

# **Rules of Procedure**

of the

# **Cheshire Historic Commission**

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**RULES OF PROCEDURE OF THE CHESHIRE HISTORIC DISTRICT COMMISSION**

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**RULES OF PROCEDURE OF THE CHESHIRE HISTORIC DISTRICT COMMISSION**

**Section 1. PURPOSE**

- A. These Rules of Procedure are intended to serve as a procedural and operational guide for the Historic District Commission and the public.
- B. Whenever these Rules are or may be inconsistent with State statutes or regulations or local ordinances or regulations having jurisdiction over historic district commissions, such statutes, ordinances and regulations shall govern.
- C. Reference to any law or regulation shall refer to the provisions of such law or regulation as they may be amended from time to time.

**Section 2. COMPOSITION OF THE HISTORIC DISTRICT COMMISSION**

- A. The Historic District Commission (referred to in these Rules as “the Commission”) consists of five (5) regular members, all of whom serve overlapping terms of five (5) years; together with a panel of alternate members consisting of three (3) members, all of whom serve overlapping terms of three (3) years.
- B. Resignations of members shall be made by letter to the Town Clerk, with copies to the Chairman of the Town Council and the Chairman of the Commission. If a commissioner fails to give advanced notice of being absent for three consecutive meetings, the Chairman of the Commission may request that the Town Council remove that commissioner.
- C. Vacancies shall be filled by the Town Council pursuant to Section 2-8 of the Charter and Section 2-83 of the Code of Ordinances of the Town of Cheshire.

**Section 3. OFFICERS AND RESPONSIBILITIES**

- A. The officers of the Commission shall be a Chairman, a Vice Chairman, and a Clerk who shall be selected as follows:
  - 1. A Chairman, Vice Chairman and Clerk shall be elected from the Commission’s regular members at the first December meeting each year by a majority vote of the regular members of the Commission or alternates seated to vote at that meeting.
- B. Each officer shall serve for a term of one (1) year or until his or her successor is elected and qualified.

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- C. The officers shall have the following responsibilities:
  - 1. The Chairman shall preside over all meetings of the Commission; shall cause the call for all regular and special meetings to be issued; shall request staff to prepare meeting agendas; shall have the privilege of discussing and voting on all matters before the Commission and before any Committee of the Commission; may make and second motions; administer oaths if authorized by law; shall appoint the members of the Commission’s Committees; and shall perform all other duties required by law, ordinance, regulation, these Rules of Procedure, or resolution of the Commission, consistent with law. The Chairman shall draft (or request staff to draft) and sign (or request staff to sign) all correspondence of the Commission, shall draw up or request staff to draw up in October a schedule of HDC meetings for the upcoming year. The Chairman and the Clerk shall jointly prepare the required annual report for the state and town.
  - 2. The Vice Chairman shall act for the Chairman in the case of the Chairman’s absence, death, resignation, or incapacity.
  - 3. The Clerk shall cause all official records of the Commission to be filed in the Commission’s office; shall request staff to prepare the notices of all Commission public hearings and its decisions and to perform other clerical work for the Commission not delegated to its staff recording Secretary; shall sign ( or request staff to sign) all minutes of the Commission and in the absence of the Chairman and Vice Chairman, sign correspondence, The Clerk shall also keep an ongoing record of Commission activities to be used in the preparation of the required annual reports for the state and town, keep a register of all properties and structures in the designated historic districts and shall perform such other duties as are usually carried out by a Clerk or as are contained in a resolution of the Commission, consistent with law.
  - 4. Any vacancy occurring in any office shall be filled by election of the regular members. In the interim, the regular members may make a pro tem appointment to fill the office.

