

**Town of Newcastle**  
**Ad-Hoc Historic Preservation Ordinance Committee**  
**Agenda**  
**Meeting Date: September 7, 2023 at 5:30PM**  
**Location: Fire Station Community Room, 86 River Road**

1. Call to Order
2. Review of minutes of previous meeting: August 8, 2023
3. Overview of Historic Preservation Ordinance, Draft 11 changes (incorporating changes requested by the Planning Board and Town Planner)
4. Overview of *DRAFT* Design Guidelines Manual
5. Other Committee comments/discussion
6. Adjournment

Upcoming Dates:

- September 21, 2023 at 6:30PM: Planning Board Public Hearing on Draft Ordinance

**Town of Newcastle**  
**Historic Preservation Ordinance Committee**  
**Meeting Date 8/8/23 at 5:30pm**  
**At the Town Community Room (Fire Station)**

**Members Present:** Bonnie Stone, Tor Glendinning, Ben Frey, Karen Paz, Catherine Burke  
**Also Present:** Isabelle Oechsle (Consulting Planner), Michael Martone (Town Planner), 4 members of the public

**Minutes**

1. **Call to Order:** Chair Tor Glendinning called the meeting to order at 5:34PM.
2. **Review of minutes of previous meeting: July 5, 2023:** *Ben Frey moved to accept the meeting minutes as drafted. Catherine Burke seconded, and the motion carried 3-0-2, with Karen Paz and Bonnie Stone abstaining.*
3. **Overview of Historic Preservation Ordinance, Draft 9:** Isabelle provided an overview of this draft, indicating the sections where changes occurred based on Committee and public feedback from both the previous meeting and the July 26th Public Informational Meeting (see memo for Draft 9, available in the meeting packet [here](#)).

Discussion was had about the contributing versus non-contributing determination in the draft, which would allow for properties determined to be non-contributing by the Review Board to be exempt from Tier 1 review. There was extensive discussion around putting a timeframe (based on the date that the building was constructed) on structures that would be required to undergo Tier 1 review. As a starting point for discussion, Isabelle suggested 50 years (or 1973), which mimics the National Register of Historic Places eligibility criteria. It was generally agreed upon by Committee members that 50 years is too recent - Tor suggested 100 years (so 1923). Bonnie suggested that, instead of years, how about starting the discussion with which architectural styles we care specifically about regulating. It was noted that many buildings are a mix of a couple of architectural styles (or are more vernacular). It was ultimately decided that, rather than distinguishing between contributing and non-contributing structures (or District-defining and District-contributing structures, another terminology suggested to underscore that even newer structures still contribute to the overall character to the District), the Ordinance should simply note that structures built after the year 1930, according to the Tax Assessor's records, would be exempt from Tier 1 review.

***Tor Glendinning moved to recommend the draft Ordinance, as amended by the Ad-Hoc Committee this evening, to the Planning Board for review and a public hearing thereon. Karen Paz seconded, and the motion carried unanimously.***

4. **Other Committee/Public Comment:** Robert Gullo, Glidden Street: Noted that he believes that most people in Glidden Street neighborhood share the goal of the Ordinance, but disagree on how to get there. He is concerned about a small group creating this regulation and urged the Committee to seek out different viewpoints. He asked how the Ad-Hoc Committee was decided upon (Karen answered that after a call for applicants in the newspaper and at the Town Office, the Selectboard appointed this group). Mr. Gullo noted that he believes that this Ordinance is

overreach and is more the arbitration of aesthetics rather than historic preservation. He asked who is even asking for this Ordinance? Tor responded that a number of residents of Glidden Street and the other historic districts expressed desire for this Ordinance after the adoption of the Core Zoning Code. Mr. Gullo also noted that he doesn't believe that the Ordinance should regulate properties when viewed from the River.

Mal Carey: The draft Ordinance and the notes accompanying it have not been sufficiently shared with the public living outside of the historic districts. Suggested that better communications are in order, including a report in the Lincoln County News, and mailed notices in advance of public hearings. Only posting on the Town website misses many older people in the community. Mr. Carey urged the Committee to thoroughly consider the timeframe between the final product being available and the Town Meeting vote.

5. **Set dates for public hearings:** Ben noted that it would be beneficial to have the Design Guidelines available in advance of the Planning Board public hearing. Isabelle noted that this would be doable if the public hearings were in mid-September. Ben suggested an initial workshop with the Planning Board to educate them about the process thus far in advance of the public hearing. A workshop with the Planning Board was scheduled for August 17th, and Isabelle noted that she would coordinate with the Town Planner about getting a memo to the Planning Board in their meeting packet.

An additional meeting of the Review Board was scheduled for September 7th at 5:30pm to review the draft Design Guidelines Manual.

Karen suggested that, during the public hearings, images are provided to show what the Ordinance is intending to protect against. She also suggested noting other communities in Lincoln County that have Historic Preservation Ordinances for the public's knowledge.

6. **Adjournment:** The meeting adjourned without objection at 8:25pm.

To: Ad-Hoc Historic Preservation Committee  
From: Isabelle Oechslie, Planning Consultant  
Date: September 7th, 2023 Meeting  
RE: Draft 10: Historic Special District Review Ordinance (previously known as Historic Preservation Ordinance) & *DRAFT* Design Guidelines Manual

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### **DRAFT 10 AMENDMENTS**

Between the Committee's last meeting on August 8th, the Chair and I participated in a workshop/informational session with the Planning Board regarding the draft Ordinance. At that meeting, the Planning Board and the Town Planner offered a number of comments for consideration. In addition, the Town's attorney provided legal review of the document and offered some minor edits or additions.

The attached draft is a collaboration between myself and the Town Planner to attempt to resolve some of his outstanding questions or concerns, mainly around the administration of the Ordinance. The intent of these edits were not to make policy changes, but rather to clarify and strengthen the standards as drafted by you all. Our focus was on administrative edits rather than policy considerations. We will both be present to answer any questions that you have about these changes on September 7th. This draft is locked until the Planning Board's public hearing, but if changes are desired then they can be made alongside any changes requested as a result of the Planning Board's public hearing.

This draft also incorporates suggested edits by the Planning Board, which do slightly change policy. These suggested edits focused on providing flexibility around where members of the Review Board will hail from (making it preferred that there are members from each of the historic districts, rather than expressly required, in case you cannot find volunteers from each neighborhood) and on providing flexibility in the qualifications of members. It was suggested that demonstrated interest in historic preservation should be enough for a potential volunteer to be considered, rather than only allowing volunteers who have degrees or experience but aren't necessarily a good fit otherwise. Following these comments, the Planning Board voted unanimously to set a public hearing on the draft Ordinance for their next regularly scheduled meeting on Thursday, September 21st at 6:30PM.

### **DRAFT DESIGN GUIDELINES MANUAL**

Within this packet, you will also find a draft Design Guidelines Manual. I am providing this for you to review the format and text provided and offer any edits in advance of the Planning Board's public hearing.

The first objective of this manual, therefore, is to provide the Review Board with illustrated guidelines to assist in their deliberations regarding the standards of review as outlined in Article 2 of the Historic Special District Review Ordinance.

The second objective is to provide advisory guidance on how to develop an application that will comply with the relevant review standards. It should not be construed as the only way to comply with the review standards, nor shall it be construed as a regulatory document. The only provisions which may be used by the Review Board in determining compliance with the standards of review are the standards themselves, as outlined in Article 2 of the Ordinance.

There are sections devoted to the standards of review, a section devoted to definitions (which mimics those found in the Ordinance), and finally, a section devoted to common architectural styles found in Newcastle and their character-defining features, which should assist both applicants and the Review Board in interpreting standards and carefully planning projects that will meet those standards.

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*Attachments:*

- 1. Newcastle Historic Preservation Ordinance, Draft 10 (tracked changes)*
- 2. DRAFTNewcastle Design Guidelines Manual*

# HISTORIC SPECIAL DISTRICT REVIEW 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 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. Unless otherwise specified, this Ordinance shall apply to all property within the Historic Special District as shown on the Official District Map in Article 1 of the Core Zoning Code.
2. In addition, certain standards shall apply to designated Local Landmarks as described in this subsection.
  - a. Reserved.

### C. Exempt Activities.

1. Activities exempt from review under the standards of Article 2, as may be applicable, are the following:
  - a. Alteration to or addition of removable decorative features including but not limited to: mailboxes, flowerboxes, flags, ~~or other similar removable decorative features.~~
  - b. Change in paint color, except when the painting of brick, stone or other masonry is proposed.
  - c. The installation of security devices, including but not limited to: ~~such as~~ control panels, touch key plates, mirrors, cameras, and peepholes.
  - d. Exterior placement of utility meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes, and components of HVAC systems, when the placement is not on the Pprimary Ffacade;
  - e. General maintenance and repair of structures, ~~(~~including but not limited to the following: scraping and repainting, caulking and weather-stripping, and the replacement of materials when the materials will look the same when viewed from the Public Rrealm;
  - f. 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 existing 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).

**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 Title 30-A, §2101.

**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. Where standards conflict, 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. Additions or Alterations for the purpose of complying with other codes, ordinances, regulations, and standards are still subject to review by this Ordinance. This Ordinance does not abrogate or annul any other codes, ordinances, regulations or standards.
- d. All development activity must comply with relevant Federal and State laws and regulations. Where there is a direct 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 Ordinance 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 Historic [Special District Preservation](#) 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. Appeals from final decisions from the Planning Department may be taken by any party or person aggrieved but must be taken to the Historic [Special District Preservation](#) Review Board within 30 days from the date of the decision.

