

DRAFT

Article XIII

HISTORIC PRESERVATION

Section 1 Intent and Purpose

This article is adopted in accordance with the 2005 Town Comprehensive Plan and pursuant to the legislative authority vested in the Town by virtue of Title 30A, Maine Revised Statutes, Section 4312, and acts amendatory thereto, for the purposes of preserving, protecting, and enhancing (1.) all buildings and places or areas within the Historic Downtown Fire District of the Town; (2) Curtis Island; (3) Town-owned properties within other designated Historic Districts, and (4) other privately owned historic properties by owner request and acceptance by the town, in order to promote the educational, cultural, and economic welfare of the Town. To achieve these purposes, it is intended that these related regulations be used to make certain that construction or demolition of or alterations to buildings, structures or designed landscapes within these areas are executed in a manner that is compatible with the character of the districts.

Section 2 Definitions

Historic District: Any area that includes or encompasses such historic sites, historic landmarks, buildings, signs, appurtenances, structures or objects as may be designated in accordance with this Ordinance as appropriate for historical preservation.

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

Historic Landmark: Any improvement, building, structure or designed landscape of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which relates to historic personages or important events in local, state or national history as may be designated in accordance with this Ordinance.

Section 3 Qualifications.

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

- 1) Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political economic, military, social or sociological history of Camden or the nation, including sites and

46 buildings at which visitors may gain insight or see examples either of particular items or of
 47 larger patterns in the North American heritage.

- 48
- 49 2) Structures or sites importantly associated with historic personages.
- 50
- 51 3) Structures or sites importantly associated with historic examples of a great idea or ideal.
- 52
- 53 4) Structures or structural remains and sites embodying examples of architectural types or
 54 specimens valuable for study of a period, style or method of building construction, of
 55 community organization and living, or of landscaping; or a single notable structure or a
 56 single site representing the work of a master builder, master designer, architect or landscape
 57 architect.
- 58
- 59 5) Structures contributing to the visual continuity of the historic districts.
- 60
- 61 6) Those sites or areas on or eligible for listing on the National Register of Historic Places or
 62 as National Historic Landmarks.
- 63

64 **Section 4 Establishment of Historic Districts, Historic Sites or Historic Landmarks**

65

66 Historic districts, historic sites or historic landmarks shall be those listed in Section 5 below.
 67 Designations may be established or altered by amendment to this Ordinance. All such amendments
 68 shall be initiated by the completion of a form directed to the Camden Historic Preservation
 69 Commission, hereinafter called the Commission, as defined in Section 6 below. The Commission
 70 shall thereafter call a meeting for purposes of formulating the Commission's recommendation
 71 concerning the request.

72

- 73 1) **Studies, Recommendations:** Within 90 days of receiving the request form and before
 74 making its recommendation concerning the proposed establishment of a historic district,
 75 historic site or historic landmark, the Commission may conduct studies and research on the
 76 proposal. The Commission will make a report to the Select Board on every request received.
 77 Drafts of the report shall also be sent to the Maine Historic Preservation Commission for
 78 review and comment.
- 79
- 80 2) **Public Hearing, Final Report:** Before a final report is made to the Select Board, the
 81 Historic Preservation Commission shall hold a public hearing on the request, after due
 82 notice. Written notice of the proposal shall be given to the applicant, owners of all property
 83 abutting or to be included within the proposed designation, and all other persons found by
 84 the Commission to have a special interest in the proposal. After said public hearing, the
 85 Commission shall submit a final report with its recommendations to the Select Board, not
 86 later than thirty (30) days after public hearing.
- 87
- 88 3) **Action by Select Board:** After receipt of the Commission's recommendations, as provided
 89 above, the Select Board at its next regular meeting shall consider and take all appropriate
 90 action on said proposed amendment in accordance with Article 15 of the Zoning Ordinance
 91 of the Town of Camden. Within ten (10) days after the designation of any historic district,
 92 historic site or historic landmark, the owner of each property so designated shall be given
 93 written notice of such designation by the Town Clerk.

