

EXETER HISTORIC DISTRICT COMMISSION

RULES OF PROCEDURE

These procedural rules are adopted under the authority of New Hampshire Revised Statutes Annotated Chapter 676:1 (RSA 676:1).

I. MEMBERSHIP

- A. Members. The Commission shall consist of seven members appointed by the Selectmen. One of the seven members shall be a Selectmen and one shall be a member or an alternate member of the Planning Board, each appointed for a one year term. Members will be appointed for three year terms, the initial terms of members first appointed shall be staggered so that no more than three (3) appointments occur annually, except when required to fill vacancies.
- B. Alternate Members. Selectmen shall appoint four (4) alternate members to serve terms of three (3) years; the initial terms of alternate members shall be staggered to that no more than two (2) appointments occur annually, except when required to fill vacancies. An alternate member shall be selected by the chairperson to substitute as a voting member in the absence or disqualification from a particular case of a member per RSA 673:11. It is expected that alternates will attend meetings on a regular basis, and serve on various subcommittees. Alternates in attendance will be entitled to sit with the Commission and ask questions during public hearings.
- C. Attendance. The failure of any Commission member to attend three consecutive meetings, or to attend 65% of all meetings in a calendar year without just cause, will be cause for the Historic District Commission to request removal as an active member.

II. OFFICERS

- A. Election. A chairperson, vice-chairperson and secretary shall be elected annually by the Commission from the appointed members in the month of May by a majority vote of the Commission. Each officer shall serve for one year and shall be eligible for re-election.
- B. Chairperson. The chairperson shall preside over all meetings and hearings, appoint such committees as directed by the Commission and shall affix his or her signature in the name of the Commission. At the beginning of each meeting the chairperson shall introduce all regular and alternate members of the Commission and identify the voting status of each alternate.
- C. Vice-Chairperson. The vice-chairperson shall preside in the absence of the chairperson and shall have the full powers of the chairperson on matters which come before the Commission during the absence of the chairperson.

- D. Secretary. The secretary shall maintain a record of all meetings, transactions and findings of the Commission and perform such other duties as the Commission may direct by resolution.

III. MEETINGS

- A. Schedule. Regular meetings shall be held at the Exeter Town Office building at or about 7:00 p.m. on the third Thursday of each month. Additional meetings or re-scheduled meetings may be held on call of the chairperson provided public notice and notice to each member is given at least 24 hours before to such meetings.
- B. Public Notice. Notice of regular meetings shall be printed in a newspaper of general circulation in the Town of Exeter or shall be posted in two (2) public places at least 24 hours (excluding Sundays and holidays) before Notice shall also be given to the Building Inspector and other municipal officers and boards deemed by the Commission to have special interest in matters before the Commission or to hold information relevant to Commission proceedings.
- C. Quorum. A quorum for regular business shall consist of four of the Commission's regular or substituting alternate members.
- D. Order of Business. The order for regular meetings shall be as follows:
1. Introductions.
 2. Approval of minutes.
 3. Public hearings.
 4. New business.
 5. Old business.
 6. Communications.
 7. Adjournment.
- E. Public Hearings. Public hearings shall be conducted by the following rules:
1. The chairperson or other member so delegated shall open the hearing and request that the applicant present his or her application.
 2. The applicant shall present his or her application.
 3. Those appearing in favor of the application shall be allowed to speak.
 4. Those opposed to the application shall be allowed to speak.
 5. The applicant or representative thereof and those appearing in favor shall be allowed to speak in rebuttal.
 6. Those opposed to the application shall be allowed to speak in surrebuttal to matters raised in the rebuttal.
 7. Members of the Commission may ask questions at any time during the testimony.
 8. A member of wishing to testify on a matter before the Commission shall not do so as a member, but shall testify as any other person and shall not participate in the Commission's deliberations and decision.
 9. Any member of the Commission, through the chairperson, may request any party appearing at the hearing to reappear to answer additional questions.

10. Each person who appears shall be required to state his name and address and indicate whether he is the applicant, an authorized representative, agent or counsel of a party to the hearing or is appearing as an interested party.
11. Any party who desires to ask a question of another party must do so through the chairperson.
12. The chairperson shall accept a motion and second for the application to be accepted by the Commission.
13. Upon a favorable vote to accept the application, the hearing shall be declared closed and the matter discussed by the Commission and a decision rendered.

IV. CODE OF CONDUCT

A. Conflict of Interest.

1. Commission members and staff 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, abutting, or other ties.
2. Commission members and staff who have a financial interest in a property, shall not participate in any discussion, hearing, or other Commission consideration of that property, whether as part of local review procedures pursuant to [RSA § 674](#) and [RSA § 676](#), or as part of actions such as National Register nomination review procedures.
3. Commission members and staff 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 [RSA § 673:14](#), no member of the 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, another member of the Commission or member of the public, 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,
6. If a member of the 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 [RSA § 673:11](#).
7. Any member of the Commission who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the Commission shall absent himself or herself from the

Commission's meeting while such matters are being considered or acted upon.

