

Town of Rye, New Hampshire
HISTORIC DISTRICT COMMISSION
BY-LAWS AND RULES OF PROCEDURE

Historic District Commission Mission Statement

The Rye Historic District Commission promotes the preservation and maintenance of the properties within the District; ensures that new construction and alterations are in harmony with properties in the District; and reviews new use of land or buildings within the District.

MISSION STATEMENT, BY-LAWS & RULES OF PROCEDURE

Adopted:

I. Authority:

The Citizens of Rye voted on March 8, 1966 to establish a Rye Historic District Commission (hereinafter “the Commission”). The Commission has adopted these Rules of Procedure to prescribe the method of conducting its business.

II. Purposes:

The purposes of the Rye Historic District are to preserve, for generations to come, the unique collections of historically, architecturally and culturally significant buildings and structures which characterize the Town of Rye, New Hampshire, to encourage their maintenance and restoration, and to ensure that new buildings and structures and alterations to existing buildings and structures and uses of buildings and structures within the District are in visual harmony with their neighbors to ensure that a district be preserved which will reflect the cultural, social, economic, political, and architectural history of the Town of Rye, New Hampshire, conserve and maintain property values in such District, foster civic beauty, strengthen the local economy, and generally provide an opportunity to benefit the education, pleasure and welfare of all the citizens of the municipality. Pursuant to NHRSA **674:45** the Historic District is charged with the preservation of cultural resources and, particularly, of structures and places of historic, architectural and community value and is hereby declared to be its public purpose. The heritage of the municipality will be safeguarded by:

- i. Preserving districts in the municipality which reflect elements of its cultural, social, economic, political, community and architectural history;
- ii. Conserving property values in such districts;
- iii. Fostering civic beauty;
- iv. Strengthening the local economy; and
- v. Promoting the use of historic districts for the education, pleasure and welfare of the citizens of the municipality.

III. Powers:

The Commission has advisory, review and quasi-judicial authority, specifically, as follows:

- I. For the purpose of establishing a legal basis for the district, the Rye Historic District Commission may perform research and prepare the content of a historic district ordinance prior to its adoption or amendment as provided in NHRSA 675:2. In cases in which a municipality chooses to have both a heritage commission and a historic district commission, the historic district commission may request assistance from the heritage commission in performing research and preparing and updating the content of the historic district ordinance.
- II. The Historic District Commission may adopt and amend regulations in the manner provided in NHRSA 675:6.
- III. The Rye Historic District Commission shall be responsible for administering the ordinance and regulations within the Rye Historic District as provided in NHRSA 676:8-10.
- IV. All districts and regulations shall be compatible with the Rye Master Plan and Zoning Ordinance of the Town of Rye.
- V. The Historic District Commission may assume, if authorized by the local legislative body, the composition and duties of Heritage Commissions.
- VI. In case of a violation of any ordinance or regulation made under the authority conferred upon the Historic District Commission, in addition to other remedies, the Commission may institute any appropriate action or proceedings to prevent, restrain, correct or abate such violation. NHRSA 674:50.

IV. Appropriations and expenditures

Upon establishment of the Rye Historic District Commission, the Town of Rye may appropriate money as deemed necessary to carry out its purposes. The whole or any part of money so appropriated in any year and any gifts of money received pursuant to NHRSA 674:44-b shall be placed in the "Rye Historic District Commission Fund" and allowed to accumulate from year to year. The Rye Historic District Commission may expend money from such funds for its purposes without further approval of the Town Meeting.

The Town Treasurer shall have custody of all monies in the "Rye Historic District Commission Fund" and shall pay out the same only upon order of the Commission. The disbursement of Historic District Funds shall be authorized by a majority vote of the Commission.

V. Membership:

The appointment of members shall conform to the terms and requirements of NHRSA 673:4-a, NHRSA 673:5, the Rye Zoning Ordinance and the Rye Historic District regulations.

The Commission consists of seven Members appointed by the Select Board. Six Members serve three-year terms and the terms are staggered. The Select Board appoints one of its members each year to serve as the seventh Member of the Commission.

The Commission may nominate as many as five Alternate Members for staggered three-year terms as alternates and gain approval from the Select Board.

An Alternate Member may be designated by the Commission Chair to serve as a voting member at a meeting of the Commission, if a regular Member (other than the Select Board member) is absent or disqualified from the proceedings. All voting and non-voting Members may participate in all discussions.

Removal:

Members may be removed for cause in a manner provided by NHRSA 673:13. After a public hearing, appointed Members and Alternate Members may be removed by the Select Board upon written findings of inefficiency, neglect of duty, or malfeasance in office.

VI. Officers:

Election of Officers: The Rye Historic District Commission shall elect, by a majority vote at its first regular meeting after the town meeting, the following officers from among its membership. The term of each officer shall be limited to one year; however any officer shall be eligible for re-election. An Alternate Member may not serve as an Officer.

