

CONSERVATION COMMISSION
Durham, New Hampshire
RULES OF PROCEDURE

I. AUTHORITY

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1, and Section 11.1.B of the Durham Town Charter.

These Rules of Procedure are subject to the provisions of all applicable federal, state and local laws, regulations and ordinances.

II. MEMBERS

A. Members. The Conservation Commission (or “Commission”) consists of 7 regular members and 3 alternates. All terms are staggered and run for 3 years except when an unexpired term is filled. Five regular members and the alternates are appointed by the Town Council. The Planning Board and Town Council each appoint a representative to the Conservation Commission annually. These two representatives have all of the rights of membership, including the right to hold office. Terms of office begin on May 1 (except when an unexpired term is filled) and end on April 30.

Members shall be residents of Durham. They may serve on other Town boards and commissions.

B. Alternates. Alternates fully participate in all discussions of the commission except they may not vote, nor make or second a motion. The chair appoints an alternate to fill in whenever a regular seat is vacant or a regular member is not present or is recused on a particular matter. However, an alternate may not fill in for the Planning Board and Town Council representatives.

III. OFFICERS

A. Officers. The officers of the Commission consist of a Chair and Vice Chair both of whom are elected by majority vote at the annual meeting in May. At the request of any member the vote shall be by private ballots. All officers serve one-year terms and are eligible for re-election. Should the position of any officer become vacant, a replacement for the duration of the term shall be elected at the next regular meeting or at the earliest opportunity. All officers are authorized to vote on all matters, and to make and second motions, in similar fashion to other members of the Commission.

B. Chair. The chair presides over all meetings on the Commission, calls special meetings as needed, appoints committees as necessary, and affixes their signature in the name of the Commission, as appropriate. The chair communicates with the Town Council and other Town boards and committees as needed, presents an annual report to the Town Council and prepares a written report for the Town Annual Report.

C. Vice Chair. The Vice Chair presides in the absence of the Chair and has the full power of the Chair on matters which come before the Commission during the absence of the Chair.

IV. ROLE AND POWERS OF THE CONSERVATION COMMISSION

The Conservation Commission has all of the powers granted to conservation commissions under RSA 36-A:2 and other applicable law.

- A. The Commission works for and advocates for the protection and enhancement of natural resources in Durham, including but not limited to open space, forests and meadows, animal habitats, water resources, wetlands, marshes, scenic resources, and clean air.
- B. The Commission may provide any nonbinding comments to the Town Council and to any other board, commission, or committee of the Town, and to any other party in the town on any issue related to natural resources, at its option. The Commission may recommend adoption of ordinances and regulations relative to natural resources.
- C. The Commission makes recommendations to the Planning Board about applications and has other roles under the Wetland Conservation Overlay District and Shoreland Protection Overlay District in the Durham Zoning Ordinance.
- D. The Commission makes recommendations to the New Hampshire Division of Environmental Resources (NHDES) on proposed dredge and fill applications for wetlands. The Commission may share nonbinding comments to any other state agencies on environmental matters at its option.
- E. The Commission has authority to spend money from the Town's conservation funds in accordance with RSA 36-A:5.
- F. The Commission may accept gifts of land and real property including lesser interests in real property, personal property, and money subject to approval of the Town Council in accordance with RSA 36-A:4. I.

V. MEETINGS

- A. Regular meetings. Regular meetings shall be held at 7:00 p.m. in the Town Council Chambers, Durham Town Offices, on the fourth Monday of each month, except for meetings which may be cancelled or rescheduled to another date or venue. Special meetings may be held at the call of the chair provided public notice and notice to each member is given at least one business day and at least 24 hours in advance..
- B. Annual Meeting. The regular meeting in May shall be the annual meeting of the Commission unless otherwise scheduled by the Commission. The meeting shall be held for the purpose of election of officers, review of the past year's events, planning for the coming year, and the transaction of any regular business.
- C. Quorum. A quorum for all meetings of the Commission is 4 members.
- D. Order of Business. The order of business for regular meetings shall generally be as follows. The chair or Commission may modify the order as desired.
 - I. Call to Order
 - II. Land Acknowledgement Statement

- III. Roll Call and Seating of Alternates
 - IV. Approval of the Agenda
 - V. Public Comments
 - VI. Land Stewardship Update
 - VII. Applications
 - VIII. Presentations
 - IX. Review of Minutes
 - X. Other Business
 - XI. Roundtable. Updates from Conservation Commission members
 - XII. Adjournment
- E. Public Comments. Members of the public may comment on specific applications and other items as they arise on the agenda and on other matters under the Public Comments section. The Chair may limit the length of comments at their discretion.
 - F. Manner of Voting. At the discretion of the Chair, or upon the request of any member, voting by the Board shall be by roll call vote.
 - G. Rules of Order. Rules of Order shall generally be governed by the latest edition of Roberts Rules of Order. However, the Commission may depart from explicit compliance with Roberts Rules as it reasonably sees fit, in order to facilitate the efficiency of the meetings.
 - H. Attendance. Members shall notify the Commission chair and/or the Town Planner, as much in advance as possible, when they will not be able to attend or will be late for a meeting. The unexcused absence of a member from 3 consecutive meetings or 6 in a 12 month period may constitute grounds for removal by the Town Council.

VI. OTHER MATTERS

- A. Minutes. Minutes of all public meetings, including the names of Commission members, persons appearing before the Commission, and a brief description of the subject matter and actions by the Commission shall be open to public inspection within 5 business days after the meeting (per RSA 91-A:2 II).
- B. Staffing. The Planning Department provides support to the Commission to the extent that resources permit.
- C. Representing the Commission. The Commission may authorize the Chair, or any other member of the Commission, to speak on behalf of the Commission.
- D. Communications. Discussions between members on applications should be held only at public meetings. Discussions on other substantive matters outside of these meetings, including exchanges by email, should not occur among four or more members (a quorum). Members are always welcome to speak with the Planning Department and other Town staff about any matters. Emails should be sent to the Town Planner who will forward the email to the other Commission members, when appropriate, and include the correspondence in the record.

- E. Budget. At its option, the Commission may present a budget and request funding from the City Council for appropriate purposes.
- F. Recusal of Members. If any Commission member thinks it appropriate to recuse (or “disqualify”) himself or herself from discussing a particular matter, as provided in RSA 673:14 and in the Town of Durham Charter, that Commission member shall notify the Chair or the Town Planner in advance. The recusal shall be announced by either the Chair or the recused member. The member being recused shall leave the table during all deliberation on the application.
- G. Amendments. These Rules of Procedure may be amended by a majority vote of the members of the Commission.

Adopted May 22, 2023