

**Town of Newcastle**  
**Ad-Hoc Historic Preservation Ordinance Committee**  
**Agenda**  
**Meeting Date: April 6, 2023 at 5:00PM**  
**Location: Fire Station Community Room, 86 River Road**

1. Call to Order
2. Review of minutes of previous meeting: February 16, 2023 & March 23, 2023
3. Overview of Historic Preservation Ordinance, Draft 2 (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. Other Committee comments/discussion
7. Adjournment

Next meeting: April 26th, 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.

**Town of Newcastle**  
**Historic Preservation Ordinance Committee**  
**Meeting Date 3/23/23 at 5pm**  
**At the Town Community Room (Fire Station)**

**Members Present:** Ben Frey, Karen Paz, Bonnie Stone, Catherine Burke, Tor Glendinning  
**Also Present:** Isabelle Oechsle (Consulting Planner), Mal Carey (Resident)

**Minutes**

1. **Call to Order:** In the absence of an elected Chair, Isabelle Oechsle began the meeting at 5:05PM.
2. **Overview of Historic Preservation Ordinance, Draft 1:** Isabelle gave a presentation reviewing the comments that the Committee provided her at the February 16th meeting and indicating how Draft 1 of the Historic Preservation Ordinance addresses the Committee's comments and concerns.

Tor noted that he wanted to make sure that the Committee is all on the same page with the broad goals of this ordinance effort, to ensure that we aren't creating another iteration of the controversial Design Review Committee. The Committee had discussion surrounding perceived benefits to being in the State's Certified Local Government program, and if these perceived benefits outweigh the perceived cost of following the State's CLG Guidelines. In general, Committee members indicated that they appreciate the clout that following state and federal guidelines would provide and that it would give any Committee enforcing the provisions of this ordinance legitimacy if we can point to state and federal guidelines for historic preservation.

It was noted that the major problem with the Design Review Committee was that it was way too broad in the properties that it was trying to manage, but that the people within the historic districts that this ordinance attempts to regulate actually understand the value and protection of historic properties and may even appreciate it. Tor noted that there are approximately 74 parcels within the Historic Special District, far less than what the Design Review Committee regulated.

The Committee agreed that the overall goal of the ordinance should be providing a regulatory framework that actually works for Newcastle rather than attempting to specifically follow State guidelines. However, if we end up creating an ordinance that follows State guidelines then we will consider that an additional win.

Discussion occurred surrounding the number of people that should be on the Historic Preservation Review Board, the desire for criteria for members of the Review Board to be beefed up (including a requirement for representation of members from each of the three historic districts with the Newcastle and a desire for the remaining members to have specific professional experience), and the Committee's desire for additional standards to differentiate between "minor" and "major" projects. Isabelle asked the Committee if they believed that members (of a Review Board) all have to be residents of Newcastle. The Committee seems to agree that, outside of the representation of residents of each historic district, remaining members could be people who simply work in Newcastle in a field related to history or historic preservation.

The Committee asked Isabelle to clarify enforcement provisions in the next draft of the ordinance as well.

3. **Discussion of Ordinance items flagged for additional direction:** In her presentation, Isabelle flagged a number of items that required additional direction and discussion from the Committee. In answering Isabelle's questions the Committee noted the following:
  - Yes, we do need to regulate accessory structures
  - Yes, we need specific standards around utilities (but we want to understand how other communities are regulating solar panels in historic districts)
  - Signage can be saved for future amendments to the Core Zoning Code, rather than being included in this ordinance

In addition, the Committee noted that they want to ensure that Article 8 is clear that inclusion as a Local Landmark is elective, or at least requires property owner permission. Ben noted that standards such as "ensure visual compatibility" are too subjective and asked Isabelle in the next draft to further describe what that actually means (e.g. what architectural styles will be considered, what time period, etc.).

The Committee flagged further discussion of regulating color for another future meeting.

