

Rules of Procedure
Historic District Commission
Town of Harrisville, New Hampshire

Adopted by the Harrisville Historic District Commission August 25, 2020. Latest Revision: May 25, 2021

AUTHORITY AND PURPOSE

Authority

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated: RSA 674:45-50; RSA 676:1; and RSA 676:8-9.

Purpose: Conformance with Master Plan and Zoning Ordinance

1. All designated Historic Districts, properties and regulations shall be in conformance with the recommendations of the current Town of Harrisville Master Plan and the requirements of the Town of Harrisville Zoning Ordinances, as amended.
2. The Historic District Commission (HDC) shall review all applications for construction, alteration and/or removal for potential impact on the character and integrity of the Historic District.

Adoption and Amendment RSA 676:1

These Rules of Procedure shall be adopted and amended by a majority vote of the members of the Commission at a regular meeting. The amended procedures shall be filed with the Town Clerk.

APPOINTMENT, TERMS OF MEMBERS, AND ORGANIZATION

RSA 673:4-a; 673:5; 673:6,1,V; 673:7,I; 673:8-14; 673:16

Members

1. The Historic District Commission shall consist of 5 members who shall be appointed in a manner as prescribed by the Select Board. Terms are for three years and should be staggered, so that no more than half of the appointments occur annually, except when vacancies need to be filled
2. Up to five (5) more Alternate Members shall complete the membership of the Commission. The Alternate Members shall sit on all matters of the Commission and

shall have full authority to act in all matters which come before the Commission in the absence of a quorum and when so designated by the Chair.

3. Each HDC member shall be a resident of Harrisville which establishes the Commission. One Commission member may be a member of the Planning Board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. One member of this Commission shall be an ex officio member from the Select Board. The selection of one or more members who are also residents within the village historic district shall be encouraged. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the Historic District Commission.
4. Vacancies in membership shall be filled by appointment by the Select Board for the unexpired term of office. The Chair may designate an alternate member to fill the vacancy temporarily. RSA 673:12,III
5. Members of the HDC may also serve on other municipal boards and commissions. RSA 673:4-III
6. The commission shall be encouraged to “seek outside advice, including from expert consultants, for assistance in reviewing applications.” RSA 46-a; 676:8,I,II

Officers and Staff

1. A **Chair** shall be elected annually by a majority vote of the Commission at the regularly scheduled meeting following the Annual Town Meeting. The Chair shall preside over all the meetings and hearings, appoint such committees as directed by the Commission and shall affix his or her signature in the name of the Commission.
2. A **Vice-Chair** shall be elected annually by a majority vote of the Commission at the regularly scheduled meeting following the Annual Town Meeting. The Vice-Chair shall preside in the absence of the Chair on all matters that come before the Commission during the absence of the Chair.
3. An **Application Reviewer** shall be elected annually by a majority vote of the Commission at the regularly scheduled meeting following the Annual Town Meeting. The Reviewer shall review new HDC applications and check for completeness of information required. The Reviewer shall also assist the Secretary for the Select Board with the notification of abutters when a hearing for the application is scheduled. The Reviewer will maintain an open communication with the Chair of the HDC of what

applications qualify for a scheduled public hearing. The Reviewer may request the assistance of the Commission for the review process.

4. A **Recording Secretary** shall be hired by the Select Board with consultation from the HDC. The Recording Secretary shall maintain a record of all meetings, transactions and decisions of the Commission, and perform such duties as the Commission shall direct.

Subcommittees

A subcommittee is any group of two or more persons, including at least one Commission member, to which the Commission has assigned a specific task related to Commission business. A subcommittee shall be considered a public body, and all provisions of RSA 91-A shall apply to a subcommittee. The quorum policy for the Commission shall also apply to a subcommittee.

