

## **HISTORIC PARK PLANS: REGULATORY REVIEW PROCESS**

Updated 09.14.09 by the Park Development Division

### **HISTORIC PRESERVATION COMMISSION (HPC)**

The Montgomery County Historic Preservation Commission regulates historic preservation in Montgomery County. Before commencing design, the Consultant shall check the status of the property by calling the Historic Preservation Commission office, also known as the [M-NCPPC Planning Department's Historic Preservation Section](#). See details below on the application requirements and the approval process.

#### **A. Background Information**

##### **Responsibility**

In 1979, Montgomery County adopted a historic preservation ordinance ([Chapter 24A of the County Code](#)), which established a Master Plan for Historic Preservation and created the Montgomery County Historic Preservation Commission (HPC). Chapter 24A charges the HPC with overseeing the county's historic preservation program, including researching and evaluating historic resources and districts according to specified criteria and reviewing proposed exterior changes to sites and districts that have achieved historic status. The HPC's nine members are appointed by the County Executive and confirmed by the County Council.

Supporting the HPC are architectural historians and planners in the Historic Preservation Section of the Montgomery County Planning Department, located at 1109 Spring Street, Silver Spring, Maryland 20910. Additional information about the county's historic preservation program is available at [www.montgomeryplanning.org/historic](http://www.montgomeryplanning.org/historic).

##### **Purpose**

The objective of the county's historic preservation program is "to provide for the identification, designation and regulation, for purposes of protection, preservation and continued use and enhancement, of those sites, structures with their appurtenances and environmental settings, and districts of historic, archeological, architectural or cultural value ... [and] to preserve and enhance the quality of life in the county, safeguard the historical and cultural heritage of the county, strengthen the local economy, stabilize and improve property values in and around such historical areas, [and] foster civic beauty." Protection of designated properties is achieved through mandatory review and approval of plans for "constructing, reconstructing, moving, relocating, demolishing or in any manner modifying, changing or altering the exterior features of any historic site or any historic resource located within any historic district."

##### **Jurisdiction**

The Historic Preservation Commission has jurisdiction over all Historic Sites listed in the *Master Plan for Historic Preservation*. Once listed on the Master Plan, obtain an approval for the work from the HPC. Approvals are provided in the form of a [Historic Area Work Permit](#) (HAWP) and the HAWP is required prior to obtaining other Montgomery County Department of Permitting Services approvals.

A HAWP is required to change the exterior features of a historic site or a building located in a historic district. Work subject to a HAWP includes, but is not limited to: moving, relocating, demolishing or altering exterior materials, substantially altering the environmental setting, grading, excavation, construction, and removing trees greater than six inches in diameter. Some common HAWP applications include: installing fences and retaining walls, constructing additions, window replacement, tree removal, siding/roof replacement, painting masonry surfaces, demolish outbuildings (sheds, garages), installing signs, install walkways and patios, construction of decks. A HAWP is **not** required for interior changes, ordinary maintenance, repair of exterior features (i.e. retention of original materials), or selection of paint colors.

Local jurisdictions may require that they review proposals prior to the submission of a HAWP application. Jurisdictions with additional review requirements include, but are not limited to, Brookeville, Chevy Chase Village, Garrett Park, Kensington, and Takoma Park. If applicable, check with the municipality before applying for a HAWP. In addition, some historic districts have Local Advisory Panels, groups of volunteer citizens, which assist the HPC by reviewing HAWP applications and forwarding comments for the public record. Further information on Local Advisory Panels and their role in the HAWP review can be provided by the HPC staff.

#### M-NCPPC, Planning Department, Historic Preservation Section

The M-NCPPC, Planning Department, Historic Preservation Section assists and guides all steps leading to approval of the project by the Historic Preservation Commission and by other entities having jurisdiction over historic properties such as the Maryland Historical Trust, Maryland's State Historic Preservation Office (SHPO). The Historic Preservation Section should be contacted at the outset of projects potentially within the jurisdiction of the HPC to verify the status of the property. Assistance is provided throughout the application and approval process, and they may also monitor the project during construction. The schedule of submission deadlines and hearings is available at the Historic Preservation Section. For information, see <http://www.montgomeryplanning/historic>. See the *Historic Preservation Design Criteria* in the Park Development Division's Resources section.

