

§ 230-413 Historic Preservation Overlay District

A. Purpose and Intent

- (1) Protect Saco's historic, architectural, and cultural heritage. The economic well-being of the City will be strengthened by preserving its architectural and historic setting, conserving property values in unique areas, fostering civic beauty, and promoting the use of historic or architecturally significant buildings or sites for education and welfare of the public.
- (2) Assist property owners with maintaining the architectural integrity of the district(s).
- (3) Protect, preserve and enhance the outward appearance and architectural features of structures.
- (4) Prevent the demolition or removal of significant historic buildings or structures within designated districts or designated sites or landmarks.
- (5) Preserve, protect and enhance the essential character of designated districts by protecting relationships of groups of buildings and structures.
- (6) Accept new buildings and structures which are designed and built in a manner which is compatible with the character of the district.
- (7) Promote the educational, cultural, economic and general welfare of the people of the City.

B. Standards Incorporated by Reference

- (1) The following standards and documents are incorporated by this reference and made a part of this ordinance with the same force and effect as though set out in full herein:
 - (a) The most recent edition of 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).
 - (b) The most recent edition of the Saco Historic Preservation Design Manual.
 - (c) All architectural and archeological surveys conducted by professional architectural historians or archeological consultants recognized by the State Historic Preservation Commission and on file with the City of Saco.
 - (d) Pursuant to Title 30-A M.R.S.A., § 3003, a copy of each publication adopted by reference above shall be on file with the City of Saco for public inspection and use.

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B-C. Historic Preservation Commission

- (1) Membership. The Commission's membership shall be comprised of regular members, associate members, and advisory members.
- (2) Appointment. Members of the Historic Preservation Commission (the Commission) shall be appointed by the Mayor subject to approval by the City Council. Appointments shall be staggered so that the terms of no more than three (3) members expire in any calendar year.
- (3) Qualifications. The Commission shall include five (5) regular members and up to five (5) associate members. All members shall be residents of the City of Saco. At least two members shall be residents of Saco's historic districts. Appointments shall be made on the basis of demonstrated interest, knowledge, ability, experience and desire to promote historic preservation in Saco. It is preferred that the members have architectural design skills or experience related to historic preservation, such as history, architectural history, landscape architecture, planning, engineering, law, archaeology and building construction.
- (4) Length of term and vacancies. Regular and associate members shall serve terms beginning July 1 and ending June 30. Commission members shall serve for terms of three (3) years, except in those instances in which the appointment is made to fill a vacancy, in which case the appointment shall be for the remainder of the unexpired term. The Mayor shall act within sixty (60) days to fill a vacancy. Members may be reappointed.
- (5) Compensation. Regular and associate members shall serve without compensation.
- (6) Associate members. ~~At least one associate member shall be a resident of the historic district.~~ Associate members shall participate in all hearings and discussions. They shall vote only if the Chairman appoints an associate to act in place of the regular member who is absent, has resigned, or has been disqualified because of a conflict of interest.
- (7) Advisory members. In addition to the regular and associate members, the City Council may appoint other persons who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions. Advisory members are not required to be residents. Advisory members shall not vote.
- (8) Removal. Any regular or associate member may be removed for cause by the City Council upon receipt of written charges, followed by a public hearing.
- (9) Officers. The Commission shall elect annually a Chairperson and Vice Chairperson from the regular members.
- (10) Quorum. Four members shall constitute a quorum for the transaction of business before said Commission.

- (11) ~~The City Planning and Development Department shall be the authorized agent of the Commission, to whom the Commission may delegate any duties. The City Administrator shall authorize a City Department to act as staff liaison to the Historic Preservation Commission. The staff liaison(s) will act as an authorized agent of the Commission, to whom the Commission may delegate any duties.~~
- (12) Meetings. All meetings of the Commission shall be publicly announced, open to the public and have a previously available agenda. ~~Public notice shall be issued ten (10) days prior to meetings of the Commission. A notice of any public hearings will be mailed to abutters and posted at City Hall at least five days before the public hearing. In the case of an application for a new building or an addition of over \$1,000 estimated value, or in the case of the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation at least five days prior to the public hearing.~~
- (13) Records. The City ~~Planning and Development Department~~ shall maintain a permanent record of the activities of the Commission, including, but not limited to such items as the number and type of cases reviewed and their disposition, new designations of historic sites, landmarks and districts, resumes of Commission members, attendance records, appointments to the Commission, correspondence and minutes of all meetings.
- (14) Rules of Procedure. The Commission may adopt and amend rules of procedure.
- (15) Applications. The Commission may adopt rules governing the requisite exhibits for applications.
- (16) Gifts, grants, funding. The Commission may, subject to appropriations by the City Council or others, employ clerical and technical assistants or consultants, and may apply for and accept grants, money gifts, or gifts of services, and may hold or expend the same for all or any of the purposes of historic preservation in the City of Saco. A non-lapsing fund for gifts and grants shall be established by the City's Finance Department. Appropriations from the City Council shall be managed in accord with City policies and shall lapse each year if unexpended.

