

## **ATTACHMENT A:**

### **HPC ONLINE TUTORIAL TABLE OF CONTENTS**

The proposed content for each chapter is divided into two sections – Key Concepts and Key Terms. The Key Concepts section describes the issues, ideas, and concepts that participants should have a grasp of when they complete the course. These concepts might also form the basis of the review questions that each participant will have to answer. The Key Terms sections are lists of words and phrases introduced in each chapter that taken together would form a glossary for easy reference. Participants should be able to recognize these terms and have a conversational grasp of their meaning upon completion of the course.

Acknowledgements

Foreword

### **PART ONE: Historic Preservation in our Nation**

#### **Chapter 1: Why are we here?**

##### **1) Key Concepts**

- a) What are the basic goals and objectives of preservation?
  - i) Definition of an historic property
  - ii) Feel good philosophy – With Heritage So Rich and the preamble of the NHPA
    - (1) Gives a sense of orientation to our society
    - (2) preservation of our heritage is in the public interest
  - iii) Managing change, not stagnation
  - iv) Its not just about appearance and aesthetics
  
- b) how did we get here?
  - i) Impact of Urban Renewal and Highway Act on urban centers led to enactment of NHPA in 1966
  - ii) chartering of Maryland Historical Trust (1961) – first state-chartered organization specifically dedicated to historic preservation
  - iii) New Orleans & Charleston – establishment of local districts
  
- c) Commissions play a crucial role in protecting historic properties on the local level
  - i) Local designations came about from a long-term growing concern that we were losing historic properties that are of importance to us
  - ii) The HPC's role in the identification, evaluation, and protection of historic properties through survey and designation
  - iii) Historic preservation efforts play a critical role in maintaining community character
  - iv) Establishment of MD's first districts, Annapolis ('53) and Frederick ('54)
  
- d) Preservation incentives

- i) energy efficiency
- ii) sustainability practices
- iii) green buildings
- iv) economic incentives

## 2). Key Terms

- Historic property
- National Historic Preservation Act
- Sustainability
- Historic district
- 'green' buildings

## Chapter 2: Legal Foundation and Fundamentals

### 1) Key Concepts

- a) Designation of historic properties on the federal, state and local levels
  - i) What is the National Register of Historic Places?
    - (1) Establishment and legal basis
    - (2) Basics about the listing process
    - (3) Effect on property owners
    - (4) What protection does NR listing afford a property owner, and what it does not do (prevent demolition or changes to the property)
  - ii) What is local designation?
    - (1) Establishment and legal basis
      - (a) Legal foundation of local designation
        - (i) Local designation as police power
      - (b) What is enabling legislation?
        - (i) Enactment of enabling legislation for local historic districts in 1968 (Article 66B).
        - (ii) Differences between charter and non-charter counties
          - 1. Non-Charter Counties and municipalities follow Article 66B, §8.01-8.17, Annotated Code of Maryland
          - 2. Charter Counties are enabled under Article 25A, §BB, Annotated Code of Maryland
      - (iii) Local ordinance has to be in agreement with the state enabling legislation
        - 1. What does the state enabling legislation allow and prohibit local ordinances from doing?
        - 2. Use model ordinance as an example
    - (c) Designation is a form of zoning overlay
  - (2) Highlights of designation process (who are the players, authority, etc.)
  - (3) Effect on property owners
- iii) Summary comparison of differences between NR and local designation
- iv) What are some common legal issues associated with preservation?
  - (1) Takings
    - (a) What is it?
    - (b) Why is designation not a taking

- (2) Procedural Due Process
  - (a) Everyone gets a chance to be heard – open, public process
- (3) Substantive Due Process
  - (a) What is it?

## 2) Key Terms

- National Register of Historic Places
- Criteria
- Local designation
- Enabling legislation
- Zoning overlay
- Takings
- Procedural due process
- Substantive due process
- Charter County
- Non-Charter County

## Chapter 3: Designation and Protection of Historic Properties

### 1) Key Concepts

- a) Types of historic properties
  - i) Districts
    - (1) Contributing v. non-contributing properties
  - ii) Individual landmark properties
- b) The importance of boundaries
  - i) Incorporating environmental setting and landscape features in the boundaries
- c) Significance and integrity
  - i) What makes a property/community historic as opposed to simply old?
  - ii) How is significance documented?
  - iii) Integrity – US preservation philosophy values historic materials, which are irreplaceable
  - iv) What are character-defining features?
- d). Surveys
  - i) What is a survey?
  - ii) How does it lead to an inventory?
  - iii) How does a commission use an inventory?
  - iv) Why is it important to keep a local inventory up to date?

### 2). Key Terms

- Historic district
- Individual landmark
- Contributing
- Non-Contributing
- Significance
- Integrity
- Character defining features

## Chapter 4: Treatment of Historic Properties

## 1) Key Concepts

- a) Determining what's important
  - i) Applying the concepts of significance and integrity to a property within a district.
    - (1) Understanding the relationship of an individual building to the larger district/community
    - (2) Identifying character defining features
  - ii) Understanding the significance and integrity of an individual landmark
- b) Preservation principles and philosophy
  - i) U.S. preservation theory and policy places value on retention of historic fabric wherever possible.
  - ii) Secretary of the Interior's Standards for the Treatment of Historic Properties
    - (1) What are they?
    - (2) How are they used?
    - (3) Different Standards
      - (a) Identify that there are four different treatment options –preservation, restoration, rehabilitation, and reconstruction
      - (b) Standards for Rehabilitation are most commonly used
    - (4) Plain-English explanation of the rehab standards
- c) Examples that demonstrate how to identify a character-defining feature on a building within a district and apply the Rehabilitation Standards
  - i) Replacement window example
  - ii) New construction/addition to historic building example

## 2) Key Terms

- Historic fabric
- Preservation
- Restoration
- Reconstruction
- Rehabilitation
- Secretary of the Interior's Standards
- False sense of historical development
- Conjectural
- Deteriorated beyond repair

## **PART TWO: Historic Preservation in your community**

### **Chapter 5: The Nuts and Bolts of an Historic Preservation Commission**

#### 1) Key Concepts

- a) What is a Historic Preservation Commission?
  - i) Roles and responsibilities
  - ii) Appointments to HPCs
    - (1) Qualification of members
      - (a) Demonstrated special interest
      - (b) SOI Qualification Standards
- b) What are the foundational documents for a local preservation program?

