

ADMINISTRATIVE RULES OF PROCEDURE

Easton Historic District Commission

ADOPTED July 12, 2004

Revised 4/9/07

Revised 8/25/08

FOREWORD

In accordance with the Town of Easton Zoning Ordinance, Section 701, the Historic District Commission may prescribe appropriate rules and regulations for the transaction of its business and implementation of its powers and duties. This document outlines procedures for applications for a Certificate of Appropriateness within the Easton Historic Districts. Applications for nominations to the National Register of Historic Places are also described.

RESOURCES

Evaluation by this Commission is based on the following referenced resources:

- a. Current Town of Easton Zoning Ordinance.
- b. Current *The Easton Historic Districts Guidelines*, based on the U.S. Secretary of Interior's Standards for Standards for Rehabilitation.
- c. 1980 Map, *Easton (Maryland) National Register of Historic District*, for Contributing and Non-Contributing structures.

This document was created in part from the following referenced resources:

- a. Current Town of Easton Zoning Ordinance
- b. Current, *The Easton Historic Districts Guidelines*, based on the U.S. Secretary of Interior's Standards for Standards for Rehabilitation.
- c. *Maryland Historic Preservation Commissions Handbook* by the Maryland Association of Historic District Commissions.
- d. *Defensible Decision Making*, published by The Maryland Historical Trust, an agency of The Maryland Department of Housing and Community Development, 2000.
- e. *MasterSpec®* May 2002, Division I, Section 01351 – *Special Procedures for Historic Treatment*.
- f. *City of Annapolis Rules of Procedure, Frederick County Rules of Procedure, City of Frederick Historic District Guidelines*

OBJECTIVE

In accordance with Article 66B of the Annotated Code of Maryland, and in keeping with the Town of Easton Zoning Ordinance, Section 701, "Historic District", the Easton Historic District Commission seeks to preserve the historic character of Easton and to foster and safeguard the heritage of the town by preserving the sites, structures or districts which reflect elements of the town's cultural, social, economic, political, architectural, or archeological history.

SEC. 1. DEFINITIONS

- 1.1 The word “Commission” shall refer to the Easton Historic District Commission
- 1.2 Consent Docket applications are *non-controversial* applications that may be approved without change by unanimous consent of the Commission.

SEC. 2 OFFICERS AND COMMITTEES

- 2.1 The Commission shall elect a chair and a vice-chair annually in the month of January except in the case of vacancies when the position shall be filled as soon as possible.
- 2.2 The chair, or in the chair’s absence, the vice-chair, shall preside at all meetings and hearings of the Commission. In the absence of both officers, a temporary chair shall be elected by the members present. The presiding officer shall decide on all points of order and procedure using Roberts Rules of Order for guidance unless otherwise directed by a majority of the Commission members present. The Chair may make or second motions and will vote on all motions.
- 2.3 Special committees may be appointed for special purposes or study.

SEC. 3 MEETINGS

- 3.1 Regular meetings shall be held on the 2nd and 4th Monday evenings of each month at 6 pm 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 will be scheduled by the chair, with at least five (5) days notice provided to all members.
- 3.3 Site visits may be made by an appointed subcommittee of the Commission when necessary to adequately consider matters before the Commission.
- 3.4 Attendance – It shall be the duty of each member to attend all meetings. Should any member be absent from four (4) or more meetings held during any six-month period, the Commission shall recommend to the Mayor of Easton that he/she request the member’s resignation.

SEC. 4 VOTING

- 4.1 A quorum shall consist of four (4) members of the Commission able to participate in the application.
- 4.2 The order of business shall be in accord with the agenda prepared by the Easton Planning Department staff, in consultation with the chair. Members of the Commission who wish to change the agenda shall notify the chair of their request five (5) days prior to the scheduled meeting.
- 4.3 Questions put to a vote are decided by a majority of the members present and able to vote.
- 4.4 A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.

- 4.5 Members shall comply with the Easton Ethics Code (Easton Code Art. VI 2.17 - 2.24) and are encouraged to consult the Easton Ethics Commission as to the propriety of their voting on any matter which may involve a conflict of interest.
- 4.6 In order to be eligible to vote on a matter, a member must either have to have attended all meetings at which the matter was discussed or be familiar with the record of any missed meetings at which the matter was discussed.
- 4.7 Proxy voting is not allowed.
- 4.8 Members' votes (dissents and abstentions) shall be recorded on each motion.

