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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> .

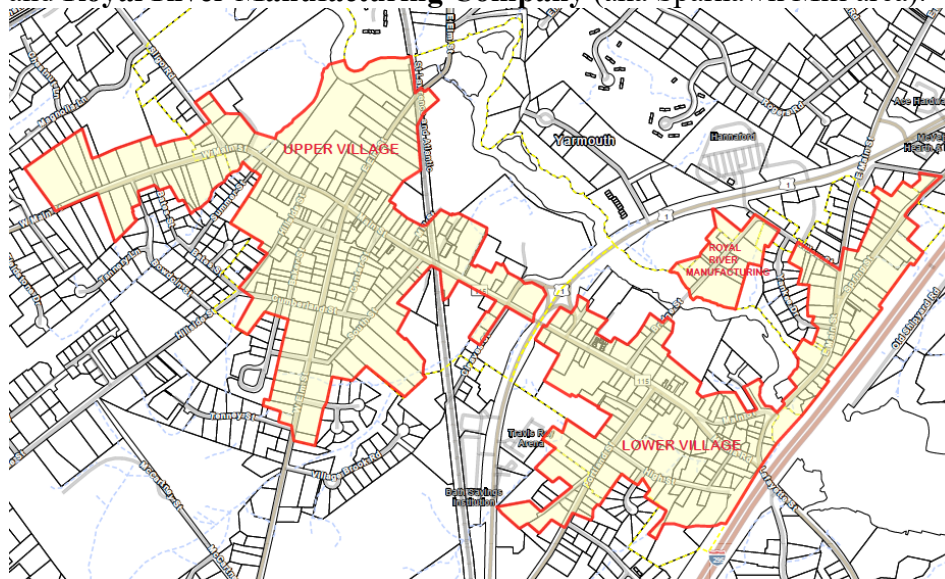
Following these outreach efforts over the course of the summer of 2020, the HRSC continued to work with the consulting team to develop a proposed Historic Preservation Ordinance. The proposed ordinance was presented to the Town Council in September of 2020 and was referred to the Planning Board for a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

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

**YARMOUTH HISTORIC PRESERVATION ADVISORY ORDINANCE
PROPOSED AMENDMENT TO CHAPTER 701, NEW ARTICLE X
March 2, 2021**

ARTICLE X, HISTORIC PRESERVATION ADVISORY ORDINANCE

1. GENERAL PROVISIONS

1.1 Purpose: The purpose of Yarmouth's Historic Preservation Review Process is to promote awareness of the educational, cultural, and economic value of the Town of Yarmouth's historic assets by:

1.1.1 Identifying areas, sites, structures and objects that have historic, cultural, architectural and archeological significance.

1.1.2 Protecting and enhancing the traditional, historic, and iconic village development pattern that provides the distinct architectural and historic character and unique identity of the Town.

1.1.3 Working with owners to accommodate the owners' goals for their property to the extent reasonably possible, while at the same time protecting significant architectural features and historic resources.

1.1.4 Applying design standards in a reasonable, flexible and practicable manner to prevent the unnecessary loss of the community's historical features, to encourage compatible preservation, restoration and rehabilitation of existing historic structures, and to accept new buildings and structures within designated districts that are designed and built in a manner which is compatible with the character of the district and avoids inauthentic recreations of historic styles.

1.1.5 Encouraging public knowledge, understanding, and appreciation of the Town's history.

1.1.6 Providing a resource of information and expertise to help those interested in maintenance, rehabilitation or new construction in a district or restoring a local historic property.

1.1.7 Fostering civic pride in the beauty, architecture, and character of the Town, and in the accomplishments of its past.

1.1.8 Preventing the demolition or removal of designated historic properties, sites, objects, historic landmarks and contributing historic structures within designated districts.

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1.1.9 Promoting conservation of valuable material and energy resources by ongoing use and maintenance of the existing built environment.

1.2 Standards of Review: The following are standards to be utilized for purposes of Historic Preservation Review, as further described in Appendix A4.

1.2.1 *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (36 CFR Part 68 in the July 12, 1995 Federal Register) or most recent edition.

1.2.2 *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (36 CFR Part 67), 1990 or most recent edition.

1.2.3 The most recent edition of *Yarmouth Historic Preservation Design Manual*.

1.2.4 All architectural and archaeological surveys conducted by architectural historians and archaeologists recognized by the State Historic Preservation Commission and on file with the Yarmouth History Center, Maine Historic Preservation Commission and/or in the Town Office.

2. YARMOUTH HISTORIC PRESERVATION COMMITTEE

2.1 General, Members: The Yarmouth Historic Preservation Committee will be charged with implementing the Historic Preservation Review Process. The members shall be appointed by the Town Council, shall be residents of the Town of Yarmouth and shall demonstrate an interest in the historical and architectural development of the Town and shall be appointed with due regard to the proper representation of such fields as history, architectural history, architecture, landscape architecture, planning, engineering, archeology, law and building construction to the extent that such professionals are available in the community. Consideration shall also be given to appointment of at least one member who is a resident of a designated Historic District.

2.2 Membership: The Yarmouth Historic Preservation Committee (hereinafter, the Committee) shall consist of five (5) Members.

2.3 Terms and Rules of Procedure: Rules of procedure shall be in keeping with other Yarmouth committee procedures.

2.4 Training: All Committee Members are encouraged to maintain and develop their knowledge of historic preservation and are expected to attend at least one training seminar in architectural history and preservation standards offered in conjunction with or as approved by the Maine Historic Preservation Commission.

2.5 Duties and Powers: The Committee shall have the following duties and/or powers:

2.5.1 Upon request, to assist, advise and educate residents, property owners, and officials of the various departments of the Town of Yarmouth concerning all aspects of preservation, renovation, rehabilitation and re-use of historic and/or Archaeological Sites, Structures, properties or Historic Landmarks, including by publishing appropriate maps, newsletters, brochures and pamphlets, and by sponsoring programs.

2.5.2 Provide continuing education to the community on historic preservation issues.

2.5.3 Process applications for Historic Preservation Review including holding meetings and public hearings to review such applications and voting on recommendations therefor, and to provide to the Planning Board such recommendations as pertain to projects that are also under review by the Planning Board, including but not limited to Site Plans, Subdivisions, Building & Lot Plans, Development Plans, and Building Demolition or Substantial Modification under Article IX of this Chapter.

2.5.4 Serve as an advisor to the Town regarding historical and cultural resources.

2.5.5 Recommend to the Planning Board and the Town Council the establishment of, or amendment of boundaries for, historic and Archaeological Sites, Objects, Local Historic Landmarks, Historic Districts and Historic Landscape Districts, in accordance with the procedures detailed herein below.

2.5.6 Review all proposed National Register of Historic Places nominations of properties within the Town of Yarmouth and forward the same to the Maine Historic Preservation Commission with its recommendation.

2.5.7 Initiate or assist with nominations of local Districts, Sites, Objects and properties to be listed on the National Register of Historic Places.

2.5.8 Conduct surveys as deemed necessary or advisable to identify historically, culturally, architecturally and archaeologically significant areas, Sites, Structures and Objects in accordance with the guidelines of the Maine Historic Preservation Commission and the Secretary of the Interior's Standards for Historic Preservation and keep a register of all areas, Sites, Structures and Objects that have been

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designated as Local Historic Landmarks, Sites, Objects, or Districts, including all information required as part of each Designation.

2.5.9 Request reports, advice and/or recommendations from the Town departments and other organizations and sources that may have information or advice with respect to an application.

2.5.10 Upon request of the Town Council, to participate in any review of federal actions or undertakings pursuant to Section 106 of the National Historic Preservation Act.

2.5.11 To attend informational and educational programs sponsored or approved by the Maine Historic Preservation Commission.

2.5.12 To provide comments and/or recommendations to the Planning Board and/or Town Council on matters pertaining to historic preservation in Yarmouth; to assist the Town Council in the development of the historic preservation component of the comprehensive plan; to collect data on preservation practice and evaluate the need for further preservation measures.

2.5.13 To annually report to Town Council and Planning Board on its activities and changes in matters pertaining to historic preservation, including but not limited to a compilation of reviewed projects and recommendations, and an assessment of the subsequent adherence or lack of adherence to the Committee's recommendations.

2.5.14 To maintain an ongoing and up-to-date database of project reviews and recommendations.

2.5.15 Solicit grants, fees, appropriations and gifts of money and service dedicated to its functions, to hire clerical and technical assistance, publish educational materials, conduct surveys of properties or otherwise carry out its duties, in coordination with and as specifically authorized by the Town Council.

