

**TOWN OF NEWPORT HERITAGE COMMISSION
RULES OF PROCEDURE**

ARTICLE I – PERSONNEL

The following shall be the Rules of Procedure of the Newport, New Hampshire Heritage Commission, which are adopted under the authority of RSA 676:1.

- A. Officers: The officers of the Board shall be a Chair, a Vice-Chair and a Secretary who shall be elected at the annual meeting of the Board and shall hold office until their successors have been elected at the next annual meeting.
1. Chair: the Chair shall preside at all meetings of the Board and shall sign all agreements and other instruments made by the Board when approved by the Board.
 2. Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair.
 3. Secretary: The Secretary shall keep the records of the Board including the minutes of all meetings, public hearings and proceedings in a journal of such meetings, which shall include the names of members present, and voting when a vote is taken. Where a member leaves a meeting or arrives at a meeting after the Chair has called the meeting to order, the Secretary shall note the arrival or departure of the member in the minutes of the meeting. All files, minutes of meetings, applications, plans and similar material that are the official records of the Newport Heritage Commission shall be kept in the office of the Town Clerk, and shall be public records, open to view by the public upon request during the regular hours for business of the Municipal Building.
- B. Vacancies:
1. Should the office of Vice-Chair or Secretary become vacant the Board shall elect a successor from its membership at the next regular meeting to serve the unexpired term of said office. If the office of Chair becomes vacant, the Vice-Chair shall become the Chair effectively immediately.
 2. Where a vacancy occurs in the membership of the Board, the vacancy shall be filled as specified by State law. The Board of Selectmen shall fill any vacancy within 60 days of its occurrence.
- C. Disqualification: any member shall disqualify himself or herself from acting upon any matter before the Board where there may be a conflict of interest between the member and such matter. In the event that such member shall not disqualify himself or herself, the entire Board may by two-thirds vote disqualify such member for such matter, and,

thereafter, the disqualified member shall not participate in any way in relation to such matter.

ARTICLE II – MEETINGS

- A. Regular Meetings: Regular meetings shall be held at 6:00 p.m. on the second Monday of January, March, May, July, September and November unless such a date shall be a legal holiday, in which event said meeting shall be held on the next succeeding Monday that is not a holiday.
- C. Special Meetings: The Chair may at his or her discretion and shall upon written request of the Planning & Zoning Administrator call a special meeting of the Board for the purpose of transaction of any business specified in the call. The call for special meeting shall be by verbal or digital communication directed to each member at least 48 hours prior to the time of the call of said special meeting. No business shall be considered at a special meeting other than that designated in the call. Public notice of such special meeting is required by State law by posting in two public places at least 24 hours in advance of the meeting.
- D. Conduct of Meetings: A majority of the total membership of the Board must be present and voting at the meeting shall constitute a quorum necessary for the purpose of voting and conducting business of the Board. When a quorum is present and voting, action may be taken by the Board upon a majority vote of the Board.
- E. Order of Business: At a regular meeting of the Board, the following shall be the order of business:
1. **Call to Order.**
 2. **Roll Call.**
 3. **Approval of Minutes.**
 4. **Public Hearings.**
 5. **Public Comments.**
 6. **Unfinished Business.**
 7. **New Business.**
 8. **Communications to the Board.**
 9. **Adjournment.**
- F. General Rules for Public Hearings:
1. Members of the Board may ask questions at any point during testimony.
 2. Any member of the Board, through the Chair, may request any party to the case to reappear.
 3. Each person who appears shall be required to state his or her name and address and indicate if he or she is a party to the case or an agent or counsel of a party to the case.

4. Any party to the case who desires to ask a question of another party to the case must do so through the Chair.

ARTICLE III – APPLICATIONS

A. Format & Submittal:

1. Each applicant for a hearing before the Board shall be made on forms provided by the Board. The forms are available at the Office of Planning and Zoning. **(Appendix A)**
2. All forms and revisions thereof shall be adopted by the resolution of the Board and shall become part of these rules.
3. The applicant must submit the completed application form and all fees to the Office of Planning and Zoning at least fifteen business days prior to the meeting.
4. At each meeting, the Chair shall present all applications that have been received by the above deadline to the Board.

