



## HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

**DATE:** October 8, 2014 (Wednesday)  
**TIME:** 5:30-7:30 p.m.  
**LOCATION:** Room 209, Second Floor  
Portland City Hall

### **A G E N D A**

1. Review and accept Minutes of previous meeting held on September 24, 2014.
2. **Review and Recommendation to City Council to Terminate the Bay House TIF District**– See enclosed Memorandum from Greg Mitchell.
3. **Review and Recommendations: India Street Sustainable Neighborhood Plan** – See enclosed Memorandum from Alex Jaegerman.
4. **Review of plans for the Portland Company/58 Fore Street site** – See enclosed Memorandum from Jeff Levine.
5. **Review of Pacts Land Use and Transit Technical Assistance** – See enclosed Memorandum from Alex Jaegerman.
6. **Communication Item: CDBG Application for FY 2015-2016** – See enclosed Memorandum from Mary Davis.
7. **2014 HCDC Work Plan for Review and Discussion** – See enclosed Memorandum from Jeff Levine, Greg Mitchell and Mary Davis.

Public Comment will be accepted on action items.

**Councilor Kevin Donoghue, Chair**

Next Meeting Date: October 22, 2014



## **Housing & Community Development Committee**

### **Minutes of September 24, 2014 Meeting**

A meeting of the Portland City Council's Housing and Community Development Committee (HCDC) was held on Wednesday, September 24, 2014 at 5:30 p.m. in Room 209 on the second floor of Portland City Hall. Present from the HCDC was its Chair Councilor Kevin Donoghue, and members Councilors Jon Hinck, and Nicholas Mavodones. Committee member Councilor John Coyne could not be present. City staff present included Housing & Community Development Division Director Mary Davis, HCD Program Manager Amy Grommes-Pulaski, Acting City Manager Sheila Hill-Christian (joining the meeting as noted in the minutes), Planning and Urban Development Director Jeff Levine, Waterfront Coordinator William Needelman, and Senior Executive Assistant Lori Paulette.

#### **Item 1: Review and accept Minutes from previous meeting held on August 27, 2014.**

On motion made and seconded, the Committee voted unanimously to accept the minutes as published.

#### **Item 2: Review and recommendation to City Council – Improvements to CDBG**

##### **Process**

Ms. Pulaski gave an overview of the four recommendations for improvements, which included: (1) staff recommendation for prioritizing public infrastructure/public improvement projects for each Council District, with one priority per year for each District. There were 12 applications last year, with 4 approved; therefore, this recommendation; (2) staff supported the Allocation Committee recommendation to eliminate 3 bonus points for "basic needs" and also for "childcare programs/projects". Last year nine of fourteen social service programs received

bonus points, seven were funded. Only one application that did not receive bonus points was funded. This is being recommended so that all applications can stand on their own. (3) Staff recommendation to preserve set-aside for community policing in the amount of \$150,000, and \$400,000 for the Employment Development Program (\$300,000 in development funds and \$100,000 in social service funds). (4) Staff recommendation to eliminate the ability for individual business to apply for funding through CDBG application process for economic development projects, since the CDBG program funds the Business Assistance Grant Program for Job Creation through the City of Portland Economic Development Department (EDD), the Portland Microenterprise Assistance Program through CEI, and the new Portland Jobs Alliance. Businesses looking for assistance can utilize one of these resources.

Councilor Mavodones requested clarification on the last recommendation.

Ms. Davis said that since there are three organizations listed above that receive CDBG funding in order to provide businesses with loans and technical assistance, it would be a duplication of effort for a business to apply directly to her staff for CDBG funds. In addition, her staff does not provide technical assistance for businesses.

Ms. Pulaski added that when a business applies for assistance from CDBG, the CDBG application process is slow with applications received by November and, if successful, applicants would see funding the following July. With this recommendation, HCD staff would refer any future business assistance requests to one of the appropriate three agencies mentioned above. To date, the EDD through the BAP program has funded \$125,000 in grant requests to approximately 7 businesses.

Councilor Mavodones said that this works, but he would not want to reduce funding for economic development through CDBG, and Ms. Pulaski assured him that funding would not be reduced because of this recommendation.

Councilor Hinck asked about competitive advantages to businesses who receive CDBG funding, and Mr. Levine said that if a business, for instance, applies to the EDD and receives a grant, then it could possibly put that business in a better competitive advantage to hire additional employees, as it is a grant/match program for job creation.

Chair Donoghue asked if there was any public comment; there being none, the public comment session was closed.

Chair Donoghue said that he was fine with the set asides as recommended. He asked about any set aside for the Home Team, and Ms. Pulaski said that is not currently one of the recommendations. Also, CDBG did not fund the Home Team last year.

Councilor Mavodones said that he was okay with no set aside for the Home Team as there may be other entities in the community to provide resources. During budget time, however, he would entertain requests for the Home Team.

Chair Donoghue said that with regard to bonus points, he was okay with no bonus points for basic needs, but he would recommend keeping in bonus points for child care. He went on to indicate that child care offers a great service to low income households to get in the workforce and for their economic health.

Councilor Mavodones said that he is supportive of the recommendation for no bonus points to level the playing field. He then made a motion to forward the recommendations as presented today by staff to the City Council for approval. Chair Donoghue seconded the motion.



Chair Donoghue then made a motion to amend the main motion to allow bonus points for child care; Councilor Mavodones seconded the motion for discussion.

Councilor Hinck said that with the Chair's explanation of the need for this, he would support this amendment.

Chair Donoghue then asked for a vote on the amendment to the main motion and it passed 2-1 (Mavodones). He then asked for a vote on the main motion, and it passed unanimously.

**Item #3: Review and possible recommendation to Proceed – RFP for the sale and development of City-owned property at 65 Munjoy Street.**

Mr. Levine said when the Adams School closed in 2006, the City, after due diligence, sent out an RFP for its sale. Avesta was the only proposer, but, due to market conditions and financing issues, Avesta asked for the City to divide the property into two parcels, requesting an option to develop the second at a later date, which the City did not grant. The parcel that remains undeveloped includes the parking lot – the subject of the RFP, the playground, and knoll. A consultant was hired, Bluestone Planning Group, to conduct a financial feasibility for affordable housing options on the parking lot. They offered options, with the one preferred being two triple decker's, yielding 8 units. Mr. Levine then described the design, noting that the goal is to have these affordable at 100% to 120% of area median income levels or below, and the deed would also contain this condition for 90 years. To develop these for affordable housing, the City subsidy would be offering the land at no cost. The playground and knoll would not be part of the property in the RFP.

Mr. Levine added that the property is in an R6 zone, which is currently under discussion for amending, particularly with regard to parking and ratios of cars to dwelling units.

Councilor Mavodones asked about noticing for this meeting, and Mr. Levine said that notices were mailed out, and he also placed notices on doorknobs in the neighborhood.

Councilor Mavodones asked if there had been a neighborhood meeting regarding this, and Mr. Levine indicated that there had not. Once the RFP is issued and proposals in, a neighborhood meeting could be arranged to review the proposals and provide feedback.

Ms. Davis added that since the HCDC packet was sent out, she received emails for both this and the 157 Bracket Street property; these emails are on the Committee members' desks (and attached hereto).

Chair Donoghue asked about tandem parking in driveways at 3 or 4 deep, and Mr. Levine indicated that 4 may be a bit much but is open to creative suggestions.

Chair Donoghue then asked if there was any public comment for the item.

Richard Weare, who owns property in the area, said that he created the petition that is in the meeting backup material and everyone he requested to sign the petition against the sale of the property did so. He suggested that the City have a neighborhood meeting first before considering an RFP for the property. Regarding tandem parking in driveways, 4 cars would be too much. Parking in this area is already a problem, and, with the addition of the St. Lawrence Community Center and 200 seats, it will become even more difficult. This parking lot is used for off street parking and snow bans, and perhaps for future use by St. Lawrence and should kept for parking.

(Acting City Manager Sheila Hill-Christian joined the meeting at this time.)

Ron Moss at 31 Pine Street said that housing is more important for Portland than parking.

Sean Turley of 62 Vesper Street agreed that housing is good for the area; there is public transportation for use.

Jake Jones, 56 Moody Street, shared the parking issue concerns for the neighborhood, particularly with the St. Lawrence Community Center addition, which will only exacerbate the parking issues. Even one car per unit would add to the current parking crunch, and snow ban parking is already difficult.

Ian Jacobs said that housing does not have to provide parking.

Christine McHale, of Walker Street, spoke in support of keeping this parking lot as it is, particularly for people her age – 60 and over – to have this close by; it is also needed during snow bans. This parking area is essential for the neighborhood.

Marianna Bonetti, of Wilson Street, said she and her tenants work out of town so vehicles are needed. She supports keeping the parking lot as it is.

Chair Donoghue asked if there was any further public comment, there being none, the public comment session was closed.

Councilor Mavodones suggested that the City engage with the neighborhood first in a meeting before possibly issuing an RFP. He agrees that Portland needs housing, but this interaction with the neighborhood should take place first.

Councilor Hinck said that the City will run into this issue again and again. Higher density of housing is good and needed, but he also sees the value of the parking as noted today.

Chair Donoghue, 75 Beckett Street on Munjoy Hill, said that he is always able to find a parking spot. He also supported the creation of parking spaces on the Eastern Prom, on which there are now approximately 100 new spaces. Affordable housing is desperately needed to keep young people in Portland, where many homes on Munjoy Hill are in the \$500,000 to \$1 Million range. Chair Donoghue said that he was pleased with the outreach to neighbors and renters as can be evidenced by those present today and does not object to a neighborhood meeting, but he

feels that this housing RFP should be pursued. Chair Donoghue then asked about development in lieu of parking, and Mr. Levine said that to further study this would take some time and additional funding for the consultant. He will check into this, while also noting that the R6 zoning was still under discussions for revisions.

Councilor Mavodones then suggested, and the Committee concurred, to postpone this item and have a meeting with the neighborhood. Councilor Hinck said that he hopes to be able to participate in the meeting and was looking to the neighborhood to help City leaders sort out housing and parking uses.

**Item #4: Review and possible recommendation to proceed – RFP for the sale and development of City-owned property at 157 Brackett Street with the condition that adequate replacement parking be provided in any development proposal.**

Mr. Levine opened this up saying that since the subject lot is actively used by Reiche School and residents, it was not considered back when staff was looking at various City lots for possible housing development. However, staff received contact for its potential development, and, therefore, this has been brought to the HCDC for guidance and possible recommendation to move forward with an RFP with the condition to replace existing parking on site or nearby. The RFP needs more clarification on the number of spaces needed, location, and safety/security requirements. Most likely, the subject lot would be added to abutting property for housing development.

Councilor Mavodones noted that the selection criteria does not have language regarding parking, which is a key issue. Reiche School's parking needs are a priority for him, and he requested staff meet with the School to determine what those needs are, as well as needs for the

residents. Councilor Mavodones said that he would like to have a stronger comfort level that there are reasonable alternatives for parking before issuing an RFP.

Chair Donoghue then opened the meeting for public comment.

Greg Frangoulis, 139 Brackett Street, said that there are approximately 30 spaces in the lot now, and, during snow bans, up to 60 cars park in tandem there, so it is a highly used parking lot for the area. Also, on Wednesday nights, there is no parking in the streets, so that is another use for the lot. In addition, 39 units are now being added at Pine and Brackett Streets. This is already a highly dense area, and the parking lot should remain.

Ron Moss(?) noted that there are two houses falling apart nearby that could be developed, and noted that any development could have parking on the ground floor and housing units above.

Resident at 119 Brackett Street – This resident also noted the ban on onstreet parking Wednesday nights, and this parking lot is the only one in the area for use. It is extremely well used, 100% daily.

Jeanne Swanton, Thomas Street, noted safety issues for Reiche School in the area, particularly crossing streets and bus drop off. The CIP had funds for Reiche School which were ultimately taken away. Many children walk to this School, and more development will make it less safe. She said that allowing this sale without addressing safety issues first is not acceptable.

Todd Alexander, 3 Carroll Street, said that he has three daughters who go to Reiche School and appreciates the concerns expressed – traffic, housing, blight problems, tax problems, and safety. The RFP being contemplated today is an opportunity for a developer to provide the City with its best idea on how lot could be used to fix some of these issues. Once developed, it will also bring in an estimated \$40,000 in additional tax dollars to the City. If the City doesn't like the proposals received, they can be thrown out. He also noted the development of the City

lot and Danforth and High street, where it was used by USM and for snow ban parking. Community Housing of Maine developed it with 30 units and 13 parking spaces. Creative development can help with neighborhood issues.

Ian Jacob of State Street said that Reiche School is a separate issue. He then referred to the draft RFP highlighting deed restrictions of 90 years for the minimum term of affordability. He suggested that a parking restriction of, for example, 20 years also be included, and then revisited after 20 years.

Judy Watson of 90 Pine Street also highlighted pedestrian and traffic safety issues that the City should address for the area and for Reiche School. Several crosswalks are needed, particularly on Brackett Street, as well as a traffic study should be conducted by the City.

Seth Parker, 80 Spruce Street, said that he lives in the area with two small children and appreciates the issues raised here today. He supports housing density, and this is an opportunity to address issues. Mr. Parker also noted that additional crosswalks and curb cuts in the area could help with pedestrian safety issues.

Kathryn Gilbert, 92 Winter Street, said that the subject lot is in back of her house, and it is never empty. A crosswalk is needed for that lot to the school. She said that that portion of Brackett Street should be a pedestrian way due to the school, residences, and businesses. Safety is definitely a concern with all the pedestrian activity.

Chad Knight, owner of “Fresh Approach”, echoed the safety concerns, noting that he could write a book on all the safety issues, particularly for children crossing the street to come to his store. If the parking lot is not available, he said it would be even worse; there is no room for development, and the School Department and safety should come first.

Carl Akery said that development can work in partnership to do something good, and appreciated the neighbors speaking to these safety issues.

Hazel Holmes, 67 Brackett Street, said that this is an active lot with various users. Replacement parking important, and the RFP lacks details needed to insure the users that ample replacement parking would be provided. She felt the City needed to hear more from the neighborhood before putting this out to RFP.

Chair Donoghue, noting no further public comment, closed the public comment session.

Councilor Mavodones agreed that there is opportunity for development to enhance an area's issues. Reiche School is a large issue for him, and he would need more clarification, as he noted earlier, to help frame key points to be included in an RFP regarding parking for both Reiche and the neighborhood, as well as clarifying language in the RFP to add parking to the selection criteria process and scoring.

Councilor Hinck agreed, adding that these safety issues should be dealt with with or without this development. Regarding an RFP for the parking lot, once there is a good understanding of parking needs, he was optimistic that the RFP could go forward.

Councilor Donoghue said that he would also like to have more details on the current parking available/needed so that a minimum amount of replacement parking spaces in an RFP can be defensible. Safety issues need to be dealt with separately from the RFP, perhaps in tandem with the budget process and appropriate Council committee.

Mr. Levine said that the parking can be tightened up in the RFP and could bring it to one of the Committee's October meetings.

Councilor Mavodones said that a meeting with the neighborhood should come first.

Councilor Hinck agreed, particularly to be sure people are listening about these safety issues.

Ms. Hill-Christian also agreed, saying that the RFP is one issue, and safety concerns are another and should be dealt with separately from the RFP by the City through various funding methods.

Councilor Mavodones concurred, noting that this proposed RFP opened the doors to both the City and public to hear about these concerns. Regarding the RFP, before he is comfortable with its issuance, he needs to get his arms around the parking needs for all involved.

Chair Donoghue said that the safety issues should move quicker than the development issues.

Ms. Hill-Christian said that City staff, including Public Safety, Traffic, and others, together with the appropriate Council Committee, can take up these safety concerns.

Chair Donoghue, noting consensus of a neighborhood meeting, as well as parking in the RFP getting tightened up, thanked everyone for their input and would look forward to the RFP coming back to this Committee.

**Item #5: Review and comment on communication item – FY13/14 HUD Consolidated Annual Performance Evaluation Report (CAPER) to be submitted to HUD by September 30, 2014.**

Ms. Davis, noting the time, summarized this communication as a public notification of the CAPER report, which report highlights accomplishments for the CDBG, HOME, and ESG Programs. This will be submitted to HUD by September 30, 2014.

The Committee thanked Ms. Davis for the report.



**Item #6: Review and comment on communication item: Update on Portland 2014/2015 Work Plan activities, including the 2014/2015 Portland Economic Scorecard.**

Due to the hour, the Committee moved directly to the next item.

**Item #7: Executive Session - Pursuant to 1 M.R.S.A. 405 (6)(C) and 5 M.R.S.A. 13119-A, to provide City staff direction, the Committee will go into executive session to discuss:**

- a. **Provide guidance to staff related to a proposed Land Swap on Spring Street/Cotton Street and City property ownership.**
- b. **Provide guidance to staff related to a possible new tenant and lease terms for use of second floor office space at Portland Ocean Terminal.**

On motion made and seconded, the Committee voted unanimously to go into executive session at approximately 7:55 p.m. pursuant to 1 M.R.S.A. 405 (6)(C) and 5 M.R.S.A. 13119-A, to provide City staff direction on the item 7(a) and (b) above.

At approximately 8:20 p.m., the Committee came out of executive session and the meeting adjourned.

Respectfully,

Lori Paulette

Marianna Bonetti  
P.O. Box 483  
Portland, Maine

August 30, 2014

Mary Davis, Director  
Housing and Neighborhood Services  
City of Portland  
389 Congress Street  
Portland, Maine 04101

Subject: 65 Munjoy Street Lot  
Former Adams School Parking Lot

Dear Ms. Davis:

As owner of the house at the corner of Munjoy and Wilson Streets, I want to voice my opposition to the proposal to sell subject property and its redevelopment. I was not able to attend the public hearing on August 27, 2014 as I did not receive sufficient advanced notice of the meeting.

This lot has been used for many years by residences of the area during snow storms when cars must be removed from the street. This is the only off street parking in the immediate area of the top of Munjoy Hill and is far closer than off street parking on the roadway leading to the boat ramp at the Eastern Prom.

I have talked to a number of residences on Munjoy Hill on the eastern side of Congress Street and they agree that this lot should be retained by the City of resident parking.

I request that this letter be passed on to the City Council's Housing and Community Development Committee to notify them of the opposition to this proposed sale.

Attached is a petition of people (property owners and tenants) in the vicinity that signed their opposition to subject property sale. It only took one hour of time to gain this many people to sign their opposition, an indication of the amount of opposition by the neighborhood to the sale of the property.

Sincerely



Marianna Bonetti

Cc: Michael Brennan, Mayor  
Kevin Donoghue, Councilor District 1  
Jon Hinck, Councilor at Large  
Nichols Mavodones Jr., Councilor at Large

August 30, 2014

The City Council's Housing and Community Development Committee is investigating the potential sale and redevelopment of the former Adams School Parking Lot at 65 Munjoy Street. Redevelopment could include new rental apartments or condos. I am in opposition of this proposal and would like the City to continue its use as neighborhood parking, which is very important during winter snow emergencies when all cars must be removed from the City streets.

| <u>Name</u>              | <u>Address</u>                              |
|--------------------------|---------------------------------------------|
| Katharine Black          | 80 Wilson <sup>14</sup> St., Portland 04101 |
| Brian Magnus             | 63 Wilson St A, Portland ME, 04101          |
| Amanda Marino            | 65 Wilson Street, Portland, ME 04101        |
| Robin Lee                | 65 Wilson Street, Portland, ME 04101        |
| Heather Bruce            | 65 Wilson St, Portland ME                   |
| Sarah Auld               | 43 Munjoy St. Portland, ME 04101            |
| Brian Mason              | 62 Munjoy St Portland ME                    |
| Kelsey Munroe            | 66 Munjoy Street #2                         |
| Todd Winner              | 76 MUNJOY ST. #1                            |
| Kelly Beattie            | 80 Wilson St. #1                            |
| <del>Andrew</del> Foster | 80 Wilson St #1                             |
| JOE FORESTELL            | 60 WILSON ST 1R                             |
| Kristen McGinn           | 55 Atlantic St #6                           |
| Sarah Davis              | 45 Quebec Street #2                         |
| Rebecca Ober             | 55 Atlantic St. #4                          |
| Orin Leach               | 60 Munjoy St                                |
| Adam Leach               | 60 Wilson St                                |

August 30, 2014

The City Council's Housing and Community Development Committee is investigating the potential sale and redevelopment of the former Adams School Parking Lot at 65 Munjoy Street. Redevelopment could include new rental apartments or condos. I am in opposition of this proposal and would like the City to continue its use as neighborhood parking, which is very important during winter snow emergencies when all cars must be removed from the City streets.

| <u>Name</u>       | <u>Address</u>                     |
|-------------------|------------------------------------|
| Sybil McElrath    | 42 R Munjoy St. Portland, ME 04101 |
| Margaret Daniels  | 72 Munjoy St. Portland             |
| Rachel Street     | 72 Munjoy St. #2 Portland          |
| Brian Fisk        | 66 Munjoy St. Apt. 3 Portland      |
| Marionna Bonetti  | 74 Wilson St (owner)               |
| Josh Baston       | 42 Munjoy St. Portland             |
| Cadence Atkinson  | 42 Munjoy St. Portland             |
| Caleb O'Connell   | 49 Moring St. Portland             |
| Jim Dean          | 74 Wilson St. #1 Portland 04101    |
| Monique Grier     | 80 Wilson St Apt 6 Portland        |
| CHLOE MARTIN      | 55 ATLANTIC ST #4 04101            |
| Mahlia Carey      | 54 Moody St 04101                  |
| Dake Jones        | 56-58 Moody St 04101               |
| Justin Meckham    | 55 Moody St 04101                  |
| Paul Morrissey    | 82 Munjoy St.                      |
| Jennifer Wikstrom | 82 Munjoy St.                      |
| Alex Wheelwright  | 76 Wilson St                       |
| Jaqueline Rogers  | 76 Wilson St. Portland 04101       |

**Mary Davis - 157 Brackett**

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**From:** Andrew Calise <andrewcalise@gmail.com>  
**To:** <mpd@portlandmaine.gov>  
**Date:** 9/22/2014 2:38 PM  
**Subject:** 157 Brackett

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Mary--

As a resident of Brackett Street, I don't see the harm in soliciting NON-BINDING proposals for development of this lot.

While I do believe the concerns regarding eliminating parking in the neighborhood are valid, this is solved by including a "parking preservation provision" within the RFP, which seems to already be in place in the draft RFP.

It may be within the city's long term interest to take advantage of the favorable real estate development climate today to generate a few good ideas for the site. I think it would be interesting to hear what some of the possibilities might be.

Thank you

Andrew Calise, 246 Brackett

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Andrew Calise  
(207) 939 8974  
[andrewcalise@gmail.com](mailto:andrewcalise@gmail.com)

September 21, 2014

Members  
Housing & Community Development Committee  
City of Portland, Me

Dear Members of the Committee,

I would like to comment on the proposed Request For Proposals process as it seeks ideas for the redevelopment of a municipal parcel at 157 Brackett St. As a professional in the field of economic and community development, but much more importantly as a resident of the neighborhood in which this proposal is aimed, I would like to provide some thoughts on the RFP process and its intentions.

As you are aware, a city's vitality is measured not only through the economic development that occurs, particularly those that create new jobs to which residents can apply. This kind of "internal relationship," as it were, helps ensure economic growth. It provides opportunities for employees to aspire to better paying, more secure employment opportunities, and helps with the flow of those entering the workforce replacing those exiting due to retirement, etc.

The same is true for a community's, and neighborhood's continued vitality, by ensuring that new housing development opportunities provide opportunities for a variety of mixed economies to co-exist. We are all aware of the problems caused by changes in a neighborhood's housing demographic that only head in one direction economically, either up or down. Having lived in the city's West End the last few years, I have witnessed (and been part of) the economic upheaval out from under which we are beginning to emerge. Mixed economic housing opportunities in every neighborhood help those aspiring to raise their fortunes by providing good, nearby examples of what can be accomplished.

My fear, as I have seen recently with the continued sale of rental property for condominium conversion, is the loss of access to affordable housing that reflects a neighborhood's current status, and well as its future possible status. Investment in only the upper "highest and best use" of housing stock can be as deleterious to a neighborhood as abject disinvestment. The West End has both, but fortunately continues to trend towards "general" affordability.

Several years ago, I performed a historic preservation survey of the Brackett St. neighborhood, and was surprised to find that the bulk of the residents and initial inhabitants were the grocers and tradespeople and small business owners whose economic fortunes were made in the Congress St. and (now) Old Port businesses of the period between 1880 - 1910. One only have to walk down the various blocks of this neighborhood to see the progression of architectural styles from Greek Revival to Gothic Revival to Italianate Revival. As the businesses prospered, so too did the neighborhood in which those business owner lived.

All of the above to voice my support for the process this RFP will create. The City has strong design criteria in place, and when creative developers understand how the neighborhood was created, and is in place today, they can achieve the design goals intended through this process. This process is particularly important when it comes to consideration of potential impacts upon the neighborhood through traffic, parking, and the overall fit of the project as part of the neighborhood.

So too, when the economics of the neighborhood are understood, and requirements for mixed economic housing opportunities continue to be made more available, so too will the neighborhood be allowed and encouraged to grow in a way that benefits as many members of the community as possible. We are all aware of the current challenge that affordability presents in a neighborhood that could easily go more upscale and thus perhaps less affordable for those of us already here. If the lobsterman's plight of living miles from the ocean is a function of rising property tax values based on the perception of "highest and best use," so too can the tradespeople's circumstance be made to resemble the fisherman's.

As a resident of the West End, and particularly of the Brackett St. neighborhood, I strongly support putting this public parcel to RFP so that housing development that represents all of what this neighborhood is and can be, can be made to happen.

Thank you for your time in reviewing these thoughts.

Erik Carson

10 Dow St.  
Apt. #2  
Portland, ME 04102

**Mary Davis - Support for RFP to sell and develop city-owned lot 157 Brackett St**

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**From:** John Anton <antonatlarge@gmail.com>  
**To:** Mary Davis <mpd@portlandmaine.gov>  
**Date:** 9/22/2014 9:29 PM  
**Subject:** Support for RFP to sell and develop city-owned lot 157 Brackett St  
**CC:** Kevin Donoghue <kjdonoghue@portlandmaine.gov>, "Nicholas M. Mavodones" <...>

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Dear Ms. Davis and Councilors of the Housing and Community Development Committee:

I am writing as a parent of both a current and former Reiche student as well as a neighborhood resident. I support the city issuing a RFP to sell and develop the parking lot at 157 Brackett.

I think the RFP creates an excellent opportunity to a) relocate the current parking, b) add needed housing units to neighborhood and c) reconfigure traffic flow around the entrance at Reiche.

The parking concern raised by others is real. I believe that the RFP addresses it by requiring replacement parking.

I do not believe redevelopment of the 157 Brackett parking lot will exacerbate traffic issues on the street. In my opinion, there are two traffic issues - a) congestion at pick up and dropoff and b) speed on that block of Brackett throughout the day. I believe that a thoughtful design for the redevelopment of 157 Brackett, when coupled with the already contemplated but not yet implemented redesign of the dropoff area at Reiche, could actually improve traffic flow during school rush hours.

Speeding is rampant on both Brackett and Clark in the vicinity of Reiche. The community has made the city aware of this issue for years and the response has been inadequate. Whether or not the Council proceeds with the RFP, the City must increase traffic calming measures on these two blocks.

Again I encourage you to proceed with the RFP. If you do not receive any responses that satisfy you, you don't have to proceed.

John Anton  
77 Spruce Street

--  
John Anton  
(207) 650-8979



**From:** brett plymale <brettplymale@hotmail.com>  
**To:** "mpd@portlandmaine.gov" <mpd@portlandmaine.gov>  
**Date:** 9/24/2014 12:34 PM  
**Subject:** 157 Brackett St development

Hi Mary,

As you may remember I am the owner of 165 Brackett and worked with the City of Portland to rehabilitate the property back in 2000-2001. Over the years I've seen the property on Joy Place fall completely into ruin and the owners seem uninterested in doing anything about it- which, I guess is their right as property owners.

I'm excited by the prospect of someone taking a new look at the property and trying to find a better way to utilize its potential.

I met with Todd Alexander to go over his initial thoughts and plans, and of course to understand how they could effect my property.

Keeping an open mind, it seems like an intriguing idea to swap the current residential area with the current parking area and perhaps creating a more aesthetic street scene.

That being said, the number of units seems a bit too ambitious.

Brett Plymale

Sent from my iPhone

**From:** Ian Houseal  
**To:** Davis, Mary  
**Date:** 9/23/2014 3:01 PM  
**Subject:** Fwd: Traffic and Safety Concerns for Reiche Community School & Current RFP for 157 Brackett St Parking Lot  
**Attachments:** scp 2013 06.11.pdf

>>> Jeanne Swanton <[jmswanton@gmail.com](mailto:jmswanton@gmail.com)> 9/22/2014 10:37 PM >>>  
 Members of the Housing & Community Development Committee,

The Reiche School and Community Center located at 166 Brackett St., has several recorded design, structural and safety issues that need to be addressed and corrected. Although cited in many reports over a number of years, starting with the New England's School Development Council's 2009 report, very little has been done to address the situation. Among the many issues identified, there are significant safety concerns for pedestrians due to traffic congestion, lack of crosswalks at the main entrance on Brackett St, and poorly designed bus drop-off and parent drop-off sites. While no renovation has been done, congestion is to get worse in the very near future due to the approval for additional housing; \*West End Place\*, a 45,000 sq ft apartment building, is currently being built on the corner of Pine and Brackett (previously home to a parking lot) that will house 2 retail businesses and 39 apartments. Now, the City is considering selling the lot at 157 Brackett to be purchased for development. Allowing for the sale of the 157 Brackett St parking lot for additional housing without correcting the existing safety concerns at Reiche Community School, which is directly across the street from 157 Brackett, is irresponsible.

For your records

- The 2009 New England School Development Council Report stated that at Reiche "...there is limited parking for this facility which draws many visitors throughout the day, in addition tot the large school staff"  
[http://www2.portlandschools.org/sites/default/files/NESDEC%20Final%20Report%20\(2009\).pdf](http://www2.portlandschools.org/sites/default/files/NESDEC%20Final%20Report%20(2009).pdf)
- The 2012 CIP listed renovations for Reiche starting in 2015
- The 2013 CIP removed the renovation funds set for 2015 and planned for \*Buildings for our Future\*, a plan for construction on 5 of the elementary schools requiring a debt package to be approved by voters (proposal attached). Unfortunately, the City Council Joint Finance Committee rejected to hold the referendum in both November 2013 and June 2014. Please note, among the many renovations for Reiche, the reconstruction of the crosswalks and bus drop off were identified as key safety concerns.  
[http://www2.portlandschools.org/sites/default/files/Reiche\\_Public\\_Presentation.pdf](http://www2.portlandschools.org/sites/default/files/Reiche_Public_Presentation.pdf)
- The 2014 CIP recognizes the \*Buildings for our Future\* plan, however, the bond still has not been approved to be put on the ballot. It is not on the ballot for November 2014.
- In May, 2014, at Brackett and Pine Street, construction began to replace an existing parking lot and two small building structures with a 4 story apartment building housing 39 apartments, 2 retails stores and 34 parking spaces (  
<http://bangordailynews.com/2014/05/06/business/portland-officials-tout-apartment-project-being-built->

without-tax-breaks-other-government-perks/).

Reiche Community School is a walking school in an urban environment. Our children and community are put in unsafe situations everyday just to get to the school's and community center's front doors. The serious safety issues have been identified and reported, a child has suffered serious injuries from being hit while walking in the crosswalk at Brackett St and Pine St (<http://www.theforecaster.net/content/p-girlrunover-012710>), but nothing has been done. Adding more traffic and congestion without fixing glaring safety issues is not acceptable. Before any additional development is proposed, let's fix the bus drop off area, provide a safe place for parents to drop off/pick up their children and, of course, designate and provide a safe passageway for pedestrians to cross Brackett Street to/from Reiche School and Community Center.

Sincerely,  
Jeanne Swanton  
Reiche Parent and West End Resident  
69 Thomas Street  
Portland, Maine 04102

Sent from my iPhone

Begin forwarded message:

\*From:\* Jeanne Swanton <[jmswanton@gmail.com](mailto:jmswanton@gmail.com)>  
\*Date:\* September 19, 2014 at 3:33:35 AM EDT  
\*To:\* [mpd@portlandmaine.gov](mailto:mpd@portlandmaine.gov)  
\*Subject:\* \*Concerns regarding RFP for the sale and development of the city-owned parking lot at 157 Brackett St.\*

Ms. Davis,

I am a West End homeowner and parent of two Reiche students. I have great concern about the sale and development of 157 Brackett St. My main concern is the safety of our neighborhood school children with the increased traffic around a poorly designed building.

The location of the property, 157 Brackett, is adjacent to Fresh Approach market, and directly across the street from Reiche Community School and Community Center. Reiche Community School serves over 360 elementary students, ages 5 through 11. The main entrance of the school/community center is poorly designed such that the bus lane is directly in front of the school doors. Pedestrians are not to walk in the bus lane but are directed (via painted crosswalk which has since worn away) to walk west up Brackett to cross the street. This is not followed by most because the directed path is out of the way from the parking lot and the convenience store (that serves inexpensive ice cream and snacks making it a popular place among the school children). In 2013, Portland Schools recognized the problematic entrance and proposed changes to the School's front entrance and bus path, however, the bond for the changes was not put on the ballot per City Council Finance Committee decision.

Brackett Street is a very busy street, both with pedestrians and cars. In February of 2012, a Reiche parent studied traffic and pedestrian numbers on both sides of the Reiche Community School Building. The following data were collected between 8:15 and 9 am in the morning (45 minute span of time) :

CLARK STREET: 87 Cars - 54 Pedestrians crossing the street

BRACKETT STREET: 195 Cars - 82 Pedestrians crossing the street

With Brackett, there is ALOT going on in the morning and afternoon: there a lot of cars and pedestrians, business deliveries for Fresh Approach at drop off time, back-ups due to the tight bus turn around and many frustrated drivers making turns on one of the 13 driveways across the street from our school. But it is not only in the morning and afternoon, with Brackett St serving as the connector between Maine Med and Mercy, there is always foot and car traffic.

This said, the problem is even going to get WORSE with the new apartment building already under construction on the corner of Pine and Brackett. That building will have businesses and 39 apartments. More traffic!!

I understand that an interested party would like to purchase both the parking lot and the adjacent residential lot to make more available housing. Development of these properties would only increase the traffic and bottlenecks already experienced at Reiche. Most distressing, however, is that development across the street from our elementary school puts our children at risk. Bus transportation is not offered to students in grades 3-5 so a great number of pedestrians are children. Additionally, many families choose to walk instead of drive (parking is not easy to find). Reiche School design makes crossing the difficult and riskier than it should. Development is already in process at the corner surely to result in increasing traffic. Additional development directly across the street is unsound.

Sincerely,  
Jeanne Swanton  
69 Thomas Street  
Portland, ME 04102  
207-809-9879

My name is Todd Alexander. I am writing this letter in support of the city's proposal to issue a Request for Proposal to create housing on a city-owned parking lot at 157 Brackett Street. I offer my comments from two perspectives.

First, my wife, Catherine, and I are residents of 3 Carroll Street. We have three daughters enrolled at the Reiche Community School. We have lived in the West End for the past 15 years.