4. Adjournment: Adjourned at 7:17PM.

To: Historic Preservation Committee  
From: Isabelle Oechsle, Planning Consultant  
Date: April 6, 2023 Meeting  
RE: Draft 2: Historic Preservation Ordinance

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## **BACKGROUND**

During our second meeting on March 23, 2023, I presented my initial draft of the Historic Preservation Ordinance. We had discussion surrounding overarching goals of the Ordinance as well as some specific regulatory questions that I had flagged.<sup>1</sup>

In terms of edits for Draft 2, what I heard from you all centered around the following:

- Strengthen the standards for who is eligible to be on the Committee, including a requirement that there is representation from each of the three historic districts
- Create/strengthen standards for Major/Minor Projects, allow for staff-level (administrative) review of certain projects
- Clarify standards for enforcement
- Clarify expectations around the use of alternative materials
- Regulate Accessory Structures
- Create standards surrounding utilities
- Save signage for future amendments to the Core Zoning Code rather than including it within the Ordinance at this time
- Standards such as “ensure visual compatibility” are too subjective; clarify what that means

You also asked me to review what other communities are doing surrounding the regulation of solar panels and requiring maintenance of structures within designated historic districts, which I expand upon in my Recommendations section below.

## **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. *Strengthen the standards for who is eligible to be on the Committee:*** Article 2 outlines qualifications for appointed Committee members. I’ve added a requirement that representation from each of the three historic districts exists on the Committee. I’ve also added a requirement that resumes, CVs, or other documentation of experience will be reviewed by the Selectboard in determining

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<sup>1</sup> See the meeting packet for that meeting for more information, available on the Town’s website here: <https://www.newcastlemaine.us/planning-department/ad-hoc-historic-preservation-committee/agenda/march-14-2023-meeting-packet>

who should be on the Committee. I also removed reference in the previous draft that all members had to be residents of Newcastle. Notice also Article 2, Section C.1.b, which outlines expectations for the escrow of funds to assist in review of projects.

- 2. *Strengthen standards for Major/Minor Projects:*** Under Article 2, Section C of this draft, I have provided standards and applicability criteria to differentiate between Minor (staff-level) and Major (Review Board) projects. The thought is that Minor Projects would be those that do not require substantial change to a historic property. I added quite a few potential projects to the Minor Project review section so that it would be clear to staff, applicants, the public, and the Review Board what is deemed small enough for an expedited review process. The thought is that Major Project review (with the Review Board) would be reserved for projects that would have a significant impact on the historic fabric and visual continuity of existing districts, with the recognition that any changes to historic properties are of importance to the Town and thus require at least some level of review.
- 3. *Clarify standards for enforcement:*** In Draft 2, I added Article 10 regarding enforcement. In general, enforcement of a Historic Preservation Ordinance is similar to enforcement of any other zoning ordinance and requires the Code Enforcement Officer to first provide the property owner the opportunity to rectify a violation in a certain amount of time before the Code Enforcement Officer seeks Selectboard approval to pursue the action further in court. To keep it simple, I simply referenced the State Statute regarding enforcement.
- 4. *Clarify expectations around the use of alternative materials:*** In Article 3, Section C.1 (where materials are discussed), I have noted that if use of an alternative material is proposed, the applicant needs to explain how that material is a sufficient substitute in quality, permanence, and look. If the Committee's desire is to explore in detail what specific alternative materials to frequently used historic materials would be sufficient, I would recommend having that list be in the *Design Guidelines for Historic Districts* companion to this Ordinance rather than in the Ordinance itself. If you include it in the Ordinance, you would need to update the Ordinance everytime that an innovative new alternative material comes out and you want to allow it (whereas the *Guidelines* book will not be a regulatory document).
- 5. *Regulate Accessory Structures:*** Anywhere that Draft 1 referenced regulating Primary Buildings, I also noted that Accessory Buildings require review. Please note that I did provide that Accessory Buildings of less than 120 square feet

could be subject to Minor Project (staff-level) review. Anything larger than 120 square feet would require review by the Review Board.

- 6. *Create standards surrounding utilities:*** I added standards for the placement of rooftop utilities in Article 5, Section C.1.d, requiring that such utilities are either placed where they will not be visible from the public realm or requiring them to be screened by decorative elements in keeping with the surrounding neighborhood. Applicants would need to do some analysis and prove to the Review Board that any decorative elements are in-keeping with the established neighborhood context.
- 7. *Clarify what “ensure visual compatibility” means:*** The section where this phrase was most frequently mentioned is Article 5: Standards for New Construction. I have eliminated this phrase in this section and have instead described the analysis that would be required of the applicant to demonstrate “visual compatibility.” Most of the standards focus specifically on immediately abutting structures, but some allow the applicant to look at the whole neighborhood. In general, this is a bit difficult to regulate across all three historic districts since they each vary so broadly. Even no two streets in the Glidden Street neighborhood, for example, are the same! Some have groups of 3-4 buildings that are all similar and, in these contexts, infill development would need to mimic those buildings. Alternatively, in areas where each building is already so different, applicants would have more freedom in their analysis to be more variable, while still mimicking features found on existing structures. I think that the standards as I have drafted them reference and respect these different contexts where infill development could occur.

