



*City Council
of the
City of Augusta, Maine*

23-056 Mayor and Council

WHEREAS, the City Council intends to combine the duties and board membership for the Augusta Historic District Review Board and the Augusta Historic Preservation Commission in an effort to streamline and consolidate historic preservation efforts in Augusta;

NOW, THEREFORE, BE IT ORDAINED, that the City Council of the City of Augusta hereby amends Chapter 300, Chapter 169, Chapter 134 of the Code of Ordinances as shown on the four attached documents, where strikethrough text is text being deleted and underlined text is text being added to the ordinances.

Motion for passage of order 23-056
By: Gary-Allen Second: Conti
Yeas: 8
Nays: 0

First Read: 04/06/2023
Second Read and Passed: 04/20/2023

City of Augusta, Maine
DEPARTMENT OF DEVELOPMENT SERVICES

AUGUSTA STATE AIRPORT
CODE ENFORCEMENT
ECONOMIC DEVELOPMENT



FACILITIES & SYSTEMS
PLANNING

Memo

To: City Council
Susan Robertson, City Manager

From: Matt Nazar, Director of Development Services
Betsy Poulin, City Planner

Date: February 21, 2023

Re: Historic Preservation Commission / Historic District Review Board

Attached are the changes to the ordinance that would result in combining these two boards in to a single board with 7 members. The proposed composition of the board matches the existing composition of the Historic District Review Board (HDRB), which was part of the state approved ordinance for becoming a Certified Local Government, eligible for grants. The current HDRB has two vacancies and one member of the Historic Preservation Commission who sits on it. So three positions would be vacant as a result of this combination, if all of the existing HDRB members were reseated on the new Board. The HDRB, and the new Board, composition has some unique member requirements – residency in one of the historic districts, owner of a business in the historic districts, etc. The current proposal is for there to be 7 members on the new board, but of course that is a point of discussion for the Council.

Functionally, the way this combination was achieved was by merging the Board composition and authority in to Chapter 169 of the Code of Ordinances and renaming the new entity the Historic Preservation Commission. The ordinance standards and review criteria remain in the Land Use Ordinance, because the Historic District is a zoning overlay district.

This proposal also adds two existing historic districts in to the Code. It appears the code company has simply never added them in, despite them being adopted by the Council. And it makes one substantive change to the historic district standards by exempting some minor changes to signs in the districts.

§ 134-5. Demolition and delay of demolition.¹ [Amended 8-21-1989 by Ord. No. 166; 4-17-1990 by Ord. No. 378; 6-17-1991 by Ord. No. 128; 9-20-2012 by Ord. No. 12-111]

A. Purpose.

- (1) This section is duly enacted by the City in order to:
 - (a) Preserve and protect significant buildings within the City which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the City;
 - (b) Limit the detrimental effect on community character and heritage that may result from the demolition of such buildings; and
 - (c) Provide an efficient system for obtaining a demolition permit.
- (2) Under this section, the City shall impose a waiting period of not more than 90 calendar days before granting a permit for the demolition of any building that is designated as significant according to the definitions in Subsection C (below).
- (3) By this section, City residents are alerted to the anticipated demolition of significant buildings and the owners of such buildings are encouraged to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition. To achieve this purpose, the Augusta Historic Preservation Commission is authorized to advise the local Code Enforcement Officer with respect to demolition permit applications.

B. Applicability.

- (1) This section shall not apply to applications for demolition due to a threat to public health or to emergency demolition orders issued by the Code Enforcement Officer due to a threat to public safety.
- (2) This section shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural features; nor shall it prevent the erection, alteration or removal of any such feature which the Code Enforcement Officer certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration.
- (3) This section shall not apply to applications for demolition that are regulated by Chapter 300, § 300-316.5, Historic District. [Added 5-18-2017 by Ord. No. 17-018]

C. Definitions. As used in this section, the following terms shall have the meanings indicated:

ABUTTER — Any property within 500 feet of the subject property line within the

1. Editor's Note: See also Ch. 169, Historic Preservation.

State Urban Compact boundary or 1,000 feet of the subject property line outside the State Urban Compact boundary.

APPLICANT — Any person or entity who or which files an application with the City for a demolition permit. If the applicant is not the owner of the premises upon which the building is situated, the owner's consent or endorsement of the proposed application must be provided on the permit application.

APPLICATION — A written request to the City in an authorized format to issue a permit for the demolition of a building.

BUILDING — Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind which is 200 square feet or larger.

COMMISSION — The Augusta Historic Preservation Commission.

DELAY — A period of up to 90 calendar days imposed by the City, beginning on the date of application for a demolition permit, during which the owner of a significant property shall consider any viable alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation.

DEMOLITION — The intentional act of substantially pulling down, destroying, dismantling, removing or razing a building, or commencing the work of a total, substantial, or partial destruction with the intent of completing the same.

DEMOLITION PERMIT — The City permit issued by the Code Enforcement Officer authorizing the full or partial demolition of an existing building, excepting for this section only any permit issued solely for the demolition or removal of interior features with no effect on the exterior appearance of the building.

POTENTIALLY SIGNIFICANT BUILDING — A building that has been determined by the Augusta Historic Preservation Commission or designee to be 50 years old and has a reasonable likelihood of meeting the criteria to be classified as a significant building.

SIGNIFICANT BUILDING — Any building within the municipal boundaries which, in whole or in part, is known or presumed to be at least 50 years old and which has been determined by the Augusta Historic Preservation Commission to be significant to the community or appears on a list created by the Augusta Historic Preservation Commission and adopted by City Council. Items on the adopted list may include buildings and structures with less than 200 square feet of floor area.

- D. Permit required. No person, firm, corporation, or other entity shall demolish any building without obtaining a permit from the Code Enforcement Officer. In addition to a complete demolition of a building, the following actions shall require a demolition permit under this section:
- (1) Removal of more than 200 square feet of a larger building outside an historic district identified in Chapter 300, Land Use, as determined by the Bureau of Code Enforcement.
 - (2) The lifting and relocating of a building on its existing site or to another site or new location on the same site.

- (3) Demolition of any square footage of a building within an historic district identified in Chapter 300, Land Use.
- E. Application contents. Any person wishing to obtain a permit to demolish a building, in whole or in part, shall file an application in the office of the City Code Enforcement Officer on a form approved by the City Code Enforcement Officer. The application shall include the following:
- (1) The common name, if any, and actual street address of the building to be demolished;
 - (2) The name, address and telephone number of the owner(s) and his/her duly appointed agent of the building to be demolished;
 - (3) The age of the building to be demolished;
 - (4) The square footage or dimensions of the building to be demolished;
 - (5) A brief description of the materials, configuration and use of the existing building;
 - (6) One or more recent photographs of the building showing at least two elevations; and
 - (7) The names and addresses of the owners of all properties within 500 feet of the subject property in the urban zoning districts and 1,000 feet of the subject property in the rural zoning districts, as provided by the City.
- F. Procedures. All notifications to the Code Enforcement Officer shall also be provided to the Planning Board in cases where the demolition request is related to a pending Planning Board application.
- (1) For every building that is less than 50 years old for which a demolition permit application has been filed, a permit may be issued without further determination of the building's historical significance. If the Planning Board is reviewing an application for redevelopment of the site where the demolition is to occur, a demolition permit for the site may not be issued without written authorization from the Planning Board.
 - (2) By majority vote at a duly posted meeting, the Commission may delegate to one or more members of the Commission or to a qualified City employee the authority to make determinations of potential significance under this section.
 - (3) For every building that is 50 years old or older for which a demolition permit application has been filed, the following process shall apply. If the Planning Board is reviewing an application for redevelopment of the site where the demolition is to occur, this process shall be concurrent with any Planning Board process.
 - (a) Within two business days of receipt of the application, the Code Enforcement Officer shall forward a copy of the application to the

Augusta Historic Preservation Commission.