2.6 Experts and Consultants: On the recommendation of the Committee, the Planning Authority may appoint expert persons to serve in an advisory or on a consultant basis to assist the Committee in the performance of their functions, whether generally or as to a specific application. Such other persons need not be residents of the Town and may, by authorized prearrangement with the Planning Authority receive compensation.

3. DESIGNATION OF HISTORIC DISTRICTS, HISTORIC LANDSCAPE DISTRICTS, HISTORIC SITES, HISTORIC OBJECTS, AND LOCAL HISTORIC LANDMARKS

3.1 General: Historic Districts, Historic Landscape Districts, Local Historic Landmarks, Historic Sites, and Historic Objects shall be designated either in conjunction with initial adoption of the Historic Preservation Review Ordinance or by subsequent amendment. See Appendix B, C & D for Designation Process.

3.2 Expansion or Amendment of Existing Districts: Existing Districts may be nominated for expansion or amendment. Materials required in support of a nomination for expansion or amendment of a Historic District can be found in Appendix C.

3.3 Historic Preservation Committee Reviews, Studies and Recommendations:

3.3.1 Any proposed Designation of (or amendment to) a Historic District, Local Historic Landmark, Historic Site, Historic Object, or Historic Landscape District shall be reviewed by the Historic Preservation Committee, which shall make a recommendation to the Planning Board and Town Council on every proposal for Designation received.

3.3.2 Upon receipt of a proposal for Designation, the Historic Preservation Committee shall forward a copy thereof to the Maine Historic Preservation Commission for review and comment. Before making its recommendation concerning a proposed Designation (or amendment to an existing Designation) the Committee shall conduct research on the proposal as deemed necessary or advisable, including guidance received from the Maine Historic Preservation Commission, and if appropriate, seeking professional assistance.

4. ACTIVITIES SUBJECT TO HISTORIC PRESERVATION REVIEW

A property owner shall consult with the Historic Preservation Committee for a Historic Preservation Review for any of the following activities within any Historic District or activities at or affecting any Historic Site, Object, or Local Historic Landmark.

4.1 Historic Preservation Review: Activities shall require a Historic Preservation Review if they require a building permit and/or Planning Board review and are listed below. Such review shall occur prior to issuance of a building permit, and in general shall take place concurrently with any required review by the Planning Board.

4.2 Reconstruction, Restoration, Renovation, Addition and Alteration: Any change in the exterior appearance, Visible from the Street or Public Open Space, to a designated Local Historic Landmark, Historic Object, Historic Site, or any Landmark, Contributing Property, Historic Site, Historic Object within a Historic District, by reconstruction, Restoration, renovation, addition, Alteration, or otherwise.

4.2.1 Installation of solar panels or other external energy-efficiency features, which will be reviewed to avoid any direct impact on Architectural Features and to mitigate

the visual impact to the extent practical;

4.2.2 Exterior painting alone is not an activity which requires Historic Preservation Review unless it would involve painting of a masonry surface that was not previously painted.

4.3 Noncontributing Structure: Major Change, as defined, in the exterior appearance of a Noncontributing Structure in a Historic District due to reconstruction, Restoration, renovation, addition and/or Alteration, Visible from the Street or Public Open Space.

4.4 Local Historic Landmark: Any change in the exterior appearance of a Local Historic Landmark, regardless of whether or not it is Visible from the Street or Public Open Space, by reconstruction, Restoration, renovation, addition, Alteration, including but not limited to activities listed above.

4.5 New Construction: New Construction of a principal or accessory Structure Visible from the Street or Public Open Space where such Structure will be located in a Historic District.

4.6 Demolition: Notwithstanding anything to the contrary herein, Demolition, including but not limited to Substantial Modification, of a Local Historic Landmark, whether or not in a Historic District, or any Contributing Structure in a Historic District, shall be processed pursuant to Chapter 701, Art IX, Building Demolitions.

4.7 Relocation: Notwithstanding anything to the contrary herein, Relocation of a Local Historic Landmark, or any Contributing Structure in a Historic District on the same site or another site, shall be processed pursuant to Chapter 701, Art IX, Building Demolitions.

4.8 Site Improvement Projects: Site improvement projects on Local Historic Landmarks or Contributing Properties, including but not limited to fencing, walls greater than two feet in height, grading, sidewalks, raised walkways, handicapped access ramps, paving, patios, curbing, signs, installation of solar collectors, and satellite dishes if such improvement projects are Visible from the Street or Public Open Space and located within a Historic District or affecting any Historic Site, or Local Historic Landmark.

5. ACTIVITIES NOT SUBJECT TO HISTORIC PRESERVATION REVIEW

The following activities do not require Historic Preservation Review:

5.1 Ordinary Maintenance: Where the work consists solely of Ordinary Maintenance or Restoration of any exterior Architectural Feature of any Structure when that maintenance and/or restoration does not involve a change in the design, material, or outer appearance of a Structure or removal of Architectural Features or details. Ordinary Maintenance includes, without limitation, repainting (whether with or without a change in color); re-roofing; in cases where deterioration is so advanced as to preclude restoration or repair, by replacement of materials with new materials that match the historical in material, type, design, dimension, texture, detailing and exterior appearance (In-Kind Repair); and landscaping other than within an Historic Landscape District.

5.2 Certain Impermanent or Reversible Alterations: Impermanent or reversible alterations such as storm windows, storm doors, window air conditioners, or paint color.

5.3 Certain Landscaping: Lawn and garden objects and landscaping, including plantings, sculptures, and walls of two feet or less in height other than within an Historic Landscape District.

5.4 Noncontributing Properties: Minor Change, as defined, in the exterior appearance of a Noncontributing Structure in a Historic District due to reconstruction, Restoration, renovation, addition and/or Alteration regardless of whether Visible from the Street or Public Open Space and which do not change the size or footprint of the Structure.

5.5 Certain Changes Not Visible from the Street or Public Open Space: The construction or Alteration of any Structure if the change in exterior appearance will not be Visible From the Street or Public Open Space, except in the case of Local Historic Landmarks, for which exterior construction or Alteration is reviewable regardless of whether it is or is not Visible from the Street or Public Open Space.

5.6 Prior-Issued Building Permit: The construction, reconstruction, Alteration or Demolition of any Structure where such activity is in accordance with a valid building permit issued prior to establishment of new Districts, Sites, or Local Historic Landmarks designated by adoption of or amendment to this Ordinance.

5.7 Approved Public Works Project: Any public works project located within the right-of-way of any town road, street or way if the Planning Authority determines that it does not impact any Historic Objects or Architectural Features.

5.8 Unsafe or Dangerous Condition: The construction, reconstruction, Alteration, Restoration or Demolition of any feature which is required because of a finding of an unsafe or dangerous condition under Chapter 701, Article IX.

5.9 Certain Changes to Cemeteries: Alterations to designated cemeteries shall not include review of alterations to headstones made for the purposes of recognition of additional decedents or the installation of grave markers and/or tombs.

5.10 National Flags and Political Signs: National flags and temporary political campaign signs.

6. APPLICATION PROCEDURES

6.1 General: An application for a Historic Preservation Review should be submitted to the Planning Authority for any activity mentioned in Section 4. The application may request a preliminary review or final review. Applications shall be received at least three weeks prior to the Historic Preservation Committee meeting.

6.2 Application Contents: The following information is required for an application:

6.2.1 The property owner's name, email, phone and mailing address.

6.2.2 The Applicant's name, email, phone and mailing address, and interest in the property, if the Applicant is not the owner.

6.2.3 The agent's name, email, phone and mailing address.

6.2.4 The 911 address and Tax Map and Lot number of the property.

6.2.5 The present use and zoning classification of the property.

6.2.6 A description of the activity requiring Historic Preservation Review.

6.2.7 A drawing or drawings showing design and location of any proposed Alteration or New Construction. As it is used here, drawings shall mean plans and exterior elevations drawn to scale, with sufficient detail to show the architectural design, materials and visual textures of the exterior of the building(s) and including samples of materials. Drawing(s) are not required to be professionally prepared, but shall be clear, complete, and specific.

6.2.8 Photographs of the building(s) and Objects involved and of all adjacent buildings.

6.2.9 A site plan indicating improvements affecting appearance, such as fences and walls, walks, terraces, accessory buildings, lights, signs and other elements.

7. ADMINISTRATIVE PROCEDURES

7.1 Procedure of the Committee: The Committee shall consider the application at a meeting. If an Applicant requests, the Committee may conduct a workshop on a preliminary or concept application to discuss and provide feedback on issues of concern but will take no vote or action. For final applications, following a public hearing, the Committee shall endeavor to make a recommendation within 21 days of a final application.