**Section 4. COMMITTEES**

**A. Standing Committees**

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1. There shall be two Standing Committees of the Commission to be known as the Regulation/Rules Committee and the Education Committee.
  - a. The Regulations/Rules Committee shall periodically review the Commission's Rules of Procedure and Regulations and propose amendments to improve same if necessary to the Commission. This committee shall also draft and amend drafts of the Design Guidelines which, after being approved by vote of the Commission, may periodically be published and distributed to town personnel and property owners in the historic districts.
  - b. The Education Committee shall plan and oversee community outreach programs for all ages: speakers, re-enactments, etc. and shall set up and oversee the website and draft publications with approval of the Commission.
2. Members and officers of the Standing Committees shall be appointed by the Chairman from the Commission's regular members at the first meeting of each year.
3. Each Committee shall consist of two (2) members and the Chairman who shall all serve a term of one (1) year.
4. Vacancies shall be promptly filled by the Chairman from the Commission's regular members.

### **B. Special Committees**

1. Special Committees may be established by the Commission for such purposes and terms, as the Commission deems necessary.
2. Members and officers of special Committees may be appointed by the Chairman from the Commission's regular members and alternate members.
3. Vacancies shall be promptly filled by the Chairman.
4. As needed, the Commission may establish a Preservation Committee as a Special Committee. The Preservation Committee shall plan and oversee inventories of historic buildings, shall research and photograph historic buildings and structures and undertake any other activities which

contribute to the preservation of historic buildings and structures in Cheshire.

**Section 5. MINUTES AND RECORDS**

**A. Minutes**

1. The Commission and all committees shall prepare (or request the Recording Secretary to prepare) minutes of their proceedings, which minutes shall specify those members in attendance and those members absent.
2. The minutes shall show the vote of each member or each alternate member, when seated, upon each motion/resolution of the Commission.
3. The minutes shall specify a member's failure to vote or his or her disqualification from voting and the reasons therefore.
4. The minutes shall be filed with the Town Clerk within seven (7) days of the meeting.
5. The minutes shall be approved at a subsequent, regular meeting of the Commission at which time the Recording Secretary shall be notified of any errors in, or omissions from, the minutes. Those errors and/or omissions shall be detailed in the minutes of that subsequent meeting.

**B. Records**

1. The office of the Commission is the Cheshire Planning Department at the Cheshire Town Hall, 84 South Main Street, Cheshire, CT.
2. All Commission files, records, minutes, hearing transcripts or recordings, etc. shall be on file at the Commission's office.
3. All applications, notices, and correspondence by or to the Commission shall be filed in the Commission's office.
4. A record of the vote of each member and each alternate member, when seated, upon each motion and resolution of the Commission shall be reduced to writing and made available for public inspection at the Commission's Office within 7 days of the meeting.
5. Consistent with the Freedom of Information Act (General Statutes, Section 1-200, et seq.), the files, records, minutes,

hearing transcripts or recordings, etc. of the Commission shall be available for public inspection.

6. All requests for copies of the Commission's public records made by third parties to the Commission or any commission member shall immediately be turned over to the Commission's staff for processing.

**Section 6. APPLICATIONS FOR COAs**

**A. Application Procedures, Pre-Application Meeting**

1. The purposes of and procedures for Pre-Application Meetings are set forth in the Commission's Regulations.

**B. Filing Requirements**

1. Specific application filing requirements are set forth in the Regulations, as appropriate to the application, petition, or request (collectively referred to in these Rules of Procedure as the "application") being filed.
2. Any person requesting action by the Commission shall apply on the official form adopted by the Commission for such purpose, which form is available in the Planning Department and online at the town website, and is attached to these Rules of Procedure as Appendices, as follows: A. Application for a Certificate of Appropriateness and/or a Variance.
3. Completed applications shall be date stamped by an authorized staff person and filed in the Commission's office.
4. All applications for a COA or a Variance require a public hearing.

**C. Withdrawals of Applications**

1. Applications may be withdrawn by an applicant or his or her representative until the Commission begins its vote on the motion made to decide the application.
2. A written notice of withdrawal shall be addressed to the Commission and filed at the Commission's office or at a meeting of the Commission.

3. An oral withdrawal shall be effective only if made at a meeting at which the Commission is considering the application. The oral withdrawal shall be noted in the minutes of the meeting, and the applicant shall document the withdrawal by written notice of withdrawal, addressed to the Commission, and filed at the Commission's office within seven (7) days of that meeting. Failure to document the withdrawal shall not render the oral withdrawal void.

