

**Town of Newcastle**  
**Ad-Hoc Historic Preservation Ordinance Committee**  
**Agenda**  
**Meeting Date: March 14, 2023 at 5:00PM**  
**Location: Fire Station Community Room, 86 River Road**

1. Call to Order/Introductions
2. Review of minutes of previous meeting: February 16, 2023
3. Overview of Historic Preservation Ordinance, Draft 1 (Isabelle)
4. Discussion of Ordinance items flagged for additional direction (Committee, w/ discussion facilitated by Isabelle)
5. Public comment (an opportunity for members of the public to comment on items on or off the agenda related to the Committee's work)
6. Committee comments/discussion
7. Adjournment

Next meeting: April 6th, 2023 at 5:00PM

**Town of Newcastle**  
**Historic Preservation Ordinance Committee**  
**Meeting Date 2/16/23 at 4pm**  
**At the Town Community Room (Fire Station)**

**Members Present:** Ben Frey, Karen Paz, Bonnie Stone, Catherine Burke, Tor Glendinning  
**Staff Present:** Isabelle Oechsle, Town Planner

**Minutes**

1. Introductions: Committee members introduced themselves and shared what brought them to wanting to serve on the Committee. Comments centered around protection of the feeling of the village, a desire to preserve historic assets for future generations, protecting the quintessential “Maine identity” found in old houses, protecting the energy that doesn’t exist in new construction, ensure that we remind ourselves and future generations of the history of Newcastle.
2. Committee Viewpoints: Tor asked Committee members to share their thoughts on how they think that a Historic Preservation Ordinance will provide value to the Town and how they would like to see the Historic Preservation Ordinance perform.

Viewpoints from the Committee included the following:

- Ensuring that standards mesh well with the Core Zoning Code, but don’t rely on “good people serving on Committees” (ensuring that standards are specific, not subjective)
- Interested in creating an Advisory Committee that would share resources and provide guidance to property owners interested in preserving their historic property, while ensuring that renovations fit in well with our valuable historic districts and resources (There was discussion surrounding whether this Advisory Committee should be its own appointed Committee, or if duties should fall to the Planning Board. The point was made that it is often difficult to find volunteers to serve on Committees, and this Committee requires specialized expertise that may not exist in Newcastle. Alternatively, the Planning Board is already familiar with reviewing projects, including some aspects of design review as provided in the Core Zoning Code. Isabelle noted that, if the goal is to create an Ordinance that would allow for the Town to become a Certified Local Government, we need to follow the State’s Guidelines for CLGs. Tor asked Isabelle to do some research into this. Isabelle noted that she would return with a recommendation at the next meeting.)
- Encourage others to maintain historic integrity
- Toe the line between maintaining the look and feel of the district while not economically hindering people from maintenance (Isabelle suggested perhaps creating an alternative materials list, so that property owners are not just limited to slate roofing for example but could find something that looks similar while being more cost-effective)
- Need to understand how new construction will fit in within established historic districts (Discussion occurred on whether the Town should rely on existing standards within the Core Zoning Code or if standards for new construction should be included in the Historic Preservation Ordinance.)
- Balance the need for housing with the need for good design
- Consideration of how the Town will review things (from the road? From all sides of a structure? How do we protect property owners/neighbors? Or should we just be

focused on protection of the public realm?)

3. The Town Planner's perspective on how the document could perform for our town and review of the Planner's scope of work: Isabelle provided the Committee with her detailed scope of work document, noting that Phase 1 will be focused on working with the Committee to draft the Ordinance. The initial meeting(s) of the Committee will be focused on educating the Committee and the public about the importance of a historic preservation ordinance, what a historic preservation ordinance does and does not do, and the benefits of adoption of a Historic Preservation Ordinance for property owners and for the Town as a whole. Isabelle suggested at least one public forum (in addition to the public meetings of the Committee), noticed to every property owner who might be impacted by the proposed Ordinance, to ensure that people are aware of the above.

The goal of Phase 1 will be to finalize a draft Historic Preservation Ordinance that will be adopted by the Town at a Special Town Meeting in Fall of 2023, after following the required procedures for zoning amendments in the Town and as outlined in State Statutes.

Phase 2 will focus on implementing the Ordinance. IOV Community Planning + Consulting (Isabelle, as the Consultant) will create application forms and review memo/findings templates related to historic preservation projects and will train staff/town officials in reviewing said projects. In addition, the Consultant will provide assistance to Town staff to apply for Certified Local Government status with the Maine Historic Preservation Commission, in order for the Town to be eligible for grants related to historic preservation.

Finally, the Consultant will create a Guidelines for Review document related to each standard of the Historic Preservation Ordinance, showing examples of good (approvable) versus bad (unapprovable) proposals that can be provided to applicants and Town officials as a resource.

4. Committee's scope of work: The Committee will be tasked with providing input on documents as drafted by Isabelle and in bringing periodic updates back to their neighborhood in order to build support for the Ordinance and for historic preservation in the community broadly.
5. Meetings schedule: The group scheduled dates for follow-up meetings through May. The following meeting dates were decided upon (all at 5:00PM): March 14, April 6, April 26, May 17. Isabelle will upload the dates to the Town's calendar on the website.
6. Next meeting: March 14<sup>th</sup> at 5:00PM.
7. Adjournment: Adjourned at 6:10PM.

