

# Town of Washington Grove Historic Preservation Commission

## By-Laws

### Adopted August 29, 2002

#### Article 1. Purpose and Authorization

##### 1.1 Purpose

The purpose of these By-Laws is to assist the Town of Washington Grove Historic Preservation Commission, hereafter called the HPC, its staff, and the general public in the orderly and efficient conduct of all matters with which the HPC is concerned.

##### 1.2 Authorization.

The Historic Preservation Commission, as constituted, derives from the State of Maryland's Enabling Act for Historic Zoning, namely Article 66B, Section 8.01-8.17 of the Annotated Code of Maryland, as amended, hereafter referred to as "Article 66B." The Town of Washington Grove Code of Ordinances Article XV, Section 1-7, hereafter referred to as "Article XV", establishes the HPC and defines its duties and responsibilities. These By-Laws as well as Rules of Procedure are required to be adopted by the HPC under Section 6 of Article XV.

##### 1.3. Objective

In accordance with Article 66B and Article XV the HPC shall seek to foster and safeguard the heritage of the Town of Washington Grove by using its authority under the Ordinances of the Town to (a) preserve the sites, structures, and districts of historical, archeological, social, or architectural significance within the political boundaries of the Town and (b) monitor changes in proposed use of lands bordering the Town and advise Town officials of the implication for preservation.

#### Article 2. Definitions, Abbreviations, and Acronyms

- 2.1 **Commission** – Town of Washington Planning Commission.
- 2.2 **HPC** – Town of Washington Grove Historic Preservation Commission.
- 2.3 **TWG** – Town of Washington Grove.
- 2.4 **Article XV** – Article XV of the Ordinances of the TWG.
- 2.5 **Article 66B** – Article 66B, Section 8.01-8.17 of the Annotated Code of Maryland, as amended.
- 2.6 **Members** – Members of the HPC.
- 2.7 **Applicant** – Individual or organization filing an application or requesting a hearing. Also referred to as Petitioner
- 2.8 **Application** – An application for a building permit or an application for a subdivision plan

**Article 3. Officers and Committees**

The number of HPC members, their terms, and their qualifications are determined by Article XV of the Ordinances of the Town of Washington Grove.

**3.1 Chair.**

The HPC shall elect a chair and vice-chair from its members annually. The chair and vice-chair shall be eligible for re-election. If the position of chair or vice-chair is vacant the HPC shall elect a new chair or vice chair at the earliest possible moment.

**3.2 Secretary**

The chair shall appoint a member as recording secretary. The secretary shall serve at the discretion of the chair.

**3.3 Presiding Officer**

The chair, or in the chair's absence the vice chair, shall preside at all meetings and hearings of the HPC. The presiding officer shall decide on all points of order and procedure, subject to these rules, unless otherwise directed by a majority of the HPC members present.

**3.4 Special Committees and Staff**

Special committees may be appointed for special purposes or study. The chair shall appoint one member annually as liaison to the Heritage Committee of the Town of Washington Grove. The Town of Washington Grove shall provide staff assistance.

**Article 4. Duties of the Members of the HPC and Staff****4.1 Duties of the Chair and Vice Chair**

The Chair shall preside at meetings, execute the agenda, coordinate and direct the operation of the HPC, administer oaths, confirm HPC decisions in writing to applicants, assign the drafting of majority opinions explaining decisions, appoint consultants and staff members, and maintain effective liaison with the Planning Commission of the TWG well as with technical assistants and consultants within the HPC operation. The Vice Chair shall perform the duties of the Chair in the absence of the Chair.

**4.2 Historic Preservation Staff**

The Historic Preservation Staff will carry out actions required in record keeping, application processing, advertising, notification, certification, and general coordination of HPC processes including distribution of all correspondence and reports to HPC members.

