

**Town of Litchfield, Maine**

**Historic Preservation  
Ordinance**

**June 17, 2006**

# Historic Preservation Ordinance

## Article I

### *Purpose*

The Purpose of this Ordinance is to:

1. Safeguard the town of Litchfield's historic, cultural and aesthetic heritage by preserving sites and landmarks of historic and cultural interest.
2. Promote the cultural, educational, and economic welfare of the people of the town through the recognition, perpetuation and enhancement of sites and landmarks of historical and cultural significance.
3. To enhance the town's image as a place attractive to visitors and thus support and stimulate business in the town.
4. To promote the use of historic and culturally significant sites and landmarks as a source of education and enjoyment for the people of the town.

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## Article II

### Definitions

As used in this ordinance, the following terms have the meaning indicated:

*Alteration* -- The word alteration includes: “rebuilding”, “reconstructing”, “removing”, and “demolishing”.

*Building* -- A combination of any materials forming a shelter that may be used for persons, animals, or property.

*Commission* -- The commission acting as the Litchfield Historic Preservation Commission established per Article III.

*Certificate of Appropriateness* -- This certificate will be required only in the cases of *Historic Landmarks* and *Historic Sites* as defined below. The certificate is a written approval granted by the Commission upon application of a person with sufficient right, title, or interest to the property defined as a Historic Site or Landmark. The certificate may be issued after a prescribed review procedure, certifying that the proposed actions by an applicant are found to be acceptable for the property in question.

*Demolition* -- The razing of any exterior architectural feature, structure, or object.

*Historic Landmark* -- Any improvement, building or structure of particular historic or architectural significance to the town of Litchfield relating to its heritage, cultural, social, economic or political history. Such Historic Landmarks must be designated by ordinance. Any alteration to a Historic Landmark requires a Certificate of Appropriateness as defined above.

*Historic Site* -- Any parcel of land of special significance in the history of Litchfield and its inhabitants, including prehistoric and archeological sites. Such Historic Sites must be designated by ordinance and may constitute part of the premises on which an historic landmark is located. Any alteration to such Historic Sites requires a Certificate of Appropriateness as defined above.

*Relocation* – Moving a building, structure or other historic landmark from its original location to another location.

*Renovation* -- Adding or replacing a feature to simulate the original.

*Repair* -- Correcting deterioration, decay or damage to the real property or structure with the intent to restore it to the condition prior to the deterioration, decay or damage.

*Restoration* -- To bring back to a former or original state.

*Structure* -- Anything constructed or erected the use of which requires a fixed location on or in the ground. Examples would include, but not be limited to, old mill dams and mill sites.

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## Article III

### *Establishment, Organization, and Powers of the Commission*

#### 1. Operating procedures:

A. *Appointment*: Persons wishing to be considered for membership on the Commission shall submit a written request to the Selectmen, who shall appoint members for staggered 3 year terms or to fill out the remaining term of a vacating member. The Commission will consist of at least five and not more than thirteen members.

B. *Vacancy*: A vacancy shall be created when a member resigns, dies or is removed by the Board of Selectmen for cause. If a member is absent for three consecutive meetings without excuse the Commission will notify the Board of Selectmen of such absence with a summary of the circumstances and a recommendation that the member either be retained or dismissed from the Commission. Vacancies should be filled within 60 days.

C. *Meetings*: The Commission shall hold at least four meetings per year and shall post its meeting schedule at the Town Office. All meetings shall be open to the public.

D. *Parliamentary Procedure*: The Commission shall establish procedures for conducting meetings.

E. *Officers*: At the first meeting of the calendar year, the Commission shall elect whatever officers it will, but must include a Chairman and a Secretary. The Secretary shall record the minutes of each meeting, post them at the Town Office, and deliver them to each member.

F. *Quorum*: A quorum shall consist of a majority of the members.

G. *Legal Vote*: A legal vote shall consist of a majority of the members present and voting.

H. *Eligibility*: A municipal officer may not be a voting member of the Commission.

I. *Dismissal*: A member may be dismissed by the Board of Selectmen for cause.

#### 2. Powers and Duties:

The Commission shall be authorized to:

A. Conduct a survey of historic and archeological resources within Litchfield according to the guidelines established by the Maine Historic Preservation Commission and maintain a record of such.

B. Recommend methods and procedures to the Town officials necessary to preserve, restore, maintain and operate *historic landmarks* and *historic sites* under the ownership and/or control of the Town.

C. Review alterations, relocation and demolition of the designated *historic sites* and *historic landmarks* within the Town's jurisdiction.

