

ARTICLE XIV – HISTORIC PRESERVATION

1.1 PURPOSE AND ESTABLISHMENT

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 assist property owners in maintaining the architectural integrity of historic resources within the Town. Once destroyed, these historic resources cannot be replaced. To prevent such losses, the intent of this Ordinance is to:

- 1.1.1 Protect, preserve and enhance the outward appearance and architectural features of structures within designated districts or designated sites or landmarks.
- 1.1.2 Prevent, without prior review, the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks and other significant design elements.
- 1.1.3 Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings or structures.
- 1.1.4 Accept new buildings and structures in designated districts that do not displace historic structures or sites, and that are designed and built in a manner which is compatible with the character of the district.
- 1.1.5 Promote the educational, cultural, economic and general welfare of the people of the Town of Wiscasset.

1.2 DEFINITIONS

- 1.2.1 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 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, or occasion.

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 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 in property, 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 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.

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:

- The roof shape and the kind and texture of the building materials;
- The type and style of all windows, doors, lights, dormers, gable cornices, porches, decorative trim, etc.;
- The location and treatment of any vehicle access or parking space;
- The design of any sign; and
- 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 OVERLAY MAP: A map of the Town of Wiscasset which identifies the location of a designated historic district, historic site, 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.

HISTORIC SIGNIFICANCE: The embodiment of one or more of the five qualities in Section 10.4.1. Any building classified as noncontributing is not considered to possess historic significance.

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.

PRESERVATION: The protection, conservation, maintenance and safeguarding of historic places.

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. "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 1.5.1, Certificate of appropriateness, is carried on without first obtaining a certificate of appropriateness which permits the activity to proceed.

VIEWSCAPE: The public setting in which a structure, site, or landmark is located. It is the immediate visible neighborhood of the street or public land associated with such a structure, including such things as fences, sidewalks and lights. It encompasses the public view of a street, neighborhood or public land. Every kind of structure is considered in the context of its viewscape. A district may include many viewsapes.

1.3 HISTORIC PRESERVATION COMMISSION

1.3.1 Wiscasset Historic Preservation Commission

- 1.3.1.1 **APPOINTMENT.** Members of the Historic Preservation Commission shall be appointed by the Board of Selectmen. Members may be residents, property owners or an appointed representative of a not for profit property. Members should have a demonstrated interest in historic preservation.
- 1.3.1.2 **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.
- 1.3.1.3 **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 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.
- 1.3.1.4 **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.
- 1.3.1.5 **REMOVAL.** Any regular or alternate member may be removed by the Board of Selectmen for just cause upon written charges and 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.

1.3.1.6 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.

1.3.1.7 PROCEDURES. The Commission under normal conditions may apply Roberts Rules of Order or any other procedure which insures a fair and orderly meeting.

1.3.1.8 MEETINGS. All meetings of the Commission shall be publicly announced, open to the public except as provided by law, and have a previously available agenda. Public notice shall be provided before any special meeting of the Commission.

1.3.1.9 DUTIES. The duties of the Commission, at a minimum, shall be to:

- a. Conduct or cause to be conducted a continuing survey of local historical and cultural resources, in accordance with the Maine Historical Preservation Commission guidelines;
- b. Advise and inform owners and abutters of the requirements of this Ordinance.
- c. Make recommendations to establish historic districts, sites or landmarks;
- d. Review all proposed additions, reconstruction, alterations, construction, removal or demolition of properties designated under the jurisdiction of this Ordinance, except as exempted by Section 1.5.2.3.
- e. Review all proposed National Register nominations for properties within the jurisdiction of the Historic Preservation Commission of the Town of Wiscasset;
- f. 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;

- g. Advise and inform Town officials and owners on physical and financial aspects of preservation, renovation and rehabilitation of historic buildings, structures or sites;
- h. Work to provide local residents with continuing education on historic preservation issues;
- i. Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this section;
- j. Cooperate with federal, state and Town officials in the pursuit of the objectives of historic preservation; and
- k. Participate in land use planning efforts of the Town, state and federal government.

1.3.1.10 HISTORIC PRESERVATION GIFTS, GRANTS AND FUNDING. Gifts, grants and funding 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 any unused gifts and grants received. 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 will be funded through the normal budget process.

