



Historic Preservation Commission

Prince George's County, Maryland

COUNTY ADMINISTRATION BUILDING • UPPER MARLBORO, MD. 20772 • 301 952-3520

WHEREAS, the Prince George's County Historic Preservation Commission is required by Section 29-105(h) of the County Code to adopt such rules and regulations as may be necessary for the proper transaction of the business of the Commission; and

WHEREAS, the Prince George's County Historic Preservation Commission, desiring to act as a reasonable regulatory and advisory body, has reviewed and discussed these procedures; and

WHEREAS, the Prince George's County Historic Preservation Commission adopted interim Rules of Procedure on September 28, 1982.

NOW THEREFORE, BE IT RESOLVED, that the Prince George's County Historic Preservation Commission hereby adopts these Final Rules of Prince George's County, Maryland.

Adopted this 1st day of February, 1983.

PRINCE GEORGE'S COUNTY
HISTORIC PRESERVATION COMMISSION

BY:

Alan K. Virta
Chairman

Approved by the Prince George's County Council
April 5, 1983 (CR-41-1983)

**Prince George's County Historic Preservation Commission
Rules of Procedure**

The purpose of these rules is to establish procedures for the conduct of business by the Historic Preservation Commission as described in Subtitle 29 (Preservation of Historic Resources) and Subtitle 2, Division 17 (Code of Ethics), of the Prince George's County Code. The procedures are supplementary to the processes outlined in Subtitle 29 and shall not be interpreted as superceding any provisions within the Subtitle.

I. HISTORIC PRESERVATION COMMISSION

A. The appointment, removal, and replacement of Commission members and its officers shall be in accordance with Subtitle 29.

B. Terms of Appointments

Members shall be appointed to serve terms of three (3) years. If a term expires, a member may continue to serve until his successor is appointed and confirmed.

C. Vacancies

Vacancies shall be filled in the same manner as for the appointment and confirmation of the initial members.

1. A vacancy for an unexpired term shall be filled for the remainder of the term only.

2. The Historic Preservation Commission shall give public notice of Commission vacancies that are open to individuals.

D. Chairman and Vice Chairman

The County Executive shall appoint, with the confirmation of the County Council, the Chairman and Vice Chairman. Appointments after the Commission's first year of operation shall be made after due consideration has been given to any recommendations of the Commission.

E. The duties of the Chairman (to be performed by the Vice Chairman in the Chairman's absence) shall be to:

1. Preside at all meetings of the Commission;

2. Decide on all points of order and procedure subject to these rules, unless overruled by a majority of Commissioners present;

3. Participate in discussions and vote on motions;

4. Direct preparation of the agenda for all meetings of the Commission;

5. Designate Commissioners to write opinions, represent the Commission, or perform other duties for the Commission;

6. Appoint special committees for special purposes;
7. Prepare an annual report of the work of the Commission for each calendar year. This shall be submitted within one (1) calendar month after the end of each year for approval by the Commission, after which the report shall be submitted to the County Executive and District Council; and
8. Have the authority to cancel or postpone a meeting for good cause.

II. COMMISSIONER RESPONSIBILITIES

- A. The duties of all members of the Commission shall be to actively participate in the activities of the Commission.
 1. Each member of the Commission shall thoroughly familiarize him/herself with these rules of procedure and all statutes and laws relating to historic preservation, as time and circumstances permit.
 2. Each Commission member shall attend at least one educational meeting a year that is approved by the State Historic Preservation Officer.

B. Removal for Cause

A member may be removed from the Commission by the County Executive with County Council concurrence. In each case, the cause for removal shall be stated in writing.

C. Attendance at Meetings

Any member of the Commission who misses more than three consecutive regular meetings or more than half of the regular meetings in a calendar year shall be given notice by the Chairman that a letter requesting his removal shall be sent to the County Executive, with reasons stating why he/she should be removed. Absence due to sickness, death or other emergencies shall be recognized as excused absences. The Secretary shall notify a member when he or she is approaching the maximum number of unexcused absences. When a member has exceeded the maximum number of unexcused absences, the Secretary shall notify the full Commission and send a letter requesting his/her replacement to the County Executive.