**Article 5. Hearings and Meetings****5.1 Meetings**

The HPC will meet once a month to hear applications. Regular meetings shall be held on the same day of every month, such as the first Monday of each month. The regular meeting may be postponed to such a day and time as directed by the chair. The HPC may schedule special meetings as deemed necessary.

**5.2 Special Meetings**

Special meetings may be held to address issues of an urgent nature. These meetings will be conducted according to the procedures governing regular meetings. Special meetings may be scheduled by the chair. Any three members may require the Chair to call a special meeting that shall be held within 10 days of the request.

**5.3 Quorum**

Three members of the HPC shall constitute a quorum. No hearing, meeting, or special meeting may take place without a quorum.

**5.4 Attendance**

It shall be the duty of each member to attend all meetings. Should any member be absent from one half or more of all meetings held, or scheduled to be held, during any six month period, the HPC shall recommend to the Mayor and the Town Council that the member's resignation be requested.

**5.5 Witnesses and Testimony**

The Chair may require attendance of witnesses and testimony under oath and the production of documents on matters related to the business of the HPC.

**5.6 Holds on Applications**

Subject to the 30- or 60-day statutory deadline or with the agreement of the applicant, any three members of the HPC may require an application to be held over until the next meeting.

**5.7 Rules of Order**

Robert's Rules of Order, latest edition, shall govern the proceedings of this HPC in all cases not otherwise provided for by these By-Laws or by the Rules of Procedure as adopted by this commission.

**Article 6. Voting****6.1 Agenda**

The order of business shall be in accord with the agenda prepared by the Chair with the assistance of staff. A draft agenda shall be distributed to members prior to the meeting and made public if time permits. Modifications of the agenda may be made by the chair at any time before or during a meeting.

**6.2 Quorum, Majority**

Questions put to a vote are decided by a majority of the members present and voting. No decision shall be made in the absence of a quorum.

**6.3 Tie Votes.**

A tie vote of the HPC members shall be interpreted as a defeat of the motion upon which the vote was taken.

**6.4 Requirement to Vote.**

In order to be eligible to vote on a matter a member must 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.

**6.5 Records**

The presence of members, their votes and abstentions shall be recorded on each motion.

**Article 7. Public Meetings****7.1 Notices**

All hearings shall be preceded by public notice.

**7.2 Meetings to be Public**

a. All HPC 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 HPC before it reaches a decision on any matter. The voting on such decisions shall be held during a public meeting and the HPC shall keep an open record of its resolutions, proceedings, and actions, which shall be available for public inspection during business hours at the office of the Clerk of the TWG.

b. Nothing contained herein shall be construed to prevent the HPC from holding executive sessions from which the public can be excluded in accordance with state law, but no resolution, recommendation, or decision shall be finally acted upon at such an executive session.

**7.3. Record of Proceedings**

It shall be the duty of the Secretary of the HPC 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. The HPC shall, if needed, set further detailed procedures for the processing of the minutes of its meetings.

**7.4 Right of Applicant to be Appear**

An applicant may appear before the HPC with or without counsel or may be represented by an authorized agent. In the absence of any personal appearance on behalf of the applicant, the HPC must proceed to dispose of the matter based on the record before it.

**7.5 Order of Hearing**

The order of hearing upon an application shall be stated in the Rules of Procedure of the Commission. The chair may deviate from the prescribed order.

**7.6 Time Limits**

The Chair shall impose reasonable time limits on argument, and, although formal rules of evidence shall not apply, the chair shall also impose reasonable limitations on the introduction of evidence.

**7.7 Postponement and Continuation**

The HPC may postpone or continue any case until the next regular meeting due to a need for additional information from the applicant or others, lack of a quorum, or for further study. However the HPC shall act upon a completed application within the statutory 30 or 60 day period from the date that the completed application was received by the HPC unless an extension of the statutory period is agreed upon mutually by the applicant and the HPC or unless the application has been withdrawn.