- (b) Within 15 business days of receipt of the application, the Commission, or its designee, shall provide the Code Enforcement Officer and the owner/applicant with a copy of the written determination listing the reason(s) that the building is potentially significant or is not significant.
 - (c) If the Commission, or its designee, determines that the building is not significant, or if the Commission, or its designee, fails to notify the Code Enforcement Officer of its determination within the allotted time, the Code Enforcement Officer may proceed with issuance of the demolition permit, unless an application related to the property is currently pending before the Planning Board. In the case of a pending Planning Board application, no permit may be issued without written authorization from the Planning Board.
 - (d) In the case where the Commission, or its designee, determined that the building is potentially significant, and if the application involves a building located on a site which is being redeveloped that does not require Planning Board review, within 30 business days of receipt of the application, the Commission shall hold a public hearing to solicit public comment on any building that the Commission has determined to be potentially significant. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the City Center for a period of not less than seven business days prior to the date of said hearing and abutters shall be notified by first class mail. The Commission shall also notify the Code Enforcement Officer and the owner/applicant in writing of the meeting time and place. Any interested party shall have the opportunity to speak at the public hearing, subject to normal limitations and procedures. If redevelopment requires Planning Board review, the determination of significance and demolition delay shall be decided by the Planning Board, with advice from the Commission. The Commission shall use the process outlined in this subsection. The Commission shall render its decision or recommendation to the Planning Board within seven business days after the public hearing.
 - (e) Upon notification that the building is significant, the Code Enforcement Officer shall delay the issuance of a demolition permit for 90 calendar days from the date of application unless otherwise agreed in writing by the Commission or the Planning Board, depending on which entity instituted the delay. In no case may a delay period be longer than 90 calendar days from the date of application for a demolition permit. During that period, the Code Enforcement Officer shall not issue any permits for new construction or alterations on the subject property.
- G. Criteria for determination that a building is significant. The following criteria shall be used to determine if a building is significant:
- (1) The building is listed on the State or National Register of Historic Places, or is

partially or completely within the boundaries of an area so listed; or

- (2) The building has been determined by the State Historic Preservation Office and/or the National Park Service to be eligible for listing on the State or National Register of Historic Places; or
 - (3) ~~The building is on a list of historic buildings adopted by the City Council; or~~
 - (4) The building has documented associations, to the satisfaction of the Historic Preservation Commission, with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City, the state or the nation; or
 - (5) The building has documented historical or architectural importance in terms of period, style, method of construction, specific use, or association with a recognized builder or architect, either by itself or in the context of a group of buildings.
- H. Emergency demolition. If, after a thorough inspection, the Code Enforcement Officer finds that a building subject to this section poses an immediate threat to public health or safety due to its deteriorated condition and that there is no reasonable alternative to the immediate demolition of the building, then the Code Enforcement Officer may issue an emergency demolition permit to the owner of the building.
- I. Deposit. Before a permit is issued, the applicant shall deposit with the City Treasurer a sum up to \$10,000 or provide an equivalent performance bond or letter of credit to ensure that the property is in a safe and proper condition after such wrecking or demolition is completed. The City Engineer shall determine if the appropriate amount of security should exceed \$10,000 and determine the appropriate amount for a security deposit to ensure that the project is in a safe and proper condition after such wrecking or demolition is completed. Such deposit shall also be used to ensure that the salvage site meets the requirements of the performance standards. The deposit is refundable, as determined by the Code Enforcement Officer, upon satisfactory completion and clean up of the demolition project. The amount of the deposit shall be set from time to time and a schedule of such deposits will be on file in the City Clerk's office. "Proper and safe condition" means that all debris is cleared away, that any excavation remaining is either filled in and tamped down, or surrounded by a chain link fence at least six feet in height, if such property is not to be put in immediate use. If such property is to be used for any purpose within two months of such demolition, then adequate barricades, to the satisfaction of the Code Enforcement Officer, shall be installed around the perimeter of such excavation. If the Code Enforcement Officer finds that such property and the salvage site, if applicable, has been put into the proper condition as provided for in this section, he shall instruct the City Treasurer to return the deposit. If the demolition site and the salvage site, if applicable, have not been put into proper and safe condition as provided for in this section, and in conformance with the performance standards, the City shall proceed with the work, and the cost of such work shall be deducted from the deposit; or demand on the bonding

company or bank furnishing said letter of credit will be made. If any amount is left from such deposit after the City has performed the work, such balance shall be returned to the person who deposited it.

- J. A certificate showing that public liability insurance in the amount of \$300,000 has been obtained by the applicant shall accompany any such application.
- K. Inspection of premises. Before any such permit shall be approved, the Code Enforcement Officer shall inspect the premises where the demolition work is to take place and ascertain that provision for proper care has been made so as not to endanger any sewer or water connections or any electrical wires or installations.
- L. Delay period. During the demolition delay period of up to 90 calendar days from application, the owner of a significant building shall give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation of the affected building. In order to avoid or mitigate the anticipated effects of demolition, the owner shall make a good faith effort to accommodate reasonable requests from any interested parties for information about or access to the building for the purpose of evaluating alternatives to demolition. The owner shall allow a member of the Augusta Historic Preservation Commission reasonable access to the interior and exterior areas of the building proposed to be demolished to enable documentation of the building via photography, video recording, written observations, and other methods of documentation of the building and its historical features.
 - (1) All approvals necessary for the issuance of such building permit, including without limitation any necessary zoning variances, Planning Board approvals, or special permits, must have been granted and all appeals from the granting of such approvals must have been concluded prior to the issuance of a demolition permit for a significant building under this chapter. Upon recommendation by the Augusta Historic Preservation Commission, the Planning Board may, as part of an otherwise required review, require the owner to install and maintain an historic marker at the site of a demolished significant historic building.
 - (2) If no viable alternatives to demolition are identified and accepted within the demolition delay period, the Code Enforcement Officer may proceed to act on the permit application.
- M. Period of permit validity. Any permit issued pursuant to this chapter shall be valid for a period of one year from the date of issuance. If the demolition contemplated by the permit has not commenced within a one-year period, the owner of such building shall be required to apply for a new permit and satisfy all notification requirements of this section should the owner wish to demolish the building.
- N. Violations and penalties.
 - (1) The Code Enforcement Officer is authorized to institute any and all actions or proceedings, in law or in equity, as may be deemed necessary and appropriate

to obtain compliance with the requirements of this section or to prevent a threatened violation thereof. The enforcement and penalties clause of Chapter 300, Land Use, shall apply to violations of this section.

