

WARREN VOLUNTARY HISTORIC PRESERVATION PROGRAM

RULES & REGULATIONS

Prepared by

WARREN VOLUNTARY HISTORIC DISTRICT COMMITTEE
September 3, 1999

WARREN VOLUNTARY HISTORIC PRESERVATION PROGRAM
RULES AND REGULATIONS
(recommended draft 9/3 after 9/2 Workshop)

Prepared by

WARREN VOLUNTARY HISTORIC DISTRICT COMMITTEE

September 3, 1999

(underlined paragraphs, words and/or sentences indicate where changes were made to
6/23/99 draft)

**WARREN VOLUNTARY HISTORIC PRESERVATION PROGRAM
RULES AND REGULATIONS**

Section 1	GENERAL PROVISIONS	PAGE
1.1	Authority	1
1.2	Purpose	1
1.3	General Rules	1
1.4	Jurisdiction	1
Section 2	ORGANIZATION	
2.1	Membership	1
2.2	Legal Counsel	2
2.3	Conflicts of Interest	2
2.4	Attendance	2
Section 3	MEETINGS	
3.1	Notification and Cancellation	3
3.2	Special Meetings	3
3.3	Voting	3
3.4	Quorum	3
3.5	Conduct of Meetings	3
3.6	Executive Session	3
3.7	Records	3
3.8	Files	4
Section 4	CONSIDERATION OF CERTIFICATES OF APPROPRIATENESS	
4.1	Public Hearing	4
4.2	Notice	8
4.3	Site Visits	8
4.4	Appeals	8
Section 5	APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS	
5.1	Applications	8
5.2	Completeness of Applications	9
5.3	Filing of Applications	10
5.4	Acceptance of Applications	11
5.5	Zoning Variances	11
Section 6	ENFORCEMENT	
6.1	Enforcement	11
6.2	Violations	11
Section 7	AMENDMENTS AND SEVERABILITY	
7.1	Amendments	12
7.2	Severability	12

SECTION 1: GENERAL PROVISIONS

- 1.1 **Authority:** These rules and regulations are adopted in accordance with Chapter Four, Article VIII of the code of the Town of Warren, authorizing the Warren Voluntary Historic District Committee (WVHDC) to adopt rules and regulations which are necessary to carry out its functions.
- 1.2 **Purpose:** The purpose of these rules is to establish procedures for the execution of the WVHDC's responsibilities delegated by the Warren Voluntary Historic Preservation Program (WVHPP) Ordinance, including:
 - 1.2.1 The processing and approval of Certificates of Appropriateness required to qualify for historic properties real estate tax credits.
 - 1.2.2 The cancellation of all appropriate construction permit fees except for the State of Rhode Island's portion for work performed on the exterior of an historic property.
 - 1.2.3 The internal management of the WVHDC.
 - 1.2.4 Promoting and providing information to the public to achieve the purposes of the WVHPP Ordinance.
- 1.3 **General Rules:** The WVHDC shall be governed by the terms of Chapter Four, Article VIII of the code of the Town of Warren.
- 1.4 **Jurisdiction:** The WVHD map on file in the Planning Department, Town Clerk's Office and the Building Official's office, as well as the WVHPP Ordinance shall delineate the geographic areas, including both districts and outlying properties, of the Committee's jurisdiction for requiring Certificates of Appropriateness in order to qualify for a Warren real estate tax credit. The WVHDC shall have regulatory purview over construction, alteration and repair of properties in the areas defined in order to grant a Certificate of Appropriateness.

SECTION 2: ORGANIZATION

- 2.1 **Membership:** The WVHDC shall be constituted in accordance with Chapter Four, Article VIII of the code of the Town of Warren.
 - 2.1.1 **Chair:** A Chair shall be elected by the WVHDC from among its members by a majority of its members and shall be eligible for re-election. The Chair shall preside over all WVHDC meetings and shall decide all points of order and procedure, unless directed otherwise by a majority of the WVHDC in session at the time. The Chair shall appoint any subcommittees found necessary to investigate any matters before the WVHDC and review items proposed for each meeting, and to work with the WVHDC Program Director and Secretary to determine the agenda for each meeting. The Chair will be the representative to appear before the Town Council and shall be elected at the first regular meeting of each calendar year. The Chair's term of office will be limited to three (3) consecutive years.

