



# **HERITAGE/HISTORIC COMMISSION TOWN OF LONDONDERRY, NH RULES OF PROCEDURE**

## **I. AUTHORITY**

- A. The Historic District Commission was established by a Town Meeting vote in 1987, and it became a combined Heritage/Historic District Commission in 1998 by a Town Council vote pursuant to state enabling legislation. The Heritage Commission is also a Historic District Commission. (Note that where Heritage Commission is used, it means Heritage/Historic District Commission.)
- B. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (NHRSA) 674:44-a which provides that a heritage commission may be established in accordance with NHRSA 673 for the proper recognition, use, and protection of resources, tangible or intangible, primarily man-made, that are valued for their historic, cultural, aesthetic, or community significance within their natural, built or cultural contexts and for any other purpose prescribed by law. See NHRSA 674:44-b.

## **II. MEMBERS**

- A. Pursuant to NHRSA 673:4-a, the Heritage Commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body. Londonderry's Heritage Commission is constituted with 7 members.
- B. Selection, qualification, term, removal of members, and filling of vacancies shall conform to NHRSA 673. Each heritage commission member shall be a resident of the Town of Londonderry. One Heritage Commission member shall be a member of the local governing body. One heritage commission member may be a member of the planning board.
- C. Alternate members may serve on the Heritage Commission as authorized by NHRSA 673:6. Alternate members should attend all meetings to familiarize themselves with the workings of the Heritage Commission and should stand ready to serve whenever a regular member is unable to fulfill his/her responsibilities. Alternate members shall participate in all meetings and deliberations of the commission, excluding voting (unless appointed by the Chair to vote in the place of a regular member).

- D. 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. Londonderry's Heritage Commission is constituted with three alternates.
- E. Members of the Heritage Commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under NHRSA 36-A.
- F. Each newly appointed (including re-appointed) member shall be sworn in and take an oath of office as required by NHRSA 42:1.

### III. **OFFICERS**

- A. The Officers of the Commission shall be a Chair, Vice-Chair and Secretary.
- B. **Chair:** The Chair shall preside over all meetings and hearings; shall prepare with the assistance of the Secretary and Town Staff the meeting agendas and an annual report; and shall perform other duties customary to the office.
- C. **Vice-Chair:** The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.
- D. **Secretary:** The Secretary shall keep a full and accurate record of the proceedings of each meeting including the names of the members present and shall work with Town Staff to ensure proper notice of all meetings notification of applicants and abutters of hearings, and preparation of correspondence and fulfillment of duties as the Chairman may specify.
- E. The officers of the Board shall be elected annually during the January meeting by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

### IV. **POWERS & DUTIES (RETAINED IN NHRSA 674:44-b)**

- A. Survey and inventory historical and cultural resources
- B. Conduct research and publish findings
- C. Assist the Planning Board, as requested, in the development and review of those sections of the master plan which address historical and cultural resources
- D. Provide the Planning Board with input and recommendations on all subdivision and site plan design review applications
- E. Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting historical and cultural resources

- F. Coordinate activities with appropriate service organizations and nonprofit groups
- G. Publicize its activities
- H. Hire consultants and contractors as needed
- I. Perform a study to assess the value in creating a local (regulatory) historic district and prepare an ordinance for it
- J. Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city, or the board of selectmen in a town, such gifts to be managed and controlled by the commission for its proper purposes
- K. Hold meetings and hearings necessary to carry out its duties
- L. Act as a resource to local boards and commissions
- M. Serve as a steward for resources within the Town.

## V. **MEETINGS**

- A. Regular meetings shall be held bi-monthly at the Town Hall at 7:00 p.m. on the fourth Thursday of the month, starting with the month of January. The exception is November when the meeting is the 3rd Thursday of that month (due to Thanksgiving Day).
- B. Special meetings may be called by the Chair or in her/his absence, by the Vice-Chair, or at the request of three regular members of the Commission, provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
- C. Nonpublic Sessions shall be held only in accordance with NHRSA 91-A: 3.
- D. Quorum: A majority of the membership of the Commission shall constitute a quorum, including alternates sitting in place of regular members. For Londonderry, a quorum is four members. A quorum is necessary for the Commission to take any action. If any regular Commission member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act.
- E. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in NHRSA 673:14, he or she shall notify the Chair as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chair or the member before the discussion or the public hearing on the application begins. The disqualified member shall leave the Commission table during the public hearing and all deliberations, but

may remain in the audience as a member of the public. If uncertainty arises as to whether a Commission member should disqualify her/himself, then at the request of that member or the request of another member, the Commission shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.

