

# Memo

**To:** Mayor Bob Gordon & Town Councilors  
**From:** Tim Cain  
**Date:** May 28, 2015  
**Re:** Historic District Design Guidelines

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The purpose of this memo is to extract from the Town Municipal Code relevant sections regarding the color of Historic Structures in New Castle

**Background:**

Relevant sections of the Municipal Code include:

**Chapter 15.44 - HISTORIC PRESERVATION**

**15.44.020 - Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section:

"Alteration" means any act or process that changes one or more of the exterior architectural features of a designated historic structure or site.

"Certificate of approval" means a certificate issued by the commission, or in the event of appeal the council, to indicate its approval of a building permit, moving permit, demolition permit, or sign permit to authorize the construction, alteration or demolition of property and improvements designated as a historic site, landmark or located within a designated district under this chapter; a certification that proposed work is appropriate.

"Exterior architectural feature" means the architectural design, style, general arrangement and components of all the outer surfaces of a structure **or improvement including but not limited to the color**, texture, materials, type and style of all windows, doors, lights, signs and other fixtures appurtenant to the structure or improvement

#### **15.44.290 - Work requiring building permit**

- A. Action on an application for a building permit, as additionally provided for in other codes of the town, including any permit for the demolition of a building shall be deferred by the building inspector, except as provided in Section 15.44.340, until the application is accompanied by a certificate of approval from the historic preservation commission for the proposed work when the proposed work involves any of the following:
1. Alteration or reconstruction of or addition to the exterior of any improvement which constitutes all or part of a historic site or landmark;
- B. **In order to obtain a certificate of approval, the applicant shall submit to the commission through the building inspector, the application for a building permit including sketches, plans and other requirements as determined by the commission, for review.** All such applications shall be reviewed by the commission to determine compliance with this chapter as prescribed in the following sections.

#### **15.44.300 - Work for which a building permit is otherwise not required—Application for approval.**

- B. Except as otherwise provided herein, no land surface within any real property designated as a historic site, landmark or district shall be changed, and no improvements shall be installed, removed, restored, demolished **or altered including alteration of color only**, without prior written approval of the historic preservation commission. No addition shall be made to any real property designated as a historic site, landmark or district in such a manner or of such a character as to change the exterior appearance or exterior architectural features which change shall be visible from any public street, park or other public place, without prior written approval of the commission.
- C. Any person desiring to remove, demolish or change the exterior appearance or the exterior architectural features of improvements on real property designated as a historic site, landmark or district or desiring to change the land surface of any such real property, shall submit to the historic preservation commission an application for approval and a specific statement of the work proposed, together with such details as the commission may require.

### **Chapter 17.44 - HISTORIC PRESERVATION IN C-1 COMMERCIAL DISTRICT**

#### **17.44.040 - Materials and colors.**

- A. Intent. Primary historic building materials shall be preserved in place to the maximum extent feasible. When the material is damaged, then limited replacement, which matches the original, shall be made. Primary historic building materials shall never be covered or subjected to harsh cleaning treatments.
- B. Design Standards.

1. Original building materials and architectural features shall be preserved in place to the maximum extent feasible. Building materials and architectural features contribute significantly to the character of a historic structure. The distinct characteristics of the primary building material and features, including the scale of the material unit and its texture and finish, shall be preserved.
2. Deteriorated building materials and architectural features shall be repaired rather than replaced, to the maximum extent feasible. Original building materials or architectural features may be deteriorated. When deterioration occurs, repair of the material and any other related problems shall be performed.
3. Original building materials and architectural features that have deteriorated beyond repair shall be replaced in kind. Replacement shall occur only if the existing historic material cannot be reasonably repaired. In the event replacement is necessary, the new material shall match that being replaced in design, color, texture and other visual qualities.

#### **15.44.340 - Final decision and appeal.**

Decisions of the historic preservation commission regarding the acceptability of applications for building or demolition permits hereunder of work not requiring a building permit under Section 15.44.300 shall be considered final, subject to the appeal process described in this section. Decisions of the commission issued in accordance with this chapter may be appealed to the town council by the permit applicant or owner of the affected property only.

#### **Discussion:**

Although previous property owners of historic structures in New Castle have been approved informally and without Historic Preservation Commission official approval, the issue in question is two-fold:

1. What is the process to repaint a historic structure?
2. Which entity has legal decision making authority regarding the color of historic structures when repainting is required?

Based on the Municipal Code requirements, the process to repaint a historic structure involves taking the steps in sections 15.44.290 and 15.44.300. Basically, one submits a building application to the building inspector who interprets the municipal code applicable sections and make a recommendation to the HPC. Because we have a contract building official, the cost and expertise of the building official is relevant. It is the desire of Town staff to minimize cost to the applicant and place the application with the Town Planner.

Section 15.44.340 states that the HPC has the final decision unless there is an appeal from the applicant or owner of the property if s/he were to disagree with the outcome of HPC decision.

#### **Recommendations:**

1. Town Council could initiate a Text Amendment to the Municipal Code clarifying more specifically a palate of colors that they would like to see such as requiring earth tone colors similar to an HOA design guideline.
2. The HPC should review a building application to alter the color of the historic structure in question and make a final decision subject to appeal which appeal will be heard by Town Council.