- (2) During the application processing period and during a demolition delay period, if applicable, the owner of said property shall adequately maintain and protect the building in order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect and may be subject to penalties.
- O. Approval and issuance of permit. If the Code Enforcement Officer finds that the terms of this section are being complied with by the applicant, the Code Enforcement Officer shall approve the application and issue a permit for such wrecking or demolition, ~~in accordance with the following fees:~~
- ~~(1) Residential properties: no fee schedule.~~
 - ~~(2)(1) Commercial properties: \$0.02 per square foot of total floor area.~~

§ 300-531. Historic District.

(Reserved)

§ 300-316.5. Historic District. [Added 5-19-2016 by Ord. No. 16-076]

A. Intent.

- (1) The intent of this section is to provide a resource of information and expertise to help those interested in rehabilitation or new construction in a district or restoring a landmark within which the residents of the City of Augusta can protect the historic, architectural and cultural heritage of significant areas, landmarks and sites in Augusta. The intent of the section is to safeguard, in the face of intensified growth pressures, the structures and areas that give beauty and pleasure to residents, attract visitors and new residents, give the City its distinctive character, and educate the community about its past.
- (2) This section applies standards of evaluation to prevent the unnecessary loss of the community's historical features and to ensure compatible new construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles; in a reasonable and flexible manner, fosters civic pride in the City's history and development patterns as represented in such distinctive areas, sites, structures and objects.
- (3) Additionally, the section protects and enhances the attractiveness of the City to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers, encouraging preservation, restoration and rehabilitation that respects the historic, cultural, architectural and archaeological significance of distinctive areas, sites, structures and objects.

B. Purpose. It shall be the purpose of this section to permit the designation of lands, buildings and structures within the City as historic sites, historic districts, or individual historic properties, or historic landmarks.

C. Uses permitted. The uses permitted in historic districts and individual historic properties and at historic sites or historic landmarks shall be those set forth in the Zoning Ordinance of the City of Augusta, Maine for the zone in which such district, site, property or landmark is located.

D. Guidance documents. The following are adopted as guidance by this reference and made a part of this section. They do not have effect as standards and are not to be used as regulations.

- (1) Augusta Historic Preservation Design Manual.
- (2) All architectural and archaeological surveys conducted by architectural historians and archaeologists recognized by the State Historic Preservation Commission and on file in the City Office.
- (3) (Reserved)

E. Definitions. As used in this section, the following terms shall have the meanings indicated:

ARCHAEOLOGICAL SITE — A geographic location of the remains of prehistoric

life or of historic human beings. These include, but are not limited to, structures, artifacts, terrain features, graphics (paintings or drawings, etc.) and the evidence of plants or animals.

ARCHITECTURAL FEATURE — Any feature that helps give a structure its distinctive architectural character. Such character defining features include but are not limited to columns, pilasters, cornice boards, brackets, balustrades, quoins, fanlights, corner boards, window and door frames, and transoms.

AUGUSTA HISTORIC PRESERVATION DESIGN MANUAL — A set of recommendations for guidance when evaluating proposed changes in historic properties, based on the Secretary of the Interior's Standards for Rehabilitation, for the use of the Historic District Review Board or other appointed body that has the responsibility of overseeing a specific local historic structure, area, site, or district.

BOARD — Augusta Historic District Review Board.

COMPATIBILITY — The relationship between buildings of scale, height, proportion and mass and their relationship to the viewscape. See this section for definition of viewscape.

CONTRIBUTING PROPERTY — A contributing property means and includes any building, other structure or site that by age, location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development or is capable of yielding important information about an historically significant period. The property shall retain some or all of its historic integrity, as defined in this section. Ordinarily buildings that have been built within the 50 years prior to the year of application shall not be considered to contribute to the district unless a justification concerning their historical or architectural merit is given by the referenced surveys, Subsection D(2), or the historical attributes of the district are considered to be less than 50 years old. See this section for the definition of noncontributing properties. In the case of a disagreement, an architectural historian recognized by the Maine State Historic Preservation Commission shall be consulted.

DETERIORATION FROM NEGLECT — Deterioration of any structural or exterior architectural feature of a property from inadequate maintenance to the extent that it creates an irretrievably detrimental effect on the life and character of that historic structure or landmark and/or creates health and safety violations.

HISTORIC DISTRICT — A geographically definable area possessing a significant concentration or linkage of sites, structures or objects united by past events or aesthetically by plan or physical development and designated in accordance with the requirements of this section as appropriate for historic preservation. Such historic districts may also comprise individual elements separated geographically, but linked by historical association.

HISTORIC INTEGRITY — The authenticity of a property's historic identity as evidenced by the survival of physical characteristics (location, design, setting, materials, workmanship, feeling, and association) that existed during the property's prehistoric or historic period.

HISTORIC LANDMARK — Any site feature or structure of particular, strong, historic or architectural significance to the City relating to its heritage, cultural, social, economic or political history, or which is associated with historic personages or important events in local, state or national history which has been designated in accordance with this section.

HISTORIC PRESERVATION CERTIFICATE — A document issued by the Historic District Review Board that assures compliance with the provisions of this section.

HISTORIC SITE — A parcel of land of special significance in the history or prehistory of the City and its inhabitants, or upon which an historic event has occurred, or an historic site by virtue of usage and which has been designated as such in accordance with this section. The term "historic site" shall also include any improved parcel or part of it on which is situated an historic landmark, and any abutting parcel or part of it used as and constituting part of the premises on which the historic landmark is situated as may be designated in accordance with this section.

INDIVIDUAL HISTORIC PROPERTY — A property that is worthy of preservation because it possesses historic integrity and local, regional, state, or national significance. Important properties may include structures, sites, and objects significant in American history, archaeology, architecture, engineering, or culture, which have been designated as such in accordance with this section.

MAINTENANCE — The keeping of a resource in good repair, e.g., painting, protection from weather and decay and replacement of deteriorating elements, to preserve its integrity.

MAJOR CHANGE — Additions or alterations to a structure or site, or a large-scale change that affects the character of the structure or the related viewscape.

MINOR CHANGE — Small-scale alterations to a structure or site that do not significantly affect its appearance and are easily reversible. Minor changes may include improvement projects, such as lighting, sidewalks, paving and curbing.

NATIONAL REGISTER OF HISTORIC PLACES — A register assigned by the National Historic Preservation Act of 1966, as amended, that recognizes buildings, sites, districts, structures, and objects significant in American history, archaeology, architecture, engineering, or culture, and identifies them as worthy of preservation.

NATIONAL-REGISTER-ELIGIBLE PROPERTY — An historic property that is eligible for inclusion in the Register because it meets the National Register criteria, which are specified in the Department of the Interior regulations at 36 CFR 60.4.

NATIONAL-REGISTER-LISTED PROPERTY — An historic property that has been formally listed in the National Register of Historic Places and accepted by the Secretary of the Interior, who is represented for purposes of the decision by the Keeper of the National Register.