8. Commission members and staff who are in office or employed at the time these code of conduct provisions are adopted shall be exempted for a period not to exceed one year from the date of adoption, pursuant to [RSA § 31:39-a](#).

B. Challenge Procedure

1. The challenging party shall state the reasons for disqualifying the challenged members.
2. The challenged member shall reply to the allegations.
3. The chairperson may request testimony.
4. The challenging party shall make his final argument.
5. The challenged member may speak in rebuttal.
6. The Commission shall immediately consider and vote on the merits of the matter.
7. A majority vote will be necessary.
8. If the challenged member does not disqualify himself, the Commission shall reconvene and sit "de jure".

V. **APPLICATIONS FOR CERTIFICATES OF APPROVAL**

A. Submission.

Each application for a certificate of approval shall be made on forms provided by the Commission. The application shall be presented to the Planning Department of the Town of Exeter who shall record the date of the Receipt over the applicant's signature. Where notice to abutters is required (IV.C.2), an application must be received in accordance with the dates set forth in the HDC Schedule of Deadlines and Public Hearings to be considered at that meeting. The Planning Department will forward all applications to the chairperson of the Commission.

B. Fees.

Fees for all applications shall be as approved by the Board of Selectmen and posted in the Town Planning Office.

C. Notice to abutters.

1. Applications for minor changes, alterations, additions, restorations, signage and other items deemed to have limited impact on the district by the Commission chairperson, unless overruled by members of the Commission, will be reviewed by the Commission without notification of owners of abutting property beyond that required in III.B. When uncertainty exists whether notification of abutters is required, the Commission chairperson shall make the determination based on criteria stipulated in the Historic District Ordinance, the policy and past practice of the Commission and

information contained in the application.

2. Applications involving new construction, demolition, relocation, substantial changes in the volume or size of other changes which affect structural or historic contribution of abutting property shall require the notification of the owners of the abutting property in addition to that of section III.B. Where notification is required, the applicant shall submit the complete names and addresses of owners of abutting property and include payment in the amount indicated on the application to cover the cost of notification of abutters by certified mail. Notice shall contain the same information as the public notice. An abutter means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the Commission as stated in RSA 672:3. For purposes of receipt of notification from the Town of a Commission hearing, in the case of an abutting property being under a Condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B: 3, XXIII.

D. Acceptance. The Commission shall promptly reject all applications not properly completed and notify the applicant. No application shall be deemed filed until accepted by the Commission at a public meeting. All accepted applications shall be scheduled for a public hearing within 45 days of acceptance.

E. Certificate of Approval.

1. The Commission shall file a certificate of approval or a notice of disapproval within 45 days of the filing of the application for a certificate of approval unless the applicant has agreed to an extension of time.
2. After reviewing the application, the Commission may require additional information to explain the work and other matters presented in the application.
3. The Commission may, based on a majority vote of the quorum present, delay action on an application for the purposes of scheduling site reviews to examine existing conditions, and reconvene at a special meeting or the next regularly scheduled public meeting to act on the application.
4. Should the Commission fail to act within the 45 day limitation, the application shall be deemed to be approved pursuant to RSA 676:9 III.
5. Notification of the decision shall be made on a form provided by the Commission which shall be sent to the applicant and the Planning Department and filed in the records of the Commission.
6. Approval shall be valid for one year from the date of approval.

VI. FORMS

All forms and revisions thereof shall be adopted by resolution of the Commission and shall become part of these rules.

VII. MINUTES AND RECORDS

Minutes of all meetings shall include the names of members, persons appearing

before the Commission, a brief description of the subject matters discussed and final decisions. Minutes drafted during a meeting of the Historic District Commission are presented to the Commission for their approval and amendment, if necessary, at the next meeting. If Commission members, who were at the meeting when the minutes were recorded, are not available during the subsequent meeting, when the minutes are to be approved, approval of the minutes is tabled until the next meeting. Approval of the minutes may be tabled for up to three (3) subsequent meetings if members who were at the meeting when they were recorded are not available to approve them. If the minutes have not been approved after three (3) subsequent meetings, they may be approved and amended, if necessary, by the Commission members at the fourth meeting after the minutes were recorded. Minutes of the meetings and records of decisions shall be filed with the town clerk. The records shall be open for public inspection during regular business hours of the clerk within 72 hours of the meeting, except those matters which are excepted from the scope of RSA 91-A:3.

VIII. AMENDMENT

These rules may be amended by a majority vote of the members of the Commission provided that such amendment be adopted at a regular meeting of the Commission after a public hearing in accordance with RSA 675:6.

IX. APPEALS

Any person or persons jointly or severally aggrieved by an action or decision of the Commission may appeal to the Zoning Board of Adjustment in accordance with the provisions of RSA 676:5 and 677:1-14.

*Approved 4/18/91
Revised 10/28/07
Revised 10/16/08
Revised 01/21/10
Revised 09/19/13*