

# **Woodstock Historic District Commission Rules and Regulations**

## ***Section I. Purpose***

The Woodstock Historic District Commission (hereinafter the Commission) is established to provide the educational, cultural, economic and general welfare of the public through the preservation of the distinctive characteristics of buildings and places associated with the history of Woodstock and, more broadly, of Connecticut and the United States. The Commission will be engaged in review of the proposed exterior changes to buildings and places within areas designated as local historic districts. (The Commission will not regulate the color of paint on the exterior of a building, or interior arrangements or use, or the ordinary maintenance or repair of any exterior feature which does not involve a change of design or appearance, or exterior architectural features not visible from a public street, way or place.) The Commission will further seek and help prepare nominations of potential historic districts within Woodstock, and act as a resource to the community on matters of historic preservation. These Rules and Regulations have been adopted in accordance with Section 7-147c(e) of the Connecticut General Statutes (hereinafter CGS), and with Section 5c of the Woodstock Historic District Ordinance adopted November 15, 1995 (hereinafter the Ordinance).

## ***Section II. Rules of Procedure***

### **A. Organization of the Commission**

The Commission is organized in accordance with CGS 7-147a-k inclusive, and with the Ordinance.

#### **1. Membership:**

The Commission shall consist of five (5) regular members and three (3) alternate members, all of whom shall be electors of the Town of Woodstock, holding no salaried town office. The members of the Commission shall be appointed by the Board of Selectmen in such manner that the term of at least one member shall expire each year and their successors shall be appointed in like manner, for a term of five (5) years.

Resignations from the Commission shall be in written form and transmitted to the Chairperson who shall forward a copy within five (5) days to the Town Clerk. The Board of Selectmen shall not remove a regular member or alternate member of the Commission except for good cause and, upon request of such regular member or alternate member, only after a public hearing. Failure to attend three consecutive meetings of the Commission during one calendar year may constitute good cause for removal of a regular member or an alternate member. The Board of Selectmen shall fill any vacancy in the membership of the Commission, which may result from the death, resignation, or removal of a member from any other cause, for the unexpired term of such regular member or alternate member.

#### **2. Officers and Duties**

Within thirty (30) days after the appointment of the members of the first Commission, and thereafter at the regular January meeting of the Commission, the members shall meet, organize, and elect a Chairperson, Vice Chairperson, and Clerk from its own number.

Alternate members shall not participate in any election of officers of the Commission, unless they have been designated to act in place of a regular member by the Chairperson. Terms of officers shall be limited to five (5) consecutive years.

- a) The Chairperson shall:
  - i. preside at all meetings and hearings of the Commission;
  - ii. designate an alternate to act in place of a regular member who is unable to act because of absence, sickness, or conflict of interest. Such alternates shall be chosen in rotation so that all alternates shall act as near equal a number of times as possible. If any alternate is not available in accordance with such rotation, such facts shall be recorded in the minutes of the meeting. An alternate designated at the start of a meeting as a regular member shall retain that status throughout the meeting;
  - iii. appoint committees;
  - iv. appoint a Clerk pro tem in the absence of the elected Clerk;
  - v. be responsible for filing with the Connecticut Historical Commission and the Town Clerk of Woodstock any publication of the Commission, the roster of the Commission's membership, and at least once every year a brief summary of the Commission's actions during that year, including a statement of the number and nature of Certificates of Appropriateness issued, any changes in the membership of the Commission, and any other information deemed appropriate by the Commission;
  - vi. file an agenda with the Town Clerk for all regular and special meetings of the Commission at least twenty-four (24) hours prior to all meetings, and provide notice of all meetings to Commission members; and
  - vii. be an ex-officio member of all committees.
  - viii. arrange proper and legal advertisement of all public hearings;
  - ix. prepare Certificates of Appropriateness for issuance, and issue written notice of the Commission's decisions to applicants;
  
- b) The Vice Chairperson shall:
  - i. act for the chairperson in his/her absence and shall have the authority to perform his/her duties; and
  - ii. maintain a monthly record of the Commission's expenditures on a fiscal year basis.
  
- c) The Clerk or his/her designee or Clerk pro tem shall:
  - i. prepare and file the Commission's agenda at the direction of, or in the absence of, the Chairperson and Vice Chairperson;
  - ii. keep the minutes and records of the Commission, including a permanent record of the Commission's resolutions, transactions, and determinations and the vote of each member participating therein;
  - iii. file required minutes with the Town Clerk in accordance with the Town of Woodstock Policy and Procedure Manual for Boards and Commissions;
  - iv. attend to the correspondence of the Commission;

- v. perform other duties as are normally carried out by a Clerk; and
- vi. file with the Town Clerk not later than January 31<sup>st</sup> of each year a schedule of regular meetings of the Commission. Note: the Town Clerk requests the schedule in November for publication on the January calendar.

