

Town of Concord
Historic Districts Commission
Guidelines for Administration

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1. HDC Purpose and Responsibilities Overview

1.1 HDC's Unique Responsibility

The Historic Districts Act and the Historic Districts Commission (HDC) were created in 1960 to preserve the historic character, physical surroundings, and architectural legacy of Concord. The intent is both to preserve the physical community and to allow its evolution. The Act requires an application, public hearing and, if appropriate, the issuance of a Certificate of Appropriateness before any building permits are issued or any changes are made to properties within the Historic Districts. (See HDC Act and HDC Design Guidelines for complete definitions for HDC responsibilities and powers.)

The HDC is unique in its charge and responsibility as there can be a great deal of latitude in the nature of determining what is “appropriate” for a given site. Given the wide variety of issues and interests that the HDC must balance, as well as the sensitivity of the public to the outcome of their rulings, the Commission needs to exercise care and sensitivity in making its determination while also maintaining and enforcing the Act for the long term interests of the Town as a whole. Clear expectations, consistency and a holistic mindset are important. Judgment needs to be exercised and decisions based on the collective importance (historic, literary and architectural) of the property and its physical and historic context. Each property makes a unique contribution to the whole of its historic district. Knowledge of historic building techniques and design can often be important to inform the decision process and prevent unintentional and detrimental modifications. The influence of previous Commission rulings and precedents should be weighed carefully but not assumed to be applicable in all similar cases. The composition of the Commission’s membership and the resultant rulings naturally will contain variation over time. Individual Member passion for the mission of the Commission is important given the responsibilities and time commitment involved. To maintain the effectiveness and integrity of the HDC, Commission Member’s objectivity is paramount and at no point should rulings be guided by personal agendas, knowledge of the Applicant, or personal association with the property.

2. Commission Administration

2.1 Commission Administration

The HDC is a volunteer commission within the Town which reports to the Board of Selectmen and is subject to the Town’s administrative procedures and rules (See Town committee handbook and related administrative procedures). Commission members must comply with all applicable State laws including the Open Meeting and Conflict of Interest laws.

The Commission is authorized by the Act to make Rules and Regulations as needed. The Rules should provide the Commission guidance, delineate common procedures and encourage consistency in administration. These Rules can be made and modified by vote of the Commission at any time.

2.2 Commission Structure

The Commission consists of 10 Members appointed as defined in the Act by five nominating bodies. There are five full (voting) Members and five associate (nonvoting) Members, one of each representing its nominating body. Commission terms are for 5 years and are staggered so that there are two openings, one full and one associate, each year. The 10 Member Commission size allows for a diversity of experience, knowledge, skills and residency within the Town. A quorum of 5 Members is required for all Commission meetings. Member residency within an historic district is not required.

2.3 Member Appointments

Nominations for a vacancy must include two candidates to be put forward to the Selectmen for voting. In the event that the nominating body fails to act within 90 days of a written request from the Board of Selectmen, the Board may proceed with an appointment. Like all Commission member selections, the nomination is presented at one Board of Selectmen meeting and voting takes place at a subsequent meeting to allow for a review and comment period. When vacancies for unexpired terms occur, the nominating process remains the same. Nominations for full Members can include current Associate Members.

Regarding temporary appointments, the Act states: “In the case of a vacancy on said commission the chairman may designate an associate member to serve as a member of the commission until said vacancy is filled.... Every member and associate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified.” For those continuing in office after the expiration of their term, the nominating body is irrelevant. The appointing body is the Select Board. The Chair may designate them to serve as associate members or full members according to the circumstances.

2.4 Electing Chair, Vice Chair and Secretary

The Commission is responsible for electing a Chair, Vice Chair and Secretary to administer the meetings and act on behalf of the Commission in administrative matters. One year terms are standard and must be filled by full voting Members. The Commission may elect other officers as desired which can be filled by any Member. Elections are to take place at the end of the calendar year.

2.5 Responsibilities of the Chair, Vice Chair and Secretary

The Chair is primarily responsible for the orderly administration of Commission affairs and is the primary representative of the Commission. The Chair is the primary contact between the Commission and the Selectmen, Staff and other Town departments.

In addition, the Chair is responsible for finalizing hearing agendas, chairing the hearings, signing any documents (except for the meeting minutes which are signed by the Secretary) on behalf of the Commission, and coordinating with Staff on the Commission's administration matters. The Vice Chair is responsible in the Chair's absence for the duties noted above. The Secretary is responsible for the review and signing of all minutes. There is an understanding that Commission Staff will be responsible for producing the minutes of any Commission discussion but the Secretary may be required to take on this duty when Staff is absent. A Pro Tem Chair can be chosen in the absence of the Chair and Vice-Chair.