## Section 7. MEETINGS

### A. Commission and Committee Regular Meetings

1. The annual schedule of regular meetings of the Commission and its Committees shall be established by vote of the Commission each October and shall be filed with the Town Clerk not later than October 31 of each year, pursuant to Section 1-225 of the General Statutes.
2. At least twenty-four (24) hours before a regular Commission or Committee meeting the agenda shall be available to the public and shall be filed in the Commission's office and with the Town Clerk.
3. At least three (3) calendar days before a regular Commission or Committee meeting the meeting agenda; copies of all written materials, including, but not limited to applications, correspondence, staff and consultant's reports, and reports of advisory agencies; and of all maps, drawings, surveys, and the like relating to items to be considered by the Commission at the regular meeting shall be delivered to the Commission members.
4. The order of business at regular meetings of the Commission shall be as follows:
  - a. Call to Order
  - b. Roll Call and Determination of a Quorum
  - c. Seating of Alternates as needed for a quorum.
  - d. Pledge of Allegiance
  - e. Approval of Minutes
  - f. Public Communications (not related to an agenda topic)



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- g. Decision-Making/Deliberation Session after a public hearing has been closed by specific application as listed on the agenda.
  - h. Business (by specific topic, as listed on the agenda)
  - i. Enforcement Officer's Report
  - j. Adjournment
5. The Commission or Committee Chairman, respectively, may change the order of business unless a majority of the Commission or Committee members, respectively, present votes otherwise.
6. Agenda items may be tabled if a majority of Commission or Committee members, respectively, present votes in favor of a motion to table; however, no item shall be tabled if doing so would result in scheduling the item to be considered by the Commission or Committee after the mandatory action date has passed.
7. New items may be added to the agenda of a regular meeting (but not a special public hearing meeting or a special meeting) by motion if two-thirds (2/3) of the Commission members present vote in favor of such a motion.
8. All public hearings and all decision-making sessions of the Commission and its Committees shall be tape-recorded. The Commission shall endeavor to tape-record all of its meetings and all of its Committee meetings.

### **B. Commission and Committee Special Meetings**

1. Special meetings of the Commission or any Committee may be called by the Chairman or the Acting Chairman or may be called by the Clerk upon the request of two (2) Commission members.
2. Special Committee meetings may be called by the Committee Chairman or by the Commission's clerk, upon the request of two (2) Committee members.
3. Notice of each special meeting shall be given not fewer than twenty-four (24) hours prior to the time of such meeting. Such notice shall be made by filing a notice of the time, place, and purpose of such special meeting with the Town Clerk to be posted in that office.

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4. In addition to the public hearing notice requirements of Section 9 of these Rules, notice of each special public hearing meeting shall be given not fewer than twenty-four (24) hours prior to the time of such public hearing meeting. Such notice shall be made by filing a notice of the time, place, and purpose of such special public hearing meeting with the Town Clerk to be posted in that office.
5. As soon as possible, but not fewer than twenty-four (24) hours prior to the time of the special meeting or special public hearing meeting, a copy of the notice of the special meeting or public hearing meeting and of the agenda, including copies of all written materials, including, but not limited to, applications if any, correspondence, staff and consultant's reports, and reports of advisory agencies; and of all maps, drawings, surveys, and the like relating to items to be considered by the Commission or Committee at the special meeting or public hearing meeting, shall be delivered to the Commission or Committee members, as appropriate. Commission and Committee members may waive such notice in writing.
6. Business which is not included in the agenda of a special meeting shall not be considered, discussed, nor decided by the Commission or Committee nor may it be added to the agenda by vote of the Commission or Committee members.
7. All special public hearings and decision-making sessions of the Commission and its Committees shall be tape-recorded. The Commission shall endeavor to tape-record all special meetings of the Commission and its Committees.
8. The order of business at special meetings of the Commission shall be as follows:
  - a. Call to Order
  - b. Roll Call and Determination of a Quorum Seating of Alternates as necessary
  - c. Pledge of Allegiance
  - d. Approval of Minutes
  - e. Decision-Making/Deliberation Session by specific application as listed on the agenda
  - f. Business (by specific topic, as listed on the agenda)

g. Adjournment

**C. Commission and Public Hearings**

1. The order of business at public hearing meetings of the Commission shall be as follows:

See Appendix A for a detailed order of business.

