

York Village Historic District Expansion Proposal  
 Public Information Session and Public Hearings  
 September 25, October 2, 2019 & October 30, 2019

	<b>09-25-19 Info Session</b>	<b>10-02-19 1<sup>st</sup> Public Hearing</b>	<b>10-30-19 2<sup>nd</sup> Public Hearing</b>
Number of Attendees	16	11	12
Number of Individual Properties Represented	11	7	10
Number of Questions Raised*	25	23	8
*see minutes for description & HDC response			

February 19, 2020

**PROPOSED YORK VILLAGE HISTORIC DISTRICT EXPANSION**

Questions and Responses from the Public Hearings

UPDATED February 19, 2020

The York Historic District Commission is seeking to expand the York Village Center Historic District to the west along York Street to its junction with Route 1. York residents are fortunate to have a rich, historic village full of fine examples of commercial and domestic American architecture from the early Colonial era to the present. It is a rare and valuable illustration of our Town, our State, and our Country, and offers a rich setting and pleasing environment for residents and visitors alike. By expanding the Village Center District along York Street, one of Maine's oldest streets, this experience may be maintained and preserved for generations to come.

The York Historic District Commission appreciates the unique opportunities and challenges historic district provisions place on property owners, and we hope the following questions and answers can shed light on this important discussion. Creating or expanding a historic district is not a minor decision, and we want residents to see the value of protecting the character of our Town with respect to their properties and the experience of the general public.

*For more information, please see York's zoning ordinance Article 12 "Historic and Archeological Resources". This Article provides the standards and guidelines utilized by the HDC when creating districts and reviewing applications for Certificates of Appropriateness. Relevant articles are referenced below each question.*

## **1. *Why expand the district now?***

The section of York Street under consideration is one of the oldest and most historic in the region, and the structures along it represent more than three centuries of life in York. Several are iconic. Only one of them is currently protected as a landmark in Article 12. Any of the others could be drastically altered or demolished under current ordinances. That would be a sad loss to the village's character.

Please remember, the loss of character and a “sense of place” does not typically happen overnight. It often begins with the occasional demolition of single structures, and periodic, incompatible alterations to other historic building or houses. The result is, over time, York Street could lose the very character and sense of place which make it one of the most historic streets in Maine, and a valuable, visual entrance to the Town.

*Relevant zoning articles:*

*12.3.6 “To make Recommendations for establishing and/ or revising historic districts, historic landmarks, or historic sites, to the Selectmen, in accordance with the procedures detailed in Section 12.5.”*

*12.5 Establishment of Historic Districts, Historic Sites, or Landmarks*

## **2. *How will inclusion in a historic district affect on my property valuation of tax assessment?***

Inclusion in the historic district will have no impact on the assessed value of your property.

**3. *What improvements are regulated by the historic district for private properties, and public infrastructure (York Street)?***

The Town of York Ordinance, Article 12, governs the types of changes/improvements/repairs that require review and/or a Certificate of Appropriateness from the Historic District Commission. Article 12 is summarized below:

*Improvements requiring review:* Physical improvements to the exterior of a building or structure, including additions, reconstruction, alterations or demolition. New construction, the moving of any structure, and public improvement projects are also reviewed.

*Improvements not requiring review:* Ordinary maintenance and repair of exterior architectural features that do not change in design, material or appearance, are not reviewed. Reversible improvements like storm windows, storm doors, window air conditioners, shutters, paint and signs, are also not reviewed.

The intent here is to work directly with homeowners to ensure repairs/changes maintain the historic features and character that make their home or building a contributing, visual component of the historic district. We recognize repairs to historic structures might pose a financial or logistical burden, and we make every effort to help property owners find solutions that meet their needs and the intent of the ordinance.

*Relevant zoning articles:*

*12.8 Improvements Not Requiring Historic District Commission Review*

*12.9 Improvements Requiring Historic District Commission Review*

**4. *Will I be required to obtain Historic District Commission Review and/or a Certificate of Appropriateness for changes to the interior of my home?***

The Historic District Ordinance, Article 12 of the Town of York Zoning Ordinance, only applies to the exterior portions of a property that are visible from a public right of way. The intent here is to preserve the character of the district that is visible to the public. This is common practice with respect to historic districts both in Maine and throughout the Country.

*Relevant zoning articles:*

12.9 Improvements Requiring Historic District Commission Review

12.9.1 “A physical change in the exterior of a building or structure...”