1.3.1.11 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 Town Administrator and Codes Department.

1.4 QUALIFICATIONS, ESTABLISHMENT, DESIGNATION, INCENTIVES, AND PERMITTED USES

1.4.1 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 of the following

characteristics and qualifications, without limitations as to cultural or chronological period:

- 1.4.1.1 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;
 - 1.4.1.2 Persons. Structures, buildings or sites associated with important personages;
 - 1.4.1.3 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;
 - 1.4.1.4 Visual continuity. Structures or buildings contributing to the visual continuity of the historic district;
 - 1.4.1.5 National register. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.
- 1.4.2 Establishment of Historic Districts, Historic Sites and Historic Landmarks. Historic districts, historic sites and historic landmarks, except for districts, sites and landmarks already established at the time of original adoption of this Ordinance, shall be designated in accordance with this section.
- 1.4.2.1 PRELIMINARY PROCEDURES. The establishment of new historic districts, historic sites or historic landmarks shall be done by amendment to Section 1.4.4. 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 1.4.4. Subsequent action to add new districts, sites or landmarks, 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 1.4.3. Any proposal by the Board of Selectmen or Planning Board shall be referred to the Commission for comment before Selectmen action. 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 the annual Town Meeting. Any application for designation of buildings, structures, sites and districts shall be in writing and include the following as appropriate:

- a. Designation of buildings, structures and sites for historic preservation shall include one or more of the following:
 - (i.) 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
 - (ii) A concise statement of how the building, structure or site meets the review criteria of 1.4.1.1 – 1.4.1.5
 - (iii.) Exterior photographs of the building or structure illustrating significant details described in Subsection a.(i.) above.
 - (iv.) Survey forms as generally used by and available from the Maine Historic Preservation Commission.
- b. Designation of districts for historic preservation shall include:
 - i. 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;
 - ii. A concise statement of how the district meets the review criteria of 1.4.1.1 – 1.4.1.5;

- iii. An explanation of the boundaries of the district;
 - iv. 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;
 - v. An overlay map showing all district structures with an identification of contributing structures.
- c. Expansion of historic districts for historic preservation shall include:
- i. 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
 - ii. A concise statement of how the expansion of an existing district meets the review criteria of 1.4.1.1 – 1.4.1.5;
 - iii. A justification of the expanded boundaries of the district; and
 - iv. A map showing all district structures in the proposed expansion area with an identification of contributing structures.

1.4.2.2 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.

1.4.2.3 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.

1.4.2.4 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 the annual 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.

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

1.4.3 Incentives

1.4.3.1 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.

1.4.3.2 Funding for incentives shall be established in accordance with the provisions of 1.3.1.10.

1.4.4 Designated Historic Districts, Historic Sites and Historic Landmarks. This Ordinance may be amended only by vote of the governing body at the annual 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.

1.4.4.1 Wiscasset Historic District. For the purposes of this ordinance, the Wiscasset Historic District is defined by the boundary of the zoning districts of Village I, Village II, and Village Waterfront District. The requirements of the Ordinance shall apply to any structure(s) within properties entirely or partially within that district.

1.4.4.2 Historic Sites

1.4.4.3 Historic Landmarks

1.4.5 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.

1.5 CERTIFICATE OF APPROPRIATENESS AND APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

1.5.1 Certificate of Appropriateness

1.5.1.1 A Certificate of appropriateness issued by the Historic Preservation Commission is required for any of but not limited to the following:

- a. 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;
- b. Demolition of any historic 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;
- c. Moving of a historic landmark or any building located in a historic district;
- d. Additions, alterations or reconstruction, including porches and steps of existing buildings within a historic district, or a historic site;
- e. New signs placed in a historic district or on a historic site or landmark;
- f. New construction of walls, fences and parking lots in a historic district that are visible from a public way; and
- g. Sandblasting of brick or stone buildings within a historic district, site or landmark.
- h. 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.

1.5.1.2 A building permit for work described in Subsection 1.5.1.1 above shall be issued only after the required certificate of appropriateness is issued by the Historic Preservation Commission.