C.D. **Duties of the Commission**

- (1) Advise, and inform City officials and owners of historic buildings, structures or sites, regarding preservation, renovation, and rehabilitation.
- (2) Advise and inform owners regarding compliance with the requirements of this section.
- (3) Make recommendations for establishing historic districts, historic landscape districts, historic sites, or historic landmarks.
- (4) Review all proposed additions, reconstruction, alterations, construction, removal, or demolition of properties that are subject to the commission's jurisdiction.

- (5) Review all proposed National Register nominations in Saco, and proposals for eligibility.
- (6) Comment on (federal) Section 106 reviews.
- (7) Serve as an advisor to City officials regarding local historical and cultural resources and act as a liaison between local government and those persons and organizations concerned with historic preservation. Conduct or cause to be conducted a continuing survey of local historic and cultural resources, in accordance with Maine Historic Preservation Commission guidelines.
- (8) At the direction of the council, to prepare application for, and participate in, the "certified local government" (CLG) program of the National Historic Preservation Act Amendments of 1980 and the Maine Historic Preservation Commission; and carry out any responsibilities delegated to it under that program, including review and comment on any National Register nominations submitted to the historic preservation board; upon request of the council, participate in any review of federal actions or undertakings pursuant to Section 106 of the National Historic Preservation Act; attend informational and educational programs sponsored by the Maine Historic Preservation Commission; and prepare an annual report of the activities of the historic preservation board.
- (9) Work to provide local citizens with continuing education on historic preservation issues.
- (10) Undertake other duties as deemed necessary or desirable by its members to advance the purposes of this section.
- (11) Cooperate with federal, state and City officials in the pursuance of the objectives of historic preservation.
- (12) Participate in land use planning efforts of the City, state, and federal government.

D.E. **Eligibility for Historic Designation**

The historic districts, historic landscape districts, historic sites and historic landmarks established in accordance with this chapter shall have one or more of the following characteristics:

- (1) History of Saco. Structures, buildings or sites at which events have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social history of Saco or the nation, including sites or buildings at which visitors may gain insight or see examples of particular items or larger patterns in the North American heritage.
- (2) Persons. Structures, buildings or sites associated with important historic persons.

- (3) Ideas. Structures, buildings or sites associated with important examples of a great idea or ideal.
- (4) Architecture. 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; landscaping; a single notable structure; or a site representing the work of a master builder, master designer, architect or landscape architect.
- (5) Visual continuity. Structures or buildings contributing to the visual continuity of the historic district.
- (6) National Register. Those sites or areas listed on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

E.F. Establishment and Expansion of Historic Districts

(1) Amendment Process. Any person seeking to add or expand historic districts, historic landscape districts, sites, or landmarks shall request the amendment in writing to the Commission. The City Council, the Planning Board, or the Historic Preservation Commission itself may initiate action to expand or establish historic districts, historic landscape districts, sites, or landmarks. Any proposal by the Council or Planning Board shall be referred to the Commission for comment before ~~Council any further~~ action. ~~After receiving the Commission's recommendation concerning the request, the City Administrator shall place the matter on the agenda of the City Council. Any applications or designation of buildings, structures, sites and districts shall be in writing.~~

~~(4)~~ (a) Designation of historic landscape districts. An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.

- (2) Application Requirements. Applications shall be in writing and shall include the following, as appropriate:
 - (a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the building, structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
 - (b) A concise statement of how the building, structure or site meets the review criteria of this chapter.
 - (c) Exterior photographs of the building or structure, ~~or and~~ and/or a site map, illustrating significant details. In addition, the Commission may request photographs of interior features of particular historic significance. These interior photographs may be provided by the applicant on a voluntary basis and are not required submissions.