D. Review all new construction affecting designated *historic landmarks* and *historic sites* within the Town's jurisdiction to determine how the designated *site* or *landmark* will be affected.

E. Review all proposed National Register nominations for *historic landmarks* and *historic sites* within the Town's jurisdiction. When considering a nomination requiring evaluation by a professional in a specific discipline not represented on the Commission, the Commission shall seek outside expertise in that area before rendering a decision.

F. Recommend ordinances to Town Officials and otherwise provide information for the purposes of historic preservation in the town.

G. Recommend to the Town Officials guidelines for the conservation of designated *historic sites* and *historic landmarks* to be used in decisions for requests for permits for new construction, alterations, demolition, relocation, or addition to designated *historic sites* or *historic landmarks* within the Town's jurisdiction.

H. Act in an advisory role to Town Officials and other departments/committees regarding the protection of local cultural preservation.

I. Act as a liaison on behalf of the Town government to individuals and organizations concerned with historic preservation.

J. Promote and conduct an educational and interpretive program on historic preservation and historic properties and sites within the town.

K. Cooperate with federal, state, and local governments in the pursuance of the

objectives of historic preservation.

L. Participate in the conduct of land use and other planning processes undertaken by the Town, State and Federal Government, and by the agencies of these entities.

M. Cooperate with and keep communications open to the Maine Historic Preservation Commission.

N. Issue Certificates of Appropriateness pursuant to this ordinance.

O. Administer the Historic Preservation Ordinance.

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## Article IV

### *Historic Sites and Historic Landmarks.*

#### 1. Criteria for Designation:

The historic sites and historic landmarks established in accordance with this Ordinance shall meet one or more of the following criteria, without limitation as to cultural or chronological period:

A. 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 the town of Litchfield, the State of Maine or the nation, including sites, structures and buildings at which visitors may gain insight or see examples either of particular items or of larger patterns in the North American heritage.

B. Structures or sites associated with historic personages, great ideas or ideals of local, state, or national importance.

C. Structures or structural remains and sites embodying examples of architectural types or specimens valuable for studying of a period, style, or method of building construction, of a community organization and living, or of landscaping; or a notable structure or site representing the work of a master builder, designer, architect or landscape architect.

D. Structures contributing to the visual continuity of the town.

E. Those sites or areas on or eligible for listing on the National Register of Historic Places or as a National Historic Landmark.

#### 2. Designation of Historic Sites and Historic Landmarks:

A. *Application Content.* Any application for the designation of a historic site or historic landmark shall be in writing, directed to the Chairman of the Historic Preservation Commission, and shall include the following:

- i. A description of the physical elements, qualities, architectural style,



period and historical significance represented by the proposed site or landmark, including a consideration of scale, materials, workmanship and spatial qualities as relevant.

ii. A statement of how the proposed site or landmark meets the qualifications outlined under, “Criteria for Designation” in Article IV of this Ordinance.

iii. A map showing the proposed boundaries, and a written justification of the boundaries.

iv. Photographs of the proposed site or landmark illustrating the significant detail(s) which qualify it for designation.

The Historic Preservation Commission may require such additional documentation or evidence as it may determine to be necessary, including plans, drawings and elevations and, notwithstanding any time limit for any action or decision in this Ordinance, it may continue a proceeding for such additional time as it may reasonably take for the applicant or any other party to comply with the request for additional documentation.

*B. Initiation of Application.* An application for the establishment or designation of a historic site or landmark shall be initiated only by the owner of the property or a qualified agent of the owner. An owner shall mean anyone with fifty-one percent or more ownership of a property.

*C. Review of Application for the Designation of Historic Sites and Historic Landmarks.* The Historic Preservation Commission shall review the applications for designation of historic sites and historic landmarks. Before making the Historic Preservation Commission’s recommendations to the Selectmen, the Historic Preservation Commission shall forward a draft of the application to the Planning Board and the Maine Historic Preservation Commission for review and comment.

#### *D. Public Hearing*

i. A public hearing shall be held within sixty (60) days of the receipt of a completed Application for Designation. Written notice of the application hearing shall be given by certified mail, return receipt requested, thirty (30) days prior to the hearing date to the applicant(s), the owner of the property that is the subject of the proposed designation, owners of all property within one hundred feet of the boundaries of the proposed historic site or landmark, and all other persons found by the Historic Preservation Commission to have special interest in the application,

including any historical organizations in the town.

ii. Failure of any property owner to accept or receive notice of the hearing shall not constitute grounds for objection by such property owner, and shall not invalidate any recommendations made by the Historic Preservation Commission.

iii. Notice of the hearing shall be included in a newspaper of general circulation at least ten (10) days prior to the hearing date.

iv. At the public hearing, the Historic Preservation Commission may call witnesses, including experts, as it deems necessary. The Commission may view the parcels at issue and direct the conduct of an independent investigation into the proposed designation.

