

CITY OF PORTSMOUTH, NEW HAMPSHIRE

CONSERVATION COMMISSION

RULES AND PROCEDURES



Prepared by the Planning Department

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CONSERVATION COMMISSION RULES AND PROCEDURES

A. Purpose. The following Rules and Procedures have been adopted by the Conservation Commission and are presented herein as an aid for better understanding the responsibilities of the Conservation Commission.

1. These Rules and Procedures may be amended by a majority vote with at least six votes in support at a duly called Commission meeting; providing, that five days written notice of the meeting date is given and that such notice shall specify the amendment to be voted on.

H.B. Commission Membership and Officers.

1. Membership: The Conservation Commission shall consist of seven voting members and two alternates. Commission Membership, selection, qualification, term, removal of Members and filling of vacancies shall conform to NH Revised Statutes Annotated,¹ the City Charter and applicable City Ordinances and Regulations.
2. Officers: Commission members shall elect annually from its membership in January of each year a Chair and Vice-Chair. ~~Unless voted to the contrary by the Commission, the vote shall be conducted by secret ballot.~~ The concurring votes of five members in attendance at a meeting shall be necessary to initiate the election of Officers.
3. Duties of the Chair: The Chair shall preside at all meetings; shall have complete voting privileges on all matters, including the election of officers; and, report any discussion or action relative to the Commission that has taken place since the last meeting.
4. Duties of the Vice-Chair: The Vice-Chair shall assist the Chair and, in the absence of the Chair, shall have all the powers and duties of the Chair.
5. In the absence of the Chair and Vice-Chair, Commission members present and constituting a quorum shall appoint a member of their group as Acting-Chair for purposes of conducting business at that meeting.
6. Duties of Alternate Commission Members: i. The purpose of an alternate is to maintain a complete complement of Commission members. This means, that when a member is absent, an alternate shall fill the vacancy at the call of the Chair. (See NH RSA 673:11) ii. Alternates are encouraged to attend all meetings of the Commission to hear presentations and to follow issues coming before it. iii. An alternate may not vote on an issue before the Commission unless the alternate's presence is required to complete the Commission's membership. iv. The Commission has the ability, through procedural rules or regulations adopted pursuant to NH RSA 675:6, to determine the particulars of seating, voting order and participation in the meeting, to the extent not inconsistent with State Law.

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¹ NH RSA 36:A and the Charter of the City of Portsmouth.

7. Duties of the Secretary: The Secretary² shall keep a complete and accurate record of proceedings of all meetings; record the roll; and fulfill such duties as the Chair may request.

C. Meetings - Types of and Scheduling.

1. Notice of Regular Meetings: Regular Meetings shall be held the second Wednesday of each month and meetings shall begin at 3:30pm and no item shall be taken up after 5:30pm unless a majority vote of the Commission votes to continue the meeting.
2. Special Meetings: These may be called by the Chair, or the Chair at the request of three or more Members, or by the Secretary and the Chair or Vice Chair. The Chair shall select the date, time and place of the Special Meeting. The Chair shall give at least twenty-four hours written notice of the meeting.
3. The Chair shall provide a meeting Agenda to each Commission member³. The Chair shall make these materials available for public inspection in the Planning Department Office following delivery to the Commission.

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D. General Order of Proceedings. At each Regular Meeting the following Agenda format shall be followed; unless, otherwise modified by the Commission .

1. Approval of Minutes;
2. Unfinished Business;
3. New Business;
4. City and Commission Business;
5. Communications and Other Business; and,
6. Adjournment

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E. Quorum Requirements. Four Commission members in attendance at a meeting are necessary to form a quorum.

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F. Brief Overview of the Statutory Duties of the Conservation Commission .

1. To insure the proper utilization and protection of natural resources of the City of Portsmouth and to insure the protection of watershed resources of the City of Portsmouth.
2. To conduct research into local land and water areas and seek to coordinate the activities of unofficial bodies organized for similar purposes and advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.
3. The conservation commission shall keep an index of all open space and natural, aesthetic or ecological areas within the City of Portsmouth. The commission will as necessary obtain information pertinent to proper

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² A staff member from the Planning Department shall act as the Commission's Secretary but shall be without vote.

