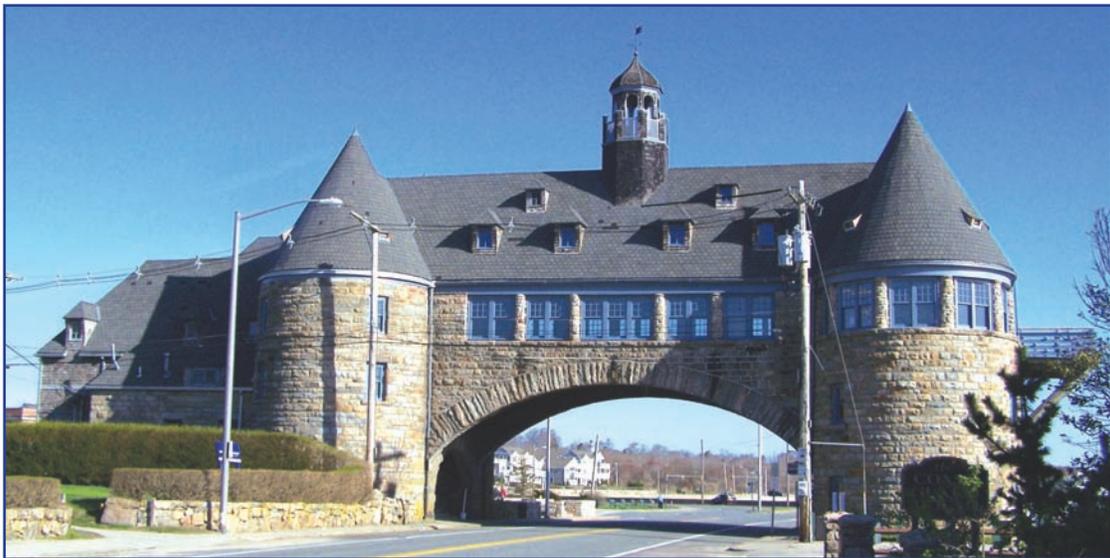


Narragansett Historic District Commission

Procedures Manual

October 4, 2010



Narragansett Town Council

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NHDC Procedures Manual

SECTION 1: Application forms, *NHDC Historic Preservation Standards and Guidelines*, historic district maps and other information availability:

- An updated *Historic District Property Owner's Guide* will be sent out to all property owners in the historic districts on a periodic basis.
- Owner's Manuals, Application Forms, *NHDC Historic Preservation Standards and Guidelines*, and Historic District Maps will be available at the Department of Community Development (Room 220, Town Hall) and on the Town's website. There will be a sufficient supply of these items on hand for a drop-in applicant to receive a copy or for copies to be mailed promptly to potential applicants.
- Potential applicants meet with staff (Department of Community Development) and may schedule one or more pre-application meetings (depending upon the complexity of the project) with staff and possibly the NHDC to go over the guidelines, application requirements, and their project concepts.
- Staff will be able to determine if the project will require a full NHDC meeting or may be handled as an administrative (staff) approval.

SECTION 2: Application due date:

- The NHDC will meet once a month to review applications (including pre-application meetings). Only certified applications filed with the Department of Community Development prior to the 15th day of the month will be scheduled for the next month's NHDC hearing agenda. This deadline holds true for pre-application and advisory meetings with the NHDC as well as for **Certificates of Appropriateness (COAs)**.

SECTION 3: Application received, Application certified as complete:

- The Clerk and Staff will receive (and date) the applications, review for completeness and then, if complete, certify (and date) as complete with a date of certification. The NHDC will have 45 days to review the application from the date of certification, unless an extension to 90 days is mutually agreed upon. Therefore it is important that the application be complete before being scheduled for review by the NHDC. If the application is not complete, the applicant will be informed as to the materials needed for certification within 10 days of filing the application. Only certified applications, including pre-applications, will be scheduled for the next month's NHDC meeting.

