

**ARTICLE 8**  
**HISTORIC PRESERVATION ORDINANCE**  
~~(Draft 1, ORC, 2009)~~

**1. PURPOSE**

**1.1 Purpose and Intent**

The purpose of this Ordinance is to provide a framework within which the residents of the Town of Wiscasset can protect the historic, architectural and cultural heritage of significant areas, buildings, structures, landmarks and sites in the Town while accepting compatible new construction. The heritage and economic well-being of the Town will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings for the education and welfare of the citizens of the Town of Wiscasset. The intent of this Ordinance is to ~~in every way possible~~ assist property owners ~~to maintain~~ in maintaining the architectural integrity of historic resources within the Town. Once destroyed, ~~their history~~ these historic resources cannot be replaced. To prevent such losses, the intent of this Ordinance is to: ‘

A. Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.

B. Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks and other significant design elements.

C. Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings or structures.

D. ~~In designated districts,~~ Accept new buildings and structures ~~in designated districts that are~~ do not displace historic structures or sties, and that are designed and built in a manner which is compatible with the character of the district.

E. Promote the educational, cultural, economic and general welfare of the people of the Town of Wiscasset.

**2. DEFINITIONS**

**2.1 Terms Defined.** As used in Ordinance, the following terms shall have the meanings indicated:

**ABUTTER:** The owner of a property sharing a common boundary with another property or within 100 feet of a given piece of property, whether or not these properties are separated by a public or private way. Owners shall be considered to be persons listed by the Tax Assessor of Wiscasset and/or the ones against whom taxes are assessed.

ALTERATION: A change in the external architectural or landscape features of any structure. This definition does not include change in color.

APPROPRIATE: Suitable or fitting for a particular purpose, person, occasion, etc  
~~Changes to historic properties, landmarks, buildings, structures, or sites within historic overlay zones, or sites or landmarks which are not incongruous with what is historically and architecturally significant as determined by the Commission and by this Ordinance.~~

ARCHITECTURAL SIGNIFICANCE: The embodiment of distinctive characteristics of a type, period or method of construction; represents the work of a master architect or builder; or possesses high artistic values.

BUILDING: Structures and historic places (i.e., cemeteries, parks, etc.) which ~~may or may not have buildings located on them and which are classified under this Ordinance.~~ are classified under this Historic Preservation Ordinance.

CERTIFICATE OF APPROPRIATENESS: A written approval following a prescribed review procedure granted by the Commission upon application of a person with sufficient right, title or interest to property ~~following a prescribed review procedure~~, certifying that the proposed actions by an applicant are found to be acceptable in terms of the design criteria relating to the historic resource as set forth in this Ordinance.

COMMISSION: The Wiscasset Historic Preservation Commission, as established by this Ordinance.

CONSTRUCTED: Built, erected, altered, enlarged, reconstructed, moved upon, or installed, and ~~or moved, or any physical operations on the premises which are required for construction.~~

CONTRIBUTING STRUCTURES (within districts): A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

DESIGNATED RESOURCE: A historic resource which has been designated under Sections 4.1 and 4.2 and is subject to the requirements of this Ordinance.

DEMOLITION: The permanent removal, dismantling or destruction of all or any portion of an existing designated historic resource.

EXTERIOR ARCHITECTURAL FEATURE: The architectural style and general arrangement of the exterior of a building or structure, including but not limited to:

- A. The roof shape and the kind and texture of the building materials;
- B. The type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc;
- C. The location and treatment of any vehicle access or parking space;
- D. The design of any sign; and

E. The arrangement of any fencing.

**HISTORIC DISTRICT:** A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or physical development and designated in accordance with the requirements of this Ordinance as appropriate for historic preservation. Such historic districts may also comprise an individual historic landmark or historic site separated geographically, but linked by association or history.

**HISTORIC LANDMARK:** Any improvement, building or structure of particular historic architectural significance to the Town relating to its heritage, cultural, economic or political history, or which exemplifies historic personages or important events in local, state or national history as may be designated in accordance with this Ordinance.

**HISTORIC RESOURCE:** Any historic district, historic site or historic landmark.

**HISTORIC SIGNIFICANCE:** The embodiment of one or more of the five qualities in Section 4.1. Any building classified as noncontributing is not considered to possess historic significance.

