

TOWN OF OGUNQUIT
TITLE XI - HISTORIC PRESERVATION ORDINANCE

Chapter 6 Standards of Review

601 In General

The standards and requirements contained in this section and in the United States Secretary of the Interior's Standards for Rehabilitation set forth at 36 C.F.R. § 67.7, as the same may be amended or replaced, shall be used to review applications for Certificates of Appropriateness for major and minor improvements, and Certificates of Demolition for the demolition of any historic structure.

602 Reconstruction, Renovation and Alterations

602.1 A building or structure classified as a historic site, landmark or structure, or an appurtenance related to such sites, landmarks or structures, including but not limited to walls, fences, light fixtures, steps, paving, etc., shall not be altered, renovated or reconstructed, and no Certificate of Appropriateness shall be issued for such action, unless they will preserve or enhance the historical and architectural character of the building or structure, and are visually compatible with the area within the Town of Ogunquit.

602.2 Rehabilitation work shall not destroy distinguishing qualities or characteristics of a building, structure, or its setting. Distinctive stylistic features such as molding, brackets, windows, doorways, porches, etc., which characterize historic structures shall be preserved wherever possible.

602.3 Deteriorated architectural features, such as balustrades, brackets, windows, etc., shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new feature shall match the feature being replaced. Replacement of missing architectural features shall be based on physical or pictorial evidence to the extent available.

602.4 The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

603 Construction of New Structures or Additions to Existing Structures

603.1 The construction of a new principal or accessory structure, or the construction of an addition to a historic site or historic structure,

shall be of such design, form, proportion, mass, configuration, building material, texture, and location on a lot as will be compatible with the existing structure in scale, architectural design and texture, and with streets and open spaces to which it is visually related.

603.2 The Historic Preservation Commission shall review such elements as screening, fencing, off-street parking, entrances, lighting, and landscaping to protect the area's visual character.

604 **Demolition or Removal of Existing Historic Sites, Landmarks or Structures**

604.1 Standards for Demolition or Removal: In reviewing an application for demolition or removal of an existing historic site, landmark or structure, the Historic Preservation Commission shall initially determine:

- a. whether the building or structure is of such historic significance that its demolition would be detrimental to the public interest;
- b. whether the demolition of the building or structure would be contrary to the purpose and intent of this Ordinance;
- c. whether the building or structure is of such old, unusual or uncommon design, texture or material that it could not be reproduced or could be reproduced only with great difficulty or expense; and
- d. whether the retention of the structure would encourage the study of the Town's history, architecture and design or develop an understanding of the Town's culture and heritage.

Any of the above factors shall mitigate against demolition or removal.

Notwithstanding the above, approval of the application for demolition or removal shall be appropriate when either of the following factors exist:

- a. The structure is in such deteriorated condition that it is not structurally or economically feasible to preserve or restore it, provided that any hardship or difficulty claimed by the owner, which is self-created or the result of any failure to

maintain the structure in good repair, cannot qualify as a basis for the issuance of a Certificate of Demolition.

- b. The denial of the application would deny the owner of the structure all economically viable use of the property.

604.2 Structures Deemed a Nuisance or Dangerous: Nothing contained in this Ordinance shall prohibit the Issuance of orders, citations or other enforcement action relative to any historic site, historic landmark or historic structure that has been determined a nuisance or dangerous by the Selectmen or a court in accordance with Title 17 M.R.S.A. Section 2851, as the same may be amended or replaced. In such case, the Selectmen shall order the Historic Preservation Commission to approve the application for demolition.

604.3 Damaged Structure: When repair or reconstruction of a damaged structure would cost more than 50% of the fair market value of the structure before the damage occurred, the structure may be restored to its original design, or demolished and replaced with new construction which meets the requirements of this Ordinance.

604.4 Decayed Structure: When repair or reconstruction is necessitated by the decay of a structure, which decay is not the result of any failure of the owner to maintain it in good repair, the structure may be restored to its original design, or demolished and replaced with new construction which meets the requirements of this Ordinance.

605 **Visual Compatibility Factors**

605.1 In General

New construction of a principal or accessory structure to, or addition to, or the alteration of, existing historic sites, historic landmarks or historic structures shall be visually compatible with the existing structure and with other buildings, structures, streets and open spaces within the area. Applications for Certificates of Appropriateness and Demolition shall be reviewed in terms of the following:

- a. Height: The height of proposed buildings or structures shall be compatible with the existing buildings or structures.
- b. Proportion of Buildings Front Façade: The relationship of the width of the building to the height of the front elevation

shall be visually compatible with buildings, structures, and open spaces within the area.

- c. Proportion of Opening with the Façade: The relationship of the width of the windows to height of windows and doors in a building shall be visually compatible with those of windows and doors of buildings within the area.
- d. Rhythm of Solids to Voids in Front Facades: The relationship of solids to voids in the front facade shall be visually compatible with that of the buildings within the area.
- e. Rhythm of Spacing of Buildings or Structures on Streets: The relationship of buildings or structures to the open space between them and adjoining buildings or structures shall be compatible with those of buildings or structures in the area.
- f. Rhythm of Entrance and/or Porch Projection: The relationship of entrance and porch projections to the street shall be compatible with those of buildings in the area.
- g. Relationship of Materials, Textures and Color: The relationship of materials, textures, and color of buildings or structures shall be compatible with those materials used in the buildings or structures to which they are visually related.
- h. Roof Shapes: The roof shape of a building shall be compatible with that of buildings to which it is visually related.
- i. Scale of Buildings: The size of the building, the building mass in relation to open spaces, the window and door openings, porches and balconies shall be compatible with those characteristics of buildings or structures and spaces to which they are related.
- j. Orientation: A building or structure shall be compatible with the building or structure to which it is visually related in its directional character, whether this be vertical, horizontal or non-directional in character.