

CITY OF LACONIA HISTORIC DISTRICT COMMISSION
Tuesday, September 22, 2020 - 6:30 PM
City Hall - Armand A. Bolduc City Council Chamber
AGENDA

1. Call to order
2. Roll call
3. Recording secretary
4. Staff in attendance
 - 4.I. Introductions of members and staff
5. Acceptance of Minutes from previous meeting
6. New business
 - 6.I. Introduction to Rules of Procedures

Documents:

[SAMPLE RULES AND PROCEDURES.PDF](#)

- 6.II. Review of Right to Know Law: 91-A
- 6.III. Nomination and Election of Chair and Vice-Chair
- 6.IV. Set meeting schedule

Documents:

[DATES NOT AVAILABLE.PDF](#)

7. Public comment
8. Other business
9. Adjournment

This meeting facility is ADA accessible. Any person with a disability who wishes to attend this public meeting and needs additional accommodations, please contact the department at (603) 527-1264 at least 72 hours in advance so that the City can make any necessary arrangements.



Conservation
Commission
Laconia, New Hampshire

Rules of Administrative Procedure

Enacted: MM, DD, YYYY

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SECTION I. AUTHORITY AND ADOPTION

In accordance with the provisions of New Hampshire Revised Statutes Annotated, Chapter 36-A, as amended, granted the City of Laconia authority to establish the Conservation Commission, which was established in August, 1987. The Conservation Commission shall have all the powers granted to Conservation Commissions outlined in Chapter 36-A, as well as Chapter 5-30 of the Laconia City Ordinances.

SECTION II. PURPOSE AND INTENT

1. Pursuant to RSA 36-A:2, the Laconia Conservation Commission is established for the proper utilization and protection of natural resources and for the protection of watershed resources of the City. The Commission holds the following responsibilities:
 - 1.1 Such commission shall conduct researches into its local land and water areas and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work.
 - 1.2 It shall keep an index of all open space and natural, aesthetic or ecological areas within the city or town, as the case may be, with the plan of obtaining information pertinent to proper utilization of such areas, including lands owned by the state or lands owned by a town or city.
 - 1.3 It shall keep an index of all marshlands, swamps and all other wetlands in a like manner, and may recommend to the city council or selectmen or to the department of natural and cultural resources a program for the protection, development or better utilization of all such areas.
 - 1.4 It shall keep accurate records of its meetings and actions.
 - 1.5 The commission may appoint such clerks and other employees or subcommittees as it may from time to time require.

SECTION III. ORGANIZATION

1. The Commission shall consist of up to seven (7) regular members appointed by the Mayor, with approval of the council, pursuant Chapter 5-30:B in the Laconia City Ordinances. Officers will be elected during the annual meeting on January and generally perform the following duties:
 - .1. Chair

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- 1.1.1 Conducts all Commission meetings as provided for by statute. When unavailable to act as chair due to schedule conflicts or potential conflict of interest, the Chair shall direct the Vice Chair, or other experienced member in that order to act as chair.
 - 1.1.2 The original Chair will be appointed by the Mayor for a term of three years. The second term Chair shall be selected annually every January by the members from one of their number.
 - 1.1.3 Acts as Conservation Commission representative in meeting with the City Manager, Mayor, and/or City Council subcommittees as requested;
 - 1.1.4 Calls special meetings of the Conservation Commission as necessary;
 - 1.1.5 Appoints subcommittees of the Conservation Commission as necessary.
 - 1.1.6 Has the authority to sign and provide comments on applications and materials on behalf of the Commission, such as NH Department of Environmental Services (NHDES) permit applications.
- .2. Vice Chair
- 1.2.1 Acts to fulfill the Chair's duties in the event of illness, absence, or recusal of the Chair.
- .3. Alternates
- 1.3.1 Alternate members may be appointed as provided for in RSA 36-A:3 and Chapter 5-30:B of the City Code. They may participate in the meeting, but cannot vote unless they are a sitting member.
- 1.4. Advisory Members
- 1.4.1 One member of the Laconia Planning Board and one member of the Laconia City Council will be appointed by the Mayor, with the approval of the Council, to act as advisory members to the Conservation Commission.
2. The Conservation Technician- Shall be appointed by the Director of Planning and Community Development. The Conservation Technician shall provide the Commission the following services:
- 2.1. Receive and review applications for completeness, create and maintain application files;
 - 2.2. Prepare Commission packets;