- 2.1.2 **Vice Chair:** A Vice Chair shall be elected by the WVHDC from among its members by a majority vote of its members and shall be eligible for re-election. The Vice Chair shall serve as acting Chair in the absence of the Chair. At such times, the Vice Chair shall have all the same powers and duties as the Chair. The Vice Chair shall be elected at the first regular meeting of each calendar year. The Vice Chair's term of office will be limited to three (3) consecutive years.
- 2.1.3 **Secretary:** The Secretary shall be appointed by the Chair on an annual basis and be responsible to maintain the minutes of each WVHDC meeting and to assist the Chair in the administration of his/her duties.
- 2.1.4 **Program Director:** The Program Director shall at the direction of the Town Manager supply administrative support for the WVHDC's day-to-day operations, and if requested by the Chair to serve as Secretary to the WVHDC. The Program Director will not be eligible to vote on any matter before the WVHDC nor can the Program Director be appointed to the WVHDC. Duties of the Program Director shall include but are not limited to the following:
- 2.1.4.1 Keep all records, conduct the correspondence of the WVHDC, provide public information, and handle the clerical and administrative work of the WVHDC.
 - 2.1.4.2 Act as liaison between the WVHDC and all other agencies, departments and organizations to which it must relate in the conduct of its affairs.
 - 2.1.4.3 Consult with applicants and property owners regarding the procedures, rules and regulations, and standards and guidelines of the WVHDC.
 - 2.1.4.4 Prepare a written analysis of each application pending before the WVHDC, discussing the historical and architectural significance of the property, consistency of the proposal and standards and guidelines, preservation issues, and other pertinent information; and attend WVHDC meetings.
 - 2.1.4.5 Develop and implement all marketing and promotional brochures and materials for the promotion of the Warren Voluntary Historic District.
 - 2.1.4.6 At the direction of the Town Manager, perform such duties and assume such other responsibilities as may become necessary.
- 2.2 **Legal Counsel:** The Town Solicitor's office shall assist in all legal matters before the WVHDC.
- 2.3 **Conflicts of Interest:** All WVHDC and WVHDC Board of Appeals members shall be subject to the State Code of Ethics.
- 2.4 **Attendance:** If any member fails to attend three consecutive regular meetings of the WVHDC or 25 percent of all regular meetings during the course of a year, and fails to provide a satisfactory excuse for such absences, the Chair with the majority consensus of the WVHDC may request that the Town Council declare the position vacant and ask that the Town Council act to fill the position.

