

CHAPTER VII DESIGN REVIEW ORDINANCE:

A. PURPOSE

The center of the Town is a mixed residential and business use district which is comprised predominantly of buildings which were constructed before 1930. The villages of Sheepscot and Damariscotta Mills are a concentration of residences mostly constructed before 1900. ~~Both~~ All three historic areas include many significant historic buildings representing a variety of architectural styles, other buildings which contribute to the historic setting, and some of contemporary buildings. The purpose of this Ordinance is to promote the educational, cultural, economic and general welfare of the Town as a whole and to specifically provide for the protection and preservation of buildings; structures and places of historic value, and to promote design which is compatible with the present character of these three (3) historic areas of Town.

It is the specific intent of this Ordinance to:

1. Encourage the continued use of existing historically or architecturally important buildings and those which contribute to the character of the Historic areas and discourage their demolition and removal;
2. Prevent inappropriate alterations or removal of buildings of historic value;
3. Assure that new buildings are designed and built in a manner compatible with the character of the Historic areas in terms of scale and visual effect;
4. Assure that changes to contemporary buildings and new construction do not detract from adjacent historic buildings; and
5. Assure the protection and preservation of archeological sites.

B. DEFINITIONS Design Review Only

The definitions provided here apply specifically to this Ordinance, in addition to the definitions that apply throughout the ordinance.

Architectural Significance: A structure embodying distinctive characteristics of a period or method of construction, representing the work of a master architect or builder, or otherwise possessing high artistic values.

Building: It includes structures or places (i.e. cemeteries, parks, etc.) which may not have buildings located on them but which are classified as of historical significance.

District: The Design Review District.

Historical Significance: A structure or place associated with events which have contributed to the formation and development of the Town, associated with the lives of people who have been important to the community, or has made a contribution to the broader patterns of our common history.

Material Change: A modification to the architectural style, ~~general~~-design or ~~general~~-arrangement of the exterior of a structure or appurtenant structure, including the texture of the building materials or the type and style of windows, doors, light fixtures, the color of any portion of the exterior of the structure or other appurtenant structures, or the installation of exterior mounted utilities, lighting, mechanicals, generators and satellite dishes. An activity that affects the exterior and requires a building permit is included in this definition.

Neighborhood Significance: A structure that contributes to the creation of a physical setting representing a period important in the evolution of the Town. That the physical setting, which is composed of buildings, landscape features and open space, and other natural and architectural features, can transcend the sum of its parts in creating a sense of history.

Some examples of a building with neighborhood significance are: one (1) of a group of similar buildings constructed and/or designed by an individual important to the Town's history, a compatible element in a group of buildings of similar or equally important significant architectural styles; a location (i.e., on a corner lot, on a rise of land, or a curve, on a large parcel of land, as the first building to visually introduce an important group of buildings) which makes it an important element in the neighborhood; a size which gives it a dominant place in the neighborhood.

Reconstruction: Rebuilding, renovating, altering, improving, reconstructing, restoring or other construction of an existing building or part of a building. The reconstruction may or may not be a return to the original design of the building.

Rehabilitation: Upgrading or renovation of a building, previously in a dilapidated or substandard condition, for human habitation or use. Rehabilitation does not necessarily retain the building's original architectural features.

Restoration: The replication or reconstruction of a building's original architectural features. Restoration usually describes preserving historic buildings.

Visually compatible: A relationship between buildings in a neighborhood that, though not looking the same, or even from the same period, are architecturally compatible or consistent and may include a mix of styles, sizes, etc. that blend together well.

C. DISTRICT BOUNDARIES

1. The Design Review District shall consist of three historic areas:

a. Village Area. The area of the village described as the Village Business

District Village Residential District, Village Center District and in Chapter X.

- b. Sheepscot Area. The area of the village of Sheepscot designated at the National Historic District, included on Town Tax Maps 19 and 20, Map 6 Lots 11, 12, 1, 1-A, 2, 2-A, and Map 4, Lots 1 and 1-A.
- c. Damariscotta Mills Area. The area at Damariscotta Mills included on Town Tax Map 7, Lots 30, 32, 33 and on Map 15, all lots northwest of the Central Maine Power transmission line.

2. As part of each applicant's review the Design review Committee will attempt to classify the approximate age of the owner's building based on the information submitted by the applicant, and or in consultation with the Newcastle Historical Society, or another source deemed appropriate by the Committee as follows:

- a. Class A - Buildings existing in 1900 which have major architectural, historical and/or neighborhood significance;
- b. Class B - All buildings existing in 1900 which have architectural, historical and/or neighborhood significance;
- c. Class C - Buildings not classified A or B.