ARTICLE IV – DUTIES

- A. Reviewing and rendering an opinion on all new construction, and on all alteration, repair, and demolition of structures and places within officially designated local historic district/s **as outlined in the application of Certificate of Approval; (Appendix A)**
- B. Enforcing its decisions through appropriate procedural or judicial means in accordance with Section 304 of the Newport Zoning Ordinance; **(Appendix B)**
- C. Preparing community-wide historical overviews;
- D. Conducting a comprehensive community-wide survey of historical resources;
- E. Making recommendations for designation of local districts to the appropriate local governing body;
- F. Establishing and using written guidelines for the conservation of formally designated Historic Districts;
- G. Acting in an advisory role to other elements of local government, regarding the identification, protection, and preservation of local historical resources;
- H. Acting as a liaison between local government to individuals and organizations concerned with historic preservation;

- I. Working toward continuing education about historic preservation issues and concerns for the community and its citizens;
- J. Providing general technical assistance and specialized education and training services, for Commission members, municipal officials, and the public;
- K. Participating in informational or educational meetings about Certified Local Governments, Historic District (and Heritage) Commissions, and historic preservation issues;
- L. Preparing historical resources components of local master plans; and insuring that historical resources are taken into account at every level of local decision-making; and
- M. Reviewing all proposed National Register nominations within the geographic boundaries of the community.

(Based on paragraph V.B.2. of *REQUIREMENTS FOR CERTIFICATION OF LOCAL GOVERNMENT PROGRAMS IN NEW HAMPSHIRE* March 1995)

ARTICLE V – CODE OF CONDUCT

- A. Heritage Commission members (and staff, if any) 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.
- B. Heritage Commission members (and staff, if any) who have a financial interest in property, shall not participate in any discussion, hearing, or other Commission consideration of that property, whether as part of local review procedures pursuant to New Hampshire RSA 674 and RSA 676, 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.
- C. Heritage Commission members (and staff, if any) shall not participate in the preparation or 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.
- D. In conformance with New Hampshire RSA 673:14, no member of the Heritage 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 interests 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.

- E. 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 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 procedural rule adopted under RSA 676:1.
- F. If a member of the Heritage Commission is disqualified or unable to act, in any particular case pending before the Commission, the chairperson shall designate an alternate to act in the place of the disqualified member, as specified in New Hampshire RSA 673:11.
- G. Any member of the Heritage 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.
- H. Any member of the Heritage Commission (and staff, if any) 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.

ARTICLE IV – PROCESS FOR HISTORIC DISTRICT DESIGNATION

- A. The Heritage Commission shall nominate and designate the boundaries of a Historic District for review and approval by the Planning Board and adoption at Town Meeting in accordance with the following process:

1. HISTORIC RESOURCES SURVEY & MAP

- (a) The Commission shall conduct a historic resources survey of the proposed Historic District which shall inventory the historical, architectural and cultural details of buildings, structures, landmarks and sites within the proposed district and list their importance under one or more of the three categories below:

- (1) Historically significant;
- (2) Architecturally significant; or
- (3) Non-contributing (its presence does not significantly contribute to the overall historic character of the District)

Each building, structure, landmark or site that is inventoried shall be plotted and numbered on a scaled map of the proposed District. A legend on the map shall list each of the numbered items followed by its historic name, contemporary name, date of creation, style and a brief description

of its significance or non-significance. The text of the historic resource survey shall contain a more detailed description of each numbered item.

2. PLANNING BOARD REVIEW AND APPROVAL

- (a) Upon completion of the historic survey and proposed District map, the Commission shall forward all relevant materials to the Planning Board for its review and approval at a public hearing in accordance with RSA 675:2, I & II.

3. TOWN MEETING ADOPTION

- (a) Upon approval of the proposed Historic District, the Planning Board chair shall make a written request to the Board of Selectmen to have the designated Historic District placed on the warrant for adoption by ballot vote at a regular or special Town Meeting in accordance with state law. Once adopted at Town Meeting, the Historic District shall be subject to the Historic District Ordinance. (Appendix B)

B. Procedure:


These rules may be adopted and amended by a majority vote of the members of the Board provided that the final form is made available for public inspection.

C. Effective Date:

The adoption of these rules of procedure or any amendments thereto shall take effect immediately upon adoption by the Board.

RECEIVED

062816

 TOWN CLERK
NEWPORT NH

Adopted March 11, 1980
Revised October 15, 1996
Revised June 13, 2016 (Meeting Time)