

## Chapter 169. Historic Preservation

[HISTORY: Adopted by the City Council of the City of Augusta 10-15-1984 by Ord. No. 561 (Ch. 6, Art. III, Div. 5, of the 1990 Code). Amendments noted where applicable.]

### GENERAL REFERENCES

#### § 169-1. Authority and purpose.

A. This chapter is adopted by the City Council in accordance with this Code and pursuant to the legislative authority vested in the City by state statute.

B. The purposes of this chapter are to:

1. Preserve and enhance districts, sites and landmarks within the City which possess particular historic or architectural significance and represent the essential characteristics of their neighborhoods and the unique legacy that defines this community; and

2. Promote the educational, cultural and economic welfare of the citizens of the City.

C. To achieve these purposes, it is intended ~~that owners of property with historic or architectural value consent to the designation of such property for historic preservation, and that districts, sites and landmarks be designated;~~ that an Augusta Historic Preservation Commission be established; ~~and that procedures and standards be adopted to preserve, protect and enhance historic districts, sites and landmarks.~~

#### ~~§ 169-2. Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~HISTORIC. A significant event, object, structure or area that exemplifies local, state or national history; or that has contributed significantly to the aesthetic, social, economic, political or cultural heritage of the City.~~

~~HISTORIC DISTRICT. A place or area which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures or objects as may be designated for historic preservation in accordance with this chapter.~~

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

~~HISTORIC SITE. A parcel of land as may be designated for historic preservation in accordance with this chapter. The term "historic site" shall also include any improved parcel thereof used as and constituting part of the premises on which an historic landmark is situated.~~

~~PRESERVATION. An action to retain and protect districts, sites and landmarks which are associated with historic events, persons, objects, structures or areas in the City; or which have architectural value related to style, period or construction.~~

~~§ 169-3. Historic Preservation Commission.~~

Subsequent to and within 30 days of the adoption of this chapter by the City Council, the Council shall appoint members of the Augusta Historic Preservation Commission, as follows:

A. Establishment; membership.

1. The membership of the Commission shall consist of seven persons who shall be residents of the City. Members of the Commission shall be appointed on the basis of demonstrated interest, knowledge or training in fields closely related to historic preservation (e.g., history, architecture, urban design, archeology) and should represent such professionals to the extent that they are available in the community. Information on the credentials of the Commission members will be kept on file and will be available to the public. Each Commission member is required to attend at least one informational or educational meeting per year, approved by the state historic preservation officer, pertaining to the work and functions of the Commission or to historic preservation.
2. Two members of the Commission shall be initially appointed to terms of three years; two shall be appointed to terms of two years; one shall be appointed to a term of one year. All appointments thereafter shall be for terms of three years, except to fill a vacancy created by an unexpired term, in which case the appointment shall be for the remainder of the term. All vacancies shall be filled by appointment of the City Council within 60 days.
3. The Commission shall, within 30 days of the adoption of this chapter, and, after due notice and public hearing, adopt rules and regulations of the Augusta Historic Preservation Commission, and may from time to time amend the same.
4. Each member of the Commission shall serve without compensation.
5. The City Council may appoint other persons, not necessarily residents of the City, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.

B. Organization, rules and meetings.

1. A quorum shall consist of four members of the Historic Preservation Commission and shall be required to conduct all business. A majority vote of the total members of the Commission shall be required for action to be taken on any matter.
2. The Commission shall annually elect a Chairperson and other officers from its membership, and a Secretary who need not be a member.
3. The Chairperson shall call meetings as required, but no less frequently than four times a year. The Chairperson shall also call meetings when requested by a majority of its membership, the Mayor or the City Manager.
4. All meetings of the Historic Preservation Commission must be publicly announced, be open to the public, and have a previously available agenda. Public notice must be provided prior to any special meetings.
5. The Secretary shall maintain a permanent record of all Commission proceedings and any actions taken and all correspondence of the Commission. All records to be maintained or prepared by the Secretary are deemed public information and shall be kept at the City Planning Office, where they may be inspected during regular business hours.

