

Durham Historic District Commission Activities of 2023

The Durham Historic District Commission's (DHDC) Mission is "to identify, preserve and inform citizens of the Town of Durham about its unique historical heritage. In fulfilling this mission, the Commission encourages local ordinances, by-laws or public action that preserves historic properties, both private and public. The Commission encourages appropriate maintenance and restoration of the town's historical structures and open spaces."

2023 was a busy one for the DHDC. We had several topics on which we focused, including but not limited to, the work charge to review and edit the Durham Land Use Ordinances pertaining to Historical Resources (Comprehensive Plan, Section 4) and, within that, the attempt to initiate repairs on the Union Church (Old Town Hall) on Route 136 (Comprehensive Plan, Section 1.1)

The Commission was created by the Town residents in 2007 to support the Comprehensive Plan and the Ordinances having to do with Historical Resources in Durham. Those sections of the Comprehensive Plan that are identified as the responsibility of the DHDC are:

Responsibility of DHDC

Section 1 *To promote the maintenance and restoration of historic structures and properties.*

Responsible: DHDC

Section 2 *To seek funding to preserve sites on the National Historic Register and repair or maintain other sites in Town. Responsible: DHDC*

Section 3 *To assure that before historic structures are altered or demolished or archaeological sites are disturbed, their values are fully assessed. Responsible: CEO, Planning Board, GPCOG, DHDC*

Section 4 *To update the Town's ordinances to protect significant historic and archaeological resources in the community with recognition of the need for reasonable and flexible treatment of property owners.*

Responsible: DHDC, CEO, Town Planner

Section 5 *To improve communication and public education on the presence and importance of historic and archaeological resources in Durham. Responsible: DHDC, Public Information Tech*

To view the particulars for each Section go to Pages 42-44 Section 2, page 2.2, 2.3, 2.4 of

https://www.durhamme.com/sites/g/files/vyhli4366/f/uploads/volume_i_approved.pdf

The work of the DHDC in 2023, included many of the responsibilities set forth in the Comprehensive Plan.

Section 1: The Commission went before the Town Meeting and received \$10,000 in the Town Budget for repair of the foundation sill at the Union Church. (The West Durham Methodist Church is no longer owned by the Town). We attempted to work with the Select Board in the on-going plan for the repair of the Union Church but ultimately all money for repairs was withheld. The Select Board closed the building's access stating that it was not safe. After hiring a structural engineer and having two contractors evaluate the building, it was found to be safe and suitable for use. There are identified repairs that are needed currently, including the foundation sill and rear right corner post. There is also expected routine maintenance that has been identified as necessary.

Section 2: The DHDC received \$10,000 in an affirmative vote at the 2023 Town Meeting for repair of the Union Church foundation sill. The Union Church is one of five buildings in Durham on the National Registry of Historic Places. The budgeted money was not released for use during 2023. In addition the

DHDC requested that \$21,000+ that was earmarked for renovation of the Union Church be released to be used for repairs. That money was not released during 2023.

Section 3: Upon learning belatedly the Parker School on Bowie Hill Road had been issued a permit to be demolished, the Commission began conversations with the landowner in an effort to save the building. Unfortunately the building was unable to be renovated and was demolished in August 2023.

Commissioners hope that in the future, through better communication with Town officials, we will learn early on of plans such as these so we can intervene as necessary to protect historical sites.

Section 4: A significant portion of the work completed in 2023 by the DHDC was editing the current Ordinances to better reflect the work of the Commission and its relationship to other Town offices. That work was completed in 2023. However, it was voted in August to wait to present our edited version until there could be open dialogue with other groups including the Codes Enforcement Officer (CEO) and Town Planner. The communication path between the Commission and Town officials has been difficult and we look forward to having conversations and coming to a consensus on many important issues beginning in 2024.

Section 5: was completed in 2022 and is ongoing.

