



TO: Heritage Preservation Commission
FROM: Kim Clausen, Community Development Coordinator
MEETING DATE: July 19, 2021
SUBJECT: Commissioner Training Manual –Chapter 6

PURPOSE:

To review the HPC commissioner training manual developed by the Cities of Stillwater, Mankato, Eden Prairie and the Minnesota Historical Society.

DISCUSSION:

In order to help the commissioners learn about their roles, we will be going through the Heritage Preservation Commission Training Manual. The Manual provides information that every commissioner, elected official and staff person should be familiar with and is a good for refresher for all commissioners. There are 9 Chapters in the Training Manual, and this month we will review Chapter 6, Project Review. Topics in this session include:

- HPC's Scope of Authority
- When Design Approval is Required
- What Steps are Included in the Review
- Citing Design Guidelines
- Potential Actions

REQUESTED ACTION:

Read Chapter 6 of the Training Manual and be prepared to discuss the information and ask questions as needed.

CHAPTER 6: PROJECT REVIEW

A Starting Question

A property owner has submitted a proposal to make improvements to their house, which is a contributor in the local historic district. What will you consider in the evaluation? What should you NOT consider in making your decision?

A key responsibility for many commissions is the review of proposals for work on historic properties and within historic districts. This requires careful consideration of the facts presented, with an objective application of the design guidelines that are adopted by the commission and of any criteria set forth in the preservation ordinance. If the commission finds that the work proposed meets those standards, it may authorize granting a Certificate of Appropriateness.

In This Chapter:

- A. What is the HPC's Scope of Authority?
- B. When is Design Approval Required?
- C. What are the Steps in the Review?
- D. Citing Design Guidelines
- E. Potential Actions





A. What is the HPC's Scope of Authority?

The scope of the commissions's authority is usually defined in the preservation ordinance. This typically provides that they can review any exterior work on a property. In some cases, the ordinance may permit the local government to designate interiors as well, in which case those that are specifically listed will be subject to review.



Note that some commissions may only have an advisory role. Rather than formally issuing an approval (sometimes called a COA, as discussed in Chapter 5), they may recommend approval to an administrative official or another board. In this case, a simpler resolution in support may be adopted.

What if Other Repairs Appear to be Needed?

The commission is limited to considering the work described in the application for the COA. It cannot withhold approval of the COA because commissioners believe other improvements also should occur.

THE APPROVAL PROCESS

The approval process is sometimes referred to as the COA, or Certificate of Appropriateness. This process is conducted by the HPC and determines the extent, if any, to which changes can be made to a property.

For example, if an original window has been replaced with an incompatible one, and replacing it with one to match the original would be desirable, the commission cannot require doing so, if work on that window is not in the application.

May the Commission Make Design Changes?

The commission should resist the temptation to redesign the project that is proposed. Instead, it should provide direction to the applicant that would guide them in making revisions that are more compatible with the design guidelines.

What if Work is Undertaken Without a COA?

The building or zoning official is responsible for enforcing violations, but commissioners may often be the first to notice those conditions and will notify the code official.

B. When is Design Approval Required?

The first step is to confirm that a project is within the review powers of the commission, and that design approval or a Certificate of Appropriateness (COA) is required.

Most commissions require approval for these actions:

- Construction
- Alteration
- Reconstruction
- Moving
- Demolition
- Any other exterior change

Note that this includes some work that would not require other permits from the local government. That is, the requirement for a building permit is NOT a test for requiring a COA.

Work Not Requiring a COA

Most commissions do NOT require a COA for routine maintenance that does not require replacing existing materials.

Routine Maintenance

Repair that does not alter the character or finish of exterior materials does not require a COA. Examples include:

- Repainting, using the same color and type of paint
- Resecuring loose boards, shingles or other existing materials
- Such repairs that do not perpetuate an inappropriate condition



An analysis of key features of a historic district should be a part of submittal documents when context is a consideration.



This residence is undergoing a foundation and porch alteration. A project of this degree requires thorough review.

UNACCEPTABLE DRAWING:



- Cannot be measured
- Lacks sufficient detail

Compare with sketches on the next page.

C. What are the Steps in the Review?

Be certain to be familiar with each application. If it appears that a commissioner is unfamiliar with a proposal during a hearing, it can undermine the credibility of the decision.

These are best practices in project review each commissioner should follow:

Before The Meeting

1. Confirm that submittal documents are complete

Confirm that sufficient documentation is provided to adequately interpret the proposal and apply the guidelines. Staff may conduct this documentation review. Note that a checklist may be helpful to use as a reference.

A simple test to determine if the application documents are sufficient:

“If the finished work appears out of compliance, will the documents substantiate that fact? Can you prove non-compliance?”

2. Visit the site

Commissioners should visit the site of the project in order to gain an understanding of the key features of the property and its context. Be sure to follow any open meetings laws that apply to site visits.

3. Review background information

Review surveys, documents, historic photos and other information about the property.

4. Review the submittal documents

Study them to determine the effects of the proposed work on character-defining features of the resource and its context.

At the Meeting

These steps are recommended for hearing an application. Note that some specific procedural requirements may vary in your local ordinance:

1. Introduce the Commission and the review process

Remember that some people attending the meeting don't know who you are! Explain the sequence of events. Be certain that the roles of the chairman, the commission members and their staff are understood.

2. Explain the purpose of the review

The purpose is to assure that the proposal meets criteria for a COA, as provided in the ordinance.

3. Call each case according to the published agenda

If deviations are required, announce this at the beginning of the meeting. Check for conflicts of interest.

4. Introduce the applicant and their project

Identify the location of the project (preferably on a map visible to all).