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## Article 2: Standards

### 1. Alterations and Additions

- A. **Purpose.** The purpose of this subsection is to further the purposes of this Ordinance by preserving the essential character of buildings which are important to the education, culture, history, traditions, and the economic value of the Town.
- B. **Applicability.** The following standards shall be used by the Permitting Authority 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 Renewable Energy Systems which shall be governed by Article 2, Section 4 below.
- C. **Standards.**
  1. The ~~character-defining qualities distinguishing original qualities or character~~ of a structure and its ~~site environment~~ (including but not limited to: architectural features, finishes, and construction techniques or examples of skilled craftsmanship) shall not be destroyed. The removal or alteration of any historic material (for the purposes of this Ordinance, pre-1930) or ~~character-defining distinctive~~ architectural features should be avoided when possible. If removal of historic material or a distinctive feature is proposed, an ~~alternatives~~ analysis shall 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 ~~durability, longevity, and quality, permanence, and appearance~~ look.
  2. All Primary and Accessory Buildings shall be recognized as products of their own time period, 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. Damaged historic features shall be repaired rather than replaced wherever economically or technologically feasible, as demonstrated by the applicant. Where the severity of damage requires replacement of a distinctive feature, the new feature shall match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of damaged historic features shall 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.
  5. 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.

6. 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 by the applicant.
7. Contemporary design for Additions to existing properties shall not be discouraged when such 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 site environment.
8. 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 structural-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 an addition to the side or rear elevation is not economically possible due to unique constraints of the project.

## 2. 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.**
  1. 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 a delay period of up to 90 days from the date of the hearing. If, 10 days prior to the expiration of the original delay period, the Maine Historic Preservation Commission or State Historic Preservation Office recommends finds that there are still reasonable alternatives to explore, the Review Board may continue the delay for an extension of 30 days from the end of the original period~~one 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:
    - a. Assisting in securing funding to preserve in place the structure or important features thereof; or
    - b. Finding other ways to preserve the structure, such as outright purchase if possible, or relocation; or
    - c. At minimum, to provide the opportunity for the proper recordation of buildings, structures, and sites, including photography and narrative report.

e.d. If, after the initial 90 day extension and the 30 day delay period, the application for Certificate of Appropriateness for Demolition or Relocation has not been withdrawn by the applicant or acted upon by the Review Board, the Review Board shall act on the application at their next regularly scheduled meeting, provided that enough time for noticing is available in accordance with Article 3, Section 2.H.

- 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 an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).
    - 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 (as defined above) 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 by the Maine Historic Preservation Commission and the applicant formally applies to the National Register and is declined, this Ordinance will not prevent the applicant from reapplying for a reconsideration of a previously issued Certificate of Appropriateness specific to Demolition of Relocation of the buildinge 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.
    - 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 experiencedqualified 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 either or both of the following conditions, or others that would further the stated purpose of this sectionany 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 at no cost to the applicant.
2. The applicant shall advertise to the general public the structure as available for free with removal at the sole of a recipient, 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 and the cost of the advertisement will be borne by the applicant.

### 3. 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 of the Core Zoning Code, the following standards related to building scale and form shall also apply in addition to the following standards:
    - a. **Height.** The proposed height of the building shall be visibly compatible with immediately adjacent structures and the neighborhood as a whole when viewed from the public realm.
    - b. **Width.** The width of a building shall be visually compatible with immediately adjacent structures and the neighborhood as a whole when viewed from the public realm.
    - c. **Proportions of principal facades.** New construction shall be compatible in proportion with existing buildings in the neighborhood.
    - d. **Roofs.**
      1. **Roof shapes.** The proposed roof shape shall fit in with the established context of the neighborhood and of immediately adjacent structures.
      2. **Rooftop decks.** Rooftop decks shall be designed so that they cannot be seen from the public realm.
      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 placed in such a way that they are not visible from the public realm, such as on the side or rear of the building. Alternatively, rooftop utilities shall be visually screened from view from the public realm by the placement of

decorative elements 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.~~

2. **Composition.**

- a. ~~The~~ Characteristic sizes and proportions of window and door openings, and the rhythm of entrances, porches and other projections to public ways shall be consistent with the proportions of openings found either within the established neighborhood context and/or on buildings to which it is visually related.
- b. **Relationship of materials.** Building materials shall be reflective of and complementary to existing buildings within the historic district. Materials shall be durable and of high-quality.

3. **Relationship to street.** ~~In addition to the requirements for the Historic Special District as outlined in the Core Zoning Code apply, Article 2: District Standards, in addition to 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, should, 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. **Unifying development pattern.** The new construction shall maintain any unifying development pattern such as orientation of buildings, setbacks, and building coverage.

4. Other standards.

- a. **Uses.** Non-residential uses shall not alter the character-defining features of the structure ~~and its environment~~, such that it would not be recognizable as its original residential use.
- b. **Distinguishing original character.** The ~~distinguishing original qualities or~~ character of a site ~~and its environment~~ shall not be destroyed. If a distinguishing original feature is proposed to be altered or removed, an ~~alternatives~~ analysis must be submitted which indicates the reasons for alteration or removal.
- c. **Archeological resources.** Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If, on the basis of an archeological site survey or other information, the Permitting Authority determines that there is an archeological resource on or immediately adjacent to the parcel, it may limit excavation or building to preserve or protect the site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the resource. If resources must be disturbed because no feasible alternative exists, documentation of the resource shall be undertaken and provided to the Town and to the Maine Historic Preservation Commission.

#### 4. Renewable Energy Systems

**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 renewable energy systems, including but not limited to solar panels or windmills, on historic properties. The intent is not to discourage the installation of Renewable Energy Systems, but to ensure that historic resources and the overall character of historic districts is protected to the extent practical.

**B. Applicability.** The following standards shall be used by the Review Board in reviewing applications for Certificate of Appropriateness when the installation of Renewable Energy Systems are proposed on any property within the Historic Special District or on a designated Local Landmark building.

**C. Standards.**

1. ~~Where possible, All~~ Renewable Energy Systems shall be placed in such a way that they are unable to be seen from the public realm. When, ~~in the determination of the Review Board,~~ this is not economically or technologically feasible, ~~the Review Board may approve~~ one of the following alternatives may be approved:
  - a. Renewable Energy Systems located on Accessory Buildings, in accordance with subsection C.2 below.
  - b. Renewable Energy Systems located on rear roof slopes, behind existing architectural features or parapets, where such visibility does not detract from the overall historic character of the property, in accordance with subsection C.2 below.
  - c. Ground-mounted Renewable Energy Systems located in the rear yard.
  - d. Only in instances when the Review Board determines, based on information provided by the applicant, that none of the above are technologically or economically feasible, the Renewable Energy System may be placed in such a way where it will be seen from the public realm. The standards in subsection C.2 below must be met.
2. The following standards shall be met when the installation of Renewable Energy Systems is proposed on the roof of a structure:
  - a. ~~Permanent R~~emoval of historic roofing materials as part of the installation of solar panels on portions of a roof visible from the public realm shall not be undertaken.
  - b. Permanent removal or otherwise altering a historic roof element and configuration (dormers, chimneys, or other features) on portions of a roof visible from the public ~~realm way~~ shall not be undertaken.
  - c. Any installation procedure that will cause irreversible changes to historic features or materials on portions of a roof visible from the public realm shall not be undertaken.
  - d. The placement of solar panels on top of visible slate or clay tile roofing shall not be undertaken in any instance.
  - e. The color of conduit and all attachment mechanisms for Renewable Energy Systems shall match be painted to be compatible with the

existing building materials to which it is attached or directly adjacent, including roof, siding, or similar.

- f. The placement of panels in an array shape that does not echo that of the visible roof plane shall not be undertaken in any instance. The slope of solar panels must match the existing slopepitch of the roof to which they are attached or located on.

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## Article 3: Administration

### 1. Historic ~~Special District Preservation~~ Review Board.

A. **Membership.** The Historic ~~Special District Preservation~~ Review Board's membership shall be comprised of five regular members appointed by the Selectboard. The Selectboard shall make every effort to appoint ~~shall be~~ at least one member from each of the Town's three Historic Special Districts (Damariscotta Mills, Sheepscot Village, and Glidden Street).

B. **Appointment.** Members of the Historic ~~Special District Preservation~~ Review Board (the Review Board) shall be appointed by a majority vote of the Selectboard to serve staggered terms of 3 years.

1. Initial Appointment. ~~The five appointments made by the Select Board in establishing the initial Historic Special District Review Board shall be as follows: one appointment for a term of one year, two appointments for a term of two years, and two appointments for a term of three years. Thereafter, with the exception of filling a vacant position resulting from a resignation before the conclusion of a complete term, all appointments to the Historic Special District Review Board shall be for three-year terms.~~

2. In the case of a vacant Historic Special District Review Board position before the conclusion of a complete term, the Select Board's appointment to fill the vacant Historic Special District Review Board position shall be for only the remainder of the unserved term.

~~A.C.~~ Historic Special District Review Board members may serve multiple terms and may be reappointed for consecutive or nonconsecutive terms.

~~B.D.~~ **Qualifications.** Appointments to the Review Board shall be made on the basis of demonstrated interest, ~~knowledge, ability and experience into promoting~~ 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, but not required.

~~B.E.~~ **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. Meetings. The Review Board should hold at least one meeting per month, or more as it deems necessary. A quorum of at least three members will be required for voting purposes.



**F. Meetings.** The Review Board should hold ~~at least~~ one meeting per month, or more as it deems necessary. A quorum of at least three members ~~are~~~~will be~~ required for voting purposes. An affirmative vote requires a majority of voting members present.

1. A regular meeting schedule, including meeting location, shall be established by the Historic Special District Review Board on an annual basis and shall be posted in the Town office and in a newspaper of local circulation upon adoption by the Board.

~~1.2.~~ Special Meetings: Meetings of the Historic Special District Review Board not included on the established regular meeting schedule must be posted at least once in a newspaper of local circulation, as well as posted in the Town Office, no less than seven days before the meeting. Such notice must include the date, time, location, and proposed agenda of the meeting.