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- [1] A concise statement of the physical elements which justify making this area an historic district and a description of building types and architectural styles and periods represented.
 - [2] An explanation of the proposed boundaries of the district.
 - [3] Details on the structures that do not contribute to the significance of the district.
 - [4] A map showing the location of all district structures.
- (3) Studies & Recommendations. Before making its recommendation concerning the proposed establishment or expansion of an historic district, [historic landscape district](#), historic site or historic landmark, the Commission may conduct studies and research on the proposal. The Commission shall make a report to the City Administrator on every request received within six months. Drafts of the report shall also be mailed to the Maine Historic Preservation Commission for review.
 - (4) Public Hearing. Prior to making a recommendation concerning the proposed establishment or expansion of an historic district, [historic landscape district](#), historic site, or historic landmark, the Commission shall hold a public hearing on the request, after due notice is provided at least seven days prior to the hearing in a newspaper of general local circulation. Written notice of the proposal shall be given to the applicant, owners of all property to be included within the proposed designation and property within a two-hundred-foot radius of the property under consideration.
 - (5) Final Report. Not later than thirty (30) days after the public hearing, the Commission shall submit a final report to the ~~City Council~~[Planning Board](#) with the Commission's recommendation. [The Planning Board shall also hold a public hearing on the proposal, and make a report to the City Council thereon.](#)
 - (6) Action by the City Council. After receipt of the [Planning Board and the](#) Commission's recommendations, as provided above, the City Council shall consider said proposed designation and approve or disapprove the request. Within twenty (20) days after the designation of any historic district, historic site or historic landmark, the owner of each property so designated shall be given written notice.
 - (7) Applicability of this section. All land, buildings or structures within an historic district [or historic landscape district](#) are subject to the requirements of this chapter after a district has been designated by the City Council. All historic sites and landmarks are subject to the requirements of this chapter after they have been so designated by the City Council.

F.G. Designated Historic District

Saco's Historic Preservation Overlay District (HP) is depicted in Figure 19-1.

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G.H. Designated Historic Sites and Historic Landmarks

(1) ~~Sites~~ Historic Landmarks

- (a) The Way Way Store at 97 Buxton Road, Tax Map 97, Lot 13
- (b) JG Deering House at 371 Main Street, Tax Map 32, Lot 129
- (c) Grant Family House at 72 Grant Road, Tax Map 124, Lot 4
- (d) Jacobs Houses and Store, 7-17 Elm Street, Tax Map 38, Lots 10, 40, 41
- (e) Saco City Hall at 300 Main Street, Tax Map 38 Lot 114
- (f) Old Saco High School at 34 Spring Street, Tax Map 38 Lot 278
- (g) A.B. Seavey House at 90 Temple Street, Tax Map 38 Lot 168
- (h) Thacher-Goodale House at 121 North Street, Tax Map 39 Lot 139
- (i) Old Saco Central Fire Station at 12 Thornton Avenue, Tax Map 38 Lot 84
- (j) York Mill #1 at 110 Main Street, Tax Map 37 Lot 1-1-91
- (k) York Mill #2 at 110 Main Street, Tax Map 37 Lot 1-0-1
- (l) York Mill #3 at 110 Main Street, Tax Map 37 Lot 1
- (m) York Mill #4 at 120 Main Street, Tax Map 37 Lot 8-1
- (n) York Mill #6 at 110 Main Street, Tax Map 37 Lot 1-3

(4) (o) York Engine / Boiler House, 14 Gooch Street, Tax Map 37 Lot 2

(2) ~~Historic Landmarks Sites: The Way Way Store at 97 Buxton Road, Tax Map 97, Lot 13.~~

H.I. Certificate of Appropriateness

- (1) In the Historic Preservation Overlay District (HPOD), a certificate of appropriateness issued by the Commission or by designated City staff (for minor reviews as described in Section M below) shall be required for the following:
- (a) New construction located in an historic district.
 - (b) Demolition ~~of an historic landmark or demolition~~ of any building or portion of any building, (including removal of architectural al features) in an historic district.
 - (c) Moving ~~an historic landmark or~~ any building located in an historic district.
 - (d) Additions, alterations, or reconstruction, including porches and steps, where such addition or alteration would be clearly visible from a public way. Additions include but are not limited to: garages, out-buildings, accessory buildings, rooftop additions.

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(e) Signs placed in an historic district, except for a sign or placard noting the history of the building, or those specifically outlined as exempt in 230-707(8), or an historic site or historic landmark.

(f) New construction of walls, fences, exterior access stairs and parking lots in an historic district and visible from a public way (including new construction of decks, porches or patios).