NONCONTRIBUTING PROPERTY —

- (1) Means and includes any building, other structure or site that does not add to the district's sense of time and place and historical development; or one where the location, design, setting, materials, workmanship or association have been so altered or have so deteriorated that the overall integrity of the building, structure, or site has been irretrievably lost. Although changes to a noncontributing property may not have historical significance, they may affect the historic integrity of the viewscape and the district as a whole.
- (2) Ordinarily buildings that have been built within the 50 years prior to the year of application shall not be considered to contribute to the significance of a district unless a strong justification concerning their historical or architectural merit is given by the referenced surveys, Subsection D(2), or the historical attributes of the viewscape are considered to be less than 75 years old. Age shall be determined based on the architectural surveys on file in the City Office. In the case of a disagreement, an architectural historian recognized by the Maine State Historic Preservation Commission shall be consulted.

OBJECT — A construction that is primarily artistic or utilitarian in nature or is relatively small in scale and simply constructed. Although it may be, by nature and design, movable, an object is associated with a specific setting or environment.

SIDING — The covering of exterior vertical or nearly vertical wall surfaces, excluding architectural features.

SITE — The location of a significant object, structure, or event.

STRUCTURE — A building, or anything built for the support, shelter or enclosure of persons, animals, goods, or property of any kind, together with anything constructed or erected with a fixed location on or in the ground. The term includes structures temporarily or permanently located, such as decks, fences, and walls.

VIEWSCAPE — The public setting in which a structure, site, or landmark is located. It is the immediate visible neighborhood of the street or public land associated with such a structure, including such things as fences, sidewalks and lights. A viewscape is not synonymous with scenic views, for example water views possessed by individual property owners, but encompasses the public view of a street, neighborhood or public land. Every kind of structure is considered in the context of its viewscape. A district may include many viewscales.

VISIBLE FROM THE STREET — Any site or structure that can be seen from any public street or way abutting the subject property.

F. Augusta Historic District Review Board.

- (1) Augusta Historic District Review Board. The Mayor will appoint and the City Council confirm seven members to sit on the Board that administers the Historic District reviews. The City Council may remove members of the Board for cause by a two-thirds-vote of the elected membership after notice and hearing. All Board members shall be residents of the City of Augusta.

- (2) Composition of the Board. All members of the Board shall have a demonstrated interest, knowledge, or training in historic preservation or closely related fields. Members are expected to come to the Board with varying expertise, and be able to make objective, unbiased, and independent decisions. The Mayor shall seek Board members with prior experience in one or more of the following areas: historic preservation, land use and zoning regulation, the law, neighborhood preservation, and other relevant areas. The Board shall consist of members from the following categories.
- (3) The Board shall consist of seven members including: one member that is also a member of the Augusta Historic Preservation Commission; two members that are residents within the boundaries of an adopted historic district, as depicted in this section; two members that are business owners or representatives of business owners within the boundaries of an adopted historic district, as depicted in this section; and two additional members. **[Amended 12-15-2016 by Ord. No. 16-192]**
- (4) Members shall have prior experience in historic preservation or shall get training in historic preservation within one calendar year of being appointed.
- (5) Terms of membership on the Board. The terms of the seven members and subsequent appointees shall be for three years. All members shall serve until their successors are duly appointed and qualified. Initial terms for the first Board created shall be three members appointed to three-year terms; two members appointed to two-year terms and two members appointed to a one-year term.
- (6) Vacancies on the Board.
 - (a) A vacancy shall occur upon the resignation, death, or removal by the Council of any member. If a member fails to attend four consecutive regular meetings or fails to attend at least 75% of all meetings during any preceding twelve-month period, the Board may recommend to the Mayor that the member's position be declared vacant. Within 30 days of the Board's recommendation, the Mayor shall respond in writing either declaring the position vacant or rejecting the recommendation.
 - (b) When one or more vacancies occur, the Chairperson of the Board shall immediately notify the Mayor in writing. Within 60 days of receipt of such notice, the Mayor shall appoint, and the City Council confirm, such additional members as necessary for full membership of the Board.
- (7) Quorum.
 - (a) The presence of four Board members shall constitute a quorum. All members, other than the Chairperson, are permitted to make and second motions; and all members present, unless abstaining, may participate in the discussion and deliberation. No meeting of the Board shall be held, or once begun, shall be continued, without a quorum as established in this

section. The Board shall act by majority vote of the members present.
[Amended 2-15-2018 by Ord. No. 18-029]

- (b) The Chairperson is an authorized voter, but shall vote only when such vote could break a tie, create a tie defeating the motion, or create a required majority.
 - (c) No member shall be authorized to vote on a matter if he or she did not attend a public hearing or hearings held on the matter.
- (8) Bylaws and procedures. The Board shall create bylaws for procedures to run meetings.
- (9) Duties and powers.
- (a) Review alterations, relocation and demolition of the designated historic and prehistoric properties under its jurisdiction.
 - (b) Review all new construction affecting historic and prehistoric properties and/or districts within its jurisdiction to determine if a locally listed historic or prehistoric archeological site will be affected.
 - (c) Review all proposed National Register nominations for properties within its jurisdiction. When the Board considers a National Register nomination or other actions which are normally evaluated by a professional in a specific discipline and that discipline is not represented on the Board, the Board shall seek expertise in that area before rendering its decision.
 - (d) Conduct a survey of historic and archeological resources within Augusta according to guidelines established by the Maine Historic Preservation Commission and maintain a record of such.
 - (e) Make recommendations for designation of local historic landmarks and historic districts to the appropriate governing body and keep records of such decision.
 - (f) Recommend to the City Council written guidelines for the preservation of designated local landmarks and historic districts to be used in decisions for requests for permits for new construction, alterations, demolition, relocation or additions to listed historic landmarks, properties and buildings within historic districts.
 - (g) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural preservation.
 - (h) Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
 - (i) Work toward the continuing education of citizens regarding historic preservation issues and concerns.

- (j) Submit an annual report of the activities of the Board to the Maine Historic Preservation Commission.
- (k) Participate in at least one informational/educational training workshop per year sponsored by the Maine Historic Preservation Commission.

Commented [BP1]: Move to Chapter 169 Historic Preservation. Rename as "Augusta Historic Preservation Commission"

G. Criteria for establishment of historic districts, historic sites, individual historic properties and historic landmarks.

- (1) General. One or more of the following characteristics, without limitation as to cultural or chronological period, shall serve to qualify an historic district, historic site, individual historic property, historic landmark or archaeological site, as defined in Subsection E of this section, to be established in accordance with this section.
- (2) Structures or sites at which events occur or have occurred that contribute to and are identified with or significantly represent or exemplify the broad cultural, political, economic, military, social or sociological history of Augusta and the nation, including sites and buildings at which the public may gain insight or see examples either of particular items or of larger patterns in the North American heritage.
- (3) Structures or sites importantly associated with historic personages.
- (4) Structures or sites importantly associated with historic examples of a great idea or ideal.
- (5) Structures or structural remains and sites embodying examples of architectural types of specimens valuable for study or representation of a period, style, or method of building construction, of community organization and living or of landscaping; or a single notable structure or a single site representing the work of a master builder, designer, architect or landscape architect.
- (6) Structures contributing to the visual continuity of an historic district.
- (7) Structures or sites listed on or eligible for listing on the National Register of Historic Places and structures or sites listed as or eligible for listing as a National Historic Landmark.

