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TOWN OF YARMOUTH
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**PLANNING BOARD REPORT TO TOWN COUNCIL
YARMOUTH, MAINE**

Request for Amendment to Zoning Ordinance, Chapter 701
To Enact Article X, Proposed Historic Preservation Advisory Ordinance
And to Amend Article IX, Building Demolitions

Historic Resources Steering Committee and Department of Planning & Development, Applicants
Prepared by: Alex Jaegerman, Director of Planning & Development
Report Date: March 12, 2021; Meeting Date: April 1, 2021

**Planning Board Recommendation Re: Historic Preservation Advisory Ordinance, Chapter 701,
Zoning, Article X, and Proposed Amendments to Chapter 701 Article IX, Building Demolitions:**

On March 10, 2021, the Yarmouth Planning Board made the following motion and votes:

Based on the materials presented to the Planning Board in a series of meetings from September 2020 through February 2021, the recommendations of the Historic Resources Steering Committee, and the findings and material contained in Planning Report Dated March 3, 2021, Re: Proposed Enactment of Historic Preservation Advisory Ordinance, Chapter 701 Article X, and Proposed Amendment to Chapter 701 Article IX, Building Demolitions; Historic Resources Steering Committee and Department of Planning & Development, Applicants, the Board finds that the proposed ordinance and amendment **are** consistent with the 2010 Comprehensive Plan and therefore **recommends** the ordinance and amendment to the Yarmouth Town Council.

**Such motion moved by Janet Hansen, seconded by Jerry King, and voted unanimously,
7 in favor, 0 opposed.**

Overview and Summary

The 2010 Comprehensive Plan called for measures to protect Yarmouth's historic resources, which surveys showed are of high importance to residents and businesses alike. As the Comprehensive Plan Implementation Committee finished up its monitoring of accomplishments, there remained work to be done on this topic. The Historic Resources Steering Committee (HRSC) was formed carry out research and make recommendations to the Town Council. With assistance from the Maine Historic Preservation Commission (MHPC), Yarmouth received funds to undertake a reconnaissance level architectural survey in the village area, and subsequently to develop a program and ordinance to protect Yarmouth's historic resources. Throughout 2020, the HRSC has formulated a historic

preservation program, conducted outreach and education to the public, and over the fall of 2020, presented its recommendations to the Planning Board. The recommendation in the fall included a comprehensive ordinance that would meet the requirements for Yarmouth to become an MHCP Certified Local Government (CLG), meaning that the ordinance adheres to the National Park Service Secretary of the Interiors Standards. The then proposed ordinance included a new historic preservation regulatory review board to review and approve visible exterior changes to historic properties in three proposed historic districts.

In response to comments and concerns expressed by the public and the Planning Board about the reach of the proposed CLG ordinance, the HRSC has revised the proposed ordinance to be an **Advisory Ordinance**. Instead of a regulatory board, the ordinance calls for a standing **Historic Preservation Committee** who will be charged with advising property owners on proposed improvements and making recommendations as to how best to improve buildings while protecting their historic character. While the review of major visible alterations is required of applicants, the recommendations are not mandatory or binding on the applicant or property owner. In addition to conducting the review process, the Historic Preservation Committee will be a resource for property owners to consult regarding historic preservation matters, such as best practices, appropriate methods and materials, etc.

Yarmouth 2010 Comprehensive Plan and Historic Resources Steering Committee

Yarmouth's 2010 Comprehensive Plan identified "historic character" as one of 5 key topics facing the Town. The Plan's public process "*heard a common message about the value its citizens place on preserving Yarmouth's historic character.*" As a result, the Plan "*proposes policies and strategies to ensure that buildings of historic significance will be maintained while allowing the buildings to be improved, modernized, and expanded.*"

The Yarmouth **Historic Resources Steering Committee** (HRSC) was established in 2016 to assess Yarmouth's historic architecture and develop recommended policies, programs and strategies for the stewardship and protection thereof. Members of the HRSC include Lynne Seeley (Chair), Ed Ashley, Chris Closs (Maine Preservation, early member), Donna Felker (early member), Linda Grant, Jonathan Hall (Maine Preservation), Greg Paxton (Maine Preservation), Susan Prescott, Jackie Schumacher, and Katherine Worthing (Yarmouth History Center).

