

HISTORIC PRESERVATION COMMISSION

Minutes of the meeting held on March 24, 2005 at the Department of Land Use and Growth Management

Members Present: Peter Himmelheber, Chairman
Harold Willard, Vice-Chairman
Robert Gibbs, Member
Mary Hayden, Member
Teresa Wilson, LUGM Staff

Call to Order: The Meeting was called to order at 4:00 p.m.

Approval of Minutes: The minutes of the January 27, 2005 meeting were approved.

Comments from the Chairman

Mr. Himmelheber noted that the Maryland Association of District Commissions in its December 2004 Newsletter suggested that Historic Preservation Commissions always open their meetings with an informational statement that indicates under what authority the commission makes its decisions, whether there is a quorum present, where members' qualifications can be checked. He and the HPC members agreed that such a statement will be read at all future meetings.

Mr. Willard noted that the chairman of the HPC votes on all items before the commission along with the members. He said that *Robert's Rules of Order* which excludes the chair is designed for the U. S. Senate where the vice-president who chairs the Senate votes only to break a tie. Often local commissions incorrectly assume that their chairs cannot vote.

Annual Historic Preservation Awards

Ms. Wilson informed the HPC that copies of the application form for this year's awards were distributed to all the public libraries and an electronic copy was posted on the HPC webpage. The deadline for submission is April 22, 2004. Projects must have been completed by January 1, 2005. May 10, 2005 is the tentative date for the presentation of the awards by the Board of County Commissioners at their regular meeting.

"Defensible Decision Making: Historic Preservation Commissions and the Law"

The HPC viewed a video presentation which went through all the steps a commission must take in its review of historic landmark or district applications and applications for certificates of appropriateness.

Discussion of the "Defensible Decision Making" Video

The HPC agreed that the video brought out very important points that every commission should be aware of as it prepares for and hears all applications. Ms. Wilson noted that the members should review Chapter 42 of the Zoning Ordinance to be sure they are familiar with the steps for designation and the procedure for certificates of appropriateness. She mentioned that Mr. Jackman reviewed Chapter 42 and found that there is no requirement that the HPC hold a public hearing when reviewing an application for historic landmark designation. The ordinance does require the Planning Commission and the Board of County Commissioners to hold public hearings after the HPC has sent it recommendation on the application to them.

Mr. Willard suggested that the County post notices of public hearing on its website and discontinue the use of newspapers in order to save money. Ms. Wilson said that may occur in the future, but St. Mary's County would first have to learn if this is becoming common practice and if web posting only would meet due process requirements.

The members also discussed the warning on *ex parte* communications noting that they should be cautious when meeting and speaking with applicants.

Mr. Gibbs asked if the HPC would have to hold its meeting record open until public comment is received on a historic landmark application. Ms. Wilson said that since the meeting is not a public hearing that this would not be necessary. Any statements from citizens attending the meeting would be included in the minutes. Mr. Willard noted that the Planning Commission and the Board of County Commissioners will have the option of holding the record open when the application reaches them.

Ms. Wilson explained that once the Board of County Commissioners votes to grant the "H" Overlay, a note will be placed in the H.T. E. (County tracking system) indicating that the property has the "H" Overlay. When any application is made for permits this note will come up.

Items from the Floor

The HPC reviewed State Highway Administration information about the proposed Chaptico roundabout and agreed with the findings of the architectural historian and archaeologist that the construction of the roundabout will have no negative impact on historic structures or archaeological sites in the vicinity. The HPC directed Ms. Wilson to draft a letter to this effect to be sent to SHA and copied to MHT.

Mr. Himmelheber reminded the HPC that Maryland Day is tomorrow, March 25, and celebrations will be held at St. Mary's City and St. Clements Island.

Adjournment

The meeting adjourned at 5:10 p.m.