

TOP TEN LIST OF HISTORIC DISTRICT COMMISSION NO-NO'S

from the National Alliance of Preservation Commissions

10. **Not handling “conflict of interest” matters properly.** To understand what constitutes a conflict of interest in New Hampshire, see RSA 673:14. When in doubt, it is always better not to participate. Even if no conflict exists, reveal any relationships you may have with the applicant to avoid suspicion.
9. **Not acknowledging the “public” at your public hearings.** Do not participate in side conversations with other Commission members during a meeting and remember to acknowledge the public in the audience. This is the first important contact that many people in the audience will have with the administration of their community – make it as open and professional as possible.
8. **Forgetting that it is the application under review, not the applicant.** Consistently base your decisions on facts and your review standards, not personalities. Always keep decisions within the scope of the Commission’s authority.
7. **Not participating at the meeting.** You were appointed because you have something to offer the decision-making process – don’t be the person that always seconds the motion but otherwise doesn’t say anything. Conversely, don’t ask irrelevant questions or make unnecessary comments just for the sake of appearing to participate.
6. **Coming to the meeting unprepared.** Your process is not going to be credible to the applicant or public if it appears you are making uninformed decisions. Know your regulations and guidelines, visit the property, and prepare in advance.
5. **Asking questions and finding facts about areas outside the Commission’s purview.** Remember that the Commission’s review powers are limited and defined in your ordinance. Don’t inquire about or voice concerns about matters that do not relate to the Commission’s authority, such as land use or interior space.
4. **Reviewing incomplete applications.** The burden is on the applicant to provide enough detail for you to render a decision. If sufficient information is not provided, defer the decision and get exactly what is needed for your consideration.
3. **Structuring motions that are complex or misleading.** Decisions should be clearly communicated. The facts that have led to the decision and the guidelines that were used to make the decision should be explained to the applicant, public, and made part of the public record. Avoid adding numerous conditions and vague directions – better to be straightforward and deny, or defer with specific instructions on changes to be made.
2. **Making decisions that might be perceived as arbitrary.** Using language that makes it appear as if a decision is based on personal opinion, rather than the guidelines, is one of the most common and damaging things a Commission member can do. Stating “I don’t like that,” or “it doesn’t work for me” leaves the applicant and public with the impression that the Commission’s decisions are a matter of taste. Always relate your statements to specific provisions of your ordinance or guidelines.
1. **Redesigning the application at the hearing.** Do not hesitate to make suggestions that help bring an application into compliance with your guidelines. However, if a design is totally inappropriate it is better to deny or defer with specific instructions as to why it is unacceptable, and request that the applicant return with revised plans.

FOR ADDITIONAL READING

Maryland Historical Trust. *Defensible Decision Making: Preservation Commissions and the Law*. See <http://www.marylandhistoricaltrust.net/video.pdf>.

Riggins, Fred. *The Riggins Rules: Suggested Do’s and Don’ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions & Other Bodies*. The Planning Commissioner’s Journal, 1994. See <http://www.nh.gov/oep/resource/library/reference/library/r/rulesofprocedure/TheRigginsRules.htm>.

Stipe, Robert E. *A Letter to George: How to Keep the Preservation Commission Out of Court and Avoid Being Sued*. National Alliance of Preservation Commissions, 1994. See http://www.sed.uga.edu/pso/programs/napc/pdfs/a_letter_to_george.pdf.