SECTION 4: NHDC agenda set, hearings scheduled:

- The NHDC agenda will be set by the Clerk and the Chair by the end of the month preceding the hearing. This will allow time for the staff to prepare a HDC meeting packet to be distributed to the members well in advance of the meeting (preferably one week, with a weekend in advance).
- The timing also allows for the staff to review the application and prepare review comments for distribution to the commission members.
- The hearing agenda shall be properly posted in Town Hall and with the Secretary of State (website).
- Applications will be taken for NHDC review on the agenda in the order of the certification date. Likewise pre-application meetings and advisory reviews will be scheduled based upon the date of receipt by staff of materials for review. Both types of advisory review will be held after COA reviews.

SECTION 5: Staff Review and project review memo prepared for NHDC members packet:

- Staff shall review all projects and provide appropriate comments to the NHDC. Such comments shall be in the form of factual information concerning the project, analysis, and opinion regarding how the project meets the NHDC guidelines.

The staff shall review (and present at the NHDC meeting)

- Historical and architectural significance of the property (including building, landscape, and setting/context).
- Character-defining features of the building and property.
- How the project meets or does not meet the *NHDC Historic Preservation Standards and Guidelines*.
- Other zoning and planning concerns, including how the project addresses the objectives of the *Narragansett Comprehensive Plan*.

SECTION 6: NHDC members' meeting packets distributed:

The meeting packets should contain a copy of:

- Agenda.
- Minutes of the previous NHDC meeting for approval.
- Each certified complete application.
- Staff review and other agency/consultant comments.
- The appropriate building inventory form or description from the National Register nomination.
- Other agenda item review material

The packet should be distributed by hand or by mail to each member of the NHDC at least before the weekend prior to the scheduled meeting. This will allow sufficient time for members to complete their review of the projects, including site visits.

SECTION 7: NHDC members review:

- Each member shall review the materials provided and compile their own notes on how the project does or does not meet the NHDC Historic Preservation Guidelines.
- The members should include notes on any questions or discussion items they have.

Site visits:

- After reviewing the materials on a project, the members should make a site visit to the property. Viewing the property from a public way will not require any permission from the owner. Venturing onto the property itself or a neighbor's property will require permission from the owner(s), unless such permission has been granted by the property owner in advance on the application form. If permission has been granted to enter on to the property, members should call the owner in advance to arrange a mutually convenient date and time for viewing the property.
- NHDC members should visit properties individually and not as a collective group, due to restrictions in the Rhode Island open meetings law, unless not more than three members are present. Members should also be aware of the need to avoid ex parte-type communications with the applicants.
- Site visits should be limited to gathering information only. Commission members should not make comments or provide advice regarding the appropriateness of the proposed work to the applicant or other NHDC members present.

SECTION 8: NHDC Meetings/Hearings in General:

- Setup of room – the meeting room should be set up to provide a friendly, business-like atmosphere for the meeting. The room should not be set up to resemble a court room or the Town Council chambers.
- There should be a large table for the NHDC to sit behind and at which to spread photographs and drawings out. There should be a place for the applicant to sit with the board – perhaps at the end of the table, but in full view of the audience.
- The room should be set up with microphones, etc. for everyone to hear.
- There may be a podium or place with a microphone for members of the audience to make comments.
- Chairs for the audience should be arranged facing the table with sufficient numbers for all the applicants and public that may be attending.
- There may be a screen and computer projector to display application photos and drawings. This should be in full view of the NHDC, applicant, and the audience.
- If computer and projector are not available there should be an easel for the display of the drawings to the NHDC and the audience, and perhaps a table at the back of the room where complete applications may be displayed for the public to review. Application forms, Owners Manuals, and copies of the NHDC Historic Preservation Guidelines should also be available on this table.