7.2 Notice to Abutters: Reserved

7.3 Agendas and Minutes: The Committee shall post on the Town web page agendas of each meeting listing the projects and addresses and applicants for each agenda item. Minutes or reports of actions taken shall be posted on the Town web page as soon as reasonably practical following each meeting of the Committee and shall otherwise operate in a manner consistent with Town rules and protocols for all Town appointed committees.

7.4 Administrative Review Process for Installation or Alteration of Any Exterior Sign; Minor Change; and Temporary Alterations, Construction or Improvements

7.4.1 For the following activities, the Historic Preservation Review process may be carried out by the Town Planning Authority:

- 7.4.4.1 for installation or alteration of any exterior sign;
- 7.4.4.2 for a Minor Change;
- 7.4.4.3 pertaining to a Noncontributing Property (except when it involves Substantial Modification);
- 7.4.4.4 for temporary alterations, construction or improvements (meaning otherwise reviewable changes intended to be in place for one period of 30 days or less, except in the case of temporary mobility impaired access which may be intended to be in place for up to three months); and/or
- 7.4.4.5 additional review categories delegated to the Planning Authority, if any, may be reviewed by the Planning Authority. In such case the Planning Authority shall have the authority to make any recommendation.

8. STANDARDS OF EVALUATION

8.1 Secretary of the Interior Standards

8.1.1 The standards and requirements contained in Appendix A4, based on the

U.S. Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995 or most recent edition, the standards for New Construction, should be used in reviewing applications for Historic Preservation Review. The Committee's areas of focus shall include, but not be limited to, matters affecting the maintenance and integrity of historic Structures, the protection of archaeological resources, and the preservation of the historic character of associated Viewscales.

8.1.2 The intent and application of the standards set forth in Appendix A4 may be further elaborated in a Yarmouth Historic Preservation Design Manual, which should also guide the Committee in its review, and will serve as a resource to property owners.

8.1.3 The standards of evaluation are intended primarily for the evaluation of Contributing buildings and Local Historic Landmarks. Changes to a Noncontributing property are considered only insofar as they may affect the Historic Integrity of the associated Viewscape or the District as a whole.

9. IDENTIFICATION OF INITIAL LOCAL HISTORIC LANDMARKS, HISTORIC DISTRICTS, HISTORIC LANDSCAPE DISTRICTS, HISTORIC SITES, AND HISTORIC OBJECTS

The initial Local Historic Landmarks, Historic Districts, Historic Sites, Historic Objects, and Landscape Districts shall be as depicted on the map entitled Yarmouth Historic Districts & Resources, which shall be kept on file with the Town Clerk and the Planning Authority, and which shall be accessible on the Town web site. A complete schedule of all Local Historic Landmarks, Historic Sites, Historic Objects, and Historic Districts shall be maintained by the Town Clerk and shall be available for public inspection and copying during ordinary business hours. All Designation Reports shall be kept on file and available to the public in the same manner as the historic resource official map. The Designations may be amended, from time to time, pursuant to the processes contained in this Ordinance.

The following lands, Objects, buildings, Structures or areas of the Town are hereby designated as Local Historic Landmarks, Historic Districts, Historic Landscape Districts, Historic Sites, and Historic Objects:

9.1 Local Historic Landmarks:

9.1.1 North Yarmouth and Freeport Baptist Meeting House (1796, 1825, 1837), 3 Hillside Street

9.1.2 Ammi R. Mitchell House (c. 1800), 333 Main Street

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9.1.3 North Yarmouth Academy: Russell Hall (1841) and Academy Hall (1847), 129 Main Street

9.1.4 Captain S. C. Blanchard House (1855), 317 Main Street

9.1.5 Captain Reuben Merrill House (1858), 233 West Main Street

9.1.6 Camp Hammond (1889-90), 275 Main Street

9.1.7 Grand Trunk Railroad Station (1906), 288 Main Street

9.1.8 Central Parish Church (1859-1860), 97 Main Street

9.1.9 First Parish Congregational Church (1867-68), 116 Main Street

9.1.11 Cushing and Hannah Prince House (1785), 189 Greely Road

9.2 Historic Districts

9.2.1 Upper Village Historic District

9.2.2 Lower Village Historic District

9.2.3 Royal River Manufacturing Historic District

9.3 Historic Landscape Districts: (Reserved)

9.4 Historic Sites: (Reserved)

9.5 Historic Objects:

9.5.1 Horse trough located in the rear yard of the Merrill Memorial Library, 215 Main Street, visible from School Street.

9.5.2 Horse trough located in the landscape island of Center Street where it intersects Main Street.

9.5.3 Signpost located at the northwest corner of the intersection of West Main Street and East Elm Street.

10. Appendices

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The following Appendices are hereby incorporated by reference:

A1 – DEFINITIONS

A2 - CRITERIA FOR DESIGNATION OF HISTORIC DISTRICTS, HISTORIC SITES, LOCAL HISTORIC LANDMARKS, HISTORIC OBJECTS, AND HISTORIC LANDSCAPE DISTRICTS

A3 - DESIGNATION OF HISTORIC DISTRICTS, HISTORIC LANDSCAPE DISTRICTS, HISTORIC SITES, HISTORIC OBJECTS, AND LOCAL HISTORIC LANDMARKS

A4 – STANDARDS OF EVALUATION – SECRETARY OF THE INTERIOR STANDARDS

**YARMOUTH HISTORIC PRESERVATION ADVISORY ORDINANCE
CHAPTER 701, ARTICLE X - APPENDICES**

APPENDIX A1 - DEFINITIONS

A1. DEFINITIONS: Any terms not specifically defined herein shall have the meanings of Chapter 701, Zoning, if defined therein. Terms not defined herein or in Chapter 701, Zoning, shall have the customary dictionary meaning. For convenience, defined terms generally appear as capitalized words.

A1.1 Alteration: Any act or process requiring a building permit, and any other act or process not requiring a building permit but specifically listed in this Ordinance as a reviewable action, including without limitation the repair, reconstruction, Demolition or Relocation of any Structure or Object, or any part of a Structure or Object.

A1.2 Applicant: A Person, which includes a firm, association, organization, partnership, trust, company, corporation or other legal entity as well as an individual, who submits an application for Historic Preservation Review.

A1.3 Archeological Site: A geographic location of the remains of prehistoric life or of historic human beings. These include but are not limited to, Structures, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

A1.4 Architectural Feature: Any feature that helps give a Structure its distinctive architectural character. Such character defining features include but are not limited to columns, pilasters, cornice boards, brackets, balustrades, quoins, fanlights, corner boards, window sash, pediments, window and door frames, and any lights and transoms.

A1.5 Compatible: Able to exist or occur together without conflict; the harmonious relationship between buildings of scale, height, proportion and mass and their relationship to the associated Viewscape.

A1.6 Contributing: A classification applied to a Site, Structure or Object within a Historic District signifying that it contributes generally to the qualities that give the Historic District cultural, historic, architectural or archeological significance as embodied in the criteria for designating an Historic District. See also the definition of Noncontributing.

A1.7 Demolition: Any act or process that partially or totally destroys or removes a Structure or Object, including the demolition, razing or tearing down of a building, or a Substantial Modification as defined in Chapter 701 Article IX. Building Demolitions, which shall also constitute Demolition for purposes of this ordinance.

A1.8 Designation: The process under this Ordinance by which Historic Districts, Historic Sites, Local Historic Landmarks, Historic Objects, and Historic Landscape Districts are identified and designated as such, and by which Structures within Districts are classified as being Landmark, Contributing or Noncontributing.

A1.9 Designation Report: A report prepared by the Planning Authority in conjunction with a nomination for Designation of an individual property, Site, Object or District which identifies the location and/or boundaries and the ways in which the resource meets the criteria for Designation contained in this Ordinance. In the case of a District, the Designation Report shall contain the Period(s) of Significance for the District and shall denote for each property within the District its classification as Contributing, Noncontributing, or Local Historic Landmark.

A1.10 Deterioration from Neglect: Deterioration of any structural or exterior Architectural Feature of a property from inadequate Maintenance to the extent that it creates an irretrievably detrimental effect on the life and character of that historic Structure and/or creates health and safety violations as further addressed in Article 13, Maintenance and Repair, herein. Failure to maintain the exterior envelope of a building, its foundation floor supports, walls, roofs, chimneys, windows and doors from structural impairment or intrusion of moisture are examples of Deterioration from Neglect.

A1.11 District: A Historic District or Historic Landscape District.