## **RECOMMENDATIONS**

I have included my recommendations for the items that you all flagged for additional research during our last meeting within Draft 2 of the Ordinance and have provided rationale for these recommendations below.

- 1. *How are other communities handling the regulation of solar panels in historic districts?*** The Secretary of Interior puts out technical guidance on a variety of issues related to historic preservation. The Technical Brief on solar panels is available online [here](#). In general, their recommendation is that solar panels should be installed in such a way as to not be visible from the public realm. However, they have recognized (as we also did in our discussions last meeting) that for some sites, no other feasible alternative exists. In this case, Draft 2 would require the applicant to submit to the Review Board an alternatives analysis demonstrating that no feasible alternative (including



ground-mounted solar) exists. In addition, the draft standards in Article 7 require the applicant to demonstrate that impact to historic roofing materials is limited.

2. ***What can and what should we do to compel people to maintain their historic properties?*** From an equity lens, requiring people to maintain their properties can become a touchy subject. The Ordinance as drafted requires those who are actively seeking new permits for construction to adhere to the relevant review standards. It is probably not appropriate to require those who would not otherwise be doing work on their buildings to adhere to the Ordinance, unless there is a concern with the structural integrity of historic resources (where such deterioration by neglect would impact the overall fabric of the district). Similar to the way that building codes tackle the issue, I would recommend focusing specifically on structural integrity of a building rather than forced maintenance for aesthetic purposes. (For your knowledge, this also appears to be the way that both Castine and Portland are handling this issue.) Furthermore, unlike when someone is proposing to do work on their property out of desire (where the burden of proof would be on the applicant), forced maintenance should be the burden of the Town to prove, and Newcastle should plan to budget a small amount of funds to hire a structural engineer to address concerns accordingly. Article 11 of Draft 2 includes language that I believe addresses the Committee's concerns while still being equitable and considerate to all property owners within the districts.

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

Finally, I have identified some items that we did not specifically address during our March 23rd meeting but that I believe warrant additional discussion. It would be helpful in preparing for Draft 3 if discussion at the April 6th meeting could focus on the following questions:

1. How should we regulate the paint color of historic structures?

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#### ***Attachments:***

1. *Newcastle Historic Preservation Ordinance, Draft 2 (tracked changes)*

## 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 or Accessory Building in the Historic Special District.
  - b. Moving any Primary or Accessory Building or portion of any Primary or Accessory Building located within the Historic Special District.
  - c. Exterior Additions or Alterations to any Primary or Accessory Building or portion of any Primary or Accessory Building located within the Historic Special District.
  - d. Reconstruction of any Primary or Accessory Building or portion of any Primary or Accessory Building located within the Historic Special District.
  - e. New construction of Primary or Accessory 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, and 5, 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

**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

and are required for the operation and physical health of the building and do not significantly alter the building or compromise historic features or character-defining elements on the structure (subject to the determination of the [Planning Department](#)~~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.

**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)

**Article 2: Administration**

**A. Historic Preservation Review Board.**

1. Membership. The Historic Preservation Review Board's membership shall be comprised of five regular members. There shall be at least one member from each of the Town's three Historic Special Districts (Damariscotta Mills, Sheepscot Village, and Glidden Street).
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. In making this determination, the Selectboard shall require applicants for appointment to the Review Board to demonstrate their skills or experience by submitting a resume, CV, or other documentation.
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.

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**B. Certificate of Appropriateness.**

1. In the Historic Special District, a Certificate of Appropriateness issued by the relevant Permitting Authority 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.~~
- ~~3.2.~~ 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.

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**Commented [4]:** Move to procedure below

**C. Procedure.**

1. General.
- ~~1.2.~~ **Application & Fees.** A Certificate of Appropriateness application must be filed, including payment of the applicable fee, with the Planning Department on forms created by the Town for that purpose.
  - a. **Escrow.** In order to assist with the review of applications, the relevant Permitting Authority~~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.~~

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b. Determination of Completeness. Upon receipt of an application, the Planning Department shall determine whether the application is complete and shall determine whether the scope, nature, or scale of the proposed project requires review by the Historic Preservation Review Board or whether it is a minor or routine project that is appropriately reviewed at the administrative level.