- a. Call to Order
- b. Roll Call and Determination of a Quorum. Recusal of Commissioners, Seating of Alternates as necessary
- c. Pledge of Allegiance
- d. Continued Hearings, then New Hearings; Variances, then COA when on the same
- e. Open the Public Hearing, Explain Procedure
- f. Clerk reads the public notice; applicant presents proof of notification of abutters
- g. Call for written and/ or verbal communications
- h. Applicant or agent presents and explains the Application; Commissioners ask questions of Applicant
- i. Public comments, for or against the Application; Commissioners ask questions of the Public
- j. Close the Public Hearing

**D. Executive Sessions**

1. The Commission may convene in executive session only as permitted by Sections 1-200, 1-225, and 1-231 of the General Statutes.
2. The Commission shall convene in executive session only after two-thirds (2/3) of those members present and voting vote to do so, in public session, and state the reason for the executive session.
3. Attendance at an executive session of the Commission is limited to regular and alternate Commission members (if appropriate) and to those persons specifically invited by the

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Commission to present testimony or opinion pertinent to the subject of the executive session and only for so long as their presence is necessary to provide such testimony or opinion.

4. If an executive session is held, the Commission's minutes shall disclose the names of all those persons in attendance.
5. No motions may be made or voted on in executive session.

### **E. Site Visits**

1. Regular and alternate Commission members are encouraged to view the property involved in an application for a Certificate of Appropriateness.
2. Site visits shall not include testimony or communication with any applicant, neighbor, or any other person regarding the details or merits of the application.
3. If a public hearing is held on an application, the site visit shall take place prior to the close of the public hearing, and not after the hearing closes.
4. If a public hearing is not held on an application, the site visit shall take place prior to the Commission's or the Committee's decision on the application.
5. If a quorum (or more) of the Commission or any Committee is scheduled to visit a site at any one time, the site visit shall be deemed to be a meeting of the Commission or the Committee, and the requirements of the General Statutes, including the Freedom of Information Act (Section 1-200, et seq. of the General Statutes), shall be followed. Those requirements include public notice of the visit (meeting), public access to the meeting, and the taking of minutes.

These Rules shall not be interpreted to require that site visits include testimony or communication regarding the details or merits of the application. However, if testimony or communication are anticipated, the testimony or communication must be tape recorded.

6. If a public hearing is held, the Commission shall provide an opportunity for public comment on, and rebuttal of, those facts. If a public hearing is not held, the Commission and its Committee may permit the applicant and interested parties to comment on, or to rebut, those facts at a meeting held by the Commission or Committee to consider the application.

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### F. Default in Appearance

1. If the applicant or his or her agent does not appear at the call of his or her application, the application shall be placed at the end of the agenda and shall be called again after the remaining applications on the agenda have been heard.
2. If the applicant or his or her agent do not appear when the application is called again, the Commission or its Committees shall proceed to hear, consider, and decide the application based upon the information which is available if mandatory action dates require such immediate action; otherwise, the Commission may continue the Public Hearing to a later date or take up the application at its next meeting if time permits.

### G. Quorum and Voting

1. The Commission
  - a. Three (3) members of the Commission shall constitute a quorum to transact business.
  - b. Unless required otherwise by law or these Rules of Procedure, three (3) votes shall be required for the taking of any action by the Commission.
  - c. Before regulations are adopted or amended, the Commission shall hold a public hearing or hearings concerning its proposed regulations. Notice of the time and place of such hearing shall be published in a newspaper having a substantial circulation in the Town not more than fifteen (15) days nor less than five (5) days before such hearing. A copy of the proposed regulations shall be filed in the Town Clerk's office and the Commission's office not less than fifteen (15) days before the hearing and the notice of hearing shall so state.
2. The Committees
  - a. Two (2) members of a Committee shall constitute a quorum to transact business.
  - b. Unless required otherwise by law or these Bylaws, two (2) votes shall be required for the taking of action by a Committee.

