

# Bristol Historic District Commission

TOWN OF BRISTOL, N. H.

## **BYLAWS**

Adopted June 2006  
Amended November 2008  
Amended June 2018  
Amended October 2019  
Amended August 2022

## **ARTICLE I - Name and Objective of Board**

**Section 1 - Name:** The Commission shall be known as the Bristol Historic District Commission hereinafter sometimes referred to as the "Commission" or the "HDC".

**Section 2 - Objects:** The Commission shall perform the duties assigned to Planning Boards under the provisions of Title LXIV of the New Hampshire Revised Statutes Annotated (RSA) relative to "Planning and Zoning", including, but not limited to, the duties specified in Chapter 674:45. *(Amended 2018)*

## **ARTICLE II - Membership**

**Section 1 - Membership:** The membership of the Commission shall consist of five (5) members including one (1) Ex-Officio member and up to five (5) alternate members appointed by the Select Board in accordance with the provisions of RSA 673:4, 5, 6, and 13. *(Amended 2008)*

**Section 2 - Terms of Members:** The terms of office of members and alternate members of the Commission shall be as provided in RSA 673:2 and RSA 673:6. The terms of office for all members and alternate members is for three (3) years on a staggered basis (2-first year, 2-second year, and 1-third year). *(Amended 2008)*

**Section 3- Filling Vacancies in Membership:** Vacancies in the membership of the Commission, occurring other than through the expiration of a term of office, shall be filled in accordance with the provisions of RSA 673:12, by the original appointing or designating authority, for the unexpired term.

**Section 4 - Removal of Members:** In accordance with the provisions of RSA 673:13, after public hearing, appointed members and alternate members of the Commission may be removed by the appointing authority upon written findings of inefficiency, neglect of duty, or malfeasance in office.

**Section 5 - Designation of Alternate Members:** Whenever a regular member is absent, or whenever a regular member disqualifies himself, the Chair shall designate an alternate, if one is present, to act in the absent member's place.

## **ARTICLE III - Officers**

**Section 1 - Officers:** In accordance with the provisions of RSA 673:8, the officers of the Commission shall consist of a Chair, and a Vice-Chair who shall be elected during the annual meeting (first regularly scheduled meeting following Town elections in March) for a term of one (1) year. All officers are eligible for re-election and there is no limit on the number of terms they may serve. Any regular member of the Commission is eligible to be elected Chair, with the exception of an Ex-Officio member.

**Section 2 - Chair:** The Chair shall be elected annually by a majority vote of the HDC at the annual meeting. He shall preside over all meetings and hearings and appoint such committees as directed by the Commission.

### **ARTICLE III – Officers (continued)**

**Section 3 - Vice Chair:** In the absence of the Chair, the Vice-Chair shall preside at all meetings and hearings of the Board and shall assume the duties of the Chair during such proceedings.

**Section 4 - Chain of Command:** In the absence of the Chair, the order of succession shall be as follows:

1. Vice-Chair
2. A member elected by a majority vote of the members present at the meeting of the Commission.

The person acting as Chair pursuant to this section shall assume the duties of the Chair.

**Section 5 - Clerk of Records:** The Clerk of Records shall be an individual hired by the Town of Bristol and shall be responsible for the official recording and maintenance of the minutes of meetings of the HDC, public hearings and other activities of the HDC. The Clerk of Records shall sign the minutes after they are accepted and approved by the HDC.

**Section 6 - Vacancies Among Officers:** Should the office of Chair or Vice-Chair become vacant, the HDC shall elect a successor from its membership at the next regular meeting to serve the unexpired term of said office.

### **ARTICLE IV - Meetings of the Commission**

**Section 1 - Annual Meeting:** There shall be an annual meeting of the HDC held on the next regularly scheduled meeting following the March Town elections each year. Unless otherwise ordered by the HDC, such meeting shall be held in the Town Office Building at 7:00 p.m. for the purpose of the election of officers, reviewing of reports, and the transaction of such other business as shall come before the meeting. Officers shall be elected by majority vote of the members present.