(g) Installation of vinyl siding, skylights, exterior utilities including plumbing or electrical units and mechanical equipment such as heat pumps, solar panels, communication devices, HVAC units, or similar or rooftop solar panels where such installations are proposed to be placed on street-facing façades.

(h) Removal of stone walls or existing fences.

~~(h)(i)~~ Removal or replacement of wooden window sash.

~~(i)(j)~~ Sandblasting of brick or stone buildings.

(k) Repainting of historic masonry.

(l) Removal of large trees that may be of historic value (at the discretion of the Planning Department staff or qualified landscape professional).

~~(j)~~ (m) Removal of brick sidewalks or granite curbing within the public ROW located in the historic district.

(2) For those sites and landmarks listed in subsection H above, a certificate of appropriateness issued by the Commission or by designated City staff (for minor reviews as described in Section M below) shall be required for the following:

(a) New construction of structures located within the property lines of said sites and landmarks.

(b) Demolition of any building or portion of any building, (including removal of architectural features) within the property lines of said sites and landmarks.

(c) Moving any building listed on the National Register of Historic Places.

(d) Additions, alterations, or reconstruction, including porches and steps, where such addition or alteration would be clearly visible from a public way. Additions include but are not limited to: garages, out-buildings, accessory buildings, rooftop additions.

(e) Signs placed in an historic district, except for a sign or placard noting the history of the building, or those specifically outlined as exempt in 230-707(8).

(f) New construction of walls, fences, exterior access stairs and parking lots in an historic district and visible from a public way (including new construction of decks, porches or patios).

(g) Installation of skylights and exterior utilities (including plumbing or electrical units and mechanical equipment such as heat pumps, solar panels, communication

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devices, HVAC units, or similar) where such installations are proposed to be placed on street-facing façades

(h) Removal of stone walls or existing fences.

(i) Removal or replacement of wooden window sash.

(j) Sandblasting of brick or stone buildings.

(k) Repointing of historic masonry.

(3) In a historic landscape district, a certificate of appropriateness issued by the Commission or by designated City staff (for minor reviews as described in Section M below) shall be obtained before any alteration to existing landscaping or structures (beyond general maintenance and repair as defined in section Q below), or new construction within an historic landscape district may be undertaken.

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~~(2)~~(4) An affirmative vote of at least three members shall be required to issue a certificate of appropriateness.

~~(3)~~(5) Building permits. In any historic district (including historic landscape districts) and with respect to any historic site or historic landmark, no building permit shall be issued for any construction, reconstruction, alteration, or demolition until a certificate of appropriateness, where required by this section, has been issued by the Commission or, in the case of minor projects as identified by subsection M below, by the designated City staff.

J. Exempt Activities

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(1) Activities exempt from subsection I (above) include the following:

(a) Alteration to or addition of mailboxes, flower boxes, flags, or other similar minor decorative features.

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(b) Change in paint color.

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(c) Alteration or replacement of existing non-historic gutters, downspouts, storm windows, conduit, venting, or other non-original features which are required for the operation and physical health of the building and do not significantly alter the building or compromise historic features or character-defining elements on the structure (subject to the determination of the designated City staff).

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K. Application for a Certificate of Appropriateness

(1) Application Forms & Fees. Application for a certificate of appropriateness shall be obtained from the City Planning and Development Designated City Department.

(2) Submittal. A completed application for a certificate of appropriateness shall be submitted to the City Planning and Development Department Designated City Department. The department Staff shall verify that the submittal is complete. The

application shall be dated by the ~~Planning & Development~~ Department and transmitted to the Commission.

- (3) Response. The Commission shall consider each completed application within twenty-one (21) days of the date of submittal of a complete application and, within fifteen (15) days following, approve, approve the application with modifications, make recommendations for modifications to the application, or deny the application. By mutual written consent of the Commission and the applicant, the review period may be extended. When the Commission acts on the application, it shall notify the Code Enforcement Officer.

Application Contents

The application shall state the location, use and nature of the matter for which such application is sought. The Commission may waive any application requirement if it determines that it is not necessary to an application. The application shall contain at least the information or documentation listed below:

- (1) The applicant's name, address, and interest in the subject property. If not representing the owner, the applicant shall provide evidence of right, title, or interest in the property.
- (2) The owner's name and address, if different from the applicant's, and the owner's signature.
- (3) The address and the tax map and lot number.
- (4) The present use and zoning classification of the subject property.
- (5) A brief description of the new construction, reconstruction, alteration, maintenance, demolition or removal requiring the issuance of the certificate of appropriateness.
- (6) A scale drawing or drawings of the exterior architectural features indicating the design, texture, and location of any proposed alteration, reconstruction, maintenance or new construction for which the certificate is being applied. As used herein, drawings shall mean plans or exterior elevations drawn to scale, with sufficient detail to show, as far as they relate, exterior appearances, architectural design of building(s), including materials and textures, including samples of exterior materials. Drawings shall be clear, complete and specific.
- (7) Photographs of the building(s) involved and of adjacent buildings.
- (8) A site plan that indicates improvements affecting appearance, such as walls, walks, terraces, plantings, accessory buildings, signs, lights and other elements.