To: Historic Preservation Committee  
From: Isabelle Oechsle, Planning Consultant  
Date: March 14, 2023  
RE: Draft 1: Historic Preservation Ordinance

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## BACKGROUND

During our first meeting on February 16th, discussion was had surrounding what the Committee wanted to see in the to-be-developed Historic Preservation Ordinance.

What I heard from you all centered around the following:

- The Ordinance should ensure that standards mesh well with the Core Zoning Code and don't rely on "good people serving on the Committee" (meaning that the standards should be specific, not subjective"
- The Ordinance should establish an advisory committee that would be provide suggestions and guidance to others in caring for their historic property, and make sure that properties fit in well with the established historic districts
- The Ordinance should toe the line between maintaining the look and feel of historic districts, but not economically hinder people from maintenance
- We need to ensure that new construction fits in with established historic districts
- We need to balance the need for housing with the need for good design

## ANALYSIS

In the analysis below I have flagged the items that you all asked me to consider within the Ordinance and have provided an explanation of how I attempted to address your desires.

- 1. *Standards should be specific, not subjective:*** Standards related to historic preservation must be derived from the [Secretary of the Interior's Standards for the Treatment of Historic Properties](#) in order to be compliant with the State's guidelines for Certified Local Governments. As we discussed at the last meeting, adoption of an Ordinance that is compliant with the [CLG Program Guidelines](#) (and subsequently applying to be a part of said program) allows municipalities to be eligible to apply for grant funding for preservation projects (for examples of previously approved grant projects, see [this link](#)). That said, the Secretary of the Interior's Standards for the Treatment of Historic Properties have four different treatment standards, each slightly different. The treatment standards are:
  - a. Preservation:* The Standards for Preservation require retention of the greatest amount of historic fabric along with the building's historic form.
  - b. Rehabilitation:* The Rehabilitation Standards acknowledge the need to alter or add to a historic building to meet continuing or new uses while retaining the building's historic character.

- c. *Restoration*: The Restoration Standards allow for the depiction of a building at a particular time in its history by preserving materials, features, finishes, and spaces from its period of significance and removing those from other periods.
- d. *Reconstruction*: The Reconstruction Standards establish a limited framework for recreating a vanished or non-surviving building with new materials, primarily for interpretive purposes.

The majority of the standards as I have drafted them are primarily derived from the Standards for Rehabilitation, which allows for greater flexibility in allowing alterations and additions if necessary to continue use of the building. The other standards (for Restoration, Reconstruction and Preservation) are typically more inflexible in the use of alternative materials (thereby being potentially more costly).

The standards as I have proposed them are fairly specific, and will be made more so by the companion Guidelines Manual that is being developed to be used by applicants, the permitting authority, and consultants in reviewing applicants. (An example Design Guidelines Manual drafted in the 1990s by the City of Portland may be helpful to understand what Newcastle's Manual will look like. The City of Portland version is available online at [this link](#).)

- 2. *Establishment of an Advisory Committee to help guide property owners***: The Ordinance establishes a Historic Preservation Review Board that will further the established purpose of the Ordinance, which currently states in Article 1: (1) Protect Newcastle's historic, architectural, and cultural heritage; (2) Assist property owners with maintaining the architectural integrity of the district; (3) Protect, preserve, and enhance the outward appearance and architectural features of identified historic structures; (4) Prevent the demolition or removal of significant historic buildings or structures within designated historic districts; (5) Preserve, protect, and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures; (6) Accept new buildings and structures which are designed and built in a manner which is compatible with the character of the district.

The Review Board will ultimately be tasked, in most cases, with administering the Town's Historic Preservation program and as part of that program may wish to continue to develop guidance for property owners, such as an allowed replacement materials list, a database of preservation contractors, etc.

During the February meeting there was discussion surrounding whether the reviewing body could be the Planning Board or a subset of the Planning Board,

due to concerns expressed by members of the Committee that there would not be enough qualified volunteers for a full Historic Preservation Committee. For more on that, see the Recommendations section below.

- 3. *Make sure that properties (additions or alterations) fit in well with established historic districts:*** The draft standards for Additions and Alterations in Article 3, and the draft standards for New Construction and Additions in Article 4, are intended to address this comment. Note that if an Addition to an existing Primary Building is proposed, that application would be subject to the standards in Article 3 and the standards in Article 4 (whereas if an Alteration is proposed, such as replacing historic window sash, it would only be subject to the standards in Article 3).
- 4. *Maintain look and feel without economic hindrance:*** As noted in item #1 above, the majority of the standards as I have drafted them are derived from the Standards for Rehabilitation, which allows for flexibility in alternative materials as long as the essential historic character of the structure is maintained. This often results in cost savings for owners.
- 5. *Ensure that new construction fits in with established historic districts:*** The draft standards for New Construction and Additions in Article 4 are intended to address this comment. Notice that New Construction would be subject to both the standards of the Core Zoning Code, as well as the standards included in the Historic Preservation Ordinance. Article 2, Section B.3 notes that new construction located within the Historic Special Districts would be subject to review by both the Historic Preservation Review Board and the Planning Board (a two-step review process). This is typical of other CLG communities in Maine (see [Saco \(Sec. 230-1908\(C\)\)](#), [Castine \(Sec. 8.2, page 15 of the pdf\)](#), [Portland \(Sec. 17.7.4.B, page 297 of the pdf\)](#)) because the standards included in the Historic Preservation Ordinance differ from the standards for the Core Zoning Code (each reviewing body would be reviewing different things). Note that the District page for the Historic Special District should be amended to reference that review by the Historic Preservation Review Board is also required in these districts. Note that Uses are not reviewed within the Historic Preservation Ordinance and would be reviewed as currently spelled out in the Core Zoning Code.