Second, I am an affordable housing developer and, in the event that the committee decides to issue an RFP, I will likely submit a proposal. I am currently collecting input from the neighborhood before finalizing my plans. Based on those meetings, I have developed three broad goals that I would like to achieve if I am successful in the RFP process. These goals are;

- Improve the parking and traffic situation for Reiche staff and students. Any proposal should maintain the parking currently available to Reiche. And, it should contain a management plan to ensure that the parking resource is well maintained and available to the people it is intended to serve. Furthermore, this project should contribute to a long-term solution to calm traffic on Brackett Street and improve the bus drop-off area at Reiche. The existing conditions are simply too dangerous for an elementary school setting.
- Create housing that serves a diverse mix of households of varying income levels. I would like to see a housing development that reflects the economic diversity that exists in the neighborhood today and, in my opinion, makes the West End such a great place to live. This means that the housing should include a healthy mix of market rate and affordable units.
- Build something that we can all be proud of. This building will be in a high-profile area of the neighborhood. In terms of its design, amenities and operations, it should raise the bar.

While all of these goals are important to me, they are irrelevant if the city does not take the first step of issuing a non-binding RFP to determine what options, if any, are worth pursuing. With that in mind, I'd like to offer the following comments;

- Most importantly, the RFP emphasizes the need for each applicant to identify replacement parking for Reiche. This is essential. I think the idea of re-purposing this lot for housing is dead on arrival if parking for Reiche cannot be maintained and improved.
- Second, I am very pleased that this RFP sets forth high architectural and design standards. A new structure here needs to be well designed, well built and mindful of its location in the heart of our neighborhood and the West End Historic District.
- Third, I commend this committee for adopting a policy to look at city-owned real estate to identify opportunities for infill housing. Portland has a HUGE housing problem on the peninsula. We are all familiar with the steep increase in home prices. The rental situation is worse. I recently surveyed 18 apartment complexes on the peninsula, half market rate and half affordable. These properties represent about 800 total housing units. The collective vacancy rate was below 1 percent.

Exacerbating Portland's housing problem is the ever-increasing price of land and blighted properties. These parcels traditionally have served as great opportunities for developers to build moderately-priced housing. Today, owners see the local building activity and are raising the price for even the most seemingly unattractive properties. The price of land has a direct impact on the price of the finished product. The end result is that expensive condos and high-end rentals are fast becoming the only type of housing on the peninsula that is financially feasible to build.

I think Portland's current housing trends are a particularly important issue for Reiche and the East End school. These are two great urban schools that thrive because of their socio-economic diversity and the close connection among their students, teachers and parents. If we truly want vibrant, community schools on the peninsula, we need a strategy to preserve housing that is affordable for the families who will use these schools AND for the teachers and staff members who educate our kids. In my opinion, our neighborhood associations, school department and parent teacher organizations need to be thinking about this issue.

For all the reasons outlined above, I think the city's current policy of analyzing the redevelopment potential of underutilized city-owned real estate is an entirely rationale and reasonable approach.

- Finally, I also commend the committee for the process they have established to pursue this policy. Most importantly, the RFP is non-binding. Additionally, it is open to anyone to respond. The end result is a public, low-risk, low-cost process to solicit ideas from the development community. If the city does not receive any viable responses, it can choose to stop this program at any time. If there is a compelling proposal, the city has enormous flexibility to lay the ground rules going forward—including how the developer will work with all stakeholders to achieve a mutually beneficial outcome.

Again, I find this to be an appropriate way for the city to implement its current policy in an attempt to solve some of the housing challenges that we all face.



Economic Development Department  
Gregory A. Mitchell, Director

## **MEMORANDUM**

**TO:** Chair and Members of the Housing and Community Development Committee

**FROM:** Greg Mitchell, Economic Development Director

**DATE:** September 29, 2014

**SUBJECT:** **Review and recommendation to City Council to Terminate the Tax Increment Financing District for the Bay House Development by the Village at Oceangate LLC**

### **I. SUMMARY OF ISSUE**

The Bay House development by the Village at Oceangate LLC (“Developer”) received City Council approval for a Tax Increment Financing (TIF) District, including a Credit Enhancement Agreement (CEA) (copy attached), on August 6, 2012, for public infrastructure assistance associated with the development of 94 market rate apartments in two buildings, a parking garage, and approximately 5,700 square feet of commercial retail space. The TIF District comprised the area for Building 1 including 52 market residential apartment units. See attached TIF District map. It is noted that Building 2, including 42 market rate residential condominium units, was not included in the TIF District because residential condominium units are not an allowable TIF District use.

The terms for the CEA were for upwards of ten years, including returning 75% of the real estate taxes for years one to five, and 65% for years six to ten – up to a maximum value of \$647,971 associated with actual public infrastructure related Project expense.

Also, the Bay House TIF District CEA contemplated the conversion of 52 residential units located in Building 1 in the TIF District to condominium units, at which time the TIF CEA payments would be reduced to zero. During 2014, sales of condominium units occurred thereby reducing TIF CEA payments to zero. It is noted that there will be only one TIF District CEA payment related to this TIF District in the amount of \$22,670 before being terminated. Formal City Council action is needed to terminate this TIF District.

Lastly, it is noted that policy discussions with the HCDC directed City staff to establish a proposed Portland Downtown and Transit Oriented Municipal Development and Tax Increment Financing District to include the property related to this TIF District termination proposal. Termination of the Bay House TIF District needs to occur prior to the Bay House property being included in the proposed Downtown and Transit Oriented TIF District.

## **II. REASON FOR SUBMISSION**

This is being submitted to the Housing and Community Development Committee (HCDC) for its recommendation to the City Council to terminate this TIF District.

## **III. INTENDED RESULT**

The intended result is to have this TIF District terminated by the City Council with notification to the Maine Department of Economic and Community Development.

## **IV. COUNCIL GOAL ADDRESSED**

Implement the City's revised Tax Increment Financing (TIF) program that focuses on the creation of appropriately sized and designed TIF districts and advances other Council goals in the areas of transit, economic development, public infrastructure, and municipal finance.

## **V. FINANCIAL IMPACT**

This TIF District will receive its FY14 TIF payment of \$22,670 per the approved TIF District CEA. However, no additional future TIF payments will be made to the Project Developer per the TIF District CEA.

## **VI. STAFF RECOMMENDATION**

Due to this District's use being converted into residential condominiums, staff is recommending that this TIF District be formally terminated by the City Council.

## **VIII. LIST ATTACHMENTS**

- Order as passed approving the Bay House TIF District of 8/6/2012
- TIF District Map
- CEA Between the City of Portland, Maine and the Village at Oceangate, LLC

Order 26-12/13

Given first reading on 7/16/12

Passage: 5-3 (Anton, Donoghue, Marshall) (Coyne absent) 8.6.12

MICHAEL F. BRENNAN (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

EDWARD J. SUSLOVIC (3)

CHERYL A. LEEMAN (4)

CITY OF PORTLAND  
IN THE CITY COUNCIL

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

JILL C. DUSON (A/L)

NICHOLAS M. MAVODONES (A/L)

**ORDER APPROVING THE CREATION OF THE  
BAY HOUSE DEVELOPMENT DISTRICT AND TAX INCREMENT  
FINANCING DISTRICT, APPROVING THE DEVELOPMENT PROGRAM FOR  
THE DISTRICT, AND AUTHORIZING THE EXECUTION OF A CREDIT  
ENHANCEMENT AGREEMENT**

**WHEREAS**, the City of Portland is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the City as a Municipal Development and Tax Increment Financing District, and to adopt a Development Program for such District; and

**WHEREAS**, The Village at Ocean Gate LLC intends to construct two new buildings that will contain approximately 94 high-end apartments, a parking garage, and approximately 5,700 square feet of commercial space with ground level parking within the proposed Bay House Development and Tax Increment Financing District (the "District"); and

**WHEREAS**, the project will help to provide continued employment for the citizens of Portland and the surrounding region; improve and broaden the tax base in the City of Portland; and improve the economy of the City of Portland and the State of Maine; and

**WHEREAS**, there is a need to encourage development within the City of Portland through the establishment of Municipal Development and Tax Increment Financing Districts in accordance with the provisions of Chapter 206 of Title 30-A; and

**WHEREAS**, the City of Portland has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. § 5223, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

**WHEREAS**, the City of Portland desires to designate the Bay House Development District and Tax Increment Financing District and adopt a Development Program for such District; and

**WHEREAS**, approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Municipal Development Program for the District;



**NOW THEREFORE BE IT HEREBY ORDERED BY THE CITY COUNCIL AS FOLLOWS:**

**Section 1.** The City of Portland hereby finds and determines that:

- (a) At least 25%, by area, of the real property within the Bay House Development District and Tax Increment Financing District, as hereinafter designated, is acreage suitable for commercial siting as defined in 30-A M.R.S.A. § 5223; and
- (b) The total area of the Bay House Development District and Tax Increment Financing District does not exceed 2% of the total acreage of the City, and the total area of all development districts within the city does not exceed 5% of the total acreage of the City; and
- (c) The original assessed value of equalized taxable property of the Bay House Development District and Tax Increment Financing District as of April 1, 2012 plus the original assessed value of equalized taxable property of all existing tax increment financing districts within the City does not exceed 5% of the total acreage of the City; and
- (d) The aggregate value of indebtedness financed by the proceeds from tax increment financing districts within Cumberland County, including the proposed District, does not exceed \$50 million adjusted by a factor equal to the percentage change in the United States Bureau of Labor Statistics Consumer Price Index, United States City average, from January 1, 1996 to the date of calculation; and
- (e) The City expects that the acquisition, construction and installment of all real and personal property improvements, buildings, structures, fixtures and equipment within the district contemplated by the Development Program will be completed in accordance with State law; and
- (f) The designation of the Bay House Development District and Tax Increment Financing District and pursuit of the Bay House Development Program as the Municipal Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

**Section 2.** Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City hereby designates the Bay House Municipal Development and Tax Increment Financing District, as more particularly set forth in the document

entitled “Bay House Municipal Development and Tax Increment Financing District Development Program” as presented to the City Council substantially in the form attached hereto as Attachment 1 and that document is hereby incorporated by reference into this Order and approved as the Municipal Development Program for the District (the “Development Program”).

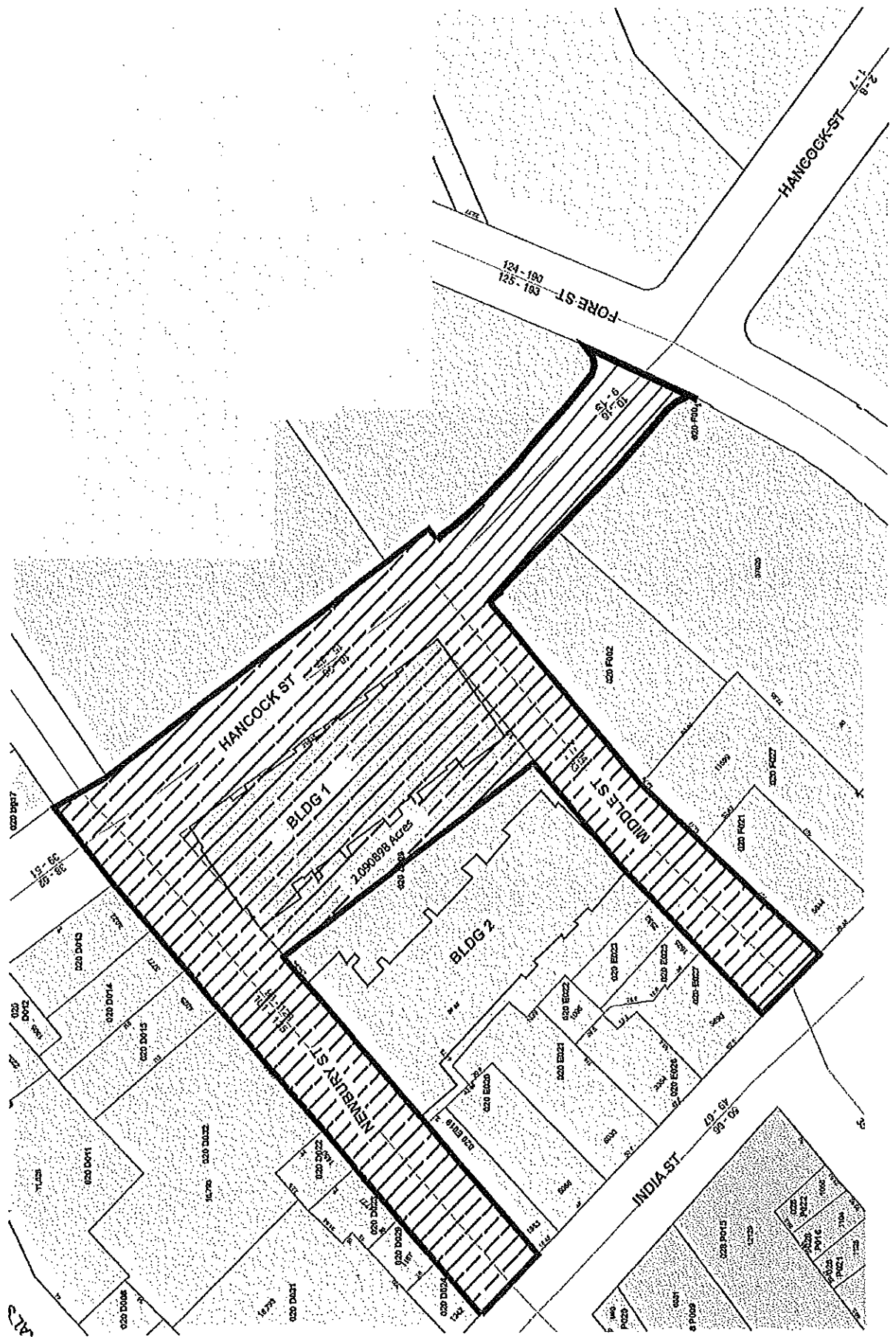
**Section 3.** Pursuant to the provisions of 30-A M.R.S.A. § 5224, the City hereby adopts the statement of the percentage of Assessed Value to be retained by the City set forth as Exhibit E in the Bay House Development and Tax Increment Financing Program (Attachment 1) for purposes of said Section 5224.

**Section 4.** The City Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. § 5226(2).

**Section 5.** The City Manager be, and hereby is, authorized to execute and deliver the Credit Enhancement Agreement substantially in the form described in the Development Program and attached as Exhibit H of Attachment 1, and execute such other documents as may be required to fulfill the purpose of this order.

**Section 6.** The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the City of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the City, the Council or any other party.

# Bay House TIF District EXHIBIT B



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**CREDIT ENHANCEMENT AGREEMENT**

**between**

**CITY OF PORTLAND, MAINE**

**and**

**THE VILLAGE AT OCEANGATE, LLC**

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**Dated as of September 30, 2012**

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## **EXHIBITS:**

Exhibit A. Bay House Development and Tax Increment Financing District Program Application

Exhibit B. Developer Tax Increment Revenues

Exhibit C. Certification of Costs Form

**THIS CREDIT ENHANCEMENT AGREEMENT** (the “Agreement”) dated as of August 6, 2012, between the City of Portland, Maine, a municipal body corporate and politic and a political subdivision of the State of Maine, a corporation duly organized and existing under the laws of the State of Maine (the “City”), with a place of business in Portland, Maine, and The Village at Oceangate, LLC, a Maine company (the “Developer”), having an office at 35 Fay Street, Suite 107-B Boston, Massachusetts 02118.

**WITNESSETH**

**WHEREAS**, the City designated the Bay House Development and Tax Increment Financing District (the “District”) and adopted a development program therefor (the “Development Program”) pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, by action of the Portland City Council on August 6, 2012; and

**WHEREAS**, upon submission of an application to the State Department of Economic and Community Development (“DECD”), the City expects DECD to review and approve the Bay House Development and Tax Increment Financing District and Development Program; and

**WHEREAS**, the City designated the Bay House Development and Tax Increment Financing District, adopted the Development Program and entered into this Agreement in order to induce the Developer to move forward with the Bay House project that includes the construction of a two buildings that will contain approximately 94 high-end apartments, a one-story subsurface parking garage, and approximately 5,700 square feet of commercial retail space as well as any associated off-site improvements (the “Project”); and

**WHEREAS**, in connection with the Development Program, and as contemplated thereby, the City and the Developer have agreed to execute and deliver this Agreement; and

**WHEREAS**, the City and the Developer desire and intend that this Agreement be and constitute the credit enhancement agreement contemplated by and described in the Development Program;

**NOW, THEREFORE**, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

## **ARTICLE I DEFINITIONS**

### **Section 1.1. Definitions.**

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise. All other capitalized terms not otherwise defined herein shall have the meaning given such terms in the Development Program.

“Act” means Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

“Agreement” shall mean this Credit Enhancement Agreement dated as of the date set forth above between the City and the Developer, as such may be amended by the parties from time to time.

“Bay House Development and Tax Increment Financing District” shall have the meaning given such term in the recitals hereto.

“Captured Assessed Value” means the percentage of Increased Assessed Value retained in the Bay House Development and Tax Increment Financing District in each year during the term of the Bay House Development and Tax Increment Financing District as specified in Section 3.1 below.

“City” shall have the meaning given such term in the recitals hereto.

“Current Assessed Value” means the then current assessed value of the Property located within the Bay House Development and Tax Increment Financing District to be determined by the City’s Assessor as of April 1 of each year that this Agreement remains in effect.

“DECD” shall have the meaning given such term in the recitals hereto.

“Developer” shall have the meaning given such term in the first paragraph hereto, and shall also mean and include any assignee or successor thereof, including but not limited to any future limited partnership formed by Developer.

“Developer Tax Increment Revenues” means in each year this Agreement is in effect an amount of money equal to the Retained Tax Increment Revenues allocated to the Developer pursuant to Section 3.1 hereof.

“Developer TIF Account” means the account described in the Financial Plan section of the Development Program and established and maintained pursuant to the Development Program and Article II hereof.



“Development Program” means the development program and financial plan for the Bay House Development and Tax Increment Financing District adopted by the City and attached hereto as Exhibit A.

“District” means that portion of the Property depicted on the District map contained in Exhibits A and B to the Bay House Development and Tax Increment Financing District Development Program Application, attached hereto at Exhibit A.

“Financial Plan” means the financial plan described in the “Financial Plan” section of the Development Program.

“Increased Assessed Value” means the valuation amount by which the Current Assessed Value exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any year, there is no Increased Assessed Value in that year.

“Original Assessed Value” means \$915,550, the assessed value of the Property as of April 1, 2011.

“Project” shall have the meaning given such term in the recitals hereto.

“Project Cost Account” means the account in the Development Program Fund described in Section 2.01 of the Development Program and established and maintained pursuant to the Development Program and Article II hereof.

“Project Costs” means all costs incurred by the Developer on the Project within the meaning set forth in 30-A M.R.S.A. §5222(14), as amended.

“Property” means the land and all real property improvements located in the Bay House Development and Tax Increment Financing District and taxable by the City.

“Property Taxes” means any and all ad valorem property taxes levied, charged or assessed against the Property by the City or on its behalf and actually paid to the City, but excluding any county, state or special district taxes that are separately levied, charged or assessed against the Property.

“Qualified Investments” shall mean any and all securities, obligations or accounts in which municipalities may invest their funds under applicable Maine law, and which are of the same type and tenor as the investments in which the City invests its own funds.

“Retained Tax Increment Revenues” means that portion of Property Taxes paid with respect to the Captured Assessed Value.

“Tax Payment Date” means the later of the date(s) on which Property Taxes assessed by the City with respect to the Property are due or are paid, or if any such day is not a business day, the next succeeding business day.

“Tax Year” shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31.

## **Section 1.2. Interpretation and Construction.**

In this Agreement, unless the context otherwise requires:

- a. The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Agreement, refer to this Agreement, and the term “hereafter” means after, and the term “heretofore” means before, the date of delivery of this Agreement.
- b. Words importing a particular gender mean and include correlative words of every other gender.
- c. Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.
- d. Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.
- e. All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.

## **ARTICLE II**

### **DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS**

#### **Section 2.1. Creation of Development Program Fund.**

Within sixty (60) days after the Effective Date, the City shall create and establish a segregated fund designated as the “Bay House Development and Tax Increment Financing District” shall have the meaning given such term in the recitals hereto.

Development Program Fund” (hereinafter the “Development Program Fund”) pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of a Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Project Cost Account shall also contain two subaccounts designated as the “Developer TIF Account” and the “City TIF Account.”

**Section 2.2. Deposits into Developer TIF Account.**

Each year during the term of this Agreement, commencing with the 2013-2014 Tax Year and continuing thereafter for the remaining term of this Agreement, there shall be deposited into the Developer TIF Account contemporaneously with each payment of Property Taxes an amount equal to that portion of the Property Taxes constituting Developer Tax Increment Revenues for the period to which the payment relates. Any and all revenues, if any, resulting from investment of monies on deposit shall be retained by the City and withdrawn from the Developer TIF Account contemporaneously with payment to the Developer.

**Section 2.3. Use of Monies in Developer TIF Account.**

Monies deposited in the Developer TIF Account shall be used and applied exclusively to fund the City's payment obligation described in Article III hereof.

**Section 2.4. Monies Held in Trust.**

All monies required to be paid into the Developer TIF Account under the provisions hereof and the provisions of the Development Program, other than investment earnings thereon, shall be held by the City, in trust, for the benefit of the Developer.

**Section 2.5. Investments.**

Any monies in the Developer TIF Account shall be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are at all times invested in Qualified Investments. As and when any amounts thus invested may be needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to otherwise direct the sale or conversion to cash of investments made with monies in the Developer TIF Account. If the City experiences any losses in association with these investments related to the Developer TIF Account, the City shall still pay to the Developer the amounts required under Section 3.1 hereof.

**Section 2.6. Tax Payments.**

The Developer shall pay or cause to be paid when due all Property Taxes assessed by the City unless contested by the Developer by appropriate proceedings pursuant to Maine law. No

payments shall be made by the City under this Agreement at any time any such taxes or amounts are due and unpaid.

### **ARTICLE III PAYMENT OBLIGATIONS**

#### **Section 3.1. Captured Assessed Value; Retained Tax Increment.**

During the term of the Development Program, the City shall annually retain the percentage of Increased Assessed Value and Increased Assessed Value indicated on Exhibit B attached hereto as Captured Assessed Value.

Notwithstanding Exhibit B attached hereto, if, at any point during the term of this Agreement, the Developer sells any condominium unit located in the District to a third party, then the percentage of Increased Assessed Value to be captured as Captured Assessed Value and reimbursed to the Developer shall drop to zero percent (0%) for the Tax Year following the Tax Year in which such sale occurs and for all Tax Years following through the term of the District.

Notwithstanding Exhibit B attached hereto, if, at any point during the term of this Agreement, the Developer is reimbursed a total of \$647,971, then the City will cease capturing value in the TIF District and all payments pursuant to this Agreement made to the Developer will cease.

Notwithstanding Exhibit B attached hereto, only those costs incurred to undertake the public improvements associated with the Project shall be reimbursed. The Developer shall submit a certification of costs form, in a similar format as attached at Exhibit C, in each Tax Year through and including the year in which the Project obtains a certificate of occupancy, in which the Developer shall certify the costs incurred to undertake the public improvements associated with the Project.

The Property Taxes paid with respect to the Captured Assessed Value shall be retained as Retained Tax Increment Revenues. The City agrees that all one hundred percent (100%) of the Retained Tax Increment Revenues shall constitute Developer Tax Increment Revenues. Each year during the term of this Agreement, the City shall deposit into the Developer TIF Account contemporaneously with each payment of Property Taxes an amount equal to one hundred percent (100%) of that portion of the property tax payment constituting Developer Tax Increment Revenues, in accordance with the provisions of Section 2.2 of this Agreement and the priorities established by 30-A M.R.S.A. § 5227(3)(B), starting with taxes assessed for the 2013-2014 Tax Year and continuing thereafter for the remaining term of this Agreement, ending with taxes assessed for the City's 2022-2023 Tax Year, based on the April 1, 2022 Current Assessed Value.

### **Section 3.2. Credit Enhancement Payments.**

The City shall pay to the Developer all Developer Tax Increment Revenues due and owing pursuant to Section 3.1 and then on deposit in the Developer TIF Account within thirty (30) days following the last Tax Payment Date in each fiscal year during the term of this Agreement, or within thirty (30) days of receipt of the Developer's request for annual payment submitted in accordance with Section 3.4(b) hereof, whichever shall occur last.

### **Section 3.3. Failure to Make Payment.**

In the event the City should fail to, or be unable to, make any of the payments required under the foregoing provisions of this Article III, the item or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, including without limitation, the City's obligation to establish and maintain the Account and to deposit Developer Tax Increment Revenues to the Account and its obligation to make required payment to the Developer.

### **Section 3.4. Manner of Payments.**

a. The payments provided for in this Article III shall be paid in immediately available funds in the manner provided hereinabove for its own use and benefit. Notwithstanding the above, no payments shall be made unless used to satisfy debt service on indebtedness incurred to finance qualified "Project Costs" as that term is defined under Chapter 206 of Title 30-A of the Maine Revised Statutes and as described as part of the Project in the Development Program or used to pay directly, or to reimburse the Developer for payment of such Project Costs.

b. The City shall make required payments in response to requests for annual payment submitted by the Developer setting forth the amount of the payment and containing a certification in the form attached hereto as Exhibit C.

### **Section 3.5. Obligations Unconditional.**

Except as otherwise expressly provided in this Agreement, the obligations of the City to make the payments described in this Agreement in accordance with the terms hereof shall be absolute and unconditional irrespective of any defense or any rights of setoff, recoupment or counterclaim it might otherwise have against the Developer. Notwithstanding the above, the City reserves the right to terminate this Agreement upon a final judgment by a court of competent jurisdiction to the effect that the Agreement or Development Program adopted in connection

herewith or any payment made thereunder is or would be illegal or invalid. In such event, the termination shall relate back to the original date of the Agreement which shall be deemed void ab initio, and neither party shall have any obligations or liability hereunder, under the Development Program or in respect of any of the transactions contemplated thereby, and shall be left in whatever positions, financial or otherwise, they may be in as of the date of termination.

### **Section 3.6. Limited Obligation.**

Except as otherwise expressly provided in this Agreement, the City's obligations of payment hereunder shall be limited obligations of the City payable solely from Retained Tax Increment Revenues and any earnings thereon, pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation on the part of the City or a charge against or pledge of the faith and credit or taxing power of the City, but shall be payable solely from the Retained Tax Increment Revenues received by the City, and any earnings thereon. This Agreement shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the City's obligation to assess property taxes upon the Project and the pledge of the Retained Tax Increment Revenues established under this Agreement.

## **ARTICLE IV PLEDGE AND SECURITY INTEREST**

### **Section 4.1. Pledge of Developer TIF Account.**

In consideration of this Agreement and other valuable consideration and for the purpose of securing the City's payment of the amounts provided for hereunder, according to the terms and conditions contained herein, and in order to secure the performance and observance of all of the City's covenants and agreements contained herein, the City does hereby grant a security interest in and pledge to the Developer the Developer TIF Account and all sums of money and other securities and investments therein.

### **Section 4.2. Perfection of Interest.**

To the extent deemed necessary or desirable by the Developer, the City shall cooperate with the Developer in executing certain control or three party agreements, and also consent to appropriate financing statements and continuation statements being duly filed and recorded in the appropriate state offices, as required by and permitted under the provisions of the Maine Uniform Commercial Code or other similar law as adopted in the State of Maine and any other applicable jurisdiction, as from time to time amended, in order to perfect and maintain the security interests in the funds in the Developer TIF Account.

#### **Section 4.3. Further Instruments.**

The parties hereto shall, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement, provided, however that no such instruments or agreements shall pledge the credit of the City.

#### **Section 4.4. Liens.**

Except as permitted hereunder, the City shall not sell, lease, pledge, assign or otherwise dispose, encumber or hypothecate any interest in the Account and will promptly pay or cause to be discharged or make adequate provision to discharge any lien, charge or encumbrance on any part thereof not permitted hereby.

#### **Section 4.5. Access to Books and Records.**

All books, records, notes and documents in the possession of the City relating to the Bay House Development and Tax Increment Financing District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into the Account shall at all reasonable times be open to inspection by the Developer, its agents and employees.

### **ARTICLE V DEFAULTS AND REMEDIES**

#### **Section 5.1. Events of Default.**

Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default”:

- a. Any failure by the City to pay any amounts due under Section 3 above when the same shall become due and payable;
- b. Any failure by the City to make deposits into the Developer TIF Account as and when due;
- c. Other than as provided in paragraph (a) and (b) above, any failure by the City or the Developer to observe and perform in all material respects any respective covenant, condition, agreement or provision contained herein on the part of the City or the Developer respectively to be observed or performed, including any failure of the Developer to use payments made under this Agreement as required in Section 3.6 of this Agreement, which failure is not cured within

thirty (30) days following written notice thereof; provided, however, that this subsection (c) shall not be construed to include the Developer's failure to pay Property Taxes on the Property in the Bay House Development and Tax Increment Financing District for any reason as an Event of Default hereunder; and

d. If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises shall appoint a conservator or receiver or liquidator for the City, or if any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings for the winding up or liquidation of the City's affairs shall have been entered against the City or if the City shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the City or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the City or the failure by the City to have a petition in bankruptcy dismissed within a period of 90 consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the City.

#### **Section 5.2. Remedies on Default.**

Whenever any Event of Default referred to in Section 5.1 hereof shall have occurred and be continuing, the non-defaulting party may take any one or more of the following remedial steps: (a) the non-defaulting party may take whatever action at law or at equity as may appear necessary or desirable to collect any amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the non-defaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder; and (b) the Developer shall also have the right to exercise any rights and remedies available to a secured party under the laws of the State of Maine. No party has the right to terminate this Agreement.

#### **Section 5.3. Remedies Cumulative.**

No remedy herein conferred upon or reserved by any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to the remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default or to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the rights to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict



compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

**Section 5.4. Enforcement Rights.**

The City and the Developer agree that each party hereto shall have the right to initiate a legal proceeding to enforce the specific performance of this Agreement, it being understood and agreed that this Agreement is a material inducement to the Developer continuing its pursuit of the Project. The parties agree that in the event of any dispute or disagreement hereunder the Developer and the City shall continue to make payment of all amounts due hereunder in the manner and at the times specified herein until final resolution of such dispute, whether by mutual agreement or final decision of a court, arbitrator or other dispute resolution mechanism.

**ARTICLE VI  
EFFECTIVE DATE, TERM AND TERMINATION**

**Section 6.1. Effective Date and Term.**

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire on the later of the completion of deposits and payments required pursuant to Articles II and III hereof with respect to the City's 2022-2023 Tax Year relating to Current Assessed Value as of April 1, 2022, or upon the performance of all obligations on the part of the City and the Developer hereunder, including without limitation payment of all amounts to be paid to Developer.

**Section 6.2. Cancellation and Expiration of Term.**

At the termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and the Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

**ARTICLE VII  
ASSIGNMENT**

**Section 7.1. Consent to Pledge and/or Assignment.**

The City hereby acknowledges that the Developer may from time to time pledge and assign its right, title and interest in, to and under this Agreement as collateral for financing for the Project, although no obligation is hereby imposed on the Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of all the Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for financing the Development Program, on one or more occasions during the term hereof. The City agrees to execute and deliver any assignments, pledge agreements, consents or other confirmations required by such prospective pledgee or assignee, including without limitation recognition of the pledgee or assignee as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder. The City agrees to execute and deliver any other documentation including, without limitation, any reasonable three-party control agreement, as shall confirm to such pledgee or assignee the position of such assignee or pledgee and the irrevocable and binding nature of this Agreement and provide to such pledgee or assignee such rights and/or remedies as the Developer or such pledgee or assignee may reasonably deem necessary for the establishment, perfection and protection of its interest herein.

#### **Section 7.2    Assignment.**

Except as provided in Section 7.1, and except for the purpose of securing financing for the Project or for an assignment to a successor entity or an affiliate entity, the Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the consent of the City, which consent shall not be unreasonably withheld.

### **ARTICLE VIII MISCELLANEOUS**

#### **Section 8.1.   Successors.**

In the event the City or the Developer are dissolved, merged into or consolidated with another entity, or undergo any form of corporate reorganization, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

#### **Section 8.2.   Parties in Interest.**

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and the Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and the Developer; provided, however, that if the payment obligations of the City hereunder are held by a final and binding proceeding to be illegal or invalid, this Agreement shall terminate. In such event all obligations of the parties shall terminate, and no party shall have any further liability to the other hereunder.

### **Section 8.3. Severability.**

Except as otherwise provided herein, in case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

### **Section 8.4. No Personal Liability.**

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity and neither the members of the City Council of the City, or any official, officer, agent, servant or employee of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future director, member, officer, agent, servant or employee of the Developer in his or her individual capacity and neither the directors, members, officers, agents, servants or employees of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

### **Section 8.5. Counterparts.**

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

### **Section 8.6. Governing Law.**

The laws of the State of Maine shall govern the construction and enforcement of this Agreement in all respects.

### **Section 8.7. Notices.**

All notices, certificates, requests, requisitions or other communications by the City or the Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, or, for any notice of an Event of Default, by registered or certified mail, return receipt requested, addressed as follows:

If to the City:

Corporation Counsel's Office  
City of Portland  
389 Congress Street  
Portland, ME 04101

If to the Developer:

The Village at Oceangate, LLC  
35 Fay Street, Suite 107-B  
Boston, Massachusetts 02118  
Attn: Demetrios Dasco

With a copy to:  
Bernstein Shur  
Attn: Joan M. Fortin, Esq.  
100 Middle Street, P.O. Box 9729  
Portland, ME 04104

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

### **Section 8.8. Amendments.**

Neither this Agreement nor the Development Program may be amended without the express written consent of all of the parties hereto, which consent shall not be unreasonably withheld, conditioned or delayed. Provided, however, the parties agree to amend this Agreement in order to fulfill such reasonable requirement that a lender may require in connection with financing of the Project. This Agreement may only be amended in compliance with the provisions of 30-A M.R.S.A. §5211 et seq., as amended.

**Section 8.9. Net Agreement.**

This Agreement shall be deemed and construed to be a “net agreement,” and the City shall pay absolutely net during the term hereof all payments required hereunder, free of any deductions, and without abatement, or setoffs; provided, it is understood that the City's payment obligations are to be satisfied solely from Retained Tax Increment Revenues and actually paid in by the Developer and received by the City.

**Section 8.10. Integration.**

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and the Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

**Section 8.11. Project Responsibility.**

The parties hereto agree, and the City hereby acknowledges that the Developer shall have no obligation to go forward with the Project referred to herein or in the Development Program. Such Project is subject to final approval by the Developer.

**Section 8.12. Benefit of Assignees or Pledgees.**

The City agrees that this Agreement is executed in part to induce assignees or pledgees to provide financing for the Project and accordingly all covenants and agreements on the part of the City as to the amounts payable hereunder are hereby declared to be for the benefit of any such assignee or pledgee from time to time of the Developer's right, title and interest herein.

**Section 8.13. No Third Party Benefits.**

Except as otherwise expressly authorized herein, this Agreement is entered into solely between, and may be enforced only by the City and the Developer and its assignees or pledgees, and this Agreement will not be deemed to create any rights in other third parties, or to create any obligations of a party to this Agreement to any such third parties. In clarification of the foregoing, no tenant at the Property obligated under its lease or rental agreement with the Developer to pay all or any portion of the property taxes associated with the Property shall be entitled to any of the funds in the Developer TIF Account or to the benefit thereof without a formal assignment or pledge from the Developer of the rights and duties to this Agreement.

**Section 8.14. Indemnification.**

a. The Developer agrees to defend, indemnify and hold harmless the City, its officers, agents and employees from any and all claims and expenses, including its attorney fees, arising out of or associated with the City's approval of the Bay House Development and Tax Increment Financing District and its preparation of and participation in this Agreement, including expenses arising from any default hereunder by the Developer but excluding any such claims or expenses as may relate to actions or proceedings resulting from a default hereunder by the City. This indemnification obligation shall survive termination of this Agreement or a finding that this Agreement is void or invalid.

b. The City agrees to defend, indemnify and hold harmless the Developer, its officers, agents and employees from any and all claims and expenses, including its attorney fees, arising out of or associated with any default hereunder by the City. This indemnification obligation shall survive termination of this Agreement or a finding that this Agreement is void or invalid.