**HISTORIC SITE:** Any parcel of land of special significance in the history of the Town or its inhabitants, or upon which an historic event has occurred, and which has been designated as such in accordance with this Ordinance. The term "historic site" shall also include any improved parcel, or part thereof, on which is situated a historic landmark, and any abutting improved parcel, or part thereof, used as and constituting part of the premises on which the historic landmark is situated as may designated in accordance with this Ordinance.

**MATERIAL CHANGE:** A modification to the architectural style, general design and general arrangement of the exterior of a building or structure, including but not limited to the kind or texture of the building materials and the type and style of all windows, doors, light fixtures, other appurtenant fixtures and other features such as walks, walls, fences, signs, driveways and parking areas. In addition, all activities that affect the exterior of the building and require a building permit are also included in this definition.

**MATERIALS AND TEXTURE:** The exterior surface material of a building or structure, including but not limited to brick, stone, wood or slate.

**MINOR ALTERATIONS:** Incidental changes or additions to a building or site features which will neither result in substantial changes to any significant historic features nor obscure such features and are easily reversible. In no event shall any change be deemed minor when, in the determination of the Code Enforcement Officer, such change shall alter the historic character of the building or site.

**NEIGHBORHOOD SIGNIFICANCE:** A contribution to the creation of a physical setting representing a period important to the evolution of the Town. It is understood, in this case, that the physical setting, which is composed of buildings, landscape features and open space, and other architectural features, can transcend the sum of its parts in creating a sense of history. Some examples of situations in which a building would have neighborhood significance are: it is one of a

group of similar buildings constructed and/or designed by an individual important in Wiscasset history; it is a compatible element in a group of buildings of similar or equally important significant architectural styles; its location (i.e., on a corner lot, on a rise of land, on a large parcel of land, as the first building to visually introduce an important group of buildings) makes it an important element in the neighborhood; its size gives it a dominant place in the neighborhood.

**HISTORIC OVERLAY MAP:** A map of the Town of Wiscasset which identifies the location of a designated historic district, historic site, ~~or~~ historic landmark or area of neighborhood significance. This map may be used to overlay other Town maps such as zoning, land use or property tax to demonstrate the designated historic resources locations.

**RECONSTRUCTION:** The rebuilding of a building or a part of a building. The reconstruction may or may not be a return to the original design of the building.

**REHABILITATION:** The upgrading of a building, previously in a dilapidated or substandard condition, for human habitation or use. "Rehabilitation" does not necessarily retain the building's original architectural features.

**RESTORATION:** The replication or reconstruction of a building's original architectural features. "Restoration" usually describes the technique of preserving historic buildings.

**RHYTHM:** Characterized by the regular recurrence of strong or weak elements.

**STRUCTURE:** Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, commercial park rides and games, carports, porches, and other building features, but excluding sidewalks, fences, driveways, parking lots and noncommercial swimming pools (whether aboveground or in-ground).

**VIOLATION:** Failure to comply with the plans and conditions as approved by the Historic Preservation Commission when it issued the certificate of appropriateness, and/or any activity listed in Section 5.1, Certificate of appropriateness, is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed.

**VISUALLY COMPATIBLE:** A mix of styles, sizes, etc., that blend together well and that conform to the five criteria of Section 4.1 A - E.

### **3. HISTORIC PRESERVATION COMMISSION**

#### **3.1 Wiscasset Historic Preservation Commission**

A. Appointment. Members of the Historic Preservation Commission shall be appointed by the Board of Selectmen

B. Qualifications. All members shall be residents of Wiscasset. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and/or desire to promote historic preservation in the Town of Wiscasset within the meaning of Section 1 of this Ordinance. To the

extent available, members should have experience and/or skills related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, archaeology, and building construction. Regular and alternate members shall serve without compensation.

C. Regular members. The Commission shall consist of five regular members and two alternates. The regular members who are first appointed shall be designated to serve terms beginning July 1 and ending June 30 as follows: one for one year, two for two years and two for three years from the date of their appointment. Thereafter, Commission members shall be appointed for terms of three years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Board of Selectmen shall act within 60 days to fill a vacancy, including expired terms. Regular members may be reappointed. Members shall continue in office until their successors are appointed.