Finances RSA 673:16,I,II

The Commission may accept and use gifts, grants, or contributions for the exercise of its functions, in accordance with procedures established for the expenditure of funds within the Town of Harrisville. The expenditures of the Commission, exclusive of reimbursement of fees, shall be within the amounts appropriated for the purpose by the Select Board. Any fee which the Historic District Commission lawfully imposes upon an applicant, including but not limited to application fees, fees for notice, fees for administrative expenses or investigative studies under RSA 676:4, I (g), or RSA 676:5,IV, or the implementation of conditions lawfully imposed as part of a conditional approval, may be paid out toward that expense without approval of the Select Board.

PUBLIC HEARINGS AND REGULAR MEETINGS

RSA 673:17; 675:7; 676:2

All regular meetings and public hearings of the Commission shall be held at Harrisville Town Hall on the fourth Tuesday of each month at 7pm.

Additional, cancelled or postponed meetings shall be held at the call of the Chair, provided that public notice and notice to each member is given at least 24 hours prior to the meeting. In the event of extreme weather conditions that pose a threat to human safety, the Chair may, at his or her discretion, postpone or cancel a meeting of the Commission. In so doing he or she shall make every reasonable effort to notify members of the Commission and members of the public as appropriate.

1. **Public Hearings RSA 675:7.** Public hearings are held to accept and/or consider applications from the public. A hearing requires 10 calendar days for proper noticing at

two public locations along with proper notification to the identified abutters of an applicant's property. If there are no applications to consider, the commission may choose to hold a Regular Meeting.

2. **Regular Meetings RSA 673:17.** The Commission will take up any other business that comes before it. This may be a working session to amend Commission operating rules, development of outreach programs or provide feedback to citizen inquiries. A regular monthly meeting must be posted at least 24 hours in advance and noticed at two public locations. Meetings shall be open to the public as provided in RSA 91-A:2 (the Right-to-Know Law).
3. **Public Noticing Locations.** The Town of Harrisville website (<https://www.harrisvillenh.org>), Harrisville Post Office bulletin board, and the entrance to the Town Hall may be used for this purpose.
4. **Nonpublic Sessions RSA 673:17.** These sessions shall be held only in accordance with RSA 91-A:3 (the Right-to-Know Law).
5. **Joint Meetings RSA 676:2.** This type of meeting with other land use boards is permitted; provided a quorum of each board is present on issues that require a vote. Adopted procedures are required before these meetings can be held. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board. Otherwise, the Chair of the board requesting the meeting shall chair it.
6. A **quorum** for all meetings and hearings of the Commission shall be three members, including Alternates sitting in the place of members. A quorum is defined as a simple majority of the number of regular members: 3 members of a 5 member board. It is also the number of members necessary to make a meeting or vote valid. RSA 673:10,III
7. **Minutes.** The written record of the meeting or hearing proceedings taken by the Recording Secretary of the Harrisville District Commission will be the legal record of its deliberations and decisions. Recording devices may be used to assist in the preparation of minutes; however, recordings are not the official record of Historic District Commission proceedings. The recordings of meeting or hearing minutes will be saved until the written minutes of the Commission proceedings are approved, and then they shall be erased.
8. **Disqualification of Members Voting.** Should a member find it necessary to disqualify himself or herself from sitting on a particular case as provided in RSA 673:14, he or she shall notify the Chair as soon as possible so that an Alternate may be selected to sit in his

or her place. Where there is uncertainty as to whether a member should disqualify himself or herself, a member of the Commission may request that the Commission vote on the disqualification. The vote shall be advisory and non-binding. A disqualified member shall not sit at the table during the public hearing and during all deliberations of the case.

9. The **Order of Business** for a **Regular Meeting** of the Commission shall be as follows:
 - a. Chair opens the meeting and conducts a roll call of voting members
 - b. Chair shall certify a quorum and appoint an Alternate to fill any vacancy on the board for hearings and votes by the Commission.
 - c. Agenda approval
 4. Approval of draft minutes from previous meeting
 - d. Proceed with the Meeting as properly noticed
 - e. Old Business
 - f. New Business
 - g. Communications and miscellaneous
 - h. Adjournment.

