

## CHAPTER 66

### CONSERVATION OF LAND

**[HISTORY: Adopted 3-8-1966 Town Meeting Article No. I, 3-8-1966 Article No. 15; Art. II, 3-17-1990 as Article No. 4. Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Zoning — See Ch. **143**.

#### **ARTICLE I Conservation Commission (§ 66-1)**

**[Adopted 3-8-1966 Town Meeting Article No. 15]**

##### **§ 66-1 Establishment.**

There is hereby established a Town Conservation Commission.

#### **ARTICLE II Public Land Conservation (§ 66-2 — § 66-9)**

**[Adopted 3-17-1990 Town Meeting Article No. 4]**

##### **§ 66-2 Declaration of purpose.**

In order to protect and preserve publicly owned conservation land and land with conservation easements conveyed to the Town of Pembroke, the following "Public Conservation Land Ordinance" is hereby adopted.

##### **§ 66-3 Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**PERMISSION IN WRITING - A** special permit form signed by the Chair of the Pembroke Conservation Commission and the Town Clerk or Town Administrator and initialed by the Pembroke Chief of Police. The permit form shall be available at the Pembroke Town Offices. The permit form shall contain the following information:

- A. Description of the specific activity for which permission is requested.
- B. A signed letter of intent by the responsible party.
- C. Releases of liability to the town.
- D. Where the activity is to take place.
- E. The starting time and date of the activity and the duration of the activity.
- F. The name, address and telephone number of the person making the request who will be considered responsible.
- G. If applicable, the name of the group and the size of the group for which the request is made.
- H. Other information, such as the ages of the people, the purpose of the activity and hoped-for experience.
- I. Other conditions to be met by the applicant.

**PUBLIC CONSERVATION LAND** - Those lands which are purchased or bestowed to the town, or easements conveyed to the town for the purpose of conservation or forestry, or lands owned by the town and determined to be conservation lands by the Board of Selectmen in cooperation with the Conservation Commission.

#### **§ 66-4 Prohibited conduct.**

It shall be unlawful for any person on any conservation land to:

- A. Deface or destroy property: deface, destroy or remove any sign, fence or other structure or any living plant material existing on public conservation land, or to cut and remove trees, shrubs, forbs, wetland plants and grasses, or to remove or disturb the soil other than for approved uses by permit, or to remove gravel except by written authorization of the Pembroke Conservation Commission. Forest and conservation land management practices as instituted by the Conservation Commission are excluded.
- B. Treatment of animals: remove or have in possession any animal's nest, or remove the young or eggs of an animal, or injure or kill any animal except during state-regulated hunting or trapping seasons while legally hunting or trapping.

C. Litter: deposit, drop or leave any debris, refuse or other litter of any kind except in receptacles as may be provided for this purpose.

D. Vehicles: Without written permission it shall be prohibited to operate on or bring onto any public conservation land any vehicle, including but not limited to motorized vehicles or off-highway vehicles as defined by RSA 269-C:1 and RSA 259:1, and sleighs drawn by motorized vehicle or animal.

E. Solicit money: solicit money, subscription, alms or contributions for any purpose, sell concessions or charge people for access to public conservation lands.

### **§ 66-5 Regulated uses.**

[Amended BOS Meeting 5/21/12]

The following uses are considered regulated uses and are prohibited except as permitted under the conditions stated below:

A. Camping. It shall be unlawful for any person, except by permit, to remain upon any public conservation land for the purpose of overnight camping.

B. Setting of fires. It shall be unlawful for any person on any public conservation land to set a fire without a permit.

### **§ 66-5.1 Regulated activity: White Sands Conservation Area.**

**[Added 3-16-1996 Town Meeting Article No. 13; Amended BOS Meeting 5/21/12; Amended 6/15/20 Board of Selectmen]**

In addition to the other provisions provided in this Article, the following regulations shall also apply specifically to the White Sands Conservation Area:

A. Hours of use: The area is open from 6:00 a.m. to 9:00 p.m. The area is closed to all users from 9:00 p.m. to 6:00 a.m. Persons found to be within the area during this time will be considered trespassing and will be prosecuted.

B. Parking: Motor vehicle parking shall be limited to vehicles owned by Town of Pembroke residents, displaying a valid Town of Pembroke Facility permit sticker. Permit stickers shall be affixed to the inside front left windshield of the vehicle, in plain view. Permit stickers may be obtained from the Department of Public

Works. Residents must present a valid motor vehicle registration in order to receive a permit sticker. No vehicles shall be parked in any other location in the area other than the designated parking area. Any vehicle found to be parked in undesignated areas or without a valid permit will be subjected to a fine of and to being towed from its place and stored, the expenses of both to be paid by the owner of the vehicle before reacquiring same.

C. Alcoholic beverages: No person shall bring onto, possess or consume any alcoholic beverages within the area as per State law

#### **§ 66-6 Authority of Commission.**

In order to provide for the controlled and equitable use of designated public conservation lands and to protect the safety of users and to preserve the natural environment, the Conservation Commission may issue rules and regulations that:

A. Fix times: fix the times when the public conservation lands shall be open to public use, whenever such restrictions are necessary to protect the public or the lands.

B. Restrict use: restrict the use of public conservation lands or parts thereof for any use which may be determined by the Conservation Commission to be detrimental to forest, conservation or recreation management.

C. Lay out uses: Lay out proper public conservation land uses in accordance with the open space plan and other management studies dealing with these designated public conservation lands.

#### **§ 66-7 Permits.**

The Conservation Commission shall establish guidelines for any necessary permits for uses allowed by this Article. Permits shall be issued through the Conservation Commission. Any permit issued shall be followed with strict accordance with the written terms and conditions thereon. Any violation of any law or ordinance, rule or regulation shall constitute grounds for revocation of the permit. In the case of revocation, monies paid shall be forfeited and the violator shall be liable for all damages, including prosecution, under the applicable legal jurisdiction.

## **§ 66-8 Appeals.**

Any person aggrieved by a decision made by the Conservation Commission may, within five (5) working days of receipt of that decision, file a written appeal with the Board of Selectmen setting forth the reasons why the appellant is aggrieved. The decision of the Board of Selectmen shall be final.

## **§ 66-9 Violations and penalties.**

### **[Amended 6/15/20 Board of Selectmen]**

The penalty for each violation of this Article shall not be in excess of two hundred dollars (\$200.).

Parking Permit Violation fines shall fall under Town Code Chapter 191-10 (f) and be subject to a fine of \$20

Updated 6/15/20