

**BY-LAWS
OF THE
HISTORIC DISTRICT COMMISSION**

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SECTION I – PURPOSES:

The Purposes of the Topsham Historic District Commission are:

1. *The purpose of the Historic District Commission is to promote the educational, cultural, economic and general welfare of the Town of Topsham through the preservation and protection of buildings, sites, monuments, structures and areas of historic importance or interest within the town of Topsham; to protect and preserve the heritage of the Town by preserving and regulating historic landmarks, properties and districts which reflect elements of its cultural, social, economic, political, archeological and architectural history; and to carry out the provisions set forth in the Zoning Ordinance of the Town of Topsham.*
2. *To review applications for certificates of appropriateness in order to maintain the Historic integrity of the the District.*

SECTION II – ADMINISTRATIVE DUTIES

The Commission shall be authorized to:

- A. Conduct a survey of cultural resources within Topsham according to guidelines established by the Maine Historic Preservation Commission and maintain a record of such.
- B. Recommend methods and procedures necessary to preserve, restore, maintain and operate historic sites and properties under the ownership or control of the town.
- C. Review alterations, relocation and demolition of designated historic and prehistoric properties under its jurisdiction.
- D. Review all new construction affecting historic and prehistoric properties and/or districts within its jurisdiction to determine if locally listed historic or prehistoric archaeological sites will be affected.
- E. Review all proposed National Register nominations for properties within its jurisdiction. When the Commission considers a National Register nomination and other actions which are normally evaluated by a professional in a specific discipline, and that discipline is not represented on the Commission, the Commission shall seek expertise in the area before rendering its decision.
- F. Recommend ordinances and otherwise provide information for the purposes of historic preservation in the town.

- G. Establish and use written guidelines for the conservation of designated local landmarks and historic districts on decisions for requests for permits for new construction, alterations, demolition, relocation or additions to listed historic landmarks, properties and buildings within historic districts.
- H. Act in an advisory role to other officials and departments of local government regarding the protection of local cultural resources.
- I. Act as a local liason on behalf of the local government to individuals and organizations concerned with historic preservation.
- J. Promote and conduct educational and interpretive programs on historic preservation and historic properties and sites within the town.
- K. Cooperate with federal, state and local governments in the pursuance of the objectives of historic preservation.
- L. Participate in the conduct of land use and other planning processes undertaken by the town, the state or the federal government and the agencies of these entities.
- M. Issue Certificates of Appropriateness for approved applications.

SECTION III – MEMBERSHIP

Historic District Commission membership requirements are set forth in Article XI §225-75 of the Zoning Ordinance. All new members shall be provided with a minimum of four hours of training by the staff of the Planning Office.

SECTION IV – OFFICERS

- A. Officers: The officers of the Commission shall be Chairman and Vice Chairman. They shall be elected from the body of regular members.
- B. Elections of Officers:
 - 1. Elections shall be by ballot. A majority vote shall be necessary to elect.
 - 2. The election of all officers shall be held in June of each year.
 - 3. The new officers shall take office immediately after their election.
- C. Vacancies: A vacancy of office shall be filled by special election held at the meeting following announcement of vacancy.
- D. Duties of Officers:
 - 1. Chairman:
 - a. The Chairman, when present, shall preside at all meetings of the Commission.
 - b. The Chairman shall call at least one regular meeting each Month.
 - 2. Vice Chairman:

- a. The Vice Chairman shall act as Chairman in the absence or incapacity of the Chairman.

SECTION V – MEETINGS

- A. No meeting shall be held without a quorum consisting of three (3) members.
- B. Regular meetings will be on the second Wednesday of each month unless otherwise specified by the Chairman.
- C. Special meetings or Workshops shall be called at the discretion of the Chairman or when called by a majority vote of the members. These shall generally be held on the 3rd Wednesday.
- D. Site walks shall be scheduled as needed.
- E. A minimum of two commissioners must vote on an application.

SECTION VI -ATTENDANCE

Any member unable to attend a regularly scheduled monthly meeting shall notify the Planning Office no less than four hours before the meeting. Failure to attend three meetings in a twelve-month period without notifying the Planning Office shall constitute grounds for removal from the Commission. Planning Office shall notify the Selectmen in the case of a Commission member missing 3 meetings without notifying the Planning Office.

SECTION VII – AGENDA

- A. Agendas shall be established by the Topsham Planning Office. No item may be added to the agenda at a HDC meeting, except by a majority vote of the Commission

SECTION VIII – PROCEDURE FOR THE COMMISSION REVIEW

The Commission and applicants shall follow procedures set forth in Applicable Town of Topsham Ordinances.

SECTION IX – AUTHORITY OF PROCEDURE

- A. ROBERTS RULES OF ORDER, as shall apply on all questions of procedure not specified in the By-Laws, unless otherwise determined by the Commission. Public Hearings shall be conducted in accordance with the RULES FOR THE CONDUCT OF PUBLIC HEARINGS found in the HDC manual.

SECTION X – ORDER OF BUSINESS

1. Roll Call
2. Approval of Minutes of the previous Meeting
3. Public Hearings
4. Reports of Committees

5. Old and Unfinished Business
6. New Business
7. Adjournment

SECTION XI – AMENDMENTS

The By-Laws may be amended at any regular business meeting of the Commission by majority vote, providing the amendment has been submitted in writing and read at the previous regular meeting.

SECTION XII – CONFLICTS OF INTEREST

Definition: Conflict of interest shall be defined as any monetary interest in the application being reviewed, or any interest in the application that serves a commission members pecuniary interest to the prejudices of the interests for those whom the law authorized and required a commission member to act.

Any member of the Commission that feels a conflict of interest exists, or appears to exist, with respect to a particular application, shall notify the Chair of the potential conflict. The Commission shall review the facts of the apparent conflict in public session, and make a determination as to whether the member should review the application in question. Where a conflict is found to exist, the member shall leave the table. However, the member shall still be counted toward a quorum.

SECTION XIII – EX PARTE COMMUNICATIONS

All Commission members should refrain from discussing pending applications, or potential applications, with each other outside of Historic District Commission meetings. Communications with residents regarding pending applications or potential applications should also be avoided. Where communications take place they should be disclosed to the Commission in public session.

No Commission member should conduct formal site visits to project locations outside of official Historic District Commission site visits. All formal visits should be conducted as part of a Historic District Commission site visit.

SECTION XIV – BIAS

Bias shall be defined as “a partiality that prevents objective consideration of an issue or situation”. Commission members shall not participate in Commission decisions in which their bias compromises their objectivity or where an appearance of bias jeopardizes the credibility of the Commission's decision. The Commission member may recuse himself or herself, or in the case that the Commission votes to recuse a member, that person will step down from voting in that particular instance.

SECTION XV – SEPARABILITY

- A. Any portion of these By-Laws found to be contradictory to law shall not invalidate other portions.

Amended 11/16/88
 4/11/91
 3/30/92
 9/13/00
 04/13/05