

### **Navigating Local Review**

Navigating the local review process is an essential step in project planning. Local building officials, historic district and conservation commissions play a vital role in protecting community heritage; they are legally charged with ensuring public safety and maintaining cultural and natural resources. Familiarizing oneself with these entities and their associated codes and ordinances will aid in understanding the review requirements, process and deadlines, as these change from locality to locality.

### **Navigating Local Review Guidelines**

- Meet annually with local staff, building officials or historic commission representatives, to review upcoming projects, determine what review is required, and preliminarily review concerns. Developing this relationship is key to obtaining all required permits and introducing building officials to our preservation philosophy.
- Determine if the property lies within the local historic district and/or conservation district.
- Review historic/conservation district ordinances, design guidelines, and schedules and determine if the locality offers administrative review and what (if any) projects are entitled to that level of review.
- Building officials are ultimately the entities responsible for upholding public safety by enforcing the state and local building code. Determine what building or landscape work might require a building permit. Be aware that historic buildings and museums are often eligible for variances or that compliance standards may be different from typical residences. Be familiar with the building code and Historic New England's interpretation of the code as it applies to our properties so we can be proactive in any discussion as opposed to reactive.
- Prior to filing any review or permit application, ensure that the project has gone through internal review to refine scope. No applications should be filed without completing this step.
- File appropriate paperwork when work dictates local review and present to the governing body. Typically projects must be approved by the pertinent commission before a building permit can be issued.
- Please note that review by the State Historic Preservation Office or other entity may still be necessary.

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### Technical Details for Navigating Local Review

*Conduct annual meetings to review upcoming projects.*

- Each spring, prior to beginning the summer construction season, the preservation managers (and preservation project managers when appropriate) should meet with representatives from the local building department, and if applicable, from the historic district commission.
- This meeting is to establish good relations before issues arise.
- Be advised that many departments have to allocate their time being responsive to immediate projects and issues and it may not be possible to easily schedule planning time.

*Perhaps the most important aspect in this process is determining if the property is located within a historic or conservation district.*

- Determining if the project area is within a historic, neighborhood conservation or conservation (ecological) district:
  - Not every municipality has a historic or conservation district. Some may have National or State Register historic districts, but no commissions. Look in the zoning ordinance for the municipality, there should be a map of all historic/conservation districts; the Master Plan may also have this information.
  - An explicit conservation district might not be specified, but wetlands zones may be delineated and work within the buffer or wetlands itself may trigger review by the conservation commission.
  - Some municipalities also have neighborhood conservation districts, a variation on historic districts with different guidelines and requirements. Contact the planning department for specific information.
  - If unsure, call or visit the planning department and ask for assistance.
  - Sometimes only portions of the properties fall within the purview of the conservation commission or historic district commission. For example only work located within a certain distance of a wetlands area or visible from the public right of way might require review.
- Note that some projects may be in several districts and require multiple layers of review.

*Local commission regulations vary from state to state and municipality to municipality. It is absolutely crucial to investigate the local regulations for the municipality within which your project is located.*

- Obtain and thoroughly review the historic/conservation/neighborhood conservation district's ordinances or by-laws.
  - Examine what projects trigger review. Some localities require review for re-painting while others have far less stringent requirements.
- Determine if the municipality offers administrative review.

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- Many municipalities have empowered staff members to approve a certain level of projects, typically projects that do not involve a change in material or appearance. This process is what is being referred to as “administrative review.”
- When offered, many of Historic New England’s projects fall under administrative review because our preservation philosophy dictates that we replace in-kind.
- Ask what the turn-around time is on administrative review.
- Obtain a copy of the application required for this level of review.
- If full commission review is the only option:
  - Obtain a copy of the application material requirements and the commission schedule. Getting ahead of the review is crucial to staying on schedule; missing a review deadline can delay your project weeks or months.
  - Though it does not happen often given our strict preservation philosophy, it is important to note that sometimes commissions may not approve a project the first time and a second trip to the commission may be required.
  - Some commissions may require a site visit for the members to better illustrate project scope. It is helpful in these instances to share historic photos or stake off areas to be impacted in order to help facilitate understanding.