D. Conflict of Interest

1. Applications Involving Members

As set forth in the Prince George's County Charter and the *Prince George's County Code of Ethics*, no Commission member shall participate in a decision-making process if there is a conflict between his/her official duties and his/her private interest.

2. Members of the Commission shall at all times comply with:

- (a) the provision relating to conflict of interest adopted by the National Park Service as contained in the then current *National Register Programs*

Guidelines (NPS-49) (attached) or other applicable publication or document issued by the National Park Service; and

(b) the *Charter of Prince George's County, Section 1002, Conflict of Interest* and *Prince George's County Code of Ethics*, Subtitle 2, Division 17 of the *Prince George's County Code* (1983 Edition) as amended from time to time, all of which are hereby incorporated by reference. In the event of any conflict between any of the National Park Service provisions and the *Prince George's County Code of Ethics*, those provisions which are more restrictive in effect shall apply.

E. Ex Parte Communications

1. No Commission member shall in any manner discuss any application with any party prior to the Commission's deliberations on such application, except as specified elsewhere in the Commission's Rules of Procedure or as authorized in advance by the Chairman; provided, however, that members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing.
2. Members of the Commission shall not express individual opinions on the proper judgment of any application except in accordance with these rules. Violation of this rule shall be cause for dismissal from the Commission.
3. Any ex parte communication to the Commission member on a pending application shall be included in the public record on the case by the member in question. If the ex parte communication is oral, it must be summarized in writing (on the forms provided) by the Commission member and made a part of the public record. (See Section 2-296, Ex Parte Communication, *Prince George's County Code of Ethics*).

F. Nominating Committee

The Chairman shall appoint three (3) Commissioners to a Nominating Committee to review applications for positions on the Historic Preservation Commission and to make recommendations to the full Commission.

1. The Nominating Committee shall consider membership requirements for historic preservation commissions operating under Certified Local Government regulations when screening applications.
2. The Nominating Committee shall also make recommendations for the position of Chairman and Vice Chairman.
3. The Historic Preservation Commission's recommendations shall be submitted to the County Executive for due consideration.

III. MEETINGS

All meetings of the Commission, with the exception of any meeting dealing solely with Commission-related personnel, litigation, or potential litigation matters, shall be public.

- A. The Commission shall use *Robert's Rules of Order* to supplement these Rules of Procedures. Failure to use *Robert's Rules of Order* shall not invalidate any procedure or action taken by the Commission.
- B. Regular meetings shall be held on the third Tuesday of each month at 7:00 p.m. at the County Administration Building, Upper Marlboro, unless otherwise announced.
- C. Special and/or emergency meetings may be called by the Chairman upon the appropriate notification of each Commissioner.
- D. Public notice will be given of date, time and place of meetings.
- E. A quorum shall consist of five (5) members of the Commission.
- F. The agenda for each meeting shall be established under the Chairman's direction and forwarded to each Commissioner five (5) days prior to the meeting date. Additions to the agenda may be made with approval by a majority of those present at the meeting.
- G. The agenda shall be posted and made available to the public.
- H. Questions put to a vote shall be decided by a majority. No decision will be made in the absence of a quorum. A tie vote shall result in the defeat of the motion. Proxy voting will not be allowed. Commissioners' votes shall be recorded on each motion upon request by a Commissioner or for votes on a Historic Area Work Permit application.
- I. It shall be the duty of the Commission's staff to keep an accurate record of all proceedings at all meetings and public hearings. A summary of the minutes shall be typed, distributed to the individual members, and when approved by the Commission, maintained by the staff. All files for cases on the current agenda shall be available at each meeting of the Commission.

