



CITY COUNCIL ACTION

Council Meeting Date: June 8, 2026

Item No: 26-191

Responsible Dept: Planning

Action Requested: Ordinance

Map/Lot: N/A

Title, Ordinance

Amending Chapter 148, Historic Preservation Code, by Adding Flexibility and Clarity to the Process for Certain Types of Alterations to Historic Structures

Summary

The proposed changes would update the City’s Historic Preservation Code to add flexibility and clarity on process for certain types of alterations to historic structures, such as changing materials, reducing the review requirement for installation of certain mechanical equipment like heat pumps, and allowing for demolition in case of fire or natural disaster. The amendments also provide examples of information that can be provided for hardship applications and lengthens the time allowed for completion of historic projects. These changes align with Comprehensive Plan policy 47 to promote and enhance the viability of the historic and architectural resources for their continued use or for new uses.

Committee Action

Committee: Historic Preservation Commission

Meeting Date: June 11, 2026

Action:

For:

Against:

Staff Comments & Approvals

City Manager

City Solicitor

Finance Director

Introduced for: First Reading and Referral



CITY COUNCIL ORDINANCE

Date: June 8, 2026

Assigned to Councilor: Leonard

ORDINANCE, Amending Chapter 148, Historic Preservation Code, by Adding Flexibility and Clarity to the Process for Certain Types of Alterations to Historic Structures.

WHEREAS, at present, the Historic Preservation Ordinance lacks flexibility for actions such as changing materials on a historic structure or demolishing where there has been a fire or other natural disaster;

WHEREAS, at present, the Ordinance also requires a high level of review for simple and reversible changes such as adding heat pumps or solar, or removing or changing awning fabric;

WHEREAS, the proposed changes would update the City’s Historic Preservation Code to add flexibility and clarity on process for certain types of alterations to historic structures;

WHEREAS, the 2022 Comprehensive Plan contains a policy to promote and enhance the viability of the historic and architectural resources for their continued use or for new uses;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BANGOR AS FOLLOWS, THAT

Chapter 148 of the Code of the City of Bangor is amended as follows:

§ 148-2. Definitions.

...

CHARACTER-DEFINING FEATURES – Prominent elements of a historic structure that highlight its character. These elements can include overall shape of the building, materials, craftsmanship, and decorative details. Guidance on determining character-defining features can be found in National Park Service Preservation Brief 17 titled, “Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character”.

...

§ 148-8. Approvals required.

The Historic Preservation Commission shall protect historic landmarks, historic sites and historic districts by the issuance of certificates of appropriateness, approvals of minor alteration or revision, and staff approvals.

A. Certificate of appropriateness.

...

- (2) Application contents. The application shall contain the following information and documentation:
 - (a) For all applications:

...

- [3] Where applicable, Plans and exterior elevation drawings to scale and with sufficient detail to show all proposed alterations, and their relation to the exterior appearance and architectural design of the building.

...

- [6] If available, documentation on the property from the Maine Cultural & Architectural Resource Management Archive (CARMA) (<https://www.maine.gov/mhpc/quick-links/carma>). Any other information and documentation the Planning Division or Code Enforcement Division considers necessary.

- [7] Any other information and documentation the Planning Division or Code Enforcement Division considers necessary.

...

...

(3) Process.

...

- (e) Approval. An affirmative vote of ~~four~~ the majority of members present and voting shall be required to issue a certificate of appropriateness. If the Commission determines that the proposed alteration, construction, moving, or demolition is appropriate by a majority vote ~~of four members~~, it shall direct the Planning Division to issue a certificate of appropriateness. The Planning Division shall forward copies of the certificate to the applicant and to the Code Enforcement Officer for issuing of necessary permits.

[1] If approved, the proposed construction, reconstruction, alteration, moving or demolition must be begun within ~~six~~ 12 months of approval and completed within ~~12~~ 24 months of approval, unless the Commission sets other time limits. An extension or extensions of up to one year in total length may be granted as a minor alteration or revision under § 148-8B. During the duration of the construction, reconstruction, alteration, moving, or demolition, applicants must display the certificate of appropriateness approval on the property.

[2] After completion of the project, or after ~~12~~ 24 months from the issuance of a certificate of appropriateness, the property owner shall allow staff to access exterior areas of the property as reasonably necessary in order to perform an inspection to verify work was done in accordance with the Commission's approval.

...

B. Minor alteration or revision.

- (1) When required. Approval of minor alteration or revision is required when:

- (a) The proposed alteration satisfies the definition of "minor alteration or revision" provided in § 148-2 or is a solar panel, generator, heat pump, or other mechanical installation (except for commercial communication devices), changing or removal of awning fabric, or an alteration that cannot be seen from a street.

[1] Mechanical equipment such as heat pumps, solar panels, residential

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

...