F. Order of Business for Regular Meetings shall be as follows:

1. Call to order by Chair
2. Approval of previous meeting minutes
3. Public Hearings
4. Design Review presentations of site and subdivision plans
5. Staff reports
6. Other Business
7. Public Comment
8. Adjournment

G. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the voting members present. Voting shall be by voice vote, unless the chair specifically requests a roll call, which shall be recorded in the minutes. An affirmative vote of three members is required for any action.

## **VI APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW**

A. All applications for subdivision and site plan design review shall be reviewed in an advisory capacity by the Heritage Commission with recommendations made to the Planning Board.

B. As part of its review, considerable attention shall be given to the following:

1. Historic buildings/structures
2. Stonewalls
3. Other historic resources
4. Signage
5. Site design/landscaping
6. Architectural design
7. Lighting
8. Street naming
9. Development naming

## **VII. PUBLIC HEARINGS**

A. The Heritage/Historic District Commission is authorized to conduct public hearings in accordance with the Londonderry Zoning Ordinance section 4.6.2 (Historic District). The conduct of public hearings shall be governed by the procedure and regulations found in the ordinance and by the following rules:

- B. The Chair shall call the hearing into session, and read the application information into the record.
- C. The applicant, or their representative will present the application to the Commission.
- D. Members of the Commission may ask questions at any point during the presentation.
- E. The Town staff will present any comments or recommendations to the Commission.
- F. Any applicant, any abutter or any person with an interest in the matter may testify in person or in writing.
- G. Any party to the matter who desires to ask a question of another party must go through the Chairman.
- H. Each person who speaks shall be required to state her/his name and address for the record.
- I. The Commission can make any appropriate motions regarding the application including approval, denial, or continuance of the application.
- J. The Chair shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.
- K. A Notice of Decision will be made available for public inspection at the Planning and Economic Development Department within 72 hours after the decision is made as required in NHRSA 676:3. If the application is disapproved, the Commission shall provide the applicant with written reason for this disapproval.

## **VIII. RECORDS**

- A. The records of the Commission shall be kept by the Secretary and shall be made available for public inspection at the Planning and Economic Development Department as required by NHRSA 673:17.
- B. Minutes of the meetings including the names of Commissioners and staff members present, names of persons appearing before the Board, a brief description of the subject matter, all decisions made (including the vote tally for each motion), shall be open to public inspection within 5 business days after the public meeting as required in NHRSA 91-A:2 ,II.

## **IX. JOINT MEETINGS AND HEARINGS**

- A. Joint meetings and hearings may be held with other "land use boards" including the Zoning Board of Adjustment and the Planning Board. Each board or commission shall have discretion whether or not to hold such joint meeting or hearing (NHRSA 676:2).

- B. Joint business meetings with another local land use board or commission may be held at any time when called jointly by the chairs of the two boards or commissions.
- C. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards or commissions convened.
- D. The Heritage Commission Chair shall chair all joint meetings and public hearings when the subject matter involves the Heritage Commission.
- E. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Heritage Commission, shall be the same as these rules of procedure except that the order of business shall be as follows:
  - I. Call to order by the Chairs
  - II. Introduction of members of both boards/commissions by the Chairs
  - III. Explanation of reason for joint meeting/hearing by the Chair
  - IV. In the case of a public hearing relative to a requested permit, a site plan or an application for a subdivision approval, or all three, the applicant shall be called to present their proposal.
  - V. Adjournment
- F. Each board/commission involved in a joint public hearing makes its own decision based on its criteria for the particular matter.

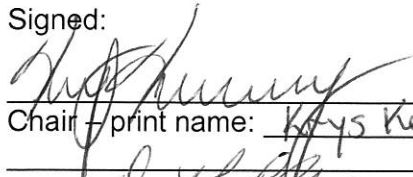
#### **X. AMENDMENT**

- A. These rules of procedure may be amended by a majority vote of the members of the Commission provided that such amendment is read at two (2) successive meetings immediately preceding the meeting at which the vote is to be taken.
- B. The amended procedures shall be filed with the Town Clerk.

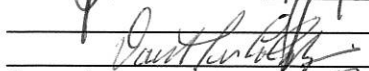
#### **XI. HERITAGE COMMISSION ADOPTION**

A. These Rules of Procedure, having been duly read at two (2) consecutive Heritage Commission meetings as required by Section X.A, are hereby adopted by a vote of the Heritage Commission on this 28<sup>th</sup> day of March 2019.

Signed:



Chair – print name: Kaye Kenney



Secretary – print name: David Lee Colglazier