1.5.1.3 A certificate of Appropriateness is not needed for minor activities reviewed by the Code Enforcement Officer such as but not limited to:

a. Alterations or additions not visible from a public way;

b. Restoration or replacement in kind of existing fences, exterior siding, windows or doors which do not alter architectural or historic character;

c. Repair, replacement or re-pointing of exterior masonry walls in a consistent manner which does not alter architectural or historic character;

1.5.2 Application for Certificate of Appropriateness

1.5.2.1 Application forms and fees. An application for a certificate of appropriateness shall be obtained from the Planning and Codes Department or downloaded electronically from the town website. A fee established in the Town of Wiscasset Fee Schedule by the Board of Selectmen shall be paid at the time of submission of the application.

1.5.2.2 Application procedure. A completed application for a certificate of appropriateness shall be submitted to the Town Office on or before the 15th of the month to be considered at the Commission's regularly scheduled meeting on the first Thursday of the month which shall date the application and transmit the application to the Historic Preservation Commission. If necessary, the Chairman will call for a second meeting on the third Thursday of the month if an application has been received by the Town Office by the last day of the preceding month. The Commission shall consider each application and, within 30 days of the date of submittal, hold a public hearing 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 by email or first-class mail by the Commission within ten days of the decision and a copy shall be given to the Code Enforcement Officer.

1.5.2.3 Alternative procedure for review of installation or alteration of any exterior sign; minor alteration and temporary alterations. To process certificates of appropriateness more efficiently, applications for minor alterations shall be reviewed by the Code Enforcement Officer. The Code Enforcement Officer shall 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 by the Code Enforcement Officer. 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.

- a. 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. When 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 1.6.1 of this Ordinance.
- b. For purposes of this section only, "temporary" is defined as either a one-time occurrence that does not exceed 30 days or as an annual occurrence that does not exceed one 30-day period each year.

1.5.2.4 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 below. The Commission may waive any application

requirement if it determines that it is not necessary to the application.

- a. The applicant's name, address and interest in the subject property, or, if needed, the name and address of the applicant's authorized agent;
- b. If the applicant or authorized agent is not the owner of the property, the owner shall submit a letter authorizing the applicant or authorized agent to bring the request to the Historic Preservation Commission.
- c. The address, tax map and lot number of the subject property;
- d. The present use and zoning classification of the subject property;
- e. A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the certificate of appropriateness;
- f. 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 and samples of exterior materials. Drawings shall be clear, complete and specific;
- g. Photographs of the buildings shall be used to show the information required in Subsection 1.5.2.4.f. above if the Commission deems them appropriate. They shall include the buildings involved and adjacent buildings; and
- h. A sketch plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other relevant elements.

1.6 ADMINISTRATIVE PROCEDURES

1.6.1 Administrative Procedures

- 1.6.1.1 Notice to applicant, property owner and abutters. Before consideration of a certificate of appropriateness, the Town shall inform the applicant and property owners within 100 feet of the property of the date, time and location of meeting at which the application shall be reviewed. Notices to property owners shall be mailed to the address noted on the tax records. Failure of any person to receive notice shall not necessitate another hearing or invalidate any action of the Commission.
- 1.6.1.2 Hearing. The Commission shall hold a public hearing on each application before it. A notice of the public hearing will be posted at Town Hall at least five days before the public hearing 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. Applications under Section 1.5.2.3, Alternate procedure for review of installation or alteration of any exterior sign, minor alteration and temporary alterations, do not require a public hearing if reviewed by the Code Enforcement Officer.
- 1.6.1.3 Approval. A vote to approve a certificate of appropriateness shall 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. All decisions shall include the Commission's findings and conclusions.
- 1.6.1.4 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. All decisions shall include the Commission's findings and conclusions.
- 1.6.1.5 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 or was not supported by the facts.

1.7 STANDARDS OF EVALUATION, ORDINARY MAINTENANCE AND EXEMPTION FOR SUBSTANTIAL HARDSHIP

1.7.1 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, Town Office 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.

1.7.1.1 The following standards shall be followed to provide a 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. The following standards apply:

- a. 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.
- b. 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.
- c. Changes which may have taken place in the course of time are evidence of the 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.

- d. Distinctively stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- e. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in design, texture and visual qualities. Repair or replacement of missing architectural features 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.
- f. 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 not be undertaken.

