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Rules of Procedure

Hancock Historic District Commission

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Authority

These Rules of Procedure are adopted under the authority of NH Revised Statutes Annotated 676:1.

Membership and Term of Office

1. Membership: Term of Office

A. The Historic District Commission shall consist of 5 members who shall be appointed by the Selectboard.

B. Selection, qualification, term, removal of members and filling of vacancies shall conform to RSA 673.

C. One commission member shall be a member of the Selectboard and one commission member shall be a member of the Planning Board. One commission member shall live in the Hancock Historic District. Not more than 3 alternate members may be appointed by the Selectboard. When an alternate sits due to the absence or disqualification of a regular member, the alternate shall have full voting powers.

D. Each newly elected or appointed (including re-elected or re-appointed) members shall be sworn in and take an oath of office as required by RSA 42:1.

2. Vacancies

Vacancies in the membership occurring other than through the expiration of a term of office shall be filled by the Selectboard for the unexpired term.

3. Removal of Members

Members may be removed for cause in a manner provided by RSA 673:13. In addition, the Chairman may request the resignation of any member who fails to attend four consecutive regular meetings without just reason.

Officers

1. Organization Meeting: Officers

The Historic District Commission, at its regular April meeting, shall be called to order by the current Chairman. At this meeting, the Commission shall election of one of its members as chairman, one as Vice-Chairman, one as Secretary.

2. Terms of Officers: Eligibility

The term of every officer and chairman shall be one (1) year. All officers shall be eligible for re-election.

3. Duties of Chairman

The Chairman shall call the meetings to order, preside over deliberations, and see that all proceedings are in accordance with the ordinances and regulations of the Town of Hancock. The Chairman shall sign all approved Certificates of Approval, present a yearly report of the activities of the Commission for publication in the Town Annual Report, and perform all other reasonable duties.

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4. Duties of Vice-Chairman

In the absence of the Chairman, the Vice-Chairman shall perform all the duties of the presiding officer.

5. Duties of Secretary

Pursuant to RSA 91-A, the Commission Secretary shall record the minutes of the meetings of the Commission and shall provide minutes to the Town Secretary for public inspection within six calendar days of a public meeting or, unless voted otherwise pursuant to RSA 91-A:3 III, within three calendar days of a non-public meeting. Within six calendar days, of a public meeting, the Secretary shall place copies of the meeting minutes on the town website. The Commission Secretary shall also email copies to all Commission members with email addresses.

At the next meeting the minutes shall be reviewed , amended if necessary, and be approved by the Commission

The Commission Secretary shall also keep attendance of regular, alternate and ex-officio members and may sign Certificates of Approval and Notices of Disapproval in the absence of the Chairperson and Vice-Chairperson.

The Commission Secretary shall maintain such files and records at the Town Offices as shall be required by state statutes and/or the regulations of the Historic District Commission. He/she shall post public notices of all public hearings in the Town Office Building, outside the Town Post Office and on the town website.

The Commission Secretary shall notify all abutters, as identified by the Town Secretary, of the time and place of public hearings.

Code of Conduct

1. Hancock Historic District Commission members shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational, or other ties.
2. Hancock Historic District Commission members who have a financial interest in a property, shall not participate in any discussion, hearing, or other commission consideration of that property.
3. Hancock Historic District Commission members shall not participate in the preparation of administration, monitoring, approval, or payment of any grants or contracts made to, or by, the commission, if a real or apparent conflict of interest would be involved.
4. In conformance with New Hampshire RSA 673:14, no member of the Hancock Historic District Commission shall sit upon the hearing of any question which the commission is to decide, if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.
5. When uncertainty arises as to the application of these provisions to a commission member in particular circumstances, the commission shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by procedure rule adopted under RSA 676:1.

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6. If a member of the Hancock Historic District Commission is disqualified or unable to act, in any particular case before the commission, the chairperson shall designate an alternate to act in place of the disqualified member, as specified in New Hampshire RSA 673:11.
7. Any member of the Hancock Historic District Commission who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the commission, shall remove himself or herself from the commission table, but shall be able to sit in the public audience. That member may make comments as a member of the audience after stating his or her conflict of interest.

Meetings

1. Regular meetings

Regular meetings shall be held on the fourth Tuesday of each month.

2. Special Meetings

Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board 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.

3. Executive Sessions

Executive Sessions shall be held only in accordance with RSA 91-A:3.

4. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.

If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chairman 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. The alternate should continue until the matter is completed; the regular member does not vote on that matter.

5. Meeting Order

At each regular meeting, the order of proceedings shall be as follows, unless altered by the Chairman:

- A. Call to order and quorum check
- B. Approval of minutes of previous meeting(s)
- C. Continued hearings
- D. New business:
 - (1) Public hearings
 - (2) Concept discussions
 - (3) Other items for review
- E. Other business
- F. Motion to continue or adjourn

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Applications for Review

1. Request for Review: Applications for Public Hearing

Appearance before the Historic District Commission for a public hearing shall be by application only. This shall take the form of a written application provided to the Commission Chairperson. Applicant must submit information in accordance with the "Application for Certificate of Approval" in order to conduct an appropriate review.