3. Three categories - historical, architectural and neighborhood significance - are rated for each building constructed before 1900 and located in the District. A scale of one (1) to five (5) points, with five (5) as the highest number of points, is to be used for each category. The maximum total number of points a building can receive is fifteen (15) and the minimal number of points is three (3). All buildings receiving total scores of twelve (12) to fifteen (15) points are to be rated A. All buildings receiving total scores of seven (7) to eleven (11) points are to be rated B. All other buildings are to be rated C.

4. Buildings may be reclassified upon recommendation of the Design Review Board Committee.

A public hearing must:

- a. Be held by the Board Committee on its final proposed recommendations. The owner of each building classified shall be given notice of that recommended classification and the public hearing.
- b. The Selectmen, on recommendation of the Board Committee may adopt a resolution designating one or more buildings or structures A, B, or C utilizing the following criteria:
 - (1) Architectural, historical and neighborhood significance;

(2) Suitability for preservation or restoration.

On adoption of the resolution, the owners and occupants of each newly classified building shall be given written notification of its classification by the Town Clerk.

D. DESIGN CERTIFICATE

In considering applications for permits, the Design Review ~~Board~~Committee shall use the guidelines of this chapter. A Design Certificate shall be required before a building permit is issued for any of the following:

1. Demolition of a building classified A or B;
2. Moving of a building classified A or B;
3. Material change in the exterior appearance of existing buildings classified as A or B by an addition, reconstruction or alteration;
4. Any new construction of a building, accessory building or appurtenant structure subject to view from a public street or public right of way within the District including waterways;
5. Material change in or construction of appurtenant structures, if subject to view from a public street or public right of way within the District;
6. Addition, removal, or material change of any type of lighting, if subject to view from a public street or public right of way within the District;
7. Material change in the exterior appearance of an existing Class C building by addition, reconstruction or alteration, if subject to view from a public street or public right of way within the District; or
8. Changes to existing or new sites on a Class A, B, or C building.

E. ACTION ON APPLICATIONS REQUIREMENTS & ACTION ON APPLICATIONS

1. The Burden of conforming to the Design Review Ordinance shall be the applicant's and such burden shall include the production of evidence necessary for the Design Review ~~Board~~Committee to approve the application and to show conformance with all of the provisions of this Chapter with a special emphasis on the Design Guidelines of this Chapter.
2. The application for a Design Certificate shall be submitted to the Town Clerk on

forms provided. Each application shall be accompanied by sketches, scaled drawings with dimensions, color palettes, photographs, descriptions or other information showing the proposed alterations, additions, changes or new construction as may be required for the BoardCommittee to make a decision. ~~The Clerk shall give the applicant a dated receipt.~~

3. The BoardCommittee shall act on the application within ~~fortysixty-five (6545)~~ days of receipt of the

Application, or within forty five days of the first meeting after which the application is deemed complete by the BoardCommittee, whichever time period is longer. If the BoardCommittee does not act within ~~forty five (45) days~~the said time period, the application is deemed to be approved and a Design Certificate shall be issued.

4. The BoardCommittee may extend the time, for a specific period, for review of the application if the parties have mutually agreed that more information or discussion is required.

5. A Design Certificate may be issued with conditions. ~~When the Board disapproves an application, its reasons shall be in writing.~~

5. If an activity also requires a building permit, that permit may not be issued until the Design Certificate is granted.

6. If, on the basis of an archeological site survey or other information, the BoardCommittee determines that there is an archeological site on the parcel, it may limit excavation or building on that parcel to preserve or protect the site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the site.

F. DESIGN GUIDELINES

1. Classification Guidelines For buildings Classified as A or B:

a. Any building classified as A or B, or any appurtenant structure may only be moved, reconstructed, altered or maintained in a manner that will preserve its historical, architectural and neighborhood significance. When making that determination, recognition shall be given to the design and placement of buildings previously on the site and their past relationship with surrounding buildings.

~~b. Should a property owner want to demolish or remove a building or appurtenant structure classified A or B, a four (4) month notice of the proposed demolition or removal shall be given before a demolition or removal~~

~~_____ permit is issued.~~

- ~~1. The owner of the affected building shall cause notice to be published in a newspaper of general circulation in the county at least three (3) times prior to demolition or removal. The first notice shall be published no later than fifteen (15) days after the application for a permit for demolition or removal is filed and the final notice shall be published approximately fifteen (15) days prior to the date of demolition or removal. The purpose of this section is to afford the Town, interested persons, or historical societies or organizations the opportunity to acquire or to arrange for preservation of such buildings.~~
- ~~2. During this four (4) month period, the Board may negotiate with the owner of the property and with any other properties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, recommendation for a historic easement or inducements to interested third parties to purchase the property for the purpose of preserving it.~~

b. For buildings Classified as C: The construction, reconstruction, alteration, or moving of any building and appurtenant structures classified as "C" shall be generally of such design, size, building material, texture, and location on the lot as will be compatible with other buildings in the Historic areas and particularly those designated "A" or "B". The intent of this section is not to require that a contemporary or "C" building be constructed or altered to meet a specific architectural style (i.e., colonial, federal, etc.). Rather, compatibility with other buildings shall be determined by factors such as: type and style of buildings previously on the parcel, historical design of the buildings and relationship with surrounding buildings.