**Section 8.15. Waiver of Recapture.**

In order to induce Developer to construct the Project, in the event this Credit Enhancement Agreement, the Development Program or designation of the Bay House Development and Tax Increment Financing District is found or held void or invalid or if for any reason the payments made by the City hereunder are held contrary to law or improper by a Court of law with final jurisdiction over this Agreement, the City irrevocably waives its rights to reclaim, recapture or otherwise recover any TIF proceeds paid to the Developer or any assignee pursuant to this Agreement.

**(Signature page break.)**

IN WITNESS WHEREOF, the City and the Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers or members, as the case may be, all as of the date first above written.

WITNESS

Sonia Bear

CITY OF PORTLAND, MAINE

By:

Mark Rees

Its: City Manager

THE VILLAGE AT OCEANGATE, LLC

By:

Demetrios Dasco

Its: GORDON REGER  
MANAGING MANAGER

Approved as to funds:

EDS  
Budget Office

APPROVED AS TO FORM:

XGW  
CORPORATION COUNSEL'S OFFICE

**MEMORANDUM**

**TO:** Chair Donoghue and Members of the HCDC

**FROM:** Alex Jaegerman, Planning Division Director

**DATE:** October 2, 2014

**SUBJECT:** India Street Sustainable Neighborhood Plan (ISSNP)

On Monday, September 22, 2014, the India Street Neighborhood Advisory Committee voted 9 -1 (Mazer opposed) to recommend the India Street sustainable Neighborhood Plan to the City Council to be adopted as an element of the Portland Comprehensive Plan. A similar vote in August had to be retaken based on a concern that there was insufficient attendance at that earlier meeting. This item is scheduled for the October 20 City Council meeting. Councilor Donoghue has requested that this item be on the HCDC agenda to brief the Committee in advance of the City Council meeting.

The ISSNP is the result of planning for the India Street neighborhood that began in 2013 with a visioning process undertaken through the Sustain Southern Maine regional planning process as a Center of Opportunity. Following that, the ISNAC was established in the fall of 2013 and spent the past year further developing the plan to its final form as recommended to the City Council. The planning process involved five ISNAC working groups: Housing & Equity; Form Based Code; Economic Development; Historic Preservation; and Infrastructure & Landscape. Each of these work groups developed and recommended policies and initiatives to comprise the plan. At the latest stages of plan development, a number of issues relating to policy and proposed regulation generated a great deal of discussion, and were the focus of the final plan modifications to generate a plan recommendation that a strong majority of ISNAC could support.

The major recommendations of the plan are:

- To establish of an India Street Historic District;
- To develop a Form Based Code to replace the myriad zoning districts in this neighborhood, and
- To promote affordable housing City-wide.

**Historic Preservation:** The Historic Preservation Work Group recommended that a historic district be established for a large area of the neighborhood, based on



research and analysis by historic preservation consultants Turk Larry Tracy, Architects. Throughout the discussions, the proprietors of Shipyard Brewery and associated properties expressed concerns about inclusion of two residential properties on their otherwise industrial block holdings. Toward the end of the planning process, a number of additional property owners expressed opposition to the extent of the proposed historic district and the designation of many older wood frame vernacular buildings as contributing buildings and therefore protected from demolition.

The outcome from the September 22 meeting was to exclude the specific proposed historic district boundary map from the plan, while retaining the policy statements related to historic preservation. It is understood that the specifics of the historic district boundary will be reviewed by the Historic Preservation Board and the Planning Board prior to this specific regulation being recommended to the City Council for enactment. Members of the Historic Preservation Work Group will be invited to participate in the ongoing development of the recommended district. The expectation is that the details and extent of the proposed district will be further debated and refined during that review process.

**Form Based Code:** The plan from its inception anticipated that this neighborhood would be the subject of a new zoning methodology of form based code. This zoning method more effectively addresses the form and massing of development through detailed master planning of blocks and streets. While we made some progress in creating the draft FBC for India Street, the latest version presented to the FBC Working Group did not adequately address member concerns with the scale of building forms that have proliferated in the past several years, which are widely viewed as out of scale with the desired character of the India Street Neighborhood. At the September 22 meeting, ISNAC voted to withdraw the draft FBC regulations from the plan. Remaining in the plan are the core elements of the proposed FBC, namely the Character District Map, which describes in a qualitative way three street/block types and locates them in the neighborhood. This map was endorsed in the plan and will form the basis of ongoing work to develop the Form Based Code zoning provisions for this neighborhood. The Form Base Code Work Group will continue to meet to further develop this ordinance provision recommendation, which will go to the Planning Board for further development and a recommendation back to the City Council.

Finally, regarding the historic preservation and form based code elements, it was directed that these would be advanced for further development by the respective Boards, (HP and Planning Board), and that they would be returned for City Council consideration together as a package.

**Inclusionary Zoning:** Through the planning process the Housing & Equity Work Group was charged with developing recommendations regarding future housing

development in this neighborhood. An issue that formed a core of the policy discussion was the need for a balance of housing types, and concern that new housing development is generally quite a bit more expensive and catering to a wealthier market than the established and historic pattern of affordable and middle income housing that makes up the residential stock. To address this issue an ordinance was drafted to require a percentage of new housing, in projects over a certain size, to be affordable according to middle income parameters. ISNAC struggled with this policy, as to enact such a provision in this neighborhood alone might have the perverse effect of discouraging new housing development that would otherwise be desirable according to the plan. The recommendation therefore evolved to make this recommendation apply city wide, but this many members felt was beyond the purview of ISNAC's charge. It was felt that a major policy such as this should therefore be excluded from the plan, while retaining policies to support a mix of housing types and value ranges. At the September 22 meeting, the plan was amended to remove specific references to inclusionary zoning per se and to refer that policy and regulation issue for further consideration by the HCDC. It is expected that the HCDC will discuss this and consider further direction to the Department to proceed with this program, which would also be referred to the Planning Board for further development and their recommendation back to the City Council.



# India Street

## Sustainable Neighborhood Plan

Portland, Maine

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Final ISNAC Draft, September 2014



### Part 1: The Plan

***Portland Starts Here . . .***



Vision for India Street (at Middle Street) Image Credit: Richardson & Associates, Saco, ME

**[Insert City Council Order as Passed adopting plan]**

## Acknowledgments

**The India Street Sustainable Neighborhood Plan** has been a widely collaborative effort over the course of two years. This report was shaped and informed by many participants who deserve recognition for their efforts, including the India Street Neighborhood Association, Sustain Southern Maine, the India Street Neighborhood Advisory Committee and associated Working Groups, and of course, the community businesses, residents, workers, organizations, institutions, and developers. Especially critical to the formulation of this neighborhood plan is Hugh Nazor, president of the India Street Neighborhood Association. Without his ceaseless efforts to bring attention to the neighborhood, this Plan would not exist.

In 2013, Portland became a participating city in the Urban Sustainability Accelerator (USA) technical assistance grant through Portland State University, Oregon, which is funded through the Summit Foundation, Toulon School of Urban Studies and Planning, Institute for Sustainable Solution at Portland State University, and the participating cities. Special thanks to Robert Liberty for his enthusiastic support and valuable resources provided through the course of this program. Especially valuable was the consulting work of Michele Reeves, Civilis Consulting, Portland, Oregon.

The India Street Neighborhood Advisory Committee convened in the fall of 2013 to guide the neighborhood plan development. City Councilor Kevin Donoghue and neighborhood resident and emeritus professor at the Muskie School of Public Service Richard Barringer graciously offered their time as co-chairs to this Council-appointed committee. Nineteen members were appointed to this group with wide-ranging expertise and areas of insight; without their time and efforts this plan would not have reached its successful conclusion. Many active and enthusiastic members of the community volunteered to participate in Working Groups in order to brainstorm, strategize, and craft recommendations for the final plan. Many thanks again to all of these members of the India Street and greater Portland community who gave of their time and expertise to craft this plan.

Additional resources and support were provided by key neighborhood organizations. One central to this process was the Portland Society for Architecture which hosted meetings, provided professional advice and collaboration, and financial resources that were especially crucial in the City's participation in the USA technical assistance grant and the subsequent consulting services of Michele Reeves. The Maine Jewish Museum generously provided for the use of their facilities throughout the course of the planning process. Professor Yuseung Kim of USM's Muskie School of Public Service and the students in his Planning Workshops made significant contributions to our work with the creation of a 3d model of the neighborhood and the study, *Portland Starts Here: India Street Neighborhood Recommendations*, available at <http://www.portlandmaine.gov/1114/India-Street>

It must be noted that many dedicated City staff members orchestrated and ushered along this complex process. Recognition is due to Planning Division Director Alex Jaegerman, Senior Planner Bill Needelman (who has since become the Waterfront Coordinator), Urban Designer Caitlin Cameron, and Historic Preservation Program Manager Deb Andrews who led the effort. Additional support was provided by Mary Davis, Housing and Community Development Division Director, Nelle Hanig, Business Programs Manager, Bruce Hyman, Bicycle and Pedestrian Program Coordinator, and Doug Roncarati, Stormwater Program Coordinator.

## India Street Neighborhood Advisory Committee

*Richard Barringer, Co-Chair*  
*Councilor Kevin Donoghue, Co-Chair*  
*Hilary Bassett*  
*Beth Boepple*  
*Carol De Tine*  
*Tom Federle*  
*Bethany Field*  
*Arthur Fink*  
*Ani Helmick*  
*Bobbi Keppel*  
*Alan Kuniholm*  
*Ethan Boxer Macomber*  
*Joe Malone*  
*Brandon Mazer*  
*Linda Murnik*  
*Hugh Nazor*  
*Arlin Smith*  
*Timothy Wilson*  
*Kara Wooldrik*

## City Council

*Michael Brennan, Mayor*  
*Kevin Donoghue, District 1*  
*David Marshall, District 2*  
*Edward Suslovic, District 3*  
*Cheryl Leeman, District 4*  
*John Coyne, District 5*  
*Jon Hinck, At Large*  
*Nicholas Mavodones, At Large*  
*Jill Duson, At Large*

## Planning Board

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*Scott Benson, Vice Chair*  
*Bruce Wood*  
*Penny Pollard*  
*John Turk*  
*Ted Oldham*  
*Julia Sheridan*

## Working Groups

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*Consultants: Stephanie Carver, GPCOG, and Ken Studtmann, Richardson & Associates*  
*Elizabeth Boepple*  
*Carol De Tine*  
*Tom Federle*  
*Arthur Fink*  
*Alan Kuniholm*  
*Brandon Mazer*  
*Hugh Nazor*  
*Jay Waterman*

### Historic Preservation

*Staff: Deb Andrews*  
*Consultant: Julie Larry, Turk Tracey & Larry Architects*  
*Hilary Bassett*  
*Pamela Cummings*  
*Ed Gardner*  
*Ani Helmick*  
*Joe Malone*  
*Linda Murnik*

### Infrastructure/ Landscape Planning

*Staff: Caitlin Cameron*  
*Jennifer Claster*  
*Bobbi Keppel*  
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### Equity/ Housing

*Staff: Mary Davis, Alex Jaegerman*  
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*Jill Danaher*  
*Bethany Field*  
*David Loranger*  
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### Economy

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*Richard Barringer*  
*Rachelle Curran*  
*Susie Kendeigh*  
*Brandon Mazer*  
*Hugh Nazor*  
*Arlin Smith*  
*Tim Wilson*

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*Alex Jaegerman, Planning Division Director*  
*Caitlin Cameron, Urban Designer*  
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*Mary Davis, Housing and Community Development Division Director*  
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*Nelle Hanig, Business Programs Manager*

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*Rebecca Schaffner, Program Manager, GPCOG*  
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*Todd Richardson, Landscape Architect, Richardson & Associates*



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## Background – The Planning Process

The India Street neighborhood is situated on the burgeoning Portland peninsula, a beautiful waterside location nestled between the Old Port and Munjoy Hill. As explained below, this area was the nucleus of the birth of Portland as a colonial city, and the City has grown up around India Street. In the years following 2010, this area began to experience development as the recession gradually gave way to resurgent growth. Many large projects were proposed pre-recession that did not come to fruition, and several sizable projects – two hotels, a parking garage, and housing, to name a few – were constructed that began to change the face of this neighborhood. Heavily influenced by downtown and the waterfront, India Street emerged as a magnet for new development, and the community responded with a request for focused planning to guide the future of the area, lest the market forces bring about change that many observers and residents feared would be of a scale and character that does not reflect the community's aspirations.

Community leaders approached the City with this concern, that planning has focused all around this neighborhood, along the waterfront, and in the downtown, but not on this neighborhood as a distinct place, to explore its character and establish a vision for its growth and development. An effort to address the specific issue of building heights along India Street was considered by the Planning Board in June of 2012, and led to the recognition that a comprehensive planning initiative was the more appropriate approach to take. The Planning Office was charged with leading this effort, in partnership with the India Street Neighborhood Association. This planning process has proceeded in two phases.

The first phase began in earnest in January, 2013, with the selection of the India Street neighborhood as a *Center of Opportunity* within the Sustain Southern Maine (SSM) regional planning program, a consortium of Cumberland and York County communities that came together with funding from the U.S. Department of Housing & Urban Development to create a sustainable growth plan for the region. India Street was selected as a pilot community that represents opportunities for regional growth to occur in established urban centers as a strategy to combat sprawl and revitalize our city centers. With a small planning grant from SSM through the Greater Portland Council of Governments, we engaged with the India Street community to create a vision for the India Street neighborhood. Highlights of this effort included a Public Open House at the Jewish Heritage Museum in March, 2013, followed by a day-long workshop of three stakeholder small groups in April, 2013, to convert the ideas from the Open House in to neighborhood planning concepts. This input was then synthesized by the planning and consulting team into a series of reports and nine graphic products presenting an emergent neighborhood vision, form, transportation, street systems, landscape, and open space. These were presented in two public forums in June, and later in September, 2013.



Emerging Vision: Sustain Southern Maine Conceptual Plan - June, 2013

The fall of 2013 marked the transition from the visioning work aided by SSM, to the planning production phase marked by the collaboration with another technical assistance resource called the Urban Sustainability Accelerator (USA), a new program created to help mid-sized and smaller urban areas implement sustainability projects, to move their proposals from a concept to reality. This program was made possible through support of Portland State University's Toulan School of Urban Studies and Planning, the Institute for Sustainable Solutions, and a grant from the Summit Foundation. The timing of this technical resource coincided with our ongoing efforts to create a plan for India Street. In November, 2013 we established a stakeholder advisory committee, the India Street Neighborhood Advisory Committee (ISNAC) appointed by the City Council, along with other interested citizens to assist the Planning Office to complete the plan. ISNAC established five work groups to flesh out the plan: Housing & Equity; Land Development & Form-Based Code; Economic Development; Historic Preservation; and Infrastructure & Landscape. These Work Groups met continuously from January through July of 2014 to investigate issues and develop policy and implementation recommendations within their assigned areas. The majority of the substance of this plan is credited to the hard work of these citizen teams with their staff support. Each Work Group reported to the ISNAC on a monthly basis on their findings and recommendations.

The technical assistance through the USA program was ongoing during this period and helped inform the Work Groups in their areas of interest. Highlights include the three-day consulting visit from Michele Reeves, of Civilis Consultants, on February 11 – 13, 2014. Ms. Reeves generated a strong recognition of the stage of India Street's development, and the attributes that lend unique value to the economy of the neighborhood as well as its intrinsic character. True to form, on the night of her final presentation we experienced blizzard-like conditions, so many who could not be there in person viewed the video online. Other highlights included a week-long visitation from a University of California, Davis team headed by Professor Stephen Wheeler and three Landscape Architecture graduate students, who studied the neighborhood and issued a report in December, 2013, *Recommendations for a Sustainable Neighborhood Plan* that focused on environmental sustainability measures for India Street. Also during this intensive working period, we had the benefit of our own University of Southern Maine through Professors Yuseung Kim and Richard Barringer, whose Planning Workshop class produced a May, 2014 report, *Portland Starts Here*, which addresses place branding, economic development, and streetscape recommendations.

In summary, this process relied on our own in-house planning expertise, and the hard work of many very dedicated neighborhood stakeholders who volunteered countless hours to the task. We had some outside consulting and technical resources, where available and as needed, to round out and inform the effort. We are very pleased to convey this plan, which is a tangible product with realistic objectives grounded in an engaged community process.

Finally, several concurrent planning efforts will have direct but still undetermined impacts on the India Street neighborhood and this Plan.

#### Public Planning Processes:

- **The Franklin Street Redesign Phase II** is underway, the objective of which is to narrow the roadway, redesign intersections, and employ Complete Streets policies making the street safe and useable for all modes. The street will ideally take on a more active and urban character but the final results of this process remain to be determined. Considering the feedback received throughout the India Street planning process the neighborhood is most affected by the topics of connectivity and the reposition of the right-of-way. The Transportation Plan of the Comprehensive Plan states, “The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.” In keeping with the policy for an interconnected street network, the neighborhood would benefit from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely. If it is determined that no vehicular connection is to be provided at Federal or Newbury streets, remaining public space would be well-suited as a public open space. It is not likely that the neighborhood would be satisfied to have no additional connections to Franklin Street. ISNAC assumes the premise that the neighborhood (and city) would benefit most from increasing the development opportunities within the neighborhood. The neighborhood would also benefit from active, urban uses along Franklin Street. Priority locations for development opportunities include the blocks between Middle and Congress Streets.
- **Lincoln Park** is undergoing a master plan process with future restoration and improvements proposed. The park is a potential open space asset to the India Street neighborhood. Currently, there is a lack of connectivity between the neighborhood and the park and an absence of liveliness and activity. ISNAC supports solutions that balance expansion of Lincoln Park with opportunities for development along the India Street neighborhood edge at Franklin Street. The ISNAC advocates for improved connections between the neighborhood and park, especially pedestrian and bicycle.

#### Private Development Projects:

- **The Portland Company** complex is undergoing a master plan process with proposed significant redevelopment and adaptive reuse of the historic property. Details about the uses and forms are undetermined at the adoption of this plan. As a large neighboring property, what happens on that site will impact the India Street neighborhood, potentially increasing the resident population, office and amenities, and foot and vehicular traffic past and through India Street.
- **Munjoy South Townhouses** is a low-income housing development adjacent to the India Street neighborhood to the East. Developed post-war as part of a city redevelopment strategy, this complex may be redeveloped in the future. It is not known whether future development on this site will remain affordable housing and what form and density it will take. This development is one of the larger affordable housing developments near the India Street neighborhood; its size, proximity, and affordability impact the development of the neighborhood in terms of growth, services, and transportation needs.



## Why a *Sustainable* Neighborhood Plan?

We have proposed this plan as a sustainable neighborhood plan. To understand this approach, it is necessary to review the sustainability principles of Community, Economy, and Environment. Since the City Council adopted the *Sustainable Portland Plan* in 2009, as part of our comprehensive plan, we have endeavored to use the sustainability model in planning and policy making. *Sustainable Portland* offered the final challenge to future policy makers:

**“To become a sustainable community, the City of Portland must commit to a continuous process of self-assessment and adaptation. When faced with decisions, our City government, residents, institutions, and businesses should ask a series of questions:**

- **Is this decision good for the environment, the economy, and the community?**
- **Is this good for the long-term?**

**If the answers are “yes,” then the decision will move us toward becoming a more sustainable city.”**

Sustainable Portland – Incorporating Sustainability into Everyday Decision Making City of Portland, 2009, Portland Comprehensive Plan

Sustainability principles are imbedded throughout this planning process and plan. We have incorporated the work by Sustain Southern Maine, which looks to urban neighborhood growth as vital to a sustainable region. We have had the technical assistance from the Urban Sustainability Accelerator, which, as the name suggests, seeks to promote sustainable practices in small cities across America. We have looked deep into the neighborhood itself, to examine what is needed to sustain a vibrant, healthy, prosperous future. We could call this a neighborhood development plan, or a neighborhood master plan, or comprehensive plan. The title could change, but the imperative to plan affirmatively for a healthy community, economy, and environment is paramount as we face the challenges and changes to come. This plan touches upon these three factors and presents a balanced set of recommendations that address each of them appropriately for this stage of development in this India Street neighborhood.

As a City Council-adopted neighborhood plan, the India Street Sustainable Neighborhood Plan becomes an adopted element of the city-wide Comprehensive Plan. A Comprehensive Plan is a long-range plan that provides a policy framework to guide municipal decisions. Portland has conducted numerous long-range planning activities that have produced a variety of components of the Comprehensive Plan, which include functional elements, such as the Transportation Plan, and strategic or geographic area plans, of which this plan is an example.

## History – The India Street Neighborhood



India Street Neighborhood in 1871

India Street has the distinction of being the first street in Portland and the center of the city's earliest settlement. Although little remains from this early chapter in the area's history, the story of what followed is compelling and unlike any other neighborhood in the city. The India Street and waterfront area was the main commercial district of Portland prior to the Great Fire of 1866, when the core of the downtown moved to the Old Port. As early as the 1820's, the India Street Neighborhood was home to a large community of African Americans. Later, it became the point of entry and first home to many of the city's newly-arriving immigrant groups, including Irish, Italian, Jewish, and Scandinavian populations. The neighborhood was the hub of intermodal transportation where shipping and ferries, trains, and land transportation converged around the waterfront generating a center of activity. Newcomers found stability working as laborers on the city's waterfront, Grand Trunk Railroad, and nearby Portland Company. As they became established, each group made its mark on the area, building impressive



North School (1867)

churches and synagogues and launching a wide range of small businesses and institutions. Public health facilities, including a milk dispensary and medical school, were built on India Street to address the needs of the residents. North School, the largest elementary school in the state when it was built, responded to the transitional nature of the



neighborhood by offering occupational training and other innovative programs designed specifically to help the immigrant and first generation children it served.

The historic buildings that remain today tell the story of who lived here and how this neighborhood evolved and functioned. Landmark structures such as North School, the India Street Firehouse, and numerous churches and synagogues are very important to the story. So, too, are the modest wood frame houses owned by the founders of the Abyssinian Meeting House, the triple-deckers that housed immigrant families, and the small commercial structures that were built to serve the needs of a self-contained neighborhood. Just as the neighborhood's remaining historic structures provide tangible evidence of its history, they also establish the strong and appealing visual character of the area.



Abyssinian Meeting House (1828)

Since the mid-20<sup>th</sup> century, the neighborhood has lost a number of key landmarks, including the Grand Trunk Station and the house where Henry Wadsworth Longfellow was born, at the corner of Fore and Hancock streets. Once-dominant population groups have moved on to other parts of the city, leaving the neighborhood with just a few hundred households. Insensitive alterations to historic structures and the clearing of older buildings for surface parking lots and discordant new construction have diminished the character of the neighborhood. The most dramatic change, of course, was the construction of the Franklin Arterial, which entailed the removal of many homes and commercial structures at the western end of the neighborhood, and severed what had been a seamless transition to the downtown core. The removal of homes and construction of Munjoy South public housing on Mountfort Street created another abrupt boundary to the neighborhood where there previously had been none.



Franklin Arterial (1967) changes the neighborhood, creates disconnected conditions



A mix of different building types on Congress St

Notwithstanding these losses, the neighborhood retains numerous elements of its past that warrant recognition and preservation. This historic building fabric could also inform the scale and character of new development, which would result in a lively mix of new and old within a distinctive, human scale, mixed-use neighborhood.

An older, downtown adjacent neighborhood such as India Street has assets that significantly outweigh its challenges. In addition to the cultural significance of the historic neighborhood, today's market values historic architectural fabric that provides a human-scale foundation for future development. Significant parcels, including those formerly in industrial use, are vacant or underused and inviting for redevelopment. As an existing urban neighborhood, it enjoys a relatively complete infrastructure that is ripe to support revitalization. The historic street grid is walkable and

contributes both to quality of life and to market value for the land uses served by it. Multi-modal transportation services, both existing and potential, create choices for those who want to live or work in or to visit the neighborhood. This mixed-use neighborhood with proximity to downtown already has a core mix of residential and commercial uses, including long-standing uses that are well recognized and loved, and may serve as springboards to additional development. The most important characteristic of all, however, is the prevalence and importance of *people*; the neighborhood is the product of the people who have been here, past and present, and this plays a key role in shaping the future of the India Street neighborhood.

## India Street Neighborhood Identity Past and Present



From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consulting, February 2014

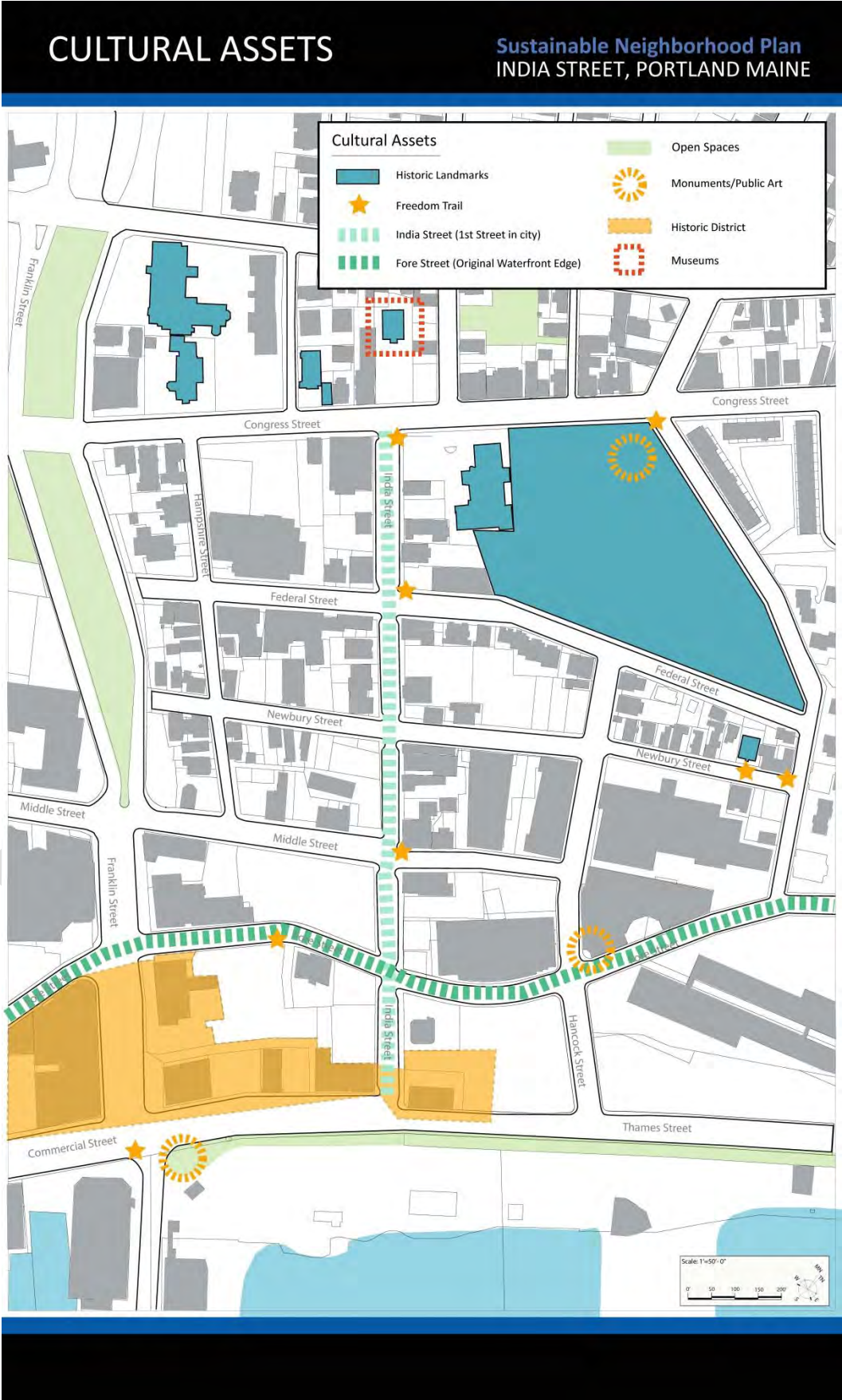
### Assets to Build Upon

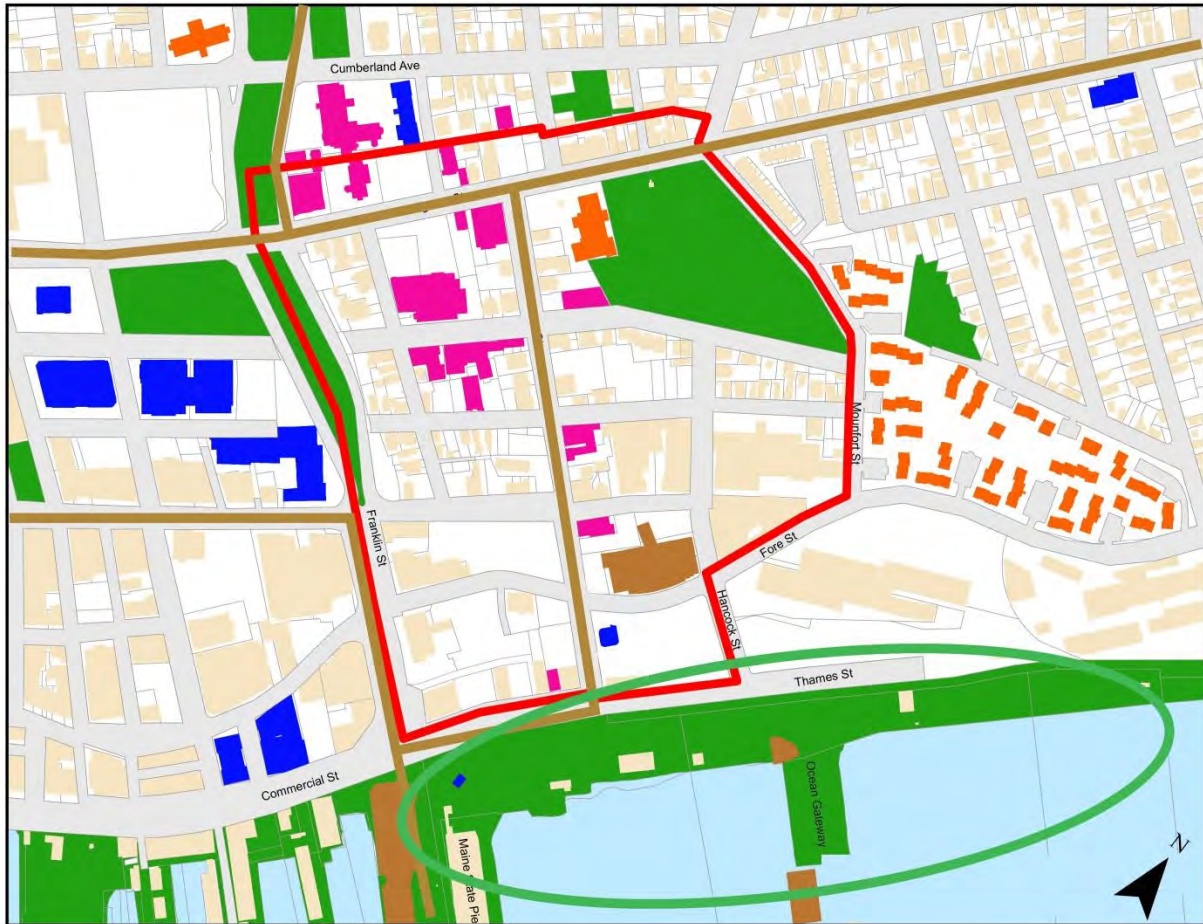
- **Cultural Heritage** – Portland starts here!
- **Historic** – Landmark buildings and a historic building fabric
- **Adjacent** – Waterfront, Residential neighborhoods, Downtown, Ferry and Cruise terminals
- **Shop Local** – Destination and landmark stores; Small, independent business and entrepreneurial culture; Truly mixed-use
- **Food Destination** – Many restaurants that draw people from all over the city and region
- **Accessible** – Walkable, bus connections, ample parking, good biking streets, ferry terminal
- **Geographic Advantage** – The neighborhood slopes to the waterfront, providing views
- **Development Possibilities** – Many development opportunities of varying scale

### Challenges to Face

- **A Lack of Clear Identity** – The neighborhood lacks a clear identity and has never before been the subject of a neighborhood plan
- **The Constraints of Past Land Uses** – Industrial uses, many now defunct, were common in neighborhoods like this, with brownfield and clean-up costs associated with them
- **Scale of Development** – Large development sites have resulted in recent redevelopment that does not comport well with the desires of neighborhood residents and businesses, historic buildings, and neighborhood character in height or scale
- **Disconnected** – The neighborhood edges have been seriously altered and/or sealed off







### Physical/Land Assets

- Waterfront (views and physical access)
- Parks and open space
  - Playgrounds – Peppermint Park, Adams Street
  - Public open spaces
  - Trails
  - Recreational facilities – Basketball at Adams Street
- Vacant Land – 21 parcels

### Transportation & Mobility

- Bus Routes - 4 bus lines (1, 6, 7, and 8)
- Ocean Gateway Terminal
- Casco Bay Lines Terminal
- Parking Garages

### Community, Health, and Resources

- Religious Institutions
- Community groups, Neighborhood Associations
- Advocacy groups and centers
- Clinics and counseling centers
- Community Meeting Spaces
- Hospitals, clinics, and health offices
- Grocery Stores

### Local Institutions

- Schools, colleges, and universities
- Fire/Police and other emergency services
- Federal Agencies

### Affordable Housing

Assets in the India Street neighborhood and surrounds

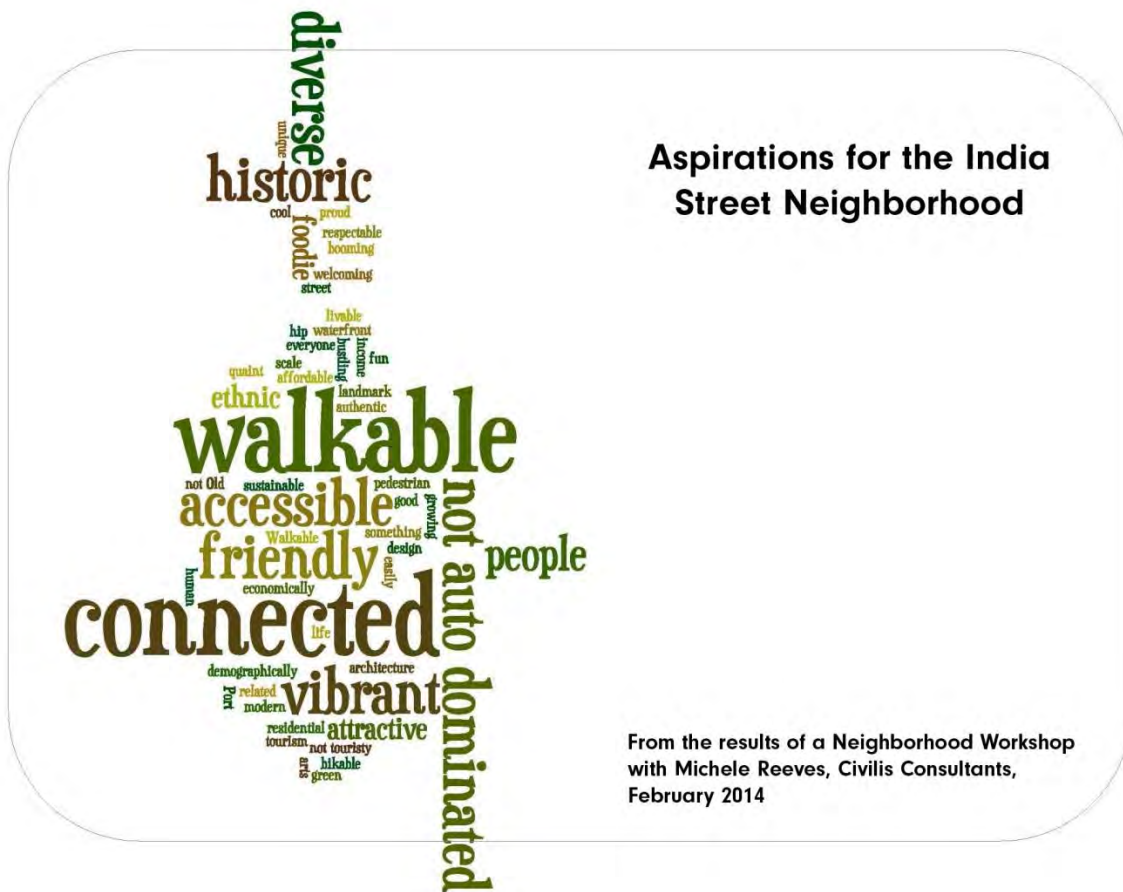


## Goals and Vision Statements

The India Street Sustainable Neighborhood Plan is framed by five Goals and six Vision Statements . . .

