

# Tuftonboro Agricultural Commission Rules of Procedure

## Rules and Procedures

### Authority

Based on the provisions and authority of New Hampshire ([http://www.nl-nh.com/vertical/sites/%7B26F9F697-D5BE-4423-95D7-E1EECBB7F549%7D/uploads/Agriculture\\_related\\_NH\\_RSA\\_information\\_sources.pdf](http://www.nl-nh.com/vertical/sites/%7B26F9F697-D5BE-4423-95D7-E1EECBB7F549%7D/uploads/Agriculture_related_NH_RSA_information_sources.pdf))

- RSA 21:34-a I-VI Farm, Agriculture, Farming
- RSA 432: 33 Rights to Farm; Immunity from Suit
- RSA 674:1 (III-b) Declaration and Purpose
- RSA 674:1 (III-d) Declaration and Purpose
- RSA674: 21 Innovative Land Use Controls
- RSA674: 26 Districting under Interim Zoning Ordinance
- RSA674: 32-a through c, Agricultural Uses of Land

### Definitions

- Agriculture or Agricultural Operation:** "Agriculture" and "Agricultural Operation" mean any farming activity that involves the cultivation of plants or the raising of livestock including animals or bees as defined in RSA 21: 34-a.
- Farm Stand:** "Farm Stand" means a temporary or permanent structure located on a property and used to display and sell agricultural products.
- Plant Cultivation Operation:** "Plant Cultivation Operation" means an agricultural operation consisting of the cultivation and tillage of the soil for the purpose of producing crops.
- Animal Husbandry Operation:** "Animal Husbandry Operation" means an agricultural operation concerned with the production and care of domestic animals.
- Farmers Market:** "Farmers Market" means an event at which two (2) or more vendors of agricultural commodities gather for purposes of offering for sale such commodities to the public. Commodities offered for sale must include, but are not limited to, products of agriculture.
- Accessory Structure:** "Accessory Structure" means a building or structure, detached from but located on the same lot, which is incidental and subordinate to the principal building.

### Place of Business and Times of Meetings

The place of business of the commission shall be as decided at a previous meeting in a timely manner and posted on the Town of Tuftonboro, Agricultural Commission webpage. The mailing address of the Commission shall be: Tuftonboro Agricultural Commission, PO Box 98, Center Tuftonboro, NH 03816.

### Membership

Pursuant to Section 673:4-b, the Board of Selectmen shall appoint members of the Commission. Members of the Commission must be residents of the Town of Tuftonboro and have an interest in agriculture and a willingness to commit time to the work of the Commission. No specific education or knowledge requirements are imposed prior to becoming a member. Members are encouraged to participate in their choice of agriculture-related educational activities

so as to enhance their contributions to the Commission and to the Town. The Board of Selectmen and the Commission will post notices inviting new members to apply.

- A. Member Terms:** The Commission shall consist of five (5) members. Terms of the members shall be for a period of three (3) years and so arranged that approximately one third of the member's terms expire yearly. Yearly terms begin on July 1st and end on June 30th. Tuftonboro Agriculture Commission Rules of Procedure adopted November 6, 2018.
- B. Alternate Member:** The Board of Selectmen may appoint two (2) alternate members to the Commission. Alternate members of the Commission shall join the regular members in all meetings, public hearings and discussions. When the alternate member serves in the absence of or disqualification of a regular member, the alternate member shall have full voting powers (Section 673:4-b).
- C. Attendance:** When a member does not attend consecutive meetings and has not notified the chairman or staff in advance of his/her absence, the chairman shall request the member to attend the meetings, become an Alternate member of the Commission or resign from the Commission. If the member agrees to be more diligent in their attendance but, fails to do so, the chairman may request the Board of Selectmen to remove the person as a member of the Commission. If the latter occurs, the person shall be notified of the action in writing.

## **Organization**

- A. Election of Officers:** The Commission members shall elect by majority vote, from among themselves, officers, which may include a Chair and Vice-Chair. The position of Secretary may be voluntary. A non-member may be hired to perform administrative duties.
- B. Terms of Office:** Officers shall be elected at the first meeting in July of each year and will remain in office until the first meeting in July of the succeeding year (this period shall constitute one calendar year). A vacancy occurring otherwise than by the expiration of a term shall be filled for the balance of that term in the same manner as an original appointment.
- C. Duties of the Chair:** The Chair shall preside at all meetings, call the meeting to order and shall appoint any subcommittee found necessary to carry out the business of the Commission. The Chair will also appoint the leader of any such committee so established. The Chair shall serve a term of one calendar year beginning the day following the election and may be elected for successive terms. The Chair prepares a proposed budget for the upcoming year and files an annual report. The Chair may, with the majority concurrence of the Commission members, also recommend new members to the Selectmen.
- D. Duties of the Vice-Chair:** The Vice-Chair shall preside at all meetings of the Commission in the absence of the Chair and shall have all powers of the Chair in case of temporary absence or incapacity of the Chair. The Vice-Chair shall serve a term of one calendar year beginning the day following the election and may be elected for successive terms.
- E. Duties of the Secretary:** The position of Secretary may be elected, appointed or hired. Such person shall act as a recorder and correspondent for the Commission and act in accordance with the provisions of Section 673:4-b, as amended, relative to notification of meetings, and records of meetings and hearings. The Secretary, or administrative assistant, may be hired on a yearly basis, dependent on Town Policies and Procedures.