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- 2.3. Publish required agendas for meetings, and shall notify the applicant and other appropriate parties of the time and place of such hearings;
- 2.4. Take and prepare minutes of the meetings, and post minutes in accordance with RSA 91-A;
- 2.5. Prepare and disseminate any necessary memos for each meeting; and
- 2.6. Maintain general files, manage correspondence, and perform other duties as requested from time to time.
- 2.7. If the Conservation Commission requests the Conservation Technician to conduct duties outside of what is listed above in 2.1-2.6, approval is needed by the Director of Planning and Community Development.

The Director of Planning and Community Development or their designee shall be responsible for the assignment of the Conservation Technician's duties to other department staff in any instance where the Conservation Technician is unavailable, as the Conservation Technician has responsibilities outside of assisting the Conservation Commission.

SECTION IV. FINANCE

1. The Conservation Commission will adhere to RSA 36-A:4. I. regarding financial matters.

SECTION V. MEETINGS

1. **Time** - Meetings of the Commission are held on the first and third Wednesdays of each month, except when noted otherwise. All meetings of the full Commission will commence at 6:00 PM and no business will be begun after 10:00 PM without a vote of the Commission to extend the meeting further. All meetings shall be held in the Armand A. Bolduc City Council Chamber, City Hall, unless noted otherwise.
2. **Quorum** - Four (4) voting members shall constitute a quorum for the transaction of business, but a less number may meet only for the purposes of continuance or adjournment. All members should provide an RSVP for each scheduled meeting to the Conservation Technician by either email or telephone at least 48-hours in advance.

If there is a lack of quorum, the meeting will be canceled.

3. **Notice** - The Conservation Technician shall post notice of all meetings on the City website or in two public places at least seventy-two hours in advance of the meeting, not counting Sundays and holidays. RSA 91-A:2, II. Special meetings, such as public hearings will also be posted in the newspaper, at least ten days prior to the meeting.

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The Chair can call a special meeting to order, if necessary, with at least 24-hour notice and posted in two public places, pursuant RSA 91-A:2, II. This includes work sessions.

All meetings, including subcommittee meetings, are open to the public with the exception of non-public sessions properly called and held under RSA 91-A:3.

Cancelations due to weather, or other reasons will be posted prior to the original meeting time, if known in advance.

4. **Attendance** - If a member misses five (5) consecutive meetings with no contact, this shall be evidence for non-interest. The Commission shall then vote to recommend to the City Council that the member be removed from the Commission.
5. **Voting** - After discussion has occurred on an item or application, the Chair will call for a motion to be made. If seconded, discussion will be called for on the motion. A majority vote of the voting members present is needed to approve any item. If a vote is not unanimous, the record shall indicate by naming those who are in favor, opposed and abstaining.

If the vote amongst members results in a tie, the motion is defeated.

SECTION VI. MEETING ORDER

1. At each regular meeting, the general order of the proceedings shall be as follows, unless revised by the Chair:
 - 1.1. Call to order and quorum check
 - 1.2. Salute to the flag
 - 1.3. Approval of pervious meeting minutes
 - 1.4. Permits and Applications
 - 1.4.1. Continued Permits and Applications
 - 1.4.2. New Permits and Applications
 - 1.5. Old Business
 - 1.6. Liaison and Subcommittee Reports
 - 1.7. Other Business
 - 1.8. Staff Report
 - 1.9. Adjournment

SECTION VII. AGENDA

1. **Format** - In respect to SECTION VI. 1., meetings of the Commission shall follow a standard meeting format, as determined by City policy, as set by the Chair in consultation with the Director of Planning and Community Development or their designee and shall provide opportunity for the

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Commission to conduct regular business sessions for both current and long range planning. Any suggested items for the agenda must be provided to the Conservation Technician no later than five (5) business days prior to the scheduled meeting.