94 **Section 5 Historic Districts, Historic Sites and Historic Landmarks Designated**
 95

96 The following described lands, buildings or structures, or areas of the-Town covered by this
 97 ordinance are designated historic districts, historic sites or historic landmarks as follows:
 98

- 99 1. The Great Fire District
- 100 2. Camden Opera House
- 101 3. Camden Yacht Club
- 102 4. Camden Public Library
- 103 5. Amphitheatre [Camden Garden Theater]
- 104 6. Village Green
- 105 7. Harbor Park
- 106 8. Elm Street School
- 107 9. U. S. Post Office
- 108 10. Town-owned properties in the Chestnut Street Historic District
- 109 11. Town-owned properties in the High Street Historic District
- 110 12. The Town Clock in the steeple of the Chestnut Street Baptist Church
- 111 13. Curtis Island

112

113 **Section 6 Camden Historic Preservation Commission**
 114

- 115 1) There shall be established the Camden Historic Preservation Commission.
 116
- 117 2) Members of the Commission shall be appointed by the Select Board, which shall make such
 118 appropriations each year and establish such fees as may be necessary to fund the activities
 119 of the Commission.
 120
- 121 3) The Commission shall consist of five regular (5) members and two (2) alternates, who shall
 122 be residents of the Town of Camden. Appointments shall be made on the basis of
 123 demonstrated interest, ability, experience and desire to promote historic preservation in the
 124 Town of Camden within the meaning of this Ordinance. In addition to the regular members
 125 of the Commission, the Select Board may appoint other persons, not necessarily residents of
 126 Town of Camden, who shall serve on an advisory or consultant basis to assist the members
 127 of the Commission in the performance of its functions.
 128
- 129 4) The Commissioners who are first appointed shall be designated to serve terms as follows:
 130 One for one (1) year, two for two (2) years, and two for three (3) years from the date of their
 131 appointment. Thereafter, said commissioners shall be appointed for terms of three (3) years,
 132 except in those instances in which the appointment is made to fill a vacancy in an unexpired
 133 term, in which case the appointment shall be for the remainder of the unexpired term.
 134 Alternates shall be appointed for a term of one (1) year. Any vacancy shall be filled within
 135 sixty (60) days. Members of the Commission shall serve without compensation and shall
 136 serve no more than two (2) successive terms. At least one member shall be a licensed
 137 Architect with demonstrated experience in historic preservation, if such an Architect is not
 138 willing to accept such an appointment then the commission may, upon receipt of an
 139 application, select such an Architect to report to the commission as a consultant
 140 compensated by the applicant.
 141

- 142 5) Such Commission shall elect annually a chairman, vice chairman and secretary from its
143 own membership. A majority of the number of members appointed by the Select Board shall
144 constitute a quorum for the transaction of business before said Commission, but if less than
145 such a majority is present at a meeting, a majority of those present may adjourn the meeting
146 to a later time.
147
- 148 6) Said Commission for its purposes shall adopt and may from time to time amend rules and
149 procedures not inconsistent with the intention of this Ordinance and of the State enabling
150 legislation. The Commission shall be authorized to:
151
- 152 a) Review all projects requiring Certificates of Approval for conformity to the purposes
153 of this Ordinance
154
 - 155 b) Conduct a survey of historic resources within Camden and maintain a record of such
156 resources. These resources shall include buildings, building sites, designed landscapes,
157 prehistoric sites and materials, and documents relating to these. The Commission shall
158 form a committee to oversee and maintain these records and archives.
159
 - 160 c) Recommend methods and procedures necessary to preserve, restore, maintain, and
161 operate designated properties in keeping with the established master plans for such
162 properties.
163
 - 164 d) Conduct or cause to be conducted surveys of cultural resources in the community
165 according to guidelines established by the State Historic Preservation Commission;
166
 - 167 e) Make recommendations for designation of local landmarks and historic districts to
168 the Select Board;
169
 - 170 f) Establish and follow written guidelines for the conservation of designated local
171 landmarks and historic districts in decisions on requests for permits for demolition of
172 or alterations or additions to listed sites and buildings within historic districts;
173
 - 174 g) Act in an advisory role to the Select Board and other officials and departments of
175 local government regarding the protection of local cultural resources;
176
 - 177 h) Act as a liaison on behalf of the Town government to individuals and organizations
178 concerned with historic preservation;
179
 - 180 i) Work toward the continuing education of citizens within the community regarding
181 historic preservation issues and concerns;
182
 - 183 j) Participate in the conduct of land use and other planning processes undertaken by the
184 Town, the state or federal government and the agencies of those entities; and
185
 - 186 k) Recommend ordinances and otherwise provide information for the purposes of historic
187 preservation within the Town, including evaluations of the potential impacts of proposed
188 private and governmental projects on properties within the Town's designated Historic
189 Areas.
190
- 191 (7) The Commission may, subject to appropriations by the Select Board, or organized and
192 conducted fundraising efforts, direct any proceeds from said activities to the Board of
193 Selectmen for acceptance in accordance with state law. Once accepted the Commission may