H. Establishment of historic districts, individual historic structures, historic sites and historic landmarks.

- (1) General.
 - (a) Historic districts, individual historic properties, sites and landmarks shall be established by amendment to this section. Amendments may be proposed by the City Council, the Augusta Historic District Review Board, the Planning Board, or the property owner in the case of an individual historic property.
 - (b) Recommendations for historic landmark status for individual structures

or landmarks outside a designated historic district shall be considered at the request of the property owner only.

- (c) An application for designation of sites, landmarks, districts and individual properties for historic preservation shall be in writing and shall include the information required by Subsection H(2) through (5) that is appropriate. The Chairperson will call a meeting of the Board within 30 days from the date of receipt of the application for the purpose of formulating the Board's recommendation concerning the proposed amendment.
 - (d) Upon acceptance of the proposal to designate an historic site, landmark, district or individual historic property, the Board shall prepare a proposed amendment to Subsection I of this section. The proposed amendment shall include a description of the historic district, site, landmark or individual historic property with the date it was adopted.
- (2) Historic sites or landmarks.
- (a) A concise description of the physical elements, qualities, architectural style, period and historical significance represented by the structure or site, including a consideration of scale, materials, workmanship and spatial qualities, as relevant.
 - (b) A concise statement of how the structure or site meets the review criteria of Subsection G above.
 - (c) A series of photographs of the structure, and/or a site map, illustrating significant details described in Subsection G(2) above.
- (3) Historic districts.
- (a) A concise statement of the remaining physical elements that make this area an historic district and a description of building types and architectural styles and periods represented.
 - (b) A concise statement of how the district meets the review criteria of Subsection G above.
 - (c) A justification of the boundaries of the district.
 - (d) A description of the types of structure that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures.
 - (e) A map showing all district structures with the identification of contributing structures.
- (4) Expansion of existing districts.
- (a) A concise statement of the physical elements that justify an expansion of

an existing district, an explanation detailing how the expansion is consistent with the character of the district, and description of building types and architectural styles and periods represented.

- (b) A concise statement of how the expansion of an existing district meets the review criteria of Subsection G above.
 - (c) A justification of the expanded boundaries of the district.
 - (d) A description of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures in the historic district's proposed expansion area.
 - (e) A map showing all district structures in the proposed expansion area with an identification of contributing structures.
- (5) Individual historic properties. An amendment to establish an individual historic property may only be proposed by the property owner.
- (a) A concise statement of the physical elements that make this an historic property and a description of the building type, architectural style, and period represented.
 - (b) A concise statement of how the property meets the review criteria of Subsection G above.
 - (c) A map showing the location of the structure.
- (6) (Reserved)
- (7) Public hearing and final report. Before a final report is made to the Council, the Augusta Historic District Review Board shall hold a public hearing on the request, after due notice is published twice in a newspaper of general circulation in the City, at least 12 days and seven days prior to the hearing. Written notice of the proposal shall also be given at least 10 days prior to the hearing to the applicants, owners of all property abutting or to be included within the proposed designation, and all other persons found by the Board to have a special interest in the proposal. Failure of any such person to receive notice of the public hearing shall not necessitate another hearing or invalidate any action of the Board. A copy of the proposal shall be sent, at the same time, to the Chairperson of the Planning Board for review and recommendation at the next regular meeting of the Planning Board. Not later than 60 days after the public hearing, the Board shall submit a final report with its recommendations to the City Council.
- (8) Proposed amendment. Upon acceptance of the proposal to designate an historic site, landmark, district or individual historic property, the Board shall prepare a proposed amendment to Subsection I of this section. The proposed amendment shall include a description of the historic district, site, landmark or

individual historic property with the date it was adopted.

- I. Historic districts, historic sites and historic landmarks defined. All districts, sites, and landmarks are as depicted on the map entitled Historic Districts. [Amended 4-6-2017 by Ord. No. 17-057]**
- (1) Water Street Historic District.
 - (2) Bond Street Historic District.
 - (3) Winthrop Street Historic District.
 - (4) Crosby Street Historic District.
- J. Activities requiring an historic preservation certificate. A property owner shall obtain an historic preservation certificate for any of the following activities within any historic district or activities at any historic site, landmark, or individual historic property.**
- (1) Activities that do not require building permits as specified in the Land Use Ordinance of the City of Augusta, but are covered by the provisions of this section.
 - (2) Reconstruction, restoration, renovation and alteration:
 - (a) Contributing properties: any change in the exterior appearance, as visible from the street or associated public land, of an historic landmark, site, individual historic property, or any structure, as defined in Subsection E, in an historic district by addition, reconstruction or alteration, except for exterior painting.
 - (b) Noncontributing properties: major changes, as defined in Subsection E.
 - (3) New construction of a principal or accessory structure visible from the street or visible from public land associated with the structure where such structure will be located in an historic district.
 - (4) Demolition of an historic landmark, individual historic property or any contributing structure in an historic district.
 - (5) Moving an historic landmark, individual historic property or any contributing structure in an historic district.
 - (6) Improvement projects and objects on contributing properties, such as lighting, sidewalks, raised walkways, handicapped access ramps, paving, curbing, signs, solar panels, heat pumps, and satellite dishes larger than 39 inches in diameter located beyond the right-of-way of any public street or way, but visible from the street, and located within an historic district or affecting any historic site or landmark.
- K. Activities requiring an historic preservation certificate and other municipal permits.**
- ~~(1)~~—Activities requiring a building and use permit. When an activity

requiring an historic preservation certificate also requires a building and use permit from ~~the Code Enforcement Officer, the applicant shall obtain the historic preservation certificate before the Code Enforcement Officer issues a building and use permit.~~

- L. Activities not requiring an historic preservation certificate. The following activities do not require an historic preservation certificate:
- (1) The ordinary maintenance or repair of any exterior architectural feature of any structure or other improvement project when that repair does not involve a change in design, appearance, or materials.
 - (2) Impermanent or reversible alterations such as storm windows, storm doors, window air conditioners, shutters, or paint color.
 - (3) Alterations to existing signage including signage hanging from an existing bracket system and face changes, with no change in size or lighting.
 - (4) Lawn and garden objects and landscaping, including plantings, sculptures, walkways and walls of two feet or less in height.
 - (5) Minor changes, as defined in Subsection E, to noncontributing properties.
 - (6) Alterations to structures on noncontributing properties, which do not change the size or footprint of the structure.
 - (7) The construction or alteration of any structure not visible from the street, as defined in Subsection E.
 - (8) The construction, reconstruction, alteration or demolition of any structure where construction is in accordance with a valid building permit issued before establishing new districts, sites or landmarks designated by adoption of or amendment to this section.
 - (9) The construction, reconstruction, alteration, restoration or demolition of any feature which the Code Enforcement Officer shall certify is required because of an unsafe or dangerous condition to ensure public safety or when efforts to save such a feature have been declared impractical or uneconomic in response to concerns for public safety.
- M. Application procedures.
- (1) General.
 - (a) An application for an historic preservation certificate shall be submitted to the Code Enforcement Officer for any activity requiring a certificate pursuant to Subsection K. The application shall contain all information required by Subsection M(2). The CEO shall forward the application to the Augusta Historic District Review Board and place the application on the agenda of the next regular meeting of the Board. The CEO shall inform the Board of applications proposing only minor changes, as defined in Subsection E. The meeting agenda shall be posted seven days before the meeting. Work

sessions shall be posted at least two days in advance.

