

**HISTORIC DISTRICT COMMISSION**  
**Durham, New Hampshire**  
**RULES OF PROCEDURE**

**I. AUTHORITY**

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1, the Durham Town Charter, and The Durham Historic Overlay District under the Durham Zoning Ordinance.

These Rules of Procedure shall be subject to the provisions of all applicable federal, state and local laws, regulations and ordinances.

**II. MEMBERS AND OFFICERS**

A. Members. The Historic District Commission (or “Commission” or “HDC”) shall consist of seven (7) members with three-year staggered terms and three (3) alternates [1]. Five (5) members shall be appointed by the Town Council. The Town Council and Planning Board shall each appoint one representative among their own members. These two representatives shall have all rights of membership, including the right to serve as officers. The Town Council or Planning Board, as appropriate, shall fill any vacancy for the remainder of the unexpired term.

B. Officers. The officers of the Commission shall consist of a Chair and Vice Chair [1] both of whom shall be elected by majority vote at the annual meeting in May. At the request of any member the vote shall be by private ballots. All officers shall serve one-year terms and shall be eligible for re-election. Should the position of any officer become vacant, a replacement for the duration of the term shall be elected at the next regular meeting or at the earliest opportunity. All officers are authorized to vote on all matters in similar fashion to other members of the Commission.

C. Chair. The chair shall preside over all meetings and any public hearings, appoint such committees from the Commission members as necessary, and affix his/her signature in the name of the Commission, as appropriate.

D. Vice Chair. The Vice Chair shall preside in the absence of the Chair and shall have the full power of the Chair on matters which come before the Commission during the absence of the Chair. [1]

**III. MEETINGS**

A. Regular meetings. Regular meetings shall be held at 7:00 p.m. in the Town Council Chambers, Durham Town Offices, on the first Thursday of each month, except for individual meetings which may be cancelled or otherwise scheduled by the Chair. Other meetings may be held on call of the Chair provided public notice and notice to each member is given at least 24 hours, excluding Saturdays, Sundays and legal holidays, prior to such a meeting.

B. Annual Meeting. The regular meeting in May shall be the annual meeting of the Commission unless otherwise scheduled by the Commission. The meeting shall be

held for the purpose of election of officers, review of the past year's events, planning for the coming year, and the transaction of any regular business.

- C. Quorum. A quorum for all meetings of the Commission shall be four members.
- D. Order of Business. The order of business for regular meetings shall be as follows, except as may be changed by the Chair in advance of the meeting or the Commission under Approval of Agenda. [1]
  - I. Call to Order
  - II. Roll Call
  - III. Approval of the Agenda
  - IV. Approval of Minutes
  - V. Public Comments
  - VI. Applications for Certificates of Approval
  - VII. Other Agenda Items
  - VIII. Other Business
  - IX. Adjournment

In preparing the agenda in advance of the meeting, the Commission chair and the Planning Director may rearrange and rename items on the agenda, as they see fit, in order to facilitate the efficient and productive flow of the meeting.

- E. Public Comments. Members of the public may comment on specific applications before the Commission and on other matters on the agenda under the Public Comments section and/or under the specific agenda items, as determined by the Chair.
- F. Non-public Sessions. All deliberations shall be held in public except for non-public sessions held in accordance with the provisions of RSA 91-A.
- G. Manner of Voting. At the discretion of the Chair, or upon the request of any member, voting by the Board shall be by roll call vote, the results of which shall be recorded in the minutes.
- H. Rules of Order. Rules of Order shall generally be governed by the latest edition of Roberts Rules of Order. However, the Commission may depart from explicit compliance with Roberts Rules as it reasonably sees fit, in order to facilitate the efficiency of the meetings.
- I. Attendance. Members shall notify the Commission Chair and/or the Planning Director, as much in advance as possible, when they will not be able to attend or will be late for a meeting. The unexcused absence of a member from three (3) consecutive meetings or six (6) meetings in a twelve (12) month period may constitute grounds for removal by the Town Council.

#### **IV. RECORDS**

- A. Decisions. Final written decisions will be placed on file and made available for public inspection within five (5) business days after a decision is made (per RSA 676:3).

- B. Minutes. Minutes of all public meetings, including names of Commission members, persons appearing before the Commission, and a brief description of the subject matter shall be open to public inspection within five (5) business days after the meeting (per RSA 91-A:2 II).
- C. Signature. The Planning Director shall sign Certificates of Approval and other letters to applicants, unless otherwise determined by the Commission.
- D. Records. The records of the Commission shall be kept by the staff of the Planning Department and be made available for public inspection in accordance with statutory requirements.

**V. OTHER MATTERS**

- A. Staffing. The Planning Department provides support to the Commission to the extent that resources permit.
- B. Representing the Commission. The Commission may authorize the Chair, or any other member of the Commission, to speak on behalf of the Commission.
- C. Communications. Discussions on applications should be held only at public meetings. Discussions outside of these meetings by Commission members, including by email, is strongly discouraged. Email should be sent to the Planning Director. When appropriate, the email, from Commission members and non-members, will then be forwarded to all members and be placed in the record of the proceedings. Members are at liberty to confer with the Planning Director about any Commission matters.
- D. Annual Report. An annual report shall be prepared by the Chair and submitted to the governing body for inclusion in the Town Report.
- E. Budget. At its option, the Commission may present a budget and request funding from the City Council for appropriate purposes.
- F. Recusal of Members. If any Commission member thinks it appropriate to recuse (or “disqualify”) himself or herself from hearing a particular case, as provided in RSA 673:14 and in the Town of Durham Charter, that Commission member shall notify the Chair. The recusal shall be announced by either the Chair or the recused member. The member being recused shall leave the table during all deliberation on the application.

No member of the Commission shall participate in deciding, or shall sit upon the hearing, of any question which the Commission is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if such member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.

When uncertainty arises as to the application of the above paragraph, the Commission shall, upon the request of that member or another member of the Commission, vote on the question of whether that member should be recused. Any such request and vote shall be made prior to or at the commencement of any matter before the

Commission. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Commission members, except as may otherwise be provided.

## **VI. AMENDMENTS**

These Rules of Procedure may be amended by a majority vote of the members of the Commission.

These Rules of Procedure were adopted at the Commission meeting on November 7, 2013 and revised at Commission meetings on the dates shown below. Specific revisions are referenced accordingly throughout the text with brackets [ ].

Revised November 5, 2020. Revisions shown as [1]