3. Design Guidelines for all Buildings

Newly constructed or reconstructed buildings as well as existing buildings and appurtenant structures, which have been altered, repaired or moved, shall be visually compatible with the buildings, squares and places to which they are visually related and specifically with nearby and/or adjacent "A" or "B" buildings in terms of the following factors. Reference may be had to A FIELD GUIDE TO AMERICAN HOUSES by Virginia & Lee McAlester for examples of the appropriate architectural features described below.:

- a. Scale of the Building. The scale of a building depends on its overall size, the mass of it in relationship to the open space around it, and the sizes of its doors, windows, arches and balconies. The scale gives a building "presence" that is, it makes it seem big or small, awkward or graceful, overpowering or unimportant. The scale of a building should be visually compatible with its site and with its neighborhood.

- b. Height. A sudden dramatic change in building height can have a jarring effect on the streetscape, i.e., the way the whole street looks. A tall building can shade its neighbors and/or the street. The height of buildings should be visually compatible with the heights of the buildings in the neighborhood.
- c. Proportion of Building's Front Facade. The "first impression" a building gives is that of its front facade, the side of the building which faces the most frequently used public way. The relationship of the width to the height of the front facade should be visually compatible with that of its neighbors.
- d. Rhythm of Solids to Voids in Front Facades. . When you look at any facade of a building, you see openings such as doors or windows (voids) in the wall surface (solid). Usually the voids appear as dark areas, almost holes, in the solid and they are quite noticeable, setting up a pattern or rhythm. The pattern of solids and voids in the front facade of a new or altered building should be visually compatible with that of its neighbors.
- e. Proportions of Opening within the Facility. Windows and doors come in a variety of shapes and sizes; even rectangular window and door openings can appear quite different depending on their dimensions. The relationship of the height of windows and doors to their width should be visually compatible with the architectural style of the building and with that of its neighbors.
- f. Roof Shapes. A roof can have a dramatic impact on the appearance of a building. The shape and proportion of the roof should be visually compatible with the architectural style of the building and with those of neighboring buildings.
- g. Relationship of Facade Materials. The facades of a building are what give it character, and the character varies depending on the materials of which the facades are made and their texture. Many different materials are used on facades - clapboards, shingles, patterned shingles, and brick - depending on the architectural style of the building. The facades of a building, particularly the front facade, should be visually compatible with those of other buildings around it.
- h. Relationship of Colors. The colors of a building dramatically affect the character of a building. For buildings clad in stone, only natural stone should be used unless the Design Review Committee approve an alternative stone veneer. For buildings clad in brick, only red brick mixes visually compatible with other brick buildings in the District shall be used. Either brick or stone may be painted if approved by the Design Review Committee. Wood siding may be allowed to weather naturally, but should be visually compatible with neighboring structures. Shingles, clapboards, and squared logs may be painted. Paint colors for painted siding and trim shall be selected from California Paints Historic Colors of America, Benjamin Moore's Williamsburg Collection, or a similar historical palette. Paint chips shall be

attached to the application. In all cases, buildings shall be visually compatible with neighboring buildings and other buildings in the district.

ih. Rhythm of Spaces to Buildings on Streets. The building itself is not the only thing you see when you look at it you are also aware of the space where the building is not, i.e., the open space which is around the building. Looking along a street, the buildings and open spaces set up a rhythm. The rhythm of spaces to buildings should be considered when determining visual compatibility, whether it is between buildings or between buildings and the street setback.

ji. Site Features. The design, size, placement and materials of walls, fences, signs, driveways and parking areas may have a visual impact on a building. These features should be visually compatible with the building and neighboring buildings.

G. DEMOLITION PROCEDURES

Prior to initiating any demolition or removal activities of buildings classified A or B, the applicant shall apply for a Design Review Certificate specifying Demolition Activities. Applicants shall comply with the procedures for the classification of their building or appurtenant structures.