SECTION 3: MEETINGS

- 3.1 **Notification and Cancellation:** The WVHDC shall establish a schedule of regular meetings for the entire calendar year at each December meeting. The WVHDC shall annually post the schedule of regular meetings in the Town Hall, Government Center and the George Hail Library. The WVHDC also shall post a copy of an agenda for each meeting it holds at least 48 hours prior to such meeting. When the WVHDC has no matters pending, the Chair may cancel the regularly scheduled meeting by notifying the membership and posting a notice of cancellation at the Town Hall, Government Center and the George Hail Library.
- 3.2 **Special Meetings:** The Chair may call a special meeting at any time provided at least three (3) committee members or a majority of the membership so agree not less than 48 hours prior to the special meeting. Special meetings of the WVHDC shall be posted and conducted in the same matter as regularly scheduled meetings of the WVHDC.
- 3.3 **Voting:** For the purpose of decision making, each active member of the WVHDC shall have one vote.
- 3.4 **Quorum:** For the purpose of voting, a quorum of the WVHDC shall consist of three (3) members. Should the membership drop to less than five (5) regular members due to vacancy, the quorum shall be a majority of existing members.
- 3.5 **Conduct of Meetings:** All meetings shall be open to the public. The order of business at regular meetings shall include:
- 3.5.1 Call to order
 - 3.5.2 Roll call
 - 3.5.3 Approval of the minutes of the previous meeting
 - 3.5.4 Committee reports
 - 3.5.5 Old business, including continued applications
 - 3.5.6 Hearings on new applications for Certificates of Appropriateness and Certificates of Completeness. Order of hearings on applications to be on a first-filed basis.
 - 3.5.7 New business
 - 3.5.8 Adjournment
- 3.6 **Executive Session:** For purposes authorized by the open meeting law, the WVHDC may on a motion duly adopted and for reasons stated on the record, adjourn to executive session.
- 3.7 **Records:** The WVHDC shall keep written records of its meetings, deliberations and decisions. The Secretary of the WVHDC shall have the primary responsibility for keeping meeting minutes and associated documents. The WVHDC also may require a verbatim, recorded or stenographic record. All records shall be open to the public.
- 3.7.1 **Review of WVHDC Records:** Requests to view the WVHDC's records, to be maintained in the Program Director's office, shall be in writing and subject to the Rhode Island State Open Records law. Copies of the records will be made available at cost.

- 3.7.2 **Meeting Minutes:** Minutes of the WVHDC hearings shall show the vote of each member on each question, including absences and abstentions. At minimum, minutes shall contain.
- 3.7.2.1 A listing of WVHDC members present and absent.
 - 3.7.2.2 A listing of others present, specifically the town solicitor, public agency staffs, applicants and/or representatives.
 - 3.7.2.3 Approval of the minutes of the previous meeting.
 - 3.7.2.4 Summary of applications for Certificate of Appropriateness and the preservation issues presented, including a description of the relevant features of the building, structure or appurtenance, which will be affected.
 - 3.7.2.5 Summary of arguments and materials presented for each applicant, including all references to the appropriate WVHPP Standards and Guidelines.
 - 3.7.2.6 Findings of fact made, conclusions reached, and actions or motions taken on each applicant or other general business before the WVHDC.
- 3.7.3 **Files:** The WVHDC's files shall be located in the Program Director's office.

SECTION 4: CONSIDERATION OF CERTIFICATES OF APPROPRIATENESS

- 4.1 **Public Hearing:** The WVHDC shall hold a public hearing on an application for a Certificate of Appropriateness and shall adhere to the following order of business. The Chair may waive or modify the order at the meeting with the concurrence of the membership.
- 4.1.1 **Application Hearings:** Applicants shall be scheduled for a public hearing at the WVHDC's regular meeting. The last application shall be heard before 10 p.m. unless a quorum of the WVHDC agrees that the meeting may carry on after that time. Applications not heard by 10 p.m. shall be rescheduled to the next regularly scheduled meeting or special meeting to be held within two weeks.
 - 4.1.2 **Projects Not Requiring Construction Permits:** Applications involving projects that do not require construction permits shall be presented by the Program Director for review and approval and shall not require a public hearing unless requested by a WVHDC member.
 - 4.1.3 **Consideration of Applications:** The applicant or his/her designated agent shall appear at the hearing on his/her application. All testimony shall be sworn. The order of business for consideration of applications for a Certificate of Appropriateness shall be determined by the Chair and may include, but not be limited to the following:
 - 4.1.3.1 A preliminary statement concerning the application.