D. Alternate members. Alternate members who are first appointed shall serve terms beginning July 1 and ending June 30 as follows: one for one year and one for two years. Thereafter, alternate members shall be appointed for terms of three years, except to fill a vacancy, in which case it will be for the remainder of the unexpired term. They shall participate in all hearings and discussions. They shall vote only if **appointed by the chairman** ~~the Chairman appoints an alternate~~ to act in place of a regular member who is absent, has resigned, or has been disqualified because of a conflict of interest. Alternate members may be reappointed.

E. Advisory members. In addition to regular and alternate members of the Commission, the Board of Selectmen may appoint other persons, not necessarily residents of the Town of Wiscasset, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions. Such members shall not be voting members of the Commission.

F. Removal. Any regular or alternate member may be removed by the Board of Selectmen for cause upon written charges after a public hearing. Three consecutive unexcused absences or four unexcused absences out of five consecutive meetings of the Commission shall be considered sufficient cause for removal of a regular member.

G. Officers. The Commission shall elect annually a Chairperson, Vice Chairperson and a Secretary from its membership. Three members shall constitute a quorum for the transaction of business, but if less than a quorum is present, then the meeting will be adjourned. The Secretary shall maintain a permanent record of the activities of the Commission, including but not limited to such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts made, resumes of the Commission members, attendance records, appointments to the Commission, correspondence and minutes of all meetings.

H. Procedures. The Commission under normal conditions shall apply Roberts Rules of Order.

I. Meetings. All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. Public notice shall be provided before any special meeting of the Commission.

J. Duties. The duties of the Commission, at a minimum, shall be to:

- (1) Conduct or cause to be conducted a continuing survey of local historical and cultural resources, in accordance with the Maine Historical Preservation Commission guidelines;
- (2) Advise and inform owners and abutters of the requirements of this Ordinance.
- (3) Make recommendations to establish historic districts, sites or landmarks;
- (4) Review all proposed additions, reconstruction, alterations, construction, removal or demolition of properties designated under the jurisdiction of this Ordinance, except as exempted by Section 5.2 C.
- (5) Review all proposed National Register nominations for properties within the jurisdiction of the Historic Preservation Commission of the Town of Wiscasset;
- (6) Serve in advisory role to the Town officials regarding local historic and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation;
- (7) Advise and inform Town officials and owners on physical and financial aspects of preservation, renovation and rehabilitation of historic buildings, structures or sites;
- (8) Work to provide local residents with continuing education on historic preservation issues;
- (9) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this section;
- (10) Cooperate with federal, state and Town officials in the pursuit of the objectives of historic preservation; and
- (11) Participate in land use planning efforts of the Town, state and federal government.

K. Historic Preservation gifts, grants and funding. Gifts, grants and funding received within a fiscal year from entities other than the Town may be expended with Town Meeting approval solely for purposes of historic preservation in the Town of Wiscasset. A dedicated fund shall be established by the Town's Treasurer to receive unused gifts and grants received in the current year. The Town Treasurer will also establish such operational accounts for the Commission as is deemed appropriate for the Commission to accomplish its duties, such as training, providing notices to the public, etc. These accounts may be funded through the normal budget process. Funding to support an incentive noted in Section 4.3 will be accomplished through the regular budget process and by any Town Meeting. ~~Check to make sure donations do not go into general fund.~~

L. Administrative support. Administrative support to include processing applications, providing public notice of hearings and findings of the Commission, and retention of copies of the permanent



records of the activities of the Commission shall be provided by the Planning and Codes Department.

#### 4. **QUALIFICATIONS, ESTABLISHMENT, DESIGNATION, INCENTIVES, AND PERMITTED USES**

4.1 Qualifications of Historic Districts, Sites and Landmarks. The historic districts, historic sites or historic landmarks established in accordance with this Ordinance shall have one or more ~~or any combination~~ of the following characteristics and qualifications, without limitations as to cultural or chronological period:

A. History of Wiscasset. Structures, buildings or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Wiscasset, the State of Maine or the Nation, including sites or buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage;

B. Persons. Structures, buildings or sites associated with important personages;

C. Architecture. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for study of a period, style or method of building construction, of community organization and living, or landscaping, of a single notable structure or a single site representing the work of a master builder, master designer, architect or landscape architect;

D. Visual continuity. Structures or buildings contributing to the visual continuity of the historic district;

E. National register. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

4.2 Establishment of Historic Districts, Historic Sites and Historic Landmarks. Historic districts, historic sites and historic landmarks, except for districts, sites and landmarks established at the time of original adoption of this Ordinance, shall be designated in accordance with this section.