As discussed at the February meeting, Phase 2: Implementation of the Ordinance will involve the creation of application forms and flow charts related to how projects are reviewed in order to provide clarity to applicants.

- 6. *Balance the need for housing with the need for good design:*** I am looking for guidance from the Committee on how you would like to approach this comment. If the purpose of the comment was simply to underscore the need to not present an economic hardship to property owners through this Ordinance, please see item #4 above. Alternatively, it may be the desire of the Committee to adopt provisions for Adaptive Reuse that would allow greater density or increased allowable uses within the Historic Special District (see [South Portland example in Sec. 27-1591 et. seq. \(bottom of page 438 of the pdf\)](#)). This would be an amendment to the Core Zoning Code or an accompanying Ordinance and does not necessarily fall under the Historic Preservation Ordinance. Still, guidance from the Committee is suggested.

## **RECOMMENDATIONS**

Also at the last meeting, we had some discussion centered around: (1) How the Ordinance would look at projects (either from the road or from neighboring (private) properties); (2) Whether the Planning Board could be tasked with reviewing applications or whether we would need to establish a new committee (noting concerns with the ability to recruit members for such a committee and noting that the Planning Board already has the authority to and is familiar with reviewing projects); (3) How new construction would be regulated (either as included standards within the Core Zoning Code or as standards included within the Historic Preservation Ordinance). I have included my recommendations for these items within Draft 1 of the Ordinance and have provided rationale for these recommendations below.

- 1. *How will the Ordinance look at projects?*** The Ordinance as I have drafted it presumes that documentation of how the project would look from the public realm will be what is evaluated. Article 3 notes that additions should be made on the side or rear facade where they are less likely to be seen from the public realm (though there are no standards proposed saying that additions or alterations *may not* be seen from the public realm in this draft). Similarly, Article 5 notes that New Construction's scale and form shall be visibly compatible with surrounding structures when viewed from any street or public open space.
- 2. *Can the Planning Board review applications?*** The Guidelines for Certified Local Governments in Maine seem fairly cut and dry that it needs to be a Historic Preservation Review Board comprised of members with demonstrated experience or interest in historic preservation. Demonstrated experience may mean that an applicant has professional experience in architecture, architectural history, history, the trades or similar. Demonstrated interest could be as simple as living in a Historic Special District or historic home. I reached out to the State's CLG Coordinator, who noted that "For towns with a population under

5,000, we recommend a board of 3. They only have to be interested in town history at the bare minimum. We recommend that the board be a stand alone group rather than the Planning board.” It would be up to the Selectboard to appoint a qualified group of members. In the current draft of the Ordinance, I am recommending a five-person Review Board because that is the experience that I have working with Historic Preservation Committees in the past (this way if one person needs to miss a meeting, there is still a quorum), though am open to bringing the number down to three if the Committee is concerned about finding a group of qualified volunteers.

- 3. *How will New Construction be regulated?*** As noted under item #5 above, the Ordinance as I have drafted it would require New Construction to be reviewed by both the Historic Preservation Review Board and the Planning Board (a two-step review process). This is typical of other CLG communities in Maine (see [Saco \(Sec. 230-1908\(C\)\)](#), [Castine \(Sec. 8.2, page 15 of the pdf\)](#), Portland ([Sec. 17.7.4.B, page 297 of the pdf](#))). I’m recommending this because the standards included in the Historic Preservation Ordinance differ from the standards for the Core Zoning Code (each reviewing body would be reviewing different things).

### **ADDITIONAL ITEMS FOR DISCUSSION/DIRECTION**

Finally, I have identified some items that we did not specifically address during our February 16th meeting but that I believe warrant additional discussion. It would be helpful in preparing for Draft 2 if discussion at the March 14th meeting could focus on the following questions:

1. How does the Committee wish to regulate utilities (heat pumps, solar panels, satellite dishes, etc.)? Currently, I am proposing to regulate them under Article 3: Standards for Alterations and Additions (though there are no specific standards there for utilities). Many communities are grappling with the notion of sustainability and adapting historic structures for the modern world, while maintaining historic integrity. It would be helpful to understand the Committee’s position on this matter (don’t want them on historic properties at all, want them but only when they can’t be seen from the public realm and don’t impact historic resources, something else?)
2. Does the Committee want this Ordinance to focus on Primary Buildings specifically, or is the desire to review Accessory Buildings as well (barns, sheds, garages)? The current draft presumes reviewing only Primary Buildings because it is more difficult to find historic documentation about barns, sheds and garages (though admittedly not impossible). In the context of rural Newcastle, it may be appropriate to review barns under this Ordinance at a minimum with the understanding that funds may need to be invested by the Town or through the



CLG grant program to research the defining historical features of barns. Please provide input and I will amend the draft accordingly.