### GOALS for the India Street Neighborhood

| Vitality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Good Quality Design                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Strong Neighborhood Identity that Builds on its Heritage                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Diversity                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Enhance Mixed-use Nature of Neighborhood                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>The vision for the India Street neighborhood includes vibrant streets. Improvements to the street level environment, public realm, and open spaces will encourage and attract activity.</li> <li>Vitality for this neighborhood can be achieved, in part, by encouraging and directing residential growth, especially small infill projects.</li> <li>Improving the connectivity (of all modes) to and from the neighborhood will elevate the "adjacent" status of the neighborhood by making it a destination.</li> <li>A vital neighborhood also considers its future; the neighborhood seeks to reduce its vulnerability to climate change and embrace strategies that consider future quality of life including transportation, energy, and sea level rise.</li> <li>Economic prosperity is a crucial part of neighborhood vitality - strategies around economic development are a high priority.</li> </ul> | <ul style="list-style-type: none"> <li>People are attracted to neighborhoods with good quality design. This includes not only the materials and aesthetics of new development but also the street presence and longevity of a project.</li> <li>Compatibility, especially in terms of building scale, is essential in a historic and mixed-used neighborhood such as this one.</li> <li>In this neighborhood, good quality design also includes good quality rehabilitation of existing and historic buildings.</li> <li>Infrastructure improvements shall be included in this goal - the public realm and streetscape are of equal importance to the quality of life as buildings are. Standards for high quality design shall also be held true for infrastructure changes or improvements.</li> </ul> | <ul style="list-style-type: none"> <li>India Street was the first street in Portland and the neighborhood is rich in cultural history. These qualities are at the heart of the neighborhood identity and should be at the forefront of any strategy that deals with neighborhood character, objectives, relationships, or environment.</li> <li>Streetscape and building improvements (both existing and historic) as well as new development should contribute to an identity that promotes the neighborhood to prospective residents, tourists, and adjacent neighborhoods as a destination.</li> <li>The historic fabric and landmarks tell a story about this neighborhood and are critically important to its identity.</li> </ul> | <ul style="list-style-type: none"> <li>The India Street neighborhood has always hosted a diverse resident population. The neighborhood plan should encourage and maintain that diversity of residents (age, race, ethnicity, gender, family size, income, etc.)</li> <li>Quality of life for a diverse population will include considerations such as food access, transportation choices, access to open space, and diversity of residential unit types and ownership models.</li> <li>The built environment of the neighborhood is diverse; a dynamic urban neighborhood keeps a diverse mix of building types by including contemporary and historic buildings, and varying building scales.</li> </ul> | <ul style="list-style-type: none"> <li>The India Street Neighborhood is truly a mixed-use neighborhood with residences, business, offices, hotels, retail, and restaurants. The neighborhood plan should allow this mixed-use nature of the neighborhood to continue and to expand.</li> <li>New development and the built environment should continue to support and enhance mixed uses.</li> <li>The neighborhood plan should especially support existing businesses and attract new businesses to the neighborhood, but especially those that provide services and amenities to neighborhood residents and workers.</li> </ul> |



## Vision: Cultivating the Future of the India Street Neighborhood

**Vision Statement 1: Sustainable Growth and Development** - The India Street neighborhood is on the cusp of substantial growth and development that will firmly establish its place in the city and region for decades to come. It is poised for growth, and has chosen to shape that growth to its singular character and heritage. It is fitting that this neighborhood welcomes a share of the growth that is happening in greater Portland, given its adjacency to downtown and the waterfront, its walkability, its access to transit, its in-place infrastructure, and its strong mix of and

immediate proximity to housing, jobs, commerce, and services. Over the course of more than two years, this neighborhood has pulled together property owners, residents, and associated stakeholders and community members who care deeply about *how* this neighborhood will evolve and develop. This plan is the result of their efforts and hard work. It presents the vision, principles, and strategies to welcome the right form and shape of growth and development that will bring this transitioning neighborhood to maturity.



**Vision Statement 2: A Neighborhood of Diverse Peoples** – India Street is and always has been diverse, and we wish it to remain so. Histories of immigrant communities – landing here and gaining a foothold, and making their way in America – have left a durable imprint that we celebrate. Maintaining diversity means conscious efforts to welcome all kinds of new arrivals: whether they be move-up urbanists who can live anywhere and choose India Street for its location; or new arrivals continuing the traditional role of this neighborhood, welcoming new immigrants who above all need affordable housing and convenient access to jobs and services; young singles and small households who are embarking on adult life and value the social landscape and access to all that Portland has to offer; working families striving to live responsibly by choosing a compact urban neighborhood where one can afford to live and maintain a low carbon footprint; or an aging population wishing for an active life and access to Portland’s amenities, activities, restaurants, and services. Any and all of these are welcome to make India Street home, and become part of our community.

### **Vision Statement 3: An Authentic Neighborhood True to its Heritage –**

Portland’s *first street* was India Street, and it is a point of pride and identity that this neighborhood set the stage for Portland’s growth and development. Vestiges of this history abound, from the religious institutions to the civic and industrial buildings, to the vernacular working class houses on Federal and Newbury and Hampshire streets. These features distinguish the neighborhood from others, adding to the mix of peninsula neighborhoods with a unique community fabric. This heritage creates a sense of responsibility to protect the traces of the past as well as positing a form and pattern for future growth that is recognizable as India Street. We invite development into our neighborhood, as it is essential to its vitality and to fill its voids, particularly in the southern section below Middle Street where there is much vacant land and surface parking. And we will insist that new development add to the indigenous structure of this neighborhood by demonstrating an incremental and varied street, lot, and block pattern. The scale of development may grow but the form must reflect the attributes that typify and reinforce the fabric of this neighborhood.





**Vision Statement 4: A Fun, Industrious, Creative, Artisanal, and Prosperous Neighborhood**

– The sidewalks are full of life and commerce. Within a five minute walk multiple food products are prepared, sold, consumed, and savored. Local businesses are mostly home grown and provide authenticity to the neighborhood - the regional brew house, the bakers, the textile and furniture designers, the grocers, the coffee houses, and restaurants. Amato's, one of Maine's few chain establishments, was founded here on India Street around 1902. We will build on this cluster of commercial activity on the core retail streets and create a continuous "trail of crumbs" for visitors and residents to follow from the Old Port and the waterfront, from Commercial Street to Congress Street. We expect that in this area all of the buildings and businesses will engage with the community both visually and functionally, that there will be a "conversation with the street," and people will enjoy being here and engaging in this dialogue.

**Vision Statement 5: A Healthy, Connected, and Active Neighborhood**

– The India Street Neighborhood provides opportunities for health and well-being ranging from health-related services to recreation amenities. Within a short walk are many recreation and open space assets: historic Lincoln Park; the Eastern Promenade Trail that caters to children, runners, bikers, strollers, bladders, boarders, and those just out for a scenic stroll; and a playground tucked into edge of Munjoy Hill off Mountfort Street. These gems are now somewhat hidden from view and access; but with some thoughtful interventions – including generous and well-designed

sidewalks and passageways, good lighting and streetscape furnishings, public art, and intuitive wayfinding strategies – we will embrace these assets and enlist them more fully into the life of the neighborhood. Street connectivity remains a fundamental challenge especially in connecting to and across Franklin Street for all modes, with a pedestrian and bicycle priority. Pedestrian connections throughout the neighborhood need improvements that will enable visitors and residents alike to feel comfortable navigating the area and accessing surrounding amenities.



**Vision Statement 6: A Neighborhood of Strong Identity**

– We have learned a lot about ourselves and our place within the larger community during this planning exploration of the India Street Neighborhood. Our heritage, our diversity, our industriousness, our unique physical character, and our location on Portland's marvelous peninsula all constitute the unique and authentic identity, charm, and spirit of this community. These qualities and characteristics contribute to our pride of place, sense of belonging, and conception of an exceptional community. *Portland Starts Here.* We celebrate this and all it implies. We will share this heritage and identity with the larger community, for us to enjoy, and for others to appreciate.

# Thirteen Development Principles

## 1. Strong Neighborhood Identity

Portland starts here in the India Street neighborhood; the spirit of this place will be reflected in its identity and character, distinct from Old Port and the Downtown. The story of India Street is long and compelling; now is the time to tell and celebrate it.

The India Street Neighborhood presents a human-scale, downtown-adjacent neighborhood with commerce, light industry, authenticity, and community. What visitors and others are less aware of is its distinctive history – Portland’s first street and first neighborhood, early maritime connections, later industrial development, period architecture, religious and cultural diversity. The key principle here is to bring these unique characteristics and assets into closer connection and a cohesive neighborhood identity that will permeate the built environment as well as associated housing and business – all serving to strengthen and enhance the community.

### Related Critical Actions:

1. *Establish a distinctive and authentic neighborhood identity*
5. *Create a Local Historic District*
7. *Prioritize India Street as the Main Street*
8. *Adopt a Form-based Code*
11. *Create a Recreation Hub at the foot of India Street*



## 2. Diversity of Residents

People are at the very heart of all that India Street Neighborhood is about. It is characterized by diversity, past and present, in all meanings of the word – race, ethnicity, age, religion, ability, household size, and socio/economic status. For the future, the India Street neighborhood will continue to be a place known for its authentic diversity; and diversity of residents and activities will be encouraged and maintained.

Two major factors contribute to neighborhood diversity: housing choice and affordability. The recent housing development trend in the neighborhood has been toward large condominium units, often catering to empty-nester couples and part-year residents. Left to themselves, market forces alone will provide more of this housing type, while a balance of housing types is desired. The City is especially interested in development that will provide homes for families with children, and young, single workforce households. This should include rental units and a mix of efficiencies, one, two, and three-bedroom units. As the neighborhood residential base grows, so too will the *type* of housing remain varied. Affordability will likewise be considered in development and policy decisions.

### Related Critical Actions:

2. *Adopt policies that promote the creation of affordable housing*
3. *Take advantage of existing housing programs and resources*
4. *Build affordable housing on the City-owned property at Franklin and Middle*
10. *Improve neighboring recreation amenities and connections to them*



## 3. Neighborhood Heritage and Historic Preservation

Unlike many other neighborhoods on the peninsula, the India Street neighborhood grew to become a strikingly diverse and self-contained neighborhood, with its own “main street,” houses of worship, institutional buildings, and workshop industries that provided employment for minority groups that populated the area. While the neighborhood has lost significant elements of its past, much remains to tell its compelling story. The historic buildings that remain not only tell the story about how this neighborhood has evolved and functioned, but also contribute significantly to its unique character, scale, and patterns.

Protecting and enhancing India Street’s historic building stock is essential if the area is to retain its authenticity and build a strong sense of place. Alterations to existing buildings, both historic and non-historic, will be carefully considered so the neighborhood’s character will not diminish over time. Infill construction will be a clear product of its own time, and respect established development patterns that characterize the neighborhood.

Opportunities to tell the neighborhood’s story, through interpretive signage or other means, will be fully explored and implemented. Understanding the history of the neighborhood will foster pride among local residents and businesses, and will enhance the visitor’s experience.

*Related Critical Actions:*

- 1. Establish a distinctive and authentic neighborhood identity*
- 5. Create a Local Historic District*
- 8. Adopt a Form-based Code*

#### **4. Mixed-Use Neighborhood**

The India Street neighborhood is today truly a mixed-use neighborhood with residences, businesses, offices, hotels, retail, and restaurants. The neighborhood plan should allow the mixed-use nature of this neighborhood to continue and expand, with the goal of providing a fair and high quality of life for all manner of people.

Fostering a desirable and diverse neighborhood requires a certain level of services and neighborhood amenities. Important and interesting destinations, from places that supply necessities to those that supply entertainment, are within walking and bicycling distances. Real estate developments, policies, and economic development plans that maintain or grow the level of service and amenities for the neighborhood will be encouraged.

*Related Critical Actions:*

- 6. Create and maintain business and resident relationships*
- 7. Prioritize India Street as the Main Street*
- 8. Adopt a Form-based Code*
- 11. Create a Recreation Hub at the foot of India Street*

#### **5. Vibrant Local Economy**

Businesses are important to the success of a mixed-use neighborhood, and the vitality of the India Street Neighborhood economy impacts the city as a whole. The economic goals for the neighborhood are to grow employment opportunities and enhance economic vitality and sustainability.

The India Street neighborhood draws people who recognize and enjoy its unique character and heritage. Those who visit or live in the neighborhood appreciate its authenticity, local artisan retail and eating establishments, and diverse cultural history. Building on these strengths through

communication of identity, concentration of commercial uses, protection of the historic and human-scaled built fabric, and stronger relationships within the neighborhood will attract greater numbers of visitors, residents, and businesses to the area and move the neighborhood towards its economic goals.

*Related Critical Actions:*

- 1. Establish a distinctive and authentic neighborhood identity*
- 5. Create a Local Historic District*
- 6. Create and maintain business and resident relationships*
- 7. Prioritize India Street as the Main Street*
- 8. Create a Recreation Hub at the foot of India Street*

## **6. Retail Corridors**

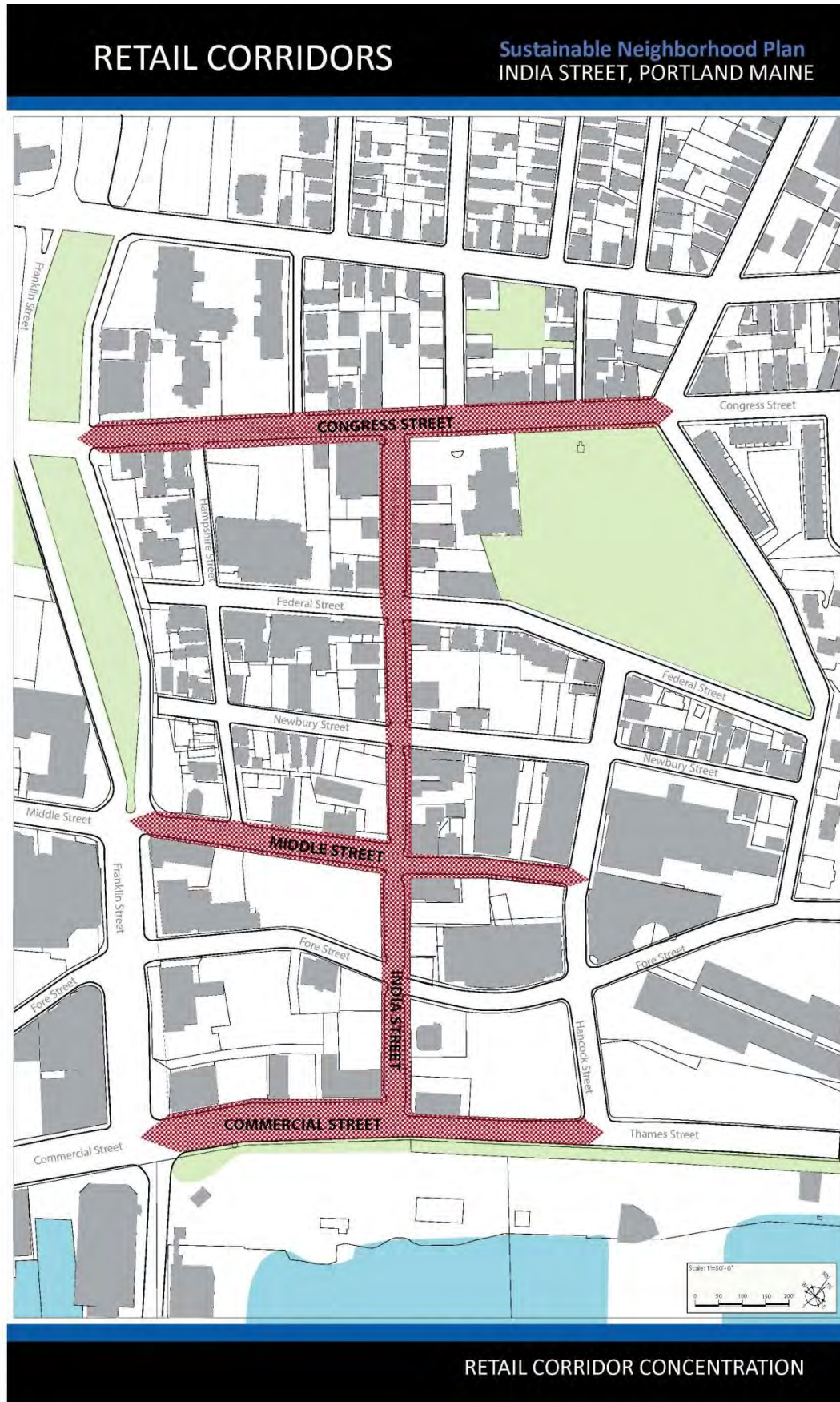
The India Street Neighborhood is home to destination food and retail businesses, among Portland's most popular. The beginnings of a retail corridor exists on India Street, the neighborhood's main street, as well as on Congress and Commercial streets, and commercial uses are dispersed across the neighborhood. The neighborhood's vitality will be heightened with more concentrated commercial activity – particularly restaurants and retail – along India and on Congress, Commercial, and Middle streets.

Commercial Street is a popular pedestrian route and entry into Portland for cruise ship and ferry passengers. Enticing people to the India Street Neighborhood will depend, in part, on creating a continuous "chain of crumbs" leading from Commercial up India Street. This will require a phased approach, focusing first on recruiting to India Street new retail shops and restaurants, from Commercial up to Middle streets; and then continuing this effort along India all the way to Congress Street. People attract more people; by concentrating retail to strategic corridors the streets become more active and boost economic vitality. This strategy for the neighborhood retail environment will strengthen existing businesses and attract more visitors, residents, and businesses.

*Related Critical Actions:*

- 6. Create and maintain business and resident relationships*
- 7. Prioritize India Street as the Main Street*
- 8. Adopt a Form-based Code*
- 11. Create a Recreation Hub at the foot of India Street*





## 7. Guided Growth

The India Street neighborhood is an ideal place to target sustainable growth due to the availability of development sites and existing urban infrastructure. Sustainable growth is growth that occurs in an already-established urban neighborhood, taking advantage of existing infrastructure and services. In the case of India Street, the vision is also for residential growth that supports the neighborhood. The district will accommodate a reasonable share of regional growth over the next 25 years, based on its size and proximity to downtown; and gain critical mass that will support a diverse, vibrant, and mixed-use urban neighborhood. The neighborhood desires a healthy mix of uses. The type of growth will be primarily residential with a substantial increase in housing units; there is already an ample supply of hotels developed. Growth will also come from increased density of smaller units of development rather than increased height. All of this growth will only add to its activity and vitality, promoting it as a vibrant neighborhood center within Portland.

There are several areas in which this growth will be located. Due to availability and size of land, significant growth will occur on large redevelopment sites toward the waterfront. As an urban avenue, Franklin Street has valuable frontage along which new development will redefine the neighborhood's edge and contribute to its identity as a desirable residential/mixed-use district. Smaller infill developments will be strongly encouraged as a way to expand the capacity for neighborhood growth and test prospective housing unit types.

### Related Critical Actions:

2. Adopt policies that promote the creation of affordable housing
8. Adopt a Form-based Code

## 8. Form of Development

Neighborhood growth will carefully consider of form and scale, with an emphasis on “human scale” development and good quality design. Graduation of form will vary by location so that future new development is appropriate to its surrounding context. Within intact historic streets, form is modulated to approximate surrounding building forms. In larger blocks presently dominated by surface parking, new buildings will be scaled proportionately to allow larger buildings with mass and scale designed to achieve a human scale street presence, protection of street view corridors, and varied and permeable block faces. The intended outcome will be a harmonious composition of new and old buildings that fit well together to create a lively fabric of modern and traditional building forms.

**The Importance of Form** – The identity of a downtown adjacent neighborhood is dictated in large part by its scale and pedestrian-friendly design. Critical elements include<sup>1</sup>:

<sup>1</sup> These are drawn from the India Street Neighborhood workshop discussion, the City's design manual, and reference materials such as Ewing and Bartholomew, *Pedestrian- and Transit-Oriented Design* (2013).

- Relatively high residential density within a relatively small district, putting many people within walking distance of many activities and, for trips outside of the district, regular and reliable bus service with bus stops;
- A fine-grained mix of uses – both horizontal and vertical – that invite a flow of people at different times of the day, seven days a week;
- A street pattern with pedestrian-scaled blocks. Longer blocks and larger buildings will be interrupted and made permeable by mid-block pedestrian ways, alleys, or streets;
- Continuous sidewalks designed with universal access and widths scaled to the pedestrian activity of the street, to allow two couples walking in opposite directions to comfortably pass each other;
- Strong street walls with development placed close to the property line at street frontage
- Street-oriented buildings, with commercial and mixed use buildings with “permeable” facades – front entrances and fenestration that relate to the street;
- Human-scale buildings – neither so tall as to block a pedestrian’s cone of vision at four stories, nor so horizontally large or dominated by a single use as to discourage the casual interaction between pedestrians and a mix of uses along the street.

Related Critical Actions:

5. *Create a Local Historic District*
8. *Adopt a Form-based Code*

## 9. Compassionate and Supportive Community

The India Street neighborhood continues a history of welcoming. A walk around the neighborhood reveals a plethora of services and resources ranging from immigrant and elderly services at Catholic Charities, resources for the homeless population at the Cathedral complex and Milestone, low-income housing for the elderly at North School, education opportunities at the Portland Adult Education building, and abundant medical and mental health practices. The compassionate and supportive nature of this neighborhood will be encouraged to prosper; it will continue to be a hospitable landing place for those seeking opportunity in Portland whether it be a new immigrant resident or a fledgling economic enterprise. Efforts to make it accessible with connectivity, transit, and streetscape improvements will go a long way to foster this kind of community.

Related Critical Actions:

1. *Establish a distinctive and authentic neighborhood identity*
9. *Support Transportation Infrastructure initiatives*



## 10. Connected Neighborhood

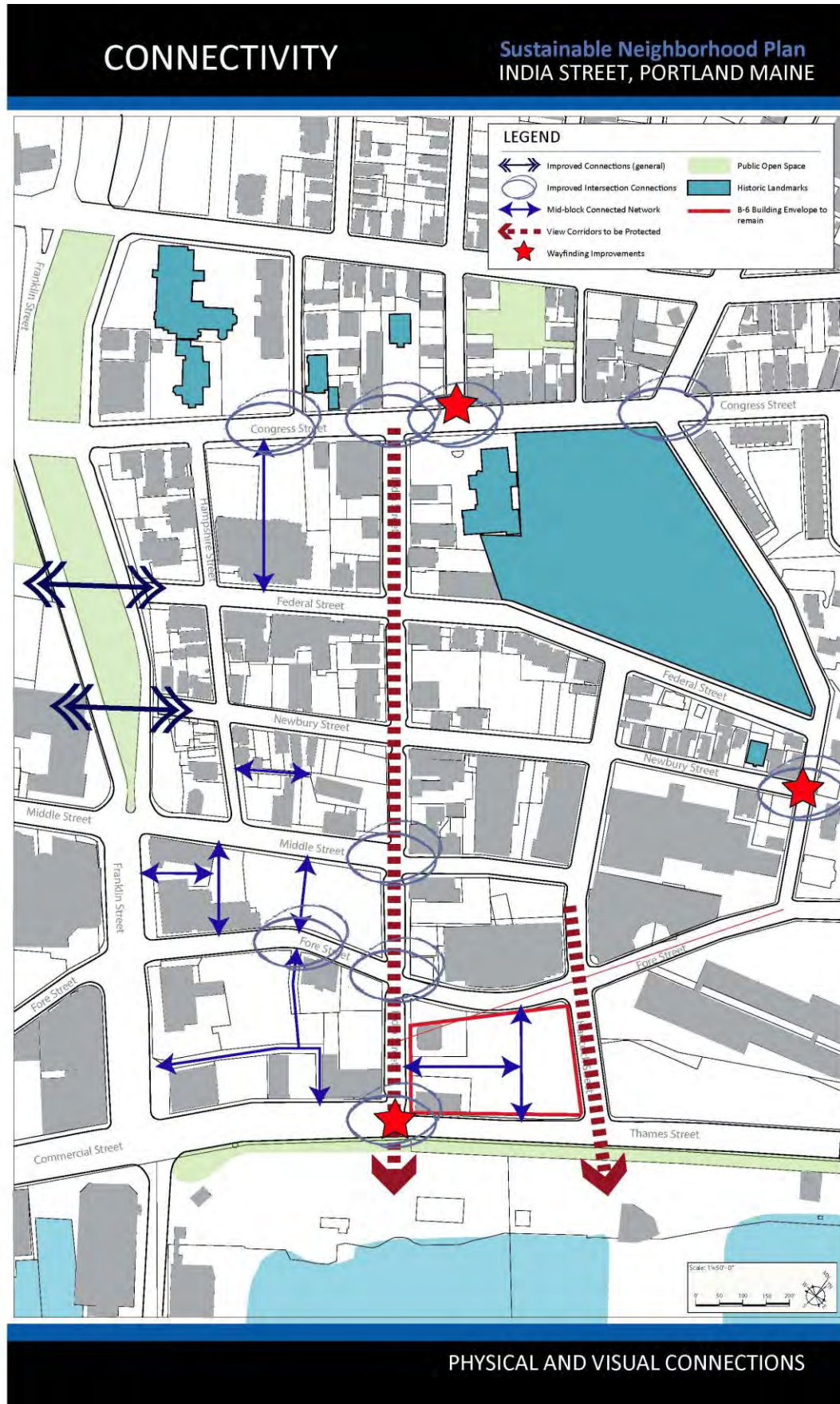
A downtown-adjacent neighborhood that is disconnected from its downtown is an undervalued and underutilized asset. The *adjacent* nature of this neighborhood is both unique and full of potential. India Street abuts many wondrous assets and resources – residential neighborhoods, the downtown district, and the waterfront. *Connections* to these nearby assets and amenities are fundamental to its economic vitality and greater quality of life. Services and opportunities – from jobs to entertainment to governmental services – will be improved by strengthening the connectedness of the neighborhood. From the point of view of the India Street neighborhood, the redesign of Franklin Street is driven in large part by the desire to re-connect this neighborhood and the Downtown. The Transportation Plan of the Comprehensive Plan states, “The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.” Reconnecting dead-end streets and formalizing well-loved but informal connection points will help to knit the India Street neighborhood into the city.

The India Street neighborhood already has the fundamental characteristics of a walkable, bikeable neighborhood and the additional advantage of being a transportation hub. The combination of neighborhood adjacency and increased density reinforce the use of alternative transportation modes, reducing dependency on automobiles and allows for the relaxing of parking requirements. Improvements to the local street system, trail system, and transportation system will give priority to connectivity on multiple scales - connectivity to surrounding neighborhoods, connectivity to neighboring assets such as Lincoln Park and the waterfront, and connectivity within the neighborhood, itself. Emphasis will be on pedestrian, bicycle, and transit modes. The walkability of the neighborhood, proximity to jobs on the Portland peninsula, and the availability of bus service will reduce auto dependency. Increased density will support public transportation with shorter time intervals, which, in turn encourages use and viability of the transit system.

Visual connections, especially to the waterfront, are another important type of connection. Wherever possible, access to the waterfront – visual and physical – will be provided as a public amenity. New development will be conscientious of its relationship to the water; view corridors through public rights of way to the water will not be obstructed. Visibility to and from the neighborhood, across Franklin Street and from the water and Commercial Street, will contribute to the identity and presence of the neighborhood, serving to attract visitors as well as elevate the relationship of the neighborhood with the rest of the city.

### Related Critical Actions:

8. *Adopt a Form-based Code*
9. *Support Transportation Infrastructure initiatives*
11. *Create a Recreation Hub at the foot of India Street*



## 11. Quality Infrastructure

The streetscape and landscape play an important role in supporting the neighborhood identity and affording a comfortable, inviting, and human-scaled environment. For infrastructure, emphasis will be placed on the experience one has travelling to and throughout the neighborhood, with Complete Streets as the adopted City strategy. The street grid and transportation infrastructure will be improved with priority given to pedestrian, bicycle, and transit modes. Strategies to improve the streetscape will include increased street trees and plantings, lighting, public restrooms, green infrastructure implementation, wider sidewalks and improved universal access in public right of ways, street furniture deployment, and a neighborhood-wide analysis to evaluate the potential to underground utilities. Neighborhood identity will be reinforced through streetscape design elements with particular priority on India Street which will include street trees, public art, unique and cohesive street furniture, pavement options that have a storytelling or identity component, and gateway elements signaling entrances to the neighborhood.

Vehicle parking, especially surface parking lots, will be de-emphasized. On-street parking, reduced off-street parking requirements, modest off-street lots, structured parking, and car-sharing services will all be needed to satisfy demand. In the India Street neighborhood, the recent structured parking with excess space (as of 2013) was created to relieve some of the constraint that might otherwise exist and to facilitate development of surrounding parcels. Use of shared parking and utility infrastructure strategies will be encouraged.

Finally, improvements to telecommunication infrastructure is crucial to making the India Street neighborhood and the city an attractive place to locate for residents and businesses who increasingly rely on internet access for quality of life and work.

### Related Critical Actions:

7. *Prioritize India Street as the Main Street*
9. *Support Transportation Infrastructure initiatives*
10. *Improve neighboring recreation amenities and connections to them*
12. *Make India Street a model for stormwater management*







## 12. Ample Recreation and Open Space

Open space is a most precious commodity in the small, urban India Street neighborhood. Open space amenities greatly enhance quality of life for residents and workers, make for a more attractive built environment, and create opportunities for community gathering and interaction. Every opportunity to improve or enhance public open spaces will be pursued. This principle addresses a guiding principle of the existing open space and recreation plan for the City of Portland, *Green Spaces, Blue Edges*:

Neighborhoods form the foundation of *Green Spaces, Blue Edges*. The plan exists to serve the health and enjoyment of the neighborhood residents.

- Neighborhoods should have open space focal points
- Recreational opportunities should be available for all ages and genders
- Neighborhood open space should be within walking distance
- Portland residents appreciate their park system

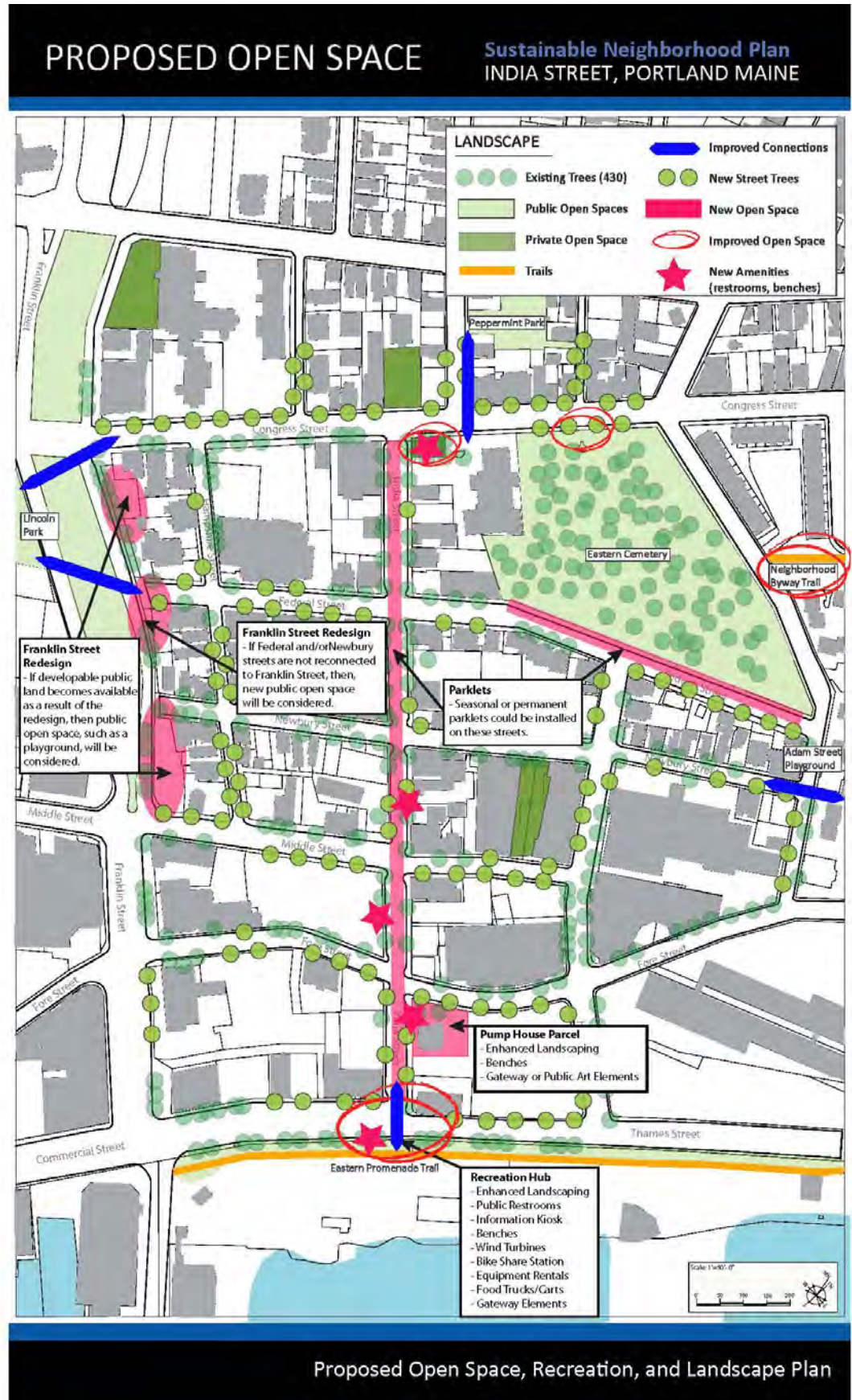
The neighborhood has three avenues to maximize the potential for open spaces of different types and uses: 1) Create new open spaces at the pumping station property, along Franklin Street, and at the foot of India Street, 2) Improve and maintain existing spaces (including private green spaces) within the neighborhood by implementing the Eastern Cemetery Master Plan, for example, and 3) Connect to surrounding open space amenities such as Lincoln Park, playgrounds in Peppermint Park and Adams Street, and the Eastern Promenade Trail.

