

Adopted September 13, 2022

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

FORWARD

These standard procedures are issued to assist the Town of New Market Historic District Commission and Architectural Review Commission (HDC/ARC), Town staff, and the general public in the orderly and efficient transaction of HDC/ARC business.

PURPOSE/OBJECTIVE

In accordance with the 2009 New Market Land Development Ordinance the purpose of New Market Historic District is:

“...to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of New Market by preserving sites, structures, or districts which reflect elements of cultural, social, economic, political, archeological, or architectural history; to strengthen the local economy; to stabilize and improve property values of such sites, structures, or districts; to foster civic beauty; and to promote the preservation and appreciation of such sites, structures, and districts for the education and welfare of the residents of New Market.”

In accordance with the 2009 New Market Land Development Ordinance the objective of New Market Architectural Review Commission is:

“...to provide a rational system for evaluating, protecting, and enhancing the historic heritage of New Market. The preservation of the historic character of the Town will provide economic benefits such as stabilizing and increasing property values as well as to promote cultural and aesthetic values to foster civic beauty and pride.”

Section 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 and New Market Architectural Review Commission.

Section 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 members present. The presiding officer shall decide on all points on order and

procedures, subject to these special 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.

Section 3. MEETING SCHEDULING AND PLANNING

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 the Maryland Public Meeting Act.

3.3 Members of the HDC/ARC who wish to add to the agenda shall notify the chair of their request six (6) days prior to the scheduled meeting.

3.4 Meetings shall be scheduled by the chair, with at least seven (7) days' notice provided to all members.

3.5 The agenda shall be prepared by the Town Clerk, in consultation with the chair.

3.6 Meeting agendas shall be posted at Town Hall, on the town website and sent to HDC/ARC members a minimum of 5 calendar days prior to the scheduled meeting.

3.7 Application materials shall be available at Town Hall and sent to HDC/ARC members in advance of the scheduled meetings. Generally advance distributions shall occur a minimum of 5 calendar days prior to the meeting.

Section 4. VOTING

4.1 A quorum shall consist of 4 voting members of the HDC/ARC. The chair is a voting member.

4.2 The order of business shall be in accord with the agenda prepared by the Town Clerk, in consultation with the chair.

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 personal, financial, or fiduciary interests.

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 meeting from which member was absent, at which the matter was discussed.

4.7 Members' votes and abstentions shall be recorded on each motion.

Section 5. PUBLIC MEETINGS

5.1 All HDC/ARC meetings shall be open to the public to attend and observe as required by the Maryland Open Meetings Act. Any interested person is entitled to appear and be heard by the HDC/ARC before it reaches a decision on any matter. However, except in instances when the HDC/ARC expressly invites public testimony, questions, comments, or other forms of public participation, or when public participation is otherwise authorized by law, no member of the public attending an open session may participate in the session.

5.2 The voting on HDC/ARC 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.

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 Notification of Decision. 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 and its next meeting placed in the record book. The presiding officer at the meeting shall sign the minutes, resolutions, and other official documents, as adopted, or approved.

5.4 Appearance - 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 the 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:

- 1) Introduction of case by the Presiding Officer.
- 2) Staff Report/Planning and Zoning Commission comments on application content completeness & classification.
- 3) HDC concurrence on application Classification and Completeness.
- 4) Presentation by the Petitioner or His/Her Agent or Attorney.
- 5) Questions by Members of the HDC/ARC.

- 6) Public comment.
- 7) Petitioner rebuttal.
- 8) Discussion/Consideration by HDC/ARC.
- 9) Motion to postpone a decision for added Information or further study if needed, or
- 10) Motion to approve, approve with conditions, deny an application with a Statement of Basis for Decision.

5.6 Notification of Decision - It shall be the duty of the Town Clerk to prepare and issue a written notification of HDC/ARC decisions to the applicant and other relevant agencies. HDC/ARC approval of minutes are not required for Notifications to be sent.

5.7 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, of recommendation shall be finally acted upon at such an executive session.

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

6.1 All matters that require approval by the Town Zoning Administrator and/or New Market Planning and Zoning Commission shall be reviewed by them prior to Presentation to the HDC/ARC. Approvals shall not be issued until a Certificate of Appropriateness decision has been made and issued.

6.2 All matters that may come before the New Market HDC/ARC shall be first be submitted to and reviewed by the Town Zoning Administrator or her/his designee the Town Clerk, who shall determine whether an HDC/ARC review is required in accordance with town code and adopted HDC/ARC guidelines, whether the application is complete in accordance with 6.2 below and which Classification and Guideline section the application falls under in the adopted guidelines.