The Case for Historic Preservation in Yarmouth

The Town of Yarmouth prides itself on its historic character as exemplified by the village center and the associated clusters of historic homes, civic structures, and commercial buildings. This charming, compact, and walkable town center is largely intact, and we are seeing renewed interest in local business establishments returning to Main Street following the exodus of many such stores to the more contemporary Route 1 corridor. These include the renovated Handy's store, Gorham Savings Bank in the Depot Building, and Owl & Elm and Brickyard Hollow, new restaurants adding to offerings from Gather and Rosemont Market. The Shepley – Weld condominium project brings new residences to Main Street and other developments in the pipeline such as the Masonic Hall community center, redevelopment of 298 Main Street and Railroad Square mixed-use development will keep the Main Street revival going. As the pace of development quickens, we must strive to ensure that the historic resources that define our community are preserved and protected.

Protection of Yarmouth's historic architectural resources has thus far relied on the "honor system" whereby property owners recognize the value of their historic buildings and have generally taken pride in maintaining them to historic standards. This presents a vulnerability to the Town as new owners and developers purchase property who might not share the values that have prevailed. Further, upon a detailed examination of each property and building in the historic neighborhoods, we can observe the gradual degradation of the historic fabric. A key question in any historic district is whether an individual building *contributes* to the historic character and quality of its setting. Many fine examples of houses and other buildings exist that have been well preserved to retain their historic character and integrity. Among them, however, are also multiple examples of buildings that have lost many of their architectural features, with altered doorways, windows, siding and other changes that mask or remove

the original details that define the historic character of the building, rendering them *noncontributing* to the historic context. These gradual changes can go unnoticed over time but can have a cumulative impact of ‘death by a thousand cuts’, whereby the character and qualities that exemplify the history of Yarmouth are lost.

Yarmouth’s present and future vitality is inextricably tied to its history. More than other towns in the greater Portland region, Yarmouth stands out for its historic village character. Along with excellent public schools, the traditional village pattern of streets and buildings and strong community spirit comprise Yarmouth’s stock in trade. The motto, *Our Latchstring Always Out* speaks to the historic architecture and community spirit that is Yarmouth. It is important that the current residents, businesses and government in Yarmouth be responsible stewards of this legacy so that it inures to the benefit of future generations. To this end, the essential purpose of undertaking development of the historic preservation program, including the proposed ordinance is to ***strive to protect and enhance the traditional, historic, and iconic village development pattern that provides the distinct architectural and historic character and unique identity of the Town of Yarmouth.***

Maine Historic Preservation Commission (MHPC) Grants

To address the 2010 Comprehensive Plan recommendations, the Town applied for and received a Historic Preservation Fund (HPF) grant through Maine Historic Preservation Commission (MHPC) in 2017 to conduct a **reconnaissance level architectural survey** of the Village area of Yarmouth. The survey was completed in September 2018 with the consulting assistance of Margaret Gaertner, Historic Building Consultant. In April 2018, the Town adopted an interim **Demolition Delay** ordinance, which was strengthened at the request of the Town Council in July 2018 to prohibit demolitions of properties on or eligible for listing in the National Register of Historic Places. With the reconnaissance survey in hand, the Steering Committee applied for and received a second HPF grant in July 2019 to develop a historic preservation program, ordinance, district boundaries map, regulations and/or guidelines for the Town Council’s consideration.

Supported by the MHPC grant, we hired a consulting team to assist with drafting the ordinance, creating a **Context Statement** for each historic district, and a Historic Preservation Plan. The consulting team included **Barbara Vestal, Esq., Hilary Bassett, Historic Preservation Consultant, and Margaret Gaertner**, (who assisted with the 2017 reconnaissance survey).

Early Public Outreach

The HRSC engaged in public outreach to seek feedback on the historic preservation ordinance initiative in the spring of 2020. Due to the Covid-19 pandemic, presentations were conducted as webinars hosted by Maine Preservation on May 13 and 21, and June 3 and 15, each at 4:00 PM and lasting a bit more than an hour. On May 13, Maine Preservation Executive Director Greg Paxton presented ***Yarmouth’s Architectural Diversity***, followed on May 21 by Margaret Gaertner presenting ***Yarmouth’s 2018 Architectural Survey***. On June 3 Barbara Vestal and Alex Jaegerman presented ***Yarmouth’s Draft Historic Preservation Ordinance and Districts***. Finally, on June 15 Julie Larry of Greater Portland Landmarks and Deb Andrews, Historic Preservation Program Manager for the City of Portland presented ***What a Historic District Might Mean for Property Owners***. Each of these presentations were recorded and remain posted on the Town web site at <https://yarmouth.me.us/historicproperty> .