**Section 2 - Regular Meetings:** Regular meetings of the HDC shall be held on the second Tuesday of each month at such time and place as the HDC shall designate in the official notice of such meeting posted and otherwise noticed pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated (RSA). In the event, that such day is a legal holiday, the Commission shall determine the need of an alternate day. The HDC, as a member of the Certified Local Government Program (CLG) must meet, at minimum, four (4) times a year from October 1 to September 30. *(Amended 2008 / 2022)*

**Section 3 - Special Meetings:** Special meetings of the HDC shall be held at the call of the Chair at such time and place as designated by the Chair in the official notice of such meeting posted pursuant to and in accordance with the provisions of Chapter 91-A of the RSA. Special meetings of the HDC may also be called by the Chair or Vice Chair upon written request of three (3) members, made to such officer in writing. Notice of any such special meeting shall be posted and otherwise noticed pursuant to and in accordance with the provision of Chapter 91-A of the RSA and e-mailed to all members and alternates of the HDC at least five (5) days prior to the date of such meeting. *(Amended 2018)*

## **ARTICLE IV - Meetings of the Commission (continued)**

**Section 4 - Quorum:** At all meetings of the HDC, either regular, or special, three (3) members, including alternates sitting in place of members, shall constitute a quorum for the conduct of business. *(Amended 2008)*

**Section 5 - Lack of Quorum:** If a quorum is not present, the Chair may adjourn the meeting to a day and hour fixed by the Chair.

**Section 6 - Order of Business:** Unless otherwise specifically restricted in the notice of meeting, the order of business to all meetings of the HDC shall be as follows:

1. Call to Order / Roll Call
2. Old Business
3. New Business
4. Approval of Minutes
5. Communications
6. Adjournment

At the discretion of the Chair, the usual Order of Business by the HDC may be changed to hold the Hearings immediately after the Seating of Alternates, if applicable, to better accommodate the Public. *(Amended 2018 / 2022)*

**Section 7 - Manner of Voting:** At the discretion of the Chair, or upon the request of any member, voting by the HDC shall be by voice vote, the results of which shall be recorded in the minutes. *(Amended 2018)*

**Section 8 - Disqualification of Member:**

- a. In accordance with the provision of RSA 673:14, 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. Reasons for disqualification do not include exemption from services of juror or knowledge of the facts involved gained in the performance of the member's official duties. A member shall notify the Chair as soon as possible so that an alternate may be requested to sit in his place. The disqualification shall be announced by the Chair or the member disqualifying himself before the beginning of the consideration of or the Public Hearing of the Applicant.
- b. When uncertainty arises as to the application of paragraph (a) above, to a HDC member, the HDC shall, upon the request of that member or another member of the HDC, 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 and may not be requested by persons other than HDC members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

## **ARTICLE IV - Meetings of the Commission (continued)**

- c. Any member disqualified pursuant to this section shall absent himself from the Commission table during the Public Hearing and during all deliberations on the matter in question. Such disqualification shall be noted in the minutes of the Hearing.
- d. Absence of a member from more than four (4) meetings per calendar year, unless the member requests authorized leave and it is granted by the Chair, will result in that member being removed from the Commission as per RSA 673:13.

## **ARTICLE V - Miscellaneous**

**Section 1 - Applications:** The Clerk of Records shall keep the Board informed about change in status of each conditionally approved application.

**Section 2 - Communications to Commission:** All communications to the HDC, including applications, petitions, or other referrals, shall be directed to the Commission at the Bristol Town Offices, through the Land Use Department. *(Amended 2008 / 2018)*

## **ARTICLE VI - Applications, Forms, Notice**

**Section 1 - Applications:** Applications for hearings before the Commission shall be made on forms provided by the Commission and shall be presented to the Land Use Office or the Commission's agent who shall record the date of receipt. *(Amended 2018/2022)*

At each meeting, the Clerk of Records shall present to the Commission all applications received. *(Amended 2018)*

The Commission may reject all applications not properly completed. All applications shall be scheduled for consideration within 30 days as noted under the Filing Dates and Deadlines posted on a yearly basis. *(Amended 2022)*

**Section 2- Forms:** All forms prescribed herein and revisions thereof shall be adopted by resolution of the Commission and shall become part of these rules of procedure.