- (b) The Board shall consider the application at a regular meeting and, within 15 days of the date of the meeting, approve, approve with conditions or deny the application pursuant to Subsection N(4) and (5). By mutual agreement of the Board and the applicant, either written or orally, on the record at a public meeting, the review period may be extended for a designated period.
- (2) Application contents. On the application form supplied by the Board, the applicant shall state the location, use and nature of the matter for which a certificate is requested. The application shall contain the following information or documentation unless the Board expressly waives an item.
- (a) The property owner's name and mailing address.
 - (b) The applicant's name, mailing address, and interest in the property, if the applicant is not the owner.
 - (c) The E-911 address and Tax Map and lot number of the property.
 - (d) The present use and zoning classification of the property.
 - (e) A description of the activity requiring an historic preservation certificate.
 - (f) A drawing or drawings showing design and location of any proposed alteration or new construction that the Board may require. As it is used here, drawings shall mean plans and exterior elevations drawn to scale, with sufficient detail to show the architectural design, materials and visual textures of the exterior of the building(s), and including samples of materials. Drawing(s) are not required to be professionally prepared, but shall be clear, complete and specific.
 - (g) Photographs of the building(s) involved and of adjacent buildings.
 - (h) A site plan indicating improvements affecting appearance, such as fences and walls, walks, terraces, accessory buildings, lights, signs and other elements.
 - (i) Representation. Property owners are strongly urged to be present when their application is being considered. They may, however, be represented by an agent or attorney at any meeting of the Board. If the property owner is not present, any person acting as the property owner's agent or attorney shall provide evidence of such authority.

N. Administrative procedures.

- (1) Notice to owners. Before meeting to review an application for an historic preservation certificate, the Board shall notify by United States mail, the applicant, abutting property owners, and the owners of property within 500 feet of the property that is the subject of the application. The notice shall be sent to the person who receives the property tax bills at the address shown in the

municipal tax records. Failure of any person to receive notice shall not necessitate another public meeting or hearing nor invalidate any action by the Board.

- (2) Hearing. At the request of the applicant or any other person receiving notice under Subsection N(1) above or when the Board deems it necessary, a public hearing on the application shall be conducted by the Board.
 - (3) Procedure of the Board. The Board shall consider the application at a meeting. A minor change, as defined in Subsection E, shall ordinarily be approved and without conditions. The judgment of at least one professional consultant may be obtained in reviewing any major change involving issues of design. The Board shall approve, approve with conditions, or deny the application pursuant to Subsection N(4) and (5). The review period may be extended by mutual agreement of the Board and the applicant, either written or oral, on the record at a public meeting.
 - (4) Approval. If the Board finds the application meets the standards of evaluation as detailed in Subsection O, it shall issue a decision to grant an historic preservation certificate. Within seven days of its decision, the Board shall furnish the applicant a copy of the application, a written decision including written findings of fact supporting the decision and any written recommendations. The Board shall also furnish copies of these documents to the Code Enforcement Officer for filing in the City Map and Lot files.
 - (5) Conditional approval and disapproval. If the Board does not find that the application meets the standards of evaluation herein, it shall either issue a decision to grant an historic preservation certificate with conditions or issue a decision to deny an historic preservation certificate. Within seven days of its decision, the Board shall furnish the applicant a copy of the application, a written decision including any conditions of approval and written findings of fact supporting the decision. The Board shall also furnish copies of these documents to the Code Enforcement Officer for filing in the City Map and Lot files.
- O. Standards of evaluation.
- (1) General.
 - (a) The Board's areas of focus shall be matters affecting the maintenance of historic structures, the protection of archaeological resources, and the preservation of the historic character of viewscapes.
 - (b) The standards of evaluation described below and elsewhere in this section

are intended for the evaluation of contributing properties. Changes to a noncontributing property are considered only insofar as they may affect the historic integrity of the viewscape or the district as a whole.

(2) Reconstruction, renovation and alteration.

- (a) Except as specified in Subsection L, a structure designated as an historic landmark or site or a structure located in a designated historic district, or related structures or improvements, such as walls, fences, light fixtures, steps, or paving located in a designated historic district, shall not be altered, and no historic preservation certificate shall be issued for such actions unless these actions will preserve or enhance the historical and architectural character of the structure, and are visually compatible with the viewscape.
- (b) Every reasonable effort shall be made to use a property for its originally intended purpose or to provide compatible use for a property that requires minimal alteration to the character-defining features of the structure or site and its environment. When NFPA Life Safety 101 Code modifications subject to the Historic District Ordinance are made to a structure, every effort shall be made to accommodate the standards of the Historic District Ordinance while meeting the NFPA Life Safety 101 Code requirements. The Board shall review the cost of complying with NFPA Life Safety 101 Codes and determine that the changes made have the least impact possible on the historic characteristics of the structure, while still enabling the building to generate a reasonable return to the owner. In cases where the originally intended purpose of the structure has been modified over time, those changes shall be considered during the Board review of the application.
- (c) Rehabilitation work shall not destroy or displace the distinguishing features or character of a structure and setting. Distinctive stylistic features that characterize historic structures shall be preserved wherever possible.
- (d) All structures and sites shall be recognized as products of their own time. Alterations that have no historical basis or create a false sense of historical development, such as adding conjectural features or elements from other properties, shall be discouraged.
- (e) Changes that may have taken place in the course of time are evidence of the history and development of a structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected. Features not original to the structure and that have not acquired their own significance are deemed noncontributing and, therefore, can be replaced according to standards under Subsection O(2)(g) or (j).
- (f) Distinctive stylistic features or examples of skilled craftsmanship that

characterize a structure or site shall be treated with sensitivity.

- (g) Deteriorated architectural features of structures, or settings, shall be repaired rather than replaced whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. 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.
 - (h) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other methods that will damage the historic building materials shall not be undertaken.
 - (i) Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
 - (j) Contemporary design for alterations and additions to existing properties is permitted when it does not destroy significant historical, architectural or cultural material, and the design is compatible with the size, scale, material and character of the property, neighborhood or environment. In particular, modern energy systems and their features (solar panels, heat pumps, etc.) shall be allowed to be incorporated into properties with an effort to make them fit into the character of the property and neighborhood as best as possible. **[Amended 2-15-2018 by Ord. No. 18-029]**
 - (k) Whenever 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.
- (3) Construction of new buildings and other structures in historic districts.
- (a) The construction of a new building or other structure shall be in keeping with the surrounding area and compatible, as defined in Subsection E, with other structures in the historic viewscape to which it is related.
 - (b) The Board shall review associated elements visible from the street, such as fences, walls, and signs to protect the district's viewscape.
- (4) Visual compatibility factors for new construction and additions. Within historic districts, historic sites or landmarks, all new construction and all new additions shall be visually related.
- (a) Height. The height of proposed buildings and other structures shall be visually compatible with adjacent structures.
 - (b) Proportion of building's facade. The relationship of the width of the

building to the height of the front elevation shall be visually compatible with nearby buildings and open spaces.