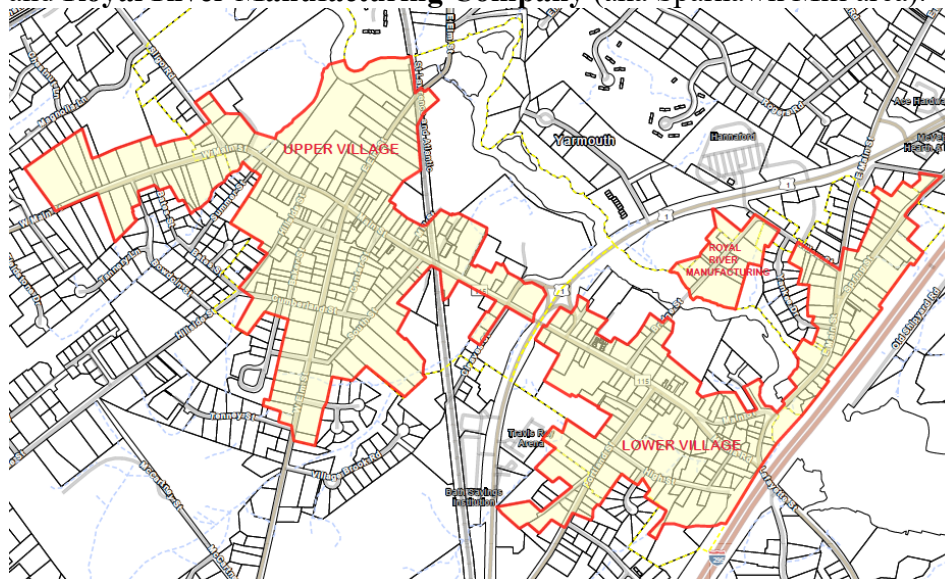
Following these outreach efforts over the course of the summer of 2020, the HRSC continued to work with the consulting team to develop a proposed Historic Preservation Ordinance. The proposed ordinance was presented to the Town Council in September of 2020 and was referred to the Planning Board for a recommendation.

Historic Preservation Program Elements

The entire historic preservation program comprises five key elements: **Historic Preservation Plan**, **Historic Context Statement**, **Historic Preservation Advisory Ordinance**, **three Historic Districts** and **Design Manual**. The **Historic Preservation Plan** provides the policy and planning basis for all the program elements. The 2010 Comprehensive Plan recognizes the importance of Yarmouth's historic resources as detailed further below. The proposed plan element provides greater depth and detail as well as sets forth the rationale for the proposed **Historic Preservation Advisory Ordinance** and related program components and a work plan for the near future. The **Context Statement** is a primer on the history of Yarmouth and provides a foundation for the designation of **Historic Districts** as proposed. When establishing historic districts, it is important to understand the historical evolution of the area, the cultural, architectural, and economic forces that shaped the proposed districts. It establishes the *period of significance* of each district, as influenced by those forces, and which guides the designation of properties within each district as **Contributing** structures that exemplify the historically significant character of the district. The Context Statement and proposed District Map comprise the **Designation Report** that accompanies any historic district designation, along with the GIS database that contains the designations of properties within each district as **Contributing**, **Noncontributing**, or **Landmark** status.

Design Manual. In addition to the Historic Preservation program development work under the MHPC grant, the Town and HRSC worked with Maine Preservation and its internship program to create a **Historic Preservation Design Manual** as a resource for homeowners, developers, and builders to guide improvements to preserve historic character according to the Secretary of the Interior's Standards for Historic Preservation. The Design Manual represents the evolution of thinking from regulations to advice and assistance. Many commentators throughout this process noted that in making home improvements over the years, they would have welcomed and valued advice on appropriate alterations. Most homeowners have settled in Yarmouth because it has such a strong historic character and have purchased historic properties that reflect that value. They are more than willing to preserve these buildings and could benefit from professional advice on such matters. The Design Manual offers a mechanism to assist in educating building owners in simple and understandable terms about what the standards are aiming for to ensure that building improvements preserve the historic character of contributing buildings.

Proposed Historic Districts. The 2018 survey reveals that the historic character of Yarmouth remains strong and intact. There have been relatively few losses to demolition or inappropriate modification. To help preserve the historic character into the future, three potential historic districts were recommended by Margaret Gaertner, Historic Building Consultant. These are the **Upper Village**, **Lower Village**, and **Royal River Manufacturing Company** (aka Sparhawk Mill area).