2.6 Lines of Communication

Given the magnitude of the Commission's responsibility, open, frequent and timely communication is key to the orderly administration of the Commission's affairs.

Staff and the Chair may communicate daily and sufficient time should be allotted to handle this responsibility. All communication procedures must respect confidentiality where required and be in compliance with the Open Meeting Law requirements. Proper record keeping is also required for all Commission affairs. All members are encouraged to communicate with the Chair and Staff on Commission matters as needed. (Care should be exercised in informal or electronic communications between Members to insure that "discussions/deliberations" which should be held in Open Meeting do not occur - i.e. "reply all" emails of non-administrative matters. Members should communicate through Staff, who can then communicate to the full commission if required.)

2.7 Resources / Staff

The Commission has traditionally been granted access to Town Planning Division staff to assist in the administration of the Act and Commission activities. Staff's role is to perform the day to day activities required to assist both the Commission and the public in execution of the Act's requirements. Routine responsibilities include, but are not limited to, administration of application and certificate documentation, meeting coordination, record keeping, preparation of meeting minutes and agendas, property research, site visit coordination, property inspections, HDC web page maintenance, distribution of hearing materials, Design Guideline updates, and inter-department coordination and

communications. Staff attends all hearings to advise on policy, provide property histories (including information from previous applications), take minutes, provide application records and coordinate record keeping.

Town Counsel is also available, following approval by the Town Manager, to advise the Commission on legal matters including the interpretation of the Act, legal precedents, appeals, litigation, and other procedural matters. (See Committee Handbook for additional information)

2.8 HDC Interactions with Other Town Boards and Departments

The HDC has jurisdiction over many projects undertaken by the Town within the Historic Districts. HDC Members should endeavor to remain informed of proposed projects, policies and actions of other boards and committees and act as a resource to resolve any potential issues which may involve HDC action. Members may attend other meetings as liaisons to the Commission, but should reserve any official comments and discuss the items at an HDC meeting.

Members are encouraged to attend Town Meetings and other meetings to become acquainted with our local governance and to hear citizen's concerns.

The HDC has the responsibility to complete its section of the Annual Town Report. This describes the activities of the Commission and any initiatives undertaken or changes made during the preceding year.

2.9 Commission Member Training

All Members of the HDC are to receive training as prescribed by the Town Manager and Selectmen. This typically includes training in the State's Open Meeting Laws. Generally, Staff and more senior Members of the HDC will acquaint newer Members with the Rules and Regulations of the Commission. Members should feel free to request further information at any time.

2.10 Meeting and Hearing Schedule

At the beginning of the year the Commission will publish a schedule of the hearing dates and the related application submittal deadlines. The Commission holds hearings twice a month on the first and third Thursday. In July and August, the Commission traditionally meets only on the first Thursday. Additional meetings may be scheduled as needed or cancelled if no public hearings are scheduled, provided public notice is given.

2.11 Interactions with the Applicants and the Public

The HDC should, where possible, educate the public on the inherent value of historic preservation and the specific concerns with which the HDC deals. The success of the Act's intent is dependent on a willing constituency. Trust and

respect are critical in this relationship with the HDC. Members should remember that they represent the Town and act accordingly in all interactions with the public. All application reviews are “discussions” aimed at addressing the needs of the Historic Districts and educating the Applicant in the most respectful way possible. Given the perceived complexity of the process and the personal concerns involved, an objective, impartial, open and reasoned dialogue is important. The focus should be on the project. In aiming to reach a successful outcome for both the Applicant and the Town, suggestions and ideas are welcome. The Planning Department and the HDC Members are also a resource of technical knowledge and advice to the Applicants, providing architectural survey records, information on precedents, and related technical information.

Members are reminded that interactions with the public on Commission or Historic Districts Act-related matters outside of meetings (requests for opinions, recommendations and advice) are not binding and may be detrimental to the Applicant and future HDC proceedings. When in doubt, Members should refer all requests to the Staff and Commission.

3. HDC Resources

3.1 HDC Design Guidelines

The HDC Design Guidelines provide information to both the public and the Commission on the specific historic districts and their historical background, as well as on how important architectural features within the HDC’s purview should be maintained and, when necessary, altered. Headings are provided for the most common items reviewed by the Commission. For each feature, the appropriate characteristics, ruling factors and application requirements are provided. The Design Guidelines are not intended to be exhaustive but to act as a guide to assist in developing reasoned rulings with clarity and consistency of justification. (See the Design Guidelines and Historic District maps for more information) Members are encouraged to review the Design Guidelines prior to ruling on a matter.