**7.8 Standards**

The HPC shall adopt (a) criteria for review of applications and (b) rules for the application of graduated strictness depending on the relative historic, cultural, archeological, or architectural significance of the structure or area to the TWG. These shall be included in the Rules of Procedure for the HPC.

**Article 8. Procedure in Bringing Matters before the HPC****8.1 Opportunity for HPC Members to Study an Application**

All applications requiring HPC consideration must be received at least 5 days in advance of the regular monthly meeting.

**8.2 Submission Requirements**

To afford the HPC members an opportunity to be adequately informed as to the exterior changes being proposed, the applicant shall be required to submit certain documents to the HPC with an application. A list of these requirements shall be given in the HPC Rules of Procedure.

**8.3 Preliminary Consultation**

The HPC wishes to encourage the use of "preliminary consultations" as a way of using its time and that of applicants to maximum advantage by enabling them to get "preliminary" thoughts on their projects while still in the formulation stage. The HPC shall set procedures for such preliminary reviews. These procedures shall be set forth in the HPC Rules of Procedure.

**Article 9. Notification of Applicant.****9.1 Letter to Applicant**

The disposition of all formal applications and requests before the HPC that require further action on the part of the Town of Washington Grove, shall be in the form of a letter of review to the Planning Commission of the TWG. The applicant shall be notified by letter of the actions taken by the HPC.

**Article 10. Conduct of HPC Members and Conflicts of Interest****10.1 Review of Applications**

HPC members will familiarize themselves with the applications under consideration or other matters under review. Members shall review applications based on architectural guidelines, historical, archival, and archeological information as well as advice from technical consultants.

**10.2 Speaking for the HPC**

A member will not appear to speak for the HPC except as authorized by the HPC. Such authorization is to appear in the minutes of a meeting of the HPC. In any public or private statement concerning HPC affairs, members will carefully indicate whether they are speaking for the HPC or for themselves.

**10.3 Conduct at Meetings**

Members shall conduct themselves at HPC 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 HPC business.

**10.4 Conflicts of Interest**

- Members of the HPC shall comply with the applicable ethics laws of the State of Maryland, Montgomery County, and the Town of Washington Grove.
- HPC members shall avoid any conflict of interest and even the appearance of such a conflict.
- In cases where a potential conflict appears, it is the responsibility of the member to bring the possible or actual conflict of interest to the attention of the Chair.

- If the Chair determines that there is an actual conflict of interest, or the appearance of such, the member may be recused by the Chair and shall not participate in the matter.
- Members may remove or recuse themselves from a case or other matter due to an actual conflict of interest or the appearance of a conflict of interest. Whether recused or removed, such action shall become part of the official and public record of the HPC.

**10.5 Special Duties**

As necessary, the Chair may assign members of the HPC to special duties that relate to HPC business, on a pro-tem basis.

**10.6 Compensation**

Members of the HPC serve on the HPC without compensation, in a volunteer status.

**10.7 Expenses and Authorization for Expenses**

The Chair will submit invoices for authorized expenditures to the Clerk of the TWG to reimburse members for authorized expenditures on behalf of the HPC. Members are to obtain authorization for any expenditures from the Chair prior to incurring any expenses on behalf of the HPC.

**Article 11. Amendments and Changes to the By-Laws and Rules of Procedure****11.1 Amendments**

Proposed amendments to these By-Laws or the HPC Rules of Procedure may be introduced at any meeting of the HPC and voted on at the next regular meeting. Passage of amendments requires a majority of all sitting members of the HPC.

**11.2 Changes to the Ordinances of the TWG**

Changes to the Ordinances of the Town of Washington Grove that relate to the HPC shall become, at the time of their adoption by the Mayor and Council, amendments to these By-Laws or the HPC Rules of Procedure.

**11.3 Immediate Vote on Amendments**

The HPC by unanimous vote of all sitting members of the HPC, may vote to waive the requirement under Section 1 of Article 11 that a proposed change shall be introduced at a regular meeting and voted on at the next meeting.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

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Chair