E. *Final Report.* Within sixty (60) days after the public hearing, the Historic Preservation Commission shall report its findings on the application, including the views of affected and interested parties, and give its recommendations to the Selectmen.

F. *Designation by Town Meeting.* The designation of historic sites and historic landmarks shall be enacted by Town Meeting conducted in accordance with State and Municipal laws.

### 3. Designated Historic Sites and Historic Landmarks:

The following described structures in the Town of Litchfield are designated Historic Landmarks.

Litchfield Academy  
The Old Town House

### 4. Amendment and Rescission of Designation.

Amendment or rescission of any designation shall be upon the request of a person or persons authorized to designate the property or structure affected, or upon request of the Selectmen and shall follow the procedure for designation set forth in Article IV of this Ordinance.

## Historic Preservation Ordinance

### Article V

#### *Certificates of Appropriateness*

1. *When required:* A Certificate of Appropriateness is required before a building permit can be issued for the demolition, new construction, exterior alteration, modification, relocation or addition to any structure designated as an *historic landmark* or any structure located on an *historic site*. Any building permit not issued in conformity with this ordinance shall be considered void.
2. *Application form:* The Commission may prescribe application forms and may require such data as is reasonable and necessary to determine the nature of the application. An application shall not be considered complete until all the required data have been submitted.
3. *Filing and Fee Requirements:* An application for a Certificate of Appropriateness, signed by the owner of the property or site in question, shall be filed with the Code Enforcement Officer or other person designated by the Board of Selectmen. The Selectmen shall establish a reasonable fee which should not exceed the Town's costs of processing Certificates of Appropriateness and advertising meetings thereon.
4. *Consideration by the Commission and Public Hearing:* An application for a Certificate of Appropriateness shall be considered by the Commission at its next regular meeting, provided it has been filed at least twenty-one (21) calendar days before the regularly scheduled meeting. The Commission shall conduct a public hearing on the Certificate of Appropriateness at that meeting or the next succeeding meeting. The Commission shall make best efforts to inform abutters of the public hearing. The Commission chairman or vice-chairman shall sign the Certificate stating its approval, denial, or approval with conditions, and shall state the reasons for the decision.

5. *Exemptions:* Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature of structures when that repair does not involve a change in design, material, or outer appearance of the structure. Emergency repairs and paint color shall be exempted from this ordinance.

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## Article VI

### *Substantial Hardship*

If a Certificate of Appropriateness is denied, the property owner may apply for an exemption based on the substantial hardship of maintaining the property according to the design guidelines for historic properties. Substantial hardship is to be considered by the Commission where one or more of the following unusual and compelling circumstances exist:

1. The property can not be reasonably maintained in the manner dictated by the ordinance.
2. There are no other reasonable means of saving the property from deterioration.
3. The property is owned by a nonprofit organization and it is not financially or physically feasible to achieve the charitable purposes of the organization while maintaining the property appropriately.

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## Article VII

### *Design Guidelines and Review Standards*

In granting a *Certificate of Appropriateness*, the Commission shall take into account the architectural and historical significance of the structure under consideration and the exterior form and appearance of any proposed additions or modifications to that structure, and of any proposed structures as well.

When considering an application for a *Certificate of Appropriateness* for new construction, alteration, repair, or restoration, the Commission shall use the *Secretary of the Interior's Standards for Rehabilitation* as guidelines in making its decisions. In addition, the Commission may adopt more specific guidelines for local historic buildings which will be subject to the approval by Town Meeting. *The Secretary of the Interior's Standards for Rehabilitation* which shall be applied by the Commission for Town owned properties are:

1. An historic property or contributory structure will be used as it was historically, or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic or contributory character of a property shall be retained and preserved. The removal of distinctive materials, or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other buildings, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary

and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. New structures, additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property or the relationship of the property to the district. The new work or structure will be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property, and its environment.

9. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property, its environment would be unimpaired.

# **Historic Preservation Ordinance**

## **Article VIII**

### *Appeals*

Any person aggrieved by a decision of the Commission may appeal the decision of the Commission pursuant to Rule 80 B of the *Maine Rules of Civil Procedure*.