## **Special Committees**

The Chair, with the concurrence of the Commission, may establish special committees. Members of a special committee may provide recommendations or information relative to a matter before the Commission. Such special committees shall submit minutes for recording purposes and submit reports in writing on relevant issues. Tuftonboro Conservation Commission Rules of Procedure adopted November 6, 2018

## Meetings

- A. Regular Meetings:** Regular meetings of the Commission shall be held on the first Tuesday of the month unless otherwise posted. The Chair reserves the right to call, cancel, or postpone any meeting. At least one meeting should be held each month.
- B. Special Meetings:** The Chair may call special meetings of the Commission provided that at least 48 hours advance notice of the time, place, and business of such meeting is given to each member of the Commission and provided that the special meeting is given proper public notice. At any special meeting no business other than that specified in the notice may be considered. Special meetings can also be called by the Chair upon receipt of written request by two (2) regular members.
- C. Notice to Public of all Meetings:** Public notice of all meetings and hearings will be posted in two (2) public places twenty-four (24) hours in advance of the meeting.
- D. Quorum for all meetings:** The Commission will conduct and transact business only when a quorum is present. A quorum shall be at least a majority of the total active voting members. If no quorum is present, the meeting must be terminated.
- E. Hearings:** The Commission, at its discretion, may conduct public or informational hearings when it determines such hearings will be in the public's best interest or prior to expending money. Notification of each public hearing shall be posted in two public locations and published in a local newspaper at least ten (10) calendar days prior to the date of such hearings, in accordance with RSA 675:7. A record will be kept of those persons testifying and or presenting documentation at such hearings as part of the hearing minutes.
- F. Place of Meetings and Hearings:** Meetings of the Agriculture Commission shall be specified in the posting.
- G. Majority Vote Required:** Determination on any matter during any meeting or hearing will require the concurrence of a majority of the regular members (including the alternate member acting in the place of a regular member) who are present and voting, and provided that a quorum is present. Tuftonboro Agriculture Commission Rules of Procedure adopted November 6, 2018.
- H. Right to Know:** All meetings of the Commission shall be held in accordance with the provisions of RSA 91-A, as amended, relating to meetings open to the public, nonpublic sessions, notification of meetings, and records of meetings and hearings. No interested party shall be denied attendance to any meeting or hearing.
- I. Conflict of Interest:** No member of the Commission shall introduce, speak on or vote on any motion, resolution or issue in which that member has a personal, special or pecuniary interest, direct or indirect. Recusal of a member shall be determined by the Agriculture Commission prior to any vote on that issue.

## Amendments to the Rules of Procedure

The Commission may amend these Rules of Procedure at a regular meeting of the Commission by an affirmative vote of 2/3 of the Commission members provided that the amendment has been presented in writing to each member of the Commission at least thirty (30) days preceding the meeting at which the vote is taken. Alternate members may not substitute for regular members in this voting.

## Severability

If any provision or portion of the duly adopted Rules and Procedures shall be deemed to be unlawful, inappropriate, or not in compliance with current Town Policies and Procedures, the remaining provisions or portions of the current Rules and Procedures shall remain in place.

## Adoption

These Rules of Procedure supersede and replace, in entirety, any previous rules of procedure previously adopted and are hereby adopted by the Tuftonboro Agricultural Commission at a lawfully called and posted meeting on the date

specified below and are effective on and after that date. They are to be placed on file with the Town Clerk for public inspection. Date of Adoption: November 6, 2018.

**2015 New Hampshire Revised Statutes**  
**Title LXIV - PLANNING AND ZONING**  
**Chapter 673 - LOCAL LAND USE BOARDS**  
**Section 673:4-b - Agricultural Commissions.**

**Universal Citation:** [NH Rev Stat § 673:4-b \(2015\)](#)

**673:4-b Agricultural Commissions. –**

I. The agricultural commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body.

II. Each agricultural commission member shall be a resident of the city or town which establishes the commission. One commission member may be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate, and promote the purpose of the agricultural commission.

III. Members of an agricultural commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, a historic district commission established under RSA 674:46, or a heritage commission established under RSA 674:44-a.

**Source.** 2007, 266:3, eff. Aug. 28, 2007.