Chair:

The Chair shall preside at all meetings of the Commission and shall have the duties normally conferred on such officers, appoint such committees as directed by the Commission, and sign in the name of the Commission all correspondence or documents from the Commission. The Chair shall approve the agenda for all regular meetings and special meetings of the Commission. The Chair or the Commission's designee shall act as the official spokesperson for the Commission and prepare an annual report. The Chair shall be ex officio on each committee of the Commission.

Vice Chair:

The Vice Chair shall act as Chair in the absence of the Chair and shall adhere to all requirements set forth for the Chair.

Clerk

The Clerk shall record the minutes of the meetings of the Commission and shall uphold the requirements of NHRSA 91-A. In the absence of the Clerk, the Commission may appoint another Member to act as Clerk. The Clerk shall act as Chair in the absence of both the Chair and Vice Chair, or may appoint a designee to act as Chair with permission of the Commission.

VII. Members and their duties:

Members and Alternate Members are expected to attend all regular, special, annual, and joint meetings and hearings involving the Commission. If Members cannot be present at any meeting, they shall notify the Chair or acting Chair prior to the meeting of the inability to attend.

Attendance Policy:

Regular attendance at meetings by both Members and Alternate Members promotes continuity. Therefore, any such Member who has three (3) consecutive absences, not excused by the Chair, shall be given the opportunity to become an Alternate member. If the Member declines, the Commission may request that the Select Board remove the Member from office for neglect of duty. A public hearing shall be held prior to removing a Member.

VIII. Commission Advisory Committees.

The Commission may, upon the recommendation of the Chair, and by resolution passed by a majority of the Commissioners, designate one or more advisory committees, such advisory committees to be drawn from Commission Members, Alternate Members, and may also include individuals not members of the Commission. The Chair will serve on each committee ex officio. The Commission, upon the recommendation of the Chair, may designate one or more Commission Members and alternates as Alternate Members of any advisory committee, who may replace any absent or disqualified Member at any meeting of the committee. In the absence or disqualification of a Member of a committee, the Member or Members thereof present at any meeting and not disqualified from voting, whether or not a quorum is constituted, may unanimously appoint another Member of the Commission to act at the meeting in the place of any such absent or disqualified Member. The Commission may fill vacancies in the membership of any committees at any regular or special meeting of the Commission or by unanimous written consent.

IX Meetings:

Regular Meetings.

The Commission shall meet quarterly on the second Wednesday of each month. All regular meetings shall be open to the public, unless otherwise noticed, and conducted in strict

accordance with NHRSA 91-A: 3. Meetings shall not be held on Sundays or legal holidays.

The following Rules of Procedure shall govern the conduct of the meeting:

Quorum Required

A majority of the membership of the Commission, being four (4), including Alternate Members sitting in the place of Members, shall constitute the quorum necessary in order to transact business at any meeting.

Notice of Meetings:

Notice of the time, date and place of any public meeting of the Commission shall be posted in one public place in addition to the Town website at least 48 hours, excluding Sundays and holidays, prior to the meeting. Notice to each Member also will be given at least two (2) days prior to such meeting, which notice may be electronic.

Records Required:

Minutes of the events of the meeting shall be taken and shall include the names of Members in attendance, persons appearing before the Commission, a brief description of the topics discussed, and a record of any actions taken or recommendations from the Commission to boards or respective parties. All records must meet the requirements of NHRSA 91-A.

Order of Business:

The general order of business shall be in accordance with the agenda unless modified by a majority of the Commission. The agenda shall include, but is not limited to:

- a. Call to Order by Chair
- b. Pledge of Allegiance
- c. Seating of Alternates, if required
- d. Approval of minutes
- e. Committee reports
- f. Public Hearing, if any has been noticed
- g. Old business
- h. New business
- i. Date and time of next meeting
- j. Adjournment

Voting:

A motion, duly seconded, shall be open to discussion. After all discussion of the motion by Commission Members has been completed, the Chair will call for a vote on the motion by the Commission. A motion shall be passed by a majority of the Members present, voting in the affirmative, once a quorum has been established.

Special Meetings:

Special meetings of the Commission shall take place at the call of the Chair or as three Members of the Commission deem necessary. All special meetings shall be open to the public unless otherwise noticed, and conducted in accordance with NHRSA 91-A:3.

Voting:

A motion, duly seconded, shall be open to discussion. After all discussion of the motion by Commission Members has been completed, the Chair will call for a vote on the motion by the Commission. A motion shall be passed by a majority of the Members present, voting in the affirmative, once a quorum has been established.

Work or Work Sessions:

Work or work sessions may be convened as a whole or as a committee of the whole in the same manner as special meetings, provided that no quorum shall be required and that no official action shall be taken.

Joint Meetings and Hearings:

An applicant seeking a local permit may petition two or more land use boards to hold a joint meeting or hearing when the subject matter is within the responsibilities of those boards. Similarly, the Historic District Commission shall have the authority, on its own initiative, to request a joint meeting with any other land use boards. Each land use board so petitioned shall have the discretion as to whether or not to hold a joint meeting with any other land use board.