IV. HISTORIC AREA WORK PERMITS

- A. Applications
 - 1. Applications for Historic Area Work Permits shall be filed in the Department of Environmental Resources and promptly referred to the Historic Preservation Commission staff.
 - 2. Applications shall be accompanied by photographs, drawings, and all applicable information requested on the forms prescribed by the Commission.
 - 3. An application shall not be dated until it is complete and officially accepted by the Historic Preservation Commission staff.
 - 4. At the time the application is officially accepted and dated, the forty-five (45) day review period begins. Applications determined incomplete shall be returned to the applicant as soon as possible, with a detailed list of all needed information.
- B. Notice of Public Hearing

1. The Commission shall schedule a public hearing upon the receipt of a completed application for a Historic Area Work Permit. Whenever possible, these hearings shall be scheduled during a regular meeting of the Commission.
2. The public hearing shall be announced to the extent possible as follows:
 - a. Notice to the Director of the Department of Environmental Resources and to the Prince George's County Planning Board.
 - b. Notice by mail to an affected municipality (when the historic resource lies within its boundaries).
 - c. Notice by mail to the applicant and adjoining property owners.
 - d. Notice by mail to citizens or organizations which have registered with the Commission and have requested notices of public hearings, or which the Commission believes might have an interest in the proceedings.

C. Referrals

Upon being advised by the Commission that a public hearing has been scheduled, the Director of the Department of Environmental Resources shall forward copies of the application and all attachments to the Planning Board and any affected municipality for their review and comments. Any comments which the Planning Board or municipality may wish to make shall be submitted, in writing, to the Historic Preservation Commission, prior to or as part of the public hearing.

D. Public Hearing on a Historic Work Permit Application

1. At the public hearing, the procedures shall be informal and formal rules of evidence shall not be applicable. Interested persons shall be encouraged to comment and minutes of the proceedings shall be kept.
2. In addition to written minutes, all proceedings at a public hearing shall be taped. A written transcript may be prepared upon request of the applicant, the Commission, or an interested party. Cost of the transcript shall be paid in advance by the person or entity requesting it. Copies shall be available to the other parties at the cost of the copies. All written evidence shall be entered into the record as exhibits.
3. The order of business at the public hearing shall be as follows:
 - a. Opening statement by Chairman of purpose and order of business
 - b. Introduction of the case by the staff
 - c. Presentation of applicant or agent
 - d. Staff comments
 - e. Questions by Commission and staff
 - f. Public comment
 - g. Applicant's summary
 - h. Consideration by Commission

4. The conduct of business at the public hearing shall reflect the following:

a. Preliminary Action

Upon convening the hearing, the presiding officer shall give a brief explanation of the purpose of the hearing and shall cause to be presented any information or data which is required before public discussion and comments begin.

b. Information from Public

Each member of the public who wishes to speak shall, after recognition by the presiding officer, come forth and state the following information:

- (1) Name
- (2) Home address
- (3) Person or organization he represents, or that he/she is speaking as a private citizen.

c. Time Limitations and Registration Requirement

The presiding officer may announce, in advance or at the hearing, reasonable time limitations and registration requirements for speakers so that all may have an opportunity to be heard.

d. Questions

Any member of the Commission, upon recognition by the Chair, may briefly question any speaker. Members and speakers shall be requested not to debate over these questions.

e. Record

At the close of the public hearing, the presiding officer shall announce the decision of the Commission as to whether the record is closed or whether it shall remain open, and if it remains open, the date and time that the record will be closed.

f. Adjournment To Another Time and Place

Any public hearing may be adjourned to a specified time and place which is announced or posted at the time and place for which notice originally had been given, and no further notice or publicity shall be required.

E. Action By the Historic Preservation Commission on Historic Area Work Permits

1. Within forty-five (45) days after the filing of an application or, in the event the record is left open by the Commission, within fifteen (15) days after the close of the record, the Commission shall make its decision public. No record shall be held open for longer than seven (7) calendar days, without the consent of the

applicant. The time period for Commission action may be extended with the written consent of the applicant.