### Related Critical Actions:

9. Support Transportation Infrastructure initiatives
10. Improve neighboring recreation amenities and connections to them
11. Create a Recreation Hub at the foot of India Street









### 13. Responsive to Climate Change

As a waterfront-adjacent district, climate change is especially compelling to the India Street neighborhood. Adapting to sea-level rise, reducing stormwater runoff, and mitigating heat island effect are especially important to address, as the neighborhood continues to develop and improve. Future plans for this district will consider such features as low-impact design in public and private development, reduction in impervious surfaces and subsequent opportunity to increase greenery and street trees, flexible ground floor designs, and treatment of roof surfaces to reduce heat island effect and solar reflectance. Incremental changes, including modifying structures and facilities on the water's edge to be more resilient to sea-level rise, will be pursued by both public and private interests. The future India Street neighborhood will be a model to demonstrate that planning for climate change is a benefit to residents', visitors', and workers' quality of life and the quality of the built environment.

#### Related Critical Actions:

- 7. *Prioritize India Street as the Main Street*
- 9. *Support Transportation Infrastructure initiatives*
- 12. *Make India Street a model for stormwater management*



## Implementation Plan

Critical Actions are inter-related and high priority initiatives, representing the top one or two strategies from each Working Group. The **twelve** strategies below meet the "SMART" test articulated by the City Council as part of its 2014 goal-setting process, as they are at once:

Specific  
Measurable  
Attainable  
Realistic  
Tangible

### Critical Action 1

#### **Capture the distinctive and authentic neighborhood identity**

Improvements and new development in the neighborhood will contribute to the telling of India Street's story. Emphasis on the key elements of the recognized identity of the neighborhood will enhance pride of place among local residents and businesses, as well as attract new populations of each, and provide a welcoming orientation to this unique and special place within the City of Portland. The neighborhood will pursue an identity strategy to provide definitive direction in the future development and characterization of the neighborhood.

### Critical Action 2

#### **Adopt policies that promote the creation of affordable housing**

It is in the public interest to promote an adequate supply of housing that will keep the India Street neighborhood livable for a diverse mix of residents. To promote the creation of affordable housing the City should review, amend, and adopt regulatory policies that encourage developers to include units of affordable housing within development projects, thereby mitigating the limited supply of affordable housing; and, by doing so, promote the health, safety, and welfare of citizens. The regulatory review should include parking requirements, height bonuses, residential density restrictions, and the consideration of new affordable housing policies.



## Critical Action 3

### Take advantage of existing housing programs and resources

The India Street neighborhood is eligible to take advantage of various programs and resources, local and federal, that will expand and diversify housing choices. The critical action will be to identify the neighborhood as a focus area for programs such as:

- Community Development Block Grants (CDBG)
- HOME Program investment
- HUD 5-year (2015-2020) Consolidating Plan Process to conduct market study
- City of Portland Housing Replacement Ordinance
- Hire a Housing Planner for the Housing & Community Development Office

## Critical Action 4

### Consider building affordable housing on the City-owned property at Middle and Franklin streets

The City has an opportunity to contribute to resident diversity by designating city-owned property for the development of affordable housing. Affordable housing, especially for families with children, is lacking within the neighborhood. The parcel of land at Middle and Franklin Streets has been identified as a potential site to build affordable housing that will serve as a catalyst for other private development in the neighborhood.

## Critical Action 5

### Create a local Historic District

Portland's historic building fabric is a defining characteristic of the city. Designating the India Street Neighborhood as a local historic district will put into place a process to guide change over time. Historic preservation regulations encourage thoughtful rehabilitation of an area's historic buildings as well as compatible infill development. As has been proven in Portland's other commercial and residential historic districts, historic preservation is a successful economic and community development strategy. This land use regulatory program has been shown to instill pride of place, provide a measure of assurance that investment in the district will be protected, and ensure that the area retains an authenticity that attracts locals and visitors alike.

The City will designate India Street and the surrounding neighborhood as a local historic district, subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code) with boundaries developed through a rigorous survey and coordinated with the Maine Historic Preservation Commission. Developers will receive additional benefit from historic designation if the City also secures National Park Service certification for the India Street Historic District, and provide access to state and federal historic rehabilitation tax credits.

## Critical Action 6

### Create and maintain business and resident relationships to strengthen the community

Programs that strengthen the relationships between the residents and businesses in the neighborhood will enhance its vitality and growth within and beyond its boundaries. Examples of such program are as follows:

- Annual and monthly promotions – events to bring together businesses and residents
- Neighborhood-exclusive soft openings when new businesses open
- Discounts for neighborhood residents/employees (perhaps with a card)
- Cross-business promotions
- Parking validation agreements with City and local providers to make residential, worker, and customer parking more readily available.
- The India Street Neighborhood Association (ISNA) will be an energetic and creative partner with the City in promoting and building these relationships, events, and practices across the public, private, and philanthropic sectors.

## Critical Action 7

### Prioritize India Street as the Main Street

Because of its mixed-use character, a downtown-adjacent neighborhood needs a “main street” of its own. In this case, India Street is the neighborhood’s *de facto* main street with the intersection at Middle Street as a key junction; and strategies will reinforce and strengthen its role as such. Retail activity is encouraged on India Street, and a high level of transparency and activity is expected from future development along the corridor. To assist in this kind of activity, the City’s Façade Improvement Program will be targeted on India Street. The streetscape of India Street plays an important role in portraying the unique identity the neighborhood, and streetscape improvements should be focused on India Street. Neighborhood identity will be reinforced through streetscape design for India Street that will include public art, lighting, unique and cohesive street furniture, pavement options with storytelling aspects, and gateway elements. The street should be inviting with continuous street trees and plantings; and infill development is encouraged to build an active street wall. Vacant lots could become sites of temporary installations or pop-up retail to invite activity. Streetscape improvements should be of high quality materials, and designed and coordinated to increase their visual impact.

## Critical Action 8

### Adopt a Form-based Code

Reflecting the desire in the neighborhood to maintain a human-scale of development, a zoning code based on form and building character rather than use is proposed. A form-based code (FBC) is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city code of ordinances and replaces the existing

zoning code in place over the extent of the neighborhood boundary.<sup>2</sup> Under the proposed form-based Code, new development and significant renovations will carefully consider the building's relationship with the streetscape and have forms compatible with the existing built fabric. The FBC also will encourage small infill development and dense housing development through height and parking bonuses and by relieving residential density restrictions. An additional goal of the FBC will be to provide a clear and consistent review process to guide development and manage change.

## Critical Action 9

### Support Transportation Infrastructure initiatives to increase connection and mobility within the neighborhood

To reach its goals of connectivity and multi-modal priority, the neighborhood supports city-wide initiatives to improve safety and access to transit, biking, and walking. The neighborhood will be proactive in taking advantage of the following initiatives and programs being planned:

- Transit System (METRO) – Support enhanced service such as the proposed link from the Transportation Center to the Casco Bay Lines Terminal; proposed bus routing changes; and increased frequency and synchronization of service
- Transportation Choices – Support efforts to expand car-share locations, and start a bike share program with stations in the India Street neighborhood
- Franklin Street Redesign – The neighborhood will benefit greatly from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely
- Parking Requirements – Current revisions to the Sustainable Transportation Fund are under review that may have positive impacts on parking requirements for developments, and enable more small, infill projects to be feasible in the India Street Neighborhood
- Complete Streets Design Manual – Support the adoption of Complete Streets and encourage the City to implement these types of improvements within the neighborhood, especially on India Street
- Implement and expand upon the adopted City Wayfinding plan, especially targeted to pedestrian and tourist wayfinding

## Critical Action 10

### Improve neighboring recreation amenities and connections to them

Open space is a precious commodity in India Street as a small, urban neighborhood. One strategy for providing open space to the neighborhood is through improved access to surrounding open space amenities including Lincoln Park, the Waterfront, the Adams Street Playground, and Peppermint Park. An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets.

<sup>2</sup> Definition from the Form-Based Codes Institute: <http://formbasedcodes.org/definition>

- Pump Station parcel – This parcel provides an opportunity for prime open space improvements.
- Lincoln Park – Efforts are underway to restore and improve the park and increase neighborhood access, and to encourage new development around the park to enliven its use.
- Adams Street playground – This adjacent public playground is under-used due to lack of visibility and access. An assessment is needed to determine how to increase use of this space.
- Peppermint Park – a recently improved public open space that is not visible or well-connected to the India Street neighborhood. Suggested improvements include safe pedestrian connections across Congress Street and wayfinding.
- Eastern Promenade Trail – Connections to this popular trail could be improved across Commercial Street. Additional improvements include a Recreation Hub at the foot of India Street, open space improvements on the City-owned sections next to the trail to enable more use of the space, public art or wind turbine installations for wayfinding and neighborhood identity.
- Neighborhood Byway Trail – An informal trail connecting Munjoy Hill to India Street is in need of paving and maintenance improvements to increase use and visibility and safety.

## **Critical Action 11**

### **Create a Recreation Hub at the foot of India Street**

The neighborhood can leverage existing assets – the Eastern Promenade Trailhead, waterfront proximity, retail and organizations related to recreation, a strong restaurant reputation – to establish a Recreation Hub. The foot of India Street will become known as the meeting point for a trip to the Islands, a class at Sail Maine, or a bike ride or stroll on the trail. It will be an access point for recreational amenities such as bicycle or equipment rentals, a point to buy food and drinks for the day's excursions, and a rest stop with public restrooms. As the neighborhood develops, this will be the place for bike share stations, information kiosks, and a meeting point for tours. Not only does this critical action boost economic development, it adds to the identity of the neighborhood and gives residents and visitors a reason to venture into the India Street Neighborhood.

## **Critical Action 12**

### **Make India Street Neighborhood a model for stormwater management**

The India Street Neighborhood is an ideal district to exercise good stormwater strategies for the City of Portland. As with many older American cities, Portland suffers from combined sewer overflows (CSOs) when excessive rainfall enters the sewer and overloads the system, leading to pollution of our waterways. As climate change increases the number and intensity of storm events, it is imperative that neighborhoods adjacent to the waterfront reduce their impervious surfaces and increase runoff retention capabilities. The first step for the neighborhood will be a district analysis resulting in engineering and landscape architecture strategies and recommendations. An additional resource is the analysis and recommendations of the 2014 Urban Land Institute Advisory Panel for Portland and South Portland. The City will lead by example when making improvements to the public right-of-way in this neighborhood, using India Street as a prime demonstration site for good stormwater practices.

Strategies include:

- Complete Streets: Development will continue to provide opportunities to create Complete Streets and improve hydrologic function for resilience.
- Reduce Stormwater Runoff: Impervious surfaces of surface parking lots are another major contributor to stormwater runoff quantity and water quality; development will be designed to reduce impact of surface flow across Commercial Street and to mitigate impacts on land-side structures. The City is moving towards adopting a Stormwater Service Charge that will provide economic incentives for developers and property owners to reduce and treat runoff.
- Green Infrastructure: Low-impact design and green infrastructure strategies will be implemented wherever possible.



India Street Neighborhood is directly adjacent to (and uphill from) 4 Combined Sewer Overflow Outfall locations. Reduction of impervious surfaces and improvements to the treatment of stormwater in the neighborhood may have a direct and beneficial impact on this city-wide problem

# India Street

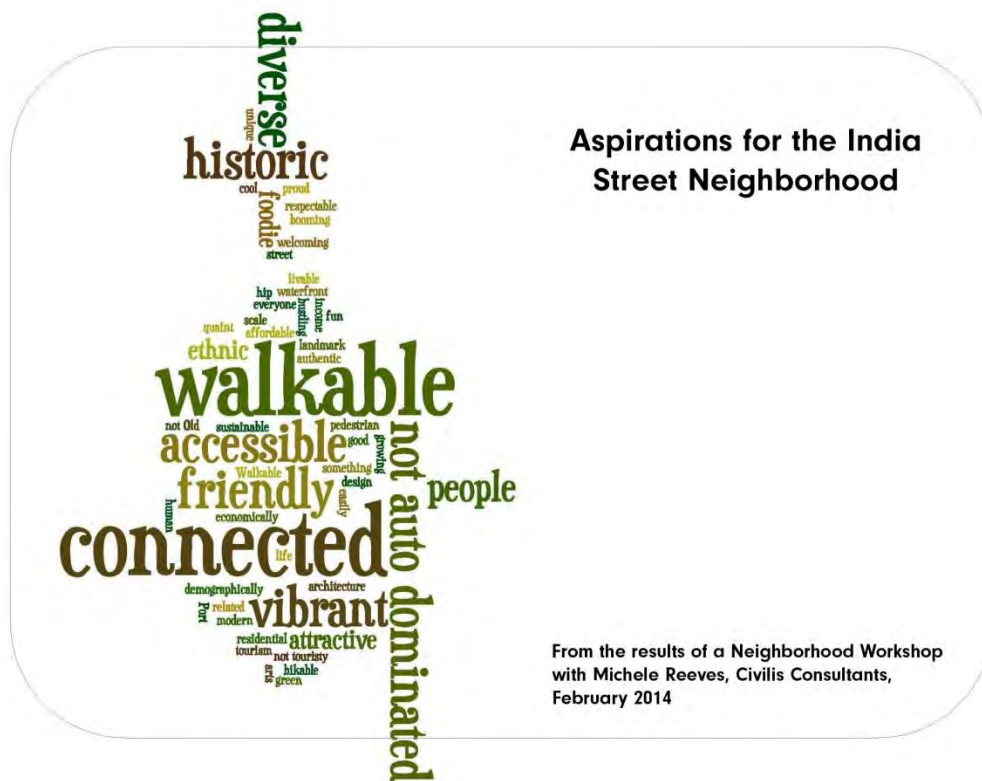
## Sustainable Neighborhood Plan

Portland, Maine

Final ISNAC Draft, September 2014



## Part 2: Implementation Tools



## Implementation Plan

Critical Actions are inter-related and high priority initiatives, representing the top one or two strategies from each Working Group. The **twelve** strategies below meet the "SMART" test articulated by the City Council as part of its 2014 goal-setting process, as they are at once:

**Specific**  
**Measurable**  
**Attainable**  
**Realistic**  
**Tangible**



# Critical Action 1

## Capture the distinctive and authentic neighborhood identity

### Background

Improvements and new development in the neighborhood will contribute to the telling of India Street's story. Emphasis on the key elements of the recognized identity of the neighborhood will enhance pride of place among local residents and businesses, as well as attract new populations of each, and provide a welcoming orientation to this unique and special place within the City of Portland. The neighborhood will pursue an identity strategy to provide definitive direction in the future development and characterization of the neighborhood.

### Proposal: Identity Strategy Initiative

Develop and release Request for Proposals (RFP) for a branding/marketing firm to develop a strategic plan that promotes the neighborhood's identity. The target audience is people who live, work and visit the neighborhood. The RFP should also include an initial roll out strategy and ongoing marketing plan (print, ISN website, social media, etc.). The values word cloud provides a sense of what is at the core of the neighborhood and will be useful for inclusion in the RFP.

### Potential Issues

- Finding sufficient funds to meet the estimated budget for implementation of this action;
- The timeframe for implementation, given that public process is crucial to ensuring that the neighborhood businesses and residents take ownership of the identity strategy and are committed to supporting it.

### Financial Resources

Budget: \$75,000

Sources: Might include grants, CDBG program funds, City Budget, Local business contributions

### Timeframe

Timeline: One year to rollout - June 2015 or 2016 depending upon funding cycle.

### Responsibilities

Responsible Parties: India Street Neighborhood Association lead, assistance from City Staff (Communications Director, Economic Development and Planning)

### Stakeholders

- Business Owners
- Residents
- India Street Neighborhood Association

## Critical Action 2

### Adopt policies that promote the creation of affordable housing

#### Background

It is in the public interest to promote an adequate supply of housing that will keep the India Street neighborhood livable for a diverse mix of residents. To promote the creation of affordable housing the City should review, amend, and adopt regulatory policies that encourage developers to include units of affordable housing within development projects, thereby mitigating the limited supply of affordable housing; and, by doing so, promote the health, safety, and welfare of citizens. The regulatory review should include parking requirements, height bonuses, residential density restrictions, and the consideration of new affordable housing policies.

#### Proposal

This critical action step supports the use of public policy to encourage small infill and rental housing development.

#### Potential Issues

Careful attention should be paid to crafting policies that provides incentives so as to not discourage future development in Portland.

#### Financial Resources

Budget: While no additional revenue is required to review, amend, and adopt regulatory policies, revenue may be generated by fees associated with these policies that could be used to create affordable housing.

#### Timeframe

Timeline: 6-8 months

#### Responsibilities

Responsible Parties: Planning and Urban Development Department Staff, including staff from the Planning Division and the Housing and Community Development Division under the direction of the City Council and the Housing and Community Development Committee

#### Stakeholders/Partners

- Residents and Property Owners
- For-Profit and Non-Profit Real Estate Developers

## **Critical Action 3**

### **Take advantage of existing housing programs and resources**

#### **Background**

The India Street neighborhood is an eligible Community Block Grant Neighborhood (CDBG) and is positioned to take advantage of various programs and resources, local and federal, that will expand and diversify housing choices. Programs include the Community Development Block Grant Program (CDBG), the HOME Investment Program (HOME), and the HUD 5-year (2015-2020) Consolidating Plan process.

#### **Proposal**

The critical action will be to identify the neighborhood as a focus area for programs such as:

- Community Development Block Grants (CDBG)
- HOME Investment Program
- HUD 5-year (2015-2020) Consolidating Plan Process to conduct a housing market study
- City of Portland Housing Replacement Ordinance

Action items to leverage CDBG funds:

1. Identify the neighborhood as a focus area and bonus points and scoring incentives would be provided to eligible neighborhood-based applications.
2. Use Federal HOME Program funds to encourage affordable housing development in the area.
3. Conduct a housing market study of the City, including the India Street neighborhood, using the HUD 5-year (2015-2020) Consolidating Plan process.
4. Hire a Housing Planner for the Housing & Community Development Office.

The results of the housing market study and the addition of a Housing Planner in the Housing & Community Development Office will help to craft a plan on the most efficient use of locally administered resources such as the Housing Trust Fund and Affordable Housing Tax Increment Financing.

#### **Potential Issues**

Since 2010 CDBG funds have been cut by nearly 22% and HOME has been cut by 34% which significantly impacts the level of resources available and increases the competition for these resources. Other funding sources and partners will be required.

#### **Financial Resources**

Budget: N/A

Sources: The City has access to financial resources that can be utilized in the implementation many of the Critical Action steps identified in this Plan. CDBG and HOME Program resources will be used to complete the housing market study. Salary and other administrative costs for the Housing Planner position are covered by CDBG and HOME Program resources as well as city general fund.

## Timeframe

Timeline:

- Implement funding source focus area into FY15/16 funding cycle (CDBG, HOME, Housing Trust Fund)
- Market study completed for HUD 5 year Consolidated Plan by May 2015
- Housing Planner on staff in the Fall of 2014

## Responsibilities

Responsible Parties: Housing and Community Development Division under the direction of the City Council and the Housing and Community Development Committee

## Stakeholders/Partners

- Maine State Housing Authority
- U.S. Dept. of Housing and Urban Development
- Local Banks
- Residents and Property Owners
- Non-Profit Social Service Providers
- City of Portland Public Works Department
- For-Profit and Non-Profit Real Estate Developers

## Critical Action 4

### Consider building affordable housing on the City-owned property at Middle and Franklin streets

#### Background

The City has an opportunity to contribute to resident diversity by designating city-owned property for the development of affordable housing. Affordable housing, especially for families with children, is lacking within the neighborhood. The parcel of land at Middle and Franklin Streets has been identified as a potential site to build affordable housing that will serve as a catalyst for other private development in the neighborhood.

#### Proposal

The development of new housing is expensive. The high cost of land in Portland is often identified as the main impediment in the development of affordable housing. The City can incentivize the development of affordable housing by offering City-owned property as development sites. 83 Middle Street has been identified as a potential development site.

#### Potential Issues

The 83 Middle Street site is currently used by the Police Department for employee parking. In order to utilize this parcel for housing development, alternative parking for the Police Department would need to be identified.

#### Financial Resources

Budget: \$277,800

- The 83 Middle Street site has an assessed value of \$277,800. As a City-owned parcel, it does not generate real estate tax revenue.

Sources: HOME and/or the City's Housing Trust Fund may provide additional revenue

#### Timeframe

Timeline: FY15/16 funding cycle (CDBG, HOME, Housing Trust Fund)

#### Responsibilities

Responsible Parties: Housing and Community Development Division in partnership with the Police Department and Parking Office under the direction of the City Council and the Housing and Community Development Committee

#### Stakeholders/Partners

- Maine State Housing Authority
- U.S. Dept. of Housing and Urban Development
- Local Banks
- Residents
- For-Profit and Non-Profit Real Estate Developers

## **Critical Action 5**

### **Create a Local Historic District**

#### **Background**

Portland's historic building fabric is a defining characteristic of the city. Designating the India Street Neighborhood as a local historic district will put into place a process to guide change over time. Historic preservation regulations encourage thoughtful rehabilitation of an area's historic buildings as well as compatible infill development. As has been proven in Portland's other commercial and residential historic districts, historic preservation is a successful economic and community development strategy. This land use regulatory program has been shown to instill pride of place, provide a measure of assurance that investment in the district will be protected, and ensure that the area retains an authenticity that attracts locals and visitors alike.

The City will designate India Street and the surrounding neighborhood as a local historic district, subject to the provisions of Portland's historic preservation ordinance (Article IX of the Land Use Code) with boundaries developed through a rigorous survey and coordinated with the Maine Historic Preservation Commission. Developers will receive additional benefit from historic designation if the City also secures National Park Service certification for the India Street Historic District, and provide access to state and federal historic rehabilitation tax credits.

#### **Proposal**

Designate the historic core of the India Street study area as a local historic district, subject to the provisions of Article IX (Historic Preservation) of the Land Use. The proposed district boundary will be based on the findings of an in-depth historic resource survey, consultation with the Maine Historic Preservation Commission, and analysis by ISNAC's Historic Preservation Working Group. Potentially contributing buildings and landmarks are indicated in the map below.

#### **Potential Issues**

It is likely that some property owners will object to designation based on concerns that historic preservation regulations will limit future redevelopment options for their property. Other property owners may have concerns about complying with historic preservation ordinance requirements.

#### **Financial Resources**

**Budget:** No anticipated expenses associated with designation. The historic resources inventory completed as part of this initiative was funded through an FY'13 Certified Local Government grant awarded by the Maine Historic Preservation Commission. The Planning Department's Historic Preservation staff will complete the final documentation necessary for Historic Preservation Board, Planning Board, and City Council consideration of the proposed historic district designation.

#### **Timeframe**

**Timeline:** Under the requirements set forth in the historic preservation ordinance, a proposed historic district must be reviewed by the Historic Preservation Board, Planning Board, and City Council. Factoring in the time needed to conduct informational meetings with affected property owners as well as the requirement to schedule at least one workshop and one formal public hearing with three City

review entities, it is likely that this nomination/designation process will take a minimum of 4-5 months to complete.

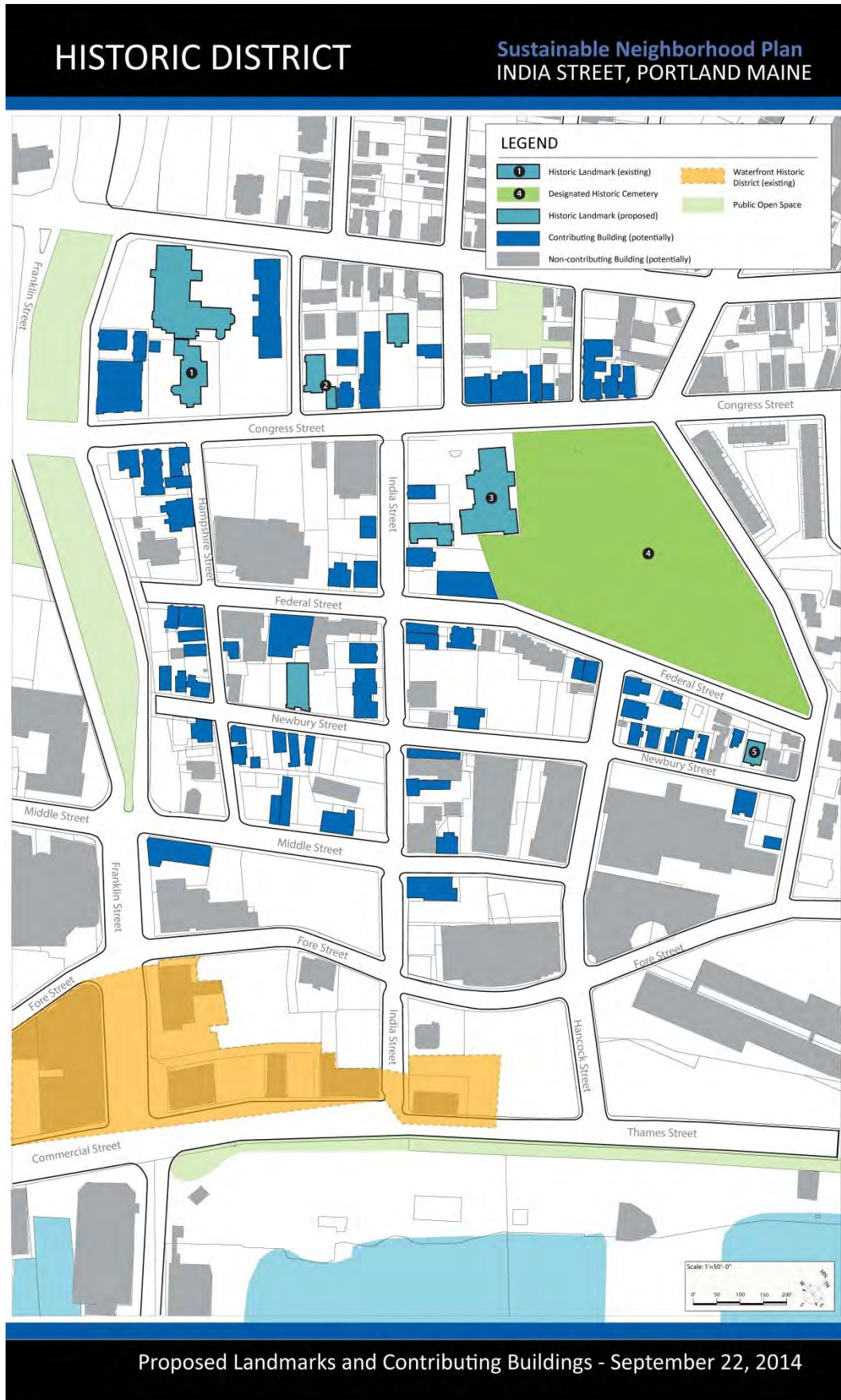
### **Responsibilities**

Responsible Parties: Historic Preservation Program staff

### **Stakeholders**

- Residents
- Property Owners
- Real Estate interests
- Business owners
- India Street Neighborhood organization
- Greater Portland Landmarks
- Cultural organizations within the neighborhood, e.g. The Committee to Restore the Abyssinian





## Critical Action 6

### Create and maintain business and resident relationships to strengthen the community

#### Background

Programs that strengthen the relationships between the residents and businesses in the neighborhood will enhance its vitality and growth within and beyond its boundaries. The India Street Neighborhood Association (ISNA) will be an energetic and creative partner with the City in promoting and building these relationships, events, and practices across the public, private, and philanthropic sectors.

#### Proposal

Examples of such programs are as follows:

- Annual and monthly promotions/events to bring together businesses and residents;
- Neighborhood-exclusive soft openings for when new businesses open;
- Discounts for neighborhood residents/employees (perhaps with a card);
- Cross business promotions;
- Parking validation agreements with the City and local providers to make residential, worker, and customer parking more readily available.

#### Potential Issues

There will be a substantial time commitment of India Street Neighborhood Association (ISNA) members and local businesses for ongoing implementation.

#### Financial Resources

Budget: \$2,000

Source: ISNA Budget

#### Timeframe

Timeline: Ongoing

#### Responsibilities

Responsible Parties: India Street Neighborhood Association; Additional support for parking validation agreements from City staff in the Parking Division and Economic Development Department.

#### Stakeholders

- Business Owners
- Residents
- Employees

## Critical Action 7

### Prioritize India Street as the Main Street

#### Background

Because of its mixed-use character, a downtown-adjacent neighborhood needs a “main street” of its own. In this case, India Street is the neighborhood’s *de facto* main street with the intersection at Middle Street as a key junction; and strategies will reinforce and strengthen its role as such. Retail activity is encouraged on India Street, and a high level of transparency and activity is expected from future development along the corridor. To assist in this kind of activity, the City’s Façade Improvement Program will be targeted on India Street. The streetscape of India Street plays an important role in portraying the unique identity the neighborhood, and streetscape improvements should be focused on India Street. Neighborhood identity will be reinforced through streetscape design for India Street that will include public art, lighting, unique and cohesive street furniture, pavement options with storytelling aspects, and gateway elements. The street should be inviting with continuous street trees and plantings; and infill development is encouraged to build an active street wall. Vacant lots could become sites of temporary installations or pop-up retail to invite activity. Streetscape improvements should be of high quality materials, and designed and coordinated to increase their visual impact.

#### Proposal 1: Façade Improvement Program

Prepare and submit application to City’s CDBG Program to fund a Façade Improvement Program that would assist businesses and property owners to enhance their storefronts. The targeted area would be India Street from Congress to Commercial Street. Should funding be approved, implement program.

#### Potential Issues

Implementation would depend upon funding from the CDBG Program. Also, implementation is dependent on business and property owners’ agreement to participate.

#### Financial Resources

Budget: \$100,000

Sources: Downtown TIF District

#### Timeframe

Timeline: Application – October 2014; Implementation – July 2015

#### Responsibilities

Responsible Parties: Economic Development staff lead, assistance from India Street Neighborhood Association

#### Stakeholders

- Business Owners
- Real Estate Developers
- Portland Society for Architecture

## **Proposal 2: Underground Electric/Communications Infrastructure**

Requisition a feasibility study for the undergrounding of electric and communications utilities.  
 Commission a preliminary engineering, cost estimating, phasing, and funding plan.

### **Potential Issues**

There may be a high cost associated with undergrounding utilities. As a waterfront neighborhood, the feasibility study should consider whether sea level rise and stormwater runoff will be of concern for underground utilities. The benefits must be carefully weighed with the costs and challenges.

### **Financial Resources**

Budget: \$75,000 for preliminary engineering/phasing/funding plan  
 Sources: Downtown TIF District

### **Timeframe**

Timeline: Dependent on the adoption of the Downtown TIF district; likely to be FY2016.

### **Responsibilities**

Responsible Parties: Planning and Urban Development Department Staff, including staff from the Planning Division and the Economic Development Department under the direction of the City Council and the Transportation, Sustainability, and Environment Committee

### **Stakeholders**

- Residents
- Property Owners
- Real Estate Developers

## **Proposal 3: Implement Complete Streets Design Guidelines**

Comprehensive application of Complete Streets design guidelines shall be used whenever changes to the public right-of-way in the India Street neighborhood is proposed. Streetscape and right-of-way improvements such as street tree-planting, curb adjustments, and paving should be prioritized on India Street and eventually applied throughout the neighborhood.

### **Potential Issues**

Although a Complete Streets policy has been adopted by City Council, the Design Guidelines are not, yet, complete and have not been vetted through the City process. Most improvements in the public right-of-way occur when required by Site Plan approval for individual projects; in order to have a more comprehensive, street-wide improvement, the City will have to approve the project as part of a CIP budget year.

### **Financial Resources**

Budget: per-project basis  
 Sources: Downtown TIF District, CIP FY16, Street Tree fund

### **Timeframe**

Timeline: per-project basis; Complete Street Design Guidelines complete and adopted end of 2014 (projected)

### **Responsibilities**

Responsible Parties: Department of Public Services staff lead, Planning Division support, review

### **Stakeholders**

- City of Portland, Department of Public Services
- City of Portland, Parking Office
- Maine Department of Transportation
- Residents

### **Proposal 4: Portland Bricks Project on India Street**

Portland Bricks is a brick paver project that incorporates storytelling and wayfinding being proposed by a local ceramics artist and storyteller. The project would place brick pavers in the sidewalk of India Street that intimate stories of the neighborhood's past. The

### **Potential Issues**

The project has been vetted by Department of Public Services and seeking funding to proceed.

### **Financial Resources**

Budget: \$20,000

Sources: non-profit organizations, grants, Portland Public Art Committee Community Art funding, Kickstarter

### **Timeframe**

Timeline: Installation in Spring/Summer 2015

### **Responsibilities**

Responsible Parties: Artists lead, Portland Public Art Committee Community Art funding and approval, Department of Public Services staff for installation and approval

### **Stakeholders**

- City of Portland, Department of Public Services
- Portland Public Art Committee
- City of Portland, Parking Office
- Maine Department of Transportation
- Residents

## Critical Action 8

### Adopt a Form-based Code

#### Background

Reflecting the desire in the neighborhood to maintain a human-scale of development, a zoning code based on form and building character rather than use is proposed. A form-based code (FBC) is a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a guideline, adopted into city code of ordinances and replaces the existing zoning code in place over the extent of the neighborhood boundary.<sup>1</sup> Under the proposed Form-based Code, new development and significant renovations will carefully consider the building's relationship with the streetscape and have forms compatible with the existing built fabric. The FBC also will encourage small infill development and dense housing development through height and parking bonuses and by relieving residential density restrictions. An additional goal of the FBC will be to provide a clear and consistent review process to guide development and manage change.

#### Proposal

Proposal and support of a new zoning code based on form and building character rather than use is proposed for the India Street neighborhood as defined by the district boundary in the FBC addendum X. A goal of the FBC will be to provide a clear and consistent review process to guide development and manage change. A draft of the Character District Plan is below.

#### Potential Issues

The City has never before implemented a form-based code; ample time and consideration should be taken to ensure that this new type of zoning is well-crafted and feasible. Some property owners and developers may also show concern about zoning changes that affect height and development potential.