³ Agenda items should be submitted to the Planning Department at least five days before the meeting.

utilization of such areas, including lands owned by the state or lands owned by the City of Portsmouth.

4. The commission shall keep an index of all marshlands, swamps and all other wetlands in a like manner, and may recommend to the City Council or appropriate board or department a program for the protection, development or better utilization of all such areas.
5. The records of its meetings and actions shall be kept and filed in an annual report which shall be printed in the annual report for the City of Portsmouth.
6. The commission may appoint such clerks and other employees or subcommittees as it may from time to time require.⁴
7. The commission may report and formulate recommendations to appropriate public officials and agencies not limited to the State of New Hampshire Department of Environmental Services and the United States Army Corps of Engineers.
8. On the performance of these duties, Commission members may make site inspections, examinations and surveys “as are reasonably necessary” to complete these responsibilities.
9. The Commission may exercise such powers as are given to it under RSA 36-A:4

G. General Procedures.

1. The Commission intends to review, consider and act in an advisory capacity on completed conditional use applications. To accomplish this intention, the Commission’s application process and calendar is readily available to the public.⁵ Accordingly, information presented for the Commission’s consideration that follows the lapse of an application time requirement (i.e. presented at a meeting), may serve as cause for the Commission to determine whether or not the application is complete and if the proper action should be to table the application so as to allow the Commission more time to consider the new information. To avoid this possibility, applicants are encouraged to make the original application as complete as possible and to avoid submitting new materials.⁶
2. Standard State Dredge and fill permits are received by the Chair of the Conservation Commission from the City Clerk. The application is scheduled for consideration at the next Commission meeting. The New Hampshire Department of Environmental Services, Wetlands Bureau allows the Commission 14 days to submit recommendations either to grant or deny the permit. However, the Commission may request a statutory delay of 40 days to allow for further investigation.
3. Minimum impact expedited applications for the New Hampshire Department of Environmental Services Wetlands Bureau are submitted to

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⁴ NH RSA 36-A:2

⁵ See City's Web page located at: www.cityofportsmouth.com

⁶ See Submission Requirements and Information for Applicant on City of Portsmouth Application for Conditional Use Permit.

the City through the Planning department, who forwards the application to the Commission chair. The applicant should submit only the original copy of the application to the Planning Department. The Commission Chairman or Commission member designate shall make an appointment to inspect the project site. If plans are found to be in compliance with the criteria set by the State the Conservation Commission or Commission member designate will sign the application and plan. The applicant can then make copies necessary for state submission.

4. A motion shall be carried by a majority of Members present and voting in the affirmative.
5. When a question is put to the Commission, each member present shall vote; except, if such vote would be excluded by a conflict of interest. A conflict of interest exists if a member has a direct personal or pecuniary interest in the outcome.
6. Roll call votes shall be taken at the request of the Chair, a Commission member or the applicant.
7. With these *Rules and Procedures*, the Commission shall conduct its business in accord with *Roberts Rules of Order*; except, when these rules would dictate otherwise.
8. Conservation Commission members should discuss with the Chairman any contact with an applicant which the member feels is inappropriate or a conflict of interest exists and then, if circumstances warrant, with either the Planning Director or the City Attorney.

H. General Practice and Guidelines.

1. When, for purposes of conducting a Public Hearing, Commission attendance at the meeting is four members, the applicant shall be afforded the opportunity to request that the application or item be rescheduled to the next available meeting. Any such rescheduling shall not count against any time standards requiring the Commission to act.
2. Motions:
 - A motion to grant that fails to pass means the motion and thereby the item is denied.
 - A motion to deny that fails to pass means only that the motion itself fails. Therefore, a positive motion to grant shall then be required in order to complete consideration of the item.
 - A motion to grant that receives a tie vote means the motion and the item fails to pass.
3. Appeals: As the Commission makes only recommendations; appeals are not heard.⁷

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⁷ There is no statutory requirement for the Conservation Commission to entertain requests for appeals and therefore appeals are not heard by the Commission.