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K.M. Review and Approval Procedure

- (1) Hearing. The Commission shall hold a public hearing on each application before it. A notice of the hearing will be mailed to abutters and posted at City Hall at least five (5) days before the public hearing. In the case of an application for a new building or an addition of over \$1,000 estimated value, or in the case of the demolition of any building, a hearing notice shall be placed in a newspaper of general circulation.
- (2) Approval. If the Commission determines that the proposed construction, reconstruction, alteration, moving, or demolition meets the standards of this chapter, it shall approve a certificate of appropriateness, and the Commission's designated staff liaison City Planning and Development Department shall notify the applicant and Code Enforcement Officer, in writing, of the determination and along with any conditions of approval.
- (3) Disapproval. If the Commission determines that a certificate of appropriateness should not be issued, it shall make findings describing how the application does not meet the standards of this chapter. However, in order to prepare more detailed findings, the Commission may postpone the decision for up to two (2) weeks until its next meeting or allow itself up to an additional two weeks its next meeting to prepare and adopt more-detailed findings. The City Planner Commission's designated staff liaison shall notify the applicant and the Code Enforcement Officer within ten (10) days of the final determination.
- (4) Appeals. An appeal from the final decision of the Commission as to any matter over which it has final authority may be taken by any party or person aggrieved within thirty (30) days from the date of the decision to the Zoning Board of Appeals.
- (5) Time limits on certificates of appropriateness. If substantial construction is not commenced within one (1) year of the issuance of a certificate of appropriateness, the approval shall be null and void. The deadline may be extended for one additional six (6) month period by the Planning and Development Department upon written request of the applicant. The written request for an extension must be submitted before the date of expiration of the approval. After the approval has expired or an extension has been denied, the applicant may reapply at any time without prejudice. The extension shall be approved by either the Planning and Development Department or the Commission, as outlined above, unless there is:
 - (a) Additional information that indicates that the plan does not meet the standards of this chapter;
 - (b) A failure to meet a condition of approval;
 - (c) An amendment in this chapter that prohibits or alters the proposed project.

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L.N. **Alternative Procedure for Certificate of Appropriateness for Minor Projects**

- (1) Applications for the installation or alteration of any exterior sign, minor building alteration, or temporary alteration are eligible for review as a minor project.
- (2) Applications for minor alterations shall be reviewed by the ~~City Planning and Development Department designated City staff~~ rather than the Commission. ~~The City Planning and Development Department Staff~~ may review the application to the standards cited in this chapter and approve the application, approve it with modifications, or deny it within ten (10) working days of receiving a complete plan.
- (3) Applicants proposing minor projects may elect for their application to be reviewed by the Commission according to the procedures and standards required for a certificate of appropriateness described in the above section.
- (4) No public hearings or abutter notices are required for applications reviewed under this section.
- (5) If the ~~City Planning and Development Department~~City has not acted within ten (10) working days, the applicant may seek approval from the Commission, rather than ~~the Department~~City staff. Inaction by the ~~City Planning and Development Department~~City staff does not constitute approval or disapproval of the application.
- (6) If the applicant is not satisfied with the determination of the ~~City Planning and Development Department~~City staff, the applicant shall be permitted to have the entire application reviewed by the Commission. ~~The City Planning and Development Department~~City staff can, for any reason, forward any minor alteration to the Commission for review. ~~The City Planning and Development Department~~City staff shall provide the Commission with written notice of any action.