#### Financial Resources

Budget: N/A

#### Timeframe

Timeline: Review and public process – Fall 2014, Adoption by City Council – Winter 2015

#### Responsibilities

Responsible Parties: Planning Division staff

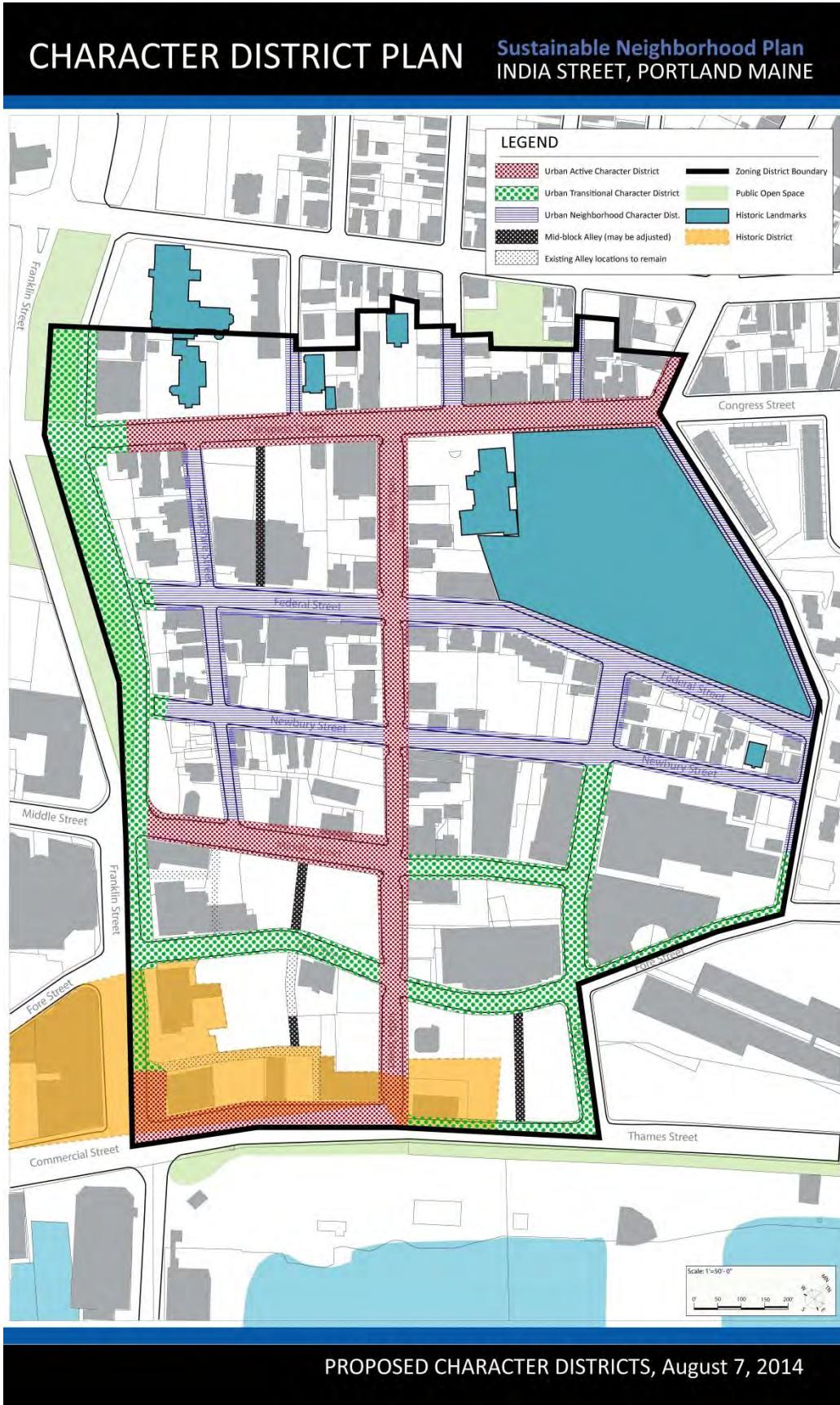
#### Stakeholders

- Residents
- Property Owners
- Real Estate Developers
- Portland Society for Architecture/Architecture community
- Greater Portland Landmarks

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<sup>1</sup> Definition from the Form-Based Codes Institute: <http://formbasedcodes.org/definition>







## **Critical Action 9**

### **Support Transportation Infrastructure initiatives**

#### **Background**

To reach its goals of connectivity and multi-modal priority, the neighborhood supports city-wide initiatives to improve safety and access to transit, biking, and walking.

#### **Proposal**

The neighborhood will be proactive in taking advantage of the following initiatives and programs being planned:

- Transit System (METRO) – Support enhanced service such as the proposed link from the Transportation Center to the Casco Bay Lines Terminal; proposed bus routing changes; and increased frequency and synchronization of service
- Transportation Choices – Support efforts to expand car-share locations, and start a bike share program with stations in the India Street neighborhood
- Franklin Street Redesign – The neighborhood will benefit greatly from restoring connections to and in some cases across Franklin Street. At the very least, improved bicycle/pedestrian connections across Franklin Street are necessary and desired; reconnecting vehicular access to Franklin Street from one or both streets (Newbury and Federal) is desired if it can be done safely
- Parking Requirements – Current revisions to the Sustainable Transportation Fund are under review that may have positive impacts on parking requirements for developments, and enable more small, infill projects to be feasible in the India Street Neighborhood
- Complete Streets Design Manual – Support the adoption of Complete Streets and encourage the City to implement these types of improvements within the neighborhood, especially on India Street
- Implement and expand upon the adopted City Wayfinding plan, especially targeted to pedestrian and tourist wayfinding

#### **Potential Issues**

Proposed changes to parking requirements have shown to be contentious in Portland. The greatest challenges with many of these initiatives will be funding and cross-organization coordination.

#### **Financial Resources**

Budget: varies

#### **Timeframe**

Timeline: varies

#### **Responsibilities**

Responsible Parties: varies – City staff, METRO, Bicycle/Pedestrian Advisory Committee, Franklin Street Public Advisory Committee

### **Stakeholders**

- Residents
- Employees
- Business Owners
- Real Estate Developers
- Tourists
- Health services users
- Island commuters
- METRO

## **Critical Action 10**

### **Improve neighboring recreation amenities and connections to them**

#### **Background**

Open space is a precious commodity in India Street as a small, urban neighborhood. One strategy for providing open space to the neighborhood is through improved access to surrounding open space amenities including Lincoln Park, the Waterfront, the Adams Street Playground, and Peppermint Park. An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets.

#### **Proposal**

An assessment is needed to determine how best to update the equipment, paving, and landscaping as well as improve wayfinding, visibility, and connections between the neighborhood and these existing assets:

- Pump Station parcel – This parcel provides an opportunity for prime open space improvements.
- Lincoln Park – Efforts are underway to restore and improve the park and increase neighborhood access, and to encourage new development around the park to enliven its use.
- Adams Street playground – This adjacent public playground is under-used due to lack of visibility and access. An assessment is needed to determine how to increase use of this space.
- Peppermint Park – a recently improved public open space that is not visible or well-connected to the India Street neighborhood. Suggested improvements include safe pedestrian connections across Congress Street and wayfinding.
- Eastern Promenade Trail – Connections to this popular trail could be improved across Commercial Street. Additional improvements include a Recreation Hub at the foot of India Street, open space improvements on the City-owned sections next to the trail to enable more use of the space, public art or wind turbine installations for wayfinding and neighborhood identity.
- Neighborhood Byway Trail – An informal trail connecting Munjoy Hill to India Street is in need of paving and maintenance improvements to increase use and visibility and safety.

#### **Potential Issues**

Securing the funding for each of these projects will be a challenge.

#### **Financial Resources**

Budget: unknown

Sources: CDBG, CIP, grants

#### **Timeframe**

Timeline: varies

## Responsibilities

### Responsible Parties:

- Lincoln Park: Historic Preservation Program staff, Department of Public Services staff, Friends of Lincoln Park
- Adams Street Playground: Planning & Urban Development staff, Department of Public Services staff
- Peppermint Park: Planning & Urban Development staff, Department of Public Services staff
- Eastern Promenade Trail: Planning & Urban Development staff, Department of Public Services staff, Portland Trails
- Neighborhood Trail Byway: Planning & Urban Development staff, Department of Public Services staff, Portland Trails
- Pump House Parcel: Planning & Urban Development staff, Department of Public Services staff, Public Water Commission

## Stakeholders

- Residents
- Employees

# Critical Action 11

## Create a Recreation Hub at the foot of India Street

### Background

The neighborhood can leverage existing assets – the Eastern Promenade Trailhead, waterfront proximity, retail and organizations related to recreation, a strong restaurant reputation – to establish a Recreation Hub. The foot of India Street will become known as the meeting point for a trip to the Islands, a class at Sail Maine, or a bike ride or stroll on the trail. It will be an access point for recreational amenities such as bicycle or equipment rentals, a point to buy food and drinks for the day’s excursions, and a rest stop with public restrooms. As the neighborhood develops, this will be the place for bike share stations, information kiosks, and a meeting point for tours. Not only does this critical action boost economic development, it adds to the identity of the neighborhood and gives residents and visitors a reason to venture into the India Street Neighborhood.

### Proposal

The creation of a Recreation Hub at the foot of India Street will include infrastructure improvements, economic development, and events and promotion. Possible implementation strategies should include:

- Public open space improvements adjacent to trail
- Gateway and wayfinding elements (public art, wind turbines)
- Bicycle share stations
- Enhanced bicycle amenities - Bicycle corral on Commercial at Crema Café installed Fall 2014
- Information kiosk
- Public restrooms
- Car-free Street events (eg Sundays on the Boulevard)
- Recreation-related businesses/kiosks/carts (rentals, gear, food)
- Improved and safe connections across Commercial/Thames Street
- Programs, tours, and events
- Improved/additional streetscape features including lighting, seating, and trash receptacles

### Potential Issues

This effort will require a great deal of coordination and promotion efforts between the City, Portland Trails, the Convention and Visitors Bureau, and neighborhood business. An incremental approach is likely.

### Financial Resources

Budget: unknown

Sources: Downtown Infrastructure TIF, CIP, grants, public/private partnerships

### Timeframe

Timeline: ongoing

## Responsibilities

Responsible Parties: Planning and Urban Development staff design, Department of Public Services staff implementation – bicycle share, city land improvements, information and public restroom kiosks, pedestrian crossing improvements; India Street Neighborhood Association and Economic Development Department staff – recreation-based business attraction and programs, promotion; Portland Trails and Convention and Visitors Bureau – coordination on public land and trail improvements, promotion

## Stakeholders

- Residents
- Tourists
- Sail Maine
- Business Owners (especially mobile and recreation-based retail)
- Portland Trails
- Ocean Gateway Terminal
- Casco Baylines

## **Critical Action 12**

### **Make India Street Neighborhood a model for stormwater management**

#### **Background**

The India Street Neighborhood is an ideal district to exercise good stormwater strategies for the City of Portland. As with many older American cities, Portland suffers from combined sewer overflows (CSOs) when excessive rainfall enters the sewer and overloads the system, leading to pollution of our waterways. As climate change increases the number and intensity of storm events, it is imperative that neighborhoods adjacent to the waterfront reduce their impervious surfaces and increase runoff retention capabilities. The first step for the neighborhood will be a district analysis resulting in engineering and landscape architecture strategies and recommendations. An additional resource is the analysis and recommendations of the 2014 Urban Land Institute Advisory Panel for Portland and South Portland. The City will lead by example when making improvements to the public right-of-way in this neighborhood, using India Street as a prime demonstration site for good stormwater practices.

#### **Proposal**

Requisition a study on the stormwater needs and potential implementation throughout the neighborhood on public and private property. Based on the recommendations of the study, an implementation plan and budget will be created. Implementation strategies will likely include: green infrastructure, Stormwater Service Charge, Low-impact design, decrease impervious surfaces, increase in pervious surfaces (sidewalk materials, green roofs, street trees).

Potential strategies include:

- Complete Streets: Development will continue to provide opportunities to create Complete Streets and improve hydrologic function for resilience.
- Reduce Stormwater Runoff: Impervious surfaces of surface parking lots are another major contributor to stormwater runoff quantity and water quality; development will be designed to reduce impact of surface flow across Commercial Street and to mitigate impacts on land-side structures. The City is moving towards adopting a Stormwater Service Charge that will provide economic incentives for developers and property owners to reduce and treat runoff.
- Green Infrastructure: Low-impact design and green infrastructure strategies will be implemented wherever possible.

#### **Potential Issues**

The greatest barrier would be cost of implementation; ideally, public and private interests would both contribute to this goal.

#### **Financial Resources**

Budget: unknown



## Timeframe

Timeline: Stormwater Service Charge Winter 2015 (projected); Study dependent on CIP funding and Downtown TIF District

## Responsibilities

Responsible Party: Stormwater Division, Department of Public Services staff lead , Planning & Urban Development staff

## Stakeholders

- Waterfront industry and property owners
- Residents
- Property Owners
- Real Estate Developers



India Street Neighborhood is directly adjacent to (and uphill from) 4 Combined Sewer Overflow Outfall locations. Reduction of impervious surfaces and improvements to the treatment of stormwater in the neighborhood may have a direct and beneficial impact

# **Meeting Notes & Minority Report**

## **Meeting 13 – Notes**

### **India Street Neighborhood Advisory Committee**

**8/7/14**

#### **Attendance**

- 11 (out of 19) ISNAC members attended the meeting - the attendance sheet is attached
- 9 (out of 19) ISNAC members were present for entire meeting – 3 members had to leave before the voting portion of the meeting
  - o Two ISNAC members attended the meeting but left before the voting portion
  - o Co-chair Donoghue attended the meeting but left after the first vote

#### **Requested revisions to Plan document:**

- Please see attached Plan document with requested revisions in redline.
- It was further requested that staff check this Plan is not in conflict with existing components of the Comprehensive Plan
- After a proposal and discussion, it was determined that the Form-based Code documents would be separated from the Plan and would not be included as an addendum. The Plan still recommends that a Form-based Code be adopted.
- After a proposal and discussion, it was determined that the Inclusionary Zoning Ordinance would be separated from the Plan and would not be included as an addendum. The Plan recommends evaluation of an Inclusionary Zoning Ordinance and supports policies and efforts that create affordable housing in the neighborhood.

#### **Votes Taken:**

Vote 1: Mazer moves and Donoghue seconds the motion that building height in the neighborhood shall be controlled by the Form-based Code and not the Historic District. (9-0 in favor)

Vote 2: Mazer moves and Nazor seconds to remove 70 Newbury Street and 12 Mountfort Street (Shipyards properties) from the proposed Historic District. (2 in favor, 5 opposed, 1 abstention)

Vote 3: Nazor moves and Mazer seconds to exclude 36 Federal Street from the proposed Historic District. (1 in favor, 5 opposed, 2 abstention)

Vote 4: Nazor moves and Gardiner seconds to recommend the India Street Sustainable Neighborhood Plan, with proposed revisions, forward to the City Council for consideration. (6 in favor, 2 opposed)

Vote roster on next page.

| <b>Name</b>               | <b>Vote 1</b> | <b>Vote 2</b> | <b>Vote 3</b> | <b>Vote 4</b> |
|---------------------------|---------------|---------------|---------------|---------------|
| 1. Barringer              | Y             | N             | N             | Y             |
| 2. Bassett (Oldham proxy) | Y             | N             | N             | Y             |
| 3. Boepple                | -             | -             | -             | -             |
| 4. Boxer Macomber         | -             | -             | -             | -             |
| 5. De Tine                | Y             | N             | N             | Y             |
| 6. Donoghue               | Y             | -             | -             | -             |
| 7. Federle                | -             | -             | -             | -             |
| 8. Field                  | Y             | Abstain       | Abstain       | N             |
| 9. Fink                   | -             | -             | -             | -             |
| 10. Helmick               | -             | -             | -             | -             |
| 11. Keppel                | -             | -             | -             | -             |
| 12. Kuniholm              | Y             | N             | N             | Y             |
| 13. Malone                | -             | -             | -             | -             |
| 14. Mazer                 | Y             | Y             | Y             | N             |
| 15. Murnik                | Y             | N             | Abstain       | Y             |
| 16. Nazor                 | Y             | Y             | N             | Y             |
| 17. Smith                 | -             | -             | -             | -             |
| 18. Wilson                | -             | -             | -             | -             |
| 19. Wooldrik              | -             | -             | -             | -             |
| <b>Totals</b>             |               |               |               |               |
| <b>Yes</b>                | <b>9</b>      | <b>2</b>      | <b>1</b>      | <b>6</b>      |
| <b>No</b>                 | <b>0</b>      | <b>5</b>      | <b>5</b>      | <b>2</b>      |
| <b>Abstain</b>            | <b>0</b>      | <b>1</b>      | <b>2</b>      | <b>0</b>      |

## **Meeting 14 – Notes**

### **India Street Neighborhood Advisory Committee**

**9/22/14**

#### **Attendance:**

- 11 (out of 19) ISNAC members attended the meeting - the attendance sheet is attached
- 10 (out of 19) ISNAC members were present for entire meeting – 1 member (Barringer) left before the voting portion of the meeting concluded.

#### **Announcements:**

- The Plan, if recommended by the ISNAC at this meeting, will be taken up by the Housing & Community Development Committee on October 8. The committee will review the whole Plan package as recommended by the ISNAC.

#### **Public Comment:**

- Tony Donovan: Does the Plan that is adopted include the implementation portion or is it being adopted without knowing the implementation tools?
  - Staff responded that the Plan does include part 2 which is the implementation tools.
- Paul Stevens: The Portland Society for Architecture has issued a letter stating its position on the recommendation of a historic district. It does not make sense to move forward with a Historic District ahead of the development of the Form-based Code.
- Ed Hall (sp?): What is being adopted? Will it be a part of the Comprehensive Plan?
  - Staff responded that if adopted by Council then the Plan will become a component of the Comprehensive Plan.
  - In response, Mr. Hall stated that the Plan is too specific in some areas such as the recommendation for the development of affordable housing at a specific lot and that there may be unintended consequences from being too specific.
- Tim Hardy (50 Hancock Street): How does one get removed from the Historic District?
- David Filipos: Also opposed to his property's inclusion in the Historic District as a contributing building. Would like to be able to demolish existing building in the future. The neighborhood architecturally does not merit district status.
- Cathy Lilly (50 Hancock Street): Owners since 1995 and feel the property should not be included in the Historic District or as a contributing building. Concerned about the financial impact and the ability to make changes.
- Jeff Real: Owns many properties in the neighborhood and would like them removed from the Historic District. These include Amato's, Realty Real Estate, 89 Newbury, and a couple other properties.
- Unknown name: The Amato's property is a new building and should not be included in the Historic District.
- Unknown name (36 Federal Street): There needs to be more noticing about this process and proceedings. Why can't there be a hole in the district where there are no historic buildings.

- Liv Chase (49/51 Hancock Street): Agrees that their property should be removed from the Historic District and from contribution building status so that development opportunities remain.
- Brent Adler (49/51 Hancock Street): Wanted to confirm that his public comments had been received through email.
- Roger Hale: Doesn't feel that the waterfront properties are a part of this neighborhood and that a master plan is not appropriate here.

#### **Questions and Discussion:**

- Nazor asked which elements of the Historic District will go forward with the Plan. Staff responded that at this time, the proposed district with boundary is included in the Plan document.
- Donoghue asked how the Historic District boundary would be reviewed. What is the Historic Preservation Board process?
  - Andrews responded that the proposed boundaries could change as part of the process. The Historic Preservation Board would start with the proposed boundary and conduct its own analysis and take into consideration public comment. Andrews would be responsible for conveying the public comment received as part of the ISNAC process to the Board.
- Donoghue asked whether all proposed Historic Districts in the past have gone to the Historic Preservation Board with a draft boundary.
  - Andrews answered that it has been done all ways.
- Donoghue further commented that there are two clusters of buildings in the neighborhood that have brought the most public comment.
- Donoghue asked for staff to clarify the Historic District and Form-based Code relationship
  - Jaegerman answered that both would go through the same review process. There is no reason why each cannot go through the process independently but there is an interdependent relationship.
  - Donoghue then asked how the Historic District would be enforced before the Form-based Code went into effect.
  - Jaegerman answered that the underlying zone would apply in that scenario. Levine added that the two policies could go to Council together for adoption to avoid that lag.
- Bassett and Nazor asked staff to clarify the distinction between contributing and non-contributing buildings.
  - Andrews responded that the Historic District would not prohibit removal of a building if non-contributing.
- Mazer asked for what would be the review process for a non-contributing building. And at what point would a building be eligible for historic tax credits.
  - Andrews answered that demolition would be as of right for non-contributing buildings. For new construction within the district, there would be a Historic Preservation Board review, Site Plan review, Design review all in tandem.

- Merrill then read the Portland Society for Architecture letter regarding the position on the Historic District.
  - Oldham asked why this statement from the PSA was coming to the ISNAC so late in the process considering Kuniholm's votes at the 8/7 meeting.
  - Oldham also pointed out that there is a factual error in the PSA letter regarding the tax credit threshold.
  - Merrill responded that Kuniholm did vote but the PSA board did not have a chance to discuss these topics until September.
- Malone stated a concern that there has been some mission creep with the proposal of the Historic District. He advocated for a different way of approaching these issues than the typical Historic District. Why can't the Form-based Code be used to accomplish the same thing? New construction should be removed from the purview of the Historic District process. He further stated that he will vote against the district.
  - Cameron replied that a key difference between the Historic District and the Form-based Code is the ability to protect buildings from demolition which the FBC cannot do.
- Nazor stated that he has come across a lot of literature that shows Historic Districts and Form-based Codes to be complementary but one cannot replace the other. Perhaps review could be for contributing buildings only. He further pointed out that no plan is about achieving the highest and best use. Form-based Code and the Historic District need to come together, cannot be separated. The Plan should exclude both of these policies at this time. He further expressed a concern about the gap of time between Plan adoption and the completion of the Form-based Code policy documents and feels that the Plan should be repealed if the FBC is not met by a date certain.
  - Donoghue asked Levine to weigh in on this last point.
  - Levine stated that having a date certain is not common however he agreed that the FBC and Historic District should be presented together to Council. The Inclusionary Zoning ordinance is on a different track because it is citywide. However, we cannot control whether the Council will approve both policies.
- Mazer repeated his question about the thresholds for historic tax credits.
  - Oldham clarified that the property must be income-producing to qualify and that there are both State and Federal tax credits with different standards.
  - Mazer asked how many of the properties listed as contributing would qualify for the tax credits.
  - No one had a definitive answer to that question. Oldham proceeded to explain the tax credit system for both State and Federal processes.
- Bassett pointed out that the Historic District is mentioned as Critical Action relating to four of the Development Principles.

### **Motions and Amendments:**

**Main Motion:** Boxer-Macomber moved and Barringer seconded the motion to send the Plan, parts 1 and 2, as recommendations to Council.

Amendment 1: Mazer moved to remove the recommendation of a Historic District from the plan. No second.

Amendment 2: Mazer moved to remove the proposed Historic District boundary from the Plan and include the text amendment to refer to contributing buildings as “potentially” contributing. Nazor seconded.

Discussion: Bassett then asked whether the plan could reference the Study Area – it was determined that would need to be a separate amendment. Boxer-Macomber reminded staff that this change may also require some text amendments to Critical Action if there is reference to the boundary. (11 in favor, 0 opposed, passes)

Amendment 3: Malone moved that new construction be removed from the purview of the Historic Preservation district and Historic Preservation Board review and that the Form-based Code be the prevailing code for new construction. Mazer seconded.

Discussion: Donoghue asked whether the historic district will be able to be certified if new construction is removed from the district’s purview. Andrews confirmed that removing new construction would prevent the district from getting State/National accreditation and would result in the loss of tax credits. Oldham restated the concern that if new construction is removed there will be no opportunity for historic tax credits. Bassett added that new construction is generally reviewed by the Historic Preservation Board so that design details may be considered in context with the district. Mazer asked how the 100’ provision will be affected. Andrews answered that the 100’ provision is part of the City’s Site Plan Ordinance which could be potentially revised but would require a revision process through Council. Nazor is opposed to the motion because Historic Districts and Form-based Codes are not mutually exclusive and are complimentary policy tools. (2 in favor, 9 opposed, fails)

Amendment 4: Mazer moved to table the Plan until the Form-based Code is completed. No second.

Amendment 5: Nazor moved that there be a date certain for the presentation for passage of the Form-based Code and Historic District and if these two policies are not brought up for consideration by that date, the adopted Plan would be repealed. Mazer seconded.

Discussion: Donoghue asked what that date certain would be. Staff responded they would aim for six months. Oldham stated that there is a value to creating a historic district here whether the Plan is adopted or not. Wilson voiced hesitation about dictating dates to the Council as an Advisory Committee only. Murnik asked why it would take so long to get these policy documents completed. Staff responded that they would want to build in some flexibility in case of unforeseen circumstances. (4 in favor, 7 opposed, fails)

Amendment 6: Mazer moved to remove the Inclusionary Zoning ordinance from the Plan completely. Nazor seconded.



Discussion: Donoghue stated that is important for the city to provide for affordable housing and the Plan struck a compromise with this proposal. Nator stated that he did not want the passage of the Plan to be threatened by an ordinance proposal that may be controversial and is intended for the whole city, not just the neighborhood. Boxer-Macomber reiterated that the process for the Plan would be simpler without the details on Inclusionary Zoning implementation that are currently included in the Plan. (9 in favor, 1 opposed, passes – Barring left by this time)

Amendment 7: Mazer moved for the letter from the Portland Society for Architecture be included as an attachment to the Plan. No second.

Amendment 8: Mazer moved for the 8/27 Minority Report be submitted to Council for the record. No second. Donoghue stated that all public comment will be submitted to the Council as backup material.

Amendment 9: Bassett moved to include the proposed Historic District boundary as an appendix to the Plan. No second.

Amendment 10: Bassett moved that the Historic District Study Area be included in the Plan. Oldham seconded.

Discussion: Mazer and Malone suggested that this document is more appropriated submitted as part of the public record. Nator felt that any map included in the Plan will be misunderstood. Bassett withdrew the motion.

**Final vote on the Main Motion: (9 in favor, 1 opposed (Mazer will resubmit Minority Report), passed)**

## **Minority Report to the India Street Sustainable Neighborhood Plan**

**August 27, 2014**

**Updated September 29, 2014<sup>1</sup>**

In November of 2013, the City Council created the India Street Neighborhood Advisory Committee (ISNAC) and charged it with “providing oversight and input to City staff, Planning Board, Historic Preservation Board, and City Council on the Sustainable Neighborhood Plan.” Through countless committee and subcommittee meetings a “Sustainable Neighborhood Plan” (the Plan) was drafted. Although the committee voted to send the plan as written to the City Council for review, there are a number of issues within the plan that the committee did not have consensus on. Many of these issues were discussed within the committee, but did not make it into the plan. This document’s goal is to broadly outline how opinions differ on the large issues.

### **Neighborhood Boundary**

There have been a number of members on ISNAC that have voiced concern surrounding the scope of what is the neighborhood boundary. Although many argued that this boundary was set many months ago under the Sustain Southern Maine study, that does not necessarily make it the best working boundary to achieve the goals under the charge.

The India Street Neighborhood and surrounding area has historically been one of mixed use, ranging from residential to commercial to industrial. It was once home to Jordan’s Meats, the Village Café, the Grand Trunk Railroad Station and the Crosby Laughlin Foundry (now Shipyard Brewing Company). Today some of the most developable pieces of property in Portland remain in this area of the city. The boundary should be smaller to include just the already developed residential areas. Much is unknown regarding the properties on the edges of the neighborhood boundary sites and the abutting properties, such as Munjoy South, the Intercontinental property and the Portland Company, that these properties should not be included in the India Street Neighborhood boundary. The Shipyard Brewing Company property should also be excluded due to the fact that it is the last visage of the industrial use in the neighborhood and although this plan works for residential uses it is not good for industrial. All of these properties should be examined as part of the waterfront, not the India Street Neighborhood, and, in fact, many of these properties are part of the Eastern Waterfront Master Plan which was last amended in 2006.

The India Street Neighborhood is described as “downtown adjacent.” This description is arguably accurate from today’s standards; however, when looking at the neighborhood within the larger scope of what is happening on the peninsula, the neighborhood is in the middle of some of the fastest developing areas of the city and may quickly no longer be “downtown adjacent” but part of the larger downtown. For example, the Portland Press Herald ran an article on August 22<sup>nd</sup> in regards to the Portland Company complex and rezoning. The developer of the property is looking to rezone from industrial use to mixed use and described it as “if you can grab the Old

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<sup>1</sup> This updated Minority Report is based on the presumed edits to Parts 1 and 2 of the Sustainable Neighborhood Plan as discussed in the final ISNAC meeting on September 22, 2014. At the time of this writing, the updated Plan has not been circulated to the ISNAC.

Port and just stretch it and pull it over our project.”<sup>2</sup> This “stretching” would be right through the India Street neighborhood and needs to be taken into consideration. The question of how the decisions made in approving this Plan will impact or be impacted by the Portland Company waterfront development must be asked.

### **Historic District Boundary**

Similarly to the general neighborhood boundary, there has been much debate surrounding the map containing the Historic District Boundary. The India Street Neighborhood does contain a number of historically relevant properties including the Eastern Cemetery, the North School, and the Abyssinian Meeting House properties that should be protected. However, there are a number of properties that are included as “potentially contributing” in the plan that should be excluded.

Various committee members as well as members of the public raised concern regarding the proposed Historic District and the buildings it includes as potentially contributing. Many residents do not want to see a historic district within the neighborhood at all. Shipyard Brewing Company continuously raised the issue of two buildings that are owned by and abut the brewery. At the time of purchase it was stated by City staff that these buildings were allowed to be demolished. It is in Shipyard’s master plan to eventually develop the land where these buildings sit and having them tagged as “contributing” puts in to serious question Shipyard’s ability to grow in its current location.

Others have raised the issue that some of the buildings that are near the Abyssinian Meeting House, although old, should not be considered historic. These building are located South of the Eastern Cemetery and, if redeveloped, could handle higher density and height than they currently do.

The proposed Historic District also includes buildings that are already permitted to be demolished and redeveloped. If anything, specific historically significant buildings should be protected, but a complete district is not warranted in this neighborhood.

### **Housing**

There was much agreement within the ISNAC that the neighborhood and the City as a whole needed more housing in general. The plan as to how to achieve this goal through the Plan is where committee members differed. In the final version of the plan the reference to Inclusionary Zoning was removed. Any discussion regarding Inclusionary Zoning should be discussed at a city wide level, separate and apart from any discussion surrounding ISNAC. In the 2002 Housing Component of the City’s Comprehensive Plan (the Housing Plan) the document discusses a number of polices having to do with the housing need in Portland and lists a number of policy recommendations. The first policy goal within this document is to “ensure an

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<sup>2</sup> [http://www.pressherald.com/2014/08/22/zoning-bid-to-redevelop-fore-street-site-sought/?utm\\_source=Headlines&utm\\_medium=email&utm\\_campaign=Daily](http://www.pressherald.com/2014/08/22/zoning-bid-to-redevelop-fore-street-site-sought/?utm_source=Headlines&utm_medium=email&utm_campaign=Daily)

adequate and diverse supply of housing for all.”<sup>3</sup> It further discusses the “significant shortage of all types of housing” and lists three conditions and a number of suggestions in order to solve the shortage.<sup>4</sup> Condition Three states that “Portland has limited vacant land suitable for new development, thus infill sites and redevelopment options are the primary opportunities for creating new housing,” and recommends “higher residential densities to address Portland’s housing needs and encourage efficient use of infrastructure and land resources.”<sup>5</sup> The references found in the Housing Plan should be used to guide the ISNAC, but were not mentioned once.

The ISNAC plan recognizes and calls for “Guided Growth” that will come from “increased density of development rather than increased height;” however by discouraging height, it lacks one of the primary efficient uses of land resources.<sup>6</sup> In order for the City of Portland to meet the housing needs found within the Housing Plan there must be more comfort with higher buildings. Certain parcels within the India Street Neighborhood could and should be used for higher more dense buildings while balancing impact on the character of the neighborhood through design. This neighborhood has already experienced some of this needed growth through the Bay House development and the Hampton Inn development.

### **Form Based Code**

The ISNAC voted to proceed with sending the Plan forward for City Council review with Form Based Code (FBC) not being complete, or included for Council consideration, and needing further development by the subcommittee. Much of the time spent by city staff and the ISNAC was devoted to implementing FBC. The Plan calls for a FBC to be developed countless times throughout both parts of the plan, and some members were concerned that the Plan was supported without knowing what the FBC will look like and how it will interact with the other portions of the plan. The Plan should be viewed as a whole document with all necessary attachments completed, including the FBC.

Residents and property owners should not lose any currently allowed land uses (whether residential, commercial, or industrial) under FBC, nor should they lose the potential for highest and best use of developable pieces of their property (both with height and length).

There are a number of issues with the draft versions of the FBC as they have circulated within the committee and subcommittee. The focus of FBC in general is on style and less concerned about use. Overall concerns are varied depending on where in the neighborhood one looks. Current drafts are contemplating limiting heights of some properties, which, as mentioned above, is counter intuitive to bringing more dwelling units to the city.

There is a possible requirement for Mid-Block Permeability being discussed. Although the length of frontage before a break is still being debated, the fact that FBC calls for full building separations is concerning and arguably poses the question as to whether it is considered a taking.

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<sup>3</sup> Housing: Sustaining Portland’s Future, Housing Component of the Comprehensive Plan Adopted November 18, 2002, Page 25.

<sup>4</sup> Ibid, Page 26.

<sup>5</sup> Ibid, Page 27.

<sup>6</sup> India Street Sustainable Neighborhood Plan, Draft 4, August 2014 Page 28.

Although FBC is supposed to be less concerned about use, the current FBC regulations as drafted focus mostly on residential uses. For example it is contemplated that a height bonus would be given to developers if a certain density is met. The drafted density is 150 units per acre, although it is unknown whether this requirement is achievable on any property within the neighborhood. There is also the benefit of no required parking for the first three dwelling units developed, but some have argued this is not aggressive enough of a parking policy for both residential and commercial uses.

Since the original drafting of this document, there has been no further progress on developing a FBC and it is unclear whether the points mentioned above are still relevant or have changed significantly.

### **Open Space**

One of the main concerns raised by many on ISNAC was the lack of open space found within the neighborhood. The proposed open space in the plan relies heavily on the redevelopment of Franklin Arterial and the assumption that there will be open space available on the edge of the neighborhood and along the waterfront. The Franklin Arterial redesign is still unknown and at best years away from implementation. Other open spaces shown on the map include private property in the middle of the Bay House Condominiums and a private piece of property on the corner of Middle and Hancock set to be developed.

One actionable step that the City could take in order to increase the amount of open space found within the neighborhood would be to build some sort of park on the City-owned property at Middle and Franklin streets. Although the Plan it was suggests that this land be used for affordable housing, it might be a better use for the neighborhood as some sort of public open space.

### **Conclusion**

The India Street Neighborhood is a diverse and key neighborhood to the City of Portland. Its location is in the heart of some of the most development the city has seen in many years. The neighborhood should not be looked at in isolation from the rest of the city and the development that is taking place within a few blocks of its boundaries.

At the final public ISNAC meeting there were a large number of neighbors that voiced their concern with this plan. The ISNAC and now the Council and other committees must take these concerns into consideration.

Sign-in Sheet - India Street Neighborhood Advisory Committee/Working Groups

| Last Name      | First Name | Meeting 1 | Meeting 2 | Meeting 3 | Meeting 4 | Meeting 5 | Meeting 6 | Meeting 7 | Meeting 8 | Meeting 9 | Meeting 10 | Meeting 11 | Meeting 13 | Meeting 14 |
|----------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| Barringer      | Richard    | x         | x         | x         | x         | x         | x         | x         | x         | x         | x          | x          | x          | x          |
| Bassett        | Hilary     | x         | x         | x         | x         | x         | x         | x         | x         | x         | x          | x          | x (SO)     | x          |
| Boepple        | Beth       | x         | x         |           | x         |           | x         |           |           |           | x          |            |            |            |
| Boxer Macomber | Ethan      |           | x         | x         |           |           |           | x         |           |           | x          |            |            | x          |
| Claster        | Jennifer   | x         |           | x         |           |           | x         |           | x         | x         | x          |            | x          |            |
| Cummings       | Pamela     |           | x         | x         |           | x         |           |           |           |           |            |            |            |            |
| Curran         | Rachelle   | x         |           |           |           |           |           |           |           |           |            |            | x          |            |
| Danaher        | Jill       | x         | x         | x         |           | x         | x         | x         |           |           |            |            |            |            |
| De Tine        | Carol      | x         | x         | x         |           | x         | x         | x         | x         |           | x          |            | x          | x (SO)     |
| Donoghue       | Kevin      | x         | x         | x         | x         | x         | x         |           | x         | x         |            | x          | x          | x          |
| Federle        | Tom        |           | x         | x         | x         |           | x         | x         | x         |           |            | x          |            |            |
| Field          | Bethany    | x         | x         |           | x         | x         |           | x         | x         |           |            |            | x          |            |
| Fink           | Arthur     | x         |           | x         | x         | x         | x         | x         |           | x         | x          |            |            |            |
| Gardner        | Ed         | x         |           | x         | x         | x         |           | x         | x         | x         | x          |            | x          | x          |
| Helmick        | Ani        | x         | x         | x         |           |           |           |           |           |           |            |            |            |            |
| Kendeigh       | Susie      |           |           |           |           | x         |           | x         |           |           |            |            |            |            |
| Keppel         | Bobbi      |           | x         | x         | x         | x         | x         | x         |           | x         |            | x          | x          |            |
| Kuniholm       | Alan       |           |           |           |           | x         | x         |           | x         |           |            |            | x          | x (CM)     |
| Loranger       | David      |           |           |           |           |           | x         | x         |           |           |            |            |            |            |
| Malone         | Joe        |           |           | x         |           | x         |           | x         |           |           | x          |            | x          | x          |
| Mazer          | Brandon    | x         | x         | x         |           | x         | x         |           | x         |           | x          | x          | x          | x          |
| Murnik         | Linda      | x         | x         | x         | x         | x         | x         | x         | x         | x         | x          | x          | x          | x          |
| Nazor          | Hugh       | x         | x         | x         | x         | x         | x         | x         | x         | x         | x          | x          | x          | x          |
| Smith          | Arlin      |           |           | x         |           |           | x         | x         |           |           | x          |            |            |            |
| Waterman       | Jay        | x         | x         |           |           |           |           |           |           |           |            |            |            |            |
| Wilson         | Tim        |           |           | x         | x         | x         | x         | x         |           | x         | x          |            |            | x          |
| Wooldrik       | Kara       | x         | x         | x         |           | x         |           | x         |           |           | x          |            |            |            |

Denotes ISNAC member

## **Public Comment**

First Name: Brent

Last Name: Adler

Email: brentadler@gmail.com

Comments/Questions on the India Street Sustainable Neighborhood Plan: This is a general comment. I would like to know how the ISNAC have used existing developments and future developments in the neighborhood in their suggestions for any zoning changes, specifically height and scale of the neighborhood. How can the neighborhood create a historical district or limit height when we are shadowed by the Bay House spot zoning development and a Parking Garage blocking the view of the ocean.