A1.A4 Historic District: An area designated as a "Historic District" constituting a geographically definable area possessing a significant concentration or linkage of Sites, Structures or Objects united by past events or architecturally 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 individual elements separated geographically, but linked by historical association.

A1.13 Historic Integrity: The authenticity of the historic identity of an individual property and/or a District as a whole as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, association and feeling) that existed during the relevant prehistoric or historic Period(s) of Significance.

A1.14 Historic Landmark: See Local Historic Landmark.

A1.15 Historic Landscape District: An area designated as a "Historic Landscape District" due to its association with the settlement, development and history of the Town.

A1.16 Reserved

A1.17 Historic Site: A parcel of land of special significance in the history or prehistory of the Town and its inhabitants, or upon which a historic event has occurred, or which constitutes a Historic Site by virtue of usage and which has been designated as such in accordance with this Ordinance. The term "Historic Site" shall also include any improved parcel or part of it on which is situated a Historic Landmark, and any abutting parcel or part of it used as and constituting part of the premises on which the Historic Landmark is situated as may be designated in accordance with this Ordinance.

A1.18 In-Kind Repair: Treatment of historic material that cannot be restored or repaired because of the extent of deterioration or damage, by replacement with new material that matches the existing in material, type, design, dimension, texture, detailing and exterior appearance.

A1.19 Local Historic Landmark: Any property, Site, Structure or Object that is worthy of preservation because it possesses Historic Integrity and is of particular historic, architectural or archaeological significance to Yarmouth, the State of Maine and/or the United States relating to its cultural, social, economic, political or architectural heritage, or which is associated with historic persons, important events or themes in local, state or national history, including property which is listed in, or eligible for listing in, the National Register of Historic Places (a National Register-Listed Property or a National Register-Eligible Property), and which has been designated as such in accordance with this Ordinance. A Local Historic Landmark, also sometimes referred to in this Ordinance and on associated maps as a "Landmark", may be located within, or outside of, a Historic District.

A1.20 Maintenance: The keeping of a resource in good repair, e.g., painting, protection from weather and decay and restoration of deteriorating elements, to preserve its integrity.

A1.21 Maintenance, Ordinary: Acts of Maintenance or In-kind Repair which do not include a change in the design, material or outer appearance of a Structure, including without limitation repainting (whether with or without a change in color); in cases where deterioration is so advanced as to preclude restoration or repair, by replacement of materials with new materials that match the existing in material, type, design, dimension, texture, detailing and exterior appearance; and landscaping other than within a Historic Landscape District.

A1.22 Major Change: A Major Change is an addition or Alteration to a Structure or Site, or a large-scale change that affects the character of the Structure or the related Viewscape.

A1.23 Minor Change: A Minor Change is a small-scale and easily reversible change to a building, site feature or exterior utility which will neither result in significant change to any historic feature nor obscure such feature. In no event shall any change be deemed minor when, in the opinion of the Planning Authority, such change would alter the historic character of the building or site.

A1.24 National Register of Historic Places: A register assigned by The National Historic Preservation Act of 1966 as amended that recognizes buildings, Sites, Districts, Structures, and Objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation.

A1.25 National Register-Eligible Property: A historic property that is eligible (as determined by Maine Historic Preservation Commission) for inclusion on the National Register of Historic Places because it meets the National Register criteria, which are

specified in the Department of the Interior regulations at 36 CFR 60.4.

A1.26 National Register-Listed Property: A historic property that has been formally listed on the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

A1.27 New Construction: The adding to a Structure by an addition; the erection or replacement of any new Structure on a lot or property; or the comprehensive redesign/renovation of an existing Structure or major portion thereof.

A1.28 Noncontributing: A classification applied to a Site, Structure, Object, or portion thereof, within a Historic District signifying that 1) it does not contribute generally to the qualities that give the Historic District cultural, historic, architectural or archaeological significance as embodied in the criteria for designating a Historic District; 2) was built within 50 years of the date of District Designation unless otherwise designated in the historic resources inventory; 3) was constructed outside of the Period(s) of Significance of the District in which it is located unless otherwise designated in the historic resources inventory, or 4) one where the location, design, setting, materials, workmanship, association or feeling have been so altered or have so deteriorated that the overall integrity of the building, Structure, Object or Site has been irretrievably lost. A portion of an otherwise Contributing or Local Historic Landmark may be determined by the Historic Preservation Committee to be Noncontributing if it meets one or more of the above conditions.

A1.29 Object: Anything constructed, fabricated or created, the use of which does not require permanent or semi-permanent location on or in the ground. An Object may be primarily artistic or utilitarian in nature, is usually relatively small in scale and simply constructed. Although it may be, by nature and design, moveable, an Object is usually associated with a specific setting or environment.

A1.30 Open Space: Any park and any other area outside of a Structure which is open to the public.

A1.31 Period of Significance: The date or span of time during which a property or Historic District was associated with important events, activities, or person, or attained the characteristics that qualify it for listing as a resource to be protected under this Ordinance. A District may have more than one Period of Significance.

A1.32 Person: A Person includes a firm, association, organization, partnership, trust, company, corporation, or other legal entity, as well as an individual.

A1.33 Planning Authority: Yarmouth's Department of Planning & Development, or any designee thereof.

A1.34 Relocation: Any removal or relocation of a Structure, in whole or in part, on its site

or to another site.

A1.35 Restoration: Any act which returns a Structure or a feature of a Structure to a prior state of historic significance.

A1.36 Secretary of the Interior's Standards: National standards which are listed and incorporated by reference in §1.5, developed by the Secretary of the Interior concerning preserving, rehabilitating, restoring and reconstructing historic buildings and evaluation of rehabilitation projects on certified historic Structures for federal tax credits.

A1.37 Siding: The covering of exterior vertical or nearly vertical wall surfaces, excluding Architectural Features.

A1.38: Site: The location of a significant Object, Structure, activity, or event.

A1.39 Street: The entire width between boundary lines of every way publicly owned and maintained or which way is open to the use of the public for purposes of vehicular or pedestrian traffic.

A1.40 Structure: Anything constructed or erected, having a permanent or semi-permanent location on another Structure or in the ground, including without limitation buildings, garages, fences, decks, patios, drives, walkways, gazebos, walls, advertising signs, billboards, antennas, satellite sending or receiving dishes, and swimming pools.

A1.41 Substantial Modification: Any Alteration to a building involving removal or alteration of fifty (50%) percent or more of the roof area and/or any exterior walls, or any portion of an exterior wall or roof area enfronting or facing and prominently visible from a Street or thoroughfare.

A1.42 Viewscape: The public setting in which a Structure, Site, or Historic Landmark is located. It is the immediate visible neighborhood of or from the Street, public land or Open Space associated with such a Structure, including such things as fences, sidewalks and lights. A Viewscape is not synonymous with scenic views, for example water views possessed by individual property owners. It encompasses the public view of or from a Street, neighborhood or public land. Every kind of Structure is considered in the context of its associated Viewscape. A District may include many Viewscapes.

A1.43 Visible from the Street or Public Open Space: Any proposed Alteration or New Construction to a Site or Structure, or portion thereof, that would be readily visible at pedestrian heights when viewed from any public Street or way or any public Open Space when viewed at a height between 4 and 6 feet. Building Alterations or New Construction that are obscured by vegetation or a fence but would otherwise be readily visible but for the vegetation or fence shall be considered to be visible for purposes of this definition.

A1.44 Yarmouth Historic Preservation Design Manual: Guidance for evaluating proposed changes in historic properties subject to this Ordinance, for use by the Historic

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Preservation Committee, property owners, or others, as the same may now or hereafter be adopted by the Town Council. It may include photographs, illustrations, sketches and technical recommendations for appropriate treatments consistent with the Secretary of the Interior's Standards for Historic Preservation.

APPENDIX A2

A2. CRITERIA FOR DESIGNATION OF HISTORIC DISTRICTS, HISTORIC SITES, LOCAL HISTORIC LANDMARKS, HISTORIC OBJECTS, AND HISTORIC LANDSCAPE DISTRICTS

A2.1 General: In making a determination on a proposed nomination pursuant to this Ordinance of an area, Site, Structure or Object as to whether to designate it as a Site, Local Historic Landmark, Object or District, the Historic Preservation Committee shall consider the following criteria:

A2.1.1 Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the Town of Yarmouth, the State of Maine, New England region, or the United States.

A2.1.2 Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing Structure or Object on the property.

A2.1.3 Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the Town of Yarmouth, State of Maine, New England region, or the United States. local, regional, state or national culture and history.

A2.1.4 Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials and craftsmanship.

A2.1.5 Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the Town of Yarmouth, the State of Maine, the New England region, or the United States.

