

CITY OF ROCHESTER
HISTORIC DISTRICT COMMISSION
BY-LAWS

(Adopted as amended by the Historic District Commission 8/17/2022)

ARTICLE I - Overview

Section 1. Zoning Ordinance. These bylaws are adopted pursuant to the Section 275.14 Rochester Historic District of the City of Rochester Zoning Ordinance.

Section 2. Name. The Rochester Historic District Commission is hereinafter referred to as the "Commission".

Section 3. Applicability. These bylaws shall be subject to the provisions of all applicable federal, state or local laws, regulations or ordinances.

ARTICLE II - Membership

Section 1. Membership and Duties. Composition and duties of the Commission are outlined in Section 42.33 Rochester Historic District of the City of Rochester Zoning Ordinance.

Section 2. Designation of Alternate Members. Whenever a regular member is absent, or whenever a regular member disqualifies himself, the chairman shall designate an alternate, if one is present, to act in the absent member's place; except that only the alternates designated by the City Council for the City Council member of the Commission and by the Planning Board for the Planning Board member of the commission, respectively, shall serve in the place of those members.

Section 3. Filling Vacancies. Vacancies in the membership of the Rochester Historic District Commission, occurring other than through the expiration of a term of office, shall be filled in accordance with the provisions of R.S.A. 673:12 and Section 14.4 of the General Ordinances of the City of Rochester, 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 City Council upon written findings of inefficiency, neglect of duty or malfeasance in office. The City Council may, for any cause enumerated in this section (without requirement for a public hearing), remove the Council representative or alternate selected by it. Likewise, the Planning Board may, for any cause enumerated in this section (without requirement for a public hearing), remove the Planning Board representative or alternate selected by it.

Section 5. Absence. Unexcused absence of a member for more than three meetings in the course of a calendar year, may be considered grounds for removal of that member, in accordance with RSA 673:13.

Section 6. Alternate Members. Alternates may fully participate in meetings of the commission except for voting and making and seconding motions.

ARTICLE III - Officers

Section 1. Officers. In accordance with the provisions of RSA 673:8, the officers of the

Rochester Historic District Commission shall consist of a Chair and a Vice Chair, and, if deemed appropriate by the Commission, a Secretary, all of whom shall be elected during the annual meeting.

All officers of the Commission are authorized to vote on all matters in similar fashion to other members of the Commission.

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

Section 3. Vice Chair. In the absence of the Chair, the Vice Chair shall preside at all meetings and hearing of the Commission and shall assume the duties of the Chair during such proceedings.

Section 4. Secretary. If one is designated, the secretary shall be responsible for administrative tasks and other duties as may be assigned by the Commission.

Section 5. Chain of Command. In the absence of the Chairman, the order of succession shall be as follows:

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

Section 6. Vacancies Among Officers. Should the office of Chair, Vice Chair, or Secretary become vacant, a successor shall be elected from among the members of the Commission at the next regular meeting to serve the unexpired term of that office.

ARTICLE IV - Meetings of the Board

Section 1. Annual Meeting. There shall be an annual meeting of the Commission held during month of January each year unless otherwise scheduled by the Commission. The meeting shall be held for the purpose of election of officers, review of reports, and the transaction of other appropriate business. Officers shall be elected by majority vote of the members present. At the request of any member the vote shall be by private ballots.

Section 2. Regular Meetings. The Commission shall establish regular standing meetings twice each calendar month. These meetings shall be held only if there is business to conduct. Meetings shall be advertised in accordance with the provisions of RSA 91-A.

Section 3. Special Meetings. Any special meeting of the Board shall be held at the call of the Chair.

Section 4. Quorum. At all meetings of the Commission, four members, including alternates sitting in place of members, shall constitute a quorum for the conduct of business. If a quorum is not present, the Chair may adjourn the meeting to a day and hour fixed by the Chair.

Section 5. Order of Business. The order of business shall generally be as follows, but may be altered as appropriate:

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- I. Call to Order
- II. Roll Call
- III. Seating of Alternates
- IV. Public Input (5 minute limit per speaker)
- V. Review of Minutes
- VI. Continued Applications
- VII. New Applications
- VIII. Other Business/Non-scheduled Items
- IX. Adjournment

Section 6. 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.

Section 7. Recusal of Members.

- (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.
- (b) When uncertainty arises as to the application of paragraph (a) above 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 recused. Any such request and vote shall be made prior to or at the commencement of any required 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 provided by local ordinance or by a procedural rule adopted under RSA 676:1.
- (c) Any member disqualified pursuant to this section shall recuse himself/herself from the Commission table during all deliberations on the matter in question. Such recusal shall be noted in the minutes of the hearing.

Section 8. Minutes. The Planning Department shall prepare a preliminary draft of the minutes for presentation to the Commission. Once the Commission has approved the minutes or approved the minutes with changes the Planning Department shall place a copy of the approved minutes, incorporating any changes, into a permanent file. The Planning Department shall sign his/her name on the minutes as the party drafting them and submitting them to the Commission. In the absence of staff from the Planning Department, the chair shall appoint a member to take minutes.

ARTICLE V - Procedures

Section 1. Applications. Applications to the Commission shall be submitted to the Planning Department.

Section 2. Communications to Commission. All communications to the Commission, including applications, petitions, or other referrals, shall be directed to the Planning Department and shall thereafter be provided to the Commission by the Planning Department.

Section 3. 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.

ARTICLE VI – Miscellaneous Provisions

Section 1. Staffing. The Planning Department shall serve as staff to the Commission.

Section 2. Fiscal Agent. The Planning Director or his/her designee shall act as fiscal agent to the Commission and carry out duties assigned to him/her as directed by the Commission.

Section 3. Budget. At its option, the Commission may present a budget and request funding from the City Council for appropriate purposes.

Section 4. Amendments. These bylaws may be adopted, amended, repealed, or altered, in whole or in part, by a majority vote of the Commission at any Commission meeting, provided that notice of the proposed change is contained in the notice of the meeting.

[These bylaws were adopted by vote of the Historic District Commission on November 11, 2005; Amended on July 20, 2022]