194 expend said funds to employ clerical and technical assistants or consultants, or expand the
 195 same for all or any of the purposes of historic preservation in the Town of Camden.
 196

197 (8) The Commission shall advise and assist owners of designated structures or historic sites
 198 with plans and assistance in complying with the requirements of this Ordinance to the extent
 199 possible under the funding available to the Commission, in an effort to further the
 200 accomplishment of this Ordinance. The Commission may erect a suitable sign or marker
 201 indicating the historic significance of any designated site or building, subject to permitting
 202 per the Town's sign ordinance and to the extent allowed by appropriations or other income
 203 available to the Commission.
 204

205
 206 (9) Donations, gifts, or gifts of service given towards a purpose for which funds have already
 207 been appropriated shall be presented to the Board of Selectmen for acceptance per 30-A
 208 M.R.S.A. § 5652. Commission may organize and conduct fundraising efforts and direct any
 209 proceeds from said activities to the Selectmen for acceptance in accordance with state law.
 210
 211
 212

213 **Section 7 Uses Permitted**

214
 215 Uses permitted in historic districts, historic sites or historic landmarks shall be those set forth in
 216 Article VIII District regulations for the zone in which such district, site or landmark are located.
 217

218 **Section 8 Approval and Certificate of Appropriateness**

219
 220 1) For properties or areas designated in Section 5, no building permit shall be issued by the
 221 Code Enforcement Officer, nor shall any work designated under item 2 below commence
 222 except emergency repairs, until a corresponding Certificate of Appropriateness has been
 223 applied for, the activity has been reviewed by the Commission and said Certificate issued.
 224

225 2) A Certificate of Appropriateness issued by the Commission shall be required before a
 226 permit is issued for any of the following:
 227

228 a) Material change in the exterior appearances of a designated building by addition,
 229 reconstruction or alteration.
 230

231 b) New construction of a principal or accessory building or structure in a designated area
 232 visible from a public street.
 233

234 c) Demolition of a designated building.
 235

236 d) Moving of a designated building.
 237

238 3) No review or Certificate of Appropriateness shall be required for the following:
 239

239 a) Work performed on the interior of designated buildings
 240

240 b) General maintenance and repair which does not involve any change in materials or the
 241 outward appearance of the structure on site.

- 242 c) Installation or removal of any plant materials, except for activities within the designated
 243 Town-owned designed landscapes or for the removal or destruction of any healthy tree
 244 with a diameter of 12" or more.
- 245 d) Any of the following items if they are situated on a designated building or lot such that
 246 no part of them will be visible from the public way at any time of the year; antenna, wall
 247 siding, outbuilding not exceeding 400 square feet, deck, swimming pool, fence, patio,
 248 wall, barbecue pit, satellite dish, septic tank, leach field, well, and other yard
 249 appurtenances.
- 250 e) Construction, alteration, or demolition of any structure or element of a structure that the
 251 Code Enforcement Officer certifies as being the only means of avoiding an immediate
 252 health or safety emergency prior to the Commission convening a meeting to consider the
 253 matter. In such instance, the Code Enforcement Officer shall immediately notify the
 254 Commission of his certification.