5. Listen to the staff report

If the Commission has staff, they should have reviewed the project in advance and may have a written report. Staff comments should identify the specific issues that this application raises and note how the project does or does not adhere to the guidelines.

6. Listen to the applicant's presentation

Encourage the applicant to relate their project to appropriate sections in the design guidelines.

7. Ask for clarification

Withhold criticisms at this stage. First determine that everyone understands what has been presented.

8. Take public comments

Ask that their discussion be limited to the project at hand, and its relationship to adopted standards and guidelines. Record the name and address of speakers.

ACCEPTABLE DRAWING:



- Free-hand, but to scale
- Can be measured
- Has sufficient detail

ACCEPTABLE DRAWING:



- Mechanically drafted
- Can be measured
- Has sufficient detail

Compare with sketches on the previous page.



Encourage the applicant to relate their project to appropriate sections in the design guidelines.



Commissioners should visit the site of any proposal that they will review. This will require a Public Notice of commissioners touring the site together.

9. Take statements from other public agencies or organizations

In some cases, code and enforcement officers, representatives from local historical societies or advocacy organizations may provide testimony.

10. Critique the proposal

Next, the Commission should evaluate the proposal, using the design guidelines.

11. Allow the applicant to respond

If the commission raises concerns, allow the applicant to defend the design as proposed, provide further explanation, or discuss modifications they will consider.

12. Entertain a motion

The motion should be clear and direct. It should include a reference to the guidelines, and a finding that the project is approved or disapproved because it meets or does not meet the guidelines adequately.

There are four options for a motion:

- a. Approve as submitted
- b. Approve with conditions for alterations to the submittal
- c. Deny as submitted
- d. Continue for additional information (being mindful of time limitations)

13. Vote on the proposal

14. Summarize the results

Be certain everyone understands the action just taken.

15. Record the decision

Send the applicant a letter with the COA, and ask them to remove any signage posted.

Special Review Questions:

As you review an application, consider these questions to help focus the discussion:

1. What is the context?

What is the character of the setting and of adjacent buildings? Remember that you are reviewing the impact of a design upon its specific site, and its surroundings as well as the property itself.

2. What is the impact of the proposal?

Will character-defining features be altered or compromised?

3. Which are the critical design issues?

Certain guidelines will be more applicable than others. Decide which ones will be most significant in reviewing the proposal before you.

Remember, you are interpreting the guidelines. If you disagree with their stated policies, the review session is not the time to assert your opinions about the guidelines themselves—only about the design in relation to the adopted guidelines.

4. Can the design issues be grouped?

Look for common themes. Often, discussion will ramble over many topics. Look for ways to simplify the debate by combining related issues.

5. Are non-design issues embedded?

Sometimes, the problem is not a design issue, but in fact it is a broader conflict over land use, density or some other zoning policy that the guidelines cannot address or solve. Don't get sidetracked.



Routine maintenance usually is not subject to design review.



Use These Techniques in Your Evaluation:

1. Use simple, clear language

Be specific. Even if you approve the proposal, you want to give a clear message to future applicants and to future commission members about how you reached your decision, in the event that they, too, face similar issues.

2. Use the guidelines

Use a checklist to confirm that you covered all the items, and then ask for discussion of any items that are in question. Allow open discussion, but monitor the content to avoid unnecessary repetition.

3. Keep the discussion moving

When all the points have been made and people are repeating earlier comments, this is a good indication it is time to terminate the critique.

4. Keep the discussion on track

Avoid "red herrings," those tangential issues that may be emotionally charged, but have no direct bearing on the specific proposal, and are not addressed in the standards, and should not influence the decision. These can take up time, frustrate participants and confuse the decision-making record.



D. Citing Design Guidelines

As a means of interpreting those broad criteria to specific COA proposals, the commission should then apply its design guidelines. These may be the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*, or they may be locally tailored design guidelines. Many communities adopt the Secretary's Standards initially, and then augment them with locally crafted guidelines as time and budgets permit.

When reviewing a proposal, be certain to cite the guidelines. This makes it clear that the commission has made its decision objectively, using the tools that are officially adopted, not through personal taste or arbitrarily.

See pages 95-97 for additional design guidelines information.



The Commonwealth Theater building in Lanesboro, MN provides an appropriate example of infill development in a historic district.

INFILL IN PLAIN

ENGLISH:

New "infill" construction may occur as an addition to an existing building, or as a separate structure on a historic site or a parcel in a historic district.

Design guidelines for new construction focus on compatibility with the historic setting, not imitating it. In fact, new designs that pretend to look old are discouraged, because they confuse the record of history.

At the same time it is important that new development contribute to an overall sense of continuity while also conveying the evolution of the area. It can do so by reflecting more basic patterns of development in the district. Using similar building forms and materials, placing buildings in alignment with others in the block, and respecting the mass and scale of the context are examples.

Therefore, new buildings and additions should be distinguishable as such and not confuse one's interpretation of the development of the property or of the district. That is, each building should appear as a product of its own time.



E. Potential Actions

Once it is time for the commission to make a decision, these are the options:

Approve as submitted

No amendments are made to the submittal documents and no other conditions are attached.

Approve with conditions or modifications

An amendment may be made as a part of the motion to approve. This may be a change in what is proposed, as the applicant may elect to amend the application to better conform to the design guidelines, or an added stipulation. In some cases, the commission may approve with a requirement that a detail of the design be returned for approval later, either by the commission or staff.

Continue the agenda item

If the applicant and the commission agree, a decision may be delayed in order for more information to be provided, or to allow the applicant to modify the proposal based on discussion at the hearing.

Deny as submitted

If an application is denied, some ordinances provide that it may not be resubmitted for a year's time. Always check the local ordinance to confirm details regarding the resubmittal of denied applications.