**5. *How does this relate to the National Register District already established along York Street in York?***

The National Register District does not require property owners to adhere to any particular standards when making improvements, changes, or repairs to their historic district properties. However, it does offer potential incentives for maintaining commercial buildings within the district and protects against possible destruction by any federally-funded or federally-permitted development or transportation project. The area of the proposed expansion is wholly within the National Register District.

National Register Districts are effective in these areas, but does not limit property owners from drastically altering or demolishing their properties. The loss of local, historic character remains a very real possibility.

*Relevant zoning articles:*

N/A. Only local historic districts are regulated by York's zoning ordinance.

**6. *Will this affect the Davis property project?***

After the York Village Historic District expansion goes into effect, any new building on the Davis property that is within the boundaries of the proposed district would be subject to the requirements of Article 12 of the Town of York Zoning Ordinance for new buildings. The Historic District Commission would have to review the plans for those buildings for a Certificate of Appropriateness for construction of new buildings and structures in Historic Districts.

Note: As of 01-08-2020, The proposed District boundary that crosses the Davis property was amended to be in-line with the existing National Register District boundary.

*Relevant zoning articles:*

*12.14.3 Construction of new buildings and structures in Historic Districts*

**7. *What is the typical approval timeline for projects?***

The Historic District Commission typically meets one time per month and the time for review of a request for a Certificate of Appropriateness is roughly thirty days. The time can be as short as 14-days, and if an application for a simple change is timely submitted, the owner can have the documentation within 2-3 days. For a larger, more complex project, especially if the Commission determines that a site visit is necessary, the process can take a full month or more. Property owners can save time by planning ahead, carefully and fully completing the application, and drafting finding of fact language that could be used by the Historic District Commission.

Property owners are encouraged to present a non-binding “sketch plan” at a Historic District Commission meeting in advance of submitting an application which allows the property owner to ask and address any questions or concerns about the application process and the scope of review.

*Relevant zoning articles:*

*12.11 Application Procedure. References Article 18-A: Application Review Procedures*

*12.12. Application Contents*

*12.13 Meetings, Hearings and Application Review*

#### **8. *What if my project is approved before the district is expanded?***

Any projects approved prior to the date the York Village Historic District Expansion goes into effect retains its approval. The change will not be applied to any project retroactively.



**9. *Where can the public see the York Street Historic Resources survey documents and the proposal for the York Village Historic District Expansion?***

Both the Architectural Survey documents and map of the proposed district expansion can be viewed online at:

<https://www.yorkmaine.org/DocumentCenter/View/2938/York-Street-Architectural-Survey-Report>

and

<https://www.yorkmaine.org/DocumentCenter/View/2940/Proposed-York-Village-Center-Historic-District-Expansion->

The Town Clerk has a hard copy of the survey document and the complete proposal for public viewing.

*Relevant zoning articles:*

*12.5 Establishment of Historic Districts, Historic Sites, or Historic Landmarks*

**10. *How do we submit comments or input while the proposal is being considered for inclusion on the May 2020 Ballot?***

You may attend a public hearing at the Planning Board 12/19/19 or the Board of Selectmen on January 13, 2020 and express your views. You may also submit them in writing to the Historic District Commission, The Planning Board, or the Board of Selectmen via email or U. S. mail.

**11. *How do we talk with the HDC?***

All of the Historic District Commission's meetings are open to the public. The schedule is posted at Town Hall, in the York Weekly, and online on the Town's website [yorkmaine.org](http://yorkmaine.org). The best way to talk with the Commission is to attend one of our meetings and speak in the Citizens' Forum at the start of each meeting. If you are considering a project, you can submit preliminary ideas and ask to be on the agenda to discuss it with us. Please note that individual commissioners cannot give guidance or discuss projects outside of public meetings.

*Relevant zoning articles:*

*12.11 Application Procedure. References Article 18-A: Application Review Procedures*

*12.12. Application Contents*

*12.13 Meetings, Hearings and Application Review*

## ***12. What if a property in a historic district is not historic? How is this determined?***

There are two classifications for structures in historic districts: contributing resources and non-contributing. Contributing resources are at least 50-years old, have integrity in that they have not been drastically altered from their original form, and are in good condition. Non-contributing resources are less than fifty years old; have been altered so much as to have lost their historic character; or are in such bad shape that they are unlikely to be repaired. The Commission applies the standards of Article 12 more carefully and thoroughly to contributing structures than to non-contributing structures, which get more leeway. For this proposed district expansion, the determination of contributing vs. non-contributing resources was made by a professional Architectural History consultant. See York Street Architectural Survey Report online at:

<https://www.yorkmaine.org/DocumentCenter/View/2938/York-Street-Architectural-Survey-Report>

**13. *Do you treat qualifying but younger properties differently than older ones?***

If a structure is contributing to the historic district, the standards apply consistently whether it is 50 years old or 300 years old. The intent here is to remain objective and respect each era of history represented in the district, and not choose one time period over another.