3. Minor Projects.

a. Permitting Authority. Minor Projects shall be reviewed administratively by the Planning Department.

b. Applicability. Minor Projects include various projects in which the visual character of the property is not substantially changed, including, but not limited to, the following:

1. The removal of materials and features that are not in compliance with Section 3.C below (e.g. because they have no historical basis or create a false sense of historical development);
2. The replacement of materials and features not in compliance with Section 3.C below with materials and features that are in keeping with Section 3.C (e.g. replacing architectural features that have no historical basis with ones that do);
3. The installation of missing historical materials and features, supported by documentation;
4. Repointing and other masonry repairs;
5. The installation of fences or low walls of wood, stone, brick or similar, that otherwise comply with the relevant review standards;
6. The installation of sheds or Accessory Buildings that are less than 120 square feet that otherwise comply with relevant review standards;
7. Construction or replacement of patios or decks which cannot easily be seen from the public realm;
8. Exterior placement of meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes, and components of HVAC systems, so long as the placement is not on the primary facade;
9. The installation of security devices, such as control panels, touch key plates, mirrors, cameras, and peepholes, so long as the placement is not on the primary facade;
10. Addition, removal or replacement of cloth, canvas or acrylic awnings that otherwise comply with the relevant review standards;
11. Removal of deteriorated accessory buildings which are not original to the site or otherwise historically significant;
12. Installation of a temporary structure designed to promote safe access for individuals with disabilities, so long as the temporary structure can be removed and does not impact the essential form of the property;
13. The replacement of exterior light fixtures and the installation of new light fixtures, including fixtures to illuminate signage.

c. Process. Where staff determines that such an application meets the relevant review standards, the Certificate of Appropriateness shall be issued by staff within ten (10) business days, without presentation to the Historic Preservation Review Board for approval. If the Planning Department has not acted within ten (10) business days, the applicant may seek approval from the Review Board,

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rather than staff. Inaction by the Planning Department does not constitute approval or disapproval of the application.  
d.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, as may be applicable.  
e.If the applicant is not satisfied with the determination of the Planning Department, the applicant shall be permitted to have the entire application reviewed by the Review Board. Staff can, for any reason, forward any Minor Project to the Review Board for review. The Planning Department shall provide the Review Board with written notice of any action as an informational item at the next meeting.

4. Major Projects.

a. Permitting Authority. Major Projects are reviewed by the Historic Preservation Review Board at a duly-noticed public hearing.

b. Applicability. Major Projects involve a change in the appearance of a property and are more substantial in nature than Minor Projects. They include, but are not limited to, the following:

1. New Construction or Additions to buildings;
2. Demolition of any part of a structure;
3. Discovery of any archaeological resource on the site;
4. Moving of buildings;
5. New Accessory Buildings greater than 120 square feet;
6. Replacement of architectural details when there will be a change in design or materials from the original or existing details;
7. Changes to roof lines.

2- Process. If the Planning Department determines that the project is complete and should be reviewed by the Historic Preservation Review Board as a Major Project, the item shall be scheduled for the next available Review Board meeting, provided that the noticing requirements of Section 2.D can be met prior to that meeting. 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.

3-5. 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.

4-6. For projects that may require additional review by another Permitting Authority within the Town of Newcastle, see Section 2.B.23 above.

5-7. Approval. If the Permitting Authority 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.

6-8. Denial. If the Permitting Authority 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 ten (10)

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~~business day~~two weeks in order to prepare and adopt more-detailed findings. The Review Board shall notify the applicant and the Code Enforcement Officer within ten ~~(10)~~ business days of the final determination.

**D. Public Hearings.**

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 Primary Bbuilding or an addition to an existing Primary Building, the noticing area shall be extended to abutting property owners within 250' of the subject property.

~~1-2.~~ Public Hearings or notification are not required for Minor Projects reviewed administratively.

**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 or Accessory Building is proposed in the Historic Special District, or when an Alteration or Addition to a designated Local Landmark is proposed, except for the installation of solar panels which shall be governed by Article 6.-
- 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 distinctive architectural features should be avoided when possible. If removal of

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historic material or a distinctive feature is proposed, an alternatives analysis should be submitted which identifies: (1) -what considerations were taken before ultimately deciding on removal and why the other considerations were not feasible; (2) if an alternative material is proposed, how the alternative material is considered a similar substitute in quality, permanence, and look.-

2. All Primary and Accessory 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 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 Permitting Authority view Board an addition to the side or rear elevation is not possible due to unique constraints of the project 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.