SEC. 5 PUBLIC HEARINGS

- 5.1 All Commission hearings shall be subject to a notification procedure which shall generally include: a) applications must be received two (2) weeks before the Commission meeting, b) the Planning Office prepares the agenda for the coming meeting 7 calendar days before the meeting, c) 7 calendar days before the meeting, the Planning Office sends the applicant a confirmation that it is on the agenda along with a copy of the agenda and a notification that they must post the property, d) 7 calendar days before the meeting, the agenda is sent to the Information Technology department for posting on the town website, e) the agenda is posted at the bulletin board at the town office 7 calendar days before the meeting, f) 7 calendar days before the meeting, the Planning Office sends informational packages (agenda, minutes of the previous meeting, copies of the applications) to each member, and g) upon receiving the application confirmation, applicant must come to the Planning Office, obtain a sign and sign holder and post his property (return the sign and holder after the hearing). Discussion only items are handled in a similar fashion except that no signs are posted at the property.
- 5.2 All Commission meetings shall be open to the public as required by the Maryland Open Meetings Law. Any interested person is entitled to appear and be heard by the Commission before it reaches a decision on any matter. The voting and deliberations on such decisions shall be held during a public meeting and the Commission shall keep an open record of its resolutions, proceedings, and actions which shall be available for public inspection during business hours at the Easton Planning and Zoning Office. Nothing contained herein shall be construed to prevent the Commission from holding executive sessions from which the public can be excluded in accordance with state law, but no ordinance, resolutions, regulation, or recommendation shall be finally acted upon at such an executive session.
- 5.3 Record of Proceedings – It shall be the duty of the Commission 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 Minutes should be kept, and following each meeting, the minutes shall be typed, distributed to the individual members, and, if approved by the Commission at its next meeting, placed in a record book. The presiding officer at the meeting shall sign the minutes, resolutions, and other official documents, as adopted or approved.
- 5.4 A petitioner or applicant may appear before the Commission with or without counsel or may be represented by an agent. In the absence of any personal appearance on behalf of the petitioner, the Commission *may* proceed with the application.
- 5.5 The order of hearing upon an application shall be as follows:
 - Introduction of case by the Presiding Officer

- Presentation by the Petitioner or His/Her Agent or Attorney
- Questions by members of the Commission
- Public Comment
- Petitioner Rebuttal
- Discussion/Consideration by Commission
- Decision motion and statement of Basis for Decision

The Commission may *table* an application that it deems **incomplete** with a request for additional information.

- 5.6 The Commission may table or continue any case due to a need for additional information from the petitioner or others, lack of a quorum, or for further study. However, the Commission shall act upon a completed application for a Certificate of Appropriateness within forty five (45) days from the date that the **completed** application was accepted by the Commission unless an extension of this forty-five day period is agreed upon mutually by the applicant and the Commission or unless the application has been withdrawn.

SEC. 6. PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 6.1 Applications for nomination to the National Register of Historic Places and for a Certificate of Appropriateness will be made on forms provided by the Commission.
- 6.2 All applications requiring Commission approval must be filed at least 14 days in advance of a regular meeting.
- 6.3 Complete applications for a Certificate of Appropriateness must include the following:
- (1) Completed building permit application (when needed) and Historic District application fee.
 - (2) Written description of project. Be specific about exactly what is proposed. Provide detailed description of materials to be used, manufacturer's specifications, sizes, shapes, textures. Measured drawing(s) and/or sketch(s) of proposed improvement, e.g. a fence detail, a porch renovation detail, etc. Include specifications and details of any proposed lighting.
 - (3) Photographs of existing structures, sign boards, facades, trim details or site conditions to clearly indicate areas proposed for renovation or alteration. (4" x 6" photo size or larger.)
 - (4) For sign permit applications, provide all the above plus sign mounting details.
 - (5) Are there any easements or conservation/protection deed restrictions pertaining to this building or property? If yes, submit a letter from the easement holder stating their approval of the proposed work.
- 6.4 Additionally, applicants are encouraged to provide supplemental information for more complex projects, including but not limited to, the following:
- (1) Architectural plans, elevations, details and specifications.
 - (2) Site Plans indicating location of alterations or additions, other site improvements, and landscaping additions.
 - (3) Information on the history of building(s) proposed for demolition.
 - (4) Demolition and construction schedules, if applicable.
 - (5) The Commission reserves the right to request reasonable additional information or design drawings that further clarify proposals. In cases where professional design

services are warranted but not provided, the Commission may require the applicant to retain a licensed design consultant.