**G. Responsibilities.**

1. The Historic ~~Special District Preservation~~ Review Board shall ~~reviews~~ applications for Certificate of Appropriateness which are determined to be either Tier 2 or Tier 3 Projects under Article 3, Section 2.F and 2.G below. The review of such applications is limited to the applicable review standards under this Ordinance. The Historic ~~Special District Preservation~~ Review Board's authority is limited to the standards of this Ordinance, as may be amended.
2. The Historic ~~Special District Preservation~~ Review Board shall ~~provides~~ a report to the Planning Board and Selectboard following a petition to establish or expand the Historic Special District or a petition to designate a property as a Local Landmark as described in Article 3, Section 3 below.
3. The Historic ~~Special District Preservation~~ Review Board may provide advice to the Planning Board, Selectboard, or any other Town body regarding historic preservation and issues or opportunities related to historic preservation in Newcastle.
4. The Historic ~~Special District Preservation~~ Review Board shall ~~reviews~~ and makes recommendations to the Maine Historic Preservation Commission regarding all National Register proposals for properties and districts within the Town.
5. The Historic ~~Special District Preservation~~ Review Board maintains the Town's Historic Resources Inventory. To assist in the maintenance of the Historic Resources Inventory, the Historic ~~Special District Preservation~~ Review Board shall conduct or cause to be conducted a continuing survey of historic, architectural and cultural resources in the community.

6. The Historic ~~Special District Preservation~~ Review Board acts to advance the Purpose and Intent of this Ordinance as described in Article 1, Section A.

## 2. Procedure for Certificate of Appropriateness.

- A. **Application & Fees.** A Certificate of Appropriateness application must be submitted filed, including payment of the applicable fee, with the Planning Department on forms created by the Town for that purpose.
- B. Independent Consulting and Peer Review Fees. Escrow.
  1. Where a Permitting Authority determines that the scale or complexity of a project necessitates third party professional or technical services to assist with project review and determination of compliance with the relevant standards of this Ordinance, the applicant may be required to escrow funds with the Town prior to the commencement of project review sufficient to pay the costs incurred by the Town in review of the application.-
  2. Funds will be held by the Town Treasurer in a non-interest bearing escrow account. and are only to be used for the payment of invoices by the consultant for review of the applicant's project. Any balance of funds remaining at the conclusion of project review will be returned to the applicant. The escrow may be used by the Planning Department only to pay reasonable costs incurred which relate directly to the review of the Certificate of Appropriateness application pursuant to the review criteria. The results of the consultation or peer review for which such fees are assessed shall be available for public review, but such results shall be deemed to have been made solely for the benefit of the Town and shall remain its property. Such fees shall be assessed for the privilege of review and shall be payable without regard to consultation or peer review results or the outcome of the application.
  3. The escrow fund amount shall be set by the Selectboard and will be available on the Town's adopted Fee Schedule. When the escrow account is 75% depleted, the applicant shall submit funds sufficient to bring the amount of the account back to the original escrow fund amount.
- C. **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 ~~Special District Preservation~~ Review Board according to the standards set forth in Article 3, Section 2.E, 2.F, and 2.G of this Ordinance, as may be applicable. or whether it is a minor or routine project that is appropriately reviewed at the administrative level.
- D. **Other 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 relevant Permitting Authority in accordance with this Ordinance.

**E. Tier 1 Projects.**

1. **Permitting Authority.** Tier 1 Projects shall be reviewed administratively by the Planning Department.
2. **Applicability.** Tier 1 Projects include ~~various projects in which the visual character of the property is not substantially changed,~~ including, but are not limited to, the following:
  - a. The removal of architectural 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);~~
  - b. 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);~~
  - c. The installation of missing historical materials and features, supported by photographic or physical documentation;
  - d. Repointing and other masonry repairs;
  - e. Construction or replacement of patios or decks where the majority of the patio or deck cannot be seen from the public realm;
  - f. ~~Exterior p~~Placement of meters, vents, cable or telephone boxes, wiring, antennas, satellite dishes, and components of HVAC systems, when the placement is not on the primary facade;
  - g. Addition, removal or replacement of cloth, canvas, or acrylic awnings that otherwise comply with the relevant review standards;
  - h. Removal of deteriorated accessory buildings which are not original to the site or otherwise historically significant;
  - i. 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;
  - j. The installation of fences or low walls of wood, stone, or brick~~brick or similar~~ (unless proposed in the Frontage Zone of the lot);
  - k. The replacement of exterior light fixtures and the installation of new light fixtures, including fixtures to illuminate signage.

3. **Exemption.** Tier 1 Projects proposed on structures ~~\_or sites~~ which were built after the year 1930 per the Town's Assessor's Records (property cards) are exempt from Tier 1 Project review.
4. **Process.** Where the Planning Department 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 Special District 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, rather than staff. Inaction by the Planning Department does not constitute approval ~~or disapproval~~ of the application.
  - a. ~~Applicants proposing Tier 1 Projects may elect for their application to be reviewed by the Review Board rather than the Planning Department, according to the procedures and standards required for a Certificate of Appropriateness, as may be applicable.~~
  - b. ~~a. 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~~ The Planning Department can, for any reason, forward any Minor Project application to the Review Board for review.
  - c. ~~b. The Planning Department shall provide its written findings and decision on any application~~ the original application to the Review Board with written notice of any action taken on applications as an informational item at the next meeting.

#### F. Tier 2 Projects.

1. **Permitting Authority.** Tier 2 Projects are reviewed by the Historic Special District Preservation Review Board at a duly-noticed public hearing.
2. **Applicability.** Tier 2 Projects ~~involve a change in appearance of a property which is more substantial than Tier 1 but not as impactful to the overall fabric of the neighborhood as Tier 3 Projects. They~~ include, but are not limited to, the following:
  - a. Replacement of architectural details when there will be a change in design from the ~~original or~~ existing details;
  - b. The installation of fences or low walls of wood, stone, brick ~~or similar~~, when proposed to be ~~installed~~ within the Frontage Zone ~~of the lot~~;
  - c. The installation or modification of Renewable Energy Systems;
  - d. Changes to roof lines, including rooftop additions, rooftop decks, or dormers.
3. **Process.** Upon receipt of a complete Tier 2 application ~~if the Planning Department determines that the project is complete and should be reviewed by the Historic~~ Special District Preservation Review Board as a Tier 2, the application item shall be placed on the agenda for the scheduled for the next available Historic Special District Review Board

meeting, provided that ~~applicable the~~ noticing requirements ~~of Section 2.D~~ can be met ~~prior to that meeting~~. Within ~~forty-five thirty (4530)~~ days of ~~receipt of a complete application by the Historic Special District Review Board, the closing of the public hearing,~~ the ~~Historic Special District Review~~ **Review** Board ~~shall must~~ make a decision to approve, approve with conditions, or deny the application.

~~a. Upon mutual agreement by the Board and the Applicant, the review of an application may be continued to subsequent meetings.~~

~~b. Inaction by the Historic Special District Review Board within the above time frame shall constitute an approval of the application.~~

#### G. Tier 3 Projects.

1. **Permitting Authority.** Tier 3 Projects are reviewed by the Historic ~~Special District Preservation~~ Review Board at a duly-noticed public hearing, and ~~typically~~ require the assistance of a qualified historic preservation consultant ~~to assist the Review Board with their review of the application.~~

2. **Applicability.** Tier 3 Projects ~~involve a change in the appearance of a property which is more substantial in nature than Tier 1 or Tier 2 Projects. They~~ include, but are not limited to, the following:

- a. New Construction or Additions to buildings;
- b. Demolition of any part of a structure;
- c. Discovery of any archaeological resource on the site;
- d. Moving of buildings;
- e. New Additional Structures.

3. **Process.** ~~Upon receipt of a complete Tier 3 application, the application shall be placed on the agenda for the next available Historic Special District Review Board meeting, provided that applicable noticing requirements can be met. Within sixty (60) days of receipt of a complete application by the Historic Special District Review Board, the Board shall make a decision to approve, approve with conditions, or deny the application.~~

~~a. Upon mutual agreement by the Board and the Applicant, the review of an application may be continued to subsequent meetings~~

~~b. Inaction by the Historic Special District Review Board within the above time frame shall constitute an approval of the application.~~

~~3.4. If the Planning Department determines that the project is complete and should be reviewed by the Historic Special District Preservation Review Board as a Tier 3 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 of the closing of the public hearing, the Review Board must make a decision to approve, approve with conditions, or deny the application.~~

#### H. Public Hearings.

1. The Historic Special District Review Board shall hold a public hearing on each Tier 2 or Tier 3 application for Certificate of Appropriateness prior to a decision being rendered. A notice of the hearing shall be mailed by the Town to direct abutters via USPS first class mail, postmarked at least 7 days in advance of the hearing. A notice shall also be posted by the Planning Department at the Town Office and on the Town's website. In the case of an application for a new Primary 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. Notice shall be made by the applicants, with receipt of mailing required to be submitted to the Town.
  2. Public Hearings ~~and/or~~ notifications are not required for Tier 1 Projects ~~reviewed administratively.~~
- I. **Approval.** If the Permitting Authority 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 within ten (10) business days.
- J. **Denial.** If the Permitting Authority determines that the proposed Addition, Alteration, Relocation, New Construction or Demolition does not meet the standards of this Ordinance, ~~that~~ a Certificate of Appropriateness shall ~~should~~ not be issued, ~~it~~ A record of shall make findings, describing how the application does not meet the standards of this ~~O~~rdinance, shall be created, made available to the applicant, and maintained in the Town's record~~chapter.~~ ~~However, in order to prepare more detailed findings, the Review Board may postpone the decision for up to ten (10) business days in order to prepare and adopt more detailed findings.~~ The ~~Permitting Authority~~Permitting Authority~~Review Board~~ shall notify the applicant and the Code Enforcement Officer within ten (10) business days of the final determination.
- K. **Time Limits on Certificates of Appropriateness.**
1. ~~If~~Substantial construction shall not commenced within one (1) year of the issuance of a Certificate of Appropriateness, ~~the a~~ approval shall be null and void except that the deadline may be extended for one (1) additional year from the conclusion of the original one (1) year time limit six month period by the Planning Department upon written request of the applicant. ~~The w~~Written rRequests for an time extension must be submitted in writing before the date of expiration within one (1) year 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 Planning Department, 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.

