

Historic Preservation Commission Rules of Policy & Procedure

1. General

a. Authority

- i. These Rules of Policy and Procedure (“Rules”) are adopted by the Historic Preservation Commission of the City of Somerville (“Commission”) pursuant to M.G.L. Ch 40C, §10(e), the Somerville Historic Districts Ordinance (HDO) found in the municipal code of ordinances under Chapter 7 Article II “Historic Districts” Sec 7-22, and the Demolition Review Ordinance (DRO) found in the municipal code of ordinances under Chapter 7 Article VII “Housing” Sec 7-28.

b. Adoption of Rules

- i. These Rules were adopted by the Commission on August 1, 2023.
 - a). The Commission shall file a written copy of these Rules with the City Clerk within fourteen (14) calendar days of adoption.
- ii. The Commission may, from time to time, amend these Rules by simple majority vote.
 - a). The Commission shall file a written copy of the amended Rules with the City Clerk within fourteen (14) calendar days of adoption.
- iii. These Rules and any amendments to them are applicable on the date of adoption.

c. Responsibilities

- i. The Commission, or its designee working on behalf of the Commission, is
 - a). The decision-making authority regarding the demolition of buildings 75 years of age or older as described in the DRO
 - b). The decision-making authority regarding the issuance of Certificates of Appropriateness, Certificates of Non-Applicability, and Certificates of Hardship as allowed under M.G.L. Ch. 40C and the HDO
 - c). The recommending authority regarding the creation of Local Historic Districts (LHDs) as allowed under M.G.L. Chapter 40C and the HDO.

2. Commission Organization

a. Membership

- i. The Commission is composed of seven (7) full members and seven (7) alternate members.
 - a). Unless otherwise specified, “member” refers to both full and alternate members.
- ii. Members are appointed by the Mayor and confirmed by the City Council. Initial appointments are for one year and re-appointments are for three (3) year terms.

b. Officers

- i. At a May meeting each calendar year, the Commission shall elect from among its full members a Chair, Vice-Chair, and Secretary.
- ii. Duties

- a). Chair
 - (i). The Chair is the presiding officer for all Commission meetings. The Chair's responsibilities include at least the following:
 - 1). Ensure the meeting is running in an orderly manner, whether through the use of Robert's Rules of Order or another means;
 - 2). Call for any necessary votes on matters before the Commission;
 - 3). Appoint subcommittees as necessary or desirable;
 - 4). Decide all points of order, unless overruled by a majority of the Commission;
 - 5). Transact official business of the Commission in public meeting;
 - 6). Request assistance from City Staff as necessary or desirable; and
 - 7). Exercise general supervisory responsibilities of the Commission's work through the assistance of City Staff.
 - b). Vice-Chair
 - (i). The Vice-Chair shall perform the Chair's duties in the absence of the Chair.
 - c). Secretary
 - (i). The Secretary is responsible for reading public notices at meetings prior to opening a public hearing
 - iii. Absences
 - a). If the Chair is absent, the Vice-Chair shall perform the duties of the Chair.
 - b). If the Chair and Vice-Chair are both absent, the members present shall designate from among themselves a temporary Chair for the meeting.
 - c). If the Secretary is absent, the Chair shall designate another member to serve as Secretary for the meeting.
 - c. Staff to the Commission
 - i. The staff of the of Planning, Preservation, & Zoning Division of the Mayor's Office of Strategic Planning & Community Development serves as Staff to the Commission ("Staff").
 - ii. Staff is responsible for:
 - a). Maintaining records of Commission proceedings
 - b). Ensuring proper notification and advertisement of public hearings and public meetings in accordance with relevant laws
 - c). Assisting the Commission in running an efficient meeting
 - d). Drafting and filing of written decisions and certificates of the Commission
 - e). Acting on behalf of the Commission as specified in these Rules; and
 - f). Acting on behalf of the Commission as directed by the Commission or Chair.