**14. *What financial incentives are there for property owners in historic districts?***

There is a local tax credit for work on buildings in a local historic district, or designated as landmarks in Article 12. The work must be consistent with the Secretary of the Interior's Standards for the Rehabilitation of Historic Structures. Additionally, there are state and federal tax credits for such work on historic buildings used for commercial purposes.

*Relevant zoning articles:*

*12.16 Property Tax Refund Policy*

**15. *Can I get the tax credit for an historic house not in a district?***

Historic preservation tax credits are available for any property in York that is within a historic district in York, is a contributing resource in the National Register Historic District, or if the Maine Historic Preservations Commission deems it eligible for the National Register of Historic Places.

*Relevant zoning articles:*

*12.16 Property Tax Refund Policy*

**16. *Can one replace original materials or finishes with non-historic materials or finishes?***

When reviewing an application for a Certificate of Appropriateness for a project, the Commission balances considerations of authentic appearance, cost, availability, and the performance of various materials. Some materials, for example faux slate composite roof shingles and the new composite “wood” products are very hard to discern visually and have been shown to perform well at lower cost.

Other non-historic materials, such as vinyl or aluminum siding that does not have the look of the historic materials, or replacement windows that noticeably alter the proportions, size, or shape of the window opening or are stylistically inconsistent with the windows being replaced are generally not acceptable as they lack the authentic appearance and often the performance of traditional materials.

*Relevant zoning articles:*

*12.8 Improvements Not Requiring Historic District Commission Review*

*12.9 Improvements Requiring Historic District Commission Review*

*12.12 Application Contents*

**17. *If my house is damaged in a microburst, do I need to go through the HDC to repair it?***

If your home falls victim to a destructive act of nature or another emergency situation, you will be able to make the necessary repairs without obtaining a Certificate of Appropriateness as long as you repair the building to its form prior to the damage and do not change a character-defining feature. Basic repairs to a damaged roof, siding, windows, etc. do not require review by the Commission.

**18. *Is there a workforce housing requirement in historic districts?***

The historic districts in York do not have a requirement for workforce housing. Workforce Housing is addressed in the Town of York's Zoning Ordinance, but has no relationship with the Historic District portion of the Ordinance.

**19. *Does the HDC monitor maintenance, for example demolition by neglect?***

The Commission is responsible for reviewing applications for Certificates of Appropriateness for changes to structures within the Historic District. However, the Code Enforcement Office takes information about dilapidated homes and has a means of addressing the issue.

**20. *Can we replace windows for greater energy efficiency?***

Windows are an important, character-defining feature of most all historically significant buildings. Article 12 of the Zoning Ordinance calls for repair rather than replacement of character-defining features like windows whenever feasible. Older windows can be repaired

and made energy-efficient at costs comparable to the purchase and installation of new windows.

Note: Storm windows are not subject to review/approval by the HDC. This approach is highly encouraged and effective for improving energy efficiency while retaining valuable, historic windows.

*Relevant zoning articles:*

*12.8 Improvements Not Requiring Historic District Commission Review*

*12.8.2 Nothing in this Article shall restrict impermanent or easily reversible alterations such as storm windows, storm doors, window air conditioners, shutters, paint, or signs.*

*12.9 Improvements Requiring Historic District Commission Review*

*12.14 Standards of Review*

***21. Where are we in the process for expanding the York Village Historic District? What comes next in the process?***

The process for creating or expanding a historic district is detailed in Article 12 of the Zoning Ordinance. It requires public hearings by the HDC, the Planning Board, and the Selectmen, and approval by the voters on a town warrant. We have held an informational session and two public hearings at the HDC. The Planning Board will hold a public hearing December 19. The Selectmen will hold one, and maybe two public hearings in January. They will decide whether the proposal goes on the town warrant for May.

*Relevant zoning articles:*

*12.5 Establishment of Historic Districts, Historic Sites, or Historic Landmarks*

**22. *Why might the Selectmen not put this on the warrant?***

The Selectmen will consider the pros and cons of the proposal and will take public testimony from stakeholders and town residents. It is important for you, as a property owner in the proposed district, to provide input and ask questions at all levels of the process.

