

5.14 Historical Designated District (HDD) (an overlay zone)

The intent of the Local Historic District provisions is to preserve and protect important historic structures, sites, and landmarks in the City of Eastport. The Historic District functions as an "overlay zone" for certain residential and commercial areas of the City. That is, the Historic District requirements must be met in addition to the district restrictions of its basic zoning designation (*R1, R2, B1, etc*)

5.14.1 Boundaries

See "*Appendix C*" for the boundaries of any Local Historic District(s) as depicted on the official Historic District map and Historic District List.

5.14.2 Historic Review Board

5.14.2.1 Establishment of Historic Review Board

A Historic Review Board, hereinafter referred to as "the Board," is hereby established which shall consist of five members appointed by the City Council. Members of the Board shall be residents of the City of Eastport and should demonstrate an interest in the historical and architectural development of the City, and shall be appointed with due regard to the proper representation of such fields as history, architectural history, architecture, archaeology, law and building construction to the extent that such professionals are available in the community. Consideration shall be given to one member being a resident of a City-designated historic district. A municipal officer may not be a member of the Board.

5.14.2.2 Term of Office

The term of office shall be three years, except that the initial appointment shall be staggered so that subsequent appointments shall not recur at the same time. The City Council shall act within sixty days to fill a vacancy, including expired terms.

5.14.2.3 Officers

The members of the Board shall choose officers who shall serve one-year terms as chairperson, vice-chairperson, and secretary. The chairperson shall preside at all meetings of the Board. The vice chairperson shall perform the duties in the chairpersons absence. The secretary shall maintain a permanent record of all Board proceedings, any actions taken, and all correspondence of the Board. All records maintained or prepared by the secretary are deemed public information and shall be kept at City Hall where they may be inspected during regular business hours.

5.14.2.4 Authorization

The Board shall be authorized to review alterations, relocation's, and demolition of designated historic properties under its jurisdiction. The Board shall review all new construction affecting historic properties and/or districts within its jurisdiction to determine if locally listed historic sites will be adversely affected.

5.14.2.5 Jurisdiction

The boards' jurisdiction shall be limited to Historic Districts. When issuing Certificates of Appropriateness, the Board shall be concerned with those elements of development, redevelopment, rehabilitation, and/or historic preservation that affect the visual quality of the historic district. They shall not consider detail design of interior arrangements or building features not subject to public view nor shall they make any requirement except for the purpose of preventing development or demolition not consistent with the historic districts surroundings.

5.14.2.6 Legal and Professional Assistance

The Board, subject to the City Council's prior consent, shall have the right to retain and pay for the services and expenses of professional help required in carrying out the purposes of this ordinance, and may submit reports and recommendations as to such matters to the City Council. In making such investigations and studies, the Board may hold such public hearings as it may deem necessary or appropriate.

5.14.2.7 Meetings

All meetings of the Board must be publicly announced, open to the public, and have a previously posted agenda. Public notice must be provided prior to any special meetings.

5.14.3 Classification of Properties

Within a Historic District all buildings and structures shall be classified and designated as shown on the Historic Map and Local Historic District List. All buildings and structures shall be divided into two classes.

5.14.3.1 Historic Buildings and Structures

Those buildings classified as historic shall possess identified historic architectural merits of a degree warranting their preservation.

5.14.3.2 Contributing Buildings and Structures

Any buildings and structures not classified as historic shall be deemed contributing buildings and structures. This provision allows the presence within a local historic district of buildings and structures which are not themselves recognized as historically significant.

5.14.4 Establishment of Historic Districts

Upon a recommendation for establishment of a Local Historic District by the Review Board, and after Planning Board review, the City Council shall, within thirty days of the written recommendation, hold a public hearing preceded by sufficient written notice (certified mail) to the owners and occupants of the affected properties. After the hearing, the Council shall have thirty days to decide if they will adopt a resolution designating one or more historic buildings and/or structures by utilizing the following criteria.