3. Standards of Conduct

- a. Meeting Attendance
 - i. All members and all alternate members shall attend every Commission meeting.
 - ii. Except for emergency situations, any member unable to attend a meeting shall notify Staff at least four (4) weeks prior to the meeting.
 - iii. Members may attend meetings remotely in accordance with relevant state laws.
- b. Meeting Participation

- i. If a member is absent from one (1) meeting at which an application is discussed and then later continued, the member may participate in discussions and votes related to the application if, prior to the start of the next meeting at which the application is scheduled to be discussed, they:
 - a). review the evidence presented at the meeting, including materials presented for the case, minutes, or an audio or visual recording of the meeting; and
 - b). submit an affidavit to Staff attesting to that fact.
 - ii. If a member is absent from two (2) or more meetings at which an application is discussed and then continued, or if the member fails to submit an affidavit in accordance with the previous section, the member shall not participate in any discussion or votes related to the application.
 - iii. Alternate members may participate in discussion on any item before the Commission but may not vote except in specific circumstances. In such circumstances where an Alternate member is needed to vote in lieu of a Regular member, the Alternate member is selected to act in lieu of the Regular member in the order in which they arrive to the meeting. The specific circumstances in which Alternate members may vote are:
 - a). When the Alternate member is acting in the place of a Regular member who is absent;
 - b). When the Alternate member is acting in the place of a Regular member who has a conflict of interest on a particular case;
 - c). When the Alternate member is acting in the place of a Regular member where the Regular member slot is unfilled.
- c. Conflicts of Interest
- i. Members shall act in accordance with the provisions of M.G.L. Ch 268A, as amended.
 - ii. Members shall notify the Chair through Staff as soon as practicable about any known or suspected conflicts of interest and recuse themselves from the subject case.
 - a). Members should consult the Somerville City Solicitor's Office prior to participating in any matter for which they believe a conflict of interest may exist.
 - iii. Recused members shall not participate in the discussion or vote for any matter for which they have a conflict of interest.
 - iv. Recused members are encouraged, but not required, to leave the physical or virtual meeting room during the discussion of the case for which they are recused.
- d. Open Meeting Law
- i. Members shall act in accordance with the provisions of M.G.L. Chapter 39, §§18-25, ("Open Meeting Law") as amended.
 - ii. Members should consult the Somerville City Solicitor's Office with any questions regarding compliance with Open Meeting Law.
- 4. Meetings & Hearings**
- a. Public Meeting Schedule
 - i. Regular Meetings

- a). Regular meetings of the Commission are scheduled the first and third Tuesdays of every month, unless municipal holidays or conflicts with other events require adjustments to this schedule.
 - (i). The Commission shall publish an annual calendar prior to the start of each calendar year.
- ii. Special Meetings
 - a). A special meeting is any meeting held on a day other than those listed on the annual calendar adopted pursuant to §4.a.i.a).(i). of these Rules.
 - b). Special meetings may be scheduled at the discretion of the Chair, Staff, or at the request of three (3) members.
 - c). Special meetings may include, but are not limited to, the following:
 - (i). meetings to discuss administrative business;
 - (ii). subcommittee meetings;
 - (iii). joint meetings and hearings with other City Commissions and Boards; and
 - (iv). joint meetings and hearings with the City Council.
- b. Meeting Management
 - i. Public Meetings
 - a). Except at the discretion of the Chair, public meetings will follow this procedure:
 - (i). Call to Order
 - (ii). Advisory reviews, Memorandum of Agreement (MOA) discussions
 - (iii). Public hearings for applications
 - (iv). Other Business
 - 1). This section may include items such as Approval of Minutes, CPA updates, Staff updates and requests, and similar items
 - (v). Adjournment
 - b). Except by a majority vote of the Commission, no new items of business will be taken up after 9:00pm.
 - ii. Public Hearings
 - a). Except at the discretion of the Chair, public hearings will follow this procedure:
 - (i). Reading of the legal notice
 - (ii). Applicant presentation
 - (iii). City Staff presentation (as-necessary)
 - (iv). Testimony from any elected official
 - (v). Public testimony
 - (vi). Questions from the Commission
 - (vii). Closing the public hearing
 - b). Following the closing of the public hearing, the Commission will deliberate and vote.
 - iii. Recess
 - a). At the discretion of the Chair, the Commission may take a recess at any time during a meeting or hearing.
 - b). Prior to taking a recess, the Chair shall announce the current time and the length of the recess.
 - c). Following the recess, the Chair shall announce the current time and return to session.
 - iv. Executive Session