#### **B. Coordination between HPC and the Montgomery County, Department of Permitting Services (DPS)**

Historic Area Work Permits are issued by the [Montgomery County Department of Permitting Services \(DPS\)](#). Once completed application materials are submitted at DPS, a permit number is assigned within the DPS system and the materials are transmitted to the M-NCPPC Historic Preservation Section for HPC review and approval. When the approved application is returned to DPS, the HAWP permit is issued.

When a *Historic Resource* is listed on the Locational Atlas, the DPS has the responsibility to determine whether the work is a *Substantial Alteration*. If not a Substantial Alteration, the work may proceed. If the work is a substantial alteration, the scope of work may be reduced below the alteration threshold or referred to the Historic Preservation Section for options to proceed.

#### **C. Coordination between HPC and the M-NCPPC Department of Parks, Cultural Resources Stewardship Section (CRSS)**

The [M-NCPPC, Department of Parks, Cultural Resources Stewardship Section](#) (CRSS) is the caretaker responsible for the stewardship of all Montgomery County Department of Parks cultural resources ("*Historic Park Resources*"). The CRSS will assign a representative to participate as a member of the project's staff team to guide proposed changes to all *Historic Park Resources*. If the project primarily concerns a Master Plan *Historic Site* or Locational Atlas *Historic Resource*, the Historic Preservation Commission's design review and approval will be binding. For *Historic Park Resources* that do not require Historic Preservation Commission review and approval, the Cultural Resources Stewardship Section will provide review and approval.

#### **D. Procedures**

It is important to involve the HPC early in the project. A HPC staff member will be assigned to the project, and the likely level of action, either staff review or public hearing, will be established. It is also useful to discuss the scope of work and get advice on appropriate presentation materials. Initial contact could be by telephone or by a meeting, depending on the nature of the project.

Become familiar with the HPC and DPS Historic Area Work Permit requirements, as well as other County development review and permitting processes, and incorporate all requirements into the project's design and receive all required approvals.

The review and submission procedure is as follows:

## **1. Preliminary Design Phase:**

### **Review Meeting with Historic Preservation Commission Staff**

Prepare for and arrange a preliminary design phase meeting with the HPC staff at the M-NCPPC offices. This meeting shall include the Consultant, the Department of Parks Project Manager and, if needed, a Cultural Resources Stewardship Section representative. The goal of the meeting is to obtain guidance and recommendations on the project and process.

### **Preliminary Consultation with the Historic Preservation Commission**

All Facility Plan projects shall have a formal "Preliminary Consultation" with the HPC. This will take the form of a public hearing and require Consultant participation as described in the advertisement for services (RFP, IFB, Task Order). See Final Design Phase Requirements for HPC public notification, submittal, and hearing presentation requirements.

## **2. Final Design Phase:**

### **HAWP Permit Application**

After approval by the Department of Parks, and at least three weeks prior to the HPC public hearing to consider the HAWP, file the official HAWP application with the Department of Permitting Services (DPS), 255 Rockville Pike, Rockville, Maryland (240) 777-6370. In addition to the application, the following are required: a written description of the project, site plan, plans and elevations, material specifications, photographs, tree survey, and a list of adjacent and adjoining property owners to be notified about the HAWP application.

Names and addresses of those to be notified may be acquired from the Department of Assessments and Taxation, 51 Monroe Street, Rockville, Maryland (301) 279-1355 or the "Real Property Data Search" online: <http://www.dat.state.md.us/>

There is no charge for filing the HAWP application. For additional information refer to <http://www.montgomeryplanning.org/historic>.

