

**NEWPORT, NEW HAMPSHIRE  
CONSERVATION COMMISSION  
RULES OF PROCEDURE**

**ARTICLE I. Name of Organization**

The name of this organization shall be The Newport Conservation Commission, hereafter called the Commission.

**ARTICLE II Authority**

These Rules of Procedure are established in accordance with the powers granted under the authority of NH RSA 36-A and the Town of Newport ordinances. Nothing in these Rules of Procedure is intended to conflict with either of these authorities.

**ARTICLE III Principal Place of Business**

The principal place of business of the Commission shall be in the Town Office building of the Town of Newport in Sullivan County, New Hampshire. The mailing address of the Commission shall be: Newport Conservation Commission, 15 Sunapee Street, Newport, NH 03773.

**ARTICLE IV Mission**

The Commission's objective is to ensure the proper protection, promotion and management of the natural resources of Newport, to further an awareness of conservation practices and policies throughout the Town so that such preservation is achieved for the benefit of all present and future residents; to educate and encourage the public to make informed decisions about Newport's natural resources; to assist and advise other town boards, town officials, developers, landowners and the New Hampshire Department of Environmental Services (NHDES) in the utilization and protection of the natural resources of the Town of Newport.

**ARTICLE V Services**

The Conservation Commission maintains an office in the Town Office building and encourages all Town employees, members of Town boards, landowners, developers and the general public to use the Commission as a resource for all matters related to conservation and resource management. The Commission assists the NHDES by providing preliminary review and comments of NH DES applications for proposed projects in areas potentially affecting lakes, ponds and other waters and wetlands or natural resources.

**ARTICLE VI. Membership**

Pursuant to RSA 36-A, the Board of Selectmen shall appoint members of the Commission. Members of the Commission must be residents of the Town of Newport and have an interest in conservation 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 conservation 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 at least three (3) members and not more than seven (7) 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 on the same year. Terms begin on July 1st and end on June 30th.

#### **B. Alternate Member**

The Board of Selectmen may appoint alternate members to the Commission. Alternate members of the Commission may join the regular members in meetings, public hearings and discussions. When an alternate member serves in the absence of or disqualification of a regular member, the alternate member shall be appointed by the Chair for the meeting and have full voting powers (RSA 36-A:3).

#### **C. Attendance**

When a member does not attend three consecutive meetings with non-notified absences the absences shall be reviewed. 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.

### **ARTICLE VII. Organization**

#### **A. Election of Officers**

The Commission members shall elect by majority vote, from among themselves, the officers of Chair and Vice-Chair. The position of Secretary may be voluntary or a non-member may be hired to perform administrative duties.

#### **B. Terms of Office**

Officers shall be elected at the first meeting in June of each year and will remain in office until the first meeting in June of the succeeding year (this period shall constitute one calendar year). A vacancy occurring other than by the expiration of a term shall be filled by appointment by the Board of Selectmen for the balance of that term.

#### **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 first meeting in June to the first meeting in June of the to the following year and may be elected for successive terms. The Chair prepares a proposed budget for the upcoming year and writes an article for the annual report. The Commission may, 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 first meeting in June to the first meeting in June of the to the following year 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 for the Commission and act in accordance with the provisions of RSA 91-A, as amended, relative to records of meetings and hearings. The Secretary, or administrative assistant, may be hired on a yearly basis, dependent on Town Policies and Procedures.

## **ARTICLE VIII. 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.

a. DES Wetlands Bureau Applications: The Commission, as a continuing responsibility, shall review all wetland applications submitted to NH Department of Environmental Services (DES) by residents. Each application is assigned to Commission members to initially assess the application for impact and perform a site inspection. A quorum of Commission members are responsible to review and sign applications and/or to sign a request for an extension of review time.

b. Open Space: The Commission, as a continuing responsibility, shall seek to promote land conservation and preservation in the Town of Newport either through the purchase and/or designation of conservation easements or fee simple purchase.

## **ARTICLE IX. Meetings and Hearings**

### **A. Regular meetings**

Regular meetings of the Commission shall be held on the third Wednesday of each month at 6:30PM unless otherwise posted. An additional meeting, if the workload warrants, may be called at the discretion of the Commission. 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. The Commission shall conduct a public hearing prior to expending money from the Conservation Commission Land Fund to acquire interest in real property. 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. Real Property Hearings** The Conservation Commission shall hold a public hearing with notice in accordance with RSA 91-A: 1(d) before using money from the Conservation Land Fund to acquire any interest in real property.

**G. Financial Reports**

The Conservation Commission shall review a treasurer's report provided by the Town of Newport Finance Director's office on a quarterly basis.

**H. Place of Meetings and Hearings**

The location of meetings of the Conservation Commission shall be specified in the posting.

**I. Majority Vote Required**

Determination on any matter during any meeting or hearing will require the concurrence of a majority of the regular members (including any alternate member acting in the place of a regular member) who are present and voting, and provided that a quorum is present.

**J. 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 public meeting or hearing.

**K. 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 Conservation Commission prior to any vote on that issue.

**ARTICLE X. Wetland Violations**

Wetlands violations shall be handled as follows:

If the Commission is notified of an apparent violation, the report shall be immediately referred to the Code Enforcement Officer, who shall become available for technical consultation throughout the evaluation and reporting process. The Chair may notify the NH DES.

**ARTICLE XI. Amendments to the Rules of Procedure**

The Commission may amend these Rules of Procedure at a regular meeting of the Commission by a majority vote of the Commission members provided that the amendment is discussed at a public meeting.

**ARTICLE XII. 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.

**ARTICLE XIII. Adoption**

These Rules of Procedure supersede and replace, in entirety, any previous rules of procedure previously adopted and are hereby adopted by the Newport Conservation 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.

# ARTICLE XI. Amendments to the Rules of Procedure

The Commission may amend and revise these Rules of Procedure at a regular meeting of the Commission by a majority vote of the Commission members. Amendments and/or revisions shall be placed on the agenda which shall be posted in two (2) public places at least five (5) days prior to any scheduled meeting, provided the amendment is discussed at a public meeting.

Adopted: June 21, 2016

Revised: October 19, 2022

We hereby approve revisions to the Newport, NH Conservation Commission Rules of Procedure, this date, October 19, 2022.

Barry Connell Barry Connell  
Chairman and Board of Selectman Representative

Donald Schagen Donald Schagen  
Vice Chairman

Linda Dennis Linda Dennis  
Full Member

Guenter Hubert Guenter Hubert  
Full Member

Lawrence Schissel Lawrence Schissel  
Full Member

Kenneth Dennis Kenneth Dennis  
Full Member

TBD  
Board of Selectman Alternate

**TOWN OF NEWPORT**  
**CONSERVATION COMMISSION**  
**MISSION STATEMENT**

The Commission's objective is to ensure the proper protection, promotion and management of the natural resources of Newport, to further an awareness of conservation practices and policies throughout the Town so that such preservation is achieved for the benefit of all present and future residents; to educate and encourage the public to make informed decisions about Newport's natural resources; to assist and advise other town boards, town officials, developers, landowners and the New Hampshire Department of Environmental Services (NHDES) in the utilization and protection of the natural resources of the Town of Newport.

Readopted on October 19, 2022