1.7.1.2 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:

- a. Height. Height shall comply with the height standards of Article II, Building Laws, Section 3.2 of the Town of Wiscasset Ordinances.
- b. Width.
- c. Windows and doors.
- d. Relations of solids to voids in front facades.
- e. Rhythm of spacing of buildings on streets.
- f. Rhythm of entrance and/or porch projection.
- g. Relationship of materials and texture.
- h. Roof shapes.

- i. Scale of buildings.
- j. Directional expression of front elevation.

1.7.1.3 **CONSTRUCTION OF NEW BUILDINGS AND STRUCTURES IN THE HISTORIC DISTRICT.** 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 viewscape.

1.7.1.4 **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 signage needs shall be met with signs designed to be consistent with the architectural style of a building, respectful of neighboring buildings, and designed to complement the façade. 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.

- a. **Location.** Wall signs shall be generally located no higher than the windowsill 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 shall not substantially obscure visibility through the window.
- b. **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.

- c. Illumination. 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.
- d. Additional guidelines for special categories of signs.
 - (i.) 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 shall comply with all other historic design standards.
 - (ii.) Painted wall signs. Painted wall signs such as business names shall be appropriate if designed in conformance with this Ordinance.
 - (iii.) Outdoor murals. Painted walls such as murals scenes shall be used only to enhance the streetscape, not for advertising purposes.

1.7.1.5 Demolition or removal.

- a. 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.
- b. 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:

- (i.) 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
- (ii.) 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.

c. Timing. The Historic Preservation Commission shall have a maximum of 60 days to render its decision on demolition or removal.

1.7.2 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.

1.7.3 Exemption for Substantial Hardship

1.7.3. Before a certificate of appropriateness is considered by the Commission, 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 1.7.1) 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:

- a. The property cannot yield a reasonable economic return, or the owner cannot make any reasonable use of the property (“reasonable economic return” shall not be construed to mean a maximum return and “any reasonable use” shall not be construed to mean the highest and best use);
- b. The cost of compliance is unreasonable and unduly burdensome considering the financial capability of

the applicant, or the cost of compliance far outweighs an increase in the fair market value of the property that would arise from the required improvements (as demonstrated by a professional appraisal);

- c. The need for an exemption is due to the unique circumstances of the property and not the general conditions of the neighborhood.
- d. The conditions or circumstances which constitute the hardship were not caused or created by the property owner after the property became subject to this chapter.
- e. The granting of an exemption will not alter the essential character of the neighborhood.

Any vote to grant an exemption shall require a vote in favor thereof by at least three (3) members of the Commission.

