

## Historic District Commission/Heritage Commission

3 No. Lowell Rd, Windham, NH 03087

(603) 432-3806 / Fax (603) 432-7362

Email: [hdc@windhamnh.gov](mailto:hdc@windhamnh.gov)

[www.windhamnh.gov](http://www.windhamnh.gov)



## Rules of Procedure

### 1. AUTHORITY/PURPOSE

- 1.1. These rules of procedure are adopted under the authority of New Hampshire Revised Statute Annotated Chapter 676:1, and the Zoning Ordinance and Land Use Regulations of the Town of Windham NH specifically sections 608: Historic Districts, and 719: Historic Buildings/Structure Demolition/Substantial Modification Delay Ordinance, as amended.

### 2. ORGANIZATION

#### 2.1. RESPONSIBILITIES OF MEMBERS

- 2.1.1. All members shall make every effort to attend each scheduled meeting.
- 2.1.2. Members of the Commission have authority only when acting as a Commission legally in session. The Commission shall not be bound by any action or statement of any individual Commission member, except when such statement or action is pursuant to instructions from the Commission.

#### 2.2. MEMBERSHIP: QUALIFICATION; TERMS; VACANCIES

- 2.2.1. The Commission shall consist of five (5) members and up to three (3) alternate members, all of whom shall be appointed by the Board of Selectmen. The members of the Commission shall be appointed for three (3) year terms, except the initial appointments, which shall be staggered so no more than two Selectmen's appointments are made annually, except when required to fill vacancies. In addition, the Selectmen may appoint three (3) persons to serve as alternate members of the Commission. Alternate members shall be appointed for three (3) year terms, one (1) each year, except initial appointments, which shall be staggered such that only one term expires each year. Members (and alternates) of the Commission shall serve without compensation. In the event of a vacancy on the Commission, interim appointments may be made by the Board of Selectmen to complete the unexpired terms of such position.

### 3. OFFICERS

#### 3.1. ELECTION

- 3.1.1. A Chairperson, Vice-Chairperson, and Secretary shall be elected by a majority vote of those present at a regular meeting of the Commission, at least once per year, after Board of Selectmen appointments, or as needed.

#### 3.2. DUTIES:

##### 3.2.1. CHAIRPERSON

- The Chairperson shall preside at all meetings of the Commission.
- To open the session at the time at which the Commission is to meet by calling the members to order.
- To announce the business before the Commission in the order in which it is to be acted upon.
- To recognize members entitled to the floor.
- To state and put to vote all the questions which are called, or necessarily arise during the proceedings, and to announce the result of the vote.
- To assist in expediting all business in every way compatible with the rights of the members by: Not allowing remarks when non-debatable motions are pending.
- Calling a recess to permit restoration of order or clarification of an obscure point if s/he thinks it advisable.

- Guiding the members when engaged in a debate to stay within the rules of order. Ensuring on all occasions the observance of order and decorum among the members.
- Deciding all questions of order (subject to an appeal by any two (2) members) unless s/he prefers to submit the question for the decision of the Commission.
- Informing the Commission on a point of order, or practice pertinent to pending business.
- To authenticate by his/her signature, when necessary, all acts, orders, and proceedings as directed by vote of the Commission.
- The Chairperson shall vote as a member of the Commission.
- Discussions which are not addressing the business before the Commission, or which are conducted in a disorderly or disrespectful manner shall be ruled out of order. The Chairperson shall take whatever action is necessary to achieve and maintain order, including ordering the removal of any person who continues disorderly conduct.

### 3.2.2.VICE-CHAIRPERSON

- In the absence of the Chairperson, the Vice-Chairperson shall preside and assume all duties and responsibilities of the Chair.

### 3.2.3.SECRETARY

- The Secretary, appointed by a majority vote of the Commission and serving terms at their pleasure, shall be responsible to maintain minutes as required under RSA 91-A.
- Said Secretary shall file a draft copy of the minutes on the town website within 5 business days of the meeting. Upon approval of minutes at a regularly schedule Commission meeting the official copy of the minutes will replace the draft minutes on the town website.
- At the end of the year the secretary will compile all the meeting minutes from the year and physically submit to the Town Clerk for retention in the town archives, or other arrangement as amended by Town Clerk.
- In the absence of a Secretary, the Chairperson or Vice-Chairperson shall assume all duties and responsibilities of the Secretary.

### 3.2.4. REGULARS

- Regular members, appointed by the Board of Selectman have the authority to vote on matters before the committee, participate in the hearing of applications, and participate in deliberative sessions.

### 3.2.5.ALTERNATES

- When an alternate is assigned to a case, he/she has all the duties of a regular member. Non-assigned alternate members of the Commission may participate in the hearing of applications, but shall not participate in the deliberative session, which shall be limited to regular members and designated alternates.
- Alternates shall be appointed by the Chairman to participate in place of any regular member who is absent or is disqualified from participating.