**Commented [6]:** Notice here that they only need to meet one.

- 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.
  - 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 or Accessory Building, or an Addition to a Primary or Accessory 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.** Within allowable height limits, a proposed building or addition must be configured to relate to its immediate neighbors. Where the new building or addition is proposed to be taller than immediate neighboring structures, the applicant must demonstrate that the character of the streetscape and the scale and character of the pedestrian-oriented lower portions of the building are preserved. This can be achieved through such design techniques as multiple building setbacks, different fenestration patterns, strong intermediate cornices, arcades, or similar. Where individually-styled and varied buildings of diverse

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~~height are in the immediate vicinity, the height of new construction can be more varied reflecting the variety of height, roof shapes and elements in the area. The proposed height shall be visually compatible with surrounding structures when viewed from any street or public open space.~~

- b. **Width.** Within allowable setbacks, new construction within historic districts shall mimic the rhythm of facades along the street of its immediate neighbors. ~~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 proportion of facades, particularly those fronting on streets or other publicly-accessible open space, is frequently one of the strongest visual and physical characteristics found in historic districts. The characteristic proportion of existing facades should be evaluated and new construction should be compatible in proportion with existing buildings in the neighborhood. An analysis of the proportions of immediately adjacent buildings as well as buildings within the neighborhood from the same time period should be undertaken when designing infill construction. If needed, large buildings should be broken down into smaller units to correspond with typical proportions of surrounding 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. **Roofs.**

- 1. **Roof shapes.** In some areas, rooflines are the same for an entire block. ~~In this case, a new building's roof should draw its character and shape from the existing neighboring context. In other areas, no two rooflines are the same. The applicant should submit an analysis demonstrating how the proposed roof shape will fit with the established context of the neighborhood and of immediately adjacent structures. The roof shape of a structure shall be visually compatible with the structures to which it is visually related.~~
- 2. **Rooftop additions.** Rooftop additions shall be designed so that they cannot be seen from immediately surrounding streets or publicly accessible open space. This can be accomplished by holding such additions back from the edges of the building, and keeping the roofline simple and traditional in space.
- 4-3. **Rooftop utilities.** When rooftop utilities, including but not limited to communication antennae, satellite dishes, mechanical units, elevator towers, and vents are proposed, the utility shall be visually screened from surrounding streets or publicly accessible open space by the placement of decorative elements such as dormers, cupolas, decorative chimneys, and decorative ironwork that are in keeping with the established context of the neighborhood and of immediately adjacent structures. Alternatively, rooftop utilities shall be placed in such a way where they are not visible from the public realm, such as on the rear of the building.

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- 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.

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## 2. Composition.

- a. **Proportions of openings.** Characteristic sizes and proportions of window and door openings, created by repeated patterns of design elements which are found on adjacent buildings on the block (such as residential projections that create patterns of light and shade such as overhangs, porches or bay windows) shall be incorporated into the new facade. 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.** Characteristic relationship of entrances and other projections to public ways found on adjacent buildings on the block shall be incorporated into the new facade visually compatible with the structures, public ways and places to which the new structure is visually related.
- c. **Relationship of materials.** An infill structure shall generally be composed of materials and textures which have historically been used in the district or on the street. The applicant shall review materials used on existing historic houses in the immediate vicinity of the proposed site, and shall utilize materials commonly found in the neighborhood. Materials shall be selected based on their high-quality, durability, and permanence. 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.

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**Commented [9]:** e.g. if every house immediately adjacent has a front bay window, the new house should have a front bay window

**Commented [10]:** e.g. if every house immediately adjacent has a facade spanning front porch, the new house should have a facade spanning front porch

- 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:

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- 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 continuity with the structures, public ways and places to which such elements are visually related.
- b. **Rhythm of spacing and structures on streets.** The infill building shall reflect the characteristic rhythm of facades along the street. If a typical house in the neighborhood sits in the center of a large lot, with its entrance to the side, a new house should have a similar stance. Thus the rhythm of the side yard open space to building to side yard on the street will be maintained. If sideyards are small or non-existent, new construction should be based on the same rhythm, even if the site consists of several contiguous lots. 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.** The overall shape of a building, the placement of openings, the use of porches, and the arrangement of

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~~architectural details, among other design techniques, determine whether a structure has a predominantly vertical, horizontal, or non-directional character. The directional expression of adjacent buildings should be taken into account when designing an infill building, to keep the overall lines of the streetscape visually pleasing. For additions, the directional expression of existing buildings from the same time period shall be considered. 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.

