

II

The Historic District & Commission Procedures

II.1 The Chestertown Historic District & the Historic District Commission

Recognizing the importance of the state’s architectural heritage, in 1963 the Maryland legislature passed a law that allowed local governments to protect and preserve their historic buildings (Annotated Code of Maryland, Article 66B). Chestertown took advantage of this enabling legislation in the following year, becoming one of the first towns in Maryland to adopt a historic preservation ordinance (See Appendix). This “Historic Area Zoning Ordinance” ordinance defined the boundaries of the Chestertown Historic District, required review and approval of exterior changes to any building in the district, and established a seven-member Historic District Commission. The volunteer commission conducts meetings on the first Wednesday of each month at 4:00 pm in Town Hall. All meetings are advertised and open to the public.

II.2 Projects Requiring HDC Review

Before exterior work on a structure in the Historic District begins, the Historic District Commission must approve any exterior alterations, new construction, demolition, or changes to important landscape features. Examples of work requiring the approval of the Commission include, but are not limited to, the following:

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| * new buildings | * landscaping |
| * additions | * HVAC equipment |
| * garages | * satellite dishes |
| * storm windows | * electrical boxes and power lines |
| * porches | * exterior door or window replacement |
| * roofing | * siding or other changes to wall materials |
| * fences | * demolition of entire or parts of buildings |
| * sidewalks | * signs and sign posts |
| * driveways | * garages and outbuildings |
| * swimming pools | * trenching, grading, or other ground disturbance |
| * awnings, canopies | * removal of trees six inches or more in diameter |
| * exterior lighting | * chimneys |
| * paint removal | * masonry repairs |
| * storm windows | * storm and screen doors |
| * patios, decks | * patios, arbors, gazebos |

The listings above are not meant to be all-inclusive, but they provide examples of the kinds of activities that require approval. If you have any questions about whether or not a permit is required, it is advisable to contact the Town Manager.

II.3 Projects Not Reviewed by the HDC

Projects that involve “routine maintenance” do not require approval of the Commission. Routine maintenance refers to work that does not destroy, alter, or cover up historic building materials or finishes. Any exterior work that involves replacing or changing the elements of a building must be approved by the HDC. Examples of work that falls under the heading of routine maintenance include repainting previously painted surfaces, small repairs, and minor gardening projects. Paint color is not reviewed, nor is replacement in-kind, provided that the element being replaced complies with the Guidelines. If you have questions about whether your project must be reviewed by the HDC, contact the Town Manager.

II.4 Procedures for Reviewing Projects

The Historic District Commission has a standard set of procedures that are applied to every application. The procedures are designed to ensure compliance with the ordinance and to afford every applicant the same consideration. In the interest of fairness and due process, no deviation from these procedures is permitted.

Applicants intending to claim the Maryland Historic Preservation Tax Credit for their project are strongly encouraged to have their project reviewed by the Maryland Historical Trust prior to submitting their application to the Chestertown HDC. Changes to a proposal are more likely to be required at the state level. Approval by the Chestertown HDC in no way implies or ensures approval by the Trust. Details on tax credit programs are available elsewhere in these Guidelines (Section I.3) and on line at www.marylandhistoricaltrust.net under “Tax Credits.”

II.4.1 Applications and Deadlines

Before exterior changes are made that are not considered “routine maintenance,” property owners must file an application with the Historic District Commission and obtain approval. To be considered for approval, a complete application and supporting documents must be submitted to the Town office no later than 4:00 p.m. on the deadline date. Deadlines for specific types of projects are:

- applications for new construction or demolition permits must be received no later than 25 days prior to the regularly scheduled hearing;
- all other applications, excepting those for signs and resurfacing of roofs, must be received no later than one week before the scheduled hearing;
- applications for signs and roof resurfacing must be received at least 48 hours prior to the meeting.