- a). The Commission may enter into executive session in accordance with M.G.L. Ch 30A §21.
- b). Prior to entering into executive session, the Commission shall:
 - (i). Take a roll call vote on whether to enter into executive session;
 - (ii). State the purpose for the executive session; and
 - (iii). Announce whether the open session will reconvene following the executive session.
- v. Public Participation
 - a). Public Meetings
 - (i). Public testimony is permitted during public meetings only at the discretion of the Chair.
 - b). Public Hearings
 - (i). Public testimony will be taken during every public hearing.
 - 1). Unless otherwise stated by the Chair, written public testimony may be submitted up to one week prior to a Commission hearing. The Commission may, at its discretion, review written testimony submitted after the deadline of one week prior to a Commission hearing.
 - (ii). The Chair may limit the amount of time each individual may provide testimony during a public hearing to not less than two (2) minutes.
 - (iii). Following the close of a public hearing, additional public testimony is not permitted.
 - c). Standards of Conduct
 - (i). Prior to providing public testimony, all individuals must provide their name and home address for the record.
 - (ii). While providing public testimony, all individuals shall conduct themselves professionally and shall refrain from language threatening the Commission or Staff, pejoratives, or from otherwise disrupting the hearing.
 - (iii). While conducting the meeting and hearings, the Commission shall conduct themselves professionally, shall refrain from language threatening the public or Staff, pejoratives, or from otherwise disrupting the hearing.
- c. Notice Requirements
 - i. Public meetings must be advertised in accordance with M.G.L. Ch. 30A, §§ 18-25 the HDO §7-20 and §7-22, and the DRO §7-28.
 - ii. Public hearings must be advertised in accordance with M.G.L. Ch 30A § 11, M.G.L. Ch 40C §11, and HDO §7-22, and the DRO §7-28.
- d. Attendance
 - i. Commission Members
 - a). A quorum of the Commission is required to conduct any business.
 - (i). For all matters of the Commission, a quorum is four (4) members.
 - b). If a quorum is not present for an item of business, the Chair shall continue that item to the next regular meeting of the Commission at which a quorum is anticipated.
 - ii. Applicants
 - a). Applicant representation is required for their item to be heard by the Commission. Applicants may appear on their own behalf or be represented by an agent.

e. Motions by the Commission on Applications

i. Continuance

- a). The Commission may vote to continue a public hearing to a future meeting date.
 - (i). If the Commission votes to continue the public hearing to an unspecified date, the Applicant shall pay an additional public notice fee in accordance with §5.a.ii. of these Rules.
- b). The Commission may require that the public hearing be re-advertised.
 - (i). If the Commission votes to require an application to be re-advertised, the Applicant shall pay an additional public notice fee in accordance with §5.a.ii. of these Rules.

ii. Request to Withdraw

- a). The Commission may vote to allow an Applicant to withdraw their application without prejudice.

iii. Incomplete Applications

- a). If the Commission deems an application scheduled for a public hearing to be incomplete, the Commission shall do one (1) of the following:
 - (i). deny the application;
 - (ii). allow the Applicant to withdraw the application without prejudice according to §4.e.ii. of these Rules; or
 - (iii). allow the Applicant to waive the procedural time requirements for their proposal.

iv. Approvals and Denials

- a). Demolition Review Ordinance (DRO): Approvals, Approvals with Conditions, or Denials
 - (i). The Commission may vote to approve an application as presented, approve an application with conditions, or deny an application.
 - (ii). The Commission shall summarize its findings regarding each of the review criteria required by the DRO. The Commission may also make additional findings beyond those required.
 - (iii). If voting to approve an application with conditions, the Commission shall identify the conditions of approval.
 - (iv). If the Commission references Staff-issued memoranda or reports regarding an item when voting to approve with conditions, it will be understood as referencing all staff memoranda related to the application unless otherwise specified.