Proposed Historic Districts

Lower Village Historic District

This potential Historic District is centered around the former shipbuilding industry at the mouth of the Yarmouth River. There are no visible remains of the many shipyards that once filled the harbor but the many high-style Federal houses and later Greek Revival homes along the lower end of Main Street and East Main and Spring Streets remain to attest to the great wealth the shipyards generated. Marina Street is lined with smaller-scale houses that represent the working-class employees of the yards. The construction of I-295 physically severed the houses from the waterfront and the site of the former shipyards and serves as the southeastern boundary of the District.

Upper Village Historic District

Historically, this area developed around the Baptist Meeting House on Hillside Street. Over time the settlement expanded eastward along Main Street. Today, this historic district is centered at the intersection of Main Street and East and West Elm Streets. Main Street was the retail and commercial core of this village while the side streets are lined with houses and the occasional church building. Major industries in this area included potteries in the early-nineteenth century and the Yarmouth Paper Company and the Forest Paper Company slightly later. These manufacturers have closed however the surviving houses in the area represent the prosperity these industries created. This proposed District is significant as a remarkably well-preserved collection of buildings with a high degree of integrity. As a whole, they retain the feeling of an intact New England village of the nineteenth century and also represent the development of the Town of Yarmouth.

Royal River Manufacturing Company Historic District

This potential district includes a brick mill complex, several residential buildings, two boarding houses, and three barns. All these structures were historically associated with the mill. The complex is significant for its role in Yarmouth's industrial history and for its role as a major employer in the Town. 81 Bridge Street, the Royal River Manufacturing Company, is a brick mill complex on the Royal River. It is an important contributing building to the District.

Planning Board Review Process

Over the six months from September 23, 2020 the Historic Resources Steering Committee has presented and discussed the proposed historic preservation program to the Yarmouth Planning Board over the course of six dedicated workshop and public hearing meetings.

The chronology of Planning Board meetings on this subject has been as follows:

1. September 23, 2020 – First Workshop Presentation: Introduction, Context Statement, Ordinance Overview, and Historic Districts Description
2. October 14, 2020 – Second Workshop Presentation: Proposed Historic Preservation Ordinance, Deep Dive Section by Section
3. October 21, 2020 – First Public Hearing
4. December 2, 2020 – Third Workshop: Featuring Film by Tom Bell with Greg Paxton, Narrator, Yarmouth's Historic Architecture
5. January 20, 2021 – Fourth Workshop: Presentation of Draft Yarmouth Design Manual and Discussion of Alternative Approach to Historic Preservation from Regulatory to Advisory
6. February 10, 2021 – Fifth Workshop Review of Proposed HP Advisory Ordinance
7. March 10, 2021 – Public Hearing and Recommendation to Town Council on Advisory Ordinance

The initial recommendation of the HRSC was to adopt a comprehensive historic preservation ordinance to regulate significant visible exterior alterations to ensure that the changes are compatible with the building's historic character and retain significant historic features. The original proposed ordinance was created under the grant from the MHPC to qualify Yarmouth as a *Certified Local Government (CLG)*, eligible for CLG grants from MHPC to support the program and future associated

studies and plans. A CLG ordinance must comply with parameters consistent with the National Park Service Secretary of the Interior's Standards for Historic Preservation. The certification requires a set of regulations and an independent review board to administer them.

Proposed Advisory Ordinance

Over the course of the six meetings described above, it became clear from community public input and Planning Board discussion that a full-on CLG ordinance does not currently have support and is not the most appropriate first step in stewarding Yarmouth's historic resources. The 2010 Comprehensive Plan explicitly recommends a more gradual approach, beginning with community education and an advisory mechanism to encourage property owners to preserve historic features and to provide technical assistance on appropriate building improvements. In response to this input, the HRSC has retooled the original proposed ordinance away from the stronger regulatory approach to the current proposed **Advisory Ordinance**. This approach is responsive to this statement from the 2010 Comprehensive Plan: "*Ensuring that these historic resources are preserved will require that the Town play a more active role in the stewardship of these properties.*" It is also responsive to the comprehensive plan recommendation that a voluntary system is to be tried first, with a regulatory system only if the voluntary efforts do not prove to be sufficient. Everything already developed, including the three historic districts, classification of structures, Context Statement, Design Manual and the new Historic Preservation Plan element for the comprehensive plan remain important elements of the program.

