

**RULES OF PROCEDURE
TOWN OF NEW MARKET
HISTORIC DISTRICT COMMISSION
ARCHITECTURAL REVIEW COMMISSION**

FOREWORD

These standard procedures are issued to assist the Town of New Market Historic District Commission and Architectural Review Commission (HDC/ARC), its staff, and the general public in the orderly and efficient conduct of all matters with which the HDC/ARC is concerned. All matters that come before the New Market HDC/ARC must first be reviewed by the New Market Planning and Zoning Commission.

OBJECTIVE

In accordance with Article 66B of the Annotated Code of Maryland, the New Market Historic District Commission seeks to foster and safeguard the heritage of the town by preserving the sites, structures or districts which reflect elements of the town's cultural, social, economic, political, architectural, or archeological history.

SEC. 1. DEFINITIONS

1.1 The term "HDC/ARC" shall refer to the body that meets in separate sessions as the New Market Historic District Commission or the New Market Architectural Review Commission.

SEC. 2. OFFICERS AND COMMITTEES

2.1 The HDC/ARC shall elect a chair and vice-chair annually in the month of January.

2.2 The chair, or in the chair's absence, the vice-chair, shall preside at all meetings and hearings of the HDC/ARC. In the absence of both officers, a temporary chair shall be elected by the members present. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the HDC/ARC members present.

2.3 Special committees may be appointed for special purposes or study.

SEC. 3. MEETINGS

3.1 Regular meetings shall be held on the second Tuesday of each month unless postponed to such a day and time as directed by the chair.

3.2 Special meetings may be held to address issues of an urgent nature. These meetings will be conducted according to procedures governing regular meetings and will be scheduled by the chair, with at least seven (7) days notice provided to all members.

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SEC. 4. VOTING

- 4.1 A quorum shall consist of 4 members of the HDC/ARC.
- 4.2 The order of business shall be in accord with the agenda prepared by the town clerk, in consultation with the chair. Members of the HDC/ARC who wish to add to the agenda shall notify the chair of their request ten (10) days prior to the scheduled meeting.
- 4.3 Questions put to a vote are decided by a majority of the members present and voting; however, no decision shall be made in the absence of a quorum.
- 4.4 A tie vote by the HDC/ARC shall be interpreted as a defeat of the motion upon which the vote was taken.
- 4.5 Members shall not vote on any matter in which they have a personal, financial or fiduciary interest.
- 4.6 In order to be eligible to vote on a matter, a member will have attended all meetings or have become familiar with the record of any meetings from which the member was absent at which the matter was discussed.
- 4.7 Members' votes and abstentions shall be recorded on each motion.

SEC. 5. PUBLIC HEARINGS

- 5.1 All public hearings shall be preceded by notices posted concurrently with the New Market Planning and Zoning Commission agenda or with a minimum of fourteen days posted notice.
- 5.2 All HDC/ARC meetings shall be open to the public as required by the Maryland Open Meetings Law. Any interested person is entitled to appear and be heard by the HDC/ARC before it reaches a decision on any matter. The voting on such decisions shall be held during a public meeting and the HDC/ARC shall keep an open record of its resolutions, proceedings, and actions which shall be available for public inspection during business hours at Town Hall . Nothing contained herein shall be construed to prevent the HDC/ARC from holding executive sessions from which the public can be excluded in accordance with state law, but no ordinance, resolution, regulation, or recommendation shall be finally acted upon at such an executive session.
- 5.3 Record of Proceedings - It shall be the duty of the town clerk to keep a true and accurate, though not verbatim, record of all proceedings at all meetings and public hearings. The basis for decisions on all applications shall be recorded in the minutes as well as on the application. Minutes should be kept and, following each meeting, the minutes shall be typed, distributed to the individual members, and, if approved by the HDC/ARC at its next meeting, placed in a record book. The presiding officer at the

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meeting shall sign the minutes, resolutions, and other official documents, as adopted or approved.

5.4 A petitioner or applicant may appear before the HDC/ARC with or without counsel or may be represented by an agent. In the absence of any personal appearance on behalf of the petitioner, the HDC/ARC will proceed to dispose of the matter on the record before it.