A2.1.6 Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, Structures or Objects that may or may not be contiguous.

A2.1.7 Its identification as a Structure or Site listed on or eligible for listing on the National Register of Historic Places, and Structure or Site listed as or eligible for listing as a National Historic Landmark.

A2.1.8 An area may only be designated as a Historic Landscape District if the entire area of the District is owned by a unit of federal, state or local government, or any combination of such ownership, or private or institutional properties at the request or consent of the owner(s).

A2.1.9 A Local Historic Landmark which is outside of the boundaries of a Historic District may only be designated as such with the consent of the Person who is the owner at the time of Designation.

A2.2 Significance: In the case of a nominated Historic District, the Historic Preservation Committee shall also determine whether a substantial number of the properties, Sites, Structures or Objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as Local Historic Landmarks , and which may also have within its boundaries other properties, Sites, Structures or Objects which, while not of such cultural, historic, architectural or archeological significance to qualify as Local Historic Landmarks , nevertheless contribute to the overall visual characteristics and feeling of the significant properties, Sites, Viewscapes, Structures or Objects located within it.

A2.3 Historic Integrity and Condition: Any area, Structure or Object that meets the criteria in section A2.1 must also have sufficient Historic Integrity (as evidenced by survival of physical characteristics of location, design, setting, materials, workmanship, association and feeling) and be of sufficient condition to make it worthy of preservation or Restoration.

A2.4 Significance of Historic Landscape District: In the case of a nominated Historic Landscape District, the Historic Preservation Committee shall also consider its significance as a geologic, natural or human-made landscape feature associated with the settlement, development, heritage or culture of the Town of Yarmouth, State of Maine, New England region, or the United States.

A2.5 Planning Board and Town Council Criteria: The Planning Board and Town Council shall apply the criteria of set forth above but may also consider the effect of such Designation on other aspects of the comprehensive plan of the Town of Yarmouth.

APPENDIX A3

A3. DESIGNATION OF HISTORIC DISTRICTS, HISTORIC LANDSCAPE DISTRICTS, HISTORIC SITES, HISTORIC OBJECTS, AND LOCAL HISTORIC LANDMARKS

A3.1 General: Historic Districts, Historic Landscape Districts, Local Historic Landmarks, Historic Sites, and Historic Objects shall be designated either in conjunction with initial adoption of the Historic Preservation Ordinance or by subsequent amendment.

A3.1.1 Recommendations for initial Designation of a Local Historic Landmark outside a designated Historic District shall be considered only with the consent of the property owner.

A3.1.2 An application for Designation of Sites, Objects, Districts and Local Historic Landmarks for historic preservation shall be in writing and shall include the information required by Appendix A3.3, A3.4, A3.5, A3.6 or A3.7 as appropriate. Upon receipt of a complete application, the owners of properties affected by the nomination shall be notified and the chairperson shall call a meeting of the Committee for the purpose of beginning to formulate the Committee's recommendation concerning the proposed Designation pursuant to the procedures outlined herein.

A3.1.3 Any proposed Designation recommended by the Committee shall be in the form of a proposed amendment to the Historic Preservation Ordinance. The proposed amendment shall include a description of the Historic District, Site, Object or Local Historic Landmark in the form of a Designation Report as detailed in A3.8.2 below, with the results of the Committee's vote on the recommendation.

A3.2 Interim Protections:

A3.2.1 From the time of nomination until the Committee acts upon such nomination, a Site, Structure, Object, Landmark, or District nominated shall be subject to all of the provisions of this Review governing Demolition to the same extent as if designated. If the Committee recommends Designation, the Site, Structure, Object, Landmark or District nominated shall be subject to all of the protections of the Historic Preservation Ordinance until a final decision on Designation by the Town Council becomes effective. If the Town Council rejects Designation or fails to designate a property, that property shall no longer be subject to the provisions of this Historic Preservation Ordinance, but, notwithstanding anything to the contrary herein, will continue to be subject to the Building Demolitions Ordinance, Ch 701, Article IX, to the extent applicable.

A3.2.2 Notwithstanding anything to the contrary herein, during any period of Interim Protections, all proposed acts of Demolition, as that term is defined in the Building Demolitions Ordinance, Ch 701, Article IX, shall be stayed and shall be governed by the Building Demolitions Ordinance.

A3.3 Local Historic Landmarks: An action to designate a Local Historic Landmark which would not be within the boundaries of a Historic District may only be proposed by or with the consent of the property owner.

The following materials shall be submitted in support of a nomination for a Local Historic Landmark, regardless of whether it will be within or outside of the boundaries of a Historic District:

A3.3.1 A concise statement of the physical elements that make this a historic property and a description of the building type, architectural style, and period represented.

A3.3.2 A concise statement of how the property meets the review criteria of Article 4 above.

A3.3.3 A map showing the location of the Structure, specifically in relation to any Historic District.

A3.3.4 Photographs of the subject property in its current condition and historic photos or other documentation if and as available.

A3.3.5 A copy of the Designation Report, if any, indicating that it has been deemed worthy of preservation for its historical significance and is formally listed in the National Register of Historic Places and has been accepted by the Secretary of the Interior.

A3.3.6 A copy of documentation, if any, indicating that it has been deemed worthy of preservation for its historical significance and has been found to be eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission.

A3.4 Historic Districts: Materials to be submitted in support of a nomination of a Historic District include the following:

A3.4.1 A concise statement of the remaining physical elements that make this area a Historic District and a description of building types and architectural styles and periods represented, including a statement of the proposed Period(s) of Significance for the District.

A3.4.2 A concise statement of how the District meets the review criteria of Appendix A2 above.

A3.4.3 A justification of the boundaries of the District. In general, the boundaries shall include the full extent of each lot contained within the district, as depicted on the tax map.

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A3.4.4 A description of the types of Structure that do not contribute to the significance of the District and an estimate of the percentage of Noncontributing Structures.

A3.4.5 A map and list (spreadsheet) and photographs of each Structure or Object, meeting the Maine Historic Preservation Commission photographic specifications, showing all District Structures with the identification of Local Historic Landmarks, Contributing Structures, Noncontributing Structures, Historic Sites, and Historic Objects.

A3.4.6 A Reconnaissance-Level Architectural Survey meeting the requirements of the Maine Historic Preservation Commission's *Guidelines for Identification: Architecture and Cultural Landscapes* constitutes acceptable submission material for a local Historic District nomination.

A3.5 Historic Landscape Districts: The following materials shall be submitted in support of a nomination of a Historic Landscape District:

A3.5.1 A concise statement of the geologic, natural or human-made landscape features that make this area a Historic Landscape District and a description of features associated with the development, heritage or culture of the Town or other relevant area;

A3.5.2 A concise statement of how the District meets the review criteria of Appendix A2 above.

A3.5.3 A justification of the boundaries of the District.

A3.5.4 Identification of the specific governmental entity that owns an interest in each of the parcels in the District and of any private or institutional owner with written consent to designation.

A3.5.5 A map and list (spreadsheet) showing any Structures and permanent improvements within the District, and an assessment of their historic significance.

A3.6 Historic Sites or Historic Objects: The following materials shall be submitted in support of a nomination of a Historic Site or Object:

A3.6.1 A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the Structure, Object or Site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.

A3.6.2 A concise statement of how the Structure, Object or Site meets the review criteria of Article 4 above.

A3.6.3 A series of photographs of the Structure, Object and/or a Site map, illustrating significant details identified in § A3.6.1 above.

A3.6.4 A copy of the Designation Report, if any, indicating that it has been deemed worthy of preservation for its historical significance and is formally listed in the National Register of Historic Places and has been accepted by the Secretary of the Interior.

A3.6.5 A copy of documentation, if any, indicating that it has been deemed worthy of preservation for its historical significance and has been found to be eligible for listing on the National Register of Historic Places by the Maine Historic Preservation Commission.

A3.7 Expansion or Amendment of Existing Districts: Materials required in support of a nomination for expansion or amendment of a Historic District include the following:

A3.7.1 A concise statement of the physical elements that justify an expansion or amendment of an existing District, an explanation detailing how the expansion is consistent with the character of the District, and description of building types and architectural styles and periods represented.

A3.7.2 A concise statement of how the expansion or amendment of an existing District meets the review criteria of Appendix 2 above.

A3.7.3 A justification of any adjustment of boundaries of or other amendment to the District.

A3.7.4 A description of the types of Structures that do not contribute to the significance of the District and an estimate of the percentage of Noncontributing Structures in the Historic District, as expanded or amended.