The proposed Historic Preservation Advisory Review Ordinance is in two parts: a reduced scope ordinance that lays out the process of conducting an advisory review of applicable projects, and an appendix that contains many of the details of how the process will function. While the *review recommendations will be advisory*, the review process for applicable improvements is required, either by staff for minor improvements, or through an Historic Preservation Committee for more significant changes visible from the public way. This will not be a regulatory Board, like the Planning Board or General Board of Appeals, but a Council appointed standing committee, like the Parks and Lands Committee. In addition to conducting the review process, the Historic Preservation Committee will be a resource for property owners to consult regarding historic preservation matters (e.g. best practices, appropriate materials).

Some provisions of the previously proposed ordinance have been deleted, including the requirement for a Historic Preservation Certificate, Enforcement, Appeals, and Required Maintenance. The more detailed ordinance material has been moved to the Appendix, including Definitions, Criteria for Designation (of districts, local landmarks, objects, etc.), Process for Designation, and Standards of Evaluation for review under the Secretary of the Interior Standards. The appendix is intended to be used as a reference document when carrying out the review process, and for any future historic preservation designations.

The Advisory Review Process will be in the form of an amendment to the zoning ordinance, to be incorporated into Chapter 701 as Article X, following Article IX, the Building Demolition provisions.

Article IX is proposed to be amended to reflect the establishment of the proposed Advisory Ordinance for consistency and to effect the following changes:

- to change the name of the article from "Building Demolitions" to "Historic Building Alterations and Demolitions" to reflect the content more accurately;
- to add an administrative review process for minor alterations;
- and to provide an advisory role for the Historic Preservation Committee in the Building Demolition review process by the Planning Board.

This matter was advertised for the March 10, 2021 Planning Board meeting and a notice mailed to 415 property owners in the study area for a final Planning Board public hearing and vote on a Board recommendation to the Town Council.

The proposed Yarmouth Historic Preservation Advisory Review Ordinance contains the following sections:

1. General Provisions; 1.1 Purpose; 1.2 Standards for Review
2. Historic Preservation Committee; 2.1 General, Members; 2.2 Membership; 2.3 Terms & Rules of Procedure; 2.4 Training; 2.5 Duties & Powers; 2.6 Experts & Consultants
3. Designation of Historic Districts, Historic Landscape Districts, Historic Sites, Historic Objects, And Local Historic Landmarks; 3.1 General; 3.2 Expansion or Amendment of Existing Districts; 3.3 Historic Preservation Committee Reviews, Studies and Recommendations
4. Activities Subject to Historic Preservation Review; 4.1 Historic Preservation Review; 4.2 Reconstruction, Restoration, Renovation, Addition and Alteration; 4.3 Noncontributing Structures; 4.4 Local Historic Landmarks; 4.5 New Construction; 4.6 Demolition; 4.7 Relocation; 4.8 Site Improvement Projects
5. Activities Not Subject to Historic Preservation Review; 5.1 Ordinary Maintenance; 5.2 Certain Impermanent or Reversible Alterations; 5.3 Certain Landscaping; 5.4 Noncontributing Structures; 5.5 Changes Not Visible from the Street or Public Open Space; 5.6 Prior-Issued Building Permit; 5.7 Approved Public Works Projects; 5.8 Unsafe or Dangerous Conditions 5.9 Changes to Cemeteries; 5.10 National Flags and Political Signs
6. Application Procedures; 6.1 General; 6.2 Application Contents
7. Administrative Procedures; 7.1 Procedure of the Committee; 7.2 Notice to Owners; 7.3 Administrative Review Process
8. Standards of Evaluation; 8.1 Secretary of the Interior Standards
9. Initial Designations; 9.1 Local Historic Landmarks; 9.2 Historic Districts; 9.3 Historic Landscape Districts (Reserved); 9.4 Historic Sites (Reserved); 9.5 Historic Objects
10. Appendix

Contents of the Appendix:

- A1. Definitions
- A2. Criteria for Designation (of districts, local landmarks, objects, etc.)
- A3. Process for Designation
- A4. Standards of Evaluation for review under the Secretary of the Interior Standards

Attachments:

1. Yarmouth Proposed Historic Preservation Advisory Ordinance, Chapter 701, Article X
2. Proposed Amendment to Chapter 701, Article IX, Building Demolitions

Material Provided Separately

1. Yarmouth Historic Context Statement
2. Yarmouth Proposed Historic District Map, 9/3/2020
3. Historic Preservation Plan
4. Historic Preservation Design Manual
5. 2010 Comprehensive Plan Excerpts Re: Historic Preservation