

A RESIDENT'S GUIDE TO

Historic Preservation in Montgomery County

8787 Georgia Avenue, Silver Spring, MD 20910, 301-495-4600, TTY 301-495-1331, www.mc-mncppc.org

This is one in a series of brochures designed to help you understand the historic preservation, land use planning, zoning and subdivision and site plan processes in your Montgomery County community.



Woodlawn Manor House

The Maryland-National Capital Park and Planning Commission (M-NCPPC) and its Montgomery County Planning Board value your input and encourage your participation in our land use planning processes. (See *A Resident's Guide to Public Participation in Land Use Decisions in Montgomery County* brochure.) We hope you will find the information in this brochure useful in learning how to present your views effectively on historic resources and future of your neighborhood and your County.

HISTORY

State law recognizes that preserving historic resources throughout Maryland is a public goal and is in the public interest. In 1979, Montgomery County moved to establish permanent tools for protecting and preserving its historic and architectural heritage by adopting a *Master Plan for Historic Preservation* and

enacting a Historic Preservation Ordinance (Chapter 24A of the Montgomery County Code.)

HISTORIC PRESERVATION COMMISSION

The Historic Preservation Ordinance created the Montgomery County Historic Preservation Commission (HPC). Its many duties include researching and evaluating historic resources and historic districts according to specified criteria, and reviewing proposed exterior changes to sites and districts that have achieved historic status. HPC's nine members are appointed by the County Executive and confirmed by the County Council. Supporting the HPC are architectural historians and architects in M-NCPPC's Historic Preservation Section. The HPC meets twice a month, usually on the second and fourth Wednesdays in the evenings. **HPC meetings are always open to the public.**

If you have an interest in a property being considered for designation, or have applied for a Historic Area Work Permit (HAWP) [see page 2], you are encouraged to attend the HPC. For information on specific meeting times and agendas, call staff at 301-563-3400.

HISTORIC PRESERVATION PROCESS AND THE PLANNING BOARD

The Planning Board plays an integral role in the process of evaluating properties for historic designation. Each designation is an amendment to the *Master Plan for Historic Preservation*. Each amendment strives to respect and balance property owners' goals and desires with the important public goal of preserving our shared heritage for future generations.

In 1976, M-NCPPC surveyed the entire County and developed a list of properties that may have historic significance. This list was published as the *Locational Atlas and Index of Historic Sites*.

Since 1979, the HPC has been systematically going through the *Locational Atlas* and doing detailed research on each resource and district that

was flagged as potentially significant. The HPC evaluates each resource or district to determine if it meets Historic Preservation Ordinance criteria for historical, cultural or architectural significance that would warrant its protection. A public hearing is held to get input from the property owner and the community about the historicity of each building considered for potential designation. The HPC then develops recommendations on historic designation that are forwarded to the Montgomery County Planning Board in the form of a Public Hearing (Preliminary) Draft Amendment to the *Master Plan for Historic Preservation*.

The designation process for historic sites and districts then follows the regular procedures of all master plans and amendments. (See *A Resident's Guide to the Land Use Master Planning Process in Montgomery County brochure*.)

After the Planning Board, County Executive and County Council review (including public hearings before the Planning Board and County Council), a property is either placed on the *Master Plan for Historic Preservation* and protected by the Historic Preservation Ordinance, or it is removed from the *Locational Atlas*. Please note that the County Council makes the final decision on all designations. Because of the multiple opportunities for public participation in the designation process, this process can take many months.

Owners and others may also nominate properties for historic designation, which were not included on the original *Locational Atlas*. To do this, the nominator must provide the HPC with thorough, documented research on a completed Maryland Historical Trust Inventory Form. The HPC will evaluate this material and hold a public hearing so others may participate in the designation process. Call staff at 301-563-3400 for more information about nominating properties for designation.