- (3) Process. Minor alterations or revisions, as defined herein, may be permitted by the Code Enforcement Officer or their designee, Planning Officer or their designee, and Chair of the Historic Preservation Commission or their designee without referral for review at a meeting of the Historic Preservation Commission. If the Commission Chair is absent, the Vice Chair, or, in both their absences, the senior member of the Commission in time of service may participate in their place.

...

- (c) Approval. If the Code Enforcement Officer or their designee and the Planning Officer or their designee each determine that the proposed work does not significantly impact the historic nature or appearance of the property in question, the application shall be approved. The Staff Coordinator shall forward copies of the approved application to the applicant and to the Code Enforcement Officer for issuing of necessary permits.

- [1] If approved, the proposed work must be begun within ~~six months~~ 12 months of approval and completed within ~~12~~ 24 months of approval.

- [2] After completion of the project, or after ~~12~~ 24 months from approval, the property owner shall allow staff to access exterior areas of the property as reasonably necessary in order to perform an inspection to verify work was done in accordance with the approval.

...

- D. Exempt activities. The following activities are specifically exempt from requiring approval for certificate of appropriateness, minor alteration or revision, or staff approval under this section:

...

- (11) Replacing features that match the original in materials, design, and other visual qualities

...

§ 148-9. Evaluation standards.

The standards and requirements contained in this section shall be used in review of applications for certificates of appropriateness, minor alterations or revisions, and staff approvals, while taking into consideration economic and technical feasibility.

...

- B. Standards for renovations, alterations and repairs of existing buildings, structures and appurtenances thereof.

...

- (2) Within historic districts, historic sites and historic landmarks, the Commission shall use the standards listed below in the evaluation of an application for a certificate of appropriateness for

all renovations, alterations and repairs of existing buildings, structures and appurtenances thereof:

...

- (c) Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new feature material should match the feature material being replaced in color composition, design, texture and finish other visual qualities and, where economically and technically feasible, materials. When available, past performance of the replacement material shall also be considered. Repair or replacement of missing architectural features should be based on documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural features from other buildings. Replacement of materials should be guided by National Park Service Preservation Brief 16 titled, "The Use of Substitute Materials on Historic Building Exteriors".

...

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

....

D. Demolition or removal.

- (1) An historic landmark or any building or structure in an historic district, or any appurtenance thereto, shall not be demolished or moved and a certificate of appropriateness shall not be approved until either:
- (a) In an historic district, such building or structure has been identified by the Commission as not contributing to the historic district in which it is located; ~~or~~
 - (b) The property owner can demonstrate that it is incapable of earning an economic return on its value in its present location as appraised by a qualified real estate appraiser; or
 - (c) It can be demonstrated that the building or structure has been damaged beyond repair by fire or other natural disaster.
- (2) If such a demonstration can be made, issuance of a certificate for movement or demolition shall may be delayed by the Commission for a period of 180 days. Such time period shall commence when an application for certificate and the statement of sale, as outlined below, have been filed with the Commission.

...

...

E. Exceptional circumstances.

- (1) The Commission may issue a certificate of appropriateness where the standards otherwise set forth in this section are not met but where the Commission determines that failure to issue the certificate would result in undue hardship to the owner of the property. Before the Commission may issue a certificate under this subsection, evidence in the records must show

the following:

...

- (3) For the purposes of Subsection E(1), the following are examples of types of evidence an applicant may present (but are not the only types of evidence an applicant may present):
- (a) The assessed value of the property and/or the building, structure, object, or site for the two most recent assessments.
 - (b) Real property taxes paid for the previous two years.
 - (c) The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
 - (d) Appraisals obtained within the previous two years
 - (e) Listings of the property for sale or rent, price asked, and offers received within the previous four years.
 - (f) Studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any buildings, structures, objects, or site on the property for alternative use.
 - (g) For income-producing property, itemized income and expense statements from the property for the previous two years.
 - (h) Professional assessment from a licensed engineer or architect with experience in rehabilitation of historic buildings, structures, objects, and sites as to the structural soundness of the building, structure, object, or site and its suitability for continued use, or rehabilitation.
 - (i) Estimate of the cost of the alteration, construction, demolition, or removal proposed by the applicant.
 - (j) Estimate of the cost that would be incurred by the applicant to implement changes suggested in findings of fact made by the reviewing authority in issuing a denial of an application for historic preservation review.
 - (k) A statement of the minimum extent of work necessary to allow reasonable use of the building, structure, object, or site.
- (4) The Commission may request that third-party reviewers with applicable expertise review materials provided by the applicant and prepare a report on their analysis of the application materials. In these cases, the cost of the third-party review shall be charged to the applicant.
- (5) The Commission may require additional evidence or supporting materials be provided by the applicant to inform its decision on the application.
- (6) Certificates of Appropriateness issued based on hardship shall limit the scope of work to the minimum extent necessary to eliminate the undue financial burden or allow reasonable use of the building, structure, object, or site. Certificates shall be issued with flexibility to allow modifications or adaptations that reduce the financial burden on the owner while preserving key aspects of the historic property. Adjustments to preservation requirements may include phasing of required work, relaxed standards for non-essential elements, and/or alternative compliance methods that achieve preservation goals at lower costs.

