

## **Article V. Conservation Commission.**

**Sec. 4-5-1. Establishment.** The Cape Elizabeth Conservation Commission, established by vote of the Town Council on April 26, 1971, shall be governed by and shall exercise and perform such rights, powers and duties as may be conferred or imposed under the provisions of the Maine Revised Statutes Annotated (including 30 M.R.S.A., Sec. 3851), ~~and other duties further defined in Sec. 4-5-3 below. local ordinance and regulations thereunder, and as the same may from time to time hereafter be amended.~~

**Sec. 4-5-2. Membership.** The commission shall be comprised of seven (7) members, residents of the town appointed by the Town Council, who shall serve without compensation for staggered three (3) year terms. Any vacancy shall be filled by appointment by the Town Council for the duration of the unexpired term. [Amended 3/12/90, Eff. 4/11/90].

**Sec. 4-5-3. Duties and Responsibilities.** The duties and responsibilities of the Conservation Commission shall be as follows:

- (a) Stewardship of Town open space as described in the Conservation Ordinance, Chapter 18, Article V, Open Space Management;
- (b) Advisory to the Planning Board in the review of open space set aside as part of Subdivision Review, Subdivision Ordinance, Chapter 16, and in the review of Resource Protection Permits, Zoning Ordinance, Chapter 19;
- (c) Administration of the Open Space Evaluation and Preservation Program;
- (d) Preparation of the Greenbelt Plan for Town Council consideration; and
- (e) Other duties as assigned by the Town Council.

**Sec. 4-5-4. Open Space Evaluation and Preservation Program.** The purpose of the open space evaluation and preservation program is to establish an ongoing, standardized effort for identifying, evaluating and recommending additions to the Town's inventory of preserved open spaces. The program shall be conducted by the Conservation Commission with updates at each stage to the Town Manager.

- (a) Identification and Evaluation. The Conservation Commission shall periodically, which shall be no less than annually, undertake a review of existing open space and consider areas or specific parcels that may be desirable additions to the Town open space system.
- (b) Open Space Evaluation Criteria. The Commission shall focus on land that meets open space criteria adopted by the Town Council. The evaluation process shall include a public participation component that invites suggestions and input from all members of the public and stakeholders. If specific parcels held in private

ownership are under consideration, the Conservation Commission shall endeavor to meet with the property owner prior to making a recommendation. In the absence of criteria adopted by the Town Council, the following criteria shall be used:

1. Agriculture - undeveloped lands used for agriculture.
2. Greenbelt trails and recreation areas -land identified in the current Greenbelt Plan.
3. Wildlife habitat - undeveloped lands that provide a habitat for wildlife as identified by the State of Maine such as the Beginning with Habitat information and field verified.
4. Other - significant scenic, cultural and/or unique properties identified by the Town Council.

(c) Recommendation. At the completion of its evaluation, the Conservation Commission shall forward its open space recommendations to the Town Council. Recommendations shall include a description of how the evaluation criteria has been met and any other factors.