- 6.5 The items in Sec. 6.3 and 6.4 must be prepared and submitted by the applicant. It may be required 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. The Commission may require that architectural renderings of buildings, streetscapes or public areas or physical or virtual models be presented (made available for study by the Commission during the life of the application) to assure that the appearance, size, style, and type of building material or other aspects of the design submitted meet the requirements of the Secretary of the Interior's *Standards of Treatment of Historic Properties* and any guidelines adopted by the Commission.

SEC. 7 FINAL DISPOSITION OF ALL MATTERS

- 7.1 The applicant shall be notified by letter of the action taken by the Commission.
- 7.2 Similarly, the Zoning Inspector will be notified of all approvals and any conditions that may attach to those approvals.
- 7.3 In the event an application or part of an application is denied, another application for substantially the same proposal may not be resubmitted for a period of one year.

SEC. 8 CONDUCT OF COMMISSION MEMBERS

- 8.1 Speaking for the Commission – A member shall not appear to speak for the Commission except as authorized by the Commission. In any public or private statement concerning Commission affairs, members shall carefully indicate whether they are speaking for the Commission or for themselves.
- 8.2 Conduct at meetings – Members shall conduct themselves at Commission meetings in a fair, considerate, and courteous manner. They shall show regard for all individuals, attitudes, and differences of opinion in official Commission business.
- 8.3 Conflict of Interest – Members of the Commission shall comply with the Easton Ethics Code. 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. In any case, where there is actual conflict of interest, the member shall be recused and shall not participate as a member in consideration of the matter.

SEC. 9 CONSENT DOCKET APPLICATIONS

- 9.1 These are applications for a Certificate of Appropriateness where attendance by the applicant at Commission meetings is not mandatory and certain conditions apply.
- 9.2 The process for an application for a Certificate of Appropriateness where the attendance by the applicant is not mandatory and approval under the *Consent Docket* is requested will be that the Planning Office staff will issue conditional approval, subject to final approval by the Commission at the next regular meeting. The purpose is to expedite application requests where the conditions of the *Consent Docket* are met. If the Planning Office grants a Consent Docket approval, but the Commission disapproves that action at the next

meeting, then the conditional approval issued by the Planning Office is canceled and a standard review Certificate of Appropriateness is required.

9.3 Applicability

1. Consent Docket classifications authorized by the Commission are:

- In-kind asphalt shingle reroofing
- In-kind membrane reroofing
- In-kind awning replacement
- In-kind fence replacement
- In-kind roof drainage system replacement
- In-kind porch decking replacement
- \$750 maximum “like & same” repairs

9.4 By submitting an Application for a Certificate of Appropriateness under the *Consent Docket*, the applicant agrees to comply with all of the conditions. Attendance by the applicant at a public meeting of the Commission is required when any revisions to the *Consent Docket* application occur. Extensive replacements or repairs exceeding the scope of this document require attendance by the applicant.

9.5 For any cases in which Federal or State Historic Tax Credits might be sought, the applicant’s attendance is required. The applicant should consult with the Maryland Historical Trust before taking any action to determine the guidelines for tax credit qualifications.

9.6 Material-In-Kind is defined as a material that matches the existing material, as much as possible, in material type, species, cut and design, grain, and finish. Design-In-Kind is defined as material that matches the cut and design, but not material type, of the existing the material.

SEC. 10 STOP WORK ORDERS

10.1 This section is intended to further the purposes set forth in the Zoning Ordinance which provides that the Town Planner shall institute appropriate action to prevent, enjoin, abate or remove the violation.

10.2 The Commission believes it is necessary to have a procedure for obtaining emergency stop work orders on an expedited basis where there is a violation in progress. Without a procedure to quickly stop such violations irreparable injury could result to historic, cultural, archaeological, and architectural values in the historic district.