M.O. **Standards**

- (1) The United States Secretary of the Interior's "Standards for Rehabilitation," as revised in 1990 (36 CFR Part 67, Historic Preservation Certifications), as well as the standards cited below, shall be used in review of applications for certificates of appropriateness. The Commission will also be guided in its deliberations by the City of Saco Historic District Design Guidelines (2010), and the City of Portland's "Standards - Review of Alterations." The above referenced standards and guidelines are advisory, but non-binding. Binding standards are as follows:
 - (a) Design consideration and structural factors related to maintaining historic structures in good condition shall be the Commission's primary area of focus. Every reasonable effort shall be made to provide a compatible appearance for new or renovated buildings, structures, and yards in the Historic District, and to maintain the integrity of existing buildings, structures or grounds, while giving due

consideration to the economic feasibility of maintaining such buildings, structures or grounds. The following standards shall apply:

- [1] A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- [2] The historic character of a property shall be retained and preserved. The removal of historic materials or the alteration of features and spaces that characterize a property shall be avoided.
- [3] Each property shall 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 architectural elements from other eras and architectural styles shall not be undertaken.
- [4] Changes to properties over time that have acquired historic significance in their own right shall be retained and preserved.
- [5] Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- [6] Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other structures. ~~Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.~~
- [7] Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- [8] Significant archeological resources shall be protected and preserved. If such resources must be disturbed, mitigation measures and documentation shall be undertaken.
- [9] New additions, exterior alterations, or new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- [10] New construction shall 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.
- [11] Installation of vinyl siding on buildings that are not sided with vinyl is prohibited.

- [12] Every reasonable effort shall be made to preserve historic wooden window sash.
- [13] The repointing of historic brick buildings shall adhere to the guidelines specified in "Repointing Mortar Joints in Historic Masonry Buildings," US National Park Service, Preservation Brief #2.

N.P. Visual Compatibility Standards

Within historic districts (including historic landscape districts) and on historic sites, new construction, buildings, and structures which are moved, reconstructed, materially altered, repaired or changed through new exterior surfaces shall be visually related generally in terms of the following factors:

- (1) Height. In addition to complying with all of the applicable height standards in the Zoning Ordinance, the height of a proposed building or addition shall be visually compatible with surrounding structures when viewed from a public street.
- (2) Width. The width of the building shall be compatible with buildings, structures and open spaces to which it is visually related.
- (3) Windows and doors. The relationship of windows and doors in a building shall be compatible with those windows and doors of buildings to which the building is visually related, particularly to adjacent historic buildings of the same period.
- (4) Relation of solids to voids in front facades. The relationship of solids to voids in the front facade of a building shall be compatible with that of buildings to which it is visibly related.
- (5) Rhythm of spacing of buildings on streets. The relationship of the building to the open space between it and adjoining buildings shall be compatible with those of buildings to which it is visually related.
- (6) Rhythm of entrance and/or porch projection. The relationship of entrance and porch projections to sidewalks of a building shall be compatible with those buildings to which it is visually related.
- (7) Relationship of materials and texture. The relationship of materials and texture shall be compatible with that of predominant materials used in buildings to which it is visually related. The installation of vinyl siding and vinyl windows on structures in which vinyl siding or windows do not already exist shall be expressly prohibited. Installation of vinyl fencing on sites where such fencing does not already exist is prohibited.
- (8) Roof shapes. The roof shape of a building shall be compatible with that of buildings to which it is visually related.

(9) Scale of buildings. The size of a building, the building mass in relationship to open spaces, the windows, door openings, porches and balconies shall be compatible with those characteristics of buildings and spaces to which it is visually related.

(10) Directional expression of front elevation. A building shall be compatible with the building, squares and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.

(11) New construction shall be generally of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with other buildings in the historic district and with streets and open spaces to which it is visually related and in keeping with area.

(11) (12) Mechanical equipment such as heat pumps, solar panels, communication devices, HVAC units, or similar shall be located in such a way as to minimize its visual impact to the greatest extent practical. Said equipment shall be screened, if possible, with vegetation or suitable elements of a permanent nature, finished to blend in with the rest of the building. Where such screening is not feasible, equipment shall be installed in a neat, presentable manner and, if possible, shall be painted to minimize its visibility.

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Q.Q. Signs

(1) General. Signs shall be governed by ~~Article IX §230-707~~ and this section. If there is any conflict, the stricter standards shall apply. All signs, either new or upon alteration, require a certificate of appropriateness.

(2) Signs shall be consistent with the architectural style of a building, respectful of neighboring buildings, and carefully designed to fit the facade in the case of attached signs. The design shall take into account the scale, character and design of the building, the traditional location of signage on area buildings, the location of existing sign boards, lower cornices, lintels, and other architectural elements, and the opportunity to use signage as an element to enhance the appearance of building entrances. Materials and workmanship shall convey a sense of permanence and durability.