A. Preliminary procedures. The establishment of historic districts, historic sites or historic landmarks shall be done by amendment to Section 4.4. No property will be included within a district nor become a historic site or historic landmark without the written consent of the property owner or owners. The Board of Selectmen, the Planning Board, the property owner(s) or the Commission itself may initiate action to amend Section 4.4. Subsequent action to add new districts or expand existing historic district(s) shall be done in the same manner. Any person seeking to add or expand historic districts, sites or landmarks shall submit a request for the amendment in writing to the Commission. A request may include exercising any or a combination of the incentives in Section 4.3. Any proposal by the Board of Selectmen or Planning Board shall be referred to the Commission for comment before Selectmen action. ~~After receiving~~ The Commission's recommendations concerning the request shall be placed on the agenda of the Board of Selectmen for its action. Formal adoption of historic districts, sites or landmarks may only be achieved by

vote of the governing body at any Town Meeting. Any application for designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

(1) Designation of buildings, structures and sites for historic preservation shall include one or more of the following:

(a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and special qualities as relevant;

(b) A concise statement of how the building, structure or site meets the review criteria of 4.1 A – E;

(c) Exterior photographs of the building or structure, ~~or a site map (is a site map adequate by itself?)~~, illustrating significant details described in Subsection A(1)(a) above. In addition, the Commission may request photographs of interior articles of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions; or

(d) Survey forms as generally used by and available from the Maine Historic Preservation Commission.

(2) Designation of districts for historic preservation shall include:

(a) A concise statement of the physical elements which make this area a historic district and a description of building types and architectural styles and periods represented;

(b) A concise statement of how the district meets the review criteria of 4.1 A - E;

(c) An explanation of the boundaries of the district;

(d) A definition of types of structures that do not contribute to the significance of the district and an estimate of the number of noncontributing structures;

(e) An overlay map showing all district structures with an identification of contributing structures.

(3) Expansion of historic districts for historic preservation shall include:

(a) A concise statement of the physical elements that justify an expansion of an existing district, an explanation detailing how the expansion is consistent with the character of the district and a description of building types and architectural styles and periods represented;

(b) A concise statement of how the expansion of an existing district meets the review criteria of 4.1 A - E;

(c) A justification of the expanded boundaries of the district; and



(d) A map showing all district structures in the proposed expansion area with an identification of contributing structures.

B. Studies and recommendations. Before making its recommendation concerning the proposed establishment or expansion of a historic district, historic site or historic landmark, the Commission may conduct studies and research of the proposal. The Commission shall make and submit a **draft** report to the Board of Selectmen on every request received. Drafts of the report shall also be submitted to the Maine Historic Preservation Commission in Augusta.

C. Public hearing and final report. Before the final report is made to the Board of Selectmen, the Historic Preservation Commission shall hold a public hearing on the request, after due notice is provided at least seven days before the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation, and owners of abutting property. Not later than 30 days after the public hearing, the Commission shall submit a final report including recommendations to the Board of Selectmen.

D. Action by the Board of Selectmen. After receipt of the Commission's recommendations, as provided above, the Board of Selectmen shall consider the proposed designation and approve or disapprove the request to be placed on the ballot. Formal adoption of historic districts, historic sites or historic landmarks may only be achieved by vote of the governing body at any Town Meeting. The owner of each property so designated shall be given written notice by the Planning and Codes Department within 30 days after the designation of any historic district, historic site or historic landmark.

E. Applicability of this Ordinance. After the historic resources have been approved at any Town Meeting they are subject to the requirements of this Ordinance.