**Section 3 – Notice:** Public notice of the submission of and public hearings on each application shall be given in a local newspaper within sufficient time to meet State time requirements and by public notice by posting at the Town Offices not less than 24 hours prior to the date fixed for submission and consideration of the application. *(Amended 2008)*

**Section 3 – Notice continued:** NOTE: RSA 676:4 requires the public notice be given by either publication or posting. The Commission may do one or the other, or both so long as the rules of procedure are consistent with regulations.

## **ARTICLE VI - Applications, Forms, Notice (continued)**

Personal notice shall be made by certified mail to the applicant and all abutters not less than fifteen (15) days prior to the date of the public hearing. *(Amended 2008)*

NOTE: RSA 676:4 permits the Commission to combine the notice of submission with the notice of the Public Hearing. Otherwise, separate personal notices must be given to the applicant and abutters by certified mail.

## **ARTICLE VII - Public Hearings, Decisions**

**Section 1 - Public Hearing:** The conduct of public hearings shall be governed by the following rules:

1. The Chair shall call the hearing in session and ask for the Clerk of Record's report on the proposal. *(Amended 2018)*
2. The Clerk of Records shall read the application, report on the manner in which, public and personal notice was given, where the hearing was advertised, and any communications received. *(Amended 2018)*
3. Members of the Commission may ask questions at any point during the presentation.
4. Any party to the matter who desires to ask a question of another party to the matter must go through the Chair.
5. Any applicant, abutter or person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Commission at each hearing.
6. Each person who appears shall be required to state his / her name and address and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
7. The applicant shall be called to present the proposal. *(Amended 2022)*
8. Those appearing in favor of the proposal shall be allowed to speak. *(Amended 2022)*
9. Those in opposition to the proposal shall be allowed to speak.
10. Other parties such as representatives of Town Departments and other Town Boards and Commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
11. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information, or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the time of adjournment.

## **ARTICLE VII - Public Hearings, Decisions (continued)**

### **Section 2 – Decisions:**

1. The Commission shall render a written decision on all completed applications within 45 days of the date of the submission of a completed application. *(Amended 2008)*
2. The Commission shall act to approve, conditionally approve, or disapprove, subject to extension or waiver as provided in RSA 676:9. *(Amended 2008)*
3. Notice of the decision will be made available for public inspection within five (5) business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Commission shall provide the applicant with written reasons for the disapproval. *(Amended 2008 / 2018)*

## **ARTICLE VIII - Records**

The records of the Commission shall be kept by the Clerk of Records and shall be made available for public inspection at the Town Office as required by RSA 676:3, II.

Minutes of all meetings including the 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 of the public meeting as required in RSA 91-A:2, II. *(Revised 11/11/08)*

## **ARTICLE IX - Joint Meetings and Hearings**

RSA 676:2 provides that the Commission may hold joint meetings and hearings with other Land Use Boards including the Zoning Board of Adjustment and the Planning Board, and each board shall have the discretion as to whether or not to hold such joint meeting or hearing.

Joint business meetings with other local Land Use Boards may be held at any time when called jointly by the Chairs of the two (2) Boards.

A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the Boards convened.

The Commission Chair shall chair all joint meetings and public hearings the subject matter of which involves the Commission.

The rules of procedure for joint meetings and hearings, the subject matter of which involves the Commission, shall be the same as these rules of procedure except that the order of business shall be as follows:

- a. Call to order by Chair
- b. Introduction of members of both Boards by Chair

## **ARTICLE IX - Joint Meetings and Hearings (continued)**

- c. Explanation of reason for joint meeting / hearing by Chair
- d. In the case of a public hearing relative to a requested permit, the applicant shall be called to present the proposal.
- e. Adjournment

## **ARTICLE X - Amendments**

**Section 1 - Amendment:** These bylaws may be adopted, amended, repealed, or altered, in whole or in part, by a majority vote of the HDC at a regularly scheduled meeting, provided that notice of the proposed change of such bylaws is contained in the notice of such regularly scheduled meeting.

**Section 2 - Applicability:** The provisions of these bylaws shall be subject to the provisions of any applicable federal, state or local law, regulation or ordinance.