### 3. Establishment of Historic Special Districts or Local Landmarks

**A. Purpose.** To provide a clear amendment process for the establishment or expansion of Historic Special Districts or 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 ~~all any~~ petitions to establish a new Historic Special District or expand an existing Historic Special District, ~~regardless of who is petitioning~~. In addition, this section shall apply to ~~all the~~ petitions ~~by the property owner or their agents/assigns~~ to establish a Local Landmark.

**C. Procedure.**

**1. Application.** Any person or group seeking to add or expand historic districts shall request the amendment in writing to the Historic ~~Special District Preservation~~ Review Board. Any proposal by the Selectboard or Planning Board shall be referred to the Historic Special District Review Board for comment before any further action. Any applications shall be in writing.

~~e.a.~~ Applications for the establishment of Local Landmarks may only be made by a property owner or their assigns.

**2. Studies and recommendations.** Before making its recommendation concerning the proposed establishment or expansion of an historic district or Local Landmark, the Historic Special District Review Board may conduct studies and research on the proposal. The Historic Special District Review Board shall make a report on every request received within six months. The final 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 or Local Landmark, the Historic Special District 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 the Planning Board's receipt of the Review Board's recommendations, as provided above, the petition will make its way through the Zoning Amendment process as described in Article 7, Section 21 of the Core Zoning Code.
- D. Eligibility for Historic Designation.** The properties designated 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 but not limited to 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.

#### 4. Interim Protection for Nominations

- A. Nominated Local Landmarks and Historic Districts.** From the time of nomination of a Local Landmark or Historic Special District, including expansion of Historic Special Districts, until the Historic ~~Special District 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 Special Districts,~~ shall be subject to all of the provisions of Article 2, Section 2 governing demolition, to the same extent as if designated. ~~Upon f~~

~~A.B.~~ Upon final action of the Historic Special District Preservation Review Board recommending the designation of a Local Landmark or Historic Special District, including expansion of Historic Special Districts, the site, structure, or area nominated shall be subject to all of the protections of Article 2, Section 2 of this Ordinance until such time as a final decision on designation by the legislative body of the Town of Newcastle becomes effective.

C. Upon final action of the Historic Special District Preservation Review Board not recommending the designation of a Local Landmark, Historic Special District, or expansion of a Historic Special District, that site, structure, or area, the ~~protection restrictions and regulations~~ of Article 2, Section 2 of this Ordinance shall expire after 30 days from the date of the Board's action.

~~B.D.~~ Upon a vote by the ~~if the~~ legislative body of the Town of Newcastle ~~rejects designation or to designate a Local Landmark, Historic Special District, or to expand a Historic Special District which fails to pass, fails to designate a site, structure, or area property,~~ that site, structure, or area property shall no longer be subject to the provisions of Article 2, Section 2 of this Ordinance.

## 5. 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 ~~Special District 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 ~~Special District Preservation~~ Review Board in accordance with this Ordinance 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.

## Article 4: Definitions

**Accessory Building:** Same as the definition found in Article 8 of the Core Zoning Code.

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

**Additional Structure:** Same as the definition found in Article 8 of the Core Zoning Code.

**Alteration:** For the purposes of this Ordinance, this includes any change in foundations, gutters, door and window sash and character-defining 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 skylights, utilities, and similar when seen from the Public Realm.

**Applicant:** Same as the definition found in Article 8 of the Core Zoning Code.

**Architectural Feature:** The architectural elements embodying style, design, general arrangement, and components of the exterior of any building or structure, including, but not limited to: decorative elements, the kind or texture of the building materials, and the style and type of all windows, doors, lights, and porches.

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

**Character or Character-Defining:** The visual aspects and physical features that comprise the appearance of a building, which may include the overall shape of the building and its materials, craftsmanship, decorative details, and unique aspects of its site or environment.

**Conjectural Features:** Features added based on ready availability or added without research into what would be the historically accurate feature for a type of architectural style.

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

**Frontage Zone:** Same as the definition found in Article 8 of the Core Zoning Code.

**Hazard Building(s):** Any building which, because of inadequate maintenance, dilapidation, physical damage (including damage from a fire, flood, or similar), unsanitary condition, or abandonment, constitutes a fire hazard or a danger to public health.

**Historic Preservation:** Broadly, this is a conversation about the past for the purposes of planning for the future. For the purposes of this Ordinance, this means identifying and regulating buildings, structures, sites or districts with cultural, social, architectural or historic value in order to communicate with future generations those places (including individual buildings or sites and whole neighborhoods) which have been important or significant to the broader story of the Town of Newcastle and its inhabitants.

**Historic Resource Inventory:** An inventory, maintained by the Town, of sites, buildings and resources within the Historic Special Districts, and, if applicable, their Character-Defining features.

**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 significant architectural, social, cultural or historical value in their own right, and which have been designated as Local Landmarks through the process outlined in Article 3, Section 3 of this Ordinance. Only property owners or their agents/assigns may initiate a petition to designate their property as a Local Landmark.

**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 Planning Department, 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 building is post-and-beam construction or factory-built/manufactured.

**Permitting Authority:** The Planning Department or the Historic [Special District Preservation](#) Review Board, as may be applicable.

**Planning Department:** The Town Planner or their designee.

**Primary Building:** Same as the definition found in Article 8 of the Core Zoning Code.

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

**Proportions:** The relationship of the size, shape, and location of one building element to all of the other elements; each architectural style typically has its own rules of proportion.

**Projections:** A part or feature of a building which extends out beyond the enclosing walls (for example, steps, porches, or enclosed entries, or bay windows, balconies, and cornices).

**Public Realm:** All public or civic lands including publicly-owned parks and open spaces, roads, sidewalks, rights-of-way, frontage zones, and water bodies.

**Reconstruction:** The act or process of depicting, through new construction, the form, features, and details of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time (usually using documentary or photographic evidence).

**Renewable Energy Systems:** Systems that harness energy from solar, geothermal and/or wind sources.

**Repointing:** To repair the joints of brickwork or masonry with mortar or cement.

**Review Board:** The Newcastle Historic [Special District Preservation](#) Review Board, as established by Article 3 of this Ordinance.

**Rhythm:** An ordered, alternating, recurring pattern of solids (walls) to voids (windows and doors) in building facades along the street. The recurrent alternation of walls to windows and doors (solids to

voids) along the front facade of a building establishes a pattern which can be perceived when observing the building from a distance.

**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.

DRAFT

A historical illustration of Newcastle, Oregon, showing a coastal town with a harbor, a train, and a street labeled 'MAIN ST'. The illustration is in a sepia tone and shows a dense residential area with various buildings, a harbor with several ships, and a train passing through the town. The text 'Newcastle Historic Special District Design Guidelines Manual' is overlaid on the illustration in a large, white, sans-serif font.

# Newcastle Historic Special District Design Guidelines Manual

ADOPTED BY THE HISTORIC SPECIAL DISTRICT REVIEW BOARD  
XXXXX

# Newcastle Historic Special District Design Guidelines Manual

Prepared for the Town of Newcastle  
by Isabelle Oechsle,  
IOV Community Planning + Consulting

2023

Unless otherwise credited, all contemporary photographs included in this Manual were taken by the author. Credit for historic photographs are provided under the photos as they appear. Maps of the Town's Historic Special Districts were developed by the author utilizing records maintained by the Town's Assessor.

# Table of Contents

Introduction.....	1
Using this Manual.....	2
Section 1: Standards for Alterations & Additions.....	3
Section 2: Standards for Demolitions & Relocations.....	12
Section 3: Standards for New Construction & Additions.....	15
Section 4: Standards for Renewable Energy Systems.....	28
Section 5: Definitions.....	34
Section 6: Architectural Styles Present in Newcastle & Their Character-Defining Features.....	37
Federal	
Greek Revival	
Italianate	
Second Empire	
Queen Anne	
Vernacular	

# Introduction

This Design Guidelines manual was prepared for two separate but equally important audiences. The first audience is the Historic Special District Review Board, a regulatory body appointed by the Town's Selectboard charged with the responsibility of protecting Newcastle's historic, architectural, and cultural heritage by assisting property owners with maintaining the architectural integrity of the district (by providing resources such as this one and by reviewing proposals to alter existing buildings or sites within the identified SD-Historic zoning districts), preventing the demolition or removal of buildings or structures within the designated historic districts, and accepting new buildings and structures which are designed and built in a manner which is compatible with the character of the districts. The second audience is property owners within the designated historic districts, as well as their consultants, builders, architects, and others who may be assisting in the development of an application under the provisions of the Historic Special District Review Ordinance.

The first objective of this manual, therefore, is to provide the Historic Special District Review Board (hereinafter the "Review Board") with illustrated guidelines to assist in their deliberations regarding the standards of review as outlined in Article 2 of the Historic Special District Review Ordinance.

The second objective is to provide advisory guidance on how

to develop an application that will comply with the relevant review standards. That said, while this document is provided as a courtesy, it is **advisory only**. It should not be construed as the only way to comply with the review standards, nor shall it be construed as a regulatory document. The only provisions which may be used by the Review Board in determining compliance with the standards of review are the standards themselves, as outlined in Article 2 of the Ordinance (as may be amended).