A3.7.5 A map and list (spreadsheet and/or GIS database) and photographs of each Structure or Object, meeting the Maine Historic Preservation Commission photographic specifications, showing all District Structures in the proposed District, as expanded or amended, with an identification of Local Historic Landmarks, Contributing Structures, Noncontributing Structures, Historic Sites, and Historic Objects.

A3.8 Historic Preservation Committee Public Hearing and Recommendation Procedures:

A3.8.1 Before a recommendation for Designation or Amendment is made to the Planning Board, the Historic Preservation Committee shall hold at least one workshop and a public hearing on the proposal, after due notice is published in a newspaper of general circulation in the Town at least seven (7) days prior to the workshop and prior to the hearing. Written notice of the proposal shall also be given at least seven (7) days prior to the hearing to the Applicants, owners of all property abutting or any

portion of which is within 200 feet, or to be included within the proposed Designation, and all other Persons or organizations found by the Historic Preservation Committee to have a special interest in the proposal. A copy of the proposal shall be sent, at the same time, to the chairperson of the Planning Board. The Historic Preservation Committee shall endeavor to complete its review and recommendation within 90 days of receipt of a complete application. Failure of any such Person to receive notice of the public hearing shall not necessitate another hearing or invalidate any action of the Committee.

A3.8.2 Designation Report: Within thirty (30) days following the close of the final public hearing and vote of the Committee, the Historic Preservation Committee shall make recommendation to the Planning Board as to whether the proposed designation meets the criteria for Designation in Article 4. Such recommendation shall have been approved by at least three (3) members of the Historic Preservation Committee and shall be accompanied by a Designation Report to the Planning Board containing the following information:

A3.8.2.1 Explanation of the significance or lack of significance of the nominated property, Object, or District as it relates to the criteria for Designation.

A3.8.2.2 Explanation of the integrity or lack of integrity of a nominated property, Object or Historic District.

A3.8.2.3 A map showing the location of the nominated property or Object and the boundaries of the nominated District.

A3.8.2.4 An identification of the Period of Significance of the resource.

A3.8.2.5. A list, (spreadsheet and/or GIS database) including the address, of every Site, Structure and Object in each nominated Historic District indicating their degree of cultural, historic, architectural or archeological significance by classification as Local Historic Landmark, Contributing, or Noncontributing significance.

5.9.2.6 The date of the final public hearing and the results of any vote on the Committee's recommendation.

APPENDIX A4

A4. STANDARDS OF EVALUATION

A4.1 Secretary of the Interior Standards

A4.2 Reconstruction, Renovation and Alteration: A Structure designated as a Local Historic Landmark, a Historic Site, or a Contributing Structure located in a designated Historic District, or related Structures or improvements, such as walls, fences, steps, or paving located in a designated Historic District, shall be subject to Historic Preservation Review to recommend improvements that will **preserve or enhance the historical and architectural character of the Structure, preserve those portions or features which convey its historical, cultural, or architectural value, and be visually Compatible with the Viewscape.** The following general Standards will be applied to arrive at the Committee recommendation regarding the proposed Alteration, taking into consideration the economic and technical feasibility of each project.

A4.2.1 A property should be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces and spatial relationships.

A4.2.2 The historic character of a property should be retained and preserved. The removal of distinctive materials or Alteration of features, spaces and spatial relationships that characterize a property should be avoided.

A4.2.3 Each property should be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, should not be undertaken.

A4.2.4 Changes to a property that have acquired historic significance in their own right should be retained and preserved.

A4.2.5 Distinctive materials, features, finishes and construction techniques or examples of craftsmanship that characterize a property should be preserved.

A4.2.6 Deteriorated historic features should be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the old in design, color, texture and, where possible, materials. Replacement of missing features should be substantiated by documentary and physical evidence.

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A4.2.7 Chemical or physical treatments, if appropriate, should be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

A4.2.8 Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures should be undertaken.

A4.2.9 New additions, exterior Alterations or related New Construction should not destroy historic materials, features and spatial relationships that characterize the property. The new work should be differentiated from the old and should be Compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

A4.2.10 New additions and adjacent or related New Construction should be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

A4.3 Construction of New Buildings and Building Additions: In considering an application for a Historic Preservation Review involving New Construction (including additions), the Historic Preservation Committee shall apply the following general standards as may be applicable to the context of the proposed construction. All New Construction and all new additions within Historic Districts, Historic Sites and involving Local Historic Landmarks should comply with the following standards:

A4.3.1 Scale and Form

A4.3.1.1 Height

The height of proposed buildings and other Structures should be visually Compatible with surrounding Structures when viewed from any public street or Open Space.

A4.3.1.2 Width

The width of a building should be visually Compatible with surrounding Structures when viewed from any Street or Open Space and in compliance with any design guidelines.

A4.3.1.3 Proportion of Principal Facades

The relationship of the width to the height of the principal elevations should be visually Compatible with Structures, public ways and Open Spaces to which it is visually related.

A4.3.1.4 Roof Shapes

The roof shape of a Structure should be visually Compatible with the Structures to which it is visually related.

A4.3.1.5 Scale of Structure

The size and mass of Structures in relation to Open Spaces, windows, door openings, porches and balconies should be visually Compatible with the Structures, public ways and places to which they are visually related.

A4.3.2 Composition of Principal Facades**A4.3.2.1 Proportion of Openings within the Façade**

The relationship of the width to height of windows and doors should be visually Compatible with Structures, public ways and places to which the building is visually related.

A4.3.2.2 Rhythm of solids to voids in facades

The relationship of solids to voids in the facade of a Structure should be visually Compatible with Structures, public ways and places to which it is visually related.

A4.3.2.3 Rhythm of entrance porch and other projections

The relationship of entrances and other projections to sidewalks should be visually Compatible with the Structures, public ways and places to which they are visually related.

A4.3.2.4 Relationship of materials

The relationship of the color and texture of materials (other than paint color) of the facade should be visually Compatible with the predominant materials used in the Structures to which they are visually related.

A4.3.2.5 Signs

Any new sign, and any change in the appearance of an existing sign located on a Local Historic Landmark, within an Historic District, or within an Historic Landscape District, which is readily visible from any Street or Open Space should not be incongruous to the historic character of the Local Historic Landmark or District.

A4.3.3 Relationship to street:**A4.3.3.1 Walls of continuity**

Facades and site Structures, such as masonry walls, fences and landscape masses, should, when it is a characteristic of the area, form cohesive walls of enclosure along a Street to ensure visual Compatibility with the Structures, public ways and places to which such elements are visually related.

A4.3.3.2 Rhythm of spacing and Structures on Streets.

The relationship of a Structure or Object to the Open Space between it and adjoining Structures or Objects should be visually Compatible with the Structures, Objects, public ways and places to which it is visually related.

A4.3.3.3 Directional expression of principal elevation.

A Structure should be visually Compatible with the Structures, public ways and places to which it is visually related in its directional character, whether this be vertical character, horizontal character or nondirectional character.

A4.3.3.4 Streetscape, pedestrian improvements.

Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to, or on a Historic Landmark, within an Historic District or within an Historic Landscape District which is readily visible from any Street or Open Space should not be incongruous to the historic character of the Historic Landmark or District

A4.3.4 Other standards:

A4.3.4.1 Compatible uses.

Every reasonable effort shall be made to provide a Compatible use for a property which requires minimal alteration to the character-defining features of the Structure, Object or Site and its environment or to use a property for its originally intended purpose.

A4.3.4.2 Distinguishing original character.

The distinguishing original qualities or character of a Structure, Object or Site and its environment shall not be destroyed. Every reasonable effort should be made to avoid the alteration of any historic material or distinctive architectural features.

A4.3.4.3 Archeological resources.

Every reasonable effort shall be made to protect and preserve significant archeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.

A4.3.4.4 Contemporary design.

Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be Compatible with the size, scale, material and character of the property, neighborhood and environment.

A4.3.4.5 Additions.

Wherever possible, new additions to Structures and Objects shall be undertaken in such a manner that, if such additions were to be removed in the future, the essential form and integrity of the Structure would be unimpaired.

A4.4. Standards for Review of Alterations to/ Redesign of Noncontributing Structures:

A4.4.1 In considering an application for a Historic Preservation Review involving Alteration(s) to a Noncontributing Structure, the standards for review of Alterations set forth in Section A4.2 (Reconstruction, Renovation and Alteration) shall apply as applicable. The intent of the review shall be to strive to **ensure no further erosion of any significant existing architectural character of the subject Structure and, where practicable, to guide projects toward a more Compatible relationship with the surrounding context and Viewscape.**

A4.4.2 In considering an application for a Historic Preservation Review involving Substantial Modification of a Noncontributing Structure or New Construction on the site of a Demolished Noncontributing Structure, the standards for review of New Construction set forth in section A4.3 (Construction of New Buildings and Building Additions) shall apply.