#### 4.3 Incentives

A. The Historic Preservation Commission may make recommendations to the Board of Selectmen concerning the use of incentives for the purposes of promoting and ensuring the preservation of historic resources in the Town. Such incentives may include, but not be limited to:

- (1) Acquisition of historic preservation easements;
- (2) Purchase of historic properties;
- (3) Tax increment financing; and
- (4) Property tax rebates.

B. Funding for incentives shall be established in accordance with the provisions of 3.1 K.

4.4 Designated Historic Districts, Historic Sites and Historic Landmarks. This Ordinance may ~~only~~ be amended **only** by vote of the governing body at any Town Meeting. Upon adoption and

amendment of this Ordinance, the following lands, buildings or structures, or areas of the Town are designated as historic resources and shall be shown on the Historic Overlay Map.

A. Wiscasset Historic District. ~~The Boundaries of the Wiscasset Historic District???. The Wiscasset Historic District is divided into 2 Districts, the Downtown Historic District and Downtown Historic District II as described below.~~

~~(1). Downtown Historic District~~

~~(2). Downtown Historic District II~~

B. Historic Sites

C. Historic Landmarks

4.5 Permitted Uses. Uses permitted for historic resources shall be those set forth in Article VI, Zoning, of the Town of Wiscasset Ordinances, for the zone in which such district, site or landmark is located.

## 5. **CERTIFICATE OF APPROPRIATENESS AND APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

### 5.1 Certificate of Appropriateness

A. A certificate of appropriateness issued by the Historic Preservation Commission is required for any of the following:

(1) New construction of a principal or accessory building visible from a public street where such building will be located in a historic district or upon a historic site;

(2) Demolition of any landmark, building or portion of any building, including the removal of architectural features from a historic landmark or a contributing building in a historic district;

(3) Moving of a historic landmark or any building located in a historic district;

(4) Additions, alterations or reconstruction, including porches and steps of existing buildings within a historic district, or a historic site;

(5) New signs placed in a historic district or on a historic site or landmark;

(6) New construction of walls, fences and parking lots in a historic district that are visible from a public way; and

(7) Sandblasting of brick or stone buildings within a historic district, site or landmark.

B. Specifically excluded shall be the color of any substantially non-permanent exterior finish such as paint.

C. A building permit for work described in Subsection A above shall be issued only after the required certificate of appropriateness is issued by the Historic Preservation Commission.

## 5.2 Application for Certificate of Appropriateness

A. Application forms and fees. An application for a certificate of appropriateness shall be obtained from the Planning and Codes Department. A fee of ~~\$25.00~~ **established in the Town of Wiscasset Fee Schedule by the Board of Selectmen** shall be paid at the time of submission of the application.

B. Application procedure. A completed application for a certificate of appropriateness shall be submitted to the Planning and Codes Department who shall date the application and transmit the application to the Historic Preservation Commission. The Commission shall consider each application and, within 30 days of the date of submittal, hold a public meeting and approve, approve with conditions or deny the application. Upon mutual written consent of the Commission and the applicant, the review period may be extended. Notice of all decisions shall be sent to the applicant, Planning Board and Code Enforcement Officer within ten days of the decision.

C. Alternative procedure for review of installation or alteration of any exterior sign; minor alteration and temporary alterations. In order to process certificates of appropriateness more efficiently, applications for minor alterations shall be reviewed by the Code Enforcement Officer ~~rather than~~ **and** by the Historic Preservation Commission. The Code Enforcement Officer will review the application to the standards of this Ordinance and shall approve the application, approve the application with modifications or deny the application. No public meetings are required for applications reviewed under this procedure. The Historic Preservation Commission members shall receive a copy of all decisions. If the Code Enforcement Officer has not acted within 10 working days, the applicant may seek approval from the Historic Preservation Commission, rather than from the Code Enforcement Officer. Inaction by the Code Enforcement Officer does not constitute approval or disapproval of the application.

(1) If the applicant is not satisfied with the determination of the Code Enforcement Officer, the applicant shall be permitted to have the application reviewed by the Commission. The Code Enforcement Officer can, for any reason, forward any minor alteration to the Commission for review. The Code Enforcement Officer shall provide the Commission with written notice of any action. Where the Commission conducts a review of an application where the Code Enforcement Officer has made a determination under this subsection, the Commission shall conduct a de novo review of the application and make its own decision and findings on whether the application meets the requirements of this Ordinance. The Commission shall conduct its review under the procedures set forth in Section 6.1 of this Ordinance.