C. Administration.

1. The Historic Preservation Commission shall serve as an advisory review board for the City Planning Bureau.
2. The Planning Bureau and the Commission shall prepare and present a budget to the City Council for an annual appropriation to the Commission in an amount they may deem necessary to fund the activities of the Commission.
3. The Planning Bureau, on behalf of the Commission, may secure clerical, technical, and professional assistance or consultation, accept grants, gifts of monies, or of service, and may hold or expend the same for any of the purposes of this chapter.

D. Duties. The duties of the Historic Preservation Commission shall be to:

1. Assist and advise owners proposing properties to be designated as historic districts, sites or landmarks ~~and assist with completion of the requirements for issuance of certificates of appropriateness.~~ The Commission may erect signs or markers indicating the significance of any designated historic district, site or landmark, subject to obtaining

written permission from the owners of said properties.

2. Work with the City Planner to prepare an annual budget.
3. ~~Review applications for alterations, relocation and demolition of properties under its jurisdiction, as well as all proposed National Register nominations within its jurisdiction. When the Commission considers a National Register nomination which is normally evaluated by a professional in a specific discipline not currently represented on the Commission, the Commission shall seek expertise in this area before rendering its decision.~~
4. Conduct or cause to be conducted a continuing survey of cultural resources in the community according to guidelines established by the state historic preservation officer.
5. Make recommendations for designation of local landmarks and historic districts to the Augusta Historic District Review Board, Planning Board, and the City Council.
6. Act in an advisory role to other officials and departments of City government regarding the protection of local cultural resources.
7. Act as a liaison on behalf of the City Council to individuals and organizations concerned with historic preservation.
8. Work toward the continuing education of the citizens of Augusta regarding historic preservation issues and concerns.
9. Make an annual report of the activities of the Commission, which shall be submitted to the Planning Office, City Council, ~~and a copy forwarded to the Maine Historic Preservation Commission under the conditions of agreement for a certified local government. Such reports shall include, but are not limited to, number and types of cases reviewed and their disposition (minutes of meetings would be appropriate), new designations made, revised resumes of Commission members, appointments to the Commission, attendance records, and all minutes relating to National Register nominations.~~

~~§ 169-4. Qualifications for historic designations.~~

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

~~A.—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 the City and the nation, including sites and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.~~

~~B.—Structures or sites associated with historic personages.~~

~~C.—Structures or sites associated with historic examples of a great idea.~~

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

~~E.—Structures contributing to the visual continuity of the historic district.~~

~~F.—Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.~~

~~G.—The external appearance of a proposed district shall be cohesive and homogeneous, and shall be based on a common historical or architectural appearance or significance. Such boundaries shall not be established arbitrarily or for reasons other than those set forth in this section.~~

~~§ 169-5. Establishment of historic districts, sites or landmarks.~~

~~A.—Historic districts, historic sites or historic landmarks shall be established by amendment to § 169-6, and no property shall be included within a district nor become an historic site or historic landmark without the written consent of the property owner or owners. All such amendments shall be initiated by the completion of a form directed to the Chairperson of the Historic Preservation Commission and filed with the City Manager at City Center. The City Manager shall thereafter call a meeting of the Commission for purposes of formulating the Commission's recommendation concerning the request.~~

~~B.—The Commission will make an annual report to the Council on every request received. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review and comment before making its recommendation concerning the proposed establishment of an historic district, site or landmark.~~

~~C.—The Commission shall hold a public hearing on the request, after due notice, before a final report is made to the Council. Written notice of the proposal shall be given to the applicant, the Kennebec Journal, the Planning Board, the Zoning Board of Appeals, owners of all properties abutting or to be included within the proposed designation, and all other persons found by the Commission to have a special interest in the proposal at least 10 days in advance, of the time, place and subject of the hearing. The Commission shall submit a final report with its recommendations to the City Council, not later than 30 days after the public hearing.~~

~~D.—After receipt of the Commission's recommendations, as provided above, the City Council, at its next regular meeting, shall consider and take all appropriate action on the proposed amendment in accordance with the Charter, the Council's rules of procedure adopted pursuant thereto, and the laws of the State of Maine. Due consideration shall be given to the written views of owners of affected property and, in its discretion, the City Council may hold public hearings on any proposed structure or district for historic preservation designation. Within 10 days after the designation of any historic district, site or landmark, the owner of each property so designated shall be given written notice of such designation by the City Clerk. Such designation shall become effective 30 days after a vote of the City Council.~~