- i) Ordinance
- ii) Rules of Procedure
  - (1) What are they?
- iii) Design Guidelines
  - (1) What are they and how are they used?
  - (2) Relationship to SOI Standards
    - (a) Article 66B, §8.06(a)(1) requires jurisdictions with HPC's to adopt guidelines that are consistent with those generally recognized by MHT. MHT uses Rehabilitation Standards.
- c) Defensible decision-making
  - i) What are the elements of a defensible decision?
  - ii) What does a motion need to say?
- d) Record keeping
  - i) Minutes
  - ii) Creating an administrative record (application, hearing notice, determination letter, etc.)
- e) Legal Considerations
  - i) Open Meetings Act
  - ii) Procedural Due Process
  - iii) Ex-parte communication
  - iv) Conflict of Interest
- f) Appeals
  - i) Appeals are handled in the same manner as zoning appeals
  - ii) Appellant may go to Board of Appeals or Circuit Court, as provided by local law.
  - iii) Public may appeal HPC decision also.

## 2) Key Terms

- Ordinance
- Rules of Procedure
- Design Guidelines
- Demonstrated special interest
- Motion
- Open Meetings Act (State Government Article, Title 10, Subtitle 5, Annotated Code of Maryland)
- Ex-parte communication
- Conflict of interest

## Chapter 6: Project Review

### 1) Key Concepts

- a) When is a Historic Area Work Permit/CoA required?
  - i) What is routine maintenance?
  - ii) What does replacement in-kind mean?
- b) What is the HPC's scope of authority?
  - i) Exterior alterations only
  - ii) All sides of a building

- iii) Limited to the work described in the application
  - (1) Resist the urge to add/suggest additional work items during hearing
  - (2) Don't redesign by committee
- c) What are the factors the HPC should consider when reviewing an application?
  - i) Defined by Article 66B, §8.06(b)
    - (1) Significance of the property and relationship to the significance of the surrounding area
    - (2) Relationship of the exterior architectural features of the structure to the remainder of the structure and surrounding area
    - (3) General compatibility of exterior design, scale, proportion, arrangement, texture, and materials to be used
    - (4) Other factors, including aesthetics, which the HPC considers pertinent
- d) How does an HPC member review an application?
  - i) Site visits
  - ii) Review surveys, documentation, historic photos and evolution of a property
  - iii) Determination of effects to character defining features
- e) What are the standards for review?
  - i) Strictness/leniency is related to significant/non-significant, contributing/non-contributing.
    - (1) Establish significance first – documentation?
    - (2) Application of standards and guidelines must be strict when property is significant/contributing (Article 66B, §8.08(a))
    - (3) Application of standards and guidelines should not be strict for new construction and properties of little significance (Article 66B, §8.08(b))
- f) Applying and citing design guidelines
  - i) Example that includes sample motion
  - ii) What do you do when the commission has not adopted any guidelines?
- g) Role of the public in decision-making
  - i) Article 66B, §8.11(b)
- h) Approval, denial, and continuance
  - i) HPC's are required to act on a completed application within 45 days after the date the completed application was filed (Article 66B, §8.12(e))
    - (1) What is the minimum information that should be included in a completed application?
  - ii) What is the difference between failing to approve an application and denial?
    - (1) One year moratorium on resubmission of denied applications.
  - iii) Continuance/extension of 45 day review window requires both HPC and owner to agree (needs to be noted in the minutes)

## 2) Key Terms

- Historic Area Work Permit
- Certificate of Appropriateness/Certificate of Approval
- Routine maintenance
- In-kind
- Compatibility
- Strict

- Lenient
- Approve
- Deny
- Continue

## **Chapter 7: Special Issues**

### **1) Key Concepts**

- b) Economic Hardship
  - i) What is it?
  - ii) How should hardship claims factor into project review and decisions about appropriateness?
- c) Demolition by Neglect
  - i) What is it?
  - ii) How should these issues be handled?
- d) Enforcement
  - i) What is the HPC's role in enforcement?
    - (1) City/county staff is responsible for issuing citations/penalties
    - (2) HPC may request that enforcement action be taken for violation
    - (3) HPC does not actually cite/fine a property owner; it is not the HPCs role or responsibility to police violations
  - ii) What is the nature of CoA/HAWP violations?
    - (1) Municipal infractions, just like other violations of the zoning code
  - iii) What penalties may be levied for violations?
    - (1) Non-Charter counties and municipalities are limited by Article 23A, §3(b), Annotated Code of Maryland
    - (2) Charter counties may have steeper penalties (Baltimore County example for demolition)
- e) Substitute Materials
  - i) What are they?
  - ii) How do they apply to SOI standards and design guidelines?
  - iii) What goes into establishing a preservation methodology
- f) Energy Efficiency
  - i) Key Concepts
  - ii) How do energy issues apply to SOI standards and design guidelines?

### **2) Key Terms**

- Economic hardship
- Demolition by neglect
- Municipal infraction
- Board of Appeals
- Circuit Court
- Substitute materials
- Energy efficiency/sustainability