6.2 Basis for Determining Completeness - Applications that include the following shall be deemed complete on the date that all of the required items below are received by staff:

- 1) A clear and legible plot or accurate drawing on paper of the existing property showing all structures proportionate to their size and distance from each other and from property lines or with accompanying scale.
- 2) For alterations a clear and legible sketch or accurate drawing on paper of the exterior details or area to be changed along with a list of the items to be changed.

- 3) Photograph(s) which show details of area(s) to be changed in the existing surroundings are recommended.
- 4) Indications as to construction materials, design of doors and windows, ornamentation, colors, and the like. Samples of materials to be used, copies of catalogs cuts are acceptable, or other supporting information if applicable.
- 5) For proposed new construction, a scaled or proportionate site plan, elevation drawings or sketches, materials samples or photos of samples, and photographs of the site from several angles are required.
- 6) An aerial photograph from Google maps or the Frederick County Property Explorer website showing the applicants parcel in relationship to Main Street and surrounding buildings.

6.3 Applications for a Certificate of Appropriateness will be made on forms prepared and provided by the Town Clerk.

6.4 All applications requiring HDC/ARC approval shall be filed with the Town Clerk and be deemed complete at least 5 days in advance of the regular monthly HDC/ARC meeting in order to be included on the agenda.

6.5 Automatic Approval Deadline & Extension - HDC/ARC shall act upon a completed application for a Certificate of Appropriateness within forty-five (45) days from the date the completed application was filed with the Town unless an extension of the forty-five (45) day period is agreed upon mutually by the applicant and the HDC/ARC, the application has been withdrawn, or an Economic Review period is approved by the HDC/ARC.

6.6 Economic Feasibility Review Period per Town Ordinance - *“If an application is submitted for construction, reconstruction, or alteration, or for the moving or demolition of a site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have ninety (90) days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.”*

6.7 Added information:

- 1) The required application items in Sec. 6.2 may be prepared and submitted by the applicant.
- 2) The HDC/ARC may require that such information, if found deficient or in error, be resubmitted over the certification of an engineer, architect, landscape architect, land surveyor, or other certified professional.

- 3) In accordance with Town code the HDC/ARC “may require submission of any or all of the following information in connection with the application: architectural plans, site plans, landscaping plans, proposed signs and appropriate detail as to character, proposed exterior lighting arrangements, elevations of all portions of structures with important relationships to public view and indications as to construction materials, design of doors and windows, ornamentation, colors and the like, photographs or perspective drawings indicating visual relationships to adjoining structures and spaces, and such other exhibits and reports as are necessary for its determinations.”
- 4) 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 requirements of the Secretary of the Interior’s Standards for Treatment of Historic Properties and any guidelines adopted by the HDC/ARC.

Section 7. FINAL DESPOSTION OF ALL MATTERS

7.1 A written Notification of Decision on applications for Certificate of Appropriateness shall be issued to applicants by the Town Clerk based either on the motions made by the Commission or on no action if the 45-day review period had expired with no action.

7.2 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.

Section 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, DID NOT DELETE JUST ADDED COMMA and gracious manner. They shall seek to be considerate of all individuals, attitudes, and differences of opinion involved in official HDC/ARC business.

8.3 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 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 recuse and shall not participate as a member in that matter.

8.4 Ex parte Communication – Members shall avoid communications made to influence a decision-making official off the record and out of the presence of other parties. Such Ex parte communications are restricted by state and local law.

Section 9. DISRUPTIVE CONDUCT

9.1 In Accordance with the Maryland Open Meetings Act, A person attending an open session of the HDC/ARC may not engage in any conduct, including visual demonstrations such as the waving of placards, signs, or banners, that disrupts the session or that interferes with the right of members of the public to attend and observe the session.

9.2 The presiding officer may order any person who persists in conduct prohibited by subsection (a) of this section or who violates any other regulation concerning the conduct of the open session to be removed from the session and may request police assistance to restore order.

9.3 The presiding officer may recess the session while order is restored.

Section 10. ENFORCEMENT

10.1 The New Market Land Development Ordinance sets out procedures for enforcement of the town ordinances in Article XII Enforcement. These procedures include the option to issue warning letters, stop-work orders, and citations, as well as the option to assess fines and other penalties for individual violations.

10.2 The HDC may request that enforcement action be taken (per 7.2 above) for a violation if the situation is brought to their attention. Note that it is not the HDC's task to cite property owner in violation, as it is not the HDC's role or responsibility to police municipal violations.

Section 11. APPLICABILITY

11.1 Order of Precedence – In the event of any conflict between provisions in the Rules and Procedure and provisions in the Town of New Market Zoning Ordinance, the provisions in the Town of New Market Zoning Ordinance shall apply.

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