(2) For purposes of this section only, "temporary" is defined as either a one-time occurrence that does not exceed ~~30-day~~ **30 days** or as an annual occurrence that does not exceed one ~~30-day~~ period each year.

~~D. Alternative procedure for review of certificate of appropriateness applications for proposals within the Downtown Historic District II. The final decision of the Commission shall be advisory for property located in the Downtown Historic District II, except properties identified as a Historic~~

~~Site or a Historic Landmark noted in Section 4.4 D and E shall require binding approval from the Commission.~~

~~ED.~~ Application contents. The application shall state the location, use and nature of the matter for which such application is sought and shall contain at least the information or documentation outlined ~~in Subsection E(1) through (5) and (6) and/or (7) and (8) (this is unclear and should be reworded.)~~ below. ~~of this section.~~ The Commission may waive any application requirement if it determines that it is not necessary to the application.

- (1) The applicant's name, address and interest in the subject property;
- (2) The owner's name and address, if different from the applicant's, and the owner's signature;
- (3) The address, tax map and lot number of the subject property;
- (4) The present use and zoning classification of the subject property;
- (5) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the certificate of appropriateness;
- (6) A drawing or drawings, preferably scaled, of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the certificate of appropriateness is being applied. As used herein, "drawings" shall mean plans or exterior elevations drawn, preferably to scale, with sufficient detail to show as far as they relate to exterior appearances, the architectural design of the building(s), including materials and textures, ~~including~~ and samples of exterior materials. Drawings shall be clear, complete and specific;
- (7) Photographs of the buildings may be used to show the information required in Subsection E(6) above if the Code Enforcement Officer and Commission deem them appropriate. They should include the buildings involved and adjacent buildings; and
- (8) A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other relevant elements.

## 6. ADMINISTRATIVE PROCEDURES

### 6.1 Administrative Procedures

A. Notice to applicant and property owner. Before consideration of a certificate of appropriateness, the Town shall inform the applicant and property owner of the date, time and location of meeting at which the application shall be reviewed. ~~of what? Didn't the applicant or property owner just apply? Or is it a notice of a hearing?)).~~ Failure of any person to receive notice shall not necessitate another hearing or invalidate any action of the Commission.

B. Hearing. The Commission will hold a public meeting on each application before it. Applications under 5.2 C, Alternate procedure for review of installation or alteration of any

exterior sign, minor alteration and temporary alterations, do not require a public meeting. A notice of the public meeting will be posted at Town Hall at least five days before the public meeting **and on the Town's website**. In the case of an application for a new building or the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.

C. Approval. A vote to approve a certificate of appropriateness must receive the affirmative votes of three of the members seated. If the Commission determines that the proposed construction, reconstruction, alteration, moving or demolition meets the standards of this Ordinance and is therefore appropriate, it shall approve a certificate of appropriateness and the Commission shall notify the applicant and Code Enforcement Officer in writing of the determination and any conditions of approval.

D. Disapproval. If the Commission determines that a certificate of appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of this Ordinance. The Commission shall notify the applicant and the Code Enforcement Officer within 10 days of the final determination.

E. Appeals. An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved, within 30 days from the date of the final decision, to the Zoning Board of Appeals. Where an appeal is from a decision of the Historic Preservation Commission, the review by the Board of Appeals shall be appellate in nature and shall be limited to a review of the record developed before the Historic Preservation Commission. The person submitting the appeal and any opponents to the position of that person may make written and/or oral presentations to the Board of Appeals about why they feel the decision of the Historic Preservation Commission was correct or incorrect, but they shall not be allowed to present any evidence that was not presented to the Historic Preservation Commission. The Board of Appeals shall only reverse the decision of the Historic Preservation Commission if it determines that the decision contained a procedural error or was clearly contrary to the provisions of this Ordinance.

## 7. **STANDARDS OF EVALUATION, ORDINARY MAINTENANCE AND EXEMPTION FOR SUBSTANTIAL HARDSHIP** ~~or "FOR UNDUE HARDSHIP"~~

7.1 Standards of Evaluation. The standards and requirements contained in this section and in the U.S. Department of the Interior's Standards for the Treatment of Historic Properties, dated 1995, or its most recent revision, a copy of which is on file in the Planning and Codes Department, shall be used in review of applications for Certificates of Appropriateness and specifically as to the procedures before demolition or removal can take place. Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus.