In addition, this Manual does not provide guidance on how to comply with other standards of review that may apply to a proposed project and which are found in other Town Ordinances, such as but not limited to, the Core Zoning Code and any of its modules. The Historic Special District Review Ordinance does not abrogate or annul any other codes, ordinances, regulations or standards.



# Using this Manual

This Manual is organized into six sections. The first four sections are devoted to each set of standards for projects which require a Certificate of Appropriateness (COA), with one page devoted to each standard that the Review Board will consider in determining if an application for Certificate of Appropriateness is to be granted. If you know what kind of project you're proposing, you can utilize these sections to assist in the development of your application. Please note that additions to buildings located within the Historic Special District, including decks and patios, are subject to the standards for New Construction and Additions (Section 3) as well as the standards for Additions and Alterations (Section 1). The installation of Renewable Energy Systems, including but not limited to solar panels and windmills, have their own set of standards which can be found in Section 4.

In addition to the above, Section 5 is provided, which includes definitions for terms used throughout the Ordinance (and this Manual). Finally, Section 6 includes a list of common architectural styles found in Newcastle's historic districts and their character-defining features.

*Certificate of Appropriateness:* A document issued by the Town's Historic Preservation Review Board (or Planning Department, for certain designated projects) that assures compliance with the relevant provisions of the Historic Special District Review Ordinance. A Certificate of Appropriateness must be issued prior to beginning most kinds of work on buildings in the Town's historic districts.

# Section 1: Standards for Alterations & Additions

Reference: Article 2, Section 1

These standards are used when any of the following is proposed on a property located within the Historic Special District or on a Local Landmark property:

- The addition of a deck or patio;
- Any improvement which would increase the square footage of a structure;
- Any change in foundations, gutters, door and window sash and character-defining decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railings, balusters, columns, cupolas and cresting and roof decorations. This definition also includes the addition of skylights, utilities, and similar when seen from the Public Realm.

**Standard 1: The character-defining qualities of a structure and its site (including but not limited to: architectural features, finishes, and construction techniques or examples of skilled craftsmanship) shall not be destroyed. The removal or alteration of any historic material (for the purposes of this Ordinance, pre-1930) or character-defining architectural features should be avoided when possible. If removal of historic material or a distinctive feature is proposed, an analysis shall 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 durability, longevity, and appearance.**

Older buildings were typically products of a deliberate design process where each feature or characteristic is planned to contribute to the appreciation of the whole. Section 6 notes common architectural styles found across Newcastle's three historic districts, and the attributes that define each style's character. This standard is primarily concerned with the loss of, or major changes to, these character-defining architectural components since the destruction of character-defining features (or the replacement of them with dissimilar substitutes) compromises the original design intent. Even though the removal of one or more architectural features may seem to have little impact on the overall character of the building, the cumulative impact of many "small" changes can end up being dramatic.

This standard encourages retaining character-defining features, including historic materials, unless the applicant can demonstrate the need for removal (and why retaining them is

not technically or economically feasible). In addition, if an alternative material is proposed, the applicant must demonstrate how the alternative material is considered a similar substitute in quality (namely, permanence and longevity) and appearance.

Windows may be a common example here. Historic wood windows can last for over 100 years, if properly maintained and reglazed about every 20 years. Meanwhile, vinyl and aluminum will only last up to 40 and up to 20 years, respectively. However, there are a variety of new, clad windows on the market that may match the durability of historic wood with less upkeep.

**Standard 2: All Primary and Accessory Buildings shall be recognized as products of their own time period, 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.**

Just as there is a tendency to update and modernize buildings with inappropriate replacements, there is a parallel tendency to try to make buildings look older than they are. This second approach is equally as misleading. Conjectural designs that make a building appear older than it really is, or attempt to imitate features that never existed but would change the character of its original architectural style to another style should be prohibited. Some examples are included to the right.

Instead, it is always advisable to do research prior to beginning a rehabilitation project. A review of historic photographs or of buildings in the neighborhood of similar architectural style may reveal historic features that have been removed or are otherwise missing and will help set a direction for current or future projects.

*Conjectural Features:* Features added based only on availability or added without research into what would be the historically accurate feature for a type of architectural style.

### **Standard 3: Changes which may have taken place in the course of time are evidence of the history and development of a structure and its site. Changes that have acquired significance in their own right shall not be destroyed.**

Many buildings evolve over time, reflecting changes in use and in architectural trends. These changes may, in some cases, be important in understanding the overall history of a building and its site. However, not all changes have significance in their own right and not all need to be retained. Just as some modern renovations and additions obscure, overwhelm, or generally detract from the original appearance of a historic building, earlier changes may have done the same. The Ordinance does not opine on when changes may have become significant in their own right. In order to determine if an alteration should be retained, its own architectural merit must be assessed and evaluated in the context of its effect on the historic character of the original structure.

It should be noted that cases do exist where an alteration or addition has as much (or more) architectural or historical significance as the original structure. This would be the case if there are relatively few examples of the addition's style in the area, or if the change records a significant chapter in the history of Newcastle, the State of Maine, or even more broadly.

For example, in rural areas, houses were frequently built as connected farms (inspiring the book *Big House, Little House, Back House, Barn* by historian and architect Thomas Hubka), where the big house was built first followed by the little house

and back house over the next century as living situations changed. In instances where this occurs across Maine, the connected little house and back house might be even more architecturally and historically significant than the original big house because it explores the way that New Englanders changed their farms to fit their needs in the 19th century. These types of homes are able to be seen across Newcastle, especially in Sheepscot Village.

**Standard 4: Damaged historic features shall be repaired rather than replaced wherever economically or technologically feasible, as demonstrated by the applicant. Where the severity of damage requires replacement of a distinctive feature, the new feature shall match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of damaged historic features shall 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.**

This standard was developed not only to encourage the retention of original materials and architectural features, but also to ensure that when replacement is proven necessary (by affirmative showing of the applicant), the design and material of the replacement features match the old as close as possible. Of course, routine maintenance and repair (exempt from the standards of this Ordinance) is the best way to avoid the need to replace. However, when a feature is beyond repair, replacement must be considered.

While the replacement of the exact same material is not made necessary by this standard, the replacement should be based on accurate duplications of features and not just on the availability of architectural elements (even if made out of something else). Hopefully, the essential form and detail of the feature remains to serve as a template for the replacement. When this is not possible, photographic or other kind of documentary evidence should be sought (such as from the Newcastle Historical Society, the Lincoln County Historical Association, or records available at the Skidompha

Library, the Maine Historic Preservation Commission, or even the Town Office.

If photographic or other physical evidence is not available, the applicant may consider substituting with a feature commonly found on that kind of architectural style.

In any instance, the applicant should submit the evidence that they used in determining the replacement feature to the Review Board for consideration as part of their application.

**Standard 5: 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.**

This standard mostly applies to brick buildings, for reasons explained below. Any mechanical method of removing paint, atmospheric carbon deposits, graffiti, or even simple dirt (including wet and dry grit blasting with sand, walnut shells or abrasive) must be avoided. These kinds of treatments can remove the fired outer face of a brick wall, making the brick porous, and allowing water to be absorbed within the brick or even behind the wall. It is also extremely destructive to softer older mortars (pre-Portland cement) that would have been used to construct the wall, meaning that much of the mortar may be lost (thus necessitating an expensive repointing project). Water that is trapped within a brick will freeze and then cause the brick to flake off in chunks. In addition, water that has permeated through the wall can cause serious damage to the interior of a structure.

For removing general dirt and grime, consider water (under low pressure) and soft bristle brushes. For graffiti, paint spillage, soot, tar or grease, it may be possible to clean the affected areas using a non-toxic chemical solution (usually applied under the direction of a contractor licensed to use such materials). If chemical cleaning is considered, a small, barely visible test path should be cleaned first to test the chemical's reaction with the masonry surface.

**Standard 6: 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 by the applicant.**

Just as above ground resources, such as buildings, contribute to our understanding of the past, below ground archeological resources enable us to understand significant patterns and events in history and prehistory that are no longer visibly evident. Before excavation as part of a project, contact the Town's Planning Department or the Maine Historic Preservation Commission to understand the likelihood of archeological resources being present at the project site. If archeological resources are found, work will need to be stopped and trained archeologists should be called in to make recommendations regarding the recording or protection of any artifacts.



**Standard 7: Contemporary design for Additions to existing properties shall not be discouraged when such 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 site.**

Recognizing that buildings are continually evolving in responses to changes in use, ownership, or the ways in which we live, this standard provides guidance in evaluating proposed additions. The new work should be compatible with the old in the use of materials, height, massing and details. The Standards for New Construction and Additions (see Section 3 of this Manual or Article 2, Section 3 of the Historic Special District Review Ordinance) must also be followed. While being compatible, the addition should also clearly read as new work. The new work may borrow details from the old to insure compatibility, but should not attempt to duplicate the appearance of the original. Contemporary design is expressly encouraged for this type of new construction, while borrowing details or materials from the old building.

There is no formula or prescription for designing a compatible new addition, nor is there generally only one possible design approach that will meet this standard. The following pages provide some illustrative examples that may help in deciding if a proposed addition would meet this standard.

**Standard 8: 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 structural integrity of the historic property would be unimpaired.**

The general idea behind standard is that such additions or alterations should be reversible. Additions or other new work should be designed so that the work is attached to the earlier building in a way that causes the least possible damage to the original fabric of the building. If the new work were to be removed, what damage would be revealed that will detract from the character of the original structure?

The Secretary of the Interior has published a number of Technical Preservation Briefs which may be helpful to applicants in planning their projects. In this instance, Technical Preservation Brief #14: *New Exterior Additions to Historic Buildings: Preservation Concerns* may be a helpful resource.