1.8 CONFLICTS, AMENDMENTS AND VIOLATIONS

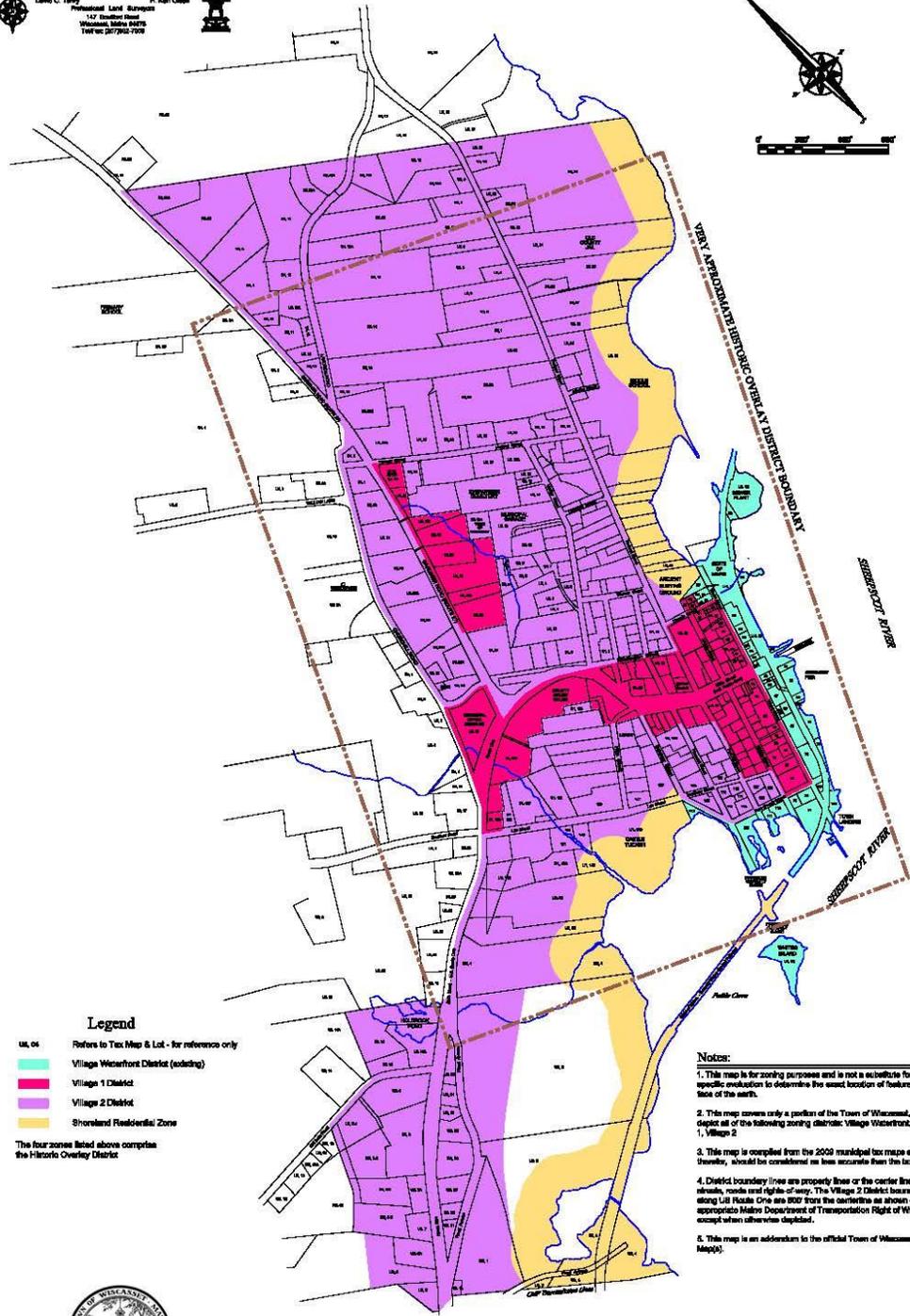
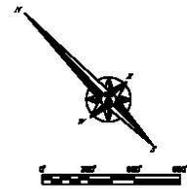
- 1.8.1 Conflicts with other Ordinances. This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this Ordinance imposes a higher and/or stricter standard, the provisions of this Ordinance shall prevail.
- 1.8.2 Amendments. The Board of Selectmen, the Planning Board, the Commission or the public itself through a Maine revised Statutes Title 30-A 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 shall be amended only by vote of the governing body at the annual Town Meeting.
- 1.8.3 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 1.5.1 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.

1.9 SEVERABILITY

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

Karl Olson & Associates, Inc.
 David C. Terry Professional Land Surveyor
 147 Douglas Street
 Wiscasset, Maine 04578
 Tel: 603.782.7000



Legend

U.S. 04 Refers to Tax Map & Lot - for reference only

Village Westport District (existing)

Village 1 District

Village 2 District

Shoreland Residential Zone

The four zones listed above comprise the Historic Overlay District

Notes:

1. This map is for zoning purposes and is not a substitute for the specific evaluation to determine the exact location of features on the face of the earth.
2. This map covers only a portion of the Town of Wiscasset, but does depict all of the following zoning districts: Village Westport, Village 1, Village 2.
3. This map is compiled from the 2008 municipal tax maps and, therefore, should be considered as less accurate than the tax maps.
4. District boundary lines are property lines or the center lines of streets, roads and rights-of-way. The Village 2 District boundaries along US Route One are 800' from the centerline as shown on the appropriate Maine Department of Transportation Right of Way Maps, except where otherwise depicted.
5. This map is an addendum to the official Town of Wiscasset Zoning Map(s).



**HISTORIC DISTRICT
 OVERLAY MAP**
 Town of Wiscasset, Maine
 June 9, 2015

Action: _____ Date: _____
 Chairman WOT, Town Clerk