2. The voting on such decisions shall be held during public hearings and the Commission shall keep an open record of its resolutions, proceedings, and actions, which shall be available for public inspection.
3. The Commission may instruct the Director of the Department of Environmental Resources to:
 - a. Issue the permit; or
 - b. Issue the permit subject to such conditions as are necessary to ensure conformity with the provisions and purposes of this Subtitle; or
 - c. Deny the permit.
4. In the event of a denial of a permit, the applicant shall receive a written notification of the reasons for such denial.

F. Reconsideration of HAWP Applicants:

The order of business for reconsideration of applications for Historic Area Work Permits, which previously have been denied or which have been approved and then modified by the applicant, shall be as follows:

1. To reconsider applications that previously have been denied, within a reasonable length of time after denial the Chairman shall entertain a motion for reconsideration. Evidence submitted shall be limited to that which is necessary to enable the Commission to determine whether reconsideration is warranted, i.e., if there has been a substantial change in the facts, evidence or conditions relating to the application or whether applicable information was not considered at the initial hearing. The applicant shall be given the opportunity to present any other additional supporting evidence if the Commission decides to reconsider his/her application.
2. If the Commission finds that there has been a substantial change in the facts, evidence, or condition relating to the application, it shall thereupon treat the request as a new application received at that time, following the procedure set forth in Section IVB, for notice and deliberation.
3. Modification of Pending or Approved Applications

Pending applications for a Historic Area Work Permit may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change(s) and shall be accompanied by elevations, plans, or sketches, where necessary. If the Commission finds that the modification constitutes a substantial change to an approved application that might affect surrounding property owners, it shall set a date for a public hearing. The Commission shall thereupon treat the request in the same manner as any other application.

To reconsider approved HAWP applications that have subsequently been modified, see Sections F.1. and F.2.

4. In each case, staff will determine whether the modified applications will be reviewed by the HPC or be handled at the staff level. If handled by staff, the action taken will be reported to the HPC at its next regularly scheduled meeting.

G. Architectural Review Committee

A subcommittee of the Commission or its staff shall be available to meet with the persons or organization involved in the application at some early stage in the design process. The purpose of the meeting will be to give informal advice concerning the Commission's guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. This subcommittee, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not for that reason be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the subcommittee at such an informal meeting shall be in any way official or binding upon the Historic Preservation Commission at any time.

V. DELEGATION OF HAWP APPROVAL AUTHORITY TO STAFF

A. Alterations to Structures and Environmental Settings

Staff shall be authorized to issues HAWPs for alterations to structures and environmental setting that will not significantly change the exterior features of a Historic Site or contributing structure within a historic district or its environmental setting and that will have no significant effect on its historical, architectural, cultural, or archeological value. HAWP decisions will comply with the *Secretary of the Interior's Standards for Rehabilitation*, where applicable.

1. The above category shall include, but not be limited to, such structural work items as:
 - a. Projects that have been reviewed and approved by the Maryland Historical Trust (MHT), which in the opinion of staff, meet the conditions for a HAWP.
 - b. Projects that have been originated and/or administered by the Prince George's County Department of Parks and Recreation (M-NCPPC), which have been reviewed and approved by that Department's Natural and Historical Resources Division or Cultural Heritage Division, and which in the opinion of staff meet the conditions for a Historic Area Work Permit.
 - c. Minor projects that do not require building permits because of cost or because they involve nonstructural alterations.
 - d. In-kind replacement of existing features and minor repairs and/or modifications to the property that do not significantly alter its visual character. This shall include such items as:

- (1) Repair or replacement of slate or tile roof coverings where there is no change in material.
- (2) Repair or replacement of masonry foundations where the original foundation material is retained or where new material matches the original as closely as possible; installation of metal foundation vents (on sides and rear only) and replacement of wood access doors; installation of foundation access doors that cannot easily be seen from the public right-of-way.
- (3) Repointing and other masonry repairs when the color and composition of the mortar matches the original and any new brick or stone used in the repair work matches the original as closely as possible.
- (4) Removal of asbestos, asphalt, or other artificial siding when the original siding is to be repaired and, where necessary, replaced in kind.
- (5) Replacement of missing or deteriorated siding and trim and porch floors, ceilings, columns, railings, balusters, and brackets or other architectural details with new materials that are identical to the original.
- (6) Replacement of missing architectural details, provided that at least the following conditions are met:
 - (a) At least one example of the detail to be replaced exists on the house, or
 - (b) Physical or documentary evidence exists that illustrates or describes the missing detail or details. (Examples of this include photographs, drawings, or physical signs on the structure which show that such details were formerly present and which suggest the shape, size and placement of the detail), or
 - (c) Within a historic district, the proposed replacement detail is very similar to original details found on at least one structure within the district that is comparable in terms of style, size, and age. (An example is the replacement of a missing porch railing with a new railing of a design very similar to an original railing found on another house of the same style in the historic district.)
- (8) Signs that do not require a sign permit.

- (9) Additions that are not readily visible from a public right-of-way and/or are easily removable (such as the addition of a wooden deck on the rear of a house).
- (10) Installation of gutters painted to match the house or trim, as long as no significant architectural features are removed.

2. Projects that involve changes in environmental setting include:

- a. Construction of fences that are compatible with the visual character of the Historic Site or the historic district in terms of material, height, location and design.
- b. In-kind replacement of existing fences or minor alterations to same that do not significantly change the original appearance or the material used.
- c. The construction or replacement of brick, stone, concrete, or gravel walkways, parking areas, patios, driveways, or other paved areas that are not readily visible from a public right-of-way and/or are compatible in material, location, and design with the visual character of the Historic Site or district; also minor repairs to the above that do not significantly change their appearance or the material used.
- d. Construction or repair of brick or stone retaining walls where the new walls are compatible in materials, location, design and height with the visual character of the Historic Site or district or where repair work uses in-kind materials and does not significantly change the appearance of the original.
- e. Landscaping, or the removal or modification of existing plantings, which is compatible with the visual character of the Historic Site or historic district in terms of type, height and location.
- f. Construction or replacement of storage and accessory buildings that are not visible from a public right-of-way.

B. General Policies

1. Delegation to staff is limited to those items specifically listed and subject to conditions enumerated.
2. The Commission may, if it so chooses, review all HAWP approvals by staff at the next meeting.
3. Property owners shall retain a right of appeal to the Commission from staff signoff, as will property owners within the area of notification.
4. Staff shall refer an application to the Commission if any uncertainty exists as to whether the application meets the criteria for issuing a Historic Area Work Permit.

VI. REVIEW OF UNCLASSIFIED HISTORIC RESOURCES

A. Initiation of Review

Historic resources may be evaluated for classification as Historic Sites or historic districts in the following situations:

1. Upon the *written* request of the owner or any public agency;
2. Upon the decision of the Historic Preservation Commission for such review, either at the request of one of its members or of any citizen or group;
3. Upon the referral of any application for a zoning map amendment, special exception, subdivision, or site plan approval that includes a historic resource;
4. Upon referral of any application to demolish or substantially alter the exterior features or environmental setting of the historic resource; or
5. Upon notification that the historic resource is subject to demolition by neglect.

B. Application Form

1. The Maryland Historical Trust inventory form or the National Register of Historic Places nomination form shall serve as the application form for evaluation of historic and architectural significance.
2. Applications should document how the property meets the criteria for evaluation and should include slides, photographs, orientation map, site plan and, if relevant, drawings.
3. Applications for creation of a historic district shall include a map showing proposed boundaries, an accurate description of those boundaries, and a statement of justification for the proposed boundaries.
4. It is the responsibility of the applicant to present completed materials for a district, and evidence of majority support, unless review is initiated by Historic Preservation Commission action.

C. Public Hearing

1. Unclassified historic resources shall be evaluated at regular public hearings of the Historic Preservation Commission, upon proper notification to the owner, applicant and interested parties.
2. Any public hearing may be adjourned to a specified time and plan that is announced or posted at the public hearing.