3. Please provide direction on if you would like this Ordinance to provide standards surrounding signage with the Historic Special Districts or if you would prefer that to be a subsequent amendment taken in tandem with broader Sign Ordinance amendments to the Core Zoning Code that the Planning Board has expressed interest in working on.
4. There was also brief discussion at the end of the February meeting regarding desire of people not located within an existing Historic Special District to make their own property subject to the provisions of this Ordinance. I have added this ability within Article 8 by adding standards for designation of Local Landmarks. Is there desire from the Committee to keep this ability in the Ordinance, or would you like to focus specifically on properties already within the Historic Special District for the time being?
5. Please provide direction on Analysis Item #6 related to the need to balance the need for housing with the need for good design. Is it the desire of the Committee to adopt provisions for Adaptive Reuse that would allow greater density or increased allowable uses within the Historic Special District (see [South Portland example in Sec. 27-1591 et. seq. \(bottom of page 438 of the pdf\)](#)). This would be an amendment to the Core Zoning Code or an accompanying Ordinance and does not necessarily fall under the Historic Preservation Ordinance.

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*Attachments:*

1. *Newcastle Historic Preservation Ordinance, Draft 1*

## HISTORIC PRESERVATION ORDINANCE

### Article 1: General

#### A. Purpose and intent.

1. Protect Newcastle's historic, architectural, and cultural heritage.
2. Assist property owners with maintaining the architectural integrity of the district.
3. Protect, preserve, and enhance the outward appearance and architectural features of identified historic structures.
4. Prevent the demolition or removal of significant historic buildings or structures within designated historic districts.
5. Preserve, protect, and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.
6. Accept new buildings and structures which are designed and built in a manner which is compatible with the character of the district.

#### B. Applicability.

1. This Ordinance shall apply to the following within the Historic Special District as shown on the Official District Map in Article 1 of the Core Zoning Code:
  - a. Demolition of any building or portion of any Primary Building in the Historic Special District.
  - b. Moving any Primary Building or portion of any Primary Building located within the Historic Special District.
  - c. Exterior Additions or Alterations to any Primary Building or portion of any Primary Building located within the Historic Special District.
  - d. Reconstruction of any Primary Building or portion of any Primary Building located within the Historic Special District.
  - e. New construction of Primary Buildings in the Historic Special District when such construction would be visible from a public way.
2. This Ordinance shall apply to designated Local Landmarks as described in this subsection.
  - a. Reserved.
3. In addition, this Ordinance shall govern the establishment and expansion of Local Landmarks and Historic Special Districts.

#### C. Exempt Activities.

1. Activities exempt from review under Articles 3 and 4, as may be applicable, include the following:
  - a. Alteration to or addition of mailboxes, flowerboxes, flags, or other similar removable decorative features.
  - b. Change in paint color.
  - c. Alteration or replacement of existing non-historic gutters, downspouts, storm windows, conduit, venting or other non-original features which already exist and are required for the operation and physical health of the building and do

**Commented [1]:** This entire thing will need to be put in In Design format that matches the Core Zoning Code and Roads, Driveways and Entrances Ordinance prior to the Planning Board's public hearing on this item.

This is intended to be a standalone Ordinance cross-referenced in the Core Zoning Code, similar to the Roads, Driveways and Entrances Ordinance.

This Ordinance is intended to comply with the Maine Historic Preservation Commission's Guidelines for the Certified Local Government Program in Maine. Participation by a municipality in the Certified Local Government program allows the Town to be eligible for participation in trainings by the MHPC and grant funding related to historic preservation planning and programming

**Commented [2]:** It is common practice to leave an area in the Code "Reserved" so as not to require renumbering an entire Ordinance when an amendment occurs. In this case, I am leaving this as "Reserved" in an attempt to indicate that this is where designated Local Landmarks would be placed following the process as described in Article 8 below

not significantly alter the building or compromise historic features or character-defining elements on the structure (subject to the determination of the Town Planner).

- d. General maintenance and repair of structures when materials are being replaced in kind.

**D. Meaning & Purpose.**

1. Words, phrases and terms used within this Ordinance are defined in the Definitions section or within the Articles that contain standards associated with the term.
2. Words, phrases and terms not defined in this Ordinance must be accorded their commonly accepted meanings as defined in the most recent edition of the Webster's Unabridged Dictionary.
3. The terms "standards," "regulations," and "requirements" are used to mandate a specific course of action or built outcome.
4. The words "must," "will", and "shall" are mandatory and when used require compliance with standards, regulations, and requirements of the Ordinance.
5. The words "may" and "should" are permissive.

**E. Authority & Compliance.**

**1. Authority.**

- a. This Ordinance is adopted under the authority granted by XXXXX.

**2. Relationship to Other Standards.**

- a. This Ordinance does not abrogate, annul, or otherwise interfere with any easement, covenant, and/or other private agreements.
- b. Where the standards of this Ordinance impose a greater restriction than required by other ordinances, regulations, resolutions, rules, easements, covenants, or agreements, the provision of this Ordinance must apply.
- c. The standards of this Ordinance must take precedence over those of other codes, ordinances, regulations, and standards that may be in conflict with this Ordinance.
- d. All development activity must comply with relevant Federal and State law and regulations. Where there is a conflict between this Ordinance and the standards of a Federal or State Law, Federal or State Law supersedes the standards of this Ordinance.

- 3. Hazard Buildings.** No provision in this chapter shall be construed to prevent the Alteration, Demolition, or Relocation of a building when the Code Enforcement Officer certifies that such action is required for the public safety.

- 4. Appeals.** An appeal from the final decision of the Review Board may be taken by any party or person aggrieved to the Zoning Board of Appeals within 30 days from the date of the decision.