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### 3. Miscellaneous Quorum and Voting Provisions

- a. Each member who is seated to decide an application shall vote on the application unless this member is disqualified or unable to vote because she/he cannot meet the requirements of Section 8.F.3.b of these Rules of Procedure.
- b. A member or alternate member who was not present at all meetings and the hearing upon the matter shall not vote on it unless he/she listens to the tape recording of the hearing or reads the hearing transcript (if it is available), reads the minutes, and reviews the complete record of the application including all documentary evidence so that he/she is sufficiently familiar with the issues and the facts to enable him or her to make an informed decision. The member or alternate member seated shall state on the record the steps he/she has taken to sufficiently acquaint himself or herself with the record and shall affirmatively state that he/she is sufficiently informed to participate and to decide the matter.
- c. No member shall cast an absentee vote.
- d. All votes, including those regarding matters discussed in executive session, where authorized shall be taken in public session.

### H. Miscellaneous Provisions

1. Unless otherwise specified in these Rules, "Roberts Rules of Order" 10<sup>th</sup> edition shall govern the proceedings at the Commission's meetings and public hearings.
2. Unless the Commission is convened in a duly called executive session, all Commission meetings and hearings shall be open to the public.
3. If there is no business for the Commission to conduct, the Chairman may cancel the meeting by causing all members to be notified of the cancellation by telephone or facsimile, personally, or by similar method. Notice of the cancellation shall also be posted in the Town Clerk's office and on the door of the meeting room.
4. If a meeting or public hearing must be adjourned to another time or place, a copy of the order of adjournment shall be

conspicuously posted on or near the door of the Commission's meeting room within twenty-four (24) hours after the adjournment. The notice shall specify the date, time, and place for reconvening the meeting.

5. Any regular member who cannot attend any meeting or public hearing of the Commission or who believes she/he is or may be disqualified from acting on any matter pending on the agenda of any meeting or public hearing, shall notify the Chairman of the Commission as soon as the member knows of her/his unavailability or disqualification, but not later than twenty-four (24) hours after receiving the agenda of the meeting or public hearing in the case of her/his unavailability or not later than twenty-four (24) hours after realizing her/his disqualification.

## **Section 8. PUBLIC HEARING PROCEDURES**

### **A. Procedures**

The Historic District Commission shall hold a public hearing upon each application for a Certificate of Appropriateness and/or application for a Variance unless the commission determines that such application involves items not requiring a Certificate of Appropriateness or a Variance.

1. The Commission shall fix a reasonable time and place for such hearing. A notice of the time and place of such hearing shall be given by publication in the form of a legal advertisement appearing in a newspaper having a substantial circulation in the municipality not more than fifteen days nor less than five days before such hearing.
2. Notice of the public hearing shall also be sent to the applicant, by certified mail, return receipt requested, not less than five (5) days before the date of the hearing.
3. The notice shall state the date, time, and place of the public hearing; the name of the applicant; the location of the property; the purpose of the hearing, including a reference to any material available for public inspection; and any additional information which is necessary to fairly inform those affected of the requested action.

### **B. Conduct of the Public Hearing**

1. All public hearings shall be held in accordance with the requirements of the General Statutes or other applicable law.

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2. The applicant bears the burden of proving that the application should be granted.
  - a. The applicant may appear in person or by agent or attorney at the hearing.
  - b. The Commission shall call in a competent stenographer to take the verbatim testimony and record the filing of documentary evidence or shall cause the testimony to be tape-recorded in each hearing before it and the Staff Recording Secretary shall record the filing of all documentary evidence.
3. Each public hearing shall be opened by the Clerk's reading of the legal notice and by stating the dates on which, and newspapers in which, such notice was published.
4. Any written communications or reports which have been delivered to the Commission, to any individual member, or to staff regarding any application shall be noted and filed as a part of the record of the application (if received before the public hearing is closed) and shall be available to the public for review. Any verbal communications received by any individual member shall be disclosed by that member on the record at the public hearing.
5. The Chairman shall describe the hearing procedure, which shall be as follows: The Chairman shall first call for the applicant to present and explain the application, then call for any questions concerning the application, then call for statements of reasons from those members of the public in favor of the application, then call for statements of reasons from those members of the public opposed to the application, and finally call for the applicant to make any rebuttal and closing comments.
6. The applicant and the public shall be provided with the opportunity to ask questions of witnesses and to inspect plans and documents presented in connection with any application; however, except for claims of disqualifications, no Commission member shall be questioned or cross-examined. Procedural clarifications and similar questions shall be directed to the Chairman.
7. All questions and comments to the Commission shall be directed through the Chairman, and any person wishing to speak shall approach, speak into the microphone, and give