3.2 Historic District Maps

The Historic Districts map is the graphical depiction of the Historic Districts as included in the Act and amended by subsequent Town Meeting action. Any current property partially or wholly within historic district boundaries is considered to be wholly within the jurisdiction of the HDC. This provision also applies to any abutting properties that are merged with an historic district property. When reviewing an application, the scope of the project subject to review is determined by what changes are visible from a public way, regardless of whether the public way is located in an Historic District or not. The map can only be revised or amended by Town Meeting.

3.3 Rules and Regulations

The Historic Districts Act empowers the HDC to make Rules and Regulations for the administration of the Act. All rules require a vote of the Commission and review by the Town Clerk.

3.4 Other Resources

The HDC is to consider the historic, literary and architectural importance of a site in its determinations. Applicants are encouraged to research and supply supporting historical information on the property with their applications. Staff should review all available information on sites and forward it to the Commission Members prior to a hearing. (See references and appendix in the Design Guidelines.)

The HDC and the public have access to Concord's Historic Resource Survey in numerous forms. Copies are available in the Planning Division offices at 141 Keyes Road and work is underway to also provide access to these forms on the Town's website. The Special Collections Department of the Concord Free Public Library retains original copies of these survey forms, as well as other narratives, maps, photographs and archival information on many of the Historic Districts buildings and streetscapes. In addition, they retain most of the historical literary works produced in Concord which may reference the buildings and area in the Historic Districts. Further information is also retained in State and National Park Service landmark databases, studies prepared by the National Parks Service, regional planning/ preservation initiatives and other Town histories.

4. Pre-meeting Commission Preparation

4.1 Information Distributed to the Commission

Staff shall prepare pre-meeting notes for the benefit of the Commission Members before each meeting. These include the agenda, general description of the proposed work, and any special considerations regarding a property (history, previous work on the property, violations, etc.). If the agenda contains hearing continuances or other business matters, the notes may also remind Members of earlier hearing information (items requested, project updates etc.).

4.2 Commission Review

Members are encouraged to review all available application documentation prior to the Meeting to acquaint themselves with the application and property. Any questions should be addressed to staff.

4.3 Informal Site Visits

As application materials cannot convey many of the critical visual aspects under consideration, Members are encouraged to observe an applicant's property and its' context from the public way prior to the Meeting.

4.4 Typical Agenda / Hearing Order

The HDC meetings generally follow a typical agenda:

- a. Call Meeting to order
- b. Determine the Members voting and Members recused, if needed
- c. Executive Session, if scheduled
- d. Hearing Continuances
- e. New Application Public Hearings
- f. Continuation of earlier Continuances (if required)
- g. Review of proposed future hearings and Determinations of Exemption from the application process, if any
- h. Review of New or Outstanding Violations
- i. Other Business and Approval of Minutes, if any
- j. Vote to Adjourn Meeting

4.5 New Application Hearing Sequence

Each new Public Hearing follows this general sequence:

- a. Chair opens Public Hearing
- b. Chair declares who will be the voting members for the public hearing if different from the previous hearing
- c. Introduction of Applicant and any other parties presenting
- d. Applicant makes a presentation to the Commission
- e. Commission reviews construction checklist and application
- f. Staff notes any special historical/literary significance
- g. Questions for Applicant from Commission Members
- h. Chair calls for public comments on application
- i. Request for additional information by Commission if any is needed
- j. Commission decides if site visit is required prior to deliberation (if site visit is requested, hearing is continued until after the site visit)
- k. Chair requests continuation or "withdrawal without prejudice" if appropriate
- l. Commission deliberation and summary of objections/ conditions, if any
- m. Chair reviews and advises the applicant on their right to change, withdraw or request a continuance prior to calling for vote
- n. Chair calls for motion on application
- o. Voting process
 - 1) Member makes motion

- 2) Another Member seconds the motion
- 3) If desired, Members request to amend motion
- 4) Chair calls for Vote on final motion
- 5) Chair notes if motion passes or not

5. Appendix

5.1 Amendments

Section 2.3: November 22, 2022

Original text (August 16, 2012): “Nominations for full Members can include current Associate Members from the same nominating body, but not from other nominating bodies.”

Amended text: “Nominations for full Members can include current Associate Members”.

Section 2.3: February 21, 2024

Added text: Regarding temporary appointments, the Act states: “In the case of a vacancy on said commission the chairman may designate an associate member to serve as a member of the commission until said vacancy is filled.... Every member and associate member shall continue in office after the expiration of his term until his successor is duly appointed and qualified.” For those continuing in office after the expiration of their term, the nominating body is irrelevant. The appointing body is the Select Board. The Chair may designate them to serve as associate members or full members according to the circumstances.