## 4. OPERATION

- 4.1. MEETINGS - All meetings of the Commission shall be conducted in accordance with RSA 91-A and generally conducted in accordance with the order of the 'Agenda'.
- 4.2. SCHEDULE OF REGULAR MEETINGS - The Commission shall meet on the first Thursday of each month at 7:00 pm unless otherwise indicated.
- 4.3. LOCATION OF MEETINGS – Unless otherwise relocated by the Commission, meetings of the Commission shall be conducted at the Town Museum, Community Development Department conference room, or other suitable location within the Town Center Historic District.
- 4.4. CONDUCT OF MEETINGS: Meetings shall be conducted in accordance with generally accepted practices of order and decorum. In the event of a dispute regarding procedural matters, "Robert Rules of Order" shall serve as a guideline with a vote of the Commission being the final deciding authority.
- 4.5. RECORDING OF VOTES: Votes shall be by a show of hands or roll call. The vote of each member present shall be recorded. No action shall be re-considered at a subsequent meeting in the same calendar year, except by a majority vote of the members present and voting.

- 4.6. REQUESTS FOR INFORMATION: Should it become apparent to an individual Commission member that additional information relative to a specific item may be needed for Commission use at the next regularly scheduled meeting, a request for this information may be submitted to the Chairperson.
- 4.7. Any information provided to any individual Commission member shall be provided to the rest of the Commission and shall note the origin of the request.

## 5. RULES OF ORDER

- 5.1. QUORUM - A quorum shall consist of three (3) members of the Commission.
- 5.2. AGENDA - An Agenda shall be published with meeting notice at least 24 hours prior to the meeting.
- 5.3. The Agenda may take any form or order the committee prefers such as:
  - Call to order
  - Approval of previous minutes
  - Scheduled agenda items
  - New business
  - Old Business
  - Adjourn
- 5.4. A motion for adjournment will usually not be in order until after the completion of the order of business unless a motion has been made at the start of the meeting to adjourn at a specified time.
- 5.5. Persons, including Commission Members, wishing to place an item on the agenda must notify Chairperson before the agenda-setting deadline, which is seven (5) calendar days prior to a Commission meeting.
- 5.6. After the agenda setting deadline has passed, items may only be placed on the agenda for discussion at the meeting by a majority vote of the Commission members present.

## 6. GENERAL RULES

- 6.1. Members of the Commission may ask questions at any point during a meeting or public hearing.
- 6.2. Any member of the Commission, through the Chairperson, may request any party to an application or action on the part of the Commission to reappear before the Commission.
- 6.3. Each person who appears shall be required to state his/her name and address, and indicate whether he/she is an abutter, a party to an application, or an agent or counsel of the party to the application.
- 6.4. Any party to an application who desires to ask a question of another party during a public hearing must do so through the Chairperson.

## 7. PUBLIC HEARINGS AND NOTICES PURSUANT TO SECTIONS 719 AND 608

- 7.1. Notice of public hearing shall be given in the following fashion:
  - by publication in a newspaper of general circulation
  - by posting in at least two (2) public places; and
  - by sending by certified mail to the applicant and all abutters.
- 7.2. All such notices shall include the name of the applicant, the description of the property, action desired by the applicant and the time and place of the hearing. All the foregoing notices shall be published, posted or mailed not less than fourteen (14) days prior to the hearing (as calculated under state law).
- 7.3. it will be the responsibility of the applicant to obtain and submit the list of the names and addresses of the abutters as obtained from the office of the Tax Assessor. The applicant shall include two (2) sets of mailing labels for all persons to be noticed.
- 7.4. CDD shall be responsible for arranging the publishing, posting, or forwarding of such notices. The costs of all such notices shall be the responsibility of the applicant.

## 8. ROLE OF THE HISTORIC DISTRICT COMMISSION (HDC)

- 8.1. The Windham HDC must review any new construction, alteration of exterior architectural features, or demolition within an historic district. No building permit for such work on property within a Historic District may be issued by CDD until a Certificate of Approval has been issued as described in section 8.3.
- 8.2. The Commission's role in reviewing and approving the alteration or construction of structures includes signs,

fences, walls, terraces, walks, driveways, light fixtures and the like, which are within "view from the public way, including color, kind, and texture of the building material, type of wall, windows, dormers, lighting fixtures, walks, terraces, exterior walls, fencing, and other fixtures appurtenant to such portion."

8.2.1. In performing its duties, the Commission must consider:

- General design and arrangement, including density, scale, unity in composition
- Exterior architectural features and the extent to which they harmonize with existing features found within the Historic District
- All signs which are subject to view from a public street, way or place
- The type or types of material to be used on the structure
- The type of roof
- Architectural details, such as cornices, lintels, arches, balustrades, railing, entrance, doors, windows, dormers, chimney, etc.
- The type or types of material used to construct or install paving, walks, walls steps, etc.
- The type or types of material used to construct fencing or screening
- The placement of and type of lighting fixtures, lights, poles, and trash receptacles
- Color whether of a natural material or a painted one
- Height which shall not exceed 2-½ stories or a maximum of 35 feet

### 8.3. APPLICATION FOR HISTORIC DISTRICT CERTIFICATE OF APPROVAL/APPROPRIATENESS

8.3.1. An application for a Certificate of Approval/Appropriateness (COA/A), must be submitted to the HDC/HC for any proposed work to be performed, and prior to commencement of such work, which is within the scope of the Historic District Ordinance Section 608.