**Article 2: Administration**

**A. Historic Preservation Review Board.**

**Commented [3]:** This would be the warrant article and election date that it was voted on (see Article 1, Section 4 of the Core Zoning Code for an example)

1. **Membership.** The Historic Preservation Review Board's membership shall be comprised of five regular members, all legal residents of the Town of Newcastle.
2. **Appointment.** Members of the Historic Preservation Review Board (the Review Board) shall be appointed by a majority vote of the Selectboard to serve staggered terms of 3 years.
3. **Qualifications.** Appointments to the Review Board shall be made on the basis of demonstrated interest, knowledge, ability and experience to promote historic preservation in Newcastle. It is preferred that members have architectural design skills or other experience related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction or trades.
4. **Board Rules.** The Review Board may adopt rules of procedure and policy as it may deem necessary to conduct its affairs, following a public hearing thereon. Board rules shall include application forms and checklists of required submittals that will sufficiently allow applicants to demonstrate compliance with the relevant standards of review.

**B. Certificate of Appropriateness.**

1. In the Historic Special District, a Certificate of Appropriateness issued by the Review Board shall be required for any projects noted in Article 1, Section B.1 above.
2. An affirmative vote of at least three members of the Review Board shall be required to issue a Certificate of Appropriateness.
3. **Permits.** No Permit, including Demolition Permits, Use Permits, or otherwise, may be issued for any construction, reconstruction, alteration, or demolition until a Certificate of Appropriateness has been issued by the Review Board in accordance with this Ordinance.

**C. Procedure.**

1. A Certificate of Appropriateness application must be filed, including payment of the applicable fee, with the Planning Department.
  - a. **Escrow.** In order to assist the Historic Preservation Review Board in reviewing applications, the Review Board may require the applicant to submit an additional escrow to the Town for the purpose of hiring a consultant meeting the professional qualification standards as outlined by the Secretary of the Interior (36 CFR 61) to assist the Review Board in their review of the application.
2. Within thirty (30) days after receiving a completed Certificate of Appropriateness application, the Historic Preservation Review Board must hold a public hearing in accordance with subsection D below.
3. Within thirty (30) days of the closing of the public hearing, the Review Board must make a decision to approve, approve with conditions, or deny the application.
4. For projects that may require additional review by another Permitting Authority within the Town of Newcastle, see Section 2.B.3 above.
5. **Approval.** If the Review Board determines that the proposed Addition, Alteration, Relocation, New Construction or Demolition meets the standards of this Ordinance, it shall approve a Certificate of Appropriateness, and shall notify the applicant and Code

Enforcement Officer, in writing, of the determination along with any conditions of approval.

6. **Denial.** If the Review Board determines that a Certificate of appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of this chapter. However, in order to prepare more detailed findings, the Review Board may postpone the decision for up to two weeks in order to prepare and adopt more-detailed findings. The Review Board shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination.

**D. Public Hearing.**

1. The Review Board shall hold a public hearing on each application for Certificate of Appropriateness prior to a decision being rendered. A notice of the hearing shall be mailed to direct abutters via USPS first class mail, postmarked at least 7 days in advance of the hearing. A notice shall also be posted at the Town Office and on the Town's website. In the case of an application for a new building or an addition to an existing Primary Building, the noticing area shall be extended to abutting property owners within 250' of the subject property.

**E. Time Limits on Certificates of Appropriateness.**

1. If substantial construction has not commenced within one year of the issuance of a Certificate of Appropriateness, the approval shall be null and void except that the deadline may be extended for one additional six-month period by the Town Planner upon written request of the applicant. The written request for an extension must be submitted before the date of expiration of the initial approval. After the approval has expired or an extension has been denied, the applicant may reapply to the Review Board at any time without prejudice. The extension shall be approved by the Town Planner, as outlined above, unless there is:
  - a. Additional information that indicates that the plan does not meet the standards of this Ordinance;
  - b. A failure to meet a condition of approval;
  - c. An amendment to this Ordinance that prohibits or otherwise alters the proposed project.

**Article 3: Standards for Alterations and Additions**

- A. **Purpose.** The purpose of this subsection is to further the purposes of this Ordinance by preserving the essential character of historic buildings which are important to the education, culture, traditions, and the economic value of the Town.
- B. **Applicability.** The following standards shall be used by the Review Board in reviewing applications for Certificate of Appropriateness when an Alteration or Addition to an existing Primary Building is proposed in the Historic Special District, or when an Alteration or Addition to a designated Local Landmark is proposed.
- C. **Standards.**
  1. The distinguishing original qualities or character of a structure and its environment shall not be destroyed. The removal or alteration of any historic material or

**Commented [4]:** Notice that I am only proposing to regulate Primary Buildings and new construction with this Ordinance. It will be a question for the HPC whether or not they want to also regulate Accessory Buildings

distinctive architectural features should be avoided when possible. If removal of historic material or a distinctive feature is proposed, an alternatives analysis should be submitted which identifies what considerations were taken before ultimately deciding on removal and why the other considerations were not feasible.

2. All Primary Buildings shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or architectural elements from other time periods shall not be undertaken.
3. Changes which may have taken place in the course of time are evidence of the history and development of a structure, object or site and its environment. Changes that have acquired significance in their own right shall not be destroyed.
4. Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall not be removed.
5. Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or photographic evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.
6. The surface cleaning of structures and objects, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.
7. Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
8. Contemporary design for Alterations and Additions to existing properties shall not be discouraged when such Alterations and Additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.
9. New Additions or Alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.
  - a. Additions should be made on a side or rear elevation, not on the primary façade, unless in the determination of the Review Board an addition to the side or rear elevation is not possible due to unique constraints of the site.