(3) Location. Wall signs generally shall be located no higher than the windowsill line of the second story. The use of a continuous sign-band extending over adjacent shops within the same building is encouraged as a unifying element. Where signage is proposed on street-level windows, such signage should not substantially obscure visibility through the window.

(4) Scale. The size of signs and letters shall be at an appropriate scale for pedestrians and slow-moving traffic.

(5) Design. Typefaces which are simple, easy to read, and scaled appropriately for both the sign and building shall be used. Pictographs (such as a projecting sign in the

shape of a key for a lock shop) can be an appropriate feature if consistent with the standards of this chapter.

- (6) Illumination. Generally, signs, if illuminated, shall be illuminated from a shielded, exterior source. The light source should be concealed from direct view. However, the Commission (but not the Planning Department) may approve certain special illuminated signs. Special situations, such as marquees, or special uses, such as cultural events or public activities, may be appropriate exceptions where sensitively designed.
- (7) Awnings, canopies and marquees. The shape and size of these devices shall correspond to the shape, character and size of the opening over which they will be installed and fully fill the width of the individual window or door opening. In addition to the sign standards of this chapter, these sign types and all advertising signs must comply with all other design standards in this chapter.
- (8) Painted wall signs. Painted wall signs, such as business names, may be appropriate if designed in conformance with this chapter.
- (9) Outdoor murals. Painted walls, such as murals and trompe l'oeil (suggestive of architectural or other three-dimensional objects) scenes, shall be used only to enhance the streetscape, not for advertising purposes.

P-R Demolition or Removal

- (1) Scope. The following provisions apply to any proposal involving the demolition, moving, or removal of any historic landmark, or any building or structure, or any appurtenance thereto, in an historic district. The purpose of this subsection is to further the purposes of the section 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, historic societies or organizations the opportunity to acquire or to arrange for the preservation of such buildings. Furthermore, the purpose of this section is to afford the City, the Commission, other preservation organizations, and others interested in preservation the opportunity to acquire or arrange for the preservation of historic buildings and structures, or important portions and features thereof, or proper removal of historic artifacts, or the proper recordation of the building, structure and/or site.
- (2) Procedure. Any person proposing any activity falling within the scope of this subsection shall file an application for a certificate and submit evidence from a structural engineer, an architectural historian, an appraiser, or other qualified expert that demonstrates that the standards of this section are met.
- (3) Stay. At the hearing on an application to relocate or demolish a contributing building in an historic district, or an historic landmark, or an historic site, the Commission may, in the interest of exploring reasonable alternatives, delay issuance of a permit for up to one hundred and twenty (120) days from the date of the hearing. If, ten (10) days prior to the

expiration of the delay period, the Commission finds that there are still reasonable alternatives to explore, the Commission may continue the delay for an additional period of up to sixty (60) days. The purpose of the delay is to find alternatives to demolition, such as:

- (a) Assisting in securing funding to preserve in place the building, structure, or important portions and features thereof; or
 - (b) Finding other ways to preserve the building or structure, such as outright purchase of the property, when feasible, or relocation; or
 - (c) Proper recordation of buildings, structures and sites, including photography and narrative report; or
 - (d) Preservation of historic artifacts.
- (4) Standards of approval. In order to approve an application for the relocation or demolition of a contributing building in an historic preservation district, or of an historic landmark or an historic site, the Commission must find that the proposal meets one of the following standards of approval:
- (a) The building is not a contributing structure in the historic district nor an historic landmark or site. The determination of what is a contributing structure shall be based on the Saco Historic Resources Inventory (1999).
 - (b) The Commission determines that the building or structure is not of historical significance.
 - (c) The building or structure, or predominant portions thereof, has been determined by the Code Enforcement Officer to represent an immediate hazard to the public health or safety because of severe structural deficiencies, which hazard cannot be abated by reasonable measures.
 - (d) No prudent and feasible alternative exists.
 - (e) The property is deteriorated beyond repair.
- (5) Conditions of approval. In approving an application for the demolition of a contributing building in an historic preservation district, or an historic landmark or historic site, the Commission may impose the following conditions:
- (a) Photographic, video, or drawn recordation of the property to be demolished; and/or
 - (b) Reasonable salvage and curation of significant elements; and/or
 - (c) Other reasonable mitigation measures.
- (6) Hazard buildings. No provision in this chapter shall be construed to prevent the alteration, demolition, or relocation of a building when the Code Enforcement Officer certifies that such action is required for the public safety.