his or her name and address prior to addressing the application and be given the privilege of the floor by the chairman before testimony or questioning.

8. Proponents and opponents shall present only relevant and material evidence and argument supporting their positions. Commissioners shall be asked to state opinions on what they observed at the site; the applicant and the public shall have an opportunity to reply to the Commissioners' statements.
9. Commission members shall have the opportunity to question any witness, including the applicant and his/her representative, at any time during the proceeding.
10. To maintain orderly procedure, each side shall proceed without interruption by the other, except as to objections regarding relevance, redundancy, or the form of the question.
11. To avoid redundant, irrelevant, or repetitious comments or to accommodate a large group of speakers, the Chairman may limit the amount of time that each person spends addressing comments to the Commission.
12. The Chairman shall assure an orderly hearing and shall take necessary steps to maintain the order and decorum of the hearing at all times. In this regard, if a Commission meeting or hearing is interrupted by any person or group of persons so as to render the orderly conduct of the meeting unfeasible and if order cannot be restored by the removal of the individuals who are willfully interrupting the meeting or hearing, the Chairman may order the meeting room cleared and shall continue in session to consider only those matters appearing on the agenda. The Chairman shall allow duly accredited members of the news media, except those participating in the disturbance, to continue to attend the meeting. The Chairman may readmit to the meeting persons who were not responsible for willfully disturbing the meeting.

## Section 9. DECISIONS

### A. Time Frame for Decisions

1. All decisions on applications for Variances and/or Certificates of Appropriateness which require a public hearing shall be rendered within sixty-five (65) days after the date of the filing of the application.

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2. All decisions on applications not requiring a public hearing shall be rendered within sixty-five (65) days of the date of filing of the application.
3. Within not more than sixty-five days after the filing of an application as required by section 7-147d, the Commission shall decide such application and shall give written notice of its decision to the applicant. When a Certificate of Appropriateness or application for Variance is denied, the Commission shall place upon its records and in the notice to the applicant as a part of its resolution, the reasons for its determination, which shall include the bases for its conclusion that the proposed activity would not be appropriate. In the notice to the applicant the Commission may make recommendations relative to design, arrangement, texture, material and similar features.
4. The Commission may issue a Certificate of Appropriateness with stipulations. Evidence of approval, as referred to in section 7-147d, shall be by Certificate of Appropriateness issued by the Commission. Failure of the Commission to act within said sixty-five days shall constitute approval and no other evidence of approval shall be needed.

### **B. Decisions Are To Be Made On The Record**

1. The “record” of the application shall include all written and oral communications and evidence received by the Commission regarding the application from the date of filing to the close of the Public Hearing.
2. Commission members shall not engage in discussions with any person, including other members of the Commission, concerning a pending or proposed application to be heard by the Commission, unless those discussions are had at a duly called and convened meeting or public hearing of the Commission.
3. After a public hearing on an application closes, no additional evidence or information shall be received or considered by the Commission or its individual members.
4. When making its decision, the Commission may seek the technical assistance, guidance, and analysis (of facts contained in the record) from any municipal officer, including legal advice of the Town Attorney. If funds have been appropriated and proper procedures followed, the

Commission may seek such assistance from outside, professional consultants to the Commission. However, such assistance should be sought as early as possible after the application has been filed with the Commission and preferably reports of such consultants shall be filed with the Commission before the close of the public hearing.