1. Class A Buildings

3. The owner of the affected building shall submit an application to the Design Review Committee specifying all demolition activities to be performed.
4. The owner shall provide evidence that the issuance of the Design Review Certificate for Demolition is necessary in the public interest, or that failure to issue a permit would amount to a taking of the owner's property without just compensation.
5. A Design Review Certificate for Demolition cannot be issued by the Design Review Committee until a Design Review Certificate for new construction is issued and the owner demonstrates the ability to complete the project by providing a performance bond to the Town of Newcastle guaranteeing construction of the newly approved building.
6. The owner of the affected building shall cause notice to be published in a newspaper of general circulation in the county at least six (6) times prior to demolition or removal. The first notice shall be published no later than fifteen (15) days after the application for a permit for demolition or removal is filed and the final notice shall be published approximately fifteen (15) days prior to the date of demolition or removal. The purpose

of this section is to afford the Town, interested persons, or historical societies or organizations the opportunity to acquire or to arrange for preservation of such buildings.

7. During this six (6) month period, the Committee may negotiate with the owner of the property and with any other properties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, recommendation for a historic easement or inducements to interested third parties to purchase the property for the purpose of preserving it.
8. If, on the basis of an archeological site survey or other information, the Committee determines that there is an archeological site on the parcel, it may limit excavation or building on that parcel to preserve or protect the site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the site.

b. Should a property owner want to demolish or remove a building or appurtenant structure classified B, a four (4) month notice of the proposed demolition or removal shall be given before a demolition or removal permit is issued.

1. The owner of the affected building shall cause notice to be published in a newspaper of general circulation in the county at least three (3) times prior to demolition or removal. The first notice shall be published no later than fifteen (15) days after the application for a permit for demolition or removal is filed and the final notice shall be published approximately fifteen (15) days prior to the date of demolition or removal. The purpose of this section is to afford the Town, interested persons, or historical societies or organizations the opportunity to acquire or to arrange for preservation of such buildings.
2. During this four (4) month period, the Committee may negotiate with the owner of the property and with any other properties in an effort to find a means of preserving the property. Such negotiations may include relocation to a new site, recommendation for a historic easement or inducements to interested third parties to purchase the property for the purpose of preserving it.
3. If, on the basis of an archeological site survey or other information, the Committee determines that there is an archeological site on the parcel, it may limit excavation or building on that parcel to preserve or protect the site or may approve a plan or conditions to provide for appropriate evaluation, excavation or protection of the site.

H. ACQUISITION OF HISTORIC EASEMENTS

The town may acquire, by purchase or donation, historic easements in any area wherever and to the extent that the Town meeting, upon the recommendation of the Design Review ~~Board~~Committee, determines that the acquisition will be in the public interest. For the purpose of this section, the term "historic easement" means any easement, restriction, covenant or condition running with the land, designed to preserve, maintain or enhance all or part of the existing state of places of historic, architectural, or neighborhood significance.

I.H. ORDINARY MAINTENANCE; PUBLIC SAFETY.

1. Nothing in this Chapter may be construed to prevent the ordinary maintenance or repair of any exterior feature in the Historic areas which does not involve a change in design, material, or outer appearance.

2. Applicants shall seek Design Review Permits for all alterations or demolitions necessary to alter a building for safety. The Committee shall not prohibit such alterations but such alterations shall comply as closely as possible with the other terms of this ordinance.

~~Nothing in this Chapter shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the Code Enforcement Officer shall certify is required for the safety of the public because of an unsafe or dangerous condition.~~

J.I. FEES

The selectmen shall establish the amount of the application fee or other fees required by this Ordinance, which amounts shall be sufficient to provide adequate funding to administer and enforce this Ordinance. All applications will include the application fee in order to be considered.

All reasonable fees for experts reasonably required by the Design Review Committee to rule on an application shall be paid by the applicant. Experts shall not perform their services unless and until the applicant pays for the services in advance. The Design Review Committee shall have the exclusive right to select any experts.

K.J. DESIGN REVIEW COMMITTEE

1. **COMPOSITION:** The Board of Selectmen shall appoint five (5) persons to serve one year terms. The ~~committee~~Board Committee's membership shall comprise of the following: a. Members should be a resident of the Town of Newcastle; b. a. One Newcastle property owner from each of the design review districts, i.e. Village, Sheepscot, and Damariscotta Mills; and be. One member with demonstrated knowledge, ability experience in the field that involves either architecture, home

construction, renovation, restoration of structures; and cd. one member of the Newcastle Historical Society.

2. ALTERNATES: The selectmen may appoint alternate members as they deem appropriate, which members may vote in the absence of a regular member.

3. TRAINING: The ~~committee~~Board~~Committee~~ shall receive appropriate training for a minimum of six hours prior to convening as a ~~committee~~Board~~Committee~~ to hear an applicant's petition for a design review certificate.

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