- (c) Proportion of opening within the facade. The relationship of the width of the windows to the height of the windows and doors in a building shall be visually compatible with the windows and doors of nearby buildings.
- (5) Demolition or removal. An historic landmark, or any structure in an historic district or any attached structure, whether residential or commercial, shall not be demolished or removed and an historic preservation certificate to do so shall not be issued unless one of the following conditions is met:
 - (a) The structure has been identified by the Board as noncontributing or incompatible with the historic district in which it is located; or
 - (b) The property owner can demonstrate that it cannot be renovated or reconstructed so as to earn an economic return on its value in its present location as determined by a qualified real estate appraiser.
- P. Maintenance and repair. The property owner or the person in charge of an individual historic property, a structure within an historic district or of an historic landmark shall not allow that structure or landmark to fall into a state of deterioration by neglect. This condition consists of the deterioration of any exterior structural or architectural feature to such a degree that it would produce, in the judgment of the Board, an irredeemably detrimental effect on the life and character of that historic structure or landmark and that could lead to a claim that demolition is necessary for public safety. When the Board acquires evidence of such deterioration, it shall notify the Code Enforcement Officer who will in turn notify the property owner of the potential violation of this section. This condition of deterioration includes but is not limited to:
 - (1) The deterioration of exterior walls or other vertical supports.
 - (2) The deterioration of roofs or other horizontal members, including the ineffective waterproofing of exterior walls, roofs and foundations, as well as broken windows and doors.
 - (3) The deterioration of exterior chimneys.
 - (4) The deterioration of exterior plaster or mortar.
 - (5) The deterioration of any feature to the extent that it would create or permit the creation of any hazardous or unsafe condition.

Chapter 169

HISTORIC PRESERVATION

[HISTORY: Adopted by the City Council of the City of Augusta 10-15-1984 by Ord. No. 561 (Ch. 6, Art. III, Div. 5, of the 1990 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Demolition delay — See Ch. 134, § 134-5.

Land use — See Ch. 300.

§ 169-1. Authority and purpose.

- A. This chapter is adopted by the City Council in accordance with this Code and pursuant to the legislative authority vested in the City by state statute.
- B. The purposes of this chapter are to:
 - (1) Preserve and enhance districts, sites and landmarks within the City which possess particular historic or architectural significance and represent the essential characteristics of their neighborhoods and the unique legacy that defines this community; and
 - (2) Promote the educational, cultural and economic welfare of the citizens of the City.
- C. To achieve these purposes, it is intended that an Augusta Historic Preservation Commission be established. **[Amended 5-19-2016 by Ord. No. 16-076]**

§ 169-2. (Reserved)¹

- 1. Editor's Note: Former § 169-2, Definitions, was repealed 5-19-2016 by Ord. No. 16-076.

§ 169-3. Historic Preservation Commission. **[Amended 4-17-2007 by Ord. No. 066]**

Subsequent to and within 30 days of the adoption of this chapter by the City Council, the Council shall appoint members of the Augusta Historic Preservation Commission, as follows:

- (1) The Mayor will appoint and the City Council confirm seven members to sit on the Commission Board that administers the Historic District reviews. The City Council may remove members of the Board for cause by a two-thirds-vote of the elected membership after notice and hearing. All Board members shall be residents of the City of Augusta.

- (2) Composition of the Commission Board. All members of the Commission Board shall have a demonstrated interest, knowledge, or training in historic preservation or closely related fields. Members are expected to come to the Board with varying expertise, and be able to make objective, unbiased, and independent decisions. The Mayor shall seek Commission Board members with prior experience in one or more of the following areas: historic preservation, land use and zoning regulation, the law, neighborhood preservation, and other relevant areas. The Commission Board shall consist of members from the following categories.
- (3) The Commission Board shall consist of seven members including: ~~one member that is also a member of the Augusta Historic Preservation Commission;~~ two members that are residents within the boundaries of an adopted historic district, as depicted in this section; two members that are business owners or representatives of business owners within the boundaries of an adopted historic district, as depicted in this section; and two additional members. [Amended 12-15-2016 by Ord. No. 16-192]
- (4) Members shall have prior experience in historic preservation or shall get training in historic preservation within one calendar year of being appointed.
- (5) Terms of membership ~~on the Board.~~ The terms of the seven members and subsequent appointees shall be for three years. All members shall serve until their successors are duly appointed and qualified. Initial terms for the first Commission Board created shall be three members appointed to three-year terms; two members appointed to two-year terms and two members appointed to a one- year term.
- (6) Vacancies ~~on the Board.~~
 - (a) A vacancy shall occur upon the resignation, death, or removal by the Council of any member. If a member fails to attend four consecutive regular meetings or fails to attend at least 75% of all meetings during any preceding twelve-month period, the Commission Board may recommend to the Mayor that the member's position be declared vacant. Within 30 days of the Commission's Board's recommendation, the Mayor shall respond in writing either declaring the position vacant or rejecting the recommendation.
 - (b) When one or more vacancies occur, the Chairperson of the Commission Board shall immediately notify the Mayor in writing. Within 60 days of receipt of such notice, the Mayor shall appoint, and the City Council confirm, such additional members as necessary for full membership of the Commission Board.
- (7) Quorum.
 - (a) The presence of four Commission Board members shall constitute a quorum. All members, other than the Chairperson, are permitted to make and second motions; and all members present, unless abstaining, may

participate in the discussion and deliberation. No meeting of the Commission Board shall be held, or once begun, shall be continued, without a quorum as established in this section. The Commission Board shall act by majority vote of the members present.

[Amended 2-15-2018 by Ord. No. 18-029]

- (b) The Chairperson is an authorized voter, but shall vote only when such vote could break a tie, create a tie defeating the motion, or create a required majority.
- (c) No member shall be authorized to vote on a matter if he or she did not attend a public hearing or hearings held on the matter.
- (8) Bylaws and procedures. The Commission Board shall create bylaws for procedures to run meetings.
- (9) Duties and powers.
 - (a) Within Historic Districts, per § 300-316.5 Historic Districts.
 - Review alterations, relocation and demolition of the designated historic and prehistoric properties under its jurisdiction.
 - Review all new construction affecting historic and prehistoric properties and/or districts within its jurisdiction to determine if a locally listed historic or prehistoric archeological site will be affected.
 - (b) Assist and advise owners proposing properties to be designated as historic districts, sites or landmarks. The Commission may erect signs or markers indicating the significance of any designated historic district, site or landmark, subject to obtaining written permission from the owners of said properties.
 - (c) Review all proposed National Register nominations for properties within its jurisdiction. When the Commission Board considers a National Register nomination or other actions which are normally evaluated by a professional in a specific discipline and that discipline is not represented on the Commission Board, the Commission Board shall seek expertise in that area before rendering its decision.
 - (d) Conduct a survey of historic and archeological resources within Augusta according to guidelines established by the Maine Historic Preservation Commission and maintain a record of such.
 - (e) Make recommendations for designation of local historic landmarks and historic districts to the appropriate governing body and keep records of such decision.
 - (f) Recommend to the City Council written guidelines for the preservation of designated local landmarks and historic districts to be

Commented [BP1]: Added from former Historic Preservation Commission Duties.

used in decisions for requests for permits for new construction, alterations, demolition, relocation or additions to listed historic landmarks, properties and buildings within historic districts.