**8.a. Additions should be made on a side or rear elevation, not on the Primary Façade, unless in the determination of the Permitting Authority an addition to the side or rear elevation is not technically or economically possible due to unique constraints of the project.**

Related to the idea expressed above, additions should generally be made on a side or rear elevation to maximize the ability to reverse the addition and minimize the impact to the building when viewed from the public realm.

Unique constraints of the project may include, but are not limited to, a small lot size or the inability to meet setback requirements on the side or rear of the building.

# Section 2: Standards for Demolitions & Relocations

Reference: Article 2, Section 2

These standards are used 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.

**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:**

The purpose of these standards is to afford the Town, local 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 prior to demolition. These standards will attempt to encourage relocation of the building rather than demolition.

**Standard 1: The Review Board determines that the structure is not of historic significance based on findings from the Maine Historic Preservation Commission or an architectural historian meeting the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61).**

This standard requires that *either* the applicant obtains a letter from the Maine Historic Preservation Commission (or State Historic Preservation Office staff) regarding the eligibility of the structure to be listed on the National Register of Historic Places, or that the applicant escrows funds with the Town to hire a qualified architectural historian (as defined above) to make a determination as to the eligibility of the structure to be listed on the National Register of Historic Places. In either case, the structure may be considered for listing on its own or as a contributing structure to an eligible Historic District. If the structure is considered eligible for listing by the Maine Historic Preservation Commission and the applicant formally applies to the National Register and is declined, the status of the property may be reconsidered by the Review Board.

In order for this standard to be used to approve a demolition, the property must not be eligible for listing on the National Register of Historic Places, either as a standalone property or as a contributing structure to an eligible Historic District.

**Standard 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.**

In order for this standard to be employed, it requires that the applicant escrows funds with the Town sufficient for the Town to hire a structural engineer to opine on the structural integrity of the building. If, in the determination of the hired consultant, the structure or predominant portions thereof is an immediate hazard to public health or safety, the Review Board may employ this standard in granting approval to demolish the building.

**Standard 3: No prudent or feasible alternative exists.**

Frequently utilized in this Ordinance is the requirement that an applicant submits an analysis demonstrating what alternative measures were considered before an action is taken. Feasible, as used in this Ordinance, is taken to mean economically or technically feasible. This means that an applicant's analysis will typically include quotes from experienced or qualified professionals to demonstrate cost of various alternatives. Technically feasible may include information around construction techniques or practices sufficient to rehabilitate the building. Lack of tradesmen specializing in historic construction techniques may lead to a rehabilitation not being technically feasible in today's day and age; however, the burden of proof would be on the applicant to demonstrate what steps were taken in exploring alternatives.

If this standard is applied in granting a Certificate of Appropriateness, relocation will be encouraged through the use of Conditions of Approval (rather than outright demolition).

A note on "*Stay Provisions*": It is in the best interest of the applicant if, in developing an application, they elect to explore reasonable alternatives on their own (including asking for an opinion from the Maine Historic Preservation Commission or a structural engineer, or soliciting quotes from experienced professionals) *prior to submitting a Certificate of Appropriateness application* for demolition. A complete application will provide sufficient information for the Review Board to consider your application at the initial meeting, rather than electing to employ a 90-day stay provision (available to them in Article 2, Section 2.C). The purpose of the stay provision is to allow the Review Board to explore reasonable alternatives to demolition; if the applicant proves that they have already explored reasonable alternatives, the Review Board will look more favorably on rendering a decision at the initial meeting.

# Section 3: Standards for New Construction & Additions

Reference: Article 2, Section 3

These standards are used when any of the following is proposed on a property located within the Historic Special District:

- The addition of a deck or patio;
- Any improvement which would increase the square footage of an existing structure;
- New Construction of either a Primary or Accessory Building.

# Overview

The placement of a new building or building addition into an existing historic context presents design problems often very different from those for new construction on vacant or open sites. Simply put, the goal is to design a building which is both distinct from and compatible with the neighboring buildings. In order to achieve good design within a historic context, the scale, form, composition and articulation of an infill building or addition should be compatible with that of the buildings that surround it.

Broadly stated, compatibility refers to the recognition of patterns and characteristics which exist in a given setting, and a responsiveness in new design or renovation which respects these established patterns and characteristics. Although similarity of design is one way of achieving compatibility in a historic context, a creative and distinctly contemporary addition is both permitted and encouraged, within existing parameters.

Each infill project will have a unique context of surrounding structures and sites, likely with some strong, unifying characteristics and some that are more subtle and less obvious. There will usually be one or more definite and easily discernable traits, such as a uniform scale and rhythm of window openings or consistent roof shapes, or a uniform architectural feature such as a bay window, that should serve as a basis for new designs.

*Infill development: Building on land within an existing, built-up area*



*Pictured above: A set of approximately uniform Greek Revival capes on Glidden Street.*



*Pictured above: Properties within the Damariscotta Mills historic district.*

Within a context (a neighborhood or part of a neighborhood) where building characteristics are fairly consistent (such as the row of capes on Glidden Street pictured on the previous page), the new building should reinforce this existing character. In this setting, utilizing the same width, height and roof shape would be most appropriate. It would be a challenge to design a decidedly modern addition or new building in this area.

On the other hand, the Damariscotta Mills historic district has a greater variety of existing building shapes and types (pictured above). This area, and others like it, would allow for greater freedom in new design (though the designer should still attempt to identify any unifying characteristics among the disparate building types and relate the design of the new building to these aspects).



Even within the same historic district, design considerations for a new structure will vary from street to street and block to block. Consider the following two photographs, both from the Glidden Street neighborhood.



It is clear that individual blocks within the same historic district can call for distinctly different buildings. The guidelines that follow would allow new buildings constructed on these and other sites within Newcastle's historic districts to be dramatically different from each other while still fitting comfortably into their respective contexts.

**Standard 1.a: The proposed height of the building shall be visibly compatible with immediately adjacent structures and the neighborhood as a whole when viewed from the public realm.**

As shown on the preceding pages, buildings vary considerably in height from district to district, and even within districts. When designing a New Construction project, the applicant may find it helpful to begin by reviewing the height of buildings immediately adjacent to their site as well as buildings in the neighborhood as a whole in an attempt to identify unifying patterns.

While the Town's Core Zoning code establishes the overall height limit for the SD-Historic zoning districts, the Historic Special District Review Ordinance indicates that within allowable height limits, a new building's height should be configured and articulated so as to relate to its immediate neighbors and the neighborhood as a whole, when viewed from the public realm.

This means that, if there is a unifying development pattern with immediately adjacent structures (such as the row of capes example on Glidden Street) when viewed from the street, the new construction should follow that development pattern.

When existing, immediately adjacent buildings do not follow a uniform development pattern, the applicant may instead look to the whole neighborhood for inspiration, providing greater opportunity for varying design.

New construction or additions may be taller or shorter than existing buildings, but creative design techniques such as multiple building setbacks, different fenestration patterns, strong intermediate cornices, arcades, or similar should be utilized such that the character of the streetscape and the scale and character of the pedestrian-oriented lower portions (e.g. porches) of the building are preserved.

**Standard 1.b: The width of a building shall be visually compatible with immediately adjacent structures and the neighborhood as a whole when viewed from the public realm.**

Similar to the above, before design a new construction project, the applicant may find it helpful to review the width of existing structures immediately adjacent to the proposed new construction site as well as structures within the neighborhood as a whole. Width of structures may be measured as feet, but also may be measured as *bays*.

While the Town's Core Zoning Code also establishes the overall width for structures, the Historic Special District Review Ordinance notes that the proposed width of a building shall be visually compatible with both immediately adjacent structures and with the neighborhood as a whole, when viewed from the public realm.

If a unifying development pattern exists (e.g. there is a row of similar five bay houses immediately adjacent to the proposed building site), the applicant should construct a house of similar width. For more varying areas, the applicant has more freedom in drawing inspiration from the overall neighborhood.

*Bays* are a unit of measurement on buildings, used when there are no columns or divisions. For example, the Greek Revival house in Sheepscot Village shown below would be considered five bays wide (sometimes also referred to as five-ranked).



*Pictured above: A property within the Sheepscot Village historic district.*

## **Standard 1.c: New construction shall be compatible in proportion [of principal facades] with existing buildings in the neighborhood.**

Proportion is the relationship of one dimension to another, most commonly the width to height of a building façade. The proportion of façades, 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 respected and new construction should be compatible in proportion with existing buildings. An analysis of the proportions of immediately adjacent buildings as well as buildings within the neighborhood should be undertaken when designing infill construction. Large buildings should be broken down into smaller units to correspond with typical proportions of surrounding facades.

Similar to the height and width standards outlined above, when there is one characteristic proportion along the block, the applicant should attempt to match that proportion. In areas where building proportion is more varied, the applicant has more discretion in proportions.

This infill construction project in neighboring Damariscotta (pictured at right) was an example of adjustments made to design a building that would fit in with the overall characteristic proportions of the neighborhood. While it is a large, multi-family development, the varying projections give the visual illusion that the building is multiple, separate single-family homes.



*Pictured above: Salt Bay Apartments in neighboring Damariscotta was an example of adjustments made to fit with the character of the surrounding neighborhood, including varying projections and proportions of the principal façade.*

It should be noted that proportion is not only height and width. If all houses on the street have full-façade front porches, that would be another characteristic proportion that the applicant should integrate into their new design. This is explored further in New Construction Standard 2.a on page 27.

### **Standard 1.d.1: The proposed roof shape shall fit in with the established context of the neighborhood and of immediately adjacent structures.**

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 context by utilizing a similar roof shape and form. Section 6 of this Manual notes common architectural styles found in Newcastle and the rooflines that are character-defining to them, however, the applicant should start by walking through the neighborhood in an attempt to understand existing roof shapes before designing a new construction project.