d) Alternates

- i. an alternate member shall, when designated to act in place of a regular member, have all the powers and duties of a member of the Commission;
- ii. alternates may serve on any committee.

e) Election of Officers:

- i. an annual organizational meeting shall be held as part of the first regular meeting in January at which time officers will be elected and the Rules and Regulations will be reviewed and made a part of the minutes of the meeting. A majority of the regular members must be present before election of officers can take place;
- ii. nominations shall be made from the floor at said annual meeting and election of the officers shall follow immediately thereafter;
- iii. a candidate receiving a majority vote of those present shall be declared elected and shall serve for one year or until his/her successor shall take office;
- iv. vacancies in office shall be filled by election at any meeting warned for the purpose; and
- v. in the absence of the Chairperson and Vice Chairperson, the Commissioners present shall elect a Chairperson pro tem.

### 3. Committees

Committees will be appointed and dissolved as needs and projects require. Membership will be at the discretion of the Commission.

### 4. Grants and Gifts

The Commission may accept grants and gifts, employ clerical and technical assistance or consultants and incur other expenses appropriate to the carrying on of its work, subject to appropriation by the municipality or receipt of such grants or gifts and may expend the same for such purposes.

## B. Meetings

### 1. Type of Meetings

There are three types of meetings, which may be held by the Commission. They consist of the regular monthly meetings, special meetings, and emergency special meetings, all of which are conducted in accordance with Connecticut's Freedom of Information Act.

### 2. Schedule of Meetings

- a) Regular meetings are held every month except December in the Woodstock Town Hall unless otherwise posted in the agenda. The schedule of regular meetings for each new calendar year shall be made available to the Town Clerk upon request each year. However, in the event of an unforeseen conflict with holidays or other events, the Commission may vote to change the date of one or more future regular meetings during the year with appropriate notice.
- b) A special meeting may be called on an as needed basis by the Chairperson, up to twenty-four (24) hours (excluding weekends, holidays, and days when the Town Hall is closed) before the time set for a special meeting. The members of the Commission, the Chairperson, or a property owner within an historic district may request special meetings. Meeting agendas shall be filed with the Town Clerk and posted not less than twenty-four (24) hours prior to the meeting, and shall give notice of the time, place, and business to be transacted. No business other than that which appears on the agenda of a special meeting can be transacted, and the agenda cannot be amended at such a meeting.
- c) An emergency meeting may be called at any time provided that it is conducted in accordance with CGS 1-225(b), as it may be amended.

### 3. Conduct of Meetings

- a) A quorum shall consist of three (3) members (excluding alternate except when designated to act in place of a regular member) of the Commission for the transaction of all business either at meetings or at public hearings.
- b) No resolution or vote, except a vote to adjourn or fix the time and place of the Commission's next meeting, shall be adopted by less than two (2) affirmative votes, provided that a quorum is present.
- c) The order of business at a regular meeting shall be as follows, unless the agenda specifically provides otherwise:
  - i. Call to Order
  - ii. Designation of Alternates (if necessary);
  - iii. Public Hearing(s) (if needed);
  - iv. Review of Minutes;
  - v. Project Consultation
  - vi. Public Comment;
  - vii. Correspondence;
  - viii. Old Business;
  - ix. New Business;
  - x. Adjournment
- d) Project Consultation or Pre-application Review. Pursuant to C.G.S. 7-159b Project Consultations or Pre-application Reviews are informational sessions held by the Commission with applicants, prior to submission of formal applications. It is the primary goal of a Project Consultation to engage in dialogue and to gauge the Commission's stance on appropriateness. This preliminary review process is held prior to submission of any formal application materials, though the applicant is asked to bring any available materials, which might be pertinent. The Project Consultation does NOT begin the statutorily defined 65-day time period for consideration of the application, as no application is submitted at this stage. Project Consultations are entirely optional but are encouraged by the Commission as a means to

expedite the ultimate application review process for both the applicant and the Commission. Project Consultations are held during the Commission's regularly scheduled monthly meetings, though in exceptional instances, a special meeting may be scheduled. Note that the Commission can make no final decisions during this pre-application review process, except to determine that a formal application is not in fact required for a particular project.

#### 4. Conflicts of Interest

If for any reason, a Commission member finds himself/herself in conflict with any particular issue, for personal or financial reasons, the individual must abstain from any vote on that issue, and the Chairperson shall appoint an alternate to vote in place of that member. Commission members and alternates shall be obligated to disclose, prior to any meeting on which a vote is expected to be taken, any facts which might constitute a conflict of interest on their part, and if there is dispute concerning whether or not there is a conflict of interest, the Chairperson's decision on the issue will be conclusive.

