

Franklin Heritage Commission Rules of Procedure

[HISTORY: Adopted by the Heritage Commission of the City of Franklin 07-26-06
Amendments noted where applicable.]

GENERAL REFERENCES

Heritage Commission – See Ch. 78

Planning Board — See Ch. 77.

Zoning — See Ch. 305.

§ 1. Statutory authority. These rules of procedure are adopted under the authority of RSA 676:1.

§ 2. Membership.

- A. Each newly appointed or reappointed member shall be sworn in and take an oath of office as required by RSA 42:1.
- B. The Secretary shall forward to the Municipal Clerk for recording the appointments and expiration dates of the terms of each member of the Board.

§ 3. Officers.

A. The officers of the Commission shall be as follows: [Amended 9-08-2008 by vote of the Heritage Commission]

- (1) Chairperson. The Chairperson shall preside over all meetings and hearings and shall be responsible for duties of the Commission not specifically assigned to other members. Though the chairperson may delegate duties, the responsibilities include but are not limited to: calling special meetings; designating alternate members to sit in place of an absent or disqualified member; appointing a secretary pro tem to keep record[s] of the meeting[s]; coordinate with the Office of Planning and Zoning to ensure that people in violation of the Franklin Heritage Commission Regulations are notified; ensuring public notices are posted according to RSA 91-A:2; filing minutes with Municipal Assistant after approval by the Commission not more than 5 business days after the meeting; rendering a written decision within 45 days of the date of submission of a completed application, subject to extension or waiver as provided in RSA 676:9; appropriately disseminate written decisions; notifying applicants [and abutters] of hearings, if essential; and, verifying with planning administrator on day of regular Commission meeting of any new public hearing requests. [Amended 8-10-2009 by vote of the Heritage Commission]

FHC Rules of Procedure Amended 08-10-2009

FHC Rules of Procedure Amended 12-09-2013

**Franklin Heritage Commission
Rules of Procedure**

- (2) Vice Chairperson. The Vice Chairperson shall preside in the absence or relinquishment of the Chairperson and shall have the full powers and responsibilities of the Chairperson.
 - (3) Secretary. The Secretary shall: verify with the Municipal Assistant in January of any new Commission appointees and the expiration dates of their terms of office; record the proceedings of each meeting to include the names of the members present, persons appearing before the Commission, and a brief description of the subject matter; perform meeting roll call votes if necessary; and, notify Commission members of meetings at least 2 days in advance and email minutes of previous meetings.
- B. The officers of the Commission shall be elected annually, per RSA 673:9, during the month of January by a majority vote of the Commission. If requested by a majority of those present, voting shall be by written ballot.

§ 4. Meetings.

- A. Regular meetings will be held, usually on the second floor of the Franklin City Hall Council Chambers, at 6:00 p.m. on the second Monday of the month. Other meetings shall be called at the discretion of the Commission at a time and place to be determined. [Amended 7-12-2008 by vote of the Heritage Commission; Amended 12-09-2013 by vote of the Heritage Commission.]
- B. Special meetings may be called by the Chairperson or in his/her absence by the Vice Chairperson or at the request of three members of the Commission, provided that public notice and notice to each member is given at least 48 hours in advance of the time of the meeting. The notice shall specify the purpose of the meeting.
- C. Nonpublic sessions shall be held only in accordance with RSA 91-a:3.
- D. Quorum.
 - (1) The presence of three members, including alternates sitting in place of regular members, shall constitute a quorum.
 - (2) If any regular Commission member is absent from a meeting or hearing or disqualifies him/herself from sitting on a particular application, the Chairperson shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regard to any matter under consideration on which the regular member is unable to act. The alternate should continue until the

FHC Rules of Procedure Amended 08-10-2009

FHC Rules of Procedure Amended 12-09-2013

**Franklin Heritage Commission
Rules of Procedure**

matter is completed. The regular member does not vote on that matter.

E. Disqualification.

- (1) If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, he/she shall notify the Chairperson as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairperson or the member before the discussion or the public hearing on the matter.
- (2) If uncertainty arises as to whether a Commission member should disqualify him/herself, on the request of that member or the request of another member of the Commission, the Commission shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and nonbinding and may not be requested by persons other than Commission members.