Applications must contain sufficient information for the Commission to render an informed decision. The applicant should have read the appropriate sections of these Guidelines, designed the project to reflect these standards, and anticipated potential questions or concerns. Photographs of existing conditions and drawings of proposed changes are advisable. For complex projects, scaled or measured drawings may be required. Samples or brochures illustrating materials should be presented, along with detailed specifications. These might include window, shingle, or brick samples, or specifications for materials such as mortar. In general, the more information the better.

These Guidelines note the additional requirements for some specific types of projects, such as new construction (Chapter IV) or demolition (Chapter VI). A careful reading of the Guidelines should indicate the types of information that will allow the Commission to quickly and fairly reach decisions.

II.4.2 Hearings and Resulting Actions

At Commission meetings, the HDC hears applications in the order in which they were received. In order for the Commission to take action, the applicant or an appointed representative must be present when the proposal is reviewed. During the hearing, the property owner or representative will be asked to summarize the project, present any samples or other materials relevant to the request, and answer questions. Any representative of the property owner should be qualified to answer questions or the application may be delayed. In some complicated cases, the Commission may decide that a site visit is required to fully consider the proposal. Site visits are made outside of the normal meeting time, at a time determined during the public meeting.

Once the application has been reviewed and questions have been answered, a vote will be taken. All motions and business of the Commission are carried by majority vote and require a quorum of four members. The following actions may be taken on a proposal:

- Approved as presented
- Approved with modifications and/or conditions
- Continuation or tabling of an application (in cases where insufficient information is provided or the applicant and the Commission agree to continue the case – if both parties do not agree to the continuance, then the Commission must act by approving or denying the proposal)
- Denial of the application, which can be:
 - Denied with an invitation to reapply using a different concept;
 - Denied in part;
 - Denied altogether.

The Commission is required to act on a proposal, resulting in one of the above outcomes, within 45 days from the date that a completed application is filed. For this reason, it is important

that all applications be complete, with information submitted in a timely manner. Failure to provide sufficient information could result in denial of your application.

When a proposal is approved, a certificate of approval will be provided by the HDC and the Town's Zoning Administrator will issue a building permit to the applicant. Permits are valid for six months after issuance. If the work is not started before the expiration date, the applicant must resubmit the proposal to the HDC for review.

If a proposal is denied, the applicant has two options: (1) to wait for a year before submitting the same proposal; or (2) to appeal the Commission's decision to the Circuit Court of Kent County.

II.5 Demolition by Neglect

Occasionally a property owner who has been denied approval for a change or demolition will simply decide to do nothing to the structure. This is acceptable if it does not result in the deterioration of the structure or the potential loss of important elements. Some conditions, however, may pose a threat to the structure. An unsound roof, for example, can result in water damage to the interior and degradation of the building's frame, a process that may threaten the entire structure if unchecked. This kind of situation is referred to as "demolition by neglect" and is prohibited by the Historic Area Zoning ordinance. The HDC is authorized to prevent such situations and has done so in the past.

II.6 Secretary of the Interior's Standards for Rehabilitation

Like most historic districts, the Chestertown Historic District Commission has adopted the *Secretary of the Interior's Standards for Rehabilitation* as the basis for evaluating proposed changes within the Historic District. Originally created in 1976, and revised in 1983 and 1992, the current *Secretary of the Interior's Standards for Rehabilitation* are important for every property owner to understand, as they underlie all decisions of the HDC. The ten *Standards* are:

- 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.**
- 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.**
- 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.**
- 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.**

5. **Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.**
6. **Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.**
7. **Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.**
8. **Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.**
9. **New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.**
10. **New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**

The *Standards* are applied to specific rehabilitation projects in a reasonable manner. Along with these Guidelines, they are the basis for decisions made by the Chestertown Historic District Commission. For more information on the *Standards*, as well as access to variety of other helpful information on historic properties, see the following web site:

<http://www2.cr.nps.gov/tps/>

II.7 Frequently Asked Questions

1. **Is my property located within the Historic District and subject to these Guidelines?**

A map delineating the boundaries of the district is included in the Appendix. If you have difficulty using this map to determine whether your property is in the district, or if you are located on the boundary, please contact the Town Manager. All properties within the boundary are subject to review under these Guidelines.