- (g) Act in an advisory role to other officials and departments of local government regarding the protection of local cultural preservation.
- (h) Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
- (i) Work toward the continuing education of citizens regarding historic preservation issues and concerns.
- (j) Submit an annual report of the activities of the Commission Board to the Code Enforcement Bureau for distribution to the City Council and Maine Historic Preservation Commission.
- (k) Participate in at least one informational/educational training workshop per year sponsored by the Maine Historic Preservation Commission.
- (l) Work with the Code Enforcement Bureau to create an Annual Budget.
- (m) The Code Enforcement Bureau, on behalf of the Commission, may secure clerical, technical, and professional assistance or consultation, accept grants, gifts of monies, or of service, and may hold or expend the same for any of the purposes of this chapter.

Commented [BP2]: Moved from Section 300-316.5 Historic Districts, F. Historic District Review Board.

A. Establishment; membership.

- ~~(1) The membership of the Commission shall consist of seven persons who shall be residents of the City. Members of the Commission shall be appointed on the basis of demonstrated interest, knowledge or training in fields closely related to historic preservation (e.g., history, architecture, urban design, archeology) and should represent such professionals to the extent that they are available in the community. Information on the credentials of the Commission members will be kept on file and will be available to the public. Each Commission member is required to attend at least one informational or educational meeting per year, approved by the state historic preservation officer, pertaining to the work and functions of the Commission or to historic preservation.~~
- ~~(2) Two members of the Commission shall be initially appointed to terms of three years; two shall be appointed to terms of two years; one shall be appointed to a term of one year. All appointments thereafter shall be for terms of three years, except to fill a vacancy created by an unexpired term, in which case the appointment shall be for the remainder of the term. All vacancies shall be filled by appointment of the City Council within 60 days.~~
- ~~(3) The Commission shall, within 30 days of the adoption of this chapter, and, after due notice and public hearing, adopt rules and regulations of the Augusta Historic Preservation Commission, and may from time to time amend the same.~~
- ~~(4) Each member of the Commission shall serve without compensation.~~

~~(5) The City Council may appoint other persons, not necessarily residents of the City, who shall serve on an advisory or consultant basis to assist the members of the Commission in the performance of their functions.~~

~~B. Organization, rules and meetings:~~

~~(1) A quorum shall consist of four members of the Historic Preservation Commission and shall be required to conduct all business. A majority vote of the members present at a meeting shall be required for action to be taken on any matter. The Chairperson of the meeting shall only vote to break a tie. [Amended 2-18-2021 by Ord. No. 21-027]~~

~~(2) The Commission shall annually elect a Chairperson and other officers from its membership, and a Secretary who need not be a member.~~

~~(3) The Chairperson shall call meetings as required, but no less frequently than four times a year. The Chairperson shall also call meetings when requested by a majority of its membership, the Mayor or the City Manager.~~

~~(4) All meetings of the Historic Preservation Commission must be publicly announced, be open to the public, and have a previously available agenda. Public notice must be provided prior to any special meetings.~~

~~(5) The Secretary shall maintain a permanent record of all Commission proceedings and any actions taken and all correspondence of the Commission. All records to be maintained or prepared by the Secretary are deemed public information and shall be kept at the City Planning Office, where they may be inspected during regular business hours.~~

~~C. Administration:~~

~~(1) The Historic Preservation Commission shall serve as an advisory review board for the City Planning Bureau. [Amended 5-19-2016 by Ord. No. 16-076]~~

Commented [BP3]: Similar to (6) below.

~~(2) The Planning Bureau and the Commission shall prepare and present a budget to the City Council for an annual appropriation to the Commission in an amount they may deem necessary to fund the activities of the Commission.~~

Commented [BP4]: Similar to (2) below

~~(3) The Planning Bureau, on behalf of the Commission, may secure clerical, technical, and professional assistance or consultation, accept grants, gifts of monies, or of service, and may hold or expend the same for any of the purposes of this chapter.~~

Commented [BP5]: Moved to (m) above and changed to Code Enforcement.

~~D. Duties. The duties of the Historic Preservation Commission shall be to:~~

~~(1) Assist and advise owners proposing properties to be designated as historic districts, sites or landmarks. The Commission may erect signs or markers indicating the significance of any designated historic district, site or landmark, subject to obtaining written permission from the owners of said properties. [Amended 5-19-2016 by Ord. No. 16-076]~~

Commented [BP6]: Added as (b) above

~~(2) Work with the City Planner to prepare an annual budget.~~

Commented [BP7]: Changed to Code Enforcement and added as (j)

~~(3) (Reserved)²~~

~~(4) Conduct or cause to be conducted a continuing survey of cultural resources in~~

~~the community according to guidelines established by the state historic preservation officer;~~

Commented [BP8]: Similar to (d)

~~(5) Make recommendations for designation of local landmarks and historic districts to the Augusta Historic District Review Board, Planning Board, and the City Council. [Amended 5-19-2016 by Ord. No. 16-076]~~

Commented [BP9]: Similar to (e)

~~(6) Act in an advisory role to other officials and departments of City government regarding the protection of local cultural resources;~~

Commented [BP10]: Incorporated above (g)

~~(7) Act as a liaison on behalf of the City Council to individuals and organizations concerned with historic preservation;~~

Commented [BP11]: Incorporated above (h)

~~(8) Work toward the continuing education of the citizens of Augusta regarding historic preservation issues and concerns;~~

Commented [BP12]: Incorporated above (i)

~~(9) Make an annual report of the activities of the Commission, which shall be submitted to the Planning Office, and City Council. [Amended 5-19-2016 by Ord. No. 16-076³]~~

Commented [BP13]: Merged with above (i)

2. Editor's Note: Former Subsection D(3), which set forth review of applications as a duty of the Commission, was repealed 5-19-2016 by Ord. No. 16-076.

3. Editor's Note: This ordinance also repealed former §§ 169-4, Qualifications for historic designations; 169-5, Establishment of historic districts, sites or landmarks; 169-6, Historic districts, sites and landmarks designated; 169-7, Signage/Markers for designated historic districts, landmarks, sites or trails; 169-8, Uses permitted within historic districts, sites or landmarks; 169-9, Certificate of appropriateness required; 169-10, Application for certificate of appropriateness; 169-11, Administrative procedures; 169-12, Standards of evaluation; 169-13, Maintenance; 169-14, Appeals; and 169-15, Violations and penalties. For current provisions, see § 300-316.5, Historic District.