Comments/Questions on proposed India Street Historic District: Please remove 49/51 Hancock street from a contributing historical status. As the owner and property manager I do not want a contributing status affecting my ability to make improvements or additions to the multi unit building.



**Caitlin Cameron - FW: India Street Neighborhood -- Simba Lot**

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**From:** "Edward MacColl" <emaccoll@thomport.com>  
**To:** <ccameron@portlandmaine.gov>  
**Date:** 8/7/2014 9:24 AM  
**Subject:** FW: India Street Neighborhood -- Simba Lot

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Caitlin,

It was a please to meet you at the panel's public hearing, and thank you for your hard work and excellent communications and materials on the project.

As this office represents Simba, Inc. and Roger Hale, the owner and manager of a parking lot on Fore Street, our comments of course focus on the issues related to that property. Still, I was struck by the suggestion that parking should be prohibited within thirty-five feet of streets throughout the neighborhood for the following reasons:

1. The current proposal is for form-, not use-based zoning with the sole exception being the restriction on parking;
2. As your materials note, parking in the area is difficult, especially in the portion of the neighborhood further down the hill;
3. As much as we would like Portland to have greater mass transit, most tourists, commuters and other visitors arrive by car; we'll lose those essential visitors if they can't conveniently park;
4. The reason given for banning parking within 35 feet of a street was to promote a particular use – retail; but since the proposal includes no other use-based restrictions or requirements banning one use does not promote a particular replacement;
5. The restriction would severely limit my client's existing use of its property; certainly, any existing parking facility should be protected (by grandfathering or otherwise) if parking is now to be the one restricted.

Thank you for considering my comments.

Best regards,

**Caitlin Cameron - RE: ISNAC meeting reminder - 6/4**

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**From:** "John Bass" <jbass@thomport.com>  
**To:** "Caitlin Cameron" <CCameron@portlandmaine.gov>  
**Date:** 6/2/2014 11:59 AM  
**Subject:** RE: ISNAC meeting reminder - 6/4

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Hi,

Thank you for the links to the India Street materials. I represent Simba, Inc., owner of a parking lot at 213-234 Fore Street.

We are concerned with any zoning change that will reduce the current height limits, thereby reducing the value of the property.

The proposed building height map at the [sustainsouthernmaine.org](http://sustainsouthernmaine.org) site shows a permitted height reduction from 6 floors down to 4 and 5 floors.

Will there be opportunity for comments by affected property owners at the June 4 meeting?

John

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 jbass@thomport.com  
 http://thomport.com

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**From:** Caitlin Cameron [mailto:CCameron@portlandmaine.gov]  
**Sent:** Monday, June 02, 2014 11:25 AM  
**To:** John Bass  
**Subject:** RE: ISNAC meeting reminder - 6/4

Can you be more specific about what information you are interested in? We don't really have a "concept plan" - we have a lot of different documents to do with many different topics within the neighborhood plan. Most of this material I can send you or direct you to.

<http://sustainsouthernmaine.org/pilot-communities/portlandindiast/>

**Caitlin Cameron - RE: India Street meeting reminder - July 2**

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**From:** "John Bass" <jbass@thomport.com>  
**To:** "Caitlin Cameron" <CCameron@portlandmaine.gov>  
**Date:** 6/30/2014 2:40 PM  
**Subject:** RE: India Street meeting reminder - July 2  
**CC:** <genmarr@aol.com>

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Hi Caitlin,

Thank you the notice of the Wed meeting. We looked at the Open Space Plan found on your project page.

Simba, Inc. has a vehicular right of way that runs from Franklin Street along the Simba, Inc. boundary and then turns to Commercial Street. The Open Space Plan appears to depict proposed "Improvements for pedestrian connectivity" on the ROW.

Simba utilizes the ROW from time to time for customer entrance and exit.

I have two questions:

1. Does the proposed Open Space Plan include anything that would affect use by Simba of its vehicular right of way on Bradbury Court? , and
2. If yes, will there be an opportunity for me on behalf Simba, Inc. to discuss our concerns?

Thanks and regards, John

John R. Bass, II, Esq.  
 Thompson, Bull, Furey, Bass & MacColl, LLC, P.A.  
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 Portland, Maine 04112-0447  
 (207) 774 - 7600  
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 http://thomport.com

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**From:** Caitlin Cameron [mailto:CCameron@portlandmaine.gov]  
**Sent:** Friday, June 27, 2014 2:06 PM  
**To:** Caitlin Cameron

First Name: John

Last Name: Turk

Email: johnturk@ttl-architects.com

Comments/Questions on the India Street Sustainable Neighborhood Plan: I am a Portland based architect and have served on Portland's Historic Preservation Board for many years. My firm, TTL Architects produced the written history of the India Street neighborhood commissioned by the City in 2013. As such, I am very happy to support the creation of an India Street District. An India Street Historic District will provide incentives to rehabilitate historic structures and will ensure good quality, compatible new design.

I have two comments regarding the India Street Sustainable Neighborhood Plan:

- I believe the form base code guidelines should be further studied to more closely reflect historic development patterns. This neighborhood has a fascinating range of building type and scale that should be retained and built upon. For instance development within Hampshire Street should be encouraged to match or be similar to the small scale, tight-knit residences found there. Likewise, development along Federal Street should be encouraged to relate to existing building widths and heights.
- I believe we have an exciting opportunity to encourage great compatible new design that reflects historic development patterns. It seems to me encouraging small parcel development would introduce more diversity, vibrancy and would open the neighborhood to a type of urban homesteading. I don't believe we necessarily want to encourage large scale development because we hear that is the only economically viable way to build. Just look to the infill development happening on Munjoy Hill to imagine what is possible within the India Street neighborhood.

Thank you for all the great work to date. I think with a bit more work the neighborhood and the City will have the framework to assure that this section of Portland retains its truly unique character while encouraging dynamic new development.

First Name: Jon

Last Name: Graback

Email: jgraback@zwi.net

Comments/Questions on the India Street Sustainable Neighborhood Plan: I support most of the provisions of the draft India Street Neighborhood Plan, but I agree with Tony Donovan's comment, made near the end of the July 28th public meeting, that the Eastern Waterfront area should NOT be included in the India Street Neighborhood. The area east of Fore Street is already part of the Eastern Waterfront Zoning and Redevelopment plan, and that's where it belongs (although that decade-old plan should probably be revisited and updated in light of the new India Street Neighborhood Plan and the new Franklin Street Plan now being developed).

Tony Donovan makes this point again in the first part of his Guest Opinion piece in today's Portland Press Herald, at: [http://www.pressherald.com/2014/08/22/maine-voices-sustainable-portland-the-waterfront-and-the-railroad/?utm\\_source=Headlines&utm\\_medium=email&utm\\_campaign=Daily](http://www.pressherald.com/2014/08/22/maine-voices-sustainable-portland-the-waterfront-and-the-railroad/?utm_source=Headlines&utm_medium=email&utm_campaign=Daily)

While I don't support Tony's concept of passenger rail service to Lewiston-Auburn originating from a station located along the Eastern Waterfront, because of that plan's prohibitively high cost (I think it should originate from the existing Downeaster Station at Thompson's Point, and utilize the Pan Am trackage already upgraded between Portland and Yarmouth, on the existing rail route to Brunswick), I think he's right about the other marine transportation and commercial development uses of the Eastern Waterfront - which are fundamentally different from the predominantly residential and small business uses of the India Street Neighborhood.

As a local business owner, a Trustee at Greater Portland Landmarks, and one of the authors of the history of the India Street neighborhood commissioned by the City in 2013, I am very concerned with the development issues facing the neighborhood. I would like to thank the committee members and staff for their work on assembling this plan with very limited resources in a short period of time. I support the goals and development principles laid out in the India Street Sustainable Neighborhood Plan, although I have some concerns about their implementation as described in the plan and presented at the public meeting on Monday.

I fully support the creation of an India Street Historic District. A historic district will ensure good quality design, support a strong neighborhood identity that builds upon its heritage and diversity, and contribute to the economic vitality and growth of the neighborhood as expressed in the plan's goals. I think a more careful consideration of how the design guidelines of a district would work with the implementation of form based codes as presented should be considered.

I am pleased that the plan recognizes the importance of connections within the neighborhood and through the neighborhood. I support the reconnection of the neighborhood to Lincoln Park, the neighborhood's historic open space, as well as the plans for mid-block permeability like the existing Hampshire Street Stairs and the potential use of the pump house site as a small park.

My primary concerns are with some of the features of the form based code as presented in the draft.

- 7. Guided Growth: States that growth should come from density rather than height, yet the maximum heights appear to be incompatible with the existing historic development and more in scale with the newer development and incompatible with the goals and principles of the plan.
- 8. Form of Development: Identifies the importance of strong street walls, yet the dimensional requirements mandate side yard setbacks and façade breaks that do not appear to be based on existing street rhythms or building patterns in the neighborhood. I believe the specific dimensions in the draft may prevent compatible development that reinforces the character of neighborhood. Possible options might be side yard setbacks that vary based on the height of a proposed structure even within a designated character district (taller buildings set back further to allow light into adjacent structures); requiring multiple entries on long blocks of residential development; or requiring a percentage of publically accessible green space based on SF or street frontage for large building blocks.
- 8. Form of Development: States that graduation of form will vary by location, and it does to an extent between the various character districts. However most of Portland's main corridors, with the possible exception of Commercial Street, are naturally diverse in height and scale. I would support changes to the dimensional codes and regulating plan that allow for variances in the maximum height to be allow for development that is compatible with adjacent development patterns, particularly along Franklin Street and Newbury Streets. Franklin Street should have a different maximum height near historic resources at the intersection with Congress Street than in the blocks in and around Fore Street, where development is taller in height.

Finally I would urge the city to consider subdividing the parcel at Middle and Franklin Streets before selling the publically owned land for redevelopment. Smaller lots owned and developed by several entities will naturally create a diversity in design, use, and character that is more compatible with the character of neighborhood development this plan seeks to build upon.

Thank you for the opportunity to comment on this important plan for the India Street neighborhood.

Julie Ann Larry, ttl-architects

First Name: Liv

Last Name: Chase

Email: livchase@yahoo.com

Comments/Questions on the India Street Sustainable Neighborhood Plan: I think that it is wonderful that so many people and so many organizations are involved in the Neighborhood Plan, such as Portland Landmarks and Sustain Southern Maine. Ultimately though, the people that will be impacted by the new plan and zoning ordinance are the people that own property in the neighborhood. I therefore strongly believe that property owners in the neighborhood should have the majority say in the new neighborhood plan and zoning ordinance.

Comments/Questions on proposed India Street Historic District: I have a Bachelors of Architecture from Carnegie Mellon University. I spent 5 years studying architecture before I went onto designing, building, and creating spaces. I understand that architecture has everything to do with the details and how those details relate to space and scale. As much as I love modern contemporary styles of architecture, I love beautiful old historic buildings just the same.

I have lived in the India St. neighborhood for over 8 years and I have also had the chance to go through many of the buildings. I am the proud owner of a brand new modern building on Federal St. and also 2 older style buildings on Hancock St.

With the exception of the Abyssinian Meeting House, synagogues, and handful of brick buildings on India St., it is my opinion that many, if not most, of the other stock housing in the India Street neighborhood would be classified as “tenement” style architecture. These houses were built quickly and inexpensively after the fire of 1866 in order to house workers that worked on the waterfront. From the buildings I’ve seen, these homes contain no historic period details.

Therefore, it is my opinion that this is not the place or circumstance for a historic district. A historic district would only glorify the past of a neighborhood, which was extremely poor and (for the most part) destroyed by fire. Many of the buildings that remain today are in major disrepair. A historic district would make it extremely difficult for the owners of these properties to tear down these properties if they weren't salvageable. A historic district makes the cost to do business, the cost to do work, and the time it takes to accomplish these tasks a very trying process. The India St. neighborhood is already proposing new guidelines with the form based code, the last thing that property owners in the neighborhood need is another code (the historic district) on top of an already fairly complicated code.

Comments/Questions on proposed Form-based Code: When the India St. Advisory Committee started their process of defining a new identity for the neighborhood, I was very thrilled by the idea. In school, I studied the concept of human scale as it relates to building heights and density. The process of

developing this new identity involved a huge diversity of people and residents of the neighborhood. The overall outcome and the ideas set forth in the new form based code which are, neighborhood identity, vibrant economy, open space, and mixed used, are ideas that I am very much in support of. The term “human scale” is referenced often in the new code but based on the actual guidelines for new building and construction; it would appear that the definition of this word is not reflected.

Looking at the existing structures in the neighborhood, an objective observer would notice that buildings are typically about 25’-35’ tall and 2.5-3 stories in height. Some buildings are even less than this.

The existing heights of buildings are, in my opinion, at the human scale.

The ideas presented for the new code are exactly what anyone could hope for when given the task of creating a new identity for the neighborhood. These great ideas fade drastically in comparison to the actual guidelines and criteria for new construction. Some of the streets in the India St. Neighborhood are proposed to have a maximum building height of 65’. Under the previous zoning, these pieces of land would have only been permitted to have a height of 45’. 65’ is also almost twice the height of existing structures that are currently in the neighborhood and not at all to scale with the existing infrastructure. It would appear after close examination of the new form based code and the 3 districts that have been created within the India St. neighborhood zone (UN, UT, and UA), that the code only supports large scale new development (by allowing excessive heights). Property owners that have smaller lots with existing structures are then asked to “preserve” their homes (under the historic district proposal). Additionally, the new code is offering extra height as an incentive to build more density. This seems like a very unfair approach to building and development.

Property owners currently in the B2b zone were recently given relief by a text amendment that changes B2b zone side setbacks from 5’ on the right and left side to 0’. The new form based code puts side setbacks into place again as 5’ and 10’ side setbacks depending on the zone.

The new form based code gives no thought to the fact that the India St. neighborhood borders on the Casco Bay. Many current land/building owners have a current view of the ocean. Allowing for taller buildings that are closer to the water (as the new plan shows), assures that any properties that currently have water views, will no longer have these views in the future. For future value and resale of properties with an ocean view, this is actually a monetary value and the value of the property is therefore decreased if the view is no longer present. It would not seem unrealistic due to the topography of the district that building height would increase the further away one is located from the water. In this scenario, more people would have access to the view of the ocean.

In larger cities, new development is required to show the impact of the new development on the surrounding site. This includes shadow diagrams, wind patterns, impact on view corridors and how these environmental factors will directly impact neighboring properties. None of these are being considered currently with the City of Portland zoning codes and none of these things are considered in the new form based code. I believe that these are all very important factors to consider.

Lastly, there are a number of current projects that are already underway that the new code has not



taken into consideration. The new Bayhouse Phase 2 project on Newbury/Hancock presents a façade that is over 100' of continuous solid façade on Newbury St. The project on the corner of India St. and Middle St. by the developer, Bateman, proposes a 55' building that will actually be 63' tall (including the penthouse areas) with no setbacks. The project on Middle St. next to the Ocean Gate Garage also proposed by the developer, Bateman, is a 65' tall structure. I do realize that these developments are already permitted and they can't be changed, but we can change the guidelines for the infrastructure that surrounds them as time moves forward. Many people might agree that the development of the Ocean Gate Garage at a height of 65' was a mistake, but looking toward the form based code, we are allowing for more buildings to have this same height. It is as if we have already made one mistake, so it is okay to keep doing this over and over.

So to re-cap, I am strongly in agreement with all of the ideas presented in regards to neighborhood identity and human scale. I am strongly opposed to the actual criteria for the form based code as seen in the layout of height restrictions for the 3 zones.

**Caitlin Cameron - Re: Notice - India Street**

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**From:** Michael Mertaugh <michaelmertaugh@gmail.com>  
**To:** Jennifer Yeaton <JMY@portlandmaine.gov>  
**Date:** 7/19/2014 2:30 AM  
**Subject:** Re: Notice - India Street  
**CC:** Caitlin Cameron <CCameron@portlandmaine.gov>  
**Attachments:** CV - April, 2014.doc

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Jennifer,

As I am unable to be present for the July 28 Public Meeting, I would like to offer an economist's perspective<sup>[1]</sup> on the inclusionary zoning (affordable housing) provisions which are included in the India Street Sustainable Neighborhood Plan:

There is no such thing as a free lunch. Inclusionary zoning requires developers of residential housing to set aside a portion of new units as "affordable housing" at below-market rates. Inclusionary zoning may look like a good way to make housing more affordable without raising taxes or requiring state and federal transfers. (These are also taxes that we pay, but out of a different pocket.) But this innocent-looking requirement compels developers to raise the cost of "market-based" units in order to offset the subsidy for "affordable" units. The resulting "market-based" housing is not, in fact, market based; it is above-market housing. Like rent control and public-provided housing, inclusionary zoning involves a major distortion of housing markets. Ironically, it makes housing less affordable for middle-income residents. Another way of describing this is that it makes housing less affordable for the majority of residents in order to make it more affordable for a minority of residents. At the same time, the suppression of prices for "affordable" housing lowers property tax revenues for the city. In a city with as extensive a public housing program as Portland's, this involves a major loss of potential tax revenues.

The experience of affordable housing initiatives throughout the US shows that all programs to improve housing affordability are costly, whether financed from local taxes, state and federal taxes, or implicit subsidies from residents of "market-based" housing. Such a major commitment of taxpayer revenues or housing outlays should not be undertaken without voter approval. If Portland voters agree to pay for more affordable housing, this should be carried out through an approach which is cost effective and avoids distortions in real-estate markets. In general, housing vouchers are a more transparent and less distortionary instrument for achieving agreed housing access goals than inclusionary zoning and publicly provided housing.

A more basic point involves the relevance of the concern for affordable housing in a community as small as Portland. The concern for affordable housing usually arises in the context of large metropolitan areas, in which low-wage workers cannot find affordable housing within a reasonable distance from their work. That is far less true of Portland – a community of 65,000 people, with lower-density settlement in nearby communities. Moreover, higher commuting costs for workers in large metropolitan areas tend to be more-than-fully offset by higher earnings.

Michael Mertaugh

**Caitlin Cameron - Form Based Code**

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**From:** Cathy Lilly <cathylilly99@gmail.com>  
**To:** <aqj@portlandmaine.gov>, <ccameron@portlandmaine.gov>, <kjdonoghue@portl...>  
**Date:** 9/18/2014 12:01 PM  
**Subject:** Form Based Code

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Hello,

We are owners of 50 Hancock St. in Portland, We are very concerned about what is going on with the proposed Historical District. We have owned this building since 1995 and are opposed to being put in this proposed district and also being identified as an historical building.

Our building is just a 3 unit tenement building with vinyl siding and replacement windows. The inside has been extensively rehabbed with nothing historical about it.

We have paid thousands of dollars to the City of Portland in taxes for the last 20 years and feel that we would significantly be financially impacted if this was to be approved and our building specifically marked as historical.

I hope you please take a serious look at our property and reconsider its historical value. Also, I would like to know what criteria was used to come to this conclusion.

Also, has there been any new progress or developments in regards to the Form Based Codes. It is my understanding that this is still a work in progress.

I feel at this time there are still some very substantial and serious issues to be resolved to move this forward.

I appreciate your time.

Regards,  
Tim Hardy  
Cathy Lilly

50 Hancock St.  
Portland, Maine  
207-229-9041

Are your messages being shared with the ISNA board? If so please include me in the emails. Perhaps other ISNA Board members have an opinion on the minority report? Particularly the issue of boundaries. Last week I had an oped published in the Portland Press Herald.

<http://www.pressherald.com/2014/08/22/maine-voices-sustainable-portland-the-waterfront-and-the-railroad/>

I have received a lot of positive feedback from it particularly regarding the ISN boundaries including selected waterfront parcels. I believe some members of the ISNA spoke at the August 7 meeting about the boundary encompassing the waterfront calling the waterfront the "3rd rail of portland politics" .

I suggest the boundaries deduction is not set in stone. I also suggest a development of the grand trunk parcel exceeding the limited heights you reference might be acceptable to a greater population of the city for a variety of reasons. No need to stifle what should be a healthy discussion.

Thanks  
Tony Donovan

Hi:

Some results of the meeting were a surprise to me and others were not. I was hoping to attract more resident rather than development-centered folks but that too did not happen.

On the question of potential city space (most discussion was about the "police lot but would apply equally to future Franklin excess land), The preferences (multiple votes allowed) were: Workforce housing - **16**; Open Space - **14**; parking space (garage or lot) - **0**. The point was made that whether the city were to build or sell (or give) to a developer who would build workforce housing made no difference.

To my surprise, there were **11** votes that public space/green space near the borders of the neighborhood were acceptable with improved connections while only **3** wanted more emphasis on such space within the neighborhood. I hope that this is not seen as making a proper development of the pump house site as unnecessary.

The rather long discussion about connectivity resulted in **4** people wanting Federal Street reconnected for vehicular traffic and **4** did not care. **7** people would like Newbury Street reconnected for vehicular traffic (if there were a safe way to do it) and **3** did not care. There was the assumption that there would be some safe way to do these without one way streets involved. If there had to remain one way streets on the West side there was interest in right-on, right-off from the neighborhood on both streets. Bike-ped reconnection was accepted but there was much mention of safety fears.

Ant mention of trains was of interest but after you explained the present position there was unanimity that it was a future and non-central action issue and the present thinking is acceptable.

While most of those present expressed strong approval for inclusionary zoning **NONE** wanted any mention of it in the plan presented to the PB or CC. **12** voted to exclude any mention of the plan and **3** needed "more information". The plan (ordinance or not) being included, in any way, was seen as a threat a to the general acceptance of the plan and a target for any who apposed the plan for any other reason. The strong feeling was that any such city ordinance should be a separate and future issue. Getting a political foot in the door by use of this plan would backfire.

Height issues have been so complicated by density bonuses that people see it as much more complex than it is. This caused so much discussion and questions that any vote of the 45/50/65 heights was not possible. (see below)

There were a strong **11** who voted that an Historic District was desirable. There was testimony as to the increased property values thereby created. **5** people voted against an HD (mostly because of feared effects on their property). Asked whether they would be against it if their properties were allowed to expand or rebuild to the height and mass allowed in their zone, only **3** still were against any HD on principal. There was almost no mention of Shipyard and their desire to have their "contributing" buildings designation removed. One other owner in attendance had the same request.

The question of notches vs horizontal street front limits produced the clearest opinion of the evening. While there was no specific discussion of the details (numbers of max feet) about defining mass limits, there was **ZERO** desire to accept notches. That approach was not only seen as not doing the job of limiting mass but was called tacky and a gimmick. More than one person said that such a new element would reduce the remaining established fabric of the neighborhood by causing more variation with a new architectural element. **14** people voted no notches. Some people had left as we were near 7:00.

That the number of floors minimum should be dropped but the max number was informative received general agreement. That the minimum height should be expressed in feet without floor was generally agreed. It was

mentioned that the price of land was now such that almost all properties would be built to the maximum. There was general agreement that more work was needed to accommodate industrial usage in the forms.

At four minutes 'till 7:00, the height issue came up again. People stated a desire for a low and simple rule. The idea of 50 feet everywhere was generally liked. After Joe Malone and others talked about needing higher limits on the edges there was agreement about 50 feet in the grey and red zones - with no bonuses. The edges (most of the green zones) should be 65 feet. There was a final vote of **14** in favor of that. There was comment that buildings should stay small in mass even on the edges (four buildings on the Intercontinental property, for instance).

\_\_\_\_Hugh

## India Street Neighborhood Plan.... Oops

Nir Buras, July 2014

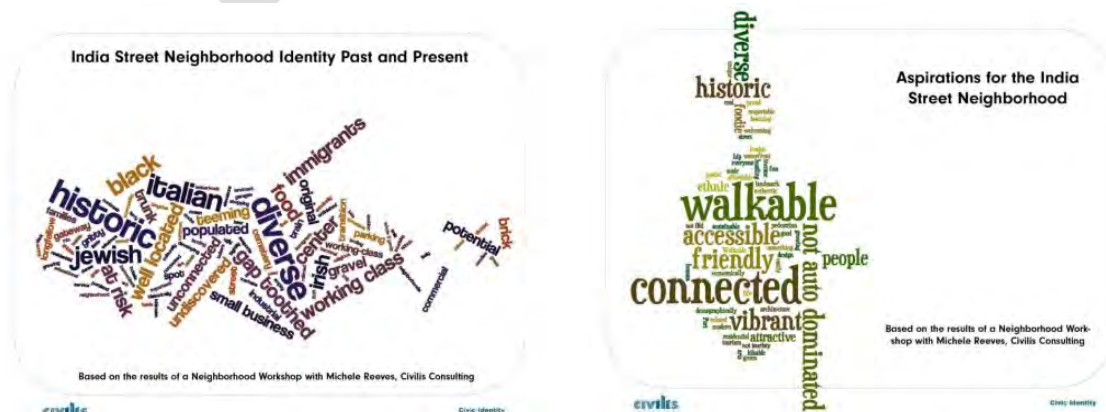
In response to interest from developers and corresponding pressure from India Street Neighborhood residents, the City of Portland undertook a neighborhood planning process. The planners, committees and consultants clearly defined the India Street Neighborhood's assets to build upon, be they Portland's cultural and historical heritage in buildings and urban fabric; that it is a truly mixed-use neighborhood with convenient, walkable adjacencies to Downtown and Munjoy Hill, to the waterfront and its ferry and cruise terminals; the proliferation of "destination" and "landmark" stores and restaurants; and its entrepreneurial culture of small, independent businesses. There seems to be ample parking, good biking streets, and wonderful views.

They also defined well the challenges the neighborhood currently faces, its apparent lack of clear identity and the fact it has never before been subjected to a neighborhood plan process. Cleanup costs are associated with now defunct industrial uses; while the resulting development sites are so large that they overwhelm historic buildings and thus deplete neighborhood character in height and scale. Worst of all, Franklin Street cuts off the neighborhood from Downtown and the Port.

Many voices were heard and many hands participated. The plan is a composite of a lot of good work done by good, well-intentioned, professionals, but the result fails to rise to the challenges at hand not because the team and its consultants lack professional expertise, but because their design and planning toolkit lacks some essential tools.

The Economic Development Team found that new development should be consistent with the scale of existing development, with building heights of less than five stories, with commercial uses limited to Commercial, Congress, Fore, India, and Middle Streets; and increased pedestrian safety could be attained through lighting, sidewalk maintenance and snow removal. So far so good.

The Place Branding Team recommended creating "distinctive archways" along Fore Street with blue, water-themed banners and signs with a neighborhood logo. A bit low octane. The Streetscape / Connectivity team recommended enhancing access to the Eastern Cemetery, creating points of interest around undeveloped parcels and public spaces, and most importantly, reconnecting Newbury and Federal Streets. And then came the Plan. <http://www.portlandmaine.gov/1114/India-Street>

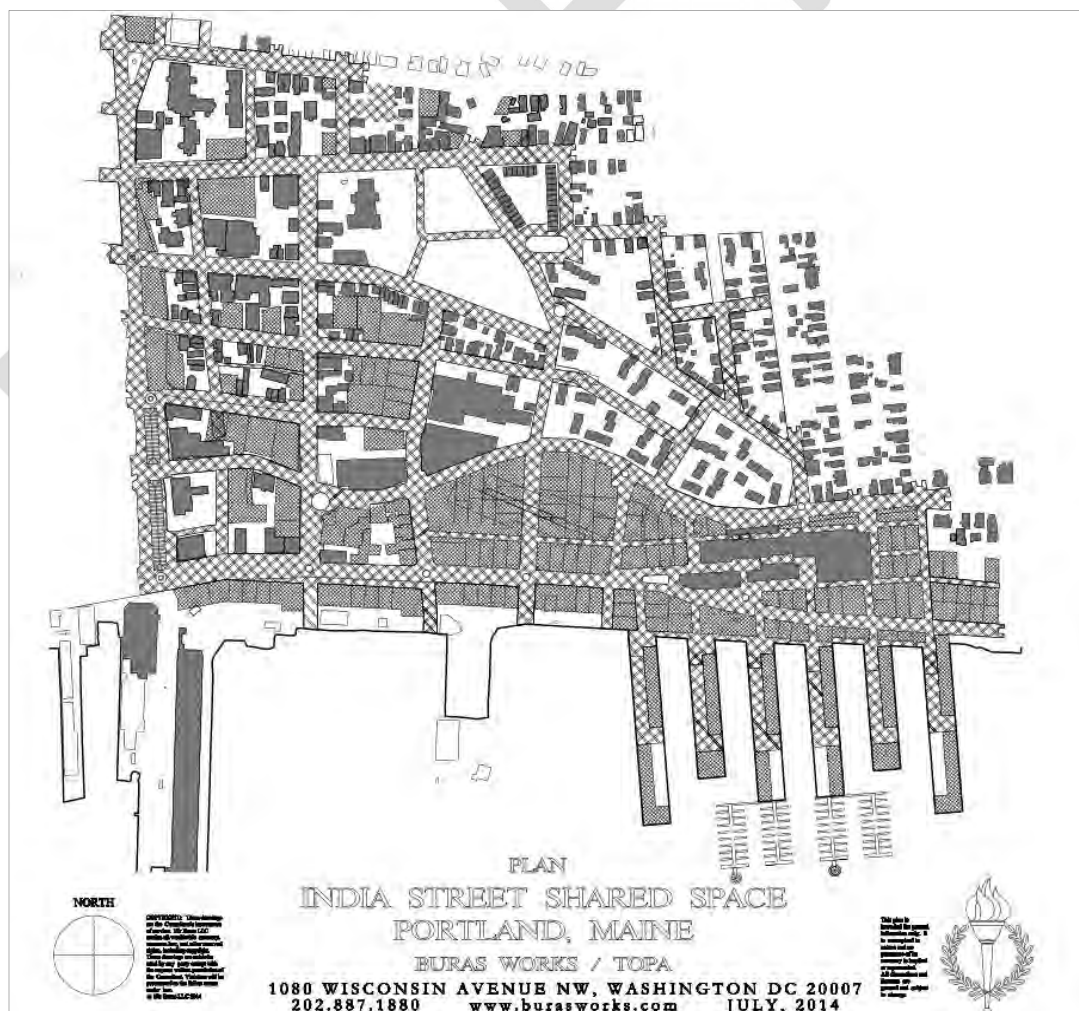


Unfortunately, the motto – “Portland Starts Here . . .” can be read to imply that the remainder of Portland lacks initiative, that it is somehow not “Portland” enough, that what came before is less consequential, or that the current committees and planners (alone) are leading the City into the future.

Clearly that is not the case, on the contrary; but we also know that the idea of tabula rasa planning is an endemic subtext of modern urbanism. And indeed, virtually no urban plan executed since 1921 has actually succeeded. Indeed, one is perplexed by the jumble of words used in the innovative graphic illustrating the neighborhood’s civic identity and aspirations. Perhaps it shows complexity and contradiction, much like Venturi’s reading of traditional holism. He simply didn’t know how to read it.

Perhaps a better way is to describe this neighborhood that encompasses past, present and future is as a “traditionally mixed and tolerant neighborhood where families and businesses live in close proximity to one another, a few blocks from civic and industrial waterfront places.” Everyone can understand that.

As for the Plan’s boundaries, it avoids the interface between waterfront uses and the more residential neighborhood north of Fore Street. Should the plan have included Franklin Street and gone all the way down to the waterfront, including the Portland Company and tracts north of it? Should it have extended as far north as Cumberland Street? Should it have at the very least indicated what is designed for these closely adjacent areas and how the plans coordinated - or not. Isn’t it the same town?





The plan inadequately explores the approaches to the waterfront, to Lincoln Park, to Eastern Cemetery, and the Eastern Promenade. It fails to define parks, pocket parks and “parking parks”, amenities which are there for the picking. At the same time, the plan avoids the large Eastern Cemetery and its good Masterplan which successfully ties in with the neighborhood. Doesn’t a good part of the neighborhood’s history currently reside there?

While, “Hard” Planning involves things, buildings, streets and infrastructure “Soft” planning goals like “Vitality” or “Vibrant local economy” are in the economic, services, social, cultural, and political realms. They depend on individuals and there is nothing an urban planner can directly do about them other than provide places where people can conduct their activities and hope it was a good choice. How can an urban planner create a “Compassionate and supportive community” or “Create and maintain business and resident relationships”?

Where soft planning programs must change to accommodate the new realities they helped bring into existence, the urban designer recognizes that enhancing community life in real time is very different from building permanence. Hard planning should lead to sustainable, permanent systems that accrue over time. They encapsulate the city’s urban memory, validating the individual residents’ memories and lives.

By their very nature, land uses in cities are located mostly on the basis of supply and demand. Indeed, smelters and abattoirs (for example) should be kept away from houses and kindergartens. Legislating that doesn’t require hundreds of pages of code.

The principle of Mixed-Use is a patch on modern zoning which segregated uses so extremely. Downtowns died on the vine and cities devolved into dysfunctional single-use neighborhoods, “industrial” and “office parks”, and dormitory suburbs.

In reaction to that professionally-induced disaster, a term had to be invented for what organically happened in towns before planners got their hands on them – Mixed Use.