A4.5 Demolition or Removal:

A4.5.1 A Local Historic Landmark or portion thereof, or any Structure or portion thereof in a Historic District, or any building or portion thereof in any Historic Landscape District, shall not be demolished or removed except under the provisions of Chapter 701, Article IX, Building Demolitions.

A4.5.2 All proposed acts of Demolition, including but not limited to Substantial Modification, shall be governed by the Building Demolitions Ordinance.

A4.5.3 All Contributing Properties in a Historic District and all Local Historic Landmarks, wherever located within the Town, shall be conclusively presumed to be Buildings of Value within the meaning of the Building Demolitions Ordinance.

A4.5.4 All Buildings located within the boundaries of any Historic District or Historic Landscape District, and all Local Historic Landmarks shall be subject to the Building Demolitions Ordinance, whether or not separately mapped in the Demolition Delay Overlay Zone of Ch. 701, Article IX.

A4.5.5 The fact that a Building situated within a Historic District has been classified as being Noncontributing within that District does not mean that it may not be a Building of Value within the meaning of the Building Demolitions Ordinance.

Proposed Amendments to Chapter 701, Article IX, Building Demolitions – March 12, 2021

Chapter 701, Article IX. – Historic Building Alterations and Demolitions

A. Area and Buildings Subject to Demolition Delay.

No application for the act of Demolition of a Building which is 75 years or older, AND is situated (in whole or in part) within the overlay zone area depicted upon the map (*Demolition Delay Overlay Zone*) attached hereto as Exhibit A, shall be approved by the Code Enforcement Officer (“**CEO**”) until the Planning Board:

1. Makes a determination as to its significance, concluding whether or not such Building is a Building of Value, and
2. If determined that it is a Building of Value, has the opportunity to pursue alternatives to Demolition (mutually acceptable to the Planning Board and the applicant) that will preserve, rehabilitate, relocate or restore it. This ordinance shall apply to all Buildings in the Demolition Delay Overlay Zone, not being limited to Buildings previously landmarked, designated or included in any historic register or District.

B. Buildings Subject to Demolition Prohibition.

In addition, no application shall be approved for the act of Demolition of a Building within the Demolition Delay Overlay Zone that:

1. is listed on the National Register of Historic Places, including, without limitation, those Buildings named on Exhibit B, attached hereto, whether or not it is located within the Demolition Delay Overlay Zone; OR
2. is determined by the Maine Historic Preservation Commission to be eligible for listing on the National Register of Historic Places;

3. ~~Reserved~~ has been designated as a Local Historic Landmark under the Yarmouth Historic Preservation Ordinance, Chapter 701, Article X; OR

~~3.4.~~ has been designated as a Contributing building or structure within a designated Historic District under the Historic Preservation Ordinance.

UNLESS in the case of this Section B:

- i. a Variance is granted by the General Board of Appeals under Chapter 701, Article VII.B.2.c; OR
- ii. the subject Building qualifies for Immediate Demolition as provided for in Section 10, below; OR
- iii. In the case of Substantial Modification, the Board, or Planning Authority as applicable, may allow for the Demolition-Substantial Modification if it determines that the proposed design retains and

respects the significant character defining features of the building. In such case, the ~~Demolition~~ Substantial Modification shall be predicated on approvals and permit issuance for the Substantial Modification plans.

Definitions.

For the purposes of this ordinance, the following terms shall have the meanings set forth below:

4.5. The term “**Demolition**” is defined as the demolition, razing or tearing down of a Building, or a Substantial Modification to the exterior thereof. As the term is used in this ordinance, an “application for Demolition” may consist of an application for a building permit for a proposed renovation, alteration, or addition to a Building which entails a Substantial Modification to the Building, rather than, or in addition to, an ordinary application for demolition permit.

5.6. “**Substantial Modification**” is defined as an alteration to a Building involving:
a) removal or alteration of fifty (50 %) percent or more of the roof area and/or any exterior walls; i or
b) any portion of an exterior wall or roof area enfronting or facing and prominently-readily visible from a street or thoroughfarepublic open space.
In such case, if a Minor Change only is involved, it may be reviewed and approved by the Planning Authority.

6.7. The “**Demolition Delay**” comprises an initial ninety (90) day period (subject to an additional 30 day stay of issuance of a Demolition Permit as specified in paragraph I.2.b below), potentially followed (in the event of a determination by the Planning Board that the Building is a Building of Value) by an additional period of up to 180 days, but in no event to continue beyond a cumulative total period of 270 days from the date of application for Demolition permit, unless otherwise agreed to in writing by the applicant.

7.8. The terms “**Building**” and “**Structure**” shall have the meanings given to them in **Ch. 701, Art.I.D. Definitions**, but additionally, for the purposes of this **Article IX**, the term “Building” shall include either or both of Building and/or Structure or portions thereof.

9. The term “**Building of Value**” is defined as a Building or portions thereof worthy of preservation, due to any of a variety of relevant considerations, including, without limitation, architectural, cultural, historical, or archaeological significance, contribution to an overall setting or streetscape, or otherwise of a character defining a particular area, neighborhood or streetscape, such that preservation would be deemed important to the maintenance of the character of such area, neighborhood or streetscape.

10. The term “**Minor Change**” is defined as a small-scale and easily reversible change to a building, site feature or exterior utility which will neither result in significant change to any existing feature nor obscure such feature. In no event shall any change be deemed minor when, in the opinion of the Planning Authority, such change would alter the historic character of the building or site.

8-11. Other terms not specifically defined herein shall have the meaning assigned to them in the Historic Preservation Ordinance, Chapter 701, Article X.

C. Objectives.

The objectives of Demolition Delay are to provide specified and limited time(s) and opportunity within which:

1. to examine and give thoughtful analysis to an assessment of the significance of a Building, and the contribution it makes to the character of the Town and its immediate area, neighborhood and streetscape, and the desirability of its retention, either in place or through relocation, determining whether it is a Building of Value; and
2. if determined to be a Building of Value, to pursue a range of appropriate possibilities and measures for its preservation, rehabilitation, relocation, and/or conservation and adaptive re-use, and to guide alterations associated with Substantial Modifications to ensure that historic character defining features are preserved and protected, and that any new work is compatible with them.

D. Plan for Redevelopment.

Any application or proposal for Demolition of a Building (other than immediate Demolition for reason of removing a clear and present danger to public health and safety pursuant to Section J below) shall be accompanied by a conceptual or sketch plan and brief narrative description of the Applicant's proposed re-use or re-development of the Building site. In the case of Substantial Modification, the applicant shall submit a Final Site Plan as per Chapter 702, showing the proposed development on the site.

E. Procedure.

Upon receiving an application or request to demolish a Building or undertake a Substantial Modification, the CEO shall date the application and promptly forward a copy of the application (and any supporting material) to the Director of Planning and Development, the Historic Preservation Committee, and the Town Council. This date of receipt shall be the starting date of the initial 90-day Demolition Delay period, and the possible future commencement of an additional delay period. The Planning Board may request that the Historic Preservation Committee review the application and report to the Planning Board with a recommendation on the determination of Building of Value or for approval, disapproval, or approval with conditions.

F. Public Hearing

The Planning Board will conduct a Public Hearing within 90 days of the date of receipt of the applicant's application for Demolition, unless an extension is agreed to by both the Planning Board and the applicant. The purpose of the Public Hearing shall be to ~~determine~~ help inform the Planning Board's decision as to whether the Building is a Building of Value. The hearing shall be conducted with the Planning Board's public hearing procedures according to the Planning Board Rules and Regulations, and written notice of the public hearing shall be given by first class mail to the applicant, to all registered owners of any properties within 500 feet of the applicant's lot, and to the Village Improvement Society and Yarmouth Historical Society. Such notice shall include the definition of a Building of Value. The Planning Board shall notify the Town Council and shall post the meeting notice in Town Hall and on the Town's website, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the Town at least 7 days prior to the Hearing. Applicants shall be responsible for the cost of notice mailings and publication in the same manner as for subdivision notices.

G. Evaluation of Building.

During the initial 90-day period of Demolition Delay leading up to the Public Hearing, the Planning Board, its designees, the Historic Preservation Committee, and other persons interested in proposing possible alternatives to Demolition (and their authorized agents and contractors) shall be granted access to the Building at reasonable times and under reasonable conditions by the applicant, for the purpose of assessment and evaluation, all at their own risk and expense.