D. Notice

At least two (2) weeks prior to the scheduled public hearing, the Historic Preservation Commission shall send written notice of the date, time, and place of the hearing to the

owner(s) of the historic resource and to those agencies, organizations, and citizens that the Commission feels may have an interest in the proceedings.

E. Posting

1. At least two (2) weeks prior to the scheduled public hearing, the property shall be posted with a sign identifying the historic resource, giving the date, time, and place of the public hearing and giving instructions for obtaining further information. All signs shall be posted in such a manner as to be visible and legible.

2. Historic Sites

When the subject of the public hearing is a proposed Historic Site, the signs shall be posted in the same manner detailed for Zoning Map Amendment applications, i.e.,

a. There shall be one (1) sign near each improved public road that abuts the property, and if no improved public road abuts thereon, the sign shall be placed so as to be most readily seen by the public.

b. In addition, there shall be one (1) sign posted for each 1,000 feet, or part thereof, of linear frontage on any one road on which the property has frontage.

c. If the land does not abut an improved public road, then, in addition to the sign placed on the property, a sign shall be placed near the right-of-way of the nearest, most traveled public road.

3. Historic Districts

When the subject of the public hearing is property within a historic district, the location and number of signs necessary to provide adequate public notice shall be determined by the Historic Preservation Commission, provided that there shall be at least one (1) sign on each road on which the historic district has frontage.

4. No fee is required for the posting of such signs.

F. Staff Report

1. The staff shall review applications and make recommendations to the Historic Preservation Commission before the public hearing.

2. Historic Preservation Commission members and/or staff shall inspect the proposed site or district before the public hearing.

G. Consideration During Review

1. Order of Business

The order of business at the public hearing shall be as follows:

- a. Opening statement by Chairman of purpose and order of business
- b. Presentation by staff
- c. Statement by applicant
- d. Public comment
- e. Considerations by Historic Preservation Commission

2. Criteria for Evaluation

The Historic Preservation Commission shall use the criteria for evaluating architectural and historical significance of Section 29-104 of the Historic Preservation Ordinance.

3. Determination of Environmental Setting

During the review processes, the relationship of the historic resource to its surrounding setting should be considered. The environmental setting is the area of land to which the historic resource relates visually and historically, and which is essential to protect the integrity of the historic resource. The environmental setting may include or lie within the property boundaries of the historic resource.

4. Impact Review Area

For large properties being subdivided, it may be appropriate for the Historic Preservation Commission to recommend a buffer area outside the environmental setting which, if poorly developed, would detract from the integrity of the historic resource.

H. Action Upon Evaluation of the Historic Resource

1. The Historic Preservation Commission shall determine whether an unclassified historic resource should be classified as a Historic Site or property within a historic district.
2. A decision in favor of classification shall include a statement of how the historic resource meets the criteria in the ordinance.
3. Time Limits
 - a. In cases of applications for a Historic Area Work Permit, special exception, zoning map amendment, or site plan approval, the Historic Preservation Commission shall make its findings and decision within forty-five (45) days after referral of the application, or with fifteen (15) days after the closing of the record following the public hearing, whichever occurs later. No record may be held open for more than seven (7) calendar days.
 - b. In cases of subdivision applications, the Historic Preservation Commission shall make its decision within thirty (30) days after referral of the application.
 - c. In cases of applications for evaluation of significance, the Historic Preservation Commission shall make its findings and decision within

fifteen (15) days after the close of the record following the public hearing.

4. Notification of Decision

The Historic Preservation Commission shall notify all persons of record of its decision.

I. Appeal to the District Council

1. Any person of record may appeal a decision of the Historic Preservation Commission to classify or not classify a historic resource to the District Council. An appeal of the Commission's decision shall be filed with the Commission within thirty (30) days of service of the decision.
2. Upon receipt of an appeal, the Commission shall transmit to the District Council the notice of appeal and the names and addresses of all persons of record.
3. In addition, the Historic Preservation Commission shall transmit its findings of fact and conclusions, along with all record evidence.

