1. Protecting and safeguarding the health of Ogunquit's water resources, including wetlands, rivers, streams, estuaries, beaches, and clam flats.
2. Preserving open spaces as green buffers, with aesthetic and/or ecological value, that will sustain and enhance wildlife habitats and native vegetation.

Wildlife Commons shall be defined as conservation land, as defined above, which is suitable in size, access, and resource features, making it appropriate for public visitation and which could serve as a field site for environmental education. Public visitation to a wildlife commons shall be limited to traditional, non-intensive, non-motorized, outdoor recreation activities, which are dependent on the presence of undeveloped natural features. Traditional non-intensive, non-motorized, outdoor recreation activities shall include, but not be limited to, hiking, snowshoeing, skiing, fishing, hunting, birding, picnicking, photography, and orienteering.

104 Establishment of Conservation Commission

Pursuant to Title 30-A MRSA sec 3261, the Town of Ogunquit hereby establishes, by ordinance, a conservation commission, as a permanent standing committee of seven (7) members who shall be residents of the Town. This commission being the same body as established by resolution by the Ogunquit Select Board on July 15, 2003.

105 Appointments

Members shall initially be appointed for terms of one, two and three years, such that the terms of approximately one-third 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.

106 Duties

The Conservation Commission shall:

- 106.1. Keep records of its meetings and activities and make an annual report to the Select Board;
- 106.2. Conduct research, in consultation with the Planning Board, on undeveloped natural areas and open spaces within the Town of Ogunquit;
- 106.3. Seek to coordinate the activities of conservation bodies outside of the Town of Ogunquit organized for similar purposes; and
- 106.4. Keep an index of all open areas within the Town of Ogunquit, whether publicly or privately owned, including, but not limited to, wetlands, meadows, and forests, for the purpose of obtaining information relating to the proper protection, development or use of those open areas.
- 106.5 Coordinate the specific actions as called for in Chapter 6, Section C of the 2003 Update of the Comprehensive Plan.
- 106.5. Make recommendations to the Planning Board regarding its reviews of development applications, preparation of zoning ordinance amendments, and amendments to the comprehensive plan, pursuant to the procedures set forth in the Ogunquit Zoning Ordinance.
- 106.6. The Commission shall work with the Select Board and Town Manager, in accordance with any Town policies and the Town charter, when incurring liabilities against the Town, expending any funds, or conducting public meetings.

107 State to Acknowledge Conservation Commission

Any body politic or public agency of the State conducting planning operations with respect to open areas within the Town of Ogunquit shall notify the Conservation Commission of all plans and planning operations at least 30 days before implementing any action under that plan.

108 Powers

The Conservation Commission may:

- 108.1. Advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it considers necessary;
- 108.2. The Conservation Commission may recommend to the Select Board or any other municipal body or Board, or any body politic or public agency of the State, a program for the better protection, development or use of any natural areas of aesthetic or ecological value.
- 108.3. And if expressly authorized by the Select Board, have the care and superintendence of those public parks specifically designated by the Select Board.
- 108.4. Receive gifts, other than real property, in the name of the Town of Ogunquit for any of the Commission's purposes, and shall administer the gift for those purposes subject to the terms of the gift.
- 108.5. Recommend to the Town Meeting, acquisition of lands for use as conservation land or a wildlife commons, as defined by this ordinance, and according to the procedure set forth below.
- 108.6 When authorized by the Select Board, manage conservation land or wildlife commons acquired by the Town of Ogunquit for conservation purposes

109 Acquisition of Land as designated Conservation Land or Wildlife Commons

109.1 Recommendation to Select Board

As part of process of inventorying and indexing lands, set forth in section 106.4 above, and to implement the policies of the Comprehensive Plan, the Ogunquit Conservation Commission may recommend that the Town acquire or accept donations of land, or designate appropriate parcels of land already in Town ownership, to be designated as "conservation land" or as "wildlife commons," as defined by this Ordinance.

109.2 Town Meeting Action

When the Conservation Commission recommends to the Select Board that a parcel of land be acquired, accepted and/or designated as "conservation land" or "wildlife commons" in accordance with this Ordinance, the Board shall place the matter on a Town Meeting warrant for approval. Such designation shall become

effective, and the Town's use of the land limited by the designation, only after the designation is approved by vote of the Town at any Town Meeting.

109.3 Restrictions by the Grantor Included in the Warrant Article

The Town of Ogunquit may acquire or accept donations of land to be designated as conservation land or wildlife commons, with restrictions affecting the future use of the property, placed on the sale or donation by the grantor. Any such restrictions shall be included in the warrant article.

IN WITNESS WHEREOF, UNDER SEAL OF THE TOWN, this Ordinance as duly approved by the voters acting on Article 16 at an Annual Town Meeting held on June 14, 2011.

/s/ Judy S. Kagiliery
Office of the Town Clerk