~~§ 169-6. Historic districts, sites and landmarks designated.~~

~~Descriptions of the lands, buildings, structures, and areas of the City designated as historic districts, historic sites or historic landmarks may be found on file in the office of the City Clerk.~~

~~§ 169-7. Signage/Markers for designated historic districts, landmarks, sites or trails.~~

~~A.—Historic districts. Up to four markers may be erected to locate the major boundaries or gateways of a locally or nationally designated historic district within the City. The maximum allowable area of the marker used for description/depiction of the district (not including structural support framing) shall not exceed 16 square feet; and the maximum height of each marker (measured from the existing ground level) shall not exceed eight feet. Markers may be proposed to be placed on public property, or proposed upon private property if the owner of said private property will grant to the City an acceptable easement for the City's placement and maintenance of said marker. The design of all signage/markers shall be complementary to the character of the historic area in terms of the choice of materials, colors, and lettering style; and the location of all proposed signage/markers shall promote vehicular and pedestrian safety. The recommended design and location of these markers shall be brought to the City Council for approval not later than 60 days after the Augusta Historic Preservation Commission has held a duly advertised public hearing on the matter.~~

~~B.—Historic landmarks, historic sites, historic trails. Markers may be erected on the grounds of a locally or nationally designated historic landmark or historic site within the City. The maximum allowable area of the marker used for description/depiction of the landmark or site (not including structural support framing) shall not exceed 10 square feet; and the maximum height~~

of the marker (measured from the existing ground level) shall not exceed eight feet. Markers may be proposed to be placed on public property, or proposed upon private property if the owner of said private property will grant to the City an acceptable easement for the City's placement and maintenance of said marker. The design of all signage/markers shall be complementary to the character of the historic area in terms of the choice of materials, colors, and lettering style; and the location of all proposed signage/markers shall promote vehicular and pedestrian safety. The recommended design and location of the marker shall be brought to the City Council for approval no later than 60 days after the Augusta Historic Preservation Commission has held a duly advertised public hearing on the matter.

~~§ 169-8. Uses permitted within historic districts, sites or landmarks.~~

~~Uses permitted in designated historic districts, sites or landmarks shall be those set forth in Chapter 300, Land Use, for the zone in which such district, site, or landmark is located.~~

~~§ 169-9. Certificate of appropriateness required.~~

~~A.—A certificate of appropriateness is a statement of the Historic Preservation Commission giving assurance that alteration to historic sites and landmarks or new structures and major renovations constructed in historic districts, where a building permit is required, are compatible with the character of the historic district, site or landmark. In any historic district and with respect to any historic site or historic landmark, no building permit shall be issued by the Code Enforcement Officer for any construction, alteration or demolition until a corresponding certificate of appropriateness has been issued by the Historic Preservation Commission.~~

~~B.—A certificate of appropriateness issued by the Commission shall be required before a permit is issued for any of the following:~~

- ~~1.—Material change in the exterior appearance of an historic landmark, site or any building in an historic district by addition, reconstruction or alteration. Changes which require a certificate of appropriateness shall be limited to the exterior of the structure and outdoor spaces.~~
- ~~2.—New construction of a principal or accessory building or structure visible from a public street where such building or structure will be located in an historic district.~~
- ~~3.—Demolition of an historic landmark or of any building in an historic district.~~
- ~~4.—Moving of an historic landmark or any building in an historic district.~~

~~§ 169-10. Application for certificate of appropriateness.~~

~~A.—Written application for the certificate of appropriateness shall be submitted to the Historic Preservation Commission stating the location, site and nature of the matter or item for which such certificate is sought. Application for a certificate of appropriateness shall be obtained from and submitted to the Code Enforcement Officer, who shall transmit such application to the Historic Preservation Commission for action. If an application for review is incomplete, it shall be returned to the applicant with notification of missing documentation required for a complete application. When the Commission acts on the completed application, it shall be returned to the Code Enforcement Officer, who shall issue or deny permits as appropriate. All completed applications must be acted upon by the Commission within 60 days.~~

~~B.—The application shall state the location, use and nature of the matter for which such certificate is sought and shall contain at least the following information or documentation unless any such information or documentation is expressly waived by the Commission:~~

~~1.—The applicant's name and address and his interest in the subject property.~~