2. **My project is on the exterior of a structure, but it can't be seen from the road or the public way. Do I need HDC approval?**

Yes. All exterior changes other than those that qualify as routine maintenance require

approval from the HDC.

3. My project concerns only the interior of my house. Do I need approval from the HDC?

No. Chestertown's Historic Zoning ordinance only concerns building exteriors. However, if you wish to claim the Historic Preservation Tax Credit from the state of Maryland, the Maryland Historical Trust must review interior changes. Since the tax credit currently is 20% of project costs, a tax credit application can pay real dividends. More information on tax credits is available elsewhere in these Guidelines (Section I.3) and in brochures available in the Town Hall.

4. If the Chestertown HDC approves my application, does this mean that I qualify for the state's Historic Preservation Tax Credit?

No. Tax credit applications are subject to an entirely separate application and review by the Maryland Historical Trust. The Trust will review both interior and exterior changes, and may use slightly different standards than the Chestertown HDC. For this reason, applicants are encouraged to apply first for tax credit approval, before requesting a permit from the Chestertown HDC.

5. Does "routine maintenance" require HDC approval?

No. However, please be sure that the work you are planning falls within the definition of routine maintenance. Procedures such as repainting previously painted surfaces or replacing a damaged exterior element of the house with an exact replica (same material and finish) would qualify as routine maintenance. Any work done to the exterior of a structure (including landscaping) that alters that structure in any way is not considered routine maintenance and must be approved by the HDC.

6. If my application is refused, what recourse do I have?

The majority of applications that come before the HDC are approved. However, if your application is denied, there are three options open to you. First, you may revise your plans and submit a new proposal that conforms to these Guidelines and meets the concerns of the HDC. Secondly, you may submit the same or a substantially similar application to the Commission for review after one year has elapsed from the date of the first application. Your final recourse is to appeal the HDC decision to the Circuit Court.

7. My building isn't that old; doesn't this mean that exterior changes are of no concern to the HDC?

No. All structures within the Historic District are subject to the review process, and a building need not be "old" to be significant or to have an impact upon the character of the area in which it is located, and the Historic District as a whole.

8. I want to build a new structure on my lot – does a new building require approval?

Yes. The ordinance requires new construction to fit in with the existing streetscape and neighboring buildings. In addition, new construction involves ground disturbance, which may require archeological investigation.

9. I own a building that looks beyond repair; can I demolish it without approval?

No. Any demolition of part of or an entire structure, addition, or outbuilding requires HDC review and approval. Requests to move a structure are handled in the same fashion.

10. This permit process sounds complicated. Do I need to hire an architect or consultant in order to get approval?

The vast majority of applications to the HDC are handled without representation by a professional architect or consultant. Using these guidelines and asking questions at the Town Office will, in most cases, provide the property owner with sufficient information to proceed with an application. Small-scale projects can be designed by a homeowner, and most applications are quickly approved. Larger projects such as new buildings or additions are more complicated and may require professional assistance.

11. If a proposal is denied or approved with modifications, can the property owner simply do nothing?

Yes, but *only if lack of action does not threaten the integrity of the structure*. Neglect or a lack of action which allows the deterioration of the building or specific elements of the building may be considered “demolition by neglect,” which is prohibited under the ordinance.

12. What are the penalties for violations of the Historic Area Zoning ordinance?

The Town Administrator is required to take appropriate action to end violations and may halt any work that is not in accordance with the HDC’s approval. Violations may subject the property owner and any agent, architect, builder, person or corporation connected with the violation to a fine of up to \$500 per offense, and each day that the violation continues may be considered a separate offense.