10.3 In cases where work requiring a Certificate of Appropriateness has begun without the issuance of the required certificate, any member of the Commission, or any other person who becomes aware of such work shall notify the Chairman or Vice Chairman of the violation, who will request that a stop work order be issued by the Town.

10.4 In cases where a Certificate of Appropriateness has been issued for a project and the work is not in conformity with the plans approved by the Commission, then any member of the Commission, or any other person who becomes aware of such work shall notify the Chairman or Vice Chairman of the violation , who will request that a stop work order be issued by the Town.

SEC. 11 OVERSIGHT OF HISTORIC DISTRICT

11.1 To carry out the purposes of the Commission, it may be necessary to make inquiries, take positions, and take action on matters that affect the Historic District.

SEC. 12 DEMOLITIONS

(This Section 12 covering Demolitions was adopted separately by the Commission on 6/14/04.)

12.1 Easton's Historic Districts are a collection of architecturally significant structures, and a mix of commercial, residential, and institutional buildings, gardens, dependency structures and streets. When any of these elements is removed due to demolition, the historic fabric that once was an important part of the district is irrevocably lost forever. Historic structures are a view to the past when construction techniques, architectural styles, and lifestyles were uniquely different. If these buildings are lost, the knowledge and history that is embodied in them will also be lost to future generations.

Buildings help to define an urban setting, and most importantly a community and its values, beliefs and culture. A streetscape is not defined by one building, but by a collection of buildings. This collection defines the character of the neighborhood and gives the street a unique sense of place. When demolition occurs on this type of street, a "tear" begins in the fabric that is the neighborhood. This "tear" can lead to problems with livability as well as a cultural sense of loss in the neighborhood. However, this "tear" does not only affect physical aspects of the street, but also the economic value of the properties around the demolition. Statistics show that property values in a historic district are higher than those structures not located in the district.

Demolition in any urban setting, not just in a historic district, is a significant undertaking since the effects of such an action are felt throughout the community. The Commission has set procedures which will allow for a thorough review of all demolition applications.

12.2 **Application and Notice** - Those seeking to demolish any structure in the historic district must first complete an application for demolition. Once this application is received and complete, the Commission will schedule the first of two mandatory hearings for contributing structures and one hearing for non-contributing structures. Incomplete applications will delay any hearing scheduling. Information collected will help the Commission in determining if the property is a contributing structure to the district. The Commission will use the National Register Criteria for Evaluation (current editions well as other criteria. In addition, during this time period, the **applicant** will post a sign on the property alerting the community to the application. **The Town may send notices of the application** to neighboring property owners and community organizations as it sees fit.

12.3 **Structural Analysis** - The Commission will require a structural report from a licensed structural engineer (at the applicant's expense). This engineer will be agreed to the

Commission. He must have proven expertise in working with historic buildings and may have to provide recent documentation to this effect. (The MHT maintains a list of consultants on their website; note their disclaimer however.)

12.4 Replacement Plans - The Commission will only hear applications for demolition that contain plans and elevations for the replacement structure, a site plan, a detailed landscape plan (with plant materials and quantities listed) or other tangible plan for the property. The Commission will render its decision on each portion of the application. However, the demolition will only be approved after all plans have received final approval. An application for demolition without replacement plans for the property will be deemed incomplete.

12.5 Historic Research - The Commission, before the first hearing, will review the application with regard to its contribution to the overall historic district. The Commission will use the 1980 *Easton National Register Historic District Map* which lists all structures in the Historic District. The applicant is expected to submit conducted historical research on the building he wants to demolish. Without this information, the application may be deemed incomplete. The Commission may also require the services of a historic preservation consultant (at the applicant's expense but of the Commission's selection).

In addition to these resources and the National Register Criteria for Evaluation, the Commission will use the following guidelines as a benchmark in determining contributing structures:

- having character, interest or value and contributes to Easton's heritage;
- represents one or more periods or styles of architecture, landscape interest or value as part of the development, heritage or culture of the town architecture, building or construction technique with significant character, of Easton;
- reflects an outstanding attention to architectural design, detail, materials or craftsmanship;
- demonstrates characteristics that make a recognizable entity with logical geographic boundaries and its preservation essential to the integrity of the Historic District;
- represents an established and familiar feature of the Historic District due to its unique location or singular physical characteristics;
- provides certain historic or scenic value significant to the area.

