

## **LOCAL DESIGNATION**

Towns and cities in Maine can pass historic preservation ordinances to preserve historically significant properties and districts. Ordinances create oversight bodies—usually historic preservation commissions or review boards—and empower them to identify, designate, and preserve properties and districts significant to the history of their community such as individual landmark buildings, cemeteries, neighborhoods, etc. There is variability across ordinances, including whether decisions of the oversight bodies are binding or simply advisory. In most cases, the process of local designation and subsequent review of changes and new construction are all public processes and provide citizens the opportunity to weigh in on local decisions.



*Downtown Bangor has several locally designated historic districts, including the Great Fire, High Street, West Market Square, and Main Street Districts (Photo, NoLimit Films)*

### **What does it do?**

- Identifies and documents historically significant properties and districts
- Enables local agencies to consider historic resources in planning processes
  - Establishes design guidelines and minimum maintenance requirements for designated properties and districts
- Requires review and approval of alterations or additions to designated properties and construction of new buildings in and districts
- Protects historic properties, stabilizes investment, and ensures quality of design

## Where to Start

Contact your town or city government to learn whether your community has a historic preservation ordinance, and if so, what properties are locally designated and what level of protection that affords. Some communities share minimum standards required to be a Certified Local Government (CLG), a designation through National Park Service. A complete list of CLGs (<https://www.maine.gov/mhpc/programs/protection-and-community-resources/certified-local-government-program>). If your town does not have a preservation ordinance, the topic could be explored with your select board or city council, planning and economic development staff, Maine Preservation, or the Maine Historic Preservation Commission.

## Designation

Each community has its own process for designation, though most begin with a nomination to the oversight body. The property or district is evaluated to see if it meets the criteria of the program, and the body holds a public meeting to consider designation and gather public input. Some communities require consent from property owners for designation. If the oversight body concludes that the property or district meets the criteria for the program, they make a recommendation to the community's governing body (select board, town council, city council, etc.) that ultimately votes whether to designate.

## Review of Alterations, New Construction, and Demolition

Local designation may provide real protection for historic properties by establishing design guidelines and minimum maintenance requirements. Design guidelines regulate change—preserving historic features and fabric, establishing best practices for how properties can be adapted for modern uses, and directing requirements for how additions and new construction can be integrated so it is compatible. Any changes to properties that go beyond general maintenance require approval and permitting from the oversight body, usually in the form of a Certificate of Appropriateness (COA). Work requiring a COA could include construction of an ADA ramp, addition to the rear of a house, and repair/replacement of exterior materials like siding, windows, and roofing. Review of work occurs at public meetings and allows citizens the opportunity to weigh in on decisions. Preservation ordinances usually prohibit demolition of locally designated properties outright, with exceptions for economic hardship and public safety.

## Assistance

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**NATIONAL REGISTER OF HISTORIC PLACES**

The National Register of Historic Places is the official list of significant sites deemed worthy of preservation by the United States Department of the Interior. Specifically, the National Park Service (NPS) oversees the National Register but it is administered locally by the Maine Historic Preservation Commission (MHPC). All properties listed in the National Register must meet the criteria established by NPS to ensure that all listings are both historically significant and retain their integrity.



*National Register-listed Eastport Historic District & Wallace-Haskell Homestead, Phippsburg*

**The National Register DOES:**

- identify historically significant buildings, structures, sites, objects, and districts
- encourages the preservation of properties by documenting their significance
  - enable federal, state, and local agencies to consider historic properties in the early stages of planning projects
- provide for review of federally funded, licensed, or sponsored projects which may affect historic properties
- allow owners of historic properties to apply for grants for preservation activities
- permit owners of income-producing properties to explore use of state and federal historic rehabilitation tax credit programs

**The National Register DOES NOT:**

- restrict the rights of private property owners in the use, development, or sale of private historic property
- automatically create a historic district at the state and local level
- prevent federal, state, local, or private projects
- require review of state, local, or privately funded projects which may affect historic properties
- guarantee eligibility for grants or state and federal historic rehabilitation tax credit programs

## Where to Start

Contact MHPC to learn whether a property is listed in the National Register. If you would like to nominate a property to the National Register, the first step is submission of a National Register Eligibility Assessment Form. If MHPC determines a property to be eligible preliminarily, the next step is completion of a full nomination. The necessary forms are available online, along with helpful how-to documents and an overview of the process (<https://www.maine.gov/mhpc/programs/national-register-of-historic-places/application-process>). Nominators must provide the following for the property: a researched history, written description and photographic documentation of the physical property, and argument for why the property is significant and retains its integrity.

Eligibility forms and nominations can be submitted by anyone, though it is best to work in partnership with the property owner. Listing in the National Register requires the consent of the property owner. Depending on the type, size, or complexity of the property, it may be necessary to hire a preservation consultant to complete the assessment form and nomination. MHPC considers drafting nominations on a case-by-case basis. Maine Preservation offers assistance with assessment forms and nominations for a fee.

## Listing

Completed nominations are submitted to MHPC, and a State Review Board is ultimately responsible for reviewing and approving a nomination to ensure it meets the established standards of the program. With a favorable recommendation, MHPC submits the nomination to the National Park Service for final approval and listing. The nomination is archived at the Library of Congress.

## Assistance

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