5. If the Commission determines that an application is incomplete it may deny the application.
6. If the Commission grants an application for a Variance, it shall state upon the record the specific regulation/s or standard/s which is/are sought to be varied and shall specifically describe the exceptional practical difficulty or undue hardship on which the decision is based.
7. The Commission shall not reverse its decision on any application, nor shall it decide a subsequent application differently from a prior application which sought the same relief or substantially the same relief, unless the Commission is presented with evidence that a change of facts or circumstances has intervened which materially affects the merits of the application or unless the Commission has received new, material information that it did not have during the earlier decision-making process and unless no vested rights have intervened or the Town Attorney determines that its prior decision was illegal.

**C. Notice and Filing of the Decision**

1. The Commission shall cause notice of all its official actions and decisions concerning applications to be published in a newspaper having a general and substantial circulation in the Town within fifteen (15) days after the action or decision.
2. The Commission shall cause a copy of its decision to be sent to the applicant by certified mail within fifteen (15) days after the decision has been rendered.

**Section 10. DISQUALIFICATION AND CONFLICTS OF INTEREST**

**A. Conflicts Prohibited**

1. All regular and alternate members of the Commission are bound by the provisions of Section 7-148t, of the General Statutes concerning conflicts of interest and disqualification.

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- a. All regular and alternate members of the Commission are bound by the provisions of Section 10-1 of the Cheshire Code of Ordinances concerning conflicts of interest and standards of conduct.
- b. All regular and alternate members of the Commission shall consult with the Town Attorney to obtain advice concerning specific conflict of interest and disqualification issues.
- c. Section 10-1 of the Cheshire Code of Ordinances shall govern the procedure by which questions regarding conflicts of interest and the removal of commissioners are addressed and resolved.

### **B. Procedure to Follow if Disqualification is Raised**

1. The procedure set forth in Section 10-1(f) of the Cheshire Code of Ordinances shall be followed whenever a question concerning a conflict of interest arises.
2. If a Commission member is disqualified pursuant to this Section 11, the fact of that disqualification shall be entered on the record; the member shall abstain from participating publicly or ex parte in any hearing, discussion, debate, decision, or vote of the Commission or with other Commission members regarding the matter; and an alternate member shall be seated pursuant to the terms of Section 12 of these Bylaws.

## **Section 11. SEATING OF ALTERNATE MEMBERS**

### **A. Procedure to Seat Alternates**

1. Pursuant to Section 2-83 of the Code of the Town of Cheshire, if a regular member of the Commission is absent, abstains, or is disqualified, the Chairman of the Commission shall designate an alternate member to act in his or her place, the method of rotation shall be alphabetical according to the first letter of the alternate's last name.
2. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting.

**B. Actions of Alternates**

1. When seated pursuant to this Section 12, Section 2-83 of the Code of the Town of Cheshire and Section 7-147c of the Connecticut General Statutes, alternate members shall have all the powers and duties set forth in the Regulations, and the General Statutes relating to a regular member of the Commission.
2. All members of the panel of alternates shall attend all regular and special meetings and all public hearings of the Commission.
3. Alternates may participate in public hearings by asking questions and reviewing evidence even if the alternate has not been designated to act in the place of a regular Commission member.
4. Unless an alternate has been designated to act in place of a regular Commission member, the alternate shall not participate in the Commission's deliberations or decision-making concerning any application.
5. Except as provided in Section.11B.7 of these Rules, once an alternate member has been designated by the Chairman to act for a disqualified regular member of the Commission, he or she shall follow the matter for which he or she is seated through to final action, including attending all Commission meetings which the regular member would attend at which the matter is or will be discussed and/or decided.
6. If a regular member was replaced by an alternate member because of absence and if the absent member states on the record of a meeting of the Commission that she/he has, consistent with Section 8.F.3.b of these Rules, familiarized himself or herself with the matter for which the alternate was designated to act, he or she may act in the place of the alternate member on that matter; but such substitution shall not be made after the Commission has begun its deliberations and decision-making on an application.
7. Any alternate member who cannot attend any meeting or public hearing of the Commission or who believes he or she is or may be disqualified from acting on any matter pending on the agenda of any meeting or public hearing, shall notify

the Chairman of the Commission as soon as the alternate member knows of her/his unavailability or disqualification.