Please Note: The Chair at his or her prerogative may re-order the agenda with a majority vote of the Commission members present. The Chair shall establish such rules of procedure as are necessary for the orderly conduct of the Commission's business and shall be guided by a desire to maximize public input on matters before the Commission. No new issues shall be brought to the table after 9:00 p.m. except by a vote of the Commission. The Chair may allow additional time after 9:00 p.m. to conclude issues on the table.

10. The **Order of Business** for a **Public Hearing** shall be as follows:
 - a. Chair opens the meeting and conducts a roll call of voting members.
 - b. Chair shall certify a quorum and appoint an Alternate to fill any vacancy on the board for hearings and votes by the Commission.
 - c. Agenda approval. Chair will briefly note applications that are to be presented.
 - d. Approval of draft minutes from previous meeting.
 - e. Chair opens the public hearing.
 - f. The Chair shall read the application and the Recording Secretary shall report on the manner in which public notice and personal notice were given.
 - g. The applicant shall be called to present his or her case and those appearing in favor of the application shall be allowed to speak.
 - h. Questions and input by abutters and any opposed to the application
 - i. The applicant and those in favor shall be allowed to speak in rebuttal.

- j. Those in opposition shall be allowed to speak in rebuttal.
- k. Questions and input by the public-at-large.
- l. The Chair shall present a summary setting for the facts of the application and the claims made for each side.
- m. Members of the commission may ask questions at any point during the testimony.
- n. Each person who appears shall be required to state his or her name and address and indicate whether he or she is a party to the application or an agent or counsel of a party to the application.
- o. Chair closes the public hearing and Board deliberations begins
- p. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional information or material or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

11. Inclement Weather and Continuation of a Public Hearing: If the Chair calls a hearing to order and properly records procedures, but then continues to a specified date, time and place, all abutters that had been notified for the public hearing do not have to be re-notified by the town.

12. Conceptual Reviews: An applicant may make a verbal or written request for conceptual review. This request may be made prior to or during any public meeting. The review may be scheduled for the current or a future meeting as determined by the Chairman. The applicant may seek advice of the Commission only at scheduled meeting. A review may be sought for the purpose of discussing Commission application procedures or Historic District Regulations and ordinances, so that the Commission may evaluate whether the applicant's concept is consistent with requirements prior to the submission of an application. The Commission and applicant may discuss proposals in conceptual form only and in general terms. A discussion shall not bind either the Commission or the applicant. Notice to abutters and the public are not required. No formal documents are required, as sketches and discussion are sufficient.

APPLICATION SUBMISSION, REVIEW, FILING, AND DECISION

Submission, Review, and Filing of an Application. RSA 676:9

- 1. The application is submitted to the Secretary of the Select Board for the Town of Harrisville. The application fee is \$25.00. The deadline for submission shall be 18 calendar days prior to the date of the next scheduled HDC meeting.
- 2. An HDC member has 5 working days to review the application to check that it contains all the required information and is complete.

3. Once the application is deemed complete, the application is considered filed and the Commission has 45 calendar days to seek all the information that it needs to hold a hearing and make its decision.
4. If the application is incomplete, the HDC will notify the applicant immediately in writing with a full explanation of the specific information that is required.
5. The 45 day clock does not begin until the application is deemed complete and filed with the HDC.
6. The 45 day clock may be extended if the applicant agrees to a longer period of time.
7. If the Commission does not file its decision within the specified time period, it constitutes approval of the project by the Commission.
8. If the application is approved as written or approved with additional requirements by the HDC the applicant will then be required to pay any remaining processing fees for the application. Fees to be determined include
 - a. Notifications to abutters, the applicant, all engineers, and providers of special documents.
 - b. Newspaper announcements.
9. The Secretary for the HDC will forward the approved application and related forms to the Secretary of the Select Board for recording. The Harrisville Code Enforcement Officer will be notified of the approved application if relevant and any work called out for on the application may commence at that time.