SECTION VIII. OPERATIONAL PROCEDURES

1. CITY OF LACONIA PERMIT APPLICATION REVIEW

1.1. Meeting Procedures

- 1.1.1. The Conservation Commission will schedule to review the application during a regular meeting when,
 - 1.1.1.1. A Wetlands Conditional Use permit application has been submitted to the Planning Department. One of the sets of plan proposal shall be submitted by the filing deadline to the Conservation Technician, as listed on the annual review schedule.
 - 1.1.1.2. The applicant requests feedback from the Commission on their application proposal, prior to submitting a formal Wetlands Conditional Use Permit application to the Planning Department. Materials for the proposal should be submitted to the Conservation Technician at the Planning Department in advance of the scheduled meeting.
 - 1.1.1.3. The Planning Department, Technical Review Committee (TRC) or other Board recommends that the application is reviewed by the Conservation Commission.
- 1.1.2. Members of the Conservation Commission are responsible for reviewing the applications and visiting the site prior to the meeting, if deemed necessary. See Section IX regarding the rules of procedure on site visits.
- 1.1.3. The Commission will provide feedback on the application during the regular meeting sessions and vote to approve support, decline support, or approve support of the application with conditions. Any conditions will be noted in a memo to the Planning Board for Staff to include during the application's Staff Review.

2. NHDES WETLANDS BUREAU APPLICATION REVIEW

- 2.1. The Conservation Commission, or Chair of the Conservation Commission, shall review NHDES Fill and Dredge in Wetlands permit applications, pursuant RSA 482-A.
- 2.2. Meeting Procedures

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- 2.2.1 A copy of the NHDES Wetlands Bureau permit application for Conservation Commission review should be provided to the Conservation Technician, at least five (5) business days prior to the scheduled Conservation Commission meeting date.
- 2.2.2 On behalf of the Commission, the Chair and Director of Planning and Community Development or their designee, can use their discretion to have the Chair sign the application without full review of the Commission, or
- 2.2.3 The application will be reviewed during the next regular meeting. The Conservation Technician will add the application to the agenda of the next scheduled Conservation Commission meeting.
- 2.2.4 During a regular meeting, the Commission will provide feedback on the application and vote to approve support, decline support, or approve support of the application with conditions. Any conditions will be noted in a memo that will accompany the application to NHDES, and a copy will be retained in the City's records.
- 2.2.5 If the application was signed by the Chair, without the full review of the Commission, the project and brief description of the proposal will be added to the next meeting agenda to inform the Commission of the Chair's signature, which waives the Commission's right to intervene on the application.

If the Conservation Commission, or Chair on behalf of the Commission, chooses to intervene on an applicable application, they may do so pursuant RSA 482-A.

SECTION IX. SITE VISITS

1. The Commission may request to conduct a site visit in order to provide input on an application, monitor conservation easements, investigate a complaint, or to gather other data, such as natural resource inventory.
2. Per RSA 36-A:4, no commission, its members, or designee shall enter private property to gather data about the property for use in a wetlands designation, prime wetlands designation, natural resource inventory report or map, or natural heritage map without first obtaining permission of the property owner or agent, or a lawfully issued warrant. Such permission may be oral or written, provided that record is made of oral authorization. If consent for entry is denied, the conservation commission, or designee, may obtain an administrative inspection warrant under RSA 595-B.

