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PLANNING BOARD and HISTORIC PRESERVATION COMMISSION

WORKSHOP

Discussion of the Design Review Process and Review of Historic Preservation
Requirements for Pre 1930 Structures.

Monday June 1, 2015

ROLL CALL – 5:30 p.m.

Planning Board Members present: Steve Wilkos, Chairman
Muriel Freedman, Vice Chair
Ken Walsh
Jackie Bevins

Historic Preservation Commission Members Present: Newell Perkins
Helen Horn
Sumner Nystead
Dave Barton, Select Board Liaison

Also present were: Scott Heyland, Code Enforcement Officer
Maryann Stacy, Recording Secretary

Mr. Wilkos noted that Article 11 of the Ogunquit Zoning Ordinance outlines the Planning Board Design Review Protocol and Requirements. Title XI of the Municipal Code regards the Historic Preservation Ordinance.

Mr. Nystead summarized that the Commission would like changes made to the section of Article 11 which denotes “the district”. As it currently states, the OHPC is entitled to Design Review in specific areas of Town: Downtown Business District, General Business Districts 1 and 2, the Limited Business

District, Perkins Cove Limited Business District, and the Ogunquit Beach District. He stressed that as property values rise, the historic structures which comprise the character of the Town are in danger of being demolished and sometimes replaced with structures which clash with the neighborhoods in which they are located. The OHPC would like to see all districts placed under the Design Review Process in order to clarify Article 11.

Mr. Nystead referred to a recent situation in Perkins Cove where a developer claimed that no Design Review was required. In this instance the Code Enforcement Officer was able to convince the developer that Design Review was required due to the historic nature of the neighborhood and the historic structures which surrounded the property. The outcome was design changes which will make the new structures blend more uniformly with the other buildings at the entry to Perkins Cove.

Ms. Freedman pointed out that this case was based on “neighborhood significance”.

The OHPC would like to see the requirements tightened up, as well as the inclusion of all districts in the Town.

Mr. Wilkos noted that the inclusion of “all districts” would effectively cover the entire Town.

Mr. Heyland agreed and suggested the removal of the term “district” as it refers to all pre 1930 structures throughout the Town.

Mr. Perkins noted that there are ten distinct districts in the town, and six shoreland overlay districts. He suggested language which would say “all districts shall be included”. Mr. Perkins pointed out that the current Zoning Ordinance appears to be leaning that way already. He referred to Zoning Ordinance Article 11 Section 7.C which states in part *“Design Guidelines for all Buildings within the District Required to Obtain a Design Review Certificate under Section 11.3”*

“Newly constructed buildings, reconstructed buildings and existing buildings, as well as their appurtenances which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related, and particularly with nearby or adjacent buildings in existence on December 31, 1930, in terms of the following factors”

Mr. Perkins pointed out that there are a number of historic structures in Residential Districts, these are subject to demolition without review.

Ms. Horn asked Mr. Wilkos to read the final paragraph of the Planning Board Mission Statement which states that the Planning Board is responsible for: *“Protecting and enhancing our historical and environmental treasures and safeguarding the visual charm of Ogunquit for future generations.”*

Mr. Perkins acknowledged the Planning Board’s workload and the increase in that workload should Design Review be required for all pre 1930 structures throughout the Town. He noted that the Town’s Design Review Submissions Checklist is the same as that used throughout the State of Maine. The Commission has requested the Select Board provide them with a professional to review the standards for handling of Design Review for historically significant properties. The Select Board chose to not spend money on this and the OHPC’s request was summarily refused.

Ms. Freedman asked if “the district” should be eliminated entirely.

Mr. Heyland added that there are 16 districts in the Zoning Ordinance; he asked if the OHPC would like to see the reference to “the district” removed or replaced with a listing of all sixteen.

Mr. Perkins responded that the language might say “Town Wide” with regard to all pre 1930 structures.

Mr. Wilkos asked about “non structural landscaping”.

Mr. Heyland agreed. He asked about stone walls, fences, vegetation such as trees, etc. Should those be required for Design Review?

Mr. Heyland noted that the Ordinance reference to Material Change includes: building materials, types and style of windows, other pertinent fixtures connected to a building, awnings, ATM machines, payphones, and other site features such as walks, driveways, and parking areas.

Mr. Heyland asked Mr. Perkins about the stone wall at the Baptist Church which is scheduled for removal.

Mr. Perkins responded that it falls under “other site features” and should require Design Review. He added that the definition of Material Change needs to be better defined and the list of included features needs to be expanded. The OHPC would like to see a proposal of what the Church intends to do once the wall is removed.

Mr. Perkins stressed that discussions with property owners have generated some very good results. He also noted that the earlier the applicants come to the Commission the more effectively they can work together.

Mr. Heyland stated that the Land Use Office makes every attempt to get applicants to contact the OHPC as early in the process as possible.

Ms. Freedman suggested that if the applicants do not make contact with the OHPC prior to coming before the Board, the Board may refuse to hear the case until they do.

Ms. Freedman noted that any structures require Design Review in the District, whether they are pre 1930 or not. She added that language could be added to state that any pre 1930 structure in any district would require Design Review, as well as any structure that is situated in close proximity to a pre 1930 structure or in a historic neighborhood.

It was agreed that the idea is solid however the language needs to be tightened up and clarified. The question is: when is Design Review required and not required?

Mr. Nystead pointed out that “historic significance” and “neighborhood significance” need to be more clearly defined.

Mr. Heyland noted that the Ordinance also states that any building in the district scheduled for demolition requires review.

Mr. Perkins suggested that structures abutting pre 1930 structures might require review.

It was agreed that the entire article needs to be rewritten.

There was discussion regarding the Baptist Church's proposal to remove the stone wall along Shore Road. It was agreed that the removal of the wall will create a big, and not very attractive, impact on the appearance of the property.

Mr. Heyland noted that fences are exempt from Planning Board review and a stone wall is considered to be a fence.

Mr. Perkins pointed out that the Planning Board does have the authority to review fences if they so desire.

Mr. Heyland advised the Board that he will be contacting the Baptist Church and informing them that they will need to come before the Planning Board for Design Review and that they should contact the OHPC prior to coming before the Board.

Mr. Barton referred to the new house on Bridge Street. It was noted that this project came before the Planning Board and received approval for the design. Mr. Barton suggested that the finished structure does not look like the sketches presented by the Applicant at the time of Design Review. While the sketches were accurate as to what was built, they failed to illustrate the final relationship of the new house to the neighborhood.

Mr. Barton informed the Board that there are companies that produce 3-D models of structures, and he suggested that the Planning Board might request/require these in the future. He noted that these models are not prohibitively expensive to produce and they would help in particular types of new construction.

Mr. Perkins reiterated that requiring Design Review of properties which abut pre 1930 structures will allow the Planning Board to have some control of the style of buildings to be constructed.

Mr. Walsh pointed out that solid modeling would be helpful for new house construction it would not be needed for additions to existing houses, which may also require Design Review.

Mr. Perkins asked if the Planning Board can require a solid model if they believe it would be helpful.

Mr. Heyland responded that they can. He also asked what size project this might be required for.

Mr. Barton suggested that it might be triggered by a certain percentage of the total size of the structure.

Mr. Wilkos asked if the language should be created or if they might borrow from other towns which have successful Design Review standards.

Mr. Heyland responded that there are many towns with effective Design Review Standards. It was also pointed out that these ordinances have stood the test of time and court actions.

Mr. Wilkos called the Workshop to a close at 6:20 p.m.

Respectfully Submitted

Maryann L. Stacy

Maryann Stacy
Recording Secretary

Approved on June 15, 2015