Commission Decision on Completed Application

1. The Commission will begin to consider the merits of the proposal in the completed Application upon filing. At the discretion of the Chair, site visits may be required as part of the Commission's review process. Applicants shall arrange to make such visits possible. The Commission will act to approve, conditionally approve, or disapprove the Completed Application within 45 days of filing unless the applicant grants an extension.
2. Approval or Conditional Approval of the application shall be certified by majority vote of the Commission and the Approval Form signed and dated by the Chair and properly distributed.

3. If any application is disapproved, the grounds for such disapproval shall be stated on the Disapproval Form of the HDC and properly distributed.
4. The HDC Recording Secretary is responsible for notifying the Secretary of the Select Board of the approved application and shall obtain amounts of the final processing fees for the applicant from the Secretary of the Select Board. The applicant shall submit any additional checks required made out to the Town of Harrisville for all processing fees requiring payment by the applicant.

Appeal of Decisions

Any person or persons aggrieved by a decision of the Historic District Commission shall have the right to appeal that decision to the Harrisville Zoning Board of Adjustment (ZBA) in accordance with the provisions of RSA 676:5. The procedure is as follows:

1. Any appeal of a decision of the HDC shall be filed with the Harrisville ZBA on an application form as designated by the ZBA and shall specify all grounds on which the appeal is based.
2. Application forms for an appeal must be received by the Secretary of the Select Board to be distributed to the ZBA within thirty (30) calendar days after the date of the decision by the HDC. Applications submitted after the 30-day deadline will not be considered.

PROJECT INSPECTION AND COMPLETION

1. **Commencement of Work.** Upon commencement of work, the Certificate of Approval holder shall promptly and diligently pursue completion of the work approved. Work done under a Certificate of Approval shall commence within one (1) year of issuance of the certificate thereof unless otherwise authorized by the Commission.
2. **Completion of Work.** Work done under a Certificate of Approval shall be completed within two (2) years thereof unless otherwise authorized by the Commission. Where a Certificate of Approval holder submits a new application prior to completion of an outstanding Certificate of Approval, the Commission, prior to considering the new application, may require a showing of good cause for an unreasonable delay found by the Commission to have occurred concerning the outstanding Certificate of Approval.
3. **Inspections.** Upon completion of the work, the applicant shall call the secretary for the Select Board for a final inspection, and a representative of the commission shall be

assigned to inspect the work for compliance with the Certificate of Approval. Notwithstanding the requirement for a final inspection, the Commission reserves the right to make periodic inspections while the work is in progress.

ENFORCEMENT

If enforcement is anticipated, written records shall be kept of the times of any and all inspections, with detailed observations of the circumstances constituting the violation. Written record shall also be made of any correspondence or other communication. If access to the property is needed and denied by the owner or occupant, legal action will be needed to obtain access. In this case, the HDC shall contact the Select Board.

The following procedure will be used when it is necessary to enforce the HDC regulations under RSA 676:15, 676:17, 676:17-a, or 676:17-b:

1. An observation or complaint of non-compliance is reported to the HDC or a Commission member.
2. If appropriate, a Commission Member speaks with parties involved to obtain facts and to provide a copy of the Historic District Commission regulations if needed. Member invites complainant and/or offender to Commission meeting, when suitable.
3. At a regular or special meeting, the Commission determines if additional action is required.
4. Verbal requests for compliance are recommended prior to written requests. If verbal approaches are unsuccessful, the HDC shall send a letter to the offender stating a date for initiation of compliance and a date for total compliance. Copies shall be sent to Code Enforcement & the Select Board.
5. If insufficient response is received, a formal Notice of Violation is issued by the Commission. This will state:
 - a. The precise regulation, provision, specification or condition which is being violated.
 - b. The facts constituting the violation, including the date of any inspection from which these facts were ascertained.
 - c. The corrective action required, including a reasonable time within which such action shall be taken. The Notice of Violation shall be delivered by certified mail.