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3. Per RSA 36-A:4, III. Prior to requesting permission, the commission, its members, or designee shall notify the landowner of the purpose of the data gathering, the specific features that will be evaluated, the manner in which the data collected will be recorded and distributed, and possible known consequences of the data collection.
4. The site visit will be run by the Chair or their designee, with the purpose of data collection, questions about the location of proposed project features, etc. There will be no debates or discussion of merits or opinions of the project during the site visit.

SECTION X. RULES OF ORDER

1. For purposes of conduct of the meeting, except as specifically provided herein, the procedures as outlined in 'Robert's Rules of Order' shall be generally followed, at the discretion of the Commission.
2. A motion shall be carried by a majority of members present and voting in the affirmative, unless otherwise specified. Members shall signify their votes on all actions taken by the raising of one hand, so that the recording secretary may indicate those in favor, opposed, and abstaining for the record. As necessary, the Chair may direct a showing of hands or voice vote for clarification.

SECTION XI. RECORDS

All plans, applications, supporting documents and minutes of the proceedings of the Conservation Commission shall be maintained by the Planning Department and be made available to the public, press, and officials, except sealed minutes taken in a non-public session.

The procedure to seal nonpublic session minutes will be followed under RSA 91-A:3, III

SECTION XII. OTHER MATTERS

1. The Director of Planning and Community Development or their designee acts as liaison for the Conservation Commission with all federal, state and local officials and bodies, the press, public, applicants and land owners and their representatives except where the Commission specifically expresses its wish that the Chair of the Conservation Commission act as its policy spokesperson. Thus, all official contact with the parties as enumerated should occur through the Director of Planning and Community Development or their designee or Chair, as specified. This policy is adopted for the purposes of coordination and accuracy and should not act to limit any Commission member in the expression of a personal or private point of view as a resident, citizen, or abutter. However, it is the responsibility of every

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Commission member to ensure that statements made as a private citizen are recognized as such and not necessarily the position of the Conservation Commission.

2. Contact with legal counsel for the Commission should also be directed through the Director of Planning and Community Development or their designee to maintain coordination and cost responsibility to the City. In the event that a member is not satisfied with the response of the Director of Planning and Community Development or their designee to a specific concern, (s)he should address that concern to the Chair and request discussion or action by the Committee or full Commission.
3. The Commission will conduct itself in accordance with the City of Laconia Code of Ethics as described in Article V of the City Ordinances. The Chair must maintain civil and professional dialogue amongst members, applicants, and members of the public at all times during the meeting. Any member of the Commission can request a motion to the Chair to have the Commission take a brief recess and reconvene, as described in Robert's Rules of Order.

SECTION XIII. WAIVER

The Conservation Commission may vote to waive any requirement of these Rules by a majority vote taken at a meeting with a quorum present when it is determined that such waiver will properly carry out the purpose and intent of these Rules.

SECTION XIV. AMENDMENTS

These Rules of Procedure may be amended from time to time by vote of a majority of the full membership (not alternates) of the Commission at a public meeting. Prior to the Commission's consideration of any rule change, any member proposing such a change shall draft or request staff to draft, the change in written form and have prepared and distributed copies of the proposed change at least one meeting (month) prior to the meeting at which the change is to be considered. As with other administrative matters, the Director of Planning and Community Development or their designee, in consultation with the Chair, shall place the matter on the Commission's agenda for action at the earliest convenient time.

ENACTED: MM DD, YYYY

AMENDED:

The following days of the month are NOT available for the regularly scheduled Historic District Commission:

First Tuesday (Planning Board)

First Wednesday (Conservation Commission)

Second Monday (City Council) (All Mondays May-June for budget)

Second Tuesday (only Oct-City Council delayed by Holiday)

Second Wednesday (Heritage Commission)

Oct 8, 15, 22, Nov 5 only -CIP

Third Monday (Zoning Board)

Third Wednesday (Conservation Commission)

Fourth Monday (City Council)