Meeting order:

- At the beginning of the meeting there should be a roll call and a determination from the Chair if a quorum is present (4 members) to conduct the NHDC's administrative business, review pre-applications, issue advisory opinions, or review projects within the voluntary districts, and whether or not the required 5 members are present to hold public hearings and vote on Certificates of Appropriateness.
- The meeting should follow the agenda that is posted.
- No items should be acted upon unless they have been included on the agenda and the agenda has been properly posted.
- Public hearings for COAs shall come before pre-application meetings.

- The agenda shall have a consent section, if appropriate.
- The agenda should have a section for miscellaneous items of interest to the NHDC to be discussed.

SECTION 9: Project review/public hearings:

(This portion includes, staff presentations, applicant presentations and public comment on the application)

The following order should be followed to complete a recorded and written record of the meeting: Note: All items introduced for the record shall receive an inventory record number.

The Chair opens this portion of the meeting with an explanation of the purpose including:

1. How the public hearing will be conducted to provide due process.
2. Use of the *NHDC Historic Preservation Standards and Guidelines* in all decision-making (pointing out that such guidelines are available in the back of the room, at the Department of Community Development, and on the Town's website).
3. The Chair will provide a brief summary of each application prior to its hearing. Such summary shall consist of the name of the applicant, the location of the project, and a brief sentence summary of the project.
4. Staff (or designated NHDC member) describes the application submitted in more detail and then provides staff review comments. Such presentation shall include a verbal description of the character-defining elements of the building and property as well as its historical significance and context.
5. Staff (or NHDC member) will provide any consultant comments and comments and advisory opinions from other town, state, or federal departments or agencies, or other written concerns expressed by the public or interested organizations.
6. NHDC members will present any site inspection reports they have completed.
7. Applicant or applicant's representatives will provide testimony on the project and answer any questions from the NHDC.
8. Public comment or questions of the NHDC or applicant on the project.
9. NHDC deliberations on whether or not to grant a Certificate of Appropriateness or Recommendation of Compatibility – proceed around the table for each NHDC member to voice their opinion on whether or not the project meets the *NHDC Historic Preservation Standards and Guidelines* and under what conditions. The Chair shall then give a summary of the comments. If the NHDC and the applicant need additional time for gathering information, a site visit, or deliberation, the hearing may be continued by mutual consent until the next regular meeting of the NHDC or a mutually agreed upon time, up to a total of 90 days from the date of application certification. Extension of the hearing must be granted through a motion and vote by the NHDC.
10. Close hearing (by vote of NHDC members).
11. The Chair shall then ask for a motion for approval or denial of the COA. Such motion shall contain specifics on how the project meets or does not meet the *NHDC Historic Preservation Standards and Guidelines*. If conditions of approval are contained in the motion, they shall be specific directives or performance standards which can be easily followed and/or measured by a designated project monitor from the NHDC and by the Building Official in granting the Certificate of Occupancy.
12. In granting approval for a COA, the NHDC may appoint a member or staff as a contact person for approval of modifications or amendments resulting from unanticipated conditions arising through the construction process. Such modifications or amendments in the scope of the project must conform to the *NHDC Historic Preservation Standards and Guidelines* to receive approval. A brief report and documentation will be submitted for the record at the next meeting of the NHDC.

SECTION 10: Pre-application Meetings and advisory reviews (Voluntary Districts, Town Council, Zoning Board of Review, Planning Board, and other)

Pre-application meetings with potential COA applicants should be held in an informational and informal atmosphere following on the agenda the public hearings for COAs. The same format should be followed for Voluntary District advisory opinions. No COA will be granted for the project at this time. The nature of the session is advisory only. Such meetings may be held for the review of applicant projects seeking advisory comments for zoning variances, zone changes, and/or planned development or subdivision approval.

1. The Chair opens this portion of the meeting with an explanation of the purpose of a pre-application meeting and invites the applicant to sit at the table with the NHDC members. Emphasis is placed on:
 - Informal discussion and advisory nature of the meeting.
 - Comments from the members are advisory only.