A. The following standards ~~Every reasonable effort~~ shall be followed ~~made~~ to provide a compatible-consistent appearance for new or renovated buildings, structures and yards in the historic preservation district, or to maintain the integrity of existing buildings, structures or grounds. ~~giving due consideration to the economic feasibility of maintaining such buildings, structures or grounds.~~ The following standards apply:

- (1) The distinguishing original qualities of character of a building, structure or site shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features shall be avoided when reasonably possible.
- (2) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis should be avoided when reasonably possible.
- (3) Changes which may have taken place in the course of time are evidence of this history and the development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected.
- (4) Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be retained whenever feasible.
- (5) Deteriorated architectural features shall be repaired rather than replaced, whenever feasible. In the event replacement is necessary, the new material should match the material being replaced in design, texture and visual qualities. ~~composition, design, texture, and visual qualities.??~~ Repair or replacement of missing architectural features ~~should~~ shall be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.
- (6) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic materials shall be avoided whenever possible.

B. Visual compatibility factors. Within the historic districts and on historic sites, new construction, additions to existing buildings or structures and appurtenances thereof which are moved, reconstructed, materially altered, repaired or changed through exterior surfaces shall be visually related generally in terms of the following factors:

- (1) Height. In addition to complying with the height standard of **Article II, Building Laws, Section 3.2** of the Town of Wiscasset Ordinances, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from the public street.
- (2) Width. The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.
- (3) Windows and doors. The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the buildings are visually related particularly to adjacent historic buildings of the same period.
- (4) Relations of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be compatible with that of the buildings to which it is visually related.
- (5) Rhythm of spacing of buildings on streets. The relationship of the buildings to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.



(6) Rhythm of entrance and/or porch projection. The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.

(7) Relationship of materials and texture. The relationship of the materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related.

(8) Roof shapes. The roof shape of a building shall be compatible with that of buildings to which it is visually related.

(9) Scale of buildings. The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with those characteristics of buildings and spaces to which it is visually related.

(10) Directional expression of front elevation. A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or non-directional character.

C. Construction of new buildings and structures in historic districts. In addition to the standards above, the construction of a new building or structure or an addition to an existing building or structure within a historic district or on a historic site shall be generally of such design, form, proportion, mass, configuration, building material, texture and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with the area.

D. Signs. General: Signs shall be governed by the standards of **Article III, Signs**, of the Town of Wiscasset Ordinances, and this section. If there is any conflict, the stricter standards shall apply. All signs either new or upon alteration, require a certificate of appropriateness. Contemporary signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

(1) Location. Wall signs shall be generally located no higher than the window sill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street level windows, such signage should not substantially obscure visibility through the window.

(2) Design. The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic. Typefaces which are simple, easy to read and scaled appropriately for both the sign and the building shall be used. Pictographs (such as a projecting sign in the shape of a key for a key shop) can be an appropriate feature if consistent with the standards of this Ordinance.

(3) Illumination. Generally, signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Historic Preservation Commission (but not the Code Enforcement Officer) may approve certain special illuminated signs. Special situations such as marquees or special uses such as cultural events or public activities may be appropriate exceptions where sensitively designed.

(4) Additional guidelines for special categories of signs.

(a) Awnings, canopies and marquees. The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed and fully fill the width of the individual window or door opening. Besides the signs standards of this Ordinance, these sign types and all advertising signs must comply with all other historic design standards.

(b) Painted wall signs. Painted wall signs such as business names may be appropriate if designed in conformance with this Ordinance.

(c) Outdoor murals. Painted walls such as murals scenes shall be used only to enhance the streetscape, not for advertising purposes.