- 4.1.3.2 A presentation by the applicant, including arguments and material in support of the application. The applicant shall present the material in a way that both the WVHDC and the public audience may hear, see and understand the verbal and graphic description of the proposed work and its impact on the features of the buildings, structures, appurtenances and historic landscape features of the property and the area in which it is located.
 - 4.1.3.3 The Program Director's written analysis, comments and/or subcommittee report.
 - 4.1.3.4 Statements or arguments submitted by an official, commission or department of the town of Warren, any state agency, or any local historical, preservation or neighborhood organization.
 - 4.1.3.5 Public comments from interested parties, etc.
 - 4.1.3.6 WVHDC members' questions of the applicant, or subcommittee concerning the application.
 - 4.1.3.7 A summary of the application, arguments and materials presented.
 - 4.1.3.8 After closing the hearing to public comment, the WVHDC shall deliberate regarding a Certificate of Appropriateness, based upon the evidence submitted, appropriate Standards and Guidelines, and the impact of the project on the features of the buildings, structures, appurtenances, and historic land features of the property and the district in which it is located.
 - 4.1.3.9 Findings of fact, motion(s) to approve or deny the application, and voting results on the application.
- 4.1.4 **Pre-Application Hearing:** An applicant may seek a pre-application hearing with the WVHDC when new construction, appurtenances, additions or major alterations are proposed. Such requests shall be submitted in writing. The WVHDC shall use the same order of business as in reviewing Certificates of Appropriateness, with the following exceptions:
- 4.1.4.1 No formal determination to approve or deny the proposal shall be made.
 - 4.1.4.2 The WVHDC may provide agencies of the town with advisory opinions, which shall identify preliminary preservation issues, and may suggest solutions.
 - 4.1.4.3 After a pre-application hearing, the WVHDC shall provide the applicant with a written advisory opinion shall be non-binding.
- 4.1.5 **Conceptual Projects:** In reviewing conceptual projects the WVHDC can make a formal motion and vote on the matter. Such decisions shall articulate preliminary findings of the WVHDC, relevant preservation issues, applicability of Standards and Guidelines, suggestions for solutions and any other additional information deemed appropriate to assist the applicant in preparing a Certificate of Appropriateness.
- 4.1.6 **Limit of Time for Testimony:** The Chair may limit the amount of time allowed at a public hearing for verbal testimony regarding any application of other business before the WVHDC. Such limit shall be noted on the written public notice of the hearing, and announced at the beginning of the hearing. Written testimony may be submitted for WVHDC consideration in cases where verbal testimony is limited.

4.1.7 **Determinations:** An application for a Certificate of Appropriateness may be approved, denied, or approved with amendments or conditions by the WVHDC. Motions to grant or deny a Certificate of Appropriateness shall include findings of fact and a specific reference to the review criteria under which the proposal has been judged.

4.1.7.1 *Resolutions:* All decisions of the WVHDC shall be in writing. The WVHDC shall articulate and explain the reasons and basis of each decision on a record in the form of a Resolution. In the case of decision not to issue a Certificate of Appropriateness, the WVHDC shall include the basis for its conclusion that the proposed activity would be incongruous with those aspects of the structure, appurtenances, or the district, which the WVHDC has determined to be historically and/or architecturally significant.

4.1.7.2 *Issuance of a Certificate of Appropriateness:* Upon granting a Certificate of Appropriateness, the WVHDC or its designee shall within two (2) days:

4.1.7.2.1 Stamp three (3) sets of all application documents, including the application form and all plans and drawings. The documents will be dated, stamped and signed by the Chair or the Vice-Chair as directed by the Chair.

4.1.7.2.2 Return two (2) sets of signed and stamped documents to the applicant along with a copy of the resolution. It is the responsibility of the applicant to file one (1) set of stamped and signed documents and a copy of the Resolution with the Warren Building Official for necessary permits. The second copy of the Resolution together with all appropriate receipts for work performed but not to include work performed by the applicant or owner of the property shall be subsequently presented to the WVHDC at the conclusion of the project together with the approval and subsequent filing with the Warren Tax Assessor to obtain the approved tax credit.

4.1.7.2.3 Retain one (1) set of stamped and signed documents for the WVHDC files.

4.1.7.2.4 The applicant shall cosign written conditions of approval to ensure the applicant's understanding of and agreement with such conditions.

4.1.7.3 *Conditional Approval:* The WVHDC may issue a Certificate of Appropriateness/Conditional Approval where an application would otherwise be approved except that one (1) or more necessary town, state or federal agency approvals are pending. If other necessary approvals are not obtained within 180 days of the Conditional Approval, the applicant may file for an extension of sixty (60) days. If other agency reviews result in changes to the project approved by the WVHDC the Building Official may still issue a construction permit for the changed project with the approval of the Program Director.