2. Application Filing Deadline

Applications for the agenda of a regular meeting of the Historic District Commission shall be closed at 4:30 p.m., fourteen (14) calendar days before the date of the scheduled meeting.

3. Action on Applications

Applications are received at the town offices and date-stamped by the Town Secretary. Upon receipt of an application, the Town Secretary shall notify the Chairperson by telephone or email. The Chairperson shall examine the application for obvious omissions and contact the applicant if additional information is needed. The Chairman shall date the application form when he/she determines it is complete and notify the applicant if that date is different than the date the application was submitted. The Chairman shall schedule a public meeting date for the application. If there is adequate time for formal notice, the hearing will take place at the next regular meeting of the Commission. The Commission Secretary shall issue public hearing notice as indicated below.

Any application advertised on an agenda may be approved, denied approval, or continued to the next meeting, if neither the applicant nor an authorized agent is in attendance to present the application.

Notice

1. Notice of public hearings shall be given not less than ten (10) calendar days prior to the date fixed for consideration of the application. The Commission Secretary shall assure that notice is posted at the Hancock Town Office Building, in the lobby of the Hancock Post Office and posted on the town website.
2. Notice shall be made by certified mail to the owner of record, applicant and all abutters, not less than ten (10) calendar days prior to the date fixed for submission of the application to the Commission.

Public Hearings

The conduct of public hearings shall be governed by the following rules:

1. The Chairman will identify members qualified to vote and appoint an alternate member for each regular member who is recused in order to meet the requirement for a quorum.
2. The Chairman shall call the hearing into session, identify the owner of record, applicant or agent.
3. The Secretary shall read the manner in which the public and personal notice was given.
4. The applicant or agent shall be called to present the proposal.
5. Members of the Board may ask questions at any point during the presentation.

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6. Any party to the matter who desires to ask a question of another party must go through the Chairman.
7. Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
8. Each person who speaks shall be required to state her/his name and address and indicate whether she/he is a party to the matter or an agent or counsel to a party of the mater.
9. Those appearing in favor of the proposal shall be allowed to speak.
10. Those in opposition to the proposal shall be allowed to speak.
11. Those neither in favor nor in opposition may speak.
12. Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
13. The Chairman shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of a adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.
14. After closing a public hearing, the Chairman shall entertain a motion from members of the Commission for continuance, approval or denial of the application, which shall include findings of fact in support of the motion. The Chairman shall then call for a vote. A majority vote shall carry the motion.

Decisions of the Historic District Commission

1. The Historic District Commission shall issue a final written Certificate of Approval or a Notice of Disapproval pursuant to NH RSA 676:9 within forty-five (45) days after the filing of a complete application for the Certificate, unless the applicant agrees in writing to a longer period of time. Notice of each decision will be made available for public inspection by the Chairperson of the Historic District Commission at the Hancock Town Office Building within seventy-two (72) hours (three days) after the decision is made. If the application is disapproved, the Commission shall provide the applicant with written reason(s) for the disapproval.
2. A copy of the Historic District Commission's final decision which approves, approves with conditions, or disapproves an application, including signed Certificates of Approval or Notice of Disapproval, shall be provided to the applicant and the Hancock Building Inspector from the Commission Chairperson by regular mail or personal delivery. If the application is not approved, the Commission shall provide the applicant with written reasons for the disapproval.

Appeal of Decisions

In the event that the proposal of an applicant is denied by the Commission, the applicant may, and is encouraged to, modify the proposal and shall have the right to resubmit the application at any time. Any person aggrieved by a final decision of the Historic District Commission shall have a right to appeal as provided by RSA 677.

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Forms

1. All forms prescribed herein and revisions of such forms shall be adopted by resolution of the Historic District Commission.
2. Forms shall be available at the Town Office and the official town website.

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 a 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.

Records of the Historic District Commission

1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the office of the Board as required by RSA 676:3,II.
2. Minutes of the hearings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within 6 days of the public meeting as required in RSA 91-A:2,II.

3. Signatures

Applications approved by the Commission shall be indicated by issuance of a Certificate of Approval signed by the Chairman. In the event that the Chairman is unavailable, the Vice-Chairman shall sign the Certificate. In the event that both the Chairman and Vice-Chairman are unavailable, the Secretary shall sign the Certificate.

Joint Meetings and Hearings

The Historic District Commission may hold joint meetings and hearings with other “land use boards” including the Board of Adjustment, Planning Board, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing.

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 Selectboard.

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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, 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.
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 (return receipt requested), or by the building inspector, or by a Hancock police officer. Certified mail will be addressed to all owners, tenants, and controlling parties. The building inspector and Hancock police officer will only attempt delivery to those parties located within the town of Hancock.
6. If there is no compliance within the stated time period, the Commission shall contact the Selectboard. In time-critical situations any of the above steps may be skipped and the Selectboard immediately contacted to initiate injunctive relief, cease-and-desist orders, or other legal remedies.

Amendment

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 successive meetings immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the Town Secretary.

END