If the structure in question meets one or more of these above characteristics, the Commission will consider the structure to be contributing to the district.

12.6 First Hearing - If the Commission has found the structure to be of a non-contributing nature, the Commission may act in one hearing to approve or deny a demolition. The Commission can approve both the demolition and replacement plans in one hearing.

If the Commission has found the structure to be of contributing nature, the Commission will take at least two (2) hearings to review and evaluate the application and any public comment. The Commission will review all this information as well as other criteria in rendering its decision. These might include: whether or not denial of the application is a deterrent to a major public/civic improvement program that would benefit the town in

general, the denial or approval of the application would not be in the best interest of the majority of the community, or the result of the decision would place undue financial hardship on the owner.

13.7 Subsequent Hearings - The Commission may render its decision at any subsequent hearing of the application. For all contributing structures that receive approval for demolition, the applicant must submit to the Commission the following documentary materials (for the structure being demolished) prior to the applicant receiving a demolition permit:

- a site plan drawn to an appropriate scale showing *all* structures, paving, landscape features and other defining physical features for the property in question. In addition, the site plan must show any neighboring structures within 50 feet of the property lines.
- 8”x10” photograph(s) of the existing conditions as viewed from all public right(s) of ways. One photograph will document the front or main façade as viewed from the right of way. Neighboring structures will also be photographed in such a way that shows the relationship of these structures to the structure in question.
- 8” x 10” photographs of all elevations of the structure to be demolished.

The Commission must receive these items before granting release of the demolition permit. Also at any subsequent hearing of the application, the Commission may grant approval for the replacement plans for the property. These plans will be judged against the *Guidelines for New Construction*. If the Commission finds the plans or application **incomplete**, it will table the entire application until the applicant distributes the necessary information the Commission requires.

Once, and only when the replacement plans are approved and the Commission has received the required documentary information, will the application be finally and fully approved.

12.8 Partial Demolitions - The Commission will use the same guidelines and procedures outlined above for partial demolitions. If the portion of the historic structure to be demolished contains unique or contributing features, the Commission may deny the application. All new additions will be required to meet the guidelines outlined in the *New Construction* portion of the Easton Historic District Guidelines.

12.9 Economic Hardship - Economic hardship occurs when the structure cannot be put to beneficial use. If the applicant is using this as a claim supporting the demolition application, the Commission will require the following information before any decision is rendered:

- a bid from a demolition contractor for the property
- an estimate from a building contractor to bring the structure to reasonable beneficial use.
 - the public tax assessment of the property
 - the fair market value of the property
 - any offers the property owner may have received for the property
 - any other information the commission may find to be required in order to render a decision.

The Commission will take these and other factors into consideration when rendering its decision. Other factors may include state and federal tax incentives for historic

preservation as well as historic grants that may be available to the applicant. The burden of proof of economic hardship shall be the applicant's responsibility. The Commission will view "*fair market value*" as the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of the relevant facts.

12.10 Additional Information - The Commission may require additional information before approving any demolitions or replacement plans. In the case of replacement structures, the Commission may require conditions, including but not limited to, the following:

- a letter of credit from a lending institution for the project
- a letter of commitment from a lending institution
- other form of surety for the project
- any other information the Commission may find to be required to insure completion of the replacement project.

SEC. 13 EMERGENCY DECISIONS FOR SAFETY AND HEALTH

13.1 In the event that an emergency decision is needed on a historic district matter regarding safety or health and, it is not practical or possible to wait for the next Commission meeting for action, then the Chairman is authorized to act on behalf of the Commission. The Chairman will report action he has taken at the next regular meeting.

SEC. 14 ECONOMIC HARDSHIP

14.1 In order for the Commission to consider an "economic hardship" argument for any type of application, it will be necessary for the applicant to submit documentation to support the argument such as: independent consultant's reports, tax records, independent economic analyses, rehabilitation budgets, stabilized year operating statement, etc. An unsupported claim will not be considered.

SEC. 15 PROPOSED AMENDMENTS

15.1 Proposed amendments to these rules of procedure may be introduced at any meeting of the commission and voted at any subsequent regular meeting with passage requiring a majority vote of the entire membership.

Adopted 8/25/08

Easton Historic District Commission,
Roger Bollman, Chairman

Cc: Tom Hamilton
Zach Smith