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Article 5.14 of the Durham Land Use Ordinances states: HISTORIC RESOURCES can be found on page 28 within the Durham Land Use Ordinances.

https://www.durhamme.com/sites/g/files/vyhli4366/f/uploads/adoptedluo_2022_complete.pdf

Simplified, Article 5.14 says that there are particular important Historic Resources that may not be disturbed. It is the responsibility of the Codes Enforcement Officer to protect these areas including but not limited to *stone walls, granite posts, abutments, and markers older than one hundred (100) years of age; cemeteries and grave markers; archeological sites identified by the Maine Historic Preservation Commission; structures listed on the National Register of Historic places and churches or school buildings older than one hundred (100) years of age.* There is a boundary of 1500 feet from all buildings listed on, or deemed eligible by the Maine Historic Preservation Commission for listing on, the National Register of Historic Place with requirements for special permitting. Appropriate [vegetative] buffer strips of twenty-five (25') feet shall be maintained at all lot lines of property abutting such historic properties.

Although Article 5.14 of the Durham Land Use Ordinances is part of the job of the Codes Enforcement Officer, the DHDC believes that it could be helpful to that individual in determining if a building within the District and/or on the National Register of Historic Places is in compliance with the ordinance since Article 12, which defines the expectations of the DHDC, overlaps with Article 5.14.

ARTICLE 12 of the Durham Land Use Ordinances: HISTORIC DISTRICTS can be found within the Durham Land Use Ordinances, pages 132-143. (Also shown as pages 125-136)

https://www.durhamme.com/sites/g/files/vyhli4366/f/uploads/adoptedluo_2022_complete.pdf

Simplified Article 12 states: [I]t is intended that Historic Districts and related regulations shall be used:

- A.** To prevent inappropriate alterations of buildings of historic or architectural value.
- B.** To prevent the demolition or removal of designated sites or landmarks and significant historic structures within designated districts whenever a reasonable alternative exists or can be identified.
- C.** To preserve the essential character of designated districts by protecting relationships of groups of buildings and structures.

D. To assure that new Construction in Historic Districts is compatible with the historic character of the district so as to protect property and tax valuations.

Section 12.6 C, defines the necessary upkeep and maintenance of all buildings within the Historic District. It was this section that, in 2023, the DHDC referred to when asking for \$10,000 at 2023 Town Meeting for the repairs at the Union Church as well as access to the budgeted restoration account in the Town Budget (\$21,000+) that is designated for repairs to the Union Church. During 2023, no money was released from the Town Budget for repairs to the Union Church. The building was then closed for several months until a structural engineer report was completed assuring the building was not a safety danger, but was found to be in need of identified repairs to the foundation sill and rear-right corner post. It could be argued that the Select Board's decision to delay repairs was in opposition to the Ordinance which requires care and maintenance.

12.6 C.: Essential maintenance required: Owners of buildings within the Historic District considered a Contributing resource shall not permit their properties to fall into a state of disrepair which may result in deterioration of any exterior architectural feature so as to produce, in the judgment of the Commission, a detrimental effect upon the character of the Historic District or the structure in question or which could lead to a claim that demolition is necessary for public safety. This basic maintenance requirement applies to exterior walls and other vertical supports, roof and other horizontal members, exterior chimneys and waterproofing of exterior walls, roofs and foundations, including broken windows and doors. The Commission shall work with public and private parties to assist any owner in finding the resources necessary to prevent such state of disrepair.

Durham Historic District Commission Goals for 2024:

1. To identify, preserve and inform citizens of the Town of Durham about its historical heritage
2. To work with non-profit organizations and members of the community that have an interest in historic resources
3. To continue to work for the appropriate future use and restoration of the Union Church
4. To strive to develop a working relationship with Town Officials in which we are all supporting the Historical Resources in Durham, and clarify for the general public, the boundaries of committees (Durham Historical Society vs Durham Historic District Commission)

Respectfully submitted,
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