4.1.8 **Failure to Act**

4.1.8.1 *Automatic Approval:* The failure of the WVHDC to act within thirty (30) days or not later than the next regularly scheduled monthly meeting at which a quorum is present from the date of the acceptance of a completed application in accordance with these Rules and Regulations shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the WVHDC.

4.1.8.2 *Extensions:* In the event that the WVHDC shall make a written finding of fact within this thirty (30) day period that a particular application requires further time for additional study and information, then the WVHDC shall have a period of up to sixty (60) days from the date of acceptance of a completed application within which to act on such application. Nothing in this section shall be construed to prevent the applicant and the WVHDC from mutually agreeing to an extension beyond the sixty (60) days.

4.1.9 **Modifications to an Application:** A pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the WVHDC. Such request shall include a description of the proposed change and shall be accompanied by elevations, plans, photographs and/or sketches as necessary. If an application is modified, it shall be considered a new application and shall be handled in accordance with these Rules and Regulations.

4.1.10 **Modifications to a Certificate of Appropriateness:** Changes to a project after a Certificate of Appropriateness has been approved must be brought before the WVHDC before construction of the changes begin. Such request shall include a description of the proposed change and shall be accompanied by elevations, plans, photographs and/or sketches as necessary. (The Building Official, when informed of the proposed change, can allow the project to continue with the approval of the Program Manager. The WVHDC must still approve these changes.) Failure to advise the WVHDC of these changes and to obtain approval of these changes will invalidate the Certificate of Appropriateness and may be deemed a violation of the WVHPP Ordinance.

4.1.11 **Expiration of a Certificate of Appropriateness:** Any Certificate of Appropriateness granted by the WVHDC shall expire six (6) months after the date of the approval, unless the applicant shall, within six (6) months, obtain a valid building permit and proceed with construction. The WVHDC, upon written request and for cause shown prior to the expiration of the initial six (6) month period, may renew the Certificate of Appropriateness for a second six (6) month extension shall cause the Certificate to become null and void and will require the applicant to file a new application with the WVHDC.

4.1.12 **Reconsideration of a Denied Application:** An applicant may request the WVHDC to reconsider its decision on an application. Such request may be made before the end of the meeting at which the decision was made, or afterwards in writing within a period of one (1) year from the date of the decision. The order of business for reconsideration of a Certificate of Appropriateness which has previously been denied shall be as follows:

- 4.1.12.1 The Chair shall entertain a motion from a member of the WVHDC that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the WVHDC to determine whether or not there have been substantial changes in the facts, evidence or conditions relating to the application, provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence if the WVHDC decides to reconsider the application.
- 4.1.12.2 After receiving the evidence, the WVHDC shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence, or conditions relating to the application which would warrant reconsideration. If the WVHDC finds that there has been such change, it shall treat the request as a new application.
- 4.2 **Notice:** Notice of the hearing shall be given to the applicant, property owner, and other persons listed on the application form and to the WVHDC members at least seven (7) days prior to the public hearing, by regular mail.
- 4.3 **Site Visits:** A subcommittee of the WVHDC and/or Program director if directed to by the Chair shall be available to meet on site with the applicant or his/her representatives at any time in the design process in order to advise them informally concerning the WVHDC's procedures and guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. The applicant shall agree, by signing the Certificate of Appropriateness application, to allow the WVHDC, as a group or individually, to make visits from time to time as deemed necessary.
- 4.4 **Appeals:** Any applicant aggrieved by a determination of the WVHDC may appeal that decision within twenty (20) days of the date of the written resolution. Appeals are made to the Voluntary Historic Preservation Program Board of Appeals.