5.14.4.1 historic architectural and cultural significance;

5.14.4.2 suitability for preservation or restoration;

5.14.4.3 educational value;

5.14.4.4 the criteria developed by the Department of Interior as guidelines for placement in the National Register of Historic Places (See "Appendix C")

5.14.4.5 Upon adoption of the resolution, the owners and occupants of each designated historic landmark shall be given written notification. (certified mail) of such designation by the Council.

5.14.4.6 One copy of the resolution shall be filed by the Board in the Washington County Registry of Deeds.

5.14.4.7 Once a neighborhood, block, or portion of a block has been designated as a Local Historic District by City Council, all properties within that Historic District shall conform to the provisions of this section.

5.14.5 Permitted Structures and Uses

These shall be defined according to the basic Zoning District within which the particular parcel lies, but subject also to the provisions of this section.

5.14.6 Certificate of Appropriateness

In a Local Historic District, a Certificate of Appropriateness from the Board shall be required for any of the following;

5.14.6.1 Any demolition of an historic building or structure;

5.14.6.2 Any moving of an historic building or structure;

5.14.6.3 Any material change in the exterior appearance of existing historic buildings by additions, reconstruction, or alteration if subject to view from a public street.

5.14.6.4 Any new construction of a building or accessory structure subject view from a public street or public walkway.

5.14.6.5 Any change in existing walls and fences, or construction of new walls and fences, if along public streets, rights-of-way, or public walkways.

5.14.6.6 Any addition or removal or material alteration of any type of exterior advertising sign or notice.

5.14.6.7 Any material change in the exterior appearance of existing contributing buildings by addition, reconstruction, or alteration subject to view from a public street.

5.14.7 Development Standards

Any building or structure classified as historic (or any part thereof), including but not limited to walls, fences, light fixtures, steps, paving, and signs shall only be moved, reconstructed, altered, or maintained in a manner that will preserve its historic and architectural character

5.14.7.2 Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any landmark which does not involve a change in design, material, color, or outer appearance thereof.

5.14.7.2 Nothing in this ordinance shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Council certify is required by the public safety because of an unsafe dangerous condition.

5.14.7.4 Rehabilitation and Construction Standards

In evaluating proposed new construction, alterations, or demolition within an Historic District, the Board shall use the following general standards;

5.14.7.4.1 Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or use of a property for its originally intended purpose.

5.14.7.4.2 The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided if possible.

5.14.7.4.3 All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

5.14.7.4.4 Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5.14.7.4.5 Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.

5.14.7.4.6 Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, accurate duplications of features substantiated by historic, physical, or pictorial evidence should be considered. New materials should match material being replaced in composition, design, color, texture, and other visual qualities to the greatest extent possible.

5.14.7.4.7 The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be undertaken with great care.

5.14.7.4.8 Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

5.14.7.4.9 Contemporary design for new construction, alterations, and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment. Refer to *"Keeping up Appearances, Main Street Storefront Guidelines"* in *"Appendix C."*

5.14.7.4.10 Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

5.14.7.4.11 The Board will review all new construction plans within historic districts in order to ensure visual compatibility with the surrounding buildings and environment in relation to height, gross volume, proportion, and setback.

5.14.7.4.12 All signs shall be in keeping with the character of the historic district or building.

5.14.7.5 Maintenance and Repair Required

Neither the owner of nor person in charge of a structure within an historic district, or of an historic structure or landmark shall permit such structure or 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 Board, 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;