6. If there is no compliance within the stated time period, the Commission shall contact the Select Board. In time-critical situations any of the above steps may be skipped and the Select Board immediately contacted to initiate injunctive relief, cease-and-desist orders, or other legal remedies.

POLICY CONCERNING EMAIL AND OTHER BETWEEN-MEETINGS COMMUNICATIONS RSA 91-A (the Right-to-Know Law)

A. **Purpose.** The aims of this policy are:

1. To ensure compliance with the letter and spirit of the Right-to-Know Law, and with the due process rights of parties before the Commission.
2. To clarify Commission members' ability, between meetings, to research issues and prepare motions or other potential Commission actions, thus promoting efficient use of meeting time, but only to the extent allowed by law; and
3. To clarify the role of electronic media such as Email in achieving these goals.

B. **Definitions.** In this policy:

1. **“Communication”** means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos, Emails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.
2. Any communication involving more than one Board member shall be considered either a **“Distribution”** or an **“Exchange.”**
 - a. A **“Distribution”** is a one-way communication, where no between-meeting response (except acknowledgement of receipt) occurs or is expected.
 - b. An **“Exchange”** is a between-meeting communication, or series of them, which involves a between-meeting response, or expectation of response.
3. **“Ex Parte Communication”** is communication, other than at a legally noticed meeting, between a Commission member and a person with an interest in, or affected by, a pending or future case, or other matters within the Commission's jurisdiction.

C. Between-Meeting Activities of Individual Members. Individual members may, between meetings, prepare drafts of motions or other potential Commission actions. They may also research or investigate general or specific factual issues. However, if the research pertains to a matter then pending before the Commission, the member shall, at the public hearing, disclose research and/or investigation and the names of individuals consulted and/or treatises or reference works consulted. The parties to the matter then pending before the Commission shall be given a meaningful opportunity to respond.

D. Distributions. A Distribution may be made to any number of Commission members, so long as it does not become an Exchange. Whenever a member makes a Distribution concerning a pending or future case, and it involves a quorum of the Commission (counting all senders and recipients):

1. Unless the information is exempt from disclosure under RSA 91-A, the member making the Distribution shall report on it, and its contents, at the public hearing on the case; and
2. Parties to the case shall be given a meaningful opportunity to respond to the information in the Distribution.

E. Exchanges. Exchanges involving a quorum or more of the Commission, or of any subcommittee as defined below are prohibited. Such Exchanges shall be considered deliberations, and shall occur only at meetings noticed in accordance with RSA 91-A. An Exchange pertaining to any activity allowed under paragraph C is permitted if the number of Commission or subcommittee members involved is less than a quorum; however:

1. Each member involved shall be responsible for preventing the number of members involved from reaching a quorum;
2. Information discussed in, or generated by, an Exchange shall not be subject to further Distribution; and
3. No Exchange shall include any vote or straw vote, or an Ex Parte communication.

F. Ex Parte Communications. Commission members shall not initiate Ex Parte communications. If an Ex Parte communication is initiated by another person, the Commission member contacted shall:

1. Refrain from discussing the substance or merits of a case;

2. Inform the person, if necessary, that such a discussion could lead to disqualification;
3. Refer the person to a Commission meeting, as appropriate; and
4. Report on the conversation to the Commission at a public meeting.

G. Scheduling and Agenda. Notwithstanding paragraphs D, E and F, nothing in this policy prevents any Distribution, Exchange or Ex Parte communications which pertain solely to:

1. Scheduling of meetings or hearings;
2. The determination or ordering of agenda items or topics to be taken up at meetings or hearings; or
3. General procedural requirements pertaining to such scheduling and agenda matters.

Adopted: August 25, 2020
Douglas Walker, Chair
Noel Greiner, Vice Chair
Rex Baker
Anne Howe (Alternate)
Scott Oliver
Kathy Scott

Revisions adopted:
September 22, 2020
May 25, 2021