5.5 The order of hearing upon an application or petition shall be as follows:

- Introduction of Case by the Presiding Officer
- Staff Report / Planning & Zoning comments / County representative / expert testimony.
- Presentation by the Petitioner or His/Her Agent or Attorney
- Questions by Members of the HDC/ARC
- Public Comment
- Petitioner Rebuttal
- Discussion/Consideration by HDC/ARC
- Statement of Basis for Decision

5.6 The HDC/ARC may postpone or continue any case until the next regular meeting due to a need for additional information from the petitioner or others, lack of a quorum, or for further study. However, the HDC/ARC shall act upon a completed application for a Certificate of Appropriateness within forty-five (45) days from the date that the completed application was filed with the HDC/ARC unless an extension of this forty-five day period is agreed upon mutually by the applicant and the HDC/ARC or unless the application has been withdrawn.

SEC. 6. PROCEDURE IN BRINGING MATTERS BEFORE THE HDC/ARC

6.1 Applications for nomination to the County Register of Historic Places and for a Certificate of Appropriateness will be made on forms provided by the HDC/ARC.

6.2 All applications requiring HDC/ARC approval must be filed at least 14 days in advance of the regular monthly Planning and Zoning meeting.

6.3 To afford HDC/ARC members the opportunity to become adequately informed as to exterior changes being proposed, complete applications for a **Certificate of Appropriateness** must include the following:

(1) A clear and legible plot plan or accurate drawing on paper of the property showing all structures proportionate to their size and distance from each other and from property lines or with an accompanying scale;

(2) A clear and legible sketch or accurate drawing on paper of the exterior details or area to be

changed. Photograph(s) which show details or area(s) to be changed in the existing surroundings are recommended.

- (3) Samples of materials to be used, copies of catalog cuts, or other supporting information, if applicable.
- (4) For proposed new construction, a scaled or proportionate site plan, elevation drawings or sketches, materials samples, and photographs of the site from several angles are required.
- (5) Any additional information for any specific project determined necessary by the HDC/ARC to carry out its functions and duties.

6.4 The items in Sec. 6.3 may be prepared and submitted by the applicant. It may be required that such information, if found deficient or in error, be resubmitted over the certification of any engineer, architect, landscape architect, land surveyor, or other certified professional. The HDC/ARC may require that architectural renderings of buildings, streetscapes or public areas be presented to assure that the appearance, size, style, and type of building material or other aspects of the design submitted meet the requirements of the Secretary of the Interior's *Standards for Treatment of Historic Properties* and any guidelines adopted by the HDC/ARC.

SEC. 7. FINAL DISPOSITION OF ALL MATTERS

7.1 The disposition of all formal petitions and requests before the HDC/ARC requiring further action by the Town governing body shall be in the form of a letter of recommendation to the New Market Town Council. The petitioner shall be notified by letter of the action taken by the HDC/ARC.

SEC. 8. CONDUCT OF HDC/ARC MEMBERS

8.1 Speaking for the HDC/ARC - A member shall not appear to speak for the HDC/ARC except as authorized by the HDC/ARC. In any public or private statement concerning HDC/ARC affairs, members shall carefully indicate whether they are speaking for the HDC/ARC or for themselves.

8.2 Conduct at meetings - Members shall conduct themselves at HDC/ARC meetings in a fair, understanding, and gracious manner. They shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official HDC/ARC business.

8.2 Conflict of Interest - Participation as a member of the HDC/ARC in any matter in which that member has a personal, financial or fiduciary interest is considered a conflict of interest. Such participation is prohibited. In the event of a possible conflict of interest, it shall be the

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responsibility of the member to bring the possible or actual conflict to the attention of the chair. If the chair determines that there is an actual conflict of interest, the member shall be recused and shall not participate as a member in the matter.

SEC. 9. APPLICABILITY

9.1 Order of Precedence - In the event of any conflict between provisions in these Rules of Procedure and provisions in the Town of New Market Zoning Ordinance. The provisions in Town of New Market Zoning Ordinance shall apply.

9.2 Severability - If any provision of these Rules of Procedure is found to be invalid or inapplicable, all other provisions shall remain in effect.