~~2.—The owner's name and address, if different from the applicant's.~~

~~3.—The address or location of the subject property.~~

~~4.—The present use and zoning classification of the subject property.~~

~~5.—A brief description of the construction, reconstruction, remodeling, alteration, maintenance, demolition or moving requiring the issuance of a certificate of appropriateness.~~

~~6.—A drawing or drawings indicating the design, texture, color and location of any proposed alteration or new construction for which the certificate is being applied. As used herein, "drawings" shall mean plans and exterior elevations drawn to scale, with sufficient detail to show, as far as they relate to exterior appearances, the architectural design of the building, including materials, textures and colors. Samples of materials and colors are required.~~

~~7.—Photographs of the building involved and of adjacent buildings.~~

~~8.—A site plan indicating improvements affecting appearance such as walls, walks, terraces, planting, accessory buildings, signs, lights and other elements. The Commission may waive the requirements for a site plan if the change involved would not affect the improvements shown on such a plan.~~

~~§ 169-11. Administrative procedures.~~

~~A.—Notice to owner. Prior to issuance or denial of a certificate of appropriateness, the Historic Preservation Commission shall take such action as may be reasonably required to inform the applicant (owner, if different), all persons owning abutting property and/or within 100 feet of the exterior boundaries of the real estate under consideration in the application and all such other persons as the Commission may deem appropriate of the pendency of the application, and shall give such persons an opportunity to be heard. For purposes of the notice required hereunder, the owners of property shall be considered to be those against whom municipal taxes for the real estate are assessed.~~

~~1.—Failure of any petitioner to receive such notice of such public hearing shall not necessitate another hearing, shall not constitute grounds for objections by such petitioner and shall not invalidate any recommendation by the Commission on such matter.~~

~~2.—Notice must be served a reasonable time in advance of the meeting, which will be construed to mean 10 days before the date of such meeting. Notice shall be by any method of personal service or substituted personal service authorized by the ordinances of the City and the laws of the state.~~

~~3.—The owner will supply names of abutters and will be charged a flat application fee to cover cost of such notices.~~

~~B.—Public hearings. A public hearing shall be held within 30 days of receipt of any written application. Notice of all public hearing dates shall be published 10 days prior to the meeting and have a previously available agenda.~~

~~C.—Approval. If the Commission determines that the proposed construction, reconstruction, alteration, moving or demolition is appropriate, it shall approve a certificate of appropriateness and return it to the Code Enforcement Officer for issuing of necessary permits. The owner of the property will be informed in writing by the Commission within seven days of the date of approval.~~

~~D.—Disapproval. If the Commission determines that a certificate of appropriateness should not be issued, it shall place upon its record the reasons for such determination and shall forthwith return the application to the Code Enforcement Officer, who shall notify the applicant of such determination within seven days of action for disapproval, furnishing him an attested copy of the reasons thereof, and the recommendations, if any, as appearing in the records of the Commission.~~

~~§ 169-12. Standards of evaluation.~~

~~A.—Generally. When alterations to an historic district or site or landmark require a certificate of appropriateness, the Historic Preservation Commission shall evaluate the proposed changes based on the standards set forth in this section and on the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.~~

~~B.—Reconstruction, alterations, new construction and maintenance.~~

~~1.—A building or structure classified as an historic landmark, or a building or structure located in an historic district, or any part thereof, or any appurtenance related to such structures, including but not limited to walls, fences, light fixtures, steps, paving and signs, shall not be reconstructed, altered or maintained, and no certificate of appropriateness shall be issued for such actions, unless they will preserve or enhance its historical and architectural character.~~

~~2.—Reconstruction of historic structures shall be compatible with the original structure. New construction or reconstruction of any structure within an historic district shall be compatible with the environment of the historic district. Where contemporary design is approved by the Historic Preservation Commission, it shall be compatible with the environment of the historic district.~~

~~3.—In all cases, visual compatibility shall be considered with respect to:~~

- ~~a. Scale.~~
- ~~b. Height.~~
- ~~c. Facade.~~
- ~~d. Location.~~
- ~~e. Open spaces.~~
- ~~f. Building orientation.~~
- ~~g. General exterior appearance.~~
- ~~h. Solids and voids.~~
- ~~i. Roof shapes.~~
- ~~j. Materials.~~
- ~~k. Textures.~~
- ~~l. Entrances.~~
- ~~m. Projections.~~
- ~~n. Windows.~~
- ~~o. Doors.~~