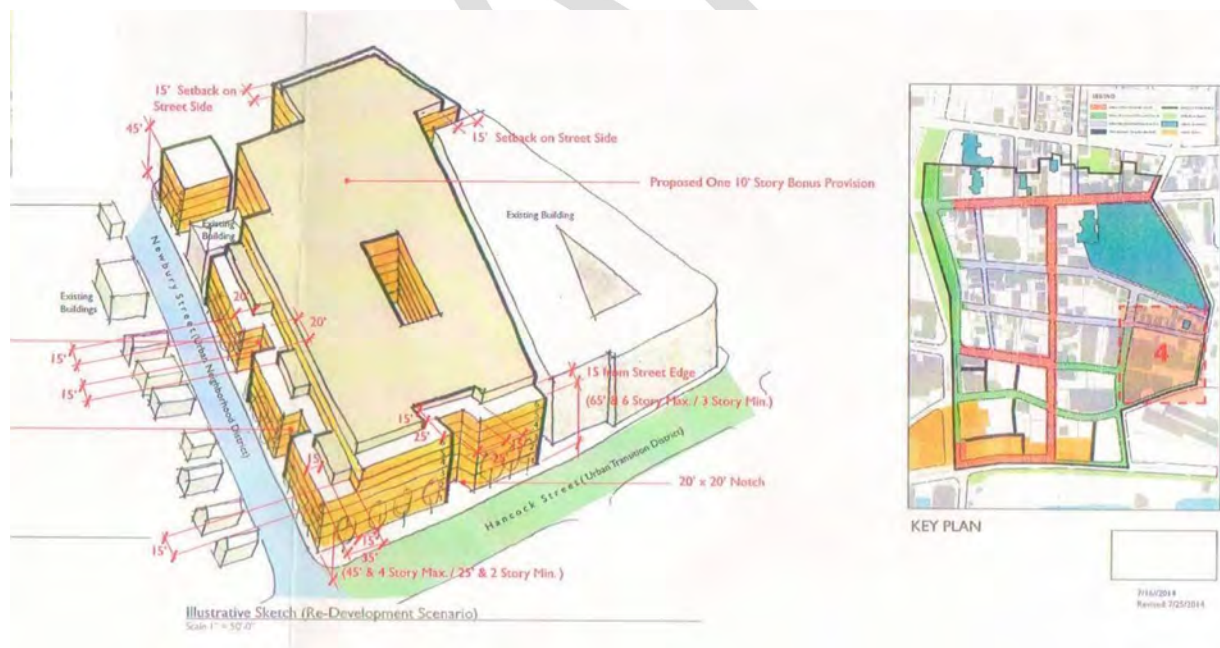
To attain Critical Action 1, to “Establish a distinctive and authentic neighborhood identity”, the plan uses two powerful tools and lacks one. The one it lacks is TIME, because a 25 year plan covers barely a generation. It is too short for the urban horizon, and unable to reflect true sustainability because it disregards the lifespan and replacement cost of buildings. Although making the neighborhood historic is a good thing, is that enough? Is the community identity going to be attained through historic markers while the rest of it changes every 25 years?

The common sense way to attain a “Neighborhood identity that builds on heritage” is AUTHENTICITY. It is attained through buildings which have a distinct character that a non-professional can easily identify as belonging to the neighborhood. Now, THAT’S BRANDING. And it is easily attainable by building new buildings that “belong”, i.e., are the same types with the same materials done in the same styles.

Oddly, the presenters made it clear that they considered authenticity as “fake”. Question: Because Mainers’ antecedents were modest and understated, does that make you, who are modest and understated, “fake” because you came after? Or are you an authentic expression of these values because you EMBODY them?

The second tool, Critical Action 8, is “Adopt a Form-based Code”. Unfortunately, this tool counteracts the desire for a distinctive and authentic neighborhood identity because...

1. "Form-based Code" is not a professional discipline but a commercial service offered by a professional organization named the Congress for the New Urbanism.
2. Although purporting to produce forms that appear traditional, Form Based Code methods bear no resemblance to traditional design methods and as such the design process produces "Disneylands" with buildings that are "not quite right".
3. What the planners show in the plan is the massing proposed for buildings, not their FORMS. To describe and determine the actual FORMS will require an additional several hundred pages of Form Based Code. Its development, application and enforcement is costly to communities and developers.
4. Indeed, suggestions such as diminishing heights of corner buildings are simply counter urban. Fact is, corners have to be enhanced because they ANCHOR the blocks, whereas mid-block buildings as less significant. Look at the original corner buildings left in Portland and see what good design does with corners. Applying the Plan destroys some of the urban potential of intersections while it overburdens streets with built mass making them potentially intolerable. This amounts to "Un-Portlanding Portland".



5. The astonishing notches are also counter urban. They cannot be the exclusive manner to attain differentiation between buildings on a city block. I wonder what the precedent for this idea was. How about a simple clause that says “No building to be more than  $\frac{1}{4}$  block”?

6. Will “Good Quality Design” force the expression of “our time” and thus counteract “Neighborhood identity that builds on heritage”? What is the “human scale street presence” of a 5 story glass hulk?

Not surprisingly, an illustrative sketch of the Form Based Code shows huge modern buildings that overwhelm “Existing Buildings” making them insignificant in their context. Perhaps the Plan should be retitled, “Modernizing India Street Neighborhood with Large Developer Buildings”.

It could be that Form Based Codes are not a viable approach for Portland which is a classic plan town with shared space. The “new” discipline of Classic Planning is a plain language common-sense approach with no jargon. Anyone who speaks English can understand it. Classic Planning and its subset Shared Space can help Portland Re-Portland itself more simply, authentically and far more cost effectively.

Indeed, perhaps the biggest and most surprising gap in the India Street Neighborhood plan is that it makes no mention of Shared Space, not even once. How is that possible when the neighborhood is de facto Shared Space in its entirety? The only disruptions to that are the traffic signals, signs and markings.

It is a well-known fact that traffic planners hide their main principles, that cars are dangerous and people are stupid, behind the flag of “safety”. They invent streets and intersections which cause conflicts, extensive idling which wastes \$25 Billion annually. Their signals, signs and markings provide drivers with false security that induces them to drive faster than the streets require, and to do so with less care than other people present on the street deserve.

Removing the hardware and paint from the India Street Neighborhood streets will reveal Shared Space the neighborhood already is, part of the classic plan town that Portland always was.

What would a Classic Planning Code for India Street look like? In three pages it covers 80% of the desires and regulations of the proposed plan. Translating it to legal form may add a few pages. But it is an order of magnitude less complicated, and an order of magnitude more sustainable.

## India Street Classic Planning Code

### 1. Purpose

**The Purpose of Urbanism is to Design a Legacy of Beautiful Places for People**

- a. **When unpenalized**, people choose to use beautiful places over others.  
*Beautiful spaces are functional and economical.*
- b. **Beautiful spaces** elicit statements of “it’s beautiful” regardless of their date of construction. People often choose to maintain them for generations.  
*Beautiful spaces are fundamentally sustainable.*

- c. **People in beautiful places** are often on their “best behavior”, generally seem less prone to aggression and frequently less easy to victimize.

*Beautiful spaces are safer, calming, and encourage respect.*

## 2. Facts

- a. Portland is **A Classic Town with Shared Space**
- b. There is no good urbanism without good architecture; and traditional and classical buildings make the best streets and spaces.
- c. *All urbanism is based on precedents, all of them from the traditional realm. It is unreasonable to propose to people an abstraction of what is a physical experience.*
- d. Modern planning, even FBC, cannot provide a vision for a neighborhood and its plan.
- e. India Street Neighborhood is nearly a shared space neighborhood as it stands. Make it shared space.
- f. It is at the interfaces of industrial waterfront urban fabric with its maritime uses and Portland city fabric, specifically Munjoy Hill.

## 3. Urban design Goals

- a. Restore and create the types of places that make Portland unique and center-city resources in keeping with the community’s needs and character.
- b. Be viable from a Sustainable, Smart Growth, Green point of view.
- c. Where possible, fund the project from the development itself.
- d. Not to displace a single citizen (minimize eminent domain).

## 4. Principles and assumptions:

### I. We take the 100 year perspective (sustainable).

*It is a holistic, organic approach that pays for itself with social, economic and political benefits, builds memory into the fabric and heals gaping wounds with common heritage and meaning.*

### II. Portland’s classic plan(s) are its urban DNA.

*Portland was formed on the stability of humanistic values, as a working Yankee city, around ships, trade and waterfront industry.*

### III. Classic Planning and its subset shared space provide a basis for the continued development of the City.

*Everyone on the street are people, whether on foot, in a car, in a bus, or on a bike. If the street is not going to work for people, it is not going to work.*

### IV. Design at any scale must be sustainable and withstand the test of time. Designs are judged on:

- a. **Firmness** which is - longevity and sustainability
- b. **Commodity** which is - functional flexibility, easy adaptation, and local / regional appropriateness
- c. **Delight** which is - timelessness and beauty

## Code

### I. Use and follow the grid(s)

- a. Minimize curved streets except to reflect topography.
- b. Minimize angles in streets as they are perceptually straightened out to 90°.

### II. Properly size streets, blocks and plazas following original precedent.

### III. Use small blocks and small lots.

- a. No building larger than ¼ block.

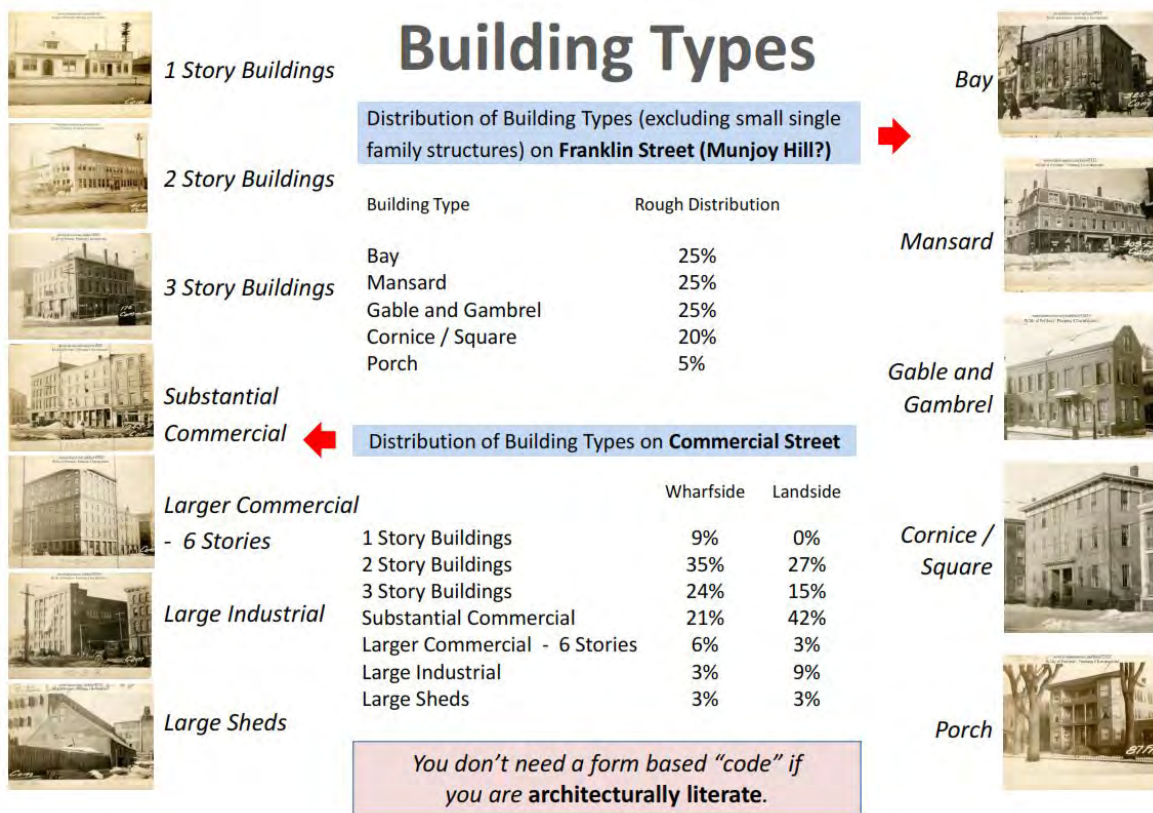
### IV. “Use” is ephemeral.

- a. Conflicting uses are rare but serious

### V. Buildings

- a. No more than 10% buildings in styles dating after 1927.
- b. Cornice lines at four to six stories.
- c. Belt courses at one and a half to two stories on important streets.
- d. Building heights measured in floors, not feet
- e. Authentic Construction (pre 1933 technology best for sustainability).
- f. All buildings with operative windows.
- g. Use a minimum of steel in construction. Cast iron is allowed for up to 10% of necessarily exposed structure.
- h. Building Types: Use your mind’s eye to fill in the two street images below with the building types you see in the right column of the table





## Conclusion

For the City, neighbors and developers to get the “traditionally mixed and tolerant neighborhood...” etc. that they all want, here are a few tangible suggestions in the interest of shortening and simplifying the Plan, while providing better tools and leverage::

1. Adding to the Form Based Code a section on "Authentic Design"
2. Isolating one or more specific locations where a shared space can be employed
3. Adding to the Form Based Code a section with the 3-page classic plan code and giving residents of a street the option to adopt it for their block in lieu of the more laborious Form Based Code.



# India street comments

—Peter Monro

## Height:

1. Building heights and scales should be discussed at every stage of this plan—which they are not in this latest draft-- because it's at the visible heart of neighborhood identity and character, as demonstrated by the very reason for this neighborhood planning effort.
2. In the historic "Background" section because India Street neighborhood buildings have until the last few years been small and very low indeed. The *tower* on the Fire Engine Office Building at 97 India Street is a heightened three stories tall. Only one building on the street is taller than 3 stories, the recently built 4-story BenKey building, and even it's roof gables down to 3 stories. Even the biggest, blockiest building, the street's terminus at the Canadian Trunk Line Building is 3-stories with a half story tall base.
3. In the discussion of character-based codes. Height is the crux of form-based codes because they are based on the relationship of building height to adjacent street width. That's why it's the facades and their heights that are important, not the masses of buildings behind. We note buildings by their edges. Kevin Lynch made the same point in *The Image of the City*. So unless the streets are going to be widened (and they are not) the building heights should remain low, India Street neighborhood low.

Thus, the open-ended statement "scale can grow" must go. (P. 15) Scale can grow only to the extent it conforms to historic and current buildings and to principles of human scale, pedestrian friendliness, relation to street width, etc.

4. In the Goal and Vision Statements and the Development Policies and Principles, see below.
5. In the "Challenges," where the "Scale of Development" language, might be extended to say "...does not comport with the desires of neighborhood residents and businesses, **historic neighborhood buildings, or neighborhood character in height or scale.**" (P. 11)
6. Why should new buildings remain low, beyond historic and current neighborhood character, and residents' and businesses' wishes? India Street is a neighborhood commercial district, deserving ground floor retail on small office and residential buildings, not part of the vertically developed downtown commercial center.
7. India Street is low on the peninsula, part of the low saddle between the higher downtown ridge and the higher yet Munjoy Hill. The traditional basis for building height on the peninsula –the basis for the Height Study in the Comprehensive Plan, and those done for the Eastern

Waterfront and Bayside, is still a good one—building height should reflect or amplify the underlying topography.

8. Residents on the uppermost floors of buildings five stories and taller cannot participate in the “conversation with the street” that creates urban vibrancy. In fact, through looming presence, shadows and winds, they deaden the streets below.

## Goals and Vision Statements

9. The second goal “Good Quality Design” has no meaning. (Jack Soley thinks his new Hyatt Place which everyone thinks is horrible looking and grossly out of character with its Fore Street neighbors, is very well designed indeed.)

On the other hand, “human-scale, street scale or neighborhood-scale design” hints at specific meanings, as goals should, and at least one of those descriptions should be used here instead of the word “good.”

## Development Policies and Principles

### Principle 1. “A Strong Neighborhood Identity”

1. Building heights are critical to a neighborhood’s identity (and to Vision Statement 3: An Authentic Neighborhood True to Its Heritage) as is noted in Principle 4. Development: “A ...neighborhood’s identity is dictated in large part by its scale and pedestrian-friendly design.” So the role of low building height and small building masses in India Street historically and currently should be noted in Principle 1 with a reference to the larger discussion in Principle 4 (pp. 18-19).

### Principle 3: Guided Growth

2. There should be a statement that “growth will come from increased density of development rather than increased height.”
3. And the statement, “All of this growth can only add to the activity and vitality of the neighborhood,” needs amending, adding **“if new development respects the historic and current scale and character of the neighborhood and the needs of street life.”** That is to say, new residential development in and of itself does not automatically add to vitality on the street; in fact, badly scaled and poorly related to the street new development can deaden existing street life.

### Principle 4: Form of Development

4. The sentence “In the larger blocks presently dominated by surface parking, new buildings will be scaled proportionately to allow larger buildings with the mass and scale attenuated to achieve a human-scale street presence etc.” I would take out the word “proportionately” because it sounds like the buildings will be allowed to relate to the size of the lot, rather than the width of the street or the other factors listed at the end of the sentence.
5. In the “street-oriented buildings” paragraph, I suggest “with ‘permeable facades’—**frequent front entrances, fenestration that relates to the street, open walls, balconies, etc.**



6. There should be some mention of not permitting buildings to overhang the street. This is becoming a problem in recent developments both in the West End and on Munjoy Hill. Overhangs prevent full street tree placement now and growth in the future and compromise street corridor views, among other things. Articulation of facades should occur on the private lot, not in the public corridor.

## **9. A Connected Neighborhood**

7. Contrary to Hugh Nazor's contentions at an earlier meeting, two things separate India Street from downtown by foot. The first is that Franklin Street's current configuration, which deadends all approaching streets except Congress, does indeed cut off the India Street neighborhood from downtown.

The second is that "the urban desert" along Congress Street from Hampshire Street to Monument Square, centered on Franklin Street, creates a mental barrier—a long boring walk always does that—to walking downtown from India Street. Apologies to those going to Guild Hall, City Hall or the Post Office, among the few destinations on that half-mile, 10 minute walk.

8. So the plan properly envisages reconnecting side streets to and through Franklin Street. I favor right-turning streets for cars at these connections, to maximize connectivity and minimize funneling of cars onto Congress and Middle Streets. Despite years of thinking the contrary, urban neighborhoods thrive on the distributed traffic of full street grids, not the suburban complex of dead cul-de-sacs and high-speed, or clogged, arterials.
9. Secondly, the plan should also recommend the creation of as much new development as possible along Congress Street between India Street and downtown to populate the "urban desert" with points of interest, development featuring frequent front doors to public uses, especially retail, and large, street-level windows.

## **Quality infrastructure**

10. The idea of "reduced off-street parking requirements" should be extended to city-initiated incentives. City incentives in this neighborhood should extend, not to increasing building height—which undermines neighborhood character—but to reducing parking, since parking is dead urban space that costs money, pumps up building height while gutting buildings.

This is especially true since we now know that the state of a city's economy – number of jobs and average pay for jobs—is inversely proportional to the amount of land given over to parking. <http://bettercities.net/article/how-too-much-parking-hurt-cities-19790>

Portland is overcommitted to parking, having 195 acres in our downtown two square miles devoted to it, compared to 100 acres in Portland, OR, with 9 times our population, and only 8 acres in Stockholm, 12 times our population.

Granted, reduced parking is not always what developers are looking for, but it's what the city and the neighborhood want and need, to protect neighborhood character, provide affordable housing, safe sidewalks and vibrant streets. Developers will increasingly accept reduced parking as a way to keep building size/cost down, and meet the stringent height

standards that should be included in this neighborhood plan. Put the other way, stringent height limits cannot be achieved profitably if a floor is taken up with parking.

Thank you for your consideration of these modifications,

Peter Monro, ASLA

32 May St., 04102

[Jp\\_monro@myfairpoint.net](mailto:Jp_monro@myfairpoint.net) (207) 318-6052

#####

**From:** HUGH NAZOR <hughn@mac.com>  
**To:** Alex Jaegerman <aqj@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>  
**CC:** Kevin Donoghue <kjdonoghue@portlandmaine.gov>, Richard Barringer <barringer@usm.maine.edu>, Bobbi Keppel <bobbik@zwi.net>  
**Date:** 7/31/2014 12:44 PM  
**Subject:** ISNplan Public Meeting

This is a collection of thoughts from the public meeting. I look forward to working on the FBC details as things progress.

On the indiestreet.org web site is a short synopsis of what I heard at the public meeting and what our meeting on the 6th will be about. There had been a number of issues about which it was decided that we would "wait and see what the public has to say".

What I heard said was:

- That the inclusionary zoning has to be separated from the ISN plan;
- The desire for smaller rather than larger developments (height and mass);
- The desire to keep the fabric of a small, walkable neighborhood with human scale buildings and lots;
- There is rather consistent support for an Historic District but worry about some implications;
- That there is no understanding that a form based code can make permitting much easier;
- That developers and people holding land to develop do not want firm regulations;
- That there needs to be form considerations for potential industrial use;
- That there is a significant desire for small public spaces within the neighborhood;
- That the transit future (including trains) needs some thought expressed in the plan;
- That reconnection is generally desired where appropriate.

What I did not hear was:

- Any request for greater height;
- Any desire to keep the inclusionary ordinance in the ISN package;
- Any desire for more massive, larger scale buildings;
- Any support for notches or "elements" rather than smaller scale development.

#### GENERAL CONCLUSIONS

I think there should be more emphasis on the control of height and horizontal mass within an Historic District by the FBC rather than by the Historic Board. Along with something approaching a check list working toward "permit by rule" this would go a very long way to make this plan more acceptable to the development community.

I do see that the Street Edge Facade Breaks might work in some places, but they not only introduce a totally new visual element into the neighborhood but reduce interior building capacity. The drawings of the notched residential units on Newbury at the Shipyard site would be another new and somewhat jarring element across from traditional buildings. If the same area were built with frequent entries that look like double houses or row houses, there would be more compatibility and street appeal. There would be more marketable space. Of course, such a building is an existing option as things are written but it might be better to allow more horizontal length by means of such a design rather than with notches. To do something like this we would need to define horizontal distance differently for what used to be called a "block" vs what was called a "building". That is: the Park Street Row vs a building in the row. Right now, by the draft rules, such a row might have to have notches.

While on that topic, the "Street Edge Facade Breaks" section and the (following) "Street Edge Facade Length (max)" are in direct conflict in the UN district. I continue to think that there must be a max limit on the size of "blocks" and/or "buildings" in the UN and UA districts. I am not as concerned about horizontal mass at the very edges of the neighborhood - though all of our consultants did recommend small scale throughout. The beauty of FBC is the ability to make the size decisions - even block by block within a district. To try to create one approach (such as notches) to address scale in an entire district (or in many districts) is to discard one of the more precise tools of FBC. Please reconsider this.

I have mentioned before and continue to think that the density bonus is inappropriate in the UN district. If building scale is kept to what it should be, there is little chance of its application. More on that below.

There are many people, within the ISN and outside, who do not feel comfortable speaking in public. At the meeting on the 6th, we intend to present many elements of the plan and to get a vote of those who like, dislike or do not care about each one. We will attempt to frame this fairly and to sell the best points of ideas that are not universally understood. I do not anticipate that the results will be very different from the opinions given on the 28th but I have been surprised before. This information will be available for the meeting on the 7th and sent to you that AM.

You might take a look at the Mid-Block Permeability language. As it reads, The redevelopment of Shipyard (as presented on the 28th) could be seen as meeting the requirements. It does touch two streets - and what if Shipyard and the hotel were redeveloped together? To make the lines shown on the regulating plan the deciding factor may not be the most stable solution; Bayhouse may be expected to be redeveloped within a few decades (and one hopes that the parking garage will not be there forever while the proposed building north of it should last a long time).

#### DENSITY BONUS

I think it is a good concept. I believe in small units and there is a great need for them. People argue for affordability for young professionals but do not seem to understand that the one direct way to address that is small size units. The present problem with the idea is that there seems to be more of a market for million dollar 2,000 sq ft units than for half million dollar 1,000 sq ft units (which cost more per sq ft to build). The solution elsewhere has been to go to even smaller units, which has met with some success.

Portland has a smaller residential demand base than larger cities and a much less daring or creative developer community. The idea of 400 to 600 sq ft is seen as just too much of a risk and might be near to impossible to finance. Nonetheless, it may be the only way a density increase may be

realized.

Let us consider a slightly larger than typical size project on a 60' by 65' ft lot (3,900 sq ft). That is about a tenth of an industrial acre. With the side lot setbacks and the rear setback (10 ft each) we are left with 2,200 sq ft. Reducing this by 15% for hallways, stairs and utility runs, we have 1,870 sq ft. In the UN district, with four floors, that would be a total of 7,480 sq ft. 150 units per acre would dictate 15 units. That would be about 500 sq ft per unit. Just one floor-through unit would mean that all of the rest would have to be only 400 sq ft each. I do not think that there is a developer ready to do that.

A building (somewhat like the Shipyard, Newbury residential drawing) is about 60 by 280 ft (16,800 sq ft) or .42 or so industrial acres. That would dictate 63 units to meet the density bonus. After only one side setback and the three 20x20 notches and the 15% non unit space that leaves 15,000 sq ft per floor or 60,000 for four floors. That allows about 800 sq ft per unit. That could work out very well. I might want to live in one of them. They could get the bonus - but will anyone build such a development? When I ask this of local professionals, the answer is: "NO".

The larger of the Intercontinental buildings would be about 90 x 270 ft or .6 acres. That would be 91 units in six floors. With no setbacks and only the 15% reduction and one notch, that would allow 1,327 sq ft per unit. If they chose to have first floor commercial, the five floors of residential would still allow 1,105 sq ft per unit to get the bonus. The extra floor could then be larger units. Asking the same professionals, I have been told that it is not likely that a developer would like to do that. Nonetheless, it is a very workable plan. This means we have to wait for a developer who is interested in building what we want vs dealing always with what the developers want to build (all luxury condos).

The point here is that the bonus might be hard to sell to developers. It is also that the density required is not likely to be met in any but the UT zone which is where that bonus belongs. Larger footprint building along Franklin have the potential to develop a large number of units. It is equally true that decreasing the required number of units to 100 would only make the bonus virtually automatic and not get any true density increase. It would only allow more height for non-inclusive development.

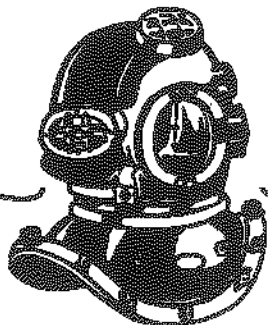
#### OTHER NUMBER ISSUES

The inclusion of the number of floors for buildings has been discussed in workgroup and in AC meetings. It had not been stressed that minimum floor numbers would provide a problem both for industrial uses as well as for architectural expression. Minimum building height is desirable in all zones. In all zones it works to increase residential density, at least on upper floors. It prevents what Michelle called the "toothyness" of empty lots or one story buildings. In short, it makes for a more uniform fabric.

For maximum height, there is a use for denoting the number of floors. First, there is no industrial problem where unwanted floors must be built. It informs anyone reading the code as to what a certain height building is expected to look like. It allowed it to be easily envisioned. Lastly, it encourages the building of a structure that will meet present and probable future demand and which will be able to be built with proper inter floor spacing.

The maximum number of floors are derived from many elements of the design. They presuppose clear (floor to ceiling) heights from 12 feet for commercial space to between 8 and 9 feet for residential. While some high end units are now built with 10 foot ceilings, there is room for variation within any development.

\_\_\_\_ Hugh



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5/6/2014

Dear Mr. Jaegerman,

General Marine Construction has owned the 115 space parking lot on Fore Street since 1990. (Assessed property description 29-N-5 216-232 Fore St.)

We have turned down many offers to sell the property over the years. We have always hoped for the value of the property to increase. We are concerned that any additional height restriction on property would destroy any future development opportunities we may have in the future. The City should be concerned for the future development opportunities that the City may lose.

With all respect, we oppose any new height restrictions on our property.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roger P. Hale". The signature is fluid and cursive, with a large initial "R".

Roger P. Hale, President  
General Marine Construction



Portland Society for Architecture  
PO BOX 5321  
Portland, Maine 04101  
[www.portlandarchitects.org](http://www.portlandarchitects.org)

To: India Street Neighborhood Advisory Committee  
From: Portland Society for Architecture  
Date: 22 September 2014  
Subject: India Street Sustainable Neighborhood Plan

Dear Committee Members,

The Portland Society for Architecture strongly supports efforts to develop a neighborhood plan for the India Street Neighborhood. We support the Critical Actions proposed in the Implementation Plan *except* Critical Action 5 – Create a Local Historic District. Portland needs to ensure the goals of historic preservation initiatives work in harmony with the housing affordability and economic development goals of our city. We do not believe designating an entire historic district is a balanced approach for the following reasons:

- Historical authenticity and identity of the neighborhood can be maintained simply by including the proposed landmark buildings without naming an entire historic district.
- A majority of the proposed contributing buildings listed are small and on irregular-sized lots, and realized historic tax credit benefits would only start to be available at investment levels of \$500,000 or more.
- We believe a historic district will tend to restrict the new businesses and residents it attracts and will not encourage the 'diversity of residents' goals put forth in the plan.
- Restrictions placed on proposed contributing buildings will limit the highest and best use of properties and limit the flexibility needed in order to provide increased housing opportunities put forth in the plan and identified in 'Portland's Economic Scorecard 2014-2015.'
- Many of the buildings listed as Contributing are merely old, small, wood-framed structures that are neither unique nor necessarily more valuable to Portland's urban culture than the buildings that may someday replace them. We should not freeze sections of our city in an inappropriate scale and construction type; we should instead find ways to smartly manage future growth as the neighborhood is attempting to do with the Form Based Code effort.

In summary, PSA believes Neighborhood Heritage and Historic Preservation (Development Principal 3) can be achieved by designating additional landmark buildings rather than blanketing the entire district and in doing so will not negate the other 11 Critical Actions but provide enhancement. Additionally, we believe that by landmarking individual properties rather than creating the district will allow for less conflicts between historic reviews and the Form Based Code providing a clearer expectation for design and development.

Very truly yours,

Portland Society for Architecture  
Board of Directors



Jeff Levine, AICP  
Director, Planning & Urban Development Department

**TO:** Councilor Donoghue, Chair  
Members of the Housing and Community Development Committee

**FROM:** Jeff Levine, Planning & Urban Development Director

**DATE:** October 3, 2014

**SUBJECT:** Update on 58 Fore Street (the Portland Company Complex)

As you know, CPB2 has expressed an interest in redeveloping the Portland Company Complex at 58 Fore Street on the eastern waterfront. Staff has prepared materials to provide your committee with some background information related to the site, previous planning work completed on the eastern waterfront, historic preservation issues, and the rezoning request pending for the site.

#### **The Site**

Some maps of the site, zoning, and the surroundings are provided for your background.

#### **Eastern Waterfront Master Plan**

Excerpts from the Eastern Waterfront Master Plan and the related height study are provided. The height study refers to height in “stories” but also says that a story should be seen as equivalent to eleven feet. The study recommends different height limits for different portions of the site.

#### **Rezoning Request**

The developer has submitted a rezoning request to have their site changed from its existing zoning designation to primarily a B-6 designation. Heights in the B-6 zone default to 65 feet unless a height overlay is adopted. Based on the Eastern Waterfront Master Plan height study, staff has recommended that a height overlay matching the heights in that study be adopted for this site.

#### **Historic Survey and Request for Designation**

While the developer had conducted studies of the historic character of various buildings on site, and also a structural assessment of the existing buildings, City staff felt it was appropriate to retain our own studies to independently establish a baseline of information on this issue. Staff retained a well-known local consultant to conduct a full historic survey of the site. Key excerpts from that study are attached. Staff is also retaining a structural consultant to review those issues independently as well.

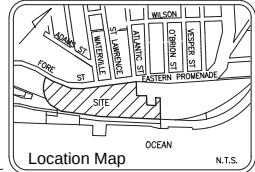
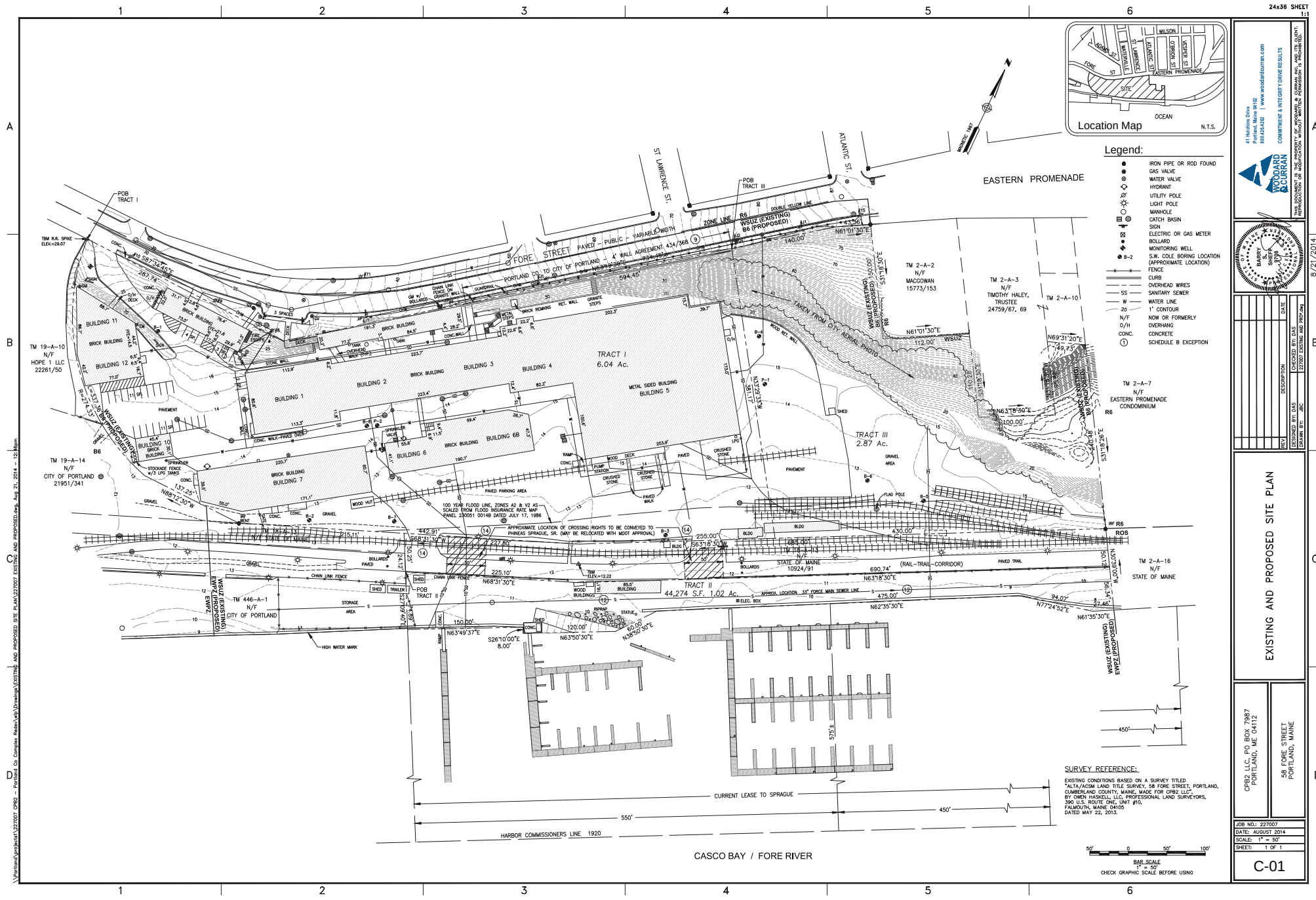
Following that study, Portland Landmarks requested that the City Preservation Board nominate the site for designation as a Historic District. Doing so would require the vote of two Board members. The Board has held a meeting to hear the findings of the City’s

historic survey but have not yet voted on this request. Ultimately, as with zoning, the City Council would vote on adopting a new Historic District.

**Timing**

Planning staff is recommending that the rezoning request be taken up prior to any formal action on the Historic District nomination. This recommendation is based on the fact that the rezoning application was made first, and, more importantly, on the concept that zoning looks at a variety of issues related to a site, while designation of a Local Historic District primarily focuses on the issue of historic significance. This recommendation has raised concern with Portland Landmarks, who feels that the two processes should take place in tandem. This is one of the issues on which staff is seeking guidance from your Committee.



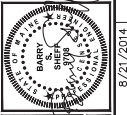


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  - SIGN
  - ELECTRIC OR GAS METER
  - BOLLARD
  - MONITORING WELL
  - S.W. COLE BORING LOCATION (APPROXIMATE LOCATION)
  - FENCE
  - CURB
  - OVERHEAD WIRES
  - SANITARY SEWER
  - WATER LINE
  - 1" CONTOUR
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