J. Person of Record

"Person of Record" means the owner(s) of the historic resource and any municipality, person, firm, corporation, partnership, association, organization, or agency who, in writing or in testimony before the Historic Preservation Commission, requests to be made a person of record prior to the close of the hearing period.

VII. REVIEW OF HISTORIC PROPERTIES NOT LISTED ON THE *HISTORIC SITES AND DISTRICTS PLAN*

The Historic Preservation Commission has the responsibility to maintain and update an inventory of historic resources [(Subtitle 29-106(a) of the County Code).]

1. Section VI of these procedures shall apply to the review of historic properties not listed on the adopted and approved *Historic Sites and Districts Plan*.
2. Applicants shall be considered for Historic Site or historic district status only and cannot be recommended for addition to the *Historic Sites and Districts Plan* as an unclassified historic resource.
3. If the Historic Preservation Commission determines that the property meets the criteria for designation, the Commission shall recommend to the Prince George's County Planning Board and District Council that an amendment to the *Historic Sites and Districts Plan* be initiated to classify the property as a Historic Site or property within a historic district.

VIII. REVIEW OF CLASSIFIED HISTORIC SITES OR HISTORIC RESOURCES WITHIN CLASSIFIED HISTORIC DISTRICTS

If it is brought to the Historic Preservation Commission's attention that a classified Historic Site or historic resource within a classified historic district may no longer meet the criteria of Subtitle 29-104 of the County Code, the Historic Preservation Commission may initiate a review, following the procedures of Section VI, herein.

IX. REVIEW OF NATIONAL REGISTER NOMINATIONS (according to Certified Local Government regulations)

A. Initiation of Review

Historic resources may be evaluated for nomination to the National Register of Historic Places in the following situations:

1. Upon the request of the owner(s) or interested citizens,
2. Upon initiation by staff,
3. Upon referral from the State Historic Preservation Office.

B. Application Form

1. The National Register of Historic Places nomination form shall be submitted. Applications shall follow National Park Service standards for submittal.
2. It is the responsibility of the applicant to provide the necessary documentation, including photographs, drawings, and research. The staff will give written notification to the applicant of the adequacy of the documentation within sixty (60) days of submittal of the application.

C. Staff Review, Scheduling, and Notification

1. Upon receipt of an adequately documented application, the HPC staff shall schedule the nomination for review by the HPC. The review shall take place between thirty (30) and one hundred twenty (120) days following receipt of an adequately documented application.
2. Staff shall review the nomination and develop a recommendation that shall be sent to the HPC members at least fourteen (14) days before the HPC meeting.
3. The HPC shall send written notification to the property owner of its intent to consider the nomination at least fourteen (14) days but not more than twenty-one (21) days prior to the meeting. Additional public notice on an agenda shall be posted in a public place not less than ten (10) days before the meeting.
4. In the case of a nomination with more than fifty (50) property owners, the HPC may provide general notice through publication in a local newspaper at least fourteen (14) days before the meeting.

D. Consideration During Review

1. Criteria for Evaluation

In reviewing National Register nominations, the Historic Preservation Commission shall use “National Register Criteria for Evaluation.”

2. In evaluating the integrity of buildings, the Historic Preservation Commission will consider both exterior and interior historic architectural fabric. Interiors will not generally be considered in evaluating historic districts.
3. When the Historic Preservation Commission considers a National Register nomination that is normally evaluated by a professional in a specific discipline (e.g., archeology), and that professional discipline is not represented on the Commission, the Historic Preservation Commission will seek expertise before rendering its decision through:
 - a. Hiring an appropriately qualified consultant; the consultant’s qualifications will be made part of the record submitted to the State Historic Preservation Office;
 - b. Using Commission staff who meet the National Park Service standards;
 - c. Using a qualified representative of the State Historic Preservation Office.
4. A list of qualified individuals with background in disciplines appropriate to National Register review shall be kept on file.

E. Referral to the County Executive

Within fourteen (14) days following the HPC meeting, the nomination will be forwarded to the County Executive along with the recommendation of the HPC.