*Building officials are ultimately the entities responsible for upholding public safety by enforcing the code.*

- Identify what projects require building permits in each locality. In some areas routine maintenance does not require a permit, but in others it may.
- Building officials, like commissions, are also typically willing to have a work session with the applicant and review upcoming requirements.
- The International Existing Building Code (IEBC) and many state building codes provide alternative compliance options for historic buildings which enable historic structures to avoid making certain portions of buildings code compliant should that process result in a loss of character defining features.
- It is typically at the discretion of the building official to approve compliance alternatives and to determine what is considered “routine maintenance.”
- Staff should be familiar with the code and the standard variances or waivers for historic buildings or house museums. This knowledge can help guide the discussion to a mutually agreeable solution.
- File building permit applications whenever necessary and display the permit card where visible from the street. Obtain all inspections required for each project.
  - In most cases actual permits should be pulled by the contractor responsible for the work.
- Note that commission review must be complete before a building permit will be issued.

*Prior to filing any review or permit application, ensure that the project has gone through internal review to refine scope. No applications should be filed without completing this step.*

- Submit internal project review form.
  - After submitting the project review form and addressing comments, make certain that the project has preliminary team leader approval.

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- Discuss necessary approvals and process with team leader.
  - Reviewing the process and requirements with the team leader ensures that they know the anticipated next steps and that Historic New England presents a uniform message.
  - The team leader will determine if additional Historic New England staff should attend the commission meeting.
  - Team leader will determine if the public relations staff should be notified.
- Inform site manager of project and application plan.
  - As the public face of the property, the site manager is often the one to field questions from community members. Commission agendas and hearings are public and it is best to alert the site manager to the project and enable them to direct questions to the appropriate project manager.

### *Submitting formal application materials.*

- Typically our applications would fall into two categories: Certificate of Appropriateness (COA) or Certificate of Non-Applicability (CONA).
  - A Certificate of Appropriateness is a request made to the commission to approve the proposed course of action and verify that action taken is in the best interest of the district.
  - A Certificate of Non-Applicability certifies that the work performed does not require additional review or the review of the entire commission. This is used for administrative review.
- Most commissions offer a work session between the applicant and the commission or their representative to preliminarily review the application and provide feedback. These meetings can be very useful especially when working with a commission with whom we do not have an existing relationship.
- Often it is helpful to offer a walk-through for commission members. Please note that this is a requirement for some communities.
- Note the number and format of applications materials.
  - Many commissions require a certain number of complete applications be submitted and also require an electronic version of the application. Following these requests are crucial, especially when submitting under a deadline.
- All information should be presented in a clear and concise manner. In certain instances, one of the most illustrative tools is an annotated site plan or photograph identifying the current condition of the project area.
- Often applications require a map, plot number, lot size, square footage and zoning information for the project location. This information can be obtained from the town clerk's office, but can also be found on assessors cards both of which are typically available online.
- Supplemental materials like historic photographs, blue prints or site plans can be very helpful when illustrating the reason for restoring a detail or substantiating a change.
- There may be a cost to submit the application. File all internal check request paperwork thirty days prior to the commission filing date to ensure a company check to accompany your application.

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- Additionally, there may be a cost associated with publishing notice of the commission hearing in the paper; expect an invoice from the local paper and a copy of the notice.

### *Presenting to the Commission*

- When a project is reviewed by a commission, at least one Historic New England representative familiar with the project should attend.
- Prior to presenting in front of the commission, consult with the commission representative and inquire into the typical process and hearing length.
  - Ask how many other items are on the agenda for the night, what number your specific project is on the docket and if there are any particularly contentious items to be heard that night.
  - Ask what, if any, visuals are required.
- Some commissions will ask the representative to present a synopsis of the project and then respond to commission member questions. While in other cases the planner or a member of the commission might present the project and look to the Historic New England representative to answer questions.
- Commission hearings are public meetings and the public will have an opportunity to comment and ask questions.
- After attending a commission meeting, document the hearing by writing down specific questions, reactions, and next steps.

### *Obtaining Approval*

- Certificates will typically be mailed to the applicant or can often be picked-up at the town or city hall.
- Certificates of Appropriateness may sometimes be issued with conditions which must be followed.
- Should approval not be issued, and the applicant disagrees with the outcome, the applicant has the right to appeal the decision within a certain number of days.
- A copy of the certificate and complete project application should be kept in the project file, on-site during construction, and should be scanned and stored in the electronic project file.
- Execute projects as approved; return to the committee if a change in scope will require further review.
- Please note that in some instances the approval must be recorded with the deed.