255
 256 **Section 9 Application Procedure**
 257

- 258 1) Written application for a Certificate of Appropriateness shall be submitted to the Code
 259 Enforcement Officer for review for completeness, stating the location, use and nature of the
 260 manner or item for which such Certificate is sought. The Code Enforcement Officer shall
 261 transmit the complete application to the Commission for action. The Commission shall act
 262 on the application within sixty (60) days after submission. It shall be returned to the Code
 263 Enforcement Officer who shall then issue or deny permits as appropriate. The Application
 264 shall include:
 265
- 266 a) The applicant's name and address, e-mail address and his interest in the subject property.
 267
- 268 b) The owner's name and address, if different from the applicant's. In such case the
 269 applicant shall provide a written statement of authorization from the Owner.
 270
- 271 c) The location address of the subject property.
 272
- 273 d) The present use and zoning classification of the subject property.
 274
- 275 e) A brief description of the construction, reconstruction, remodeling, alteration,
 276 maintenance, demolition or moving requiring the issuance of a Certificate of
 277 Appropriateness.
 278
- 279 f) A drawing or drawings indicating the design, texture, color and location of any proposed
 280 alteration or new construction for which the Certificate is being applied. As used herein,
 281 drawings shall mean plans and exterior elevations drawn to scale, with sufficient detail
 282 to show as far as they relate to exterior appearances, the architectural design of the
 283 buildings, including materials, textures and colors, including samples of materials and
 284 colors.
 285
- 286 g) Photographs of the building involved and of adjacent buildings.
 287

288 h) A site plan indicating improvements affecting appearance such as walls, walks, terraces,
 289 planting, accessory buildings, signs, lights, and other elements. The Commission may
 290 waive the requirement for a site plan if the change involved would not affect the
 291 improvements shown on such a plan.

292
 293 i) Samples of new materials, patterns, colors, etc.
 294

295 **Section 10 Administrative Procedures**

- 296
- 297 1) **Notice of Owner:** Prior to issuance or denial of a Certificate of Appropriateness, the
 298 Commission shall take such action as may be reasonably required to inform by U. S. Mail
 299 the applicant, all persons owning abutting property of the real estate under consideration in
 300 the application and all such other persons as the Commission may deem appropriate of the
 301 pendency of the application, and shall give such persons an opportunity to be heard. For
 302 purposes of the notice required hereunder, the owners of property shall be considered to be
 303 those against whom municipal taxes for the real estate are assessed.
 304
 - 305 2) **Hearings:** The Commission shall hold a public hearing within 30 days of receiving a
 306 completed application for a certificate of Appropriateness.
 307
 - 308 3) **Approval:** If the Commission determines that the proposed construction, reconstruction,
 309 alteration, moving, or demolition is appropriate, it shall approve a Certificate of
 310 Appropriateness and return it to the Code Enforcement Officer for issuing of necessary
 311 permits.
 312
 - 313 4) **Disapproval:** If the Commission determines that a Certificate of Appropriateness should
 314 not be issued it shall place upon its record the reasons for such determination, furnishing the
 315 applicant an attested copy of the reasons therefor, and the recommendations, if any, as
 316 appearing in the records of the Commission.
 317
 - 318 5) **Appeals:** An appeal from any final decision of the Commission as to any matter over which
 319 it has final authority may be taken by any party. Such appeals shall be in accordance with
 320 Article VII of the Camden Zoning Ordinance.
 321

322 **Section 11 Standards of Evaluation**

- 323
- 324 1) The following standards shall be used by the Commission in review of applications for
 325 Certificates of Appropriateness and procedures before demolition can take place. The
 326 Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating
 327 Historic Buildings may be consulted for additional guidance in reaching a determination.
 328
 - 329 a) **Reconstruction and Alterations.** A building or structure as designated in Section 5, or
 330 any part thereof, or any appurtenance related to such structures, including but not limited
 331 to walls, fences, light fixtures, steps, paving and signs, shall not be reconstructed or
 332 altered, and no Certificate of Appropriateness shall be issued for such actions, unless
 333 they will preserve or enhance its historical and architectural character. The Commission
 334 shall find that any such work meets the following criteria:
 335