8.3.2. (COA/A) forms shall be provided to CDD by the HDC/HC Chair or Vice Chair

8.3.3. Application forms for (COA/A) shall be obtained from CDD by the applicant.

8.3.4. Completed applications shall be submitted to CDD to be forwarded to the HDC/HC with a building permit application.

8.3.5. Each application must include the following supporting materials:

- A list of all the abutters of the property (adjoining, directly across the street or stream), and (2) printed address labels for each abutter.
- Drawings for the proposed alterations, additions, or changes and for new construction of building or property use. Drawings must include plans and exterior elevations drawn to scale with sufficient detail to show the architectural design of the building.
- Samples of materials, to illustrate texture and color.
- A site plan including all improvements affecting appearances such as walls, walks, steps, terraces, lighting, fencing, accessory buildings, sign, and other elements.
- Any proposed sign or existing sign to be changed, either in size, color, or lettering. The proposed sign must be shown on a detailed scale drawing showing the type of lettering, all dimensions and colors, a description of materials to be used and methods of illumination, if any, and a plan showing the location on building or property.

8.4. Upon receiving an application, the HDC/HC, in its sole discretion shall judge the completeness of the application and set a hearing date accordingly. The applicant must return at least two (2) original copies of this application, including the above-referenced supporting materials, to the CDD to be forwarded to the Commission with a building permit application. An application is considered incomplete without accompanying plans and drawings. Incomplete applications will be returned to the applicant and will not be scheduled for commission review.

## 9. FORMS

9.1. All forms, and subsequent amendments shall be adopted by the HDC/HC and shall become part of these Rules of Procedure. Subsequent amendments of forms shall follow the amendment process below.

10. FEES

10.1. There shall be no fee to file an application for a certificate with the HDC/HC.

11. APPEALS

11.1. Any person or persons jointly or severally aggrieved by a decision of the HDC/HC shall have the right to appeal concerning such decision to the Zoning Board of Adjustment in accordance with the provisions of RSA 677.

12. AMENDMENT PROCEDURE

12.1. These Rules of Procedure may be amended by a majority vote of the HDC/HC.

13. EFFECTIVE DATE

13.1. These Rules of Procedure shall take effect immediately following a majority vote of the HDC/HC at a regularly scheduled meeting.

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## Application for Historic District Certificate

The undersigned hereby applies to the Windham Historic District Commission for:

- Certificate of Approval  Certificate of Appropriateness (Preliminary HDC review)

*No building permits within Historic Districts may be issued, nor work commence, until the HDC issues a Certificate of Approval.*

Location of Building, Structure, Land: Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Street Address: \_\_\_\_\_

Applicant Information: Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City / State / Zip Code: \_\_\_\_\_

Owner Information: Name: \_\_\_\_\_

Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Describe the proposed alteration(s) to exterior architectural features, construction, or demolition, in the space provided below. If more space is needed attach additional information to this application:

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If the items listed below are not already provided in the case file, submit them with this application. If they already exist in the case file, reference the case file number here:

Case File Number: \_\_\_\_\_

- Drawings for the proposed alterations, additions, or changes and for new construction of building or property use. Drawings must include plans and exterior elevations drawn to scale with sufficient detail to show the architectural design of the building.

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- Samples of materials to illustrate texture and color.
- Site Plan including all improvements affecting appearances such as walls, walks, steps, terraces, lighting, fencing, accessory buildings, signs, and other elements.
- Sign: Any proposed sign or existing sign to be changed either in size, color, or lettering, shall be shown on a detailed scale drawing showing the type of lettering, all dimensions and colors, a description of materials to be used and methods of illumination, if any, and a plan showing the location on building or property.

All of the above items shall be filed with the Historic Commission through the Community Development Department.

Proposed Start Date: \_\_\_\_\_ Proposed Completion Date: \_\_\_\_\_

I certify that the information contained herein is true and accurate to the best of my knowledge and belief.

Signature of Applicant/Owner and Date: \_\_\_\_\_

## *For HDC Commission use Only*

Date Received: \_\_\_\_\_ Application Number: \_\_\_\_\_

HDC Hearing Date: \_\_\_\_\_

Check as applies:

- |  |   |
|--|---|
| <input type="checkbox"/> Certificate of Appropriateness – APPROVED                 | <input type="checkbox"/> Certificate of Approval - APPROVED                 |
| <input type="checkbox"/> Certificate of Appropriateness – APPROVED with CONDITIONS | <input type="checkbox"/> Certificate of Approval – APPROVED with CONDITIONS |
| <input type="checkbox"/> Certificate of Appropriateness - DISAPPROVED              | <input type="checkbox"/> Certificate of Approval - DISAPPROVED              |

Conditions or Disapproval explained: \_\_\_\_\_

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