F. Order of business shall be as follows:

- (1) Call to order by Chairperson.
- (2) Roll call by the Secretary, as necessary.
- (3) Minutes of previous meeting.
- (4) Hearings on review applications.
- (5) Unfinished business.
- (6) Reading of communications directed to the Commission.
- (7) Other business; public comment.
- (8) Adjournment, to occur no later than 10:00 p.m. At the discretion of the Commission, a regular session and/or public hearing may be continued until completion.

G. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by voice vote or show of hands or, if requested, by roll call and shall be recorded in the minutes.

**Franklin Heritage Commission
Rules of Procedure**

§ 5. Public meetings and the review of applications. [Amended 8-10-2009 by vote of the Heritage Commission]

- A. The review of an application shall be considered by the Commission at a regular or other meeting called at the discretion of the Commission.
- B. Applications must be completed and filed with the Planning and Zoning Office in the City Hall at least 10 business days prior to the next regular meeting or at least 10 business days prior to a meeting called at the discretion of the Commission. In lieu of the application form, a completed building permit that outlines the proposed work may be used.
- C. The Commission shall act upon the application and any supplemental information at the designated meeting. If the Commission determines that the application is not complete, or if additional information is required, then the meeting may be continued to a date and time to be determined by the Commission.

§ 6. Forms. All forms prescribed herein and revisions thereof shall be adopted by resolution of the Commission and shall become part of these rules.

§ 7. Notice. [Amended 8-10-2009 by vote of the Heritage Commission]

- A. Public notice of the meeting, at which the review of the application will be considered, will be posted at the Franklin Public Library and in the lobby of the Franklin City Hall, not less than 10 days prior to the date fixed for the meeting. If staff time allows, the notice will also be posted on the City of Franklin website.

§ 8. Public meetings. [Amended 8-10-2009 by vote of the Heritage Commission]

The conduct of public meetings as which an application is considered shall be governed by the following rules:

- A. The Chairperson shall call the public meeting in session and request that the applicant or a designee outline the application and review the proposed work.
- B. Members of the Commission may, with recognition from the Chair, ask questions at any point during the presentation.
- C. Any party to the matter who desires to ask a question of another party must go through the Chairperson.
- D. Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted

FHC Rules of Procedure Amended 08-10-2009

FHC Rules of Procedure Amended 12-09-2013

**Franklin Heritage Commission
Rules of Procedure**

by the Commission at each hearing. 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.

- E. Each person who speaks shall be required to state her/his name and address and indicate whether she/he is a party to the matter or an agent or counsel to a party to the matter.
- F. The Chairperson shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuance is made known at the adjournment. Every effort shall be made to make a final decision on the application and to issue of a certificate of approval or a notice of disapproval the day of the review meeting.

§ 9. Decisions.

- A. The Commission shall render a written decision within 45 days of the date of submission of a completed application, subject to extension or waiver as provided in RSA 676:9.
- B. Decisions shall be issued pursuant to RSA 676.8.

§ 10. Records.

- A. The records of the Commission shall be kept by the Secretary and shall be made available for inspection at Franklin City Hall as required by RSA 676:3, II.
- B. Minutes of the meeting, 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 144 hours of the public meeting as required in RSA 91-A:2, II.

§ 11. Joint meetings and hearings.

- A. The Heritage Commission may hold joint meetings and hearings with other land use boards, including the Planning Board, Board of Adjustment, the Conservation Commission and the City Council. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).
- B. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairpersons of the two boards.

FHC Rules of Procedure Amended 08-10-2009

FHC Rules of Procedure Amended 12-09-2013

**Franklin Heritage Commission
Rules of Procedure**

- C. The rules of procedure for joint meetings and hearings shall be as determined by the Chair of said hearing.
- D. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

§ 12. Amendments. These rules of procedure may be amended by a majority vote of the members of the Commission at a duly posted meeting. [Amended 9-8-2008 by vote of the Heritage Commission]