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**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.A. 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.B. 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.~~

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#### Article 6: Alternative Standards for the Installation of Solar Panels

- A. Purpose. Recognizing that historic properties may need to adapt to changing technologies, this section is intended to provide clear standards for the review of the installation of solar panels on historic buildings.
- B. Applicability. The following standards shall be used by the Review Board in reviewing applications for Certificate of Appropriateness when the installation of solar panels is proposed on a Primary or Accessory Building within the Historic Special District or on a designated Local Landmark.
- C. Standards.
1. Permanent removal of historic roofing materials as part of the installation of solar panels on visible portions of a roof shall not be undertaken.
  2. Permanent removal or otherwise altering a historic roof element and configuration – dormers, chimneys, or other features on visible portions of a roof shall not be undertaken.
  3. Any installation procedure that will cause irreversible changes to historic features or materials on visible portions of a roof shall not be undertaken.
  4. The placement of panels on top of visible slate or clay tile roofing shall not be undertaken.
  5. The placement of panels in an array shape that does not echo that of the visible roof plane shall not be undertaken.
  6. Where possible, solar panels shall be placed in such a way that they are unable to be seen from the public realm. In addition to demonstrating compliance with the above standards, if the applicant is proposing to install solar panels that would be visible from the public realm, the applicant shall submit an alternatives analysis demonstrating why the panels could not be placed on a different facade so as to be less visible and why ground-mounted solar is not feasible. The Review Board may only approve visible solar panels if, in the determination of the Board, a reasonable alternative does not exist.

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#### **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 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.

**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.



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: Maintenance and Neglect

- A. All Local Landmarks, and all structures located in the Historic Special District, shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and/or any other person or persons who may have legal custody and control thereof:
  1. Deteriorated or inadequate foundation which jeopardizes its structural integrity;
  2. Defective or deteriorated floor supports or any structural members of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
  3. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardize its structural integrity;
  4. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split, or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity;
  5. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity;
  6. Lack of weather protection which jeopardizes the structural integrity of the walls, roofs, or foundation.
- B. Complaints or concerns regarding neglect or lack of maintenance of structures shall be routed through the Code Enforcement Officer.

- C. In investigating complaints regarding neglect or lack of maintenance the Code Enforcement Officer may, at the sole cost of the Town, hire a structural engineer or other qualified consultant to review the subject property.
- D. If any of the above structural defects are determined to exist, the Code Enforcement Officer shall notify the property owner of the violation of this Article. Any such order shall be in writing, shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, which may be extended by the Code Enforcement Officer for reasonable periods to allow the owner to secure financing, labor or materials.
- E. The owner or such other person shall repair the building or structure within a specified period of receipt of a written order to correct defects or repairs, so that such structure shall be preserved and protected in accordance with the purposes of this Ordinance.

#### **Article 11: Enforcement**

- A. Where the applicant has done work or caused work to be done on a structure or a property for which a Certificate of Appropriateness is sought and such work is either not done in compliance with an approval received under this Ordinance, or any other Ordinance of the Town of Newcastle, or was performed without the approvals required under this Ordinance or any other Ordinance of the Town of Newcastle, no application for such structure or property shall be considered by the Planning Department or by the Historic Preservation Review Board until the work done without approval is brought into compliance with the requirements of the relevant Ordinance.
- B. Review of any application by the Planning Department or by the Historic Preservation Review Board shall not constitute waiver of any future claims by the Town concerning violations and shall not stop the Town from prosecuting any violation.
- C. Failure to perform any act required by this Ordinance or of any conditions of approval on any Certificate of Appropriateness issued hereunder, or performance of any act prohibited by this Ordinance, shall constitute a violation and be subject to a fine as provided in 30-A M.R.S. §4452, as may be amended. Each day on which there is failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this section.

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#### **Article 120: Definitions**

**Accessory Building:** An additional building on a lot that may contain a dwelling, a nondwelling unit, or a commercial unit.

**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 or Accessory 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.