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Cc: [Karen Edwards](#)
Subject: functioning of the Commission
Date: Tuesday, August 31, 2021 11:43:07 AM

To the Durham Conservation Commission,

I watched your long and rather tortured discussion last week about the Gerrish application. During earlier discussion on this subject, you made the mistake in your decision-making of failing to differentiate between wetlands and wetland buffers, a very big difference ecologically. Now you may be headed for more error in the matter of how to treat the overall tract.

It is my observation that the Commission is composed of very good minds and clearly dedicated people when it comes to matters central to your responsibility, that is, conservation. Theoretically, you are equipped to serve your mission well. And the Conservation Commission is designed to be fully independent of the Town Planner and of the Planning Board. But you are not doing so, at least with respect to Gerrish. Why?

A basic answer to this question is your continuing dependency on the Town Planner for fundamental direction on basically every issue. This is a structural problem. You are there to think for yourself, not to be directed (as you obviously are) by the Town Planner who is not a member of the Commission and who does not have, and is not necessarily supposed to have, any loyalty to either the Commission or to conservation. Last week, as in many of your meetings, the Town Planner spoke, and spoke extensively, on every subject raised. In truth, he should not even be present, for he is clearly driving you. He is a professional town planner and does not have responsibility in your area of interest or expertise. Over most of the history of the Durham Town Conservation Commission the Town Planner was not present at meetings. (You might speak with former Chair Baldwin and even more recent former Chair Sullivan, both of whom are still Durham residents, about this.) The Commission is designed to be FULLY INDEPENDENT of the Town Planner, and this independence cannot be maintained if he is constantly present and constantly invited into (and even in many ways driving) the discussion. You must, to properly serve the town and serve the requirements of conservation, meet independently. (The Town Planner can always be consulted outside the meetings if any specific questions arise on legalistic or regulatory matters.)

My observation is that you are equipped to do your job, and to do it well, without the interference or the influence of the Town Planner. Structurally, the Town Conservation Commission was never meant to take either the direction or guidance of the Town Planner, nor of any other town official or committee or commission, and those who served on the Town Conservation Commission in earlier years (1960s to 1990s and somewhat beyond) knew

that. Earlier Commissioners were free to make their own best judgements on the requirements of conservation and the dictates of ecology and let the chips fall where they may. Durham will be well served if you operate more independently, using your own best judgement. Your observations, your discussions, and your decisions, all relative to conservation and the ecology underlying it, will then become much more useful to our town.

Your independence as a Commission has much higher value than you may realize. You are capable of your own leadership. And the originating legislation which created you as a Commission both enabled you and expected you to use that independent leadership in service to the town. It's conservation and not zoning rules that you need serve. The Planning Board can handle the zoning rules. Your job is to give the Planning Board and the Town independent judgement based on conservation criteria as best you understand and believe in such criteria, the rules of ecology.

Sincerely,

John

John E. Carroll