(1) Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in an historic district or of any historic landmark which does not involve a change in the design, material, or outward appearance thereof. Paint color and the preparation of a wooden building for painting, and the construction of legally required ramps for access by the handicapped, are specifically excluded from the scope of this section.

~~(2)~~ Nothing in this section shall prevent the construction, reconstruction, restoration, or demolition of any feature which the Code Enforcement Officer shall determine is a required condition because of concerns about the safety of the building and its occupants.

R.T. **Hardship & Appeals**

An appeal from the final decision of the Commission may be taken by any party or person aggrieved to the Zoning Board of Appeals within thirty (30) days from the date of the decision.

S.U. **Conflict with Other Ordinances**

This section shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other ordinance, law, regulation or bylaw. Where this section imposes a higher and/or stricter standard, the provisions of this chapter shall prevail.

T.V. **Amendments**

The City Council, the Planning Board, or the Commission may initiate action to amend this section. Requests to amend shall be referred to the Commission for a report within ninety (90) days thereon. The Commission shall hold a public hearing before the report is made to the Planning Board or the City Council. Notice of the hearing shall be made public by notice in a newspaper of general local circulation at least seven days before the public hearing. The Planning Board shall also make a recommendation to the City Council in accordance with state statutes.

U.W. **Definitions**

Notwithstanding the definitions of Article XXI, for the purposes of this chapter, the following terms have the following meanings, unless the context indicates otherwise:

ALTERED

Includes rebuilt, reconstructed, rehabilitated, restored, removed, and demolished. For the purpose of this definition, any change, except minor repair, in siding materials, roofing materials, gutters, door and window sash and integral decorative elements, such as, but not limited to, cornices, brackets, window architraves, doorway pediments, railing, balusters, columns, cupolas and cresting and roof decorations.

APPROPRIATE

Shall refer to those changes in historic properties, landmarks, buildings, structures or sites, which are not incongruous with what is historically and architecturally significant as determined by the Commission.

CERTIFICATE OF APPROPRIATENESS

The permit indicating compliance with this chapter.

COMMISSION

The Saco Historic Preservation Commission.

COMPATIBLE

Generally of comparable scale and proportion (including height and mass), and with design characteristics which are similar and / or not adversely impactful.

CONFLICT OF INTEREST

Shall be construed to mean direct or indirect pecuniary benefit to any person, including members of the person's immediate family, employer or the employer of any member of the person's immediate family; or interest sufficient to tempt the member to serve his own personal interest to the prejudice of the public interests.

CONTRIBUTING STRUCTURE

A structure located within a designated historic district and identified as contributing to the historical or architectural significance of said district.

DEMOLITION

The razing of a building or a structure or the removal of any exterior architectural feature or structure or object.

DISTRICT

Historic District.

EXTERIOR ARCHITECTURAL FEATURE

The architectural style and general arrangement of the exterior of a building or structure, including, but not limited to: the kind, type, and texture of the building materials; the type and style of all windows, doors, lights, dormers, roofs, gable cornices, porches, decorative trim; the design of any sign; and the arrangement of fencing.

HISTORIC DISTRICT

A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures or landmarks united by events or aesthetically by plan or by physical development and designated in accordance with the requirements of this chapter as appropriate for historic preservation. These district(s) were established pursuant to ~~Section 2005230-413(F)~~ herein.

HISTORIC LANDMARK

Any improvement, building or structures 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 section.

HISTORIC LANDSCAPE DISTRICT

An area designated as an "historic landscape district" by act of the City Council, pursuant to Section 230-413(F) herein.

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HISTORIC SIGNIFICANCE

A building, structure or site possesses historic significance if it embodies one or more of the qualities outlined in Section [2004230-413\(E\)](#). Buildings classified as noncontributing are not considered to possess historical significance.

HISTORIC SITE

Any parcel of land of special significance in the history of Saco, and its inhabitants, or upon which an historic event has occurred, including prehistoric and archeological sites, and which has been designated as such in accordance with this section.

MINOR ALTERATIONS

Are incidental changes or additions to a building or site which will neither result in substantial changes to any significant historic features nor obscure such features. In no event shall any change be deemed minor when, in the determination of the Planning Department, such change shall alter the historic character of the building or site.

RHYTHM

Characterized by the regular recurrence of strong and weak elements.

STRUCTURE

Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, billboards, signs, carports, porches, and other building features.

TEMPORARY

For purposes of this chapter only, "temporary" is defined as either a one-time occurrence [that does not exceed thirty \(30\) days or as an annual occurrence that does not exceed one thirty-day period each year-](#)