SECTION 5: APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

- 5.1 **Applications:** A Certificate of Appropriateness application is required when requesting a Voluntary Historic Tax Credit that requires either a construction permit or a request for a Voluntary Historic Tax Credit not requiring a construction permit that affects the exterior appearance of a structure or its appurtenances located in a historic district or other qualifying property, including construction, alteration or moving. An appurtenant is a feature other than a primary or secondary structure, which contributes to the exterior appearance of a property.

5.1.1 Application Categories:

- 5.1.1.1 Additions/secondary structures
- 5.1.1.2 Alterations/minor modifications
- 5.1.1.3 Shutters and blinds and siding
- 5.1.1.4 In-kind replacement/appurtenants
- 5.1.1.5 Painting and roofing
- 5.1.1.6 Moving of structures

- 5.2 **Completeness of Applications:** The Program Manager or his/her designee shall be responsible for determining whether or not an application is complete according to the following application requirements:
- 5.2.1 Ten (10) sets of the complete application including all plans and copies of photographs as described in this section.
 - 5.2.2 All applications shall have a precise and detailed written statement describing the proposal.
 - 5.2.3 For MINOR ADDITIONS defined as 25% or less of the square footage of the footprint of the existing building or structure, and minor alterations and replacements including but not limited to windows, doors, steps, fences, stone walls, and skylights a complete application shall include the following materials which may be documented by a registered architect, engineer, and surveyor or other design professional.
 - 5.2.3.1 Scaled elevation drawings of all sides of the building or structure showing the area affected by the addition or alteration in its existing condition and its proposed condition.
 - 5.2.3.2 Scaled specifications and drawings of all detailing. Catalogue cuts or premanufactured windows, doors, skylights, and fencing may be acceptable in lieu of specs.
 - 5.2.3.3 For additions a site plan with dimensions showing location of alteration/addition demonstrating accurate setbacks from property lines and other structure, landscape features and relationship to adjacent buildings or structures.
 - 5.2.3.4 Photographs of the building or structure that would be affected proposed work. A minimum of one set of originals and nine (9) copies must be submitted with the application. Copies may be photocopies of the original. Drawings shall not be less than 11"x17" in size.
 - 5.2.4 For MAJOR ADDITIONS defined as greater than 25% of the square footage of the footprint of the existing building or structure, or for entirely new detached construction that is freestanding, the following information shall constitute the minimum information required for a complete application which may be documented by a registered architect, engineer, and surveyor or other design professional.
 - 5.2.4.1 Scaled elevation drawings of all exterior walls and roofs showing existing conditions and the relationship of the proposed addition to the existing buildings or structure are required. Scaled elevations of new freestanding construction proposals shall include drawings of all exterior walls and roofs shown in relationship to the adjoining properties and streetscape. Adjoining buildings must be shown on these drawings so that their form, mass, materials and directional emphasis are apparent.
 - 5.2.4.2 Details of windows, doors, trim, etc. showing existing conditions, proposed conditions, proposed additions and new construction are required.
 - 5.2.4.3 Site plan showing the entire parcel, all buildings, structures and accessories including landscape features and the location of adjacent buildings, structures and accessories must be shown as well as all setbacks.