- Based upon information gathered, discussion, and comments, the applicant should have some direction on completing an application for a Certificate of Appropriateness.
2. The Chair summarizes the application based upon the information provided.
 3. Staff provides information about the property under consideration and any issues or concerns.
 4. The applicant provides a description of the contemplated project.
 5. NHDC members ask questions of both staff and applicant and provide constructive guidance on following the *NHDC Historic Preservation Standards and Guidelines*.
 6. The Chair summarizes guidance and comments for the applicant.
 7. If the project is scheduled for zoning, planned development, or subdivision approval and an advisory opinion has been requested from the Town Council, Zoning Board of Review, Planning Board or any other Town, State or Federal agency, the Chair will ask for a motion for advisory recommendations from the NHDC members. The motion shall contain specific comments on how the project may meet the *NHDC Historic Preservation Standards and Guidelines*. If conditions (of approval) are recommended in the motion, they shall be specific directives or performance standards which can be easily followed and/or measured.

SECTION 11: NHDC Officer Responsibilities

Chair responsibilities:

- The Chair shall organize, open, and manage the meeting following the Agenda, maintain order in a business-like atmosphere, and allow all applications on the Agenda to be reviewed and the public to be heard. The Chair must act to ensure that the meetings are fair, open, objective, and impartial.
- The Chair should solicit comments from each NHDC member on any application. This can be done by going around the table with each member having a turn to speak.
- The Chair should provide ample opportunity for the public to be heard, ask questions, and see/review the application as the NHDC carries on its project review hearing.
- The Chair should provide ample opportunity for the applications to be presented and understood by the commission members and the audience.

- The Chair should employ Roberts Rules of Order when appropriate.
- The Chair shall sign all NHDC review decisions (and advisory opinions) on behalf of the NHDC, including Certificates of Appropriateness, Recommendations of Compatibility and co-sign all administrative approval letters (as Certificates of Appropriateness) when appropriate.

Vice Chair responsibilities:

- The Vice Chair shall assume the role of the Chair in the Chair's absence and shall assist the Chair in any of the NHDC's governance as directed by the Chair.

Secretary responsibilities:

- The Secretary shall assist the Clerk with maintaining the NHDC's project review record keeping and with all minutes and correspondence.
- The Secretary shall ensure that the minutes are kept (by the Clerk) detailing the project review of the NHDC with specifics on the scope of each project and how each project proposal conforms or does not conform to the NHDC Historic Preservation Guidelines.
- The Secretary also ensures that the project files are maintained and the certificates of appropriateness (and their conditions) recorded with each file and with the Building Official.
- The Secretary should assist the Clerk in recording materials presented as evidence.
- The Secretary shall officially received and log in all project review exhibits.

SECTION 12: Staff responsibilities:

The planning staff of the Department of Community Development is responsible for providing in a timely fashion:

- Certifications (completeness) of project applications.
- Administrative review and approval of projects where appropriate, following the NHDC Historic Preservation Standards and Guidelines. (See Section # 14 for procedure and project types that may receive Administrative Review.)
- All administrative approvals for COAs shall be signed by the Director of the Department of Community Development. (See Section #14.)
- Review comments on applications in a timely fashion.

- Assist the NHDC in research that they may direct from time to time.
- Oversee the work of the NHDC Clerk and the NHDC operating budget.
- Oversee all research work on historic resources, manage projects related to same as well as procure funds for same (RIHPHC CLG program)
- Prepare and submit all NHDC reports as required by the Town and State agencies (RIHPHC CLG program).
- Prepare and submit the annual NHDC budget request to the Town and other funding agencies.