#### E. Demolition or removal.

(1) Scope. The following provisions apply to any proposal involving demolition, moving or removal of any historic landmark, or any building or structure or any appurtenance thereto, in a historic district. 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, and to afford the Town, interested persons, historical societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

(2) Procedure. An historic resource or any building or structure in an historic district, or any appurtenance thereto, shall not be demolished or moved and a certificate of appropriateness shall not be approved until either:

(a) The building or structure has been identified by the Commission as incompatible or non-contributing with the historic district in which it is located; or

(b) The building or structure, or important portions and features thereof, has been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures; or

~~(c) The property owner can demonstrate that it is incapable of earning an economic return on its value at its present location as appraised by a qualified real estate appraiser; or~~

~~(d) The property owner can demonstrate that he/she has listed the property for sale for at least 180 days and that there has been no bona fide offer to buy the property by a person who is willing to preserve and restore the property.~~

7.2 Ordinary Maintenance and Repair. Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature or change in color in a historic district or any historic landmark which does not involve a change in the design, material or outward appearance thereof.

7.3 Exemption for Substantial Hardship

A. If a certificate of appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines (Standards of Evaluation, Section 7.1) for historic resources. Substantial hardship is to be considered by the Historic Preservation Commission where one or more of the following unusual and compelling circumstances exist:

- (1) The resource cannot reasonably be maintained in the manner dictated by the ordinance;
- (2) There are no other reasonable means of saving the resource from deterioration or collapse; or
- (3) It is not feasible, ~~financially or physically,~~ to maintain the property appropriately.

~~B. The owner may be required to submit documents to show that he/she cannot comply with the design guidelines (Standards of Evaluation) and earn a reasonable rate of return on his/her investment in the resource. Information required may include:~~

- ~~(1) Costs of the proposed development with and without modification needed to comply with the guidelines (Standards of Evaluation, Section 7.1) as determined by the Commission;~~
- ~~(2) A structural report and/or feasibility report;~~
- ~~(3) Market value of the resource in its present condition and after completion of the proposed project;~~
- ~~(4) Cost of the resource, date purchased, relationship, if any, between the seller and buyer and terms of financing; and~~
- ~~(5) Other information considered necessary by the Commission to determine whether or not the property may yield a reasonable return.~~

**OR...**

7.3 Exemption for Undue Hardship.

~~A. Where maintaining the property is not financially or physically feasible or the strict application of any provision of this Ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the Commission shall have the power to vary or modify strict adherence to the provisions, or to interpret the meaning of such provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of the provisions, so that the architectural or historical integrity, or character of the property, shall be conserved. In granting variances, the~~

~~Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose and intent of this Ordinance. An undue hardship shall not be a situation of the person's own making.~~

## **8. CONFLICTS, AMENDMENTS AND VIOLATIONS**

8.1 Conflicts with other Ordinances. This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law regulation or bylaw. Where this Ordinance imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.

8.2 Amendments. The Board of Selectmen, the Planning Board, the Commission or the public itself may initiate action to amend this Ordinance. The request to amend shall be referred to the Ordinance Review Committee and the Commission for a report within 90 days thereof. The Commission shall hold a joint public hearing with the Planning Board at least 10 days before the report is made to the Board of Selectmen. Notice of the hearing shall be made by notice in a newspaper of general local circulation at least two times, with the date of the first publication at least 12 days before the public hearing and the date of the second at least seven days before the public hearing. The notice of the proposed amendment shall be posted in the Town Hall at least 13 days before the public hearing. This Ordinance ~~may shall only~~ be amended only by vote of the governing body at any Town Meeting.

8.3 Violations. It shall be deemed a violation of this Ordinance if an applicant and/or property owner fails to comply with the plans and conditions as approved by the Historic Preservation Commission when it issued the certificate of appropriateness, and/or any activity listed in Section 5.1 is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer determines that any provision of this Ordinance has been violated, he shall send a written notice to the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Code Enforcement Officer shall order the removal of illegal buildings or structures or of additions, alterations or structural changes thereto; order the discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance or state law to ensure compliance with or to prevent a violation of this Ordinance. When violation of any provision of this Ordinance shall be found to exist, the Code Enforcement Officer shall notify the Board of Selectmen, who shall initiate any and all actions to be brought in the name of the Town. The fines and penalties set forth in 30-A M.R.S.A. § 4452 shall apply to violations of this Ordinance.

9. Severability. If any portion of this ordinance shall be held to be invalid, such decision shall not affect the validity of the remaining portions thereof.