#### 5. Amendment and Revisions

Proposed amendments and revisions to these Rules and Regulations will be sent to each regular Commission member and Alternate at least ten (10) days in advance of the meeting at which it is proposed that they be considered. A majority vote of the Commission is required to adopt any revision or amendment to these Rules and Regulations.

#### 6. Executive Sessions

The Commission may vote to go into Executive Session in accordance with the Connecticut Freedom of Information Act by two thirds vote of the members present and voting, provided that the reasons for doing so meet the requirements of CGS 1-200(6).

#### 7. Severed Sections

If for any reason, a court finds one or more sections of these Rules and Regulations to be invalid, all of the remaining sections shall remain in full force and effect.

### C. Certificates of Appropriateness (Procedures, Hearings, and Appeals)

#### 1. Procedures

The procedures which shall be followed by the Commission concerning applications for Certificates of Appropriateness (including but not limited to filings, notices, public hearings, decisions, and enforcement of decisions) are set forth in Sections Three and Four of the Ordinance, and in CGS 7-147 d through g. An application for a Certificate of Appropriateness shall be filed with the Town Building Official.

#### 2. Rules for Public Hearings

In addition to the procedural requirements in the Ordinance and the Connecticut Statutes cited above, the Commission may, by majority vote at the commencement of a public

hearing, adopt the following Rules of Conduct (or a modification thereof) for the Public Hearing:

- a. Any individual may appear in person, or by agent or attorney, or by some form of written communication;
- b. Applications shall be heard in the order in which they are placed on file and are shown on the agenda and the call for public hearings;
- c. In order to maintain procedural order and to insure fairness, the following process will be followed unless otherwise modified at the public hearing:
  - i. Call to Order;
  - ii. Clerk reads Roll Call;
  - iii. Clerk reads Notice of Public Hearing from the Legal Notice;
  - iv. Clerk reads the following rules for speaking: only one person may speak at a time; all persons (including Commissioners) must be recognized by the Chairperson before speaking; each speaker (except Commissioners) must identify himself/herself by name and address, and consultants must provide their credentials;
  - v. The applicant and his/her expert consultants shall give a detailed description of the application as well as present any supporting evidence such as blueprints, drawings, specifications as to materials, etc.;
  - vi. Upon completion of the presentation, the Commissioners shall have the opportunity to question the applicant and his/her consultant(s);
  - vii. The Chairperson may ask for relevant supporting testimony or comments from interested parties;
  - viii. The Commissioners shall have the opportunity to question those who support the application;
  - ix. Upon the close of hearing supporting comments, the Chairperson will ask for comments from those in opposition to the application;
  - x. The Commissioners shall have the opportunity to question those in opposition to the application;
  - xi. The applicant (and his/her agents) may briefly rebut any objections raised;
  - xii. Those in opposition may briefly comment if they have anything new to offer;
  - xiii. Determination is made as to whether the public hearing is to be closed, continued, or if the record should be kept open. Once the public hearing is closed, the decision may be made.

### 3. Decision

Within not more than sixty-five (65) days after the filing of an application for a Certificate of Appropriateness as required by CGS 7-147d, the Commission shall pass upon such application in accordance with the requirement of CGS 7-147e, and shall give written notice of its decision to the applicant as set forth therein. The Building Official will be

responsible for the enforcement of the decision. Once approved, the Certificate of Appropriateness shall be valid for a period of two years.

#### 4. Appeals

Appeals from decisions on application for Certificates of Appropriateness may be taken in accordance with CGS 7-147i, and with Section 5.b.iv. of the Ordinance.

#### D Delay of Demolition

By authority of CGS 7--147y(b), if a building within the boundaries of a Historic District is to be demolished, no demolition shall occur for ninety days from issuance of a demolition permit if during such time the Commission or the Connecticut Department of Economic and Community Development, Offices of Culture and Tourism is attempting to find a purchaser who will retain or remove such building or who will present some other reasonable alternative to demolition. During such ninety-day period the municipality may abate all real property taxes. At the conclusion of such ninety-day period, the demolition permit shall become effective and the demolition may occur. Nothing in this section shall be construed to mandate that the owner of such property is under any obligation to sell such property or building.

#### E. Additional Historic Districts and Enlargement of Existing Historic Districts

By authority of CGS 7--147r(b), the Commission from time to time, in accordance with CGS 7-- 147q, may initiate the designation of additional Historic Districts or the enlargement of the boundaries of an existing Historic District.

1. Above WHDC Rules and Regulations – Updated and Filed with the Town Clerk of Woodstock 8/24/2005
2. Reviewed by the WHDC on June 23, 2014. Approved by WHDC on June 23, 2014.
3. Reviewed by the WHDC on April - June - 2016. Legal Review by Town Attorney July 27, 2016. Approved by WHDC on August 22, 2016. Updated and files with the Town Clerk of Woodstock on September 12, 2016.