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 as part of their application. This will detail if there is a unifying roof shape found on immediately adjacent structures (preferably through photos), or if roofs abutting the proposed new construction site are more disparate.

### **Standard 1.d.2: Rooftop decks shall be designed so that they cannot be seen from the public realm.**

While rooftop decks are allowed, they should be screened from view of the public realm by being placed, for example, an addition that is lower than the tallest roofline or in such a way that existing architectural details (for example, cupolas) would block the deck from view.

**Standard 1.d.3: When rooftop utilities, including but not limited to communication antennae, satellite dishes, mechanical units, elevator towers, and vents are proposed, the utility shall be placed in such a way that they are not visible from the public realm, such as on the side or rear of the building. Alternatively, rooftop utilities shall be visually screened from view from the public realm by the placement of decorative elements that are in keeping with the established context of the neighborhood and of immediately adjacent structures.**

Existing rooftop utilities are allowed to remain in place if they were in place at the time that this Ordinance was adopted (per Article 1, Section C: Exempt Activities). When new rooftop utilities are proposed, the applicant should seek a Certificate of Appropriateness from the relevant Permitting Authority. Rooftop utilities should be placed in such a way that they would not be visible from the public realm, such as on the side or rear of the building. If this is not technically or economically feasible, the Review Board may alternatively approve the placement of utilities in such a way that they are visually screened from view by the placement of decorative elements (e.g. placed behind existing cupolas). In no case shall a rooftop utility be placed on the primary façade of a building.

This standard does not apply to Renewable Energy Systems, including windmills or solar energy systems, which are given their own special standards, outlined in Section 4 of this document.

**Standard 2.a: The characteristic sizes and proportions of window and door openings, and the rhythm of entrances, porches and other projections to public ways shall be consistent with the proportions of openings found either within the established neighborhood context and/or on buildings to which it is visually related.**

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 building's primary facade. As with the other standards for new construction, this requires that the applicant first undertake an analysis of the existing neighborhood and determine if there is an prevailing pattern of development.

**Standard 2.b: Building materials shall be reflective of and complementary to existing buildings within the historic district. Materials shall be durable and of high-quality.**

This Ordinance does not specifically require the use of historically accurate materials, especially on new construction. The applicant should feel free to explore materials that will work best for their project but which are durable and of high-quality. As noted elsewhere in these Guidelines, high-quality is generally concerned with permanence and longevity. There are a variety of composite materials that match the look and feel and wood but which may be much cheaper. Applicants should provide information on all of the materials that they are seeking to use on their project, including the expected lifetime of the material. The U.S. Department of Interior's Preservation Brief #16, *The Use of Substitute Materials on Historic Building Exteriors*, may be a helpful resource for applicants to review while planning their project.

**Standard 3.a: Façades and site structures, such as masonry walls, fences and landscape masses, should, 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.**

There are only a few places in the community where low stone walls form a wall of enclosure along the street. However, if the new construction is to be placed in one of these areas, a low stone wall should be constructed in order to maintain visual continuity. If no existing masonry walls, fences or landscape masses exist, or they are disparate among properties (not providing any visual continuity), the applicant does not need to construct one in order to meet this standard.

**Standard 3.b: The new construction shall maintain any unifying development pattern such as orientation of buildings, setbacks, and building coverage.**

The Town's distinct historic neighborhoods tell the story of how Newcastle developed. All three areas existing at the time of the drafting of this Manual are characterized by a relatively random mixture of lot sizes because of a general lack of regulation in the community for many years which allowed the gradual sale of parcels from original large lots. While the underlying Core Zoning Code regulates minimum and maximum building setbacks, if there is a unifying development pattern of orientation or setbacks on the block where the new construction is to be placed, the applicant should maintain this pattern.

For example, because everyone used to walk within Sheepscot Village, the arrangement of homes is fairly compact but they are oriented towards the roads that they front on. There are large backlots where farming or other agricultural activities likely occurred. On the other hand, Damariscotta Mills has no unifying pattern of setbacks or building orientation. Certain blocks of the Glidden Street neighborhood have uniform building orientations (where all homes are facing the street), while other blocks have more disparate orientations where some homes face the street they front on and others face a side property line.

The infill building shall reflect the characteristic rhythm of facades along the street, if one exists. 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 orientation. 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. Finally, if every house is oriented towards the street that it fronts on, the new construction should be as well.



**Standard 4.a: Non-residential uses shall not alter the character-defining features of the structure such that it would not be recognizable as its original residential use.**

Some low-impact non-residential uses are allowed within the SD-Historic zoning districts. These are regulated by the Core Zoning Code. While these may be allowed, this standard would not provide for the addition of shop windows or other major changes to the building to accommodate the non-residential use, unless they were not visible from the public realm. Signage may be allowed but is not considered under the Historic Special District Review Ordinance. See the Town’s Sign Ordinance for additional detail.

**Standard 4.b: The distinguishing original qualities or character of a building shall not be destroyed. If a distinguishing original feature is proposed to be altered or removed, an analysis must be submitted which indicates the reasons for alteration or removal.**

The distinguishing original qualities of a building depends on the architectural style of the building as well as the existing conditions of the building at the time of Certificate of Appropriateness review. For example, a distinguishing original quality of Greek Revival structures like the one pictured below is the enframement around the door. Destruction or alteration of this enframement to construct a large front porch addition, for example, would not be allowed under this Ordinance without good reason.



*Pictured at left: The enframement of the front door on this Greek Revival home in Sheepscot Village is a character-defining feature of Greek Revival architecture and would not be allowed to be removed under this Standard.*

**Standard 4.c: Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If, on the basis of an archeological site survey or other information, the Permitting Authority determines that there is an archeological resource on or immediately adjacent to the parcel, it may limit excavation or building to preserve or protect the site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the resource. If resources must be disturbed because no feasible alternative exists, documentation of the resource shall be undertaken and provided to the Town and to the Maine Historic Preservation Commission.**

Just as above ground resources, such as buildings, contribute to our understanding of the past, below ground archeological resources enable us to understand significant patterns and events in history and prehistory that are no longer visibly evident. Before excavation as part of a new construction project, contact the Town's Planning Department or the Maine Historic Preservation Commission to understand the likelihood of archeological resources being present at the project site. If archeological resources are discovered, work will need to be stopped and trained archeologists should be called in to make recommendations regarding the recording or protection of any artifacts.

# Section 4: Standards for Renewable Energy Systems

Reference: Article 2, Section 4

These standards are used when the installation of Renewable Energy Systems are proposed on either:

- Any property located within the Historic Special District, or;
- Any Local Landmark building.

**Standard 1: All Renewable Energy Systems shall be placed in such a way that they are unable to be seen from the public realm. When this is not economically or technologically feasible, one of the following alternatives may be approved:**

Recognizing that historic properties may need to adapt to changing technologies, the intent of this Standard is not to discourage the installation of Renewable Energy Systems, but to ensure that historic resources and the overall character of historic districts is protected to the extent practical. That said, applicants should endeavor to place Renewable Energy Systems in such a way that they will not be visible from the public realm. If, in the determination of a qualified professional, this is not technologically feasible (e.g. because the configuration of the roof does not allow the sun to hit the solar panels for long enough to produce any energy benefits) or it would be cost prohibitive to do so, one of the following alternatives may be approved, in order of priority.

**Location on an accessory building.**

The property owner should consider the installation of roof-mounted solar systems on accessory structures (outbuildings, barns, garages, etc.) or non-historic buildings (constructed post-1930). This will protect the primary resource on the property.

**Location on rear roof slopes, behind existing architectural features or parapets, where such visibility does not detract from the overall historic character of the property.**

The intent here is to located the panels in such a way where, even if they are visible from the public realm, they don't detract from the overall character of the property. Photos below are provided to show examples of installations that would and would not meet the Standard.



*Pictured above: A property in a Vermont community where solar collectors are installed on a rear roof slope on a newer addition, minimizing impact to the original, historic portion of the building. This would meet the Ordinance standards. Photo c/o U.S. Secretary of the Interior Technical Preservation Services.*



*Pictured above: A property in another community where solar collectors are popping up from the roof, negatively impacting the character of this mid-twentieth century house. This would not meet the Ordinance standards. Photo c/o U.S. Secretary of the Interior Technical Preservation Services.*

## **The placement of Ground-mounted Renewable Energy Systems located in the rear yard.**

In the more densely developed neighborhoods, the use of freestanding solar systems is less likely due to the size of the typical lot and the existing tree canopy. However, when feasible, ground-mounted arrays may be the best alternative choice because they would have no impact on the historic building or its materials. The installation of such systems should be located in the rear of the property to minimize visibility from the public realm.

**Only in instances when the Review Board determines, based on information provided by the applicant, that none of the above are technologically or economically feasible, the Renewable Energy System may be placed in such a way where it will be seen from the public realm. The standards in subsection C.2 must be met.**



*Pictured at left: A property in a Vermont community where low-profile solar collectors are installed on the sloped roof on the south side of the gable. Though visible, these few panels have relatively little impact on the historic character of the property. However, if the roof had been a more prominent feature of the property (e.g. with a greater slope or decorative finishes), this installation may not have been appropriate. Photo c/o U.S. Secretary of the Interior Technical Preservation Services.*

## **Standard 2: The following standards shall be met when the installation of Renewable Energy Systems is proposed on the roof of a structure:**

### **Removal of historic roofing materials as part of the installation of solar panels on portions of a roof visible from the public realm shall not be undertaken.**

For the purposes of this standard, historic roofing materials are considered slate or clay tiles. Asphalt shingles are allowed to be removed as necessary. The replacement of asphalt shingle roofs with solar shingles (building integrated photovoltaics) on roofs is allowed, but the removal of original slate tiles is not allowed.

