

PUBLIC USE POLICY FOR TOWN-MANAGED CONSERVATION LANDS

**Conservation Commission
June 11, 2007 Adopted**

Purpose

Over the years, the Town has acquired various parcels of land and conservation easements to be held and managed for public use and natural resource conservation, per NH RSA 36-A:4. The purpose of this policy is to govern the uses and activities in the designated Town-managed conservation lands in Pembroke.

Authority

In order to provide for the controlled and equitable use of the Town-managed conservation lands and to protect the safety of the users and to preserve the natural resources, the Conservation Commission may issue, and provide for the proper posting of, rules and regulations, which:

- 1) Fix times and dates when the Town-managed conservation lands shall be closed to public use whenever such restrictions are necessary to protect the public or the lands;
- 2) Restrict the use of all conservation lands, individual conservation lands, or parts thereof, for any use which may be determined by the Conservation Commission to be detrimental to the management of the land, after conducting a duly noticed public hearing; and
- 3) Designate proper uses of the land in accordance with the management studies, if available, dealing with these Town-managed conservation lands.

Applicability

This policy applies to all Town-managed conservation lands, regardless of whether the Town owns the fee simple interest in the land or holds a conservation easement.

Whenever the provisions of this policy conflict with each other or with deed restrictions affecting any Town-managed conservation land, or with other municipal, state, or federal regulations, the stricter provision shall apply.

This policy can be amended at any time by the Conservation Commission, after a properly noticed public hearing was held at a regularly scheduled meeting.

For a complete list of all Town-managed conservation land and the property deed/easement restrictions, contact the Conservation Commission and/or the Town Hall.

Generally Allowed Uses and Activities

The following uses and activities are allowed on all Town-maintained conservation lands.

- 1) Hiking and walking
- 2) Horseback riding and dog sledding
- 3) Non-motorized bicycles
- 4) Cross-country skiing and snowshoeing
- 5) Hunting, fishing, and trapping of wildlife in accordance with all state laws
- 6) Nature study, observation, data gathering, or other educational activities
- 7) Use of motorized vehicles (wheelchairs and scooters) by persons with disabilities

Possible Allowed Uses and Activities

The Pembroke Conservation Commission, after a public hearing has been held at a regularly scheduled meeting, in accordance with NH RSA 675:7, may permit the following uses to be made on Town-managed conservation land. Such uses may be permitted for individual uses for defined periods of time or general usage may be permitted under such terms and conditions as are defined by the Conservation Commission. Such uses, if permitted, are limited to

- 1) The laying out and/or construction and/or maintenance of any trail
- 2) Erection of any structure, including a bridge or information kiosk
- 3) Snowmobile use only on designated, signed trails; such signs shall be conspicuously posted and permit the use of snowmobiles specifically. Snowmobile trails maintenance vehicles shall also be allowed on any signed snowmobile trails. Snowmobile use in all Town-maintained lands shall occur only when there is sufficient snow cover
- 4) Fires, if appropriate permits have been obtained from the Fire Department
- 5) Camping

Prohibited Uses and Activities

The following uses and activities are prohibited in all Town-managed conservation lands.

- 1) Littering, including paint ball and other activities that leaves materials on the property when the activity is completed
- 2) Defacing, destroying, or removing any sign, bench, fence, stone wall, or other structure(s)
- 3) Travel by any motorized vehicle, unless specifically authorized by the Conservation Commission and posted for such use
- 4) Removal, filling, or other disturbance of soil surface, or any changes in topography, surface or subsurface water systems, wetlands, or natural habitat
- 5) The possession, consumption, or use of controlled substances or alcoholic beverages

The foregoing list is instructional only and not intended to be exhaustive and shall not be deemed to preclude the Conservation Commission, Law Enforcement Personnel, or Town Officials for taking any other action available to them under applicable law as they deem necessary. The Conservation Commission reserves the right to amend the uses and activities that are allowed, possible, and prohibited on Town-maintained conservation lands after holding a duly noticed public hearing.

Exemptions

There shall be an exemption from the prohibition of travel by motorized vehicles for emergency vehicles and vehicles used for the purposes of maintenance or repair of the conservation lands.

Appeal

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

Penalty

Any violator will be responsible for the restoration of the Town-managed conservation land to the satisfaction of the Conservation Commission.

A civil penalty may be assessed per NH RSA 31:39.

Severability

If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Policy, which can be given effect without the invalid provision or application.