**Commented [5]:** This means we either need to ask for documentation from applicants or maintain a local record of archeological resources in order to assist applicants

#### Article 4: Standards for Demolitions and Relocations

- A. **Purpose.** The purpose of this subsection is to further the purposes of this Ordinance by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the Town. Furthermore, the purpose of this section is to afford the Town,

historic societies, other preservation organizations, and others interested in preservation the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof, or proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.

- B. **Applicability.** The following standards shall be used by the Review Board in reviewing applications for Certificate of Appropriateness when Demolition or Relocation of an existing Primary Building is proposed within the Historic Special District, or when the Demolition or Relocation of a designated Local Landmark is proposed.
- C. **Stay.** At the hearing on the application for Demolition or Relocation, the Review Board may, in the interest of exploring reasonable alternatives, delay issuance of the Certificate of Appropriateness for up to 90 days from the date of the hearing. If, 10 days prior to the expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, the Review Board may continue the delay for an additional period of up to 30 days. The purpose of the delay is to assist the applicant in finding alternatives to Demolition or Relocation, such as:
1. Assisting in securing funding to preserve in place the structure or important features thereof; or
  2. Finding other ways to preserve the structure, such as outright purchase if possible, or relocation; or
  3. At minimum, to provide the opportunity for the proper recordation of buildings, structures, and sites, including photography and narrative report.
- D. **Standards.** In order to approve an application to relocate or demolish a building within the Historic Special District, or the Demolition or Relocation of a designated Local Landmark, the Review Board must find that the proposal meets at least one of the following standards for approval:
1. The Review Board determines that the structure is not of historic significance based on findings from the Maine Historic Preservation Commission or a qualified architectural historian.
    - a. In order to make this determination, the Review Board shall require the applicant to obtain a letter from the Maine Historic Preservation Commission or escrow funds with the Town to hire a qualified architectural historian to make a determination as to the eligibility of the structure to be listed on the National Register of Historic Places, either on its own or as a contributing structure to an eligible Historic District. If the structure is considered eligible for listing and the applicant formally applies to the National Register and is declined, the status of the property may be reconsidered.
  2. The structure, or predominant portions thereof, has been determined to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard cannot be abated by reasonable measures.
    - a. In order to make this determination, the applicant must escrow funds with the Town sufficient to hire a third-party structural engineer to provide a written report as to the integrity of the building.
  3. No prudent and feasible alternative exists.

**Commented [6]:** Notice that I am only proposing to regulate Primary Buildings and new construction with this Ordinance. It will be a question for the HPC whether or not they want to also regulate Accessory Buildings

**Commented [7]:** Notice here that they only need to meet one.

- a. In order to assist the Review Board in making this determination, the applicant must submit an alternatives analysis indicating the alternatives to demolition considered and the reasons that they are not feasible. Economic hardship may be a consideration, but the applicant must demonstrate through quotes from qualified professionals that the economic hardship would be too great. In this case, Relocation will be encouraged rather than Demolition.
- E. **Conditions of Approval for Demolition.** In approving an application to demolish a building within the Historic Special District, or the Demolition of a designated Local Landmark, the Review Board may impose the following conditions, or any others that it deems appropriate to properly document or attempt to save the structure:
- 1. The applicant shall allow the Review Board, Historical Society, or another historic preservation entity of the Board's choosing to document the structure inside and out prior to the structure's destruction.
  - 2. The applicant shall advertise to the general public the structure as available for free, offering the structure to be moved or scrapped for salvage materials. The advertisement shall appear in a newspaper of local circulation a minimum of two times.

**Article 5: Standards for New Construction and Additions**

- A. **Purpose.** The purpose of this subsection is to further the purposes of this Ordinance by allowing new construction within the Historic Special District that preserves, protects, and enhances the essential character of the District. This subsection provides standards to ensure that new buildings are designed and built in a manner which is compatible with the essential character of the district.
- B. **Applicability.** The following standards shall be used by the Review Board in reviewing applications for Certificate of Appropriateness when New Construction of a Primary Building, or an Addition to a Primary Building, is proposed within the Historic Special District.
- C. **Standards.**
- 1. **Scale and form.** In addition to the requirements for the Historic Special District as outlined in the Core Zoning Code, Article 2: District Standards as well as any applicable Design Standards as outlined in Article 5, the following standards related to building scale and form shall also apply:
    - a. **Height.** The proposed height shall be visibly compatible with surrounding structures when viewed from any street or public open space.
    - b. **Width.** The width of a building shall be visually compatible with surrounding structures when viewed from any street or public open space.
    - c. **Proportions of principal facades.** The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways and open spaces to which it is visually related.
    - d. **Roof shapes.** The roof shape of a structure shall be visually compatible with the structures to which it is visually related.
    - e. **Scale of a structure.** The size and mass of structures in relation to open spaces, windows, door openings, porches and balconies shall be visually compatible with the structures, public ways and places to which they are visually related.
  - 2. **Composition.**

**Commented [8]:** I have not addressed signage in this Ordinance. Committee should provide direction on if signage should be addressed here or if you would prefer that to be looped in with the forthcoming update to Signage across the Town.

**Commented [9]:** Note that additions would be subject to both standards

**Commented [10]:** Again notice that only new construction of primary buildings is included, and this time it focuses specifically on the established Districts.

**Commented [11]:** Notice that I'm only regulating what can be seen from the public realm (streets and open spaces). This is common in Historic Preservation Ordinances so as not to be overly restrictive.