- (7) Certificates of Appropriateness based on hardship shall not allow for the beginning of any demolition work until the necessary approvals and permits have been obtained to allow for the rehabilitation, alteration, or replacement of the building, structure, object, or site.

...

Additions underlined, deletions struck through.



COMMUNITY & ECONOMIC DEVELOPMENT

CITY OF BANGOR

PLANNING DIVISION

Memorandum

To: Honorable Bangor City Council
Carollynn Lear, City Manager

From: Anja Collette, AICP, Planning Officer

Date: June 12, 2026

CC: Courtney O'Donnell, Assistant City Manager
David Szewczyk, City Solicitor
Anne Krieg, AICP – Director of Community & Economic Development

Re: Historic Preservation Commission Recommendation June 11, 2026
Amending Chapter 148, Historic Preservation Code, by Adding Flexibility and Clarity
on the Process for Certain Types of Alterations to Historic Structures

Please accept this memorandum as the recommendation from the Historic Preservation Commission for the noted item. The Commission considered this item in a noticed public hearing on June 11, 2026.

The meeting was conducted in the Council Chambers at City Hall and on Zoom. Members in attendance in the Chambers were Chair Nathaniel King and Commissioners Rebecca Krupke, Peter Sachs, and Katie Coe.

Planning Officer Collette presented the amendments and addressed some of the concerns stated in a written memo from Rick Violette that was sent to the Commission via email. Responses included:

- Staff's proposed language for the standard on replacement of materials is word-for-word the standard from the Interior language for rehabilitation, with the addition of considering economic and technical feasibility; the proposed amendments from the stakeholder group included guidelines from the Secretary, but not the standards that are supposed to be used for review.
- The pre-application meetings staff have been holding with applicants have proven to be very helpful to applicants in making sure their applications were prepared adequately for Commission review. Advisory Consultant Pullen is an expert in architecture and in Bangor's historic districts and is therefore well-suited to providing advice on the character-defining features of a structure. Staff typically schedule a pre-application meeting with applicants as soon as applications come in and will usually wait to schedule them for an HPC meeting until any issues from the pre-application meeting have been addressed. The reason that Mr. Farren's pre-application meeting was so soon before the HPC meeting he was considered at was because he requested an expedited review.
- The State does require the City to have certain language in its historic preservation standards in order to maintain the City's Certified Local Government Status. While it is true that the City has only received \$15,000 in the past 5 years for CLG grants, the City was entitled to additional money through other grant rounds, but did not have the staff time to apply for those

CITY OF BANGOR PLANNING DIVISION
HISTORIC PRESERVATION COMMISSION RECOMMENDATION TO CITY COUNCIL 6.11.2026
Historic Preservation Code – Ordinance changes

grants. The City did receive additional grant funding in 2018 through 2020.

- No changes have been made to be intentionally more subjective. In the case of the lack of a definition of technical and economic feasibility, the purpose of this was to not confine an applicant to a particular set of parameters since there could be such a variety of situations that cause a project not to be technically or economically feasible.

Chair King opened the public hearing on the proposed amendments. There were no public comments.

Commissioner Coe asked if there is flexibility with the pre-application meetings for people who may not be able to leave where they work during regular business hours. Collette stated that Zoom is always offered as an option for people. Coe and Collette also discussed the use of a website link in the ordinance language.

Chair King discussed requiring that the Commission's advisory consultant meet the Secretary of Interior standards for architects. Collette stated this could be worked on with the second round of ordinance amendments.

King also mentioned giving applicants a hand-out like Portland has that provides examples of character-defining features.

Commissioner Sachs moved to recommend to City Council that the proposed amendments ought to pass. Commissioner Coe seconded the motion. All members voted in favor of the motion.

The result of the vote is that a majority of Historic Preservation Commission members voted to recommend that the proposed amendments ought to pass.

Anja Collette

IN CITY COUNCIL

JUNE 8, 2026

COrd 26-191

Motion made and seconded for First Reading and Referral to Historic Preservation Commission on June 11, 2026

Vote: 7 – 0

Councilors Voting Yes: Beck, Carson, Deane, Faloon, Fish, Leonard, Mallar

Councilors Voting No: None

Passed



CITY CLERK

IN CITY COUNCIL

JUNE 22, 2026

COrd 26-191

Rick Violette applauded the efforts to fix the ordinance but spoke against passage of the amendment as he felt the historic property owners did not have any input regarding the changes.

Motion made and seconded for Passage

Vote: 5 – 3

Councilors Voting Yes: Beck, Deane, Faloon, Leonard, Walker

Councilors Voting No: Carson, Mallar, Hawes

Passed



CITY CLERK