5.14.7.5.1 The deterioration of exterior walls or other vertical supports;

5.14.7.5.2 The deterioration of roofs or other horizontal members;

5.14.7.5.3 The deterioration of exterior chimneys;

5.14.7.5.4 The deterioration or crumbling of exterior mortar;

5.14.7.5.5 The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

5.14.7.5.6 The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

5.14.7.6 Removal or Demolition

5.14.7.6.1 Whenever a property owner shows that a building classified as historic is incapable of earning a fair economic return on its value, as appraised by a certified real estate appraiser, and the Review Board disapproves the issuance of a Certificate of Appropriateness permitting its demolition, such building may be demolished; provided, however, that before a demolition permit is issued, six months notice of proposed demolition shall be given. The owner shall be required to make every reasonable effort to sell the property during this period. Minimally, the owner shall put a sign on the building advertising its sale. A sales ad shall be placed in a newspaper of local circulation at least once a month for the six month period. If no purchase and sales agreement is made within the stipulated time period, the Board shall issue a Certificate of Appropriateness for demolition or removal. The Board may at any time during the stay of demolition approve a Certificate of Appropriateness in which event a demolition permit shall be issued without further delay.

5.14.7.6.2 The purpose of this section is to further the purposes of this ordinance by preserving historic buildings which are important to the education, culture, traditions, and the economic values of the City, interested persons, historic societies or organizations, the opportunity to acquire or to arrange for preservation of such buildings.

5.14.7.7 Negotiation to Avoid Demolition

5.14.7.7.1 During the above-mentioned six-month period, the Board may negotiate with the owner of the property and with any other parties in an effort to find a means of preserving the property. Such negotiations may include condemnation proceedings, recommendations of tax rebates for the property to appropriate agencies to encourage preservation, recommendation for an historic easement pursuant to the following paragraph of this ordinance, or inducements to interested third parties to purchase the property for the purpose of preserving it.

5.14.7.8 Site Maintenance

Vacant lots, demolition sites, and courtyards are to be maintained in order to promote the health, safety, and welfare of the public. Minimum standards for such maintenance are as follows;

5.14.7.8.1 Demolition Sites - In the event of demolition within a local historic district, all rubble will be removed from the site. Any salvageable materials will be removed to a separate storage site. Any excavations will be filled and the site will be graded.

5.14.7.8.2 Fencing - If fencing is required around any portion of a vacant lot or demolition site for the purpose of public safety, such fencing shall be constructed of painted plywood at least eight feet high or chain link fence with wind barrier strips.

5.14.7.8.3 Landscaping - Uncovered ground on vacant lots and courtyards should be planted with grass or other groundcover to prevent erosion.

5.14.7.8.4 General Maintenance - Vegetated areas should be mowed or otherwise maintained. Trash and debris should be picked up to maintain a neat, attended appearance.

5.14.8 Acquisition of Historic Easements

5.14.8.1 The City may acquire, by purchase, donation, or condemnation, historic easements in any area within its jurisdiction wherever and to the extent that the City Council, upon the recommendation of the Board, determines that the acquisition will be in the public interest. For the purpose of this section, the term "*historic easement*" means any easement, restriction, covenant, or condition running with the land, designated to preserve, maintain, or enhance all or part of the existing state of places of historic, archeological, architectural, or cultural significance.

5.14.9 Appeals

5.14.9.1 Any party adversely affected by a decision of the Historic Review Board, may within 30 days of the decision, file an appeal with the Eastport Zoning Board of Appeals. The applicant may appeal a decision of that board in accordance with "*Rule 80-B of the Maine Rules of Civil Procedure.*"

5.14.10 Violations and Penalties

5.14.10.1 Refer to "*Sections 7.10 and 7.11*" of this ordinance.

5.14.11 Injunctions

5.14.11.1 Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this ordinance, the Board, with City Council approval, may make application to the Superior Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon showing by the Board that such person has engaged or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order shall be granted without bond.

5.14.12 Suggested Performance Standards

See "Appendix C" for a list of all buildings within the Local Historic District and Historic District Map. The following recommended aids in interpreting and administering this ordinance are included as part of "Appendix C" and are available at City Hall.

5.14.12.1 *"Keeping up Appearances, Storefront Guidelines; published by The National Trust for Historic Preservation."*

5.14.12.2 "Department of the Interior Guidelines for Rehabilitating Historic Storefronts."

5.14.12.2 "Secretary of the Interior's Standards for Rehabilitation."