- a. A joint hearing shall be a formal Public Hearing.
- b. The Chair of the Historic District Commission, along with the chairpersons of the other land use boards, shall mutually determine who shall chair the joint meeting.
- c. The Rules of Procedure for the joint meeting shall be governed by the land use board that chairs the meeting.
- d. Every board shall be responsible for rendering a decision on the subject matter that is within its own jurisdiction.

Non-Public Sessions:

The Commission shall not meet in non-public session, except for the purposes set forth in (a) through (c) below. No session at which evidence, information or testimony in any form is received shall be closed to the public, except for the purposes set forth in (a) through (c) below. The Commission may not enter non-public session, except pursuant to a motion properly made

and seconded. Minutes of non-public sessions shall be kept, recorded and made available for public inspection.

- a. Matters that, if discussed in public, would likely affect adversely the reputation of any

person, other than a member of the Historic District Commission itself, unless such person requests an open meeting.b. Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are averse to those of the general community.

c. Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the Historic District Commission or any member thereof, or against any member thereof because of his or her membership in the Commission, until the claim or litigation has been fully adjudicated or otherwise settled.

X. Acquisitions and Holdings:

Public Hearing:

The Commission shall hold a public hearing prior to the acquisition or acceptance of a partial or whole interest in real property. At the hearing, any applicant, abutter, or holder of conservation or preservation restriction shall be provided an opportunity to testify in person, and any party with a direct interest in the matter may testify in person or in writing.

Notice:

Notice shall be provided to the seller/grantor/donor, holders of conservation or preservation restrictions and to abutters by mail of the date upon which the Commission will consider the matter. Notice shall be sent by regular mail at least five (5) days prior to the meeting. Notice to the general public shall also be given at the same time by posting in two public places, the Town website and one local newspaper at least ten (10) calendar days before the hearing. The notice shall include a general description of the proposal that is the subject of consideration and shall identify the seller/grantor/donor and the location of the proposed property.

Due Diligence:

The Commission shall perform or cause to be performed all necessary due diligence to protect the interests of the Town and to make an appropriate determination as to the public benefit of the proposed acquisition. Due diligence may include some or all of the following: title search, survey, historic structure report, environmental tests, appraisal, etc.

Consultation with Board of Selectmen:

The Commission shall seek the approval of the Board of Selectmen prior to making a final decision on whether to acquire or accept real property.

Site Review (site walk):

At its option, the Commission may table final consideration of an issue pending a site review. The purpose of the site review is to validate information that could materially affect the

consideration of the issue at hand. A site review shall be considered a potential meeting and shall be posted and open to the public (minutes are only necessary if a quorum exists).

Gifts of Personal Property:

In the case of gifts of personal property, no public hearing is required. A record of the gift will be made in the minutes of the meeting at which it is announced. Monetary gifts will be immediately deposited in the “Rye Historic District Commission Fund”. Gifts of securities or of other personal property that does not have historic or cultural value to Rye’s heritage will be sold immediately and the proceeds deposited into the “Rye Historic District Commission Fund”. Gifts of historic or cultural value to Rye’s heritage may be offered to the Rye Historical Society for accession consideration.

XI. Administration:

Forms:

All forms and revisions thereof shall be adopted by vote of the Commission.

Due Diligence:

The Commission may table final consideration of an issue for the purposes of seeking advice, recommendations, or reports from professional, educational, cultural, civic or other groups or persons as may be deemed necessary for the determination of a reasonable decision.

Records:

Commission minutes and by-laws shall be kept in the office of the Town Clerk and be available to the public. Other public records may reside with the Commission or Commission members, and will be made available upon request to the Clerk of the Commission.

XII. Code of Conduct:

1. 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. Commission Members 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 or as part of actions (such as National Register nomination review procedures) pursuant to the responsibilities of a “Certified Local Government” under the National Historic Preservation Act, or under the associated requirements established by the

National Park Service and the State of New Hampshire for participation in the Certified Local Government program.

3. Commission Members shall not participate in the preparation, administration, monitoring, approval, or payment of grants or contracts made to the Commission if a real or apparent conflict of interest would be involved.

4. 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 an action of 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 Commission, vote on the question of whether that Member should be disqualified. No person, other than a Commission Member, shall be permitted to make such a request. 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 Chair shall designate an Alternate Member to act in place of the disqualified Member.

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 recuse himself or herself from the Commission's meeting while such matters are being considered or acted upon.

XIII. Amendments:

Amendments:

These By-laws and Rules of Procedure may be amended at any regular meeting of the Commission by a four-fifth vote of the Commission Members, who may vote in person or by proxy received by the Clerk from the Member in writing or electronically at least 24 hours prior to the vote.

Notice:

Notice of Amendment changes require two weeks prior written notice to the Members, which may be made by electronic means in accordance with these By-laws.

Filing with the Town Clerk:

These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection. A complete set of by-laws, as amended, shall be attached to the minutes of the Commission meeting in which they were amended and finalized.