- a. **Proportions of openings.** The relationship of the width to height of windows and doors shall be visually compatible with the buildings to which the new structure is visually related.
  - b. **Rhythm of entrances, porches, and other projections.** The relationship of entrances and other projections to public ways shall be visually compatible with the structures, public ways and places to which the new structure is visually related.
  - c. **Relationship of materials.** The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which the new structure is visually related.
3. **Relationship to street.** In addition to the requirements for the Historic Special District as outlined in the Core Zoning Code, Article 2: District Standards, the following standards related to the relationship between the new construction and the street shall also apply:
- a. **Walls of continuity.** Facades and site structures, such as masonry walls, fences and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related.
  - b. **Rhythm of spacing and structures on streets.** The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related.
  - c. **Directional expression of principal elevation.** A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.
4. Other standards.
- a. **Compatible uses.** In addition to the requirements for the Historic Special District as outlined in the Core Zoning Code, Article 2: District Standards, as well as applicable Use Standards as outlined in Article 6 of the Core Zoning Code, every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character-defining features of the site and its environment or to use a property for its originally intended purpose.
  - b. **Distinguishing original character.** The distinguishing original qualities or character of a site and its environment shall not be destroyed.
  - c. **Archeological resources.** Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

#### Article 6: Alternative procedure for Certificates of Appropriateness for Minor Projects

- A. Applications for minor building alterations or temporary alterations are eligible for review as a Minor Project.
- B. Applications for minor alterations shall be reviewed by the Town Planner rather than the Review Board. The Town Planner may review the application to the standards cited in this chapter and approve the application, approve it with modifications, or deny it within 10 working days of receiving a complete application.
- C. Applicants proposing minor projects may elect for their application to be reviewed by the Review Board according to the procedures and standards required for a Certificate of Appropriateness described in the above Articles, as may be applicable.
- D. No public hearings or abutter notices are required for applications reviewed under this section.
- E. If the Town Planner has not acted within 10 working days, the applicant may seek approval from the Review Board, rather than staff. Inaction by the Town Planner does not constitute approval or disapproval of the application.
- F. If the applicant is not satisfied with the determination of the Town Planner, the applicant shall be permitted to have the entire application reviewed by the Review Board. The Town Planner can, for any reason, forward any Minor Project to the Review Board for review. The Town Planner shall provide the Review Board with written notice of any action as an informational item at the next meeting.

#### **Article 7: Establishment of Historic Special Districts**

- A. Purpose.** To provide a clear amendment process for the establishment or expansion of Historic Special Districts, in accordance with Title 30-A, M.R.S.A § 4352 (Zoning Ordinances), as may be amended from time to time.
- B. Applicability.** This section shall apply to any petition to establish a new Historic Special District or expand an existing Historic Special District, regardless of who is petitioning.
- C. Procedure.**
  - 1. Application.** Any person or group seeking to add or expand historic districts shall request the amendment in writing to the Historic Preservation Review Board. Any proposal by the Selectboard or Planning Board shall be referred to the Review Board for comment before any further action. After receiving the Review Board's recommendation concerning the request, the matter will be placed on the agenda for the Planning Board for further consideration. Any applications for designation of districts shall be in writing.
  - 2. Studies and recommendations.** Before making its recommendation concerning the proposed establishment or expansion of an historic district, the Review Board may conduct studies and research on the proposal. The Review Board shall make a report on every request received within six months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review.
  - 3. Public hearing.** Prior to making a recommendation concerning the proposed establishment or expansion of an historic district, the Review Board shall hold a public hearing on the request, after due notice is provided twice in a newspaper of general circulation. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. The

notice must be written in plain English, understandable by the average citizen. Mailed notice of the proposal shall also be sent to the applicant, owners of all property to be included within the proposed designation, and property within a 250-foot radius of the property under consideration.

4. **Final report.** Not later than 30 days after the public hearing, the Review Board shall submit a final report to the Planning Board with the Review Board's recommendation.
5. **Further action.** After receipt of the Commission's recommendations, as provided above, the Planning Board shall, with 30 days of receipt, hold a public hearing (noticed in the same manner as described in subsection C.3 above) to consider said proposed designation and shall provide an additional recommendation on the request to the legislative body.

**D. Eligibility for Historic Designation.** The historic districts established in accordance with this section shall have one or more of the following characteristics:

1. **History of Newcastle.** Structures, buildings or sites at which events have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, or social history of Newcastle, the State of Maine, or the nation, including sites or buildings at which visitors may gain insight or see examples of particular items or of larger patterns in the North American heritage.
2. **Persons.** Structures, buildings or sites associated with important historic persons.
3. **Ideas.** Structures, buildings or sites associated with important examples of a great idea or ideal.
4. **Architecture.** Structures or structural remains and sites embodying examples of architectural types or specimens valuable for the study of a period, style or method of building construction; for the study of community organization and living; landscaping; a single notable structure; or a site representing the work of a master builder, master designer, architect or landscape architect.
5. **Visual continuity.** Structures or buildings contributing to the overall visual continuity of the historic district.
6. **National Register.** Those sites or areas listed on or eligible for listing on the National Register of Historic Places.