**23. *Would the HDC have prevented removal of a 100-year-old addition to an 18th-century house if the owner thought removal would improve it? Would we (the HDC) discourage returning that house to its original appearance?***

In general, the Secretary of the Interior's Standards and those written into Article 12 encourage saving all phases of a building's history rather than choosing one period and removing everything not consistent with that. What one generation regards as unimportant may be treasured by the next. Taking away changes removes some of the building's story, and thus some of the visual story of our community. On the other hand, deteriorated additions or ones that have themselves lost their character due to subsequent alteration could well be approved for removal.

Homeowners are encouraged to submit a request to discuss their project with the HDC prior to completing a formal application. The HDC welcomes the chance to discuss projects with property owners and provide guidance for how to balance the intent of the ordinance and the homeowner's request.

*Relevant zoning articles:*

*12.9 Improvements Requiring Historic District Commission Review*

*12.14 Standards of Review*

**24. *Do you consider all sides of a building equally?***

The HDC generally focuses on what is visible from public rights of way. While not stated specifically in the ordinance, this is common practice throughout the State and the Country. The intent of historic districts is to maintain the historic character of the publicly visible elements, those features that give residents and visitors a sense of the Town's past.

**25. *How do you deal with solar panels?***

See Article 12.18 on page 217 of the Zoning Ordinance. In general, we look for the installation that has the least effect on the character-defining features of a property.

*Relevant zoning articles:*

*12.18 Solar Energy Systems*

**26. *Has the HDC considered having only an advisory role, rather than an authoritative one?***

We already have a role advising and educating owners of historic properties regarding preservation. However, when it comes to protecting the historic resources and the historic aesthetics and character of our community, regulations are important tools. Article 12 of the



Zoning Ordinance provides limited powers to the Historic District Commission so that it may help the residents of the District protect their properties and neighborhood from unwanted non-compatible development and the loss of resources that are important not only to the community and the Town, but to the New England region and the country.

***27. What if I want to (fill in the blank) at my historic district property? Will my project receive a Certificate of Appropriateness from the HDC?***

It is difficult to specify with certainty whether or not a hypothetical project will receive a COA from the HDC. Every project that is presented must be assessed on its own unique aspects. The HDC is charged with specific duties, functions and powers including assisting, advising, and educating owners of historic properties in complying with the requirements of Article 12.

The HDC works with the property owners to help design a project that meets the requirements of the ordinance as well as the property owner's goals, budget, and taste. While it is not possible to say whether or not a hypothetical project will receive a COA, there are certain projects that will require a COA and others that will not.

Projects that will require application for a COA include, but are not limited to:

- ❖ new construction
- ❖ additions or expansions to a building or structure
- ❖ demolition or removal of a building or structure
- ❖ moving a building or structure
- ❖ alterations to the exterior features of a building or structure ie: porches, rooflines, windows, doors, porticos, chimneys, changes in siding style and material

- ❖ Public improvement projects ie: street lighting, sidewalk paving, utility distribution, street beautification, curbing etc.

Projects that WILL most likely NOT require a COA (always check with the code enforcement officer in advance!) include, but are not limited to:

- ❖ ordinary maintenance and repair
- ❖ alterations to paint color
- ❖ replacement or repair of siding, roofing, trim, stairs, chimneys, etc. with identical materials in identical form, style, and appearance
- ❖ landscaping and gardens
- ❖ easily reversible alterations such as storm doors, storm windows, window air conditioners, signs, etc.

*Relevant zoning articles:*

*12.3 Duties, Functions, and Powers of the Historic District Commission*

*12.8 Improvements Not Requiring Historic District Commission Review*

*12.9 Improvements Requiring Historic District Commission Review*

## ***28. Is the proposed historic district expansion comply with the Town of York's Comprehensive Plan?***

The Comprehensive Plan is a document that was designed and written to document the community's goals, aspirations, and priorities for community development. It is used to inform decision-making and planning for the town. York's Comprehensive Plan encourages protection of Historic and Archaeological Resources throughout town.

York's Comprehensive Plan includes an Inventory and Analysis of Historic and Archaeological Resources which informs the priorities and recommendations set out in the Plan. The Comprehensive Plan describes the area of York Street from Route 1 to York Village as a "picturesque column of historic well landscaped and maintained homes," and points out that "Many visitors likely form very favorable impressions of York because of the area's character." In terms of issues the Comprehensive Plan identifies for the Town to address, Number 1 is "How to retain the historic character and quality of existing homes." The Comprehensive Plan recommends that "the Historic District Commission identify those properties in this area which possess historic significance and merit classification as a Historic Designated property. The Commission should develop a program to encourage the preservation of these properties." Town of York Comprehensive Plan, Vol. 1, page 123-125.

\*\*\*