H. Determination of Significance.

After the Public Hearing, or at a subsequent meeting of the Planning Board (but in no case more than 90 days from the date of receipt of the application for Demolition) the Planning Board shall determine whether or not in the Planning Board's judgment the Building , or portion(s) thereof, is a Building of Value.

~~1.—In addition to applying the definition of Building of Value to the facts of the case, the Planning Board shall consider the following criteria in making its determination as to whether the subject Building, or portions thereof, is NOT a Building of Value:~~

~~a. It does not contribute generally to the qualities that give the area, neighborhood or streetscape cultural, historical, architectural or archaeological significance; or~~

~~b. Where~~ the location, design, setting, materials, workmanship and association have been so altered or have so deteriorated that the overall integrity of the Building has been irretrievably lost.

2.1. The following actions may be taken following a determination by the Planning Board:

- a. If the Planning Board determines that the Building **IS** a Building of Value, the CEO shall be prohibited from issuing the permit to demolish for an additional delay period of 180 days. The Planning Board shall also notify the Town Council and publish notice on the Town's website of its determination of significance. The additional delay period shall be for the purposes of:
 - i. seeking alternatives to Demolition; and/or
 - ii. in the case of Substantial Modification, efforts to modify the design to retain or respect the significant character defining features of the Building; and/or
 - iii. application to the Maine Historic Preservation Commission for a determination of eligibility of the subject Building for inclusion in the national Register of Historic Places; and
 - iv. Authorize and enable the Planning Board (acting through its designees) to obtain photographic, metric and other professional documentation of the Building of Value, in conjunction with interested historical preservation organizations or parties, and their agents or contractors (at no expense to the applicant), who shall be given reasonable access to the Building for that purpose.
- b. The period for pursuing alternatives to Demolition shall be not more than 180 days beyond the Planning Board's determination that it is a Building of Value, or a total of 270 days from the date of receipt of request for Demolition, whichever is less, unless an extension is agreed to by both the Planning Board and the applicant.
- c. In the case of Substantial Modification, the Board, or in the case of Minor Change, the Planning Authority, may waive the delay period if it determines that the proposed design retains and respects the significant character defining features of the building. In such case, the waiver shall be predicated on approvals and permit issuance for the Substantial Modification plans.
- d. If the Planning Board determines that the Building **IS NOT** a Building of Value, the CEO shall then be authorized to issue the permit to demolish or proceed with Substantial Modification after a 30 day stay (to coincide with the appeal period) from the date of such determination. The Planning Board shall also notify the Town Council and publish notice on

the Town's website of its determination that the Building is not a Building of Value.

3.2. Failure to make a determination that the Building is a Building of Value within the initial 90-day Demolition Delay period (or any agreed upon extension) shall constitute Planning Board approval of the application for Demolition.

I. Immediate Demolition.

The Planning Board may shorten or terminate the Demolition Delay and approve the Demolition if the Applicant provides convincing evidence (consisting minimally of the report of an independent professional structural engineer, addressed to the Office of Planning and Development) that the Building is unsafe and poses an imminent threat to the public health and safety. In an emergency situation, e.g., in the case of a clear and present danger to public health and safety due to structural instability or fire hazard conditions, any one or more of the Director of Planning and Development, the Code Enforcement Officer, and/or the Fire Chief, may recommend in writing to the Town Manager, and the Town Manager shall have the authority, to shorten or immediately terminate the Demolition Delay.

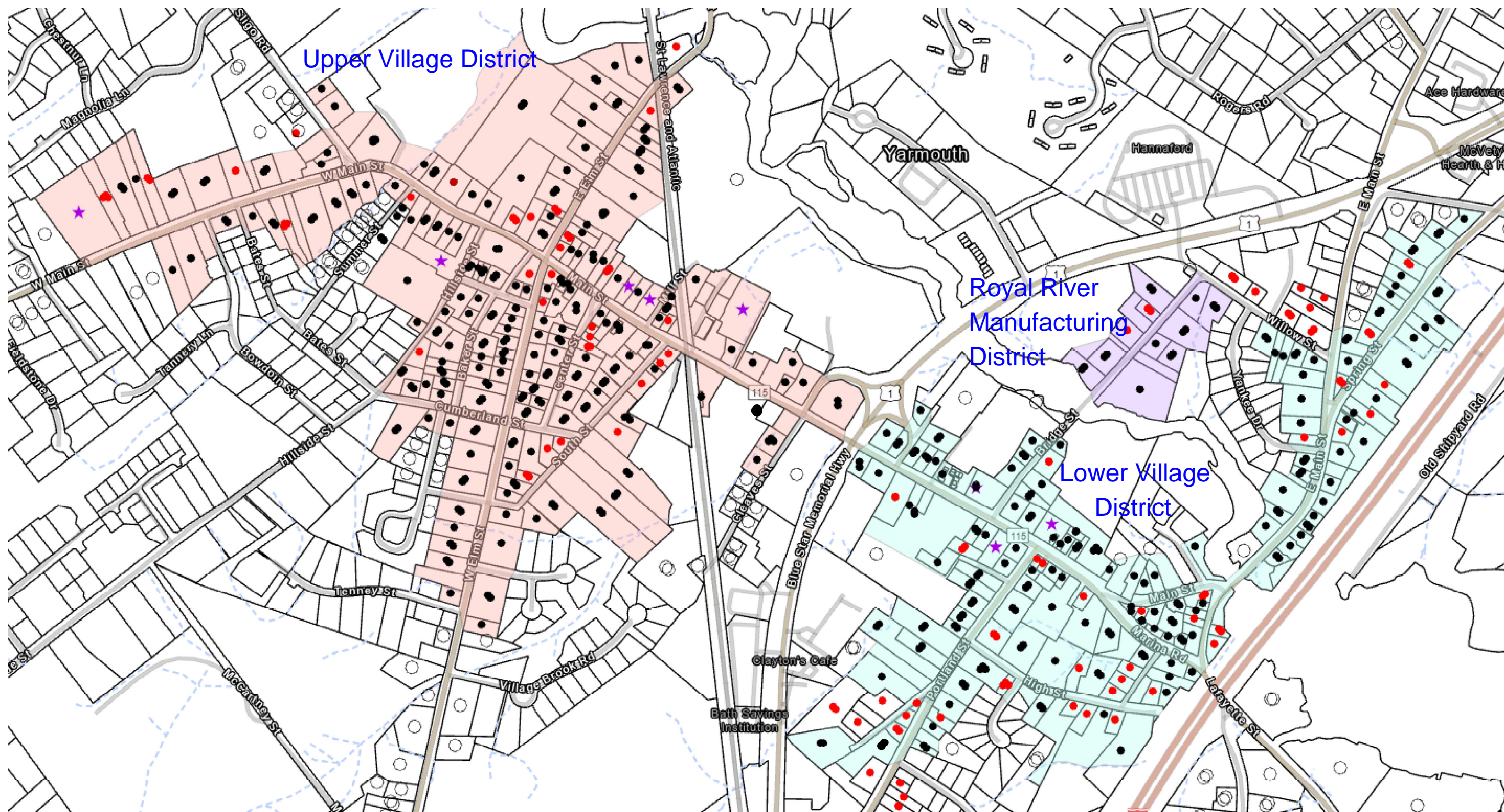
J. Enforcement.

In the event a Building is demolished before the Demolition Delay review process is complete, or if the applicant is otherwise in violation of the terms of this ordinance, the applicant shall be subject to the provisions of **Ch. 701, Article VI.A. (Administration and Enforcement)**. In addition, the Town Manager may impose a restriction on issuance of any building permits for the subject property and/or revoke any permits currently outstanding, for a period of up to two years. In the case of a threatened or impending Demolition or commencement of demolition contrary to this ordinance, the Town shall be entitled to the grant of immediate injunctive relief, to prevent such Demolition.

K. Effective Date.

This ordinance as originally enacted shall be effective retroactively to the date of its public hearing before the Yarmouth Planning Board on January 17, 2018, and shall apply to any Demolition permit applications applied for after that date but not issued prior to the date of enactment, April 12, 2018, by the Town Council. Further, in the event that the Town Council should conclude that a moratorium on Demolitions is warranted, any such moratorium declared by the Town Council shall be fully binding on any applications for Demolition which are then in process under this ordinance.

L. Appeals. Appeal of any decision of the Planning Board under this Article (other than a Variance Appeal) shall be to Superior Court as provided in 30-A MRSA Sections 4482 and 4482-A, notwithstanding the provisions of Chapter 203(F)



● Contributing Structure

● Noncontributing Structure

★ STAR Landmark