- b). Historic District Ordinance (HDO): Approvals, Approvals with Conditions, or Denials

- (i). The Commission may vote to approve an application as presented, approve an application with conditions, or deny an application.
 - (ii). The Commission shall summarize its findings regarding each of the review criteria required by the HDO. The Commission may also make additional findings beyond those required.
 - (iii). If voting to approve an application with conditions, the Commission shall identify the conditions of approval.

v. Additional Process

- a). Applicants may be directed to work with Staff on the details of their proposal prior to or after the Commission has taken a vote.
- f. Written Decisions
 - i. Following a Commission's decision to approve, approve with conditions, or deny an application, Staff shall write a decision summarizing the findings made by the Commission and identify any conditions the Commission included in its decision.
 - a). The written decision must be filed with the City Clerk within fourteen (14) calendar days of the Commission's vote.
- g. Voting
 - i. Voting must be initiated by the Chair, or their designee, asking for a motion.
 - ii. A simple majority of present members is required for passage of a motion.
 - iii. A tie vote defeats a motion.
 - iv. The record shall show the vote of each member upon each motion, or if a member is absent, abstains or fails to vote.
- h. Minutes
 - i. The Commission shall maintain accurate meeting minutes, including a record of all votes taken at a meeting.
 - a) Meeting minutes for any executive sessions must be maintained separately.
 - ii. The Commission shall approve minutes for a meeting within three (3) regular meetings.
 - iii. Approved minutes shall be publicly accessible.

5. Applications

- a. Submission Requirements
 - i. Documents
 - a). Staff shall establish and maintain all application submission requirements for both DRO and HDO- related applications.
 - b). Staff shall establish a fee schedule for all applications to be heard by the Commission.
 - c). The submission requirements must, at a minimum, identify documents and information necessary to enable Staff to understand the scope of the project and for Commission to make findings for any relevant review criteria in the HDO or DRO.
 - d). Unless a waiver is requested pursuant to §5.a.iii. of these Rules, all required documents must be submitted to have a complete application and be scheduled for a Public Hearing.
 - e). Staff may, at their discretion, require additional information beyond that listed in the submission requirements, in order for Staff and the Commission to best understand an applicant's proposal.
 - ii. Fees
 - a). All required fees must be submitted to have a complete application.
 - b). Withdrawn applications are not entitled to a refund of any required fees.

iii. Waivers

- a). Applicants may submit a written request for a waiver from any of the information required for an individual application.
 - (i). Written requests must be submitted to Staff and must include at least the following information:
 - 1). Identification of the specific item(s) a waiver is being requested from; and
 - 2). Staff shall act as the Commission's designee in determining these waivers

b. Submission Deadlines

- i. Prior to Advertisement
 - a). An application may be submitted at any time.
- ii. Following Advertisement
 - a). Staff shall determine if any information submitted by the Applicant after the legal advertisement has been issued substantively changes the nature of the Applicant's proposal. If so determined, the Applicant shall be responsible for paying to run a new legal advertisement and the case will automatically be postponed to the next available date.
- iii. An Applicant shall not present any information at the hearing that was not previously submitted to Staff within the required deadlines

c. Application Review

- i. Determining Completeness
 - a). An application is complete when the Applicant has submitted all documents and fees required by the submission requirements (see §5.a. of these Rules).
 - b). Staff shall review applications to determine completeness and shall notify the Applicant with the results of their review.
 - (i). If the application is incomplete, Staff shall identify the reason(s) for that determination to the Applicant.

d. Withdrawal of Applications

- i. Prior to the advertisement of a public hearing, an Applicant may withdraw their application without prejudice at any time.
- ii. Following advertisement of a public hearing, an Applicant may withdraw their application without prejudice with the approval of the Commission (see §4.e.ii of these Rules).

e. Extension of Hearing Dates

- i. An applicant may extend the timeframe for their hearing by remitting a signed continuance form to Staff.

f. Staff-Level Approvals

- i. Staff shall act on behalf of the Commission as the decision-making authority in limited circumstances for applications submitted under the DRO and HDO, as approved by the Commission,

ii. Review Procedures

- a).** Staff shall issue written Decisions and Certificates in accordance with the DRO and HDO respectively and will file such decisions with the City Clerk within 14 days of making their determination.