F. Action Upon Evaluation

1. Within thirty (30) days of the referral from the Historic Preservation Commission, the County Executive will inform the Historic Preservation Commission and the applicant of his/her recommendation.
2. The recommendations of the Historic Preservation Commission and the County Executive regarding the nomination of the property to the National Register will include an explicit statement of the reasons for the decision, addressing the National Register criteria and using the CLG National Register recommendation form.
3. If either the Historic Preservation Commission or the County Executive supports the nomination, the Historic Preservation Commission will forward it to the State Historic Preservation Office (SHPO) for processing.

4. The transmittal to the SHPO, together with the affirmative recommendation of the Historic Preservation Commission or the County Executive, will constitute a formal request for nomination.
5. If both the Historic Preservation Commission and the County Executive make a negative recommendation, the Historic Preservation Commission will inform the SHPO of the reasons for this decision and the nomination will not be processed.

X. PROCEDURES AT PUBLIC HEARINGS ON DEMOLITION BY NEGLECT

A. Notice

Thirty (30) days written notice shall be mailed to the owner(s) of record, all known persons having any right, title, or interest in the subject property, the occupant or other known person responsible for the maintenance of the property, and all citizens and organizations that the Commission reasonably finds may have an interest in the proceedings.

B. Presiding Officer

The hearing shall be conducted by the Chairman of the Historic Preservation Commission or his/her designee with participation by a quorum of Historic Preservation Commissioners.

C. Hearing

Parties to a hearing may be represented by an attorney or any other person authorized by them to appear in such cases. Where there is more than one party on a side, a spokesman shall be appointed by each side who shall manage the presentation of the case.

D. Conduct of the Hearing

The Presiding Officer shall regulate the course of the hearing.

1. The Presiding Officer may prescribe the procedure for registration of speakers and may require that each person give the following formation:

- a. Name;
- b. Address;
- c. Person or organization he represents, or that he/she is speaking as an individual.

2. The Presiding Officer may announce time limitations for speakers.

E. Order of Presentation

The order of presenting cases shall be as follows:

1. Orientation by Commission staff;
2. Applicant's case;
3. Opposer's case;

4. Rebuttal by applicant;
5. Rebuttal by opposer;
6. Summation by opposer;
7. Summation by applicant.

F. Cross-Examination

The parties shall have the right to cross-examine witnesses.

G. Limitation of Time

The time for presentation of cases by parties shall be limited to thirty (30) minutes for each side, excluding cross-examination unless application is made to the Historic Preservation Commission, with reason therefore, requesting additional time at least five (5) days before the hearing. Where there is more than one party representing the opposer, the Presiding Officer will divide the time where agreement can be reached.

H. Participation of Presiding Officer and Commissioners

The Presiding Officer shall make all necessary rulings. He/she may ask questions of any witness and may call any witness to present evidence necessary for final decision. The historic Preservation Commissioners may examine witnesses or request that the Presiding Officer recall witnesses for questioning. Questions shall be limited to information presented by witnesses.

I. Record

There shall be a record of the hearing.

J. Decision

The Historic Preservation Commission's decision shall include findings of fact. The findings of fact and decision shall be transmitted to all parties to the hearing and to the Director of the Department of Environmental Resources.

XI. PRELIMINARY ADVICE

Owners of historic properties are encouraged to seek informal advice from the Commission on evaluation, environmental settings, appropriate alterations for conformance with Historic Area Work Permits or tax credit guidelines. Informal sessions may be scheduled for either regular meetings or work sessions and need not be announced.

XII. MISCELLANEOUS

- A. These rules may be amended by a majority of the entire Commission at any meeting of the Commission, after the amendment, in written form, has been introduced at a prior meeting.
- B. These rules shall become effective upon adoption by the Commission and approval by the District Council.

Interim Rules 9/17/82

Adopted Rules 2/1/83

Revision adopted 9/12/84, 12/18/84, 4/21/85, 8/20/85, 6/17/86, 11/17/87, 2/21/89, 9/21/04