

**TOWN OF OGUNQUIT
TITLE XI - HISTORIC PRESERVATION ORDINANCE**

Chapter 5 Meeting, Hearings and Application Review

501 Meetings of Commission

The Historic Preservation Commission shall hold meetings at the call of the Chair or at the call of any three members, provided that public notice shall be given as provided for elections. In the event of emergency meetings, local representatives of the media shall be notified. Notification shall include the time, date and location of the meeting.

502 Open Meetings

All meetings of the Historic Preservation Commission shall be open to the public, except for executive sessions held under the Maine Freedom of Access Act, Title 1 M.R.S.A. Section 405, as the same may be amended or replaced.

503 Notice to Applicant

Prior to issuance of a Certificate of Appropriateness or Certificate for Demolition, the Historic Preservation Commission shall notify the applicant of consideration of his or her application.

504 Notice to Owner

No final action shall be taken by the Historic Preservation Commission which could in any manner deprive or restrict the owner of a property in its use, alteration, maintenance, disposition or demolition, until such owner either has knowledge of the proceeding or is sent a notice by certified mail, return receipt requested, offering an opportunity to be heard.

505 Action by Commission

If the application is judged complete by the Historic Preservation Commission, the Commission shall:

505.1 Vote on the application; or

505.2 Postpone action on the application for no more than thirty-five (35) days; or

505.3 Schedule a public hearing within thirty-five (35) days thereof unless the applicant agrees in writing to a later date.

506 **Quorum**

A quorum shall consist of three (3) voting members.

507 **Conflict of Interest**

No member of the Historic Preservation Commission shall participate in the hearing or disposition of any matter in which he or she has a direct or indirect pecuniary interest, or any interest that would create the appearance of a conflict of interest.

508 **Approval of Certificates**

Certificates must be approved by majority vote. A tie vote shall result in denial of the application.

509 **View of Premises**

The Historic Preservation Commission, in its discretion, and with the owner's consent, shall view the premises and obtain additional facts concerning the application before arriving at a decision.

510 **Public Hearing**

At the request of the applicant, or where the Historic Preservation Commission deems it necessary, a public hearing shall be scheduled and the following procedures shall be followed:

510.1 Notice of the hearing shall be mailed to the Code Enforcement Officer, the Planning Board, the applicant, the owner of the property if different from the applicant, owners of property within one hundred (100) feet of the boundaries of the historic site, landmark or structure, and any consultants and professional advisors of the Historic Preservation Commission.

510.2 The time, date and place of the hearing shall be published in a newspaper of general circulation at least ten (10) days prior to the hearing.

510.3 The hearing shall be continued only for good cause shown.

510.4 The Historic Preservation Commission shall act on the application within twenty (20) days of the hearing date, unless the applicant shall agree in writing to an extension.

510.5 Failure to render a decision within the specified time shall be deemed to constitute disapproval by the Historic Preservation Commission.

511 **Approval**

If the application is approved or deemed approved by the Historic Preservation Commission, the Commission shall issue a certificate signed by the members, which may include any changes, conditions, or stipulations necessary to fulfill the intent of this Ordinance. The approval shall include sufficient written or graphic material to be strictly enforceable. The decision shall be dated and forwarded to the Code Enforcement Officer for issuance of any necessary permits.

512 **Disapproval**

If the Historic Preservation Commission determines that a Certificate of Appropriateness or Demolition should not be issued, it shall place upon the record the reasons for denial. The Historic Preservation Commission shall notify the applicant of such determination, furnishing him or her with an attested copy of the reasons for denial, as appearing in the records of the Historic Preservation Commission. A copy shall be sent to the Code Enforcement Officer.

513 **Term of Certificates of Appropriateness and Certificates of Demolition**

Certificates of Appropriateness and Certificates of Demolition shall be valid for a period of one year from the date of issuance.

514 **Other Permits and Approvals**

The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the Ogunquit Zoning Ordinance, by the Ogunquit Municipal Codes or by state or federal law.