~~C.—Demolition or removal.~~

~~1.—An historic landmark, or any building or structure in an historic district, or any appurtenance thereto, shall not be demolished or moved and a certificate of appropriateness shall not be approved until either:~~

~~a.—In an historic district, such building or structure has been identified by the Commission as incompatible with the historic district in which it is located; or~~

~~b.—The property owner can demonstrate that it is not capable of earning an economic return on its value in its present location as appraised by a qualified real estate appraiser. If such a demonstration can be made, issuance of a certificate for movement or demolition shall be delayed for a period of 180 days. Such time period shall commence when an application for certificate and the statement of sale, as outlined below, have been filed with the Commission. Notices shall be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice shall be published in a newspaper of general local circulation at least three times prior to demolition, the final notice of which shall be not less than 15 days prior to the date of the permit, and the first notice of which shall be published no more than 15 days after the application for a permit to demolish is filed.~~

~~2.—Prior to the issuance of such certificate for removal, the owners shall stipulate that the proper notices as required had been posted, that the property was properly offered for sale, that there had been no bona fide offers made, and that no contract for sale had been executed with interested parties. The owner shall, for the period of time set forth and at a price reasonably related to its face market value, make a bona fide offer to sell such building or structure, and the land pertaining thereto, to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto. Prior to making such offer to sell, an owner shall first file a statement with the Historic Preservation Commission, identifying the property, the offering price and the date the offer to sell shall begin. The time period set forth in this section shall not commence until such statement has been filed.~~

~~D.—Purpose. The purpose of this section is to further the purposes of this chapter by preserving historic buildings which are important to the education, culture, traditions, and the economic value of the City, and to afford the City, interested persons, historical societies or organizations the opportunities to acquire or to arrange for the preservation of such buildings. The Commission may at any time during such stay approve a certificate of appropriateness, in which event a permit shall be issued without further delay.~~

#### ~~§ 169-13. Maintenance.~~

~~A.—Ordinary maintenance permitted; public safety.~~

~~1.—Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior feature in an historic district or of any historic landmark which~~

~~does not involve a change in the design, material or outer appearance thereof.~~

- ~~2.—Nothing in this chapter shall prevent the construction, reconstruction, alteration, restoration, or demolition of any feature which the Code Enforcement Officer shall certify is required by the public safety because of an unsafe or dangerous condition.~~

~~B.—Maintenance and repair required.~~

- ~~1.—Neither the owner of nor the person in charge of a structure within an historic district, or of an historic landmark, shall permit such historic structure or historic landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenances or architectural feature so as to produce or tend to produce, in the judgment of the Commission, a detrimental effect upon the character of the historic district as a whole or the life and character of the historic landmark or structure in question, or which could lead to a claim that demolition is necessary for public safety, including, but not limited to:~~

- ~~a. The deterioration of exterior walls or other vertical supports.~~
- ~~b. The deterioration of roofs or other horizontal members.~~
- ~~c. The deterioration of exterior chimneys.~~
- ~~d. The deterioration or crumbling of exterior plaster or mortar.~~
- ~~e. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.~~
- ~~f. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.~~

- ~~2.—Repair of the above conditions must meet code enforcement requirements.~~

~~§ 169-14. Appeals.~~

~~An owner whose property is proposed for historic preservation and whose proposal is disapproved by the Historic Preservation Commission, or an owner who is not granted a certificate of appropriateness, may appeal the decision of the Commission by requesting a hearing before the Board of Zoning Appeals, which shall determine whether the Commission has acted in a manner consistent with the procedures, standards, qualifications and criteria of this chapter.~~

~~§ 169-15. Violations and penalties.~~

- ~~A.—The Historic Preservation Commission and the Code Enforcement Officer are authorized to institute actions and proceedings, in law or equity, to obtain compliance with this chapter or to prevent violations thereof. Violations of any provision of this chapter can result in a fine in accordance with the provisions of Chapter 1, Article III, General Penalty, of the City Code.~~

~~B.A. In addition to the remedies provided for in this section, the Commission and/or the Code Enforcement Officer are specifically authorized to institute any and all actions and proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation of this chapter.~~