- 5.2.4.4 Photographs of the project site and surrounding properties, buildings, structures or accessories which may be affected by the proposal are required. One set of originals and nine (9) copies must be submitted with the application.
- 5.2.5 The following information shall be required for RE-ROOFING applications:
 - 5.2.5.1 A description of the existing roof material(s) including the roof sheathing system.
 - 5.2.5.2 A description of the roof replacement material(s) including the sheathing system if appropriate.
 - 5.2.5.3 Catalogue cuts, examples and/or photos of the proposed roofing material.
- 5.2.6 The following information shall be required for SIDING applications:
 - 5.2.6.1 A description of the existing siding material(s) and its condition.
 - 5.2.6.2 A description of the replacement siding material(s) proposed.
 - 5.2.6.3 A description, both in written and in drawing format, as to the treatment, removal and/or addition of trim, molding, soffit and like details.
- 5.2.7 The following information shall be required for FENCE applications:
 - 5.2.7.1 A pictorial and written description of the proposed fence type and its dimensions including height, space between balusters (if applicable) and span.
 - 5.2.7.2 Catalogue cuts, examples and/or photos of the proposed fence style.
 - 5.2.7.3 A site plan showing the placement of the fence and its relationship to the building, structures or accessories (including other fencing) on the property or adjoining property.
- 5.2.8 The following information shall be required for any EXTERIOR PAINTING (pigment or stain):
 - 5.2.8.1 A description of the existing paint/stain color and its condition.
 - 5.2.8.2 A description of the new paint/stain proposed.
 - 5.2.8.3 A description as to the treatment and removal of paint/stain from existing trim, molding, soffit and like details.
- 5.3 **Filing of Applications:** An application for a Certificate of Appropriateness must be received by the WVHDC at least ten (10) working days before the regular meeting. Applications must be signed by the property owner and applicant. Applications must be accompanied by documentation reasonably necessary to evaluate the proposal, including but not limited to photographs, drawings, plans or other documentation as requested by the WVHDC. It is the owner/applicant's responsibility to submit all required documentation.

- 5.4 **Acceptance of Applications:** The Program Director shall review all applications for completeness, according to minimum standards in the WVHPP Standards and Guidelines. Incomplete applications will be returned to the applicant and a notice sent to the Building Official within seven (7) days of receipt by the WVHDC. Incomplete applications will not be scheduled for a meeting. The WVHDC shall vote at the beginning of the hearing on each application, before any presentation or testimony begins, whether an application is complete and can be accepted. Upon acceptance, the formal review period begins. Acceptance of an application does not preclude the WVHDC from requesting any additional information it determines to be necessary to make a decision on the application.
- 5.5 **Zoning Variances:** Projects which require relief from the provisions of the Warren Zoning Ordinance should obtain any necessary variances before an application for a Certificate of Appropriateness is filed. Written confirmation that all variances have been granted should be submitted along with the application; however, the fact that a zoning variance has been granted shall not guarantee that the project will receive a Certificate of Appropriateness. Applications seeking Conceptual Approval may be exempt from this requirement. The WVHDC also may waive this requirement if the zoning issue is not related to the physical condition of the property or will not compromise the WVHPP Standards and Guidelines. Zoning issues shall be determined by the Zoning Board of Review.

SECTION 6: ENFORCEMENT

- 6.1 **Enforcement:** Enforcement of WVHDC jurisdiction and decisions shall be by the Warren Building Official.
- 6.2 **Violations:** Any exterior work to a structure or appurtenance within the WVHD or other qualifying property for which a Certificate of Appropriateness from the WVHDC has been issued which does not comply with the provisions of an approved Certificate of Appropriateness shall be deemed a violation.
- 6.2.1 Any person may report a violation to the Warren Building Official and/or WVHDC member.
- 6.2.2 The Building Inspector will confirm that the work is a violation. If the work is in progress, the Building Official will issue a stop-work order.
- 6.2.3 The WVHDC shall review the application in accordance with these Rules and Regulations. Any modifications required to bring the work into compliance with the Standards and Guidelines shall be made conditions of approval, and a deadline for completion shall be set.
- 6.2.4 Failure of the property owner to correct the violation as directed within thirty (30) days, or within the deadline set by the WVHDC shall have the approved Certificate of Appropriateness voided.
- 6.2.5 If the WVHDC issued conditions of approval for work done in violation, the WVHDC shall inspect the property to confirm that the violation has been corrected. If so, the WVHDC shall inform the Building Official that the violation may be dismissed.
- 6.2.6 Written records of all violations shall be kept in the WVHDC's files.

SECTION 7: AMENDMENTS AND SEVERABILITY

- 7.1 **Amendments:** The W VHDC may propose amendments to these rules at any time by an affirmative vote. These amended rules shall be forwarded to the Town Council in accordance with sections 4-185 and 4-186 of the Code of Warren.
- 7.2 **Severability:** The provisions of these Rules and Regulations are severable; if any such provision or provisions shall be held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of these Rules and Regulations.