### **Permanent removal or otherwise altering a historic roof element and configuration (e.g. dormers, chimneys, or other features) on portions of a roof visible from the public realm shall not be undertaken.**

Typically, dormers, chimneys, and cupolas are character-defining features of the building and thus, they should not be removed. Non-historic (post-1930) pipes or vents, skylights, or other rooftop appurtenances may be removed if needed.

### **Any installation procedure that will cause irreversible changes to historic features or materials on portions of a roof visible from the public realm shall not be undertaken.**

Again, for the purposes of this standard, historic roofing materials are considered slate or clay tiles. Asphalt shingles are allowed to be removed or changed as necessary. Typically, dormers, chimneys and cupolas are character-defining features and thus they should not be impacted.

### **The placement of solar panels on top of visible slate or clay tile roofing shall not be undertaken in any instance.**

**The color of conduit and all attachment mechanisms for Renewable Energy Systems shall match the existing building materials to which it is attached or directly adjacent, including roof, siding, or similar.**

The visibility of solar panels and support structures (and thus the impact on historic resources) can be substantially reduced if the color matches the historic building and roof and reflectivity is minimized.

**The placement of panels in an array shape that does not echo that of the visible roof plane shall not be undertaken in any instance. The slope of solar panels must match the slope of the roof to which they are attached or located on.**

Panels should be set at angles consistent with the slope of the supporting roof. For example, avoid solutions that would set panels at 70-degree angles when the roof slopes at a 45-degree angle. The addition of structures atop the roof in order to accommodate solar panels (as shown in the photo to the right) would not be allowed.



*Pictured above: A property in another community where solar collectors are popping up from the roof, negatively impacting the character of this mid-twentieth century house. This would not meet the Ordinance standards. Photo c/o U.S. Secretary of the Interior Technical Preservation Services.*



# Section 5: Definitions

## Reference: Article 4

**Accessory Building:** Same as the definition found in Article 8 of the Core Zoning Code.

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

**Additional Structure:** Same as the definition found in Article 8 of the Core Zoning Code.

**Alteration:** For the purposes of this Ordinance, this includes any change in foundations, gutters, door and window sash and character-defining 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 skylights, utilities, and similar when seen from the Public Realm.

**Applicant:** Same as the definition found in Article 8 of the Core Zoning Code.

**Architectural Feature:** The architectural elements embodying style, design, general arrangement, and components of the exterior of any building or structure, including, but not limited to: decorative elements, the kind or texture of the building materials, and the style and type of all windows, doors, lights, and porches.

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

**Character or Character-Defining:** The visual aspects and physical features that comprise the appearance of a building, which may include the overall shape of the building and its materials, craftsmanship, decorative details, and unique aspects of its site or environment.

**Conjectural Features:** Features added based only on availability or added without research into what would be the historically accurate feature for a type of architectural style.

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

**Frontage Zone:** Same as the definition found in Article 8 of the Core Zoning Code.

**Hazard Building(s):** Any building which, because of inadequate maintenance, dilapidation, physical damage (including damage from a fire, flood, or similar), unsanitary condition, or abandonment, constitutes a fire hazard or a danger to public health.

**Historic Preservation:** Broadly, this is a conversation about the past for the purposes of planning for the future. For the purposes of this Ordinance, this means identifying and regulating buildings, structures, sites or districts with cultural, social, architectural or historic value in order to communicate with future generations those places (including individual buildings or sites and whole neighborhoods) which have been important or significant to the broader story of the Town of Newcastle and its inhabitants.

**Historic Resource Inventory:** An inventory, maintained by the Town, of sites, buildings and resources within the Historic Special Districts, and, if applicable, their Character-Defining features.

**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 significant architectural, social, cultural or historical value in their own right, and which have been designated as Local Landmarks through the process outlined in Article 3, Section 3 of this Ordinance. Only property owners or their agents/assigns may initiate a petition to designate their property as a Local Landmark.

**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 Planning Department, 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 building is post-and-beam construction or factory-built/manufactured.

**Permitting Authority:** The Planning Department or the Historic Special District Review Board, as may be applicable.

**Planning Department:** The Town Planner or their designee.

**Primary Building:** Same as the definition found in Article 8 of the Core Zoning Code.

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

**Proportions:** The relationship of the size, shape, and location of one building element to all of the other elements; each architectural style typically has its own rules of proportion.

**Projections:** A part or feature of a building which extends out beyond the enclosing walls (for example, steps, porches, or enclosed entries, or bay windows, balconies, and cornices).

**Public Realm:** All public or civic lands including publicly-owned parks and open spaces, roads, sidewalks, rights-of-way, frontage zones, and water bodies.

**Reconstruction:** The act or process of depicting, through new construction, the form, features, and details of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time (usually using documentary or photographic evidence).

**Renewable Energy Systems:** Systems that harness energy from solar, geothermal and/or wind sources.

**Repointing:** To repair the joints of brickwork or masonry with mortar or cement.

**Review Board:** The Newcastle Historic Special District Review Board, as established by Article 3 of this Ordinance.

**Rhythm:** An ordered, alternating, recurring pattern of solids (walls) to voids (windows and doors) in building facades along the street. The recurrent alternation of walls to windows and doors (solids to voids) along the front facade of a building establishes a pattern which can be perceived when observing the building from a distance.

**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.

# Section 6: Architectural Styles Present in Newcastle & Their Character-Defining Features

This section is intended to provide a brief overview of architectural styles commonly found in Newcastle. Many buildings are influenced by multiple styles. This list is intended to help users of this Manual recognize common architectural styles and their character-defining features.

Each page has one architectural style and a description of character-defining features found on that style. These descriptors make up the so-called “character-defining” features that the Ordinance seeks to regulate. Following the descriptor page is one page of photos showing how that particular architectural style was interpreted in Newcastle. The discussions of styles is primarily concerned with residential construction, since that is the majority of properties within Newcastle’s SD-Historic zoning district.

This information should be of benefit to property owners by providing a framework of reference during the project planning phase, prior to submittal of a specific project to the Review Board.

# Federal (1780-1820)

## Identifying Features

Semi-circular or elliptical fanlight over front door, which is typically incorporated into a more elaborate door surround (sometimes including a decorative crown or, as with the Kavanaugh Mansion, a small entry porch).

Cornice emphasized with tooth-like dentils or other decorative molding.

Double-hung windows, usually with six panes per sash. Windows are aligned both horizontally and vertically in strict symmetrical rows. Windows are typically surrounded by shutters.

Typically five bays wide (less common in Newcastle would be three bays wide).



*Pictured above: the Federal-style Kavanaugh Mansion in Damariscotta Mills. Photo c/o Historic American Buildings Survey (HABS-ME22).*

# Greek Revival (1825-1860)

## Identifying Features

Gabled or hipped roof of a low pitch.

The cornice line of the main roof, and typically the porch roof, is emphasized by a wide band of trim, divided into two parts. This is an almost universal feature of Greek Revival homes.

Most have porches or entrances that are actually slightly recessed into the facade. In Newcastle, the porches are typically only over the entry and are less than the full height of the front facade.

In some examples, the door is also surrounded by a narrow band of rectangular panes of glass held in a delicate, decorative frame. The door and small windows are then typically surrounded by a larger wood frame (or, if there are no small windows, the door will still be framed).

Double-hung windows, usually with six panes per sash. Windows may be surrounded by shutters.

Usually contain a shallow half-story (whether the main house is one or two stories).



*Pictured above: a Greek Revival home in Sheepscot Village.*

# Italianate (1840-1885)



*Pictured above: an Italianate home in Sheepscot Village.*

## Identifying Features

Rarely ever one-story tall, typically two- or three-stories.

Low-pitched roof with moderate to widely over-hanging eaves with decorative brackets underneath.

Tall, narrow windows that are sometimes arched or curved. The windows are typically framed, at minimum, or have elaborate crowns above them.

Italianate houses may be wide and generally symmetrical, or skinnier and asymmetrical. When asymmetrical, they may be balanced by a bay window on one side.

Bay windows are also common features.

Single-story porches, either partial or full-width, are also common.

# Second Empire (1855-1885)

## Identifying Features

The mansard roof is the distinguishing characteristic, with dormer windows. Eaves of roof have decorative brackets (and the decorations may look similar to those on the Italianate style).

Window, door and porch details are similar to those used in the Italianate style.

Note: the Second Empire style is quite uncommon in Newcastle. That pictured at left may be one of the few.



*Pictured above: a Second Empire home in the Glidden Street neighborhood.*



# Queen Anne (1880-1910)

## Identifying Features

Steeply pitched roof of an irregular shape, usually with a dominant front facing gable.

The primary facade is asymmetrical, sometimes with a partial or full-width porch at least one-story high.

Towers are common, as are dormers and bay windows. Differing projections and recesses are also common to break up the horizontal planes of facades.

Differing wall textures are a hallmark of Queen Anne houses. These are most commonly achieved with pattern wood shingles.

Note: the Queen Anne style is quite uncommon in Newcastle. That pictured at left may be one of the few.



*Pictured above: a Queen Anne-style home in the Glidden Street neighborhood.*

# Vernacular Construction (circa 1930-present)

## Identifying Features

This style of construction is by definition "a mode of building based on regional forms and materials" (Cyril M. Harris, Historic Architecture Sourcebook). The main distinguishing characteristic is that it has no distinguishing characteristics. Vernacular architecture is the everyday building form used by builders throughout history who were concerned with providing shelter rather than a work of art. Despite its relative simplicity compared to the other styles, it should not be dismissed as a style. Vernacular, as the background for the stylistic buildings that surround it, represents the typical building style of a working class community.