8. All alternate members shall receive all notices, agenda, and all other communications which are sent to regular members.

## **Section 12. AMENDMENTS TO RULES OF PROCEDURE**

- A.** Any Commission member proposing an amendment to these Rules shall submit a request to amend the Rules to the Commission. The request shall specify the section of the Rules to be amended, the text of the proposed amendment, the text of the existing Rules, and the reasons for the amendment. The Clerk shall send a copy to the Town Attorney.
- B.** A request to amend the Rules which has been received at least seven (7) days prior to a regularly scheduled meeting of the Commission shall be reviewed and considered at that regularly scheduled meeting. A request to amend the Rules which has been received fewer than seven (7) days prior to a regularly scheduled meeting of the Commission shall be reviewed and considered at the Commission's next, regularly scheduled meeting.
- C.** At the conclusion of the Commission's discussion of the proposed amendment, the Commission shall table the request to the next regularly scheduled meeting of the Commission, and refer the proposal to the Town Attorney for review and approval at which time additional discussion may be held and a vote shall be taken on the request.
- D.** The Commission may review and consider an amendment to the Rules at a special meeting of the Commission, provided the request to amend the Rules has been received at least seven (7) days prior to the date of the special meeting. The Commission shall not vote on the amendment at that special meeting but shall table the request to a regular or special meeting of the Commission (which shall be held no sooner than thirty (30) days after the special meeting at which the amendment was first reviewed and considered), at which time additional discussion may be held and a vote shall be taken on the request.
- E.** The Rules shall be amended only by a majority vote of the entire, regular membership of the Commission, that is, by three (3) votes.

**APPENDIX A**

The detailed order of business at public hearing meetings of the Commission shall be as follows:

- a. Call to Order
- b. Roll Call and Determination of a Quorum. Commissioners recusing themselves from voting on the application at hand, shall remove themselves from the proceedings at this time.
- c. Seating of Alternates
- d. Pledge of Allegiance
- e. Continued Hearings (by specific application, as listed on the agenda)
- f. New Hearings (by specific application, as listed on the agenda)

Generally, applications shall be heard in the order in which they are filed with the Commission and shall be so listed on the agenda.

Whenever an application for a Variance is filled with an application for a Certificate of Appropriateness, the applicant shall first address the Variance application before the application on for a Certificate of Appropriateness at its decision making session.

- g. Chairman calls for written communications or reports regarding this application which have been delivered to the Commission. These shall be noted and filed as part of the application if received before the public hearing is closed and shall be available to the public for review. Generally, applications shall be heard in the order in which they are filed with the Commission and shall be so listed on the agenda.
- h. Chairman calls for verbal communication to any individual or to staff regarding this application. These shall be noted and filed as part of the application if received before the public hearing is closed and shall be available to the public for review.
- i. Chair opens the public hearing
- j. Clerk reads the legal notice.
- k. Applicant presents notarized letter as proof of notification of abutters.

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- I. Chairman calls for any verbal communication received by any individual commissioner. This information shall be stated for the record of the public hearing.
  
- m. The Chairman shall describe the hearing procedure, which is as follows:
  - 1. The applicant presents and explains the application.
  - 2. Commissioners, with permission of the Chair, may question any witness at any time throughout the proceeding.
  - 3. Commissioners are advised to mention site visits they made and encouraged to ask questions and make statements based on that site visit. The applicant may ask questions about the commissioners findings or present evidence to contradict or agree with those findings.
  - 4. The Chair calls for statements from members of the public in favor of the application.
  - 5. The Chair calls for statements from members of the public opposed to the application.
  - 6. The Chair calls for the applicant to make any rebuttal and closing comment.
  - 7. Closing of the Public Hearing; before closing the hearing the Chair reminds the applicant, the public and the commissioners that no conversation may take place between them once the hearing is closed. If anyone wished to speak, this is the time.
  
- n. The Chairman then closes the hearing.

(Hearings may sometimes be continued, usually to the next meeting date of the Commission).