Clerk responsibilities:

The Clerk of the NHDC, a member of the Community Development Department staff, has a primary responsibility to:

- Manage the application process, receive applications and convey them to Staff.
- Prepare and distribute the NHDC members review packets.
- Organize and properly advertise the NHDC meeting agendas (Narragansett Zoning Ordinance, Chapter 917, Section 5.8a).
- Attend, record (for the transcript) and take minutes at the meetings, make sure that the record of each meeting is complete and in accordance with this procedures manual, and sign all minutes on behalf of the Secretary.
- Distribute the minutes of each meeting to the NHDC members for timely approval.
- Prepare the Certificates of Appropriateness and Recommendations of Compatibility.
- Ensure that the Building Official and Zoning Officer receive the appropriate project information and decisions of the NHDC so that building permits may get issued promptly or that violations are dealt with.
- Prepare all NHDC correspondence as directed either by Staff or the NHDC Chair.
- Keep and manage all records of meetings and files of applications in an orderly fashion so that they may be retrieved easily for public review or for Staff and NHDC reference.

SECTION 13: Certificate of Appropriateness, Recommendation of Compatibility issued, project continued or project denied

- The NHDC shall pass a motion on whether to issue a Certificate of Appropriateness with conditions or a Recommendation of Compatibility with conditions. The NHDC may, however:
 1. continue the project hearing based upon specific issues involved with the applicant's consent, or
 2. not issue a certificate of appropriateness and thereby deny the application.
 3. Regardless, the NHDC shall, in each case, make its decision based upon findings of fact, the application of their historic preservation standards and guidelines, and the review requirements of the Narragansett zoning statute (Chapter 917).
- Decisions on Certificates of Appropriateness or Recommendations of Compatibility shall be in writing and shall cite specific language from the *NHDC Historic Preservation Standards and Guidelines*.
- Decisions should summarize the project request making reference to the application. All conditions of approval shall be specific to enable (if appropriate) the Building Official/Zoning Officer to enforce such conditions.
- A member of the NHDC may be designated in the decision as a contact person for the purpose of monitoring the project and providing clarification or approval (as authorized by the NHDC) for minor adjustments as the project work unfolds.
- All decisions have a one year time limit for expiration as directed in Chapter 917, Section 5.8b of the Narragansett Zoning Ordinance, unless a building permit has been issued and has not lapsed.

SECTION 14: Administrative Review and Project Types

Projects that may receive an expedited Administrative Review are as follows, provided that the NHDC guidelines for such projects are met. Such Administrative Review shall be undertaken within 21 days of receipt of a certified application. If Community Development Department staff is unable to complete such Administrative Review and render an approval or denial of the application, for whatever reason, such application shall be forwarded immediately to the NHDC for review at their next monthly meeting. A staff report of administrative approvals granted shall be provided to the NHDC on a quarterly basis.

Project Types qualifying for Administrative Review:

1. Roof replacement, in-kind
2. Siding replacement, in-kind
3. Gutter replacement
4. Awnings
5. Mechanical systems
6. Signs
7. Side and rear yard fencing
8. Minor modifications for NHDC approved plans
9. Removal of asbestos, asphalt, or other artificial siding when original siding is to be repaired or re-established, provided that such siding configuration is adequately documented as to type, dimension, and style
10. Replacement and installation of paving, including paths and driveways
11. Extensions of unexpired Certificates of Appropriateness
12. Any project that is completely repair and/or replacement in-kind of historical materials and features
13. New triple track wood or aluminum storm sash, provided the original windows are retained and repaired
14. Recommendations for Compatibility for alterations to existing non-contributing structures that affect less than 50% of the exterior facade

SECTION 15: Landmarking Individual Properties and Requests for Extending Historic Districts

From time to time, the NHDC may hear requests from property owners (and others) for inclusion of historic resources as individual "districts" within Narragansett's historical district zoning, as allowed under the State enabling law. Such "landmarking" requests shall be heard under Section 10: Pre-application Meetings and Advisory Reviews. Requests for extensions to Narragansett's existing geographic historic districts may be reviewed in the same manner.