#### Article 8: Establishment of Local Landmarks

- A. **Purpose.** To provide a clear amendment process for the establishment of Local Landmarks, in accordance with Title 30-A, M.R.S.A § 4352 (Zoning Ordinances), as may be amended from time to time.
- B. **Applicability.** This section shall apply to any petition to establish a Local Landmark, to be added to Article 1, Section B.2, regardless of who is petitioning.
- C. **Procedure.**
  1. **Application.** Any person or group seeking to add a Local Landmark to this Ordinance shall request the amendment in writing to the Historic Preservation Review Board. Any proposal by the Selectboard or Planning Board shall be referred to the Review Board for comment before any further action. After receiving the Review Board's recommendation concerning the request, the matter will be placed on the agenda for

**Commented [12]:** This section would essentially allow someone who wants their property to be subject to the provisions of this Ordinance to add it in a way that is less restrictive than putting a Historic Preservation Easement over it (preservation easements require a preservation organization to monitor the easement and conduct yearly visits). Preservation easements also cannot be removed from a property, versus adding a property to this ordinance which could be amended in the future for good cause.

the Planning Board for further consideration. Any applications for designation of Local Landmarks shall be in writing.

- 2. Studies and recommendations.** Before making its recommendation concerning the proposed establishment of a Local Landmark, the Review Board may conduct studies and research on the proposal. The Review Board shall make a report on every request received within six months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review.
  - 3. Public hearing.** Prior to making a recommendation concerning the proposed establishment of a Local Landmark, the Review Board shall hold a public hearing on the request, after due notice is provided twice in a newspaper of general circulation. The date of the first publication must be at least 12 days before the hearing and the date of the 2nd publication must be at least 7 days before the hearing. The notice must be written in plain English, understandable by the average citizen. Mailed notice of the proposal shall also be sent to the applicant and any property within a 250-foot radius of the property under consideration.
  - 4. Final report.** Not later than 30 days after the public hearing, the Review Board shall submit a final report to the Planning Board with the Review Board's recommendation.
  - 5. Further action.** After receipt of the Commission's recommendations, as provided above, the Planning Board shall, with 30 days of receipt, hold a public hearing (noticed in the same manner as described in subsection C.3 above) to consider said proposed designation and shall provide an additional recommendation on the request to the legislative body.
- D. Eligibility for Historic Designation.** The Local Landmarks established in accordance with this section shall have one or more of the following characteristics:
- 1. History of Newcastle.** Structures, buildings or sites at which events have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, or social history of Newcastle, the State of Maine, or the nation, including sites or buildings at which visitors may gain insight or see examples of particular items or of larger patterns in the North American heritage.
  - 2. Persons.** Structures, buildings or sites associated with important historic persons.
  - 3. Ideas.** Structures, buildings or sites associated with important examples of a great idea or ideal.
  - 4. Architecture.** Structures or structural remains and sites embodying examples of architectural types or specimens valuable for the study of a period, style or method of building construction; for the study of community organization and living; landscaping; a single notable structure; or a site representing the work of a master builder, master designer, architect or landscape architect.
  - 5. National Register.** Those sites or areas listed on or eligible for listing on the National Register of Historic Places.

#### Article 9: Interim Protection for Nominations

- A. Nominated Local Landmarks and Historic Districts.** From the time of nomination until the Historic Preservation Review Board acts upon such nomination, a site, structure, object or area

nominated but not yet designated as a Local Landmark or Historic Special District, including expansions to existing Historic shall be subject to all of the provisions of Article 4 governing demolition, to the same extent as if designated. Upon final action of the Historic Preservation Review Board recommending designation, the structure or area nominated shall be subject to all of the protections of this Ordinance until such time as a final decision on designation by the legislative body becomes effective. If the legislative body rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of Article 4 of this Ordinance.

#### **Article 10: Definitions**

**Addition:** An improvement that increases the square footage of a structure. These include lateral additions added to the side or rear of a structure or vertical additions added on top of a structure.

**Alteration:** Any change in siding materials, roofing materials, foundations, gutters, door and window sash and integral decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railing, balusters, columns, cupolas and cresting and roof decorations. This definition also includes the addition of rooftop solar panels, skylights, utilities, and similar when seen from the public realm.

**Applicant:** A person or entity who has submitted an application for review under the applicable standards of this Ordinance.

**Certificate of Appropriateness:** The approval documentation indicating compliance with the relevant standards of this Ordinance.

**Demolition:** The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

**Historic Special Districts:** Those shown on the Official District Map of the Town of Newcastle, Maine as may be amended from time to time. The Official District Map is included in Article 1 of the Core Zoning Code.

**Legislative Body:** Voters of the Town of Newcastle at a duly-noticed Town Meeting.

**Local Landmarks:** Those properties, which may be located outside of the Historic Special Districts, but which have been designated as Local Landmarks as provided in Article 7 of this Ordinance.

**Minor Alteration:** Incidental changes or additions to a building which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Town Planner, such change shall alter the historic character of the building.

**New Construction:** New construction includes the placement of a new Primary Building on a site, whether the new Primary Building is post-and-beam construction or factory-built/manufactured.

**Primary Building:** A permitted building capable of occupying a lot as the sole structure.

**Principal Facade or Principal Elevation:** The front of a building facing the street.

**Public Realm:** All public or civic lands including roads, sidewalks, rights-of-way, and frontage zones.

**Review Board:** The Newcastle Historic Preservation Review Board, as established by Article 2 of this Ordinance.

**Temporary:** For the purposes of this Ordinance, the term Temporary shall have the same meaning as Temporary Structure, as outlined in Article 4, Section 9 of the Core Zoning Code.