HISTORIC AREA WORK PERMITS (HAWP)

Once a resource or district is designated on the *Master Plan for Historic Preservation*, the property owner must obtain a Historic Area Work Permit (HAWP) for any proposed changes to the exterior of structures or to the environmental setting of the site or district. This includes moving, demolishing or altering the exterior of a house, building, or other structure listed on the *Master Plan for Historic Preservation*, or located in a *Master Plan* historic district. Changes not seen from the street still require review. A HAWP is also required for new

construction and grading and removing live trees greater than six inches in diameter.

Some of the work for which you need a HAWP includes: construct additions; remove or enclose porches; install siding, shingle or masonry facing or other changes to exterior materials; replace a window sash with a new sash; permanently remove shutters; add, remove or change architectural features, including size, shape and placement of windows; paint or remove paint from masonry.

However, historically designated structures or sites are not frozen in time. Changes are regularly permitted. New construction in historic districts is permitted and need not be in a replicative historic style. In addition, historic designation does not require you to initiate any type of historic restoration. The HPC cannot require you to re-install historic features if they were not there when you acquired the property or when the property was first designated historic. For example, even if your home had a metal roof sometime in the past, you can replace an existing fiberglass shingle roof with a new one of any color. And you can paint your home any exterior or interior colors you want. The HPC has no say in color selection and only gets involved with exterior features.

Other changes to historic properties or sites that do not require HPC involvement are:

- interior work
- gardening
- customary farming operations
- ordinary exterior maintenance (painting non-masonry surfaces, roof repairs, gutters, trim, lights, etc., with materials and design matching what is already in place)
- landscaping
- paving repairs with matching materials, and performing general maintenance, as long as the work does not alter exterior features.

If you are not sure whether a project you are planning requires HPC approval, call staff at 301-563-3400 to help you preserve a part of our County's history.



Oakley Cabin

In acting on HAWP applications, the HPC follows the requirements of the Historic Preservation Ordinance, any applicable guidelines that apply specifically to the historic district in question and the *Standards for Rehabilitation* issued by the U.S. Secretary of the Interior.

If the HPC approves your HAWP application, the Montgomery County Department of Permitting Services (DPS), 255 Rockville Pike, Rockville, 240-777-6260, can issue your building permit. If the HPC denies your application, or sets conditions you do not agree with, you can appeal the decision to the Board of Appeals, 100 Maryland Avenue, Rockville, MD 20850; 240-777-6600.

Besides the HAWP, other additional permits may be required from DPS. You can pick up a HAWP application when you apply for building permits at DPS and have staff there explain the process to you. Throughout the HAWP application process, M-NCPPC staff also is available to answer your questions.

HISTORIC PRESERVATION RESOURCES AND INCENTIVES

Information on the County's preservation program is included on the M-NCPPC web site -- www.mc-mncppc.org/historic.

Several county, state and federal government tax benefits and loan programs can help offset the costs you might incur in preserving a property:

- County property tax credit of 10% of the documented expenses for approved exterior maintenance, restoration or preservation, work

on structures designated on the *Master Plan for Historic Preservation*.

- Low interest loans for rehabilitation and restoration available through the Montgomery County Department of Housing and Community Affairs, 240-777-3600, if you meet income qualifications.
- The Heritage Preservation Tax Credit Program, administered by the Maryland Historical Trust, provides Maryland income tax credits equal to 20% of the qualified capital costs expended in the rehabilitation of a "certified heritage structure."
- **Federal tax credit** of 20% of the cost of a certified rehabilitation of income-producing properties listed in the National Register of Historic Places.

M-NCPPC's historic preservation staff can provide information to you on all of these programs if you call them at 301-563-3400, or fax 301-563-3412 or write to:

Historic Preservation Commission
of Montgomery County
8787 Georgia Avenue,
Silver Spring, Maryland 20910

The intent of this brochure is to help you understand the processes and requirements of the Historic Preservation Ordinance. If there are any inconsistencies between the descriptions in this document and the law as written, the law prevails.



The Maryland-National Capital Park and Planning Commission

301-563-3400
www.mc-mncppc.org

M-NCPPC encourages the participation of all individuals in its programs and services. For accommodations, please call 301-495-4600, TTY 301-495-1331.

February 2007