### **Consideration of HAWP Application by the Historic Preservation Commission**

The DPS will send the HAWP application materials to the Historic Preservation Office for review, comment and forwarding to Local Advisory Panels, if necessary, and to the HPC for consideration. Once the application has been scheduled for review at a public hearing, the applicant will be notified by mail of the scheduled meeting date, time, and location.

### **Public Notification of HPC Hearing**

Prepare a public notification flyer with information about the project and hearing in accordance with requirements of the Department of Parks. Names and addresses of community members to be notified shall be provided and the notice shall be mailed at least three weeks prior to the HPC hearing. In addition, through its standard process, the Historic Preservation Section shall be responsible for mailing notification to adjacent and adjoining property owners at least two weeks prior to the HPC public hearing.

### **Presentations to the Historic Preservation Commission**

Prepare all presentation materials required for the HPC hearing. Required presentations shall be reviewed and approved in advance by the Department of Parks Project Manager and thereafter

transmitted to the Historic Preservation Section to meet any required deadlines for the HPC hearing. Typically, HPC hearings are held on the second and fourth Wednesdays of each month in the first floor Auditorium at the M-NCPPC Main Regional Office at 8787 Georgia Avenue, Silver Spring Maryland 20910. A schedule is available at <http://www.montgomeryplanning.org/historic>.

Unless otherwise noted in the advertisement for services (RFP, IFB, Task Order), attend the meeting, accompanied by the Department of Parks Project Manager, User Group, and Staff Team.

If the HPC does not approve the HAWP, modify the design documents and attend subsequent meetings to the degree necessary to receive HPC approval. In some cases the HPC will approve a project "with conditions," requiring changes to project documents to meet those conditions.

### **Transmittal of HPC Approval to Montgomery County Department of Permitting Services**

After the HPC approves the HAWP, each project drawing must receive an approval stamp from the Historic Preservation Section prior to submission to the Department of Permitting Services for subsequent building or other permits. Deliver and drop off project drawings at the Historic Preservation Section for staff to stamp-approve, and is further responsible for picking up the stamped-approved drawings and delivering them to the DPS.

If a building or other county permit is not required for the project, the work may commence once the HAWP drawings are stamp-approved.

### **E. Submittal Requirements for Preliminary Approval**

Three sets are required for the DPS Submission for transmittal to the Historic Preservation Commission and two sets are required for the Department of Parks of the following:

HAWP Application Form: HAWP Application Form prepared by the Consultant as "Contractor" and signed by the PDD Project Manager as "Authorized Agent."

Schematic and/or Design Development Phase Documents: As determined, submit the Schematic and/or Design Development Phase documents including site plan and tree survey, relevant floor plans, building sections, exterior elevations and details, material specifications, and photographs. Refer to the HAWP instructions at <http://www.montgomeryplanning.org/historic>

Research: Submit relevant research, test reports and documentation.

Existing Conditions: Submit existing condition photographs and drawings as well as contextual photographs. The first set must be original prints.

Rendering: Submit a rendering and site line drawings or perspectives, if required.

Samples: Submit material and color samples and related product literature and specifications.

### **F. Final HAWP Approval Documents**

Submit two sets of final stamp-approved drawings to the Department of Parks and three sets as required according to the requirements of the Historic Preservation Commission and Department of Permitting Services.

Samples: Submit on one set of material and color samples and related product literature and specifications that correspond to approved items noted in the stamp-approved drawings.

## **G. HPC Presentation**

The HPC staff will prepare a staff report for the Commissioners one week prior to the hearing, including narratives and illustrations of all HAWP applications to be decided at the hearing. At the hearing, HPC staff will give a presentation of the project. Give a limited-length presentation and answer questions. Members of the public may sign up to speak in favor or against the project.

## **H. Simultaneous Preliminary and Final Review**

Projects that are relatively simple may receive simultaneous Preliminary and Final Review Approval.

*Note: This summary was finalized April 3, 2008 in consultation with the M-NCPPC Historic Preservation Section and is intended as a guideline for Department of Parks' projects. At the time of a project's historic preservation review, this information should be verified with the Department of Parks Project Manager and Historic Preservation staff.*