- 336 (1) Every reasonable effort shall be made to minimize alteration of the significant
 337 features of the property.
- 338 (2) The distinguishing original qualities or character of the property shall not be
 339 destroyed. The removal or alteration of any historic material or distinctive
 340 architectural features shall be avoided where possible.
- 341 (3) All structures and sites shall be recognized as products of their own time. Alterations
 342 that have no historical basis or that seek to create an earlier appearance shall be
 343 discouraged.
- 344 (4) Changes that may have taken place in the course of time are evidence of the history
 345 and development of the property. These changes may have acquired significance in
 346 their own right, and this significance shall be recognized and respected.
- 347 (5) Distinctive stylistic features or examples of skilled craftsmanship that characterize a
 348 property shall be treated with sensitivity.
- 349 (6) Deteriorated architectural features shall be repaired rather than replaced, wherever
 350 possible. In the event replacement is necessary, the new material should match the
 351 material being replaced in design, color, texture, and other visual qualities.
- 352 (7) Repair or replacement of missing architectural features should be based on accurate
 353 duplications of features, substantiated by historic, physical, or pictorial evidence,
 354 rather than on conjectural designs or the availability of different architectural
 355 elements from other structures.
- 356 (8) Every reasonable effort should be made to protect and preserve archaeological
 357 resources affected by, or adjacent to, any project.
- 358 (9) Contemporary design for alterations and additions to existing properties should not
 359 be discouraged when such designs do not destroy significant historical,
 360 architectural, or cultural material, and when those designs are compatible with the
 361 size, scale, color, material, and character of the property, neighborhood, and
 362 surrounding environment.
- 363 (10) Whenever possible, new additions or alterations to structures should be done in
 364 such a manner that if those additions or alterations were to be removed in the
 365 future, the essential form and integrity of the structure would be unimpaired.
- 366
- 367 b) **Demolition or Removal:** The purpose of this section is to further the purposes of this
 368 Ordinance by preserving historic buildings which are important to the education, culture,
 369 traditions, and the economic value of the Town e and to afford the Town, interested
 370 persons, historic societies or organizations the opportunities to acquire or to arrange for
 371 the preservation of such buildings. A designated building or structure or any
 372 appurtenance thereto, shall not be demolished or moved and a Certificate of
 373 Appropriateness shall not be approved until either:
- 374
- 375 (1) such building or structure has been identified by the Commission as incompatible
 376 with the historic district in which it is located, or:
- 377 (2) The property owner can demonstrate that it is not capable of earning an economic
 378 return on its value in its present location as appraised by a qualified real estate
 379 appraiser. If such a demonstration can be made, issuance of a certificate for
 380 movement or demolition shall be delayed for a period of 60 days. Such time period
 381 shall commence when an application for Certificate and the Statement of Sale, as
 382 outlined below, have been filed with the Commission. Notices shall be posted on the
 383 premises of the building or structure proposed for demolition in a location clearly

384 visible from the street. In addition, notice shall be published in a newspaper of
 385 general local circulation at least three (3) times prior to demolition, the final notice
 386 of which shall be not less than fifteen (15) days prior to the date of the permit, and
 387 the first notice of which shall be published no more than fifteen (15) days after the
 388 application for a permit, to demolish, is filed. Prior to the issuance of such certificate
 389 for removal, the owners shall stipulate that the proper notices as required had been
 390 posted, that the property was properly offered for sale, that there has been no bona
 391 fide offers made, and that no contract for sale has been executed with interested
 392 parties. The owner shall for the period of time set forth and at a price reasonably
 393 related to its face market value, make a bona fide offer to sell such building or
 394 structure to any person, firm, corporation, government or agency thereof, or political
 395 subdivision or agency thereof which gives reasonable assurance that it is willing to
 396 preserve and restore the building or structure. Prior to making such offer to sell, an
 397 owner shall first file a statement with the Commission, identifying the property, the
 398 offering price and the date the offer to sell shall begin. The Commission may at any
 399 time during such stay approve a Certificate of Appropriateness in which event a
 400 permit shall be issued without further delay.

- 401
- 402 c) **Construction of New Buildings and Structures in Historic Districts:** The
 403 construction of a new building or structure within a historic district shall be generally of
 404 such design, form, proportion, mass, configuration, building material, texture, color and
 405 location on a lot as will be compatible with other buildings in the historic district and
 406 with streets and open spaces to which it is visually related and in keeping with the area.
 407
- 408 d) **Visual Compatibility Factors:** Within historic districts, new construction and existing
 409 buildings and structures and appurtenances thereof which are moved, reconstructed,
 410 materially altered, repaired or changed in color shall be visually related generally in
 411 terms of the following factors:
 412
- 413 (1) **Height:** The height of proposed buildings shall be compatible with adjacent
 414 buildings.
 - 415
 - 416 (2) **Proportion of Buildings Front Façade:** The relationship of the width of the building
 417 to the height of the front elevation shall be visually compatible with buildings,
 418 structures, and open spaces where it is visually related.
 - 419
 - 420 (3) **Proportion of Openings with the Façade:** The relationship of the width of the
 421 windows to height of windows and doors in a building shall be visually compatible
 422 with those of windows and doors of buildings to which the building is visually
 423 related.
 - 424
 - 425 (4) **Rhythm of Solids to Voids in Front Facades:** The relationship of solids to voids in
 426 the front facade of a building shall be visually compatible with that of the buildings
 427 to which it is visually related.
 - 428
 - 429 (5) **Rhythm of Spacing of Buildings on Streets:** The relationship of the building to the
 430 open space between it and adjoining buildings shall be visually compatible to those
 431 prevailing in the area to which it is visually related.

- 432
433 (6) Rhythm of Entrance and/or Porch Projection: The relationship of entrance and porch
434 projections to sidewalks of a building to which it is visually related.
435
- 436 (7) Relationship of Materials, Textures, and Color: The relationship of materials,
437 textures and color of the facade of a building shall be visually compatible with that
438 of the predominant materials used in the buildings to which it is visually related.
439
- 440 (8) Roof Shapes: The roof shape of a building shall be visually compatible with that of
441 the building to which it is visually related.
442
- 443 (9) Scale of Buildings: The size of the building, the building mass of a building in
444 relation to open spaces, the windows, door openings, porches and balconies shall be
445 visually compatible with those characteristics of buildings and spaces to which it is
446 visually related.
447
- 448 (10) Directional Expression of Front Elevation: A building shall be visually compatible
449 with the building, squares, and places to which it is visually related in its directional
450 character, whether this be vertical character, horizontal character or non-directional
451 character.
452

453 **Section 12 Enforcement and Penalties**

- 454
- 455 1) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this
456 Article.
457
- 458 2) The Code Enforcement Officer shall inspect from time to time, those buildings, structures
459 and any appurtenances for which a Certificate of Appropriateness has been issued to ensure
460 compliance with the terms contained in the Certificate. If the Code Enforcement Officer
461 finds that any of the terms contained in the Certificate are being violated, he shall notify, in
462 writing, the person responsible for such violations, indicating the nature of the violation and
463 ordering the action necessary to correct it, including but not limited to “stop work orders” or
464 the discontinuance of any activities undertaken without obtaining a Certificate of
465 Appropriateness as required.
466
- 467 3) When any violation of the provisions of this Ordinance shall be found to exist, and the
468 violation is not corrected after order of the Code Enforcement Officer, enforcement shall
469 proceed per Article V, Section 7 of this ordinance.
470
- 471 4) A Certificate of Appropriateness, secured under the provisions of this Ordinance, shall
472 expire if the work is not commenced within one (1) year of the date on which it is granted,
473 and if work is not completed within two (2) years of the date on which the Certificate is
474 granted. An extension of one (1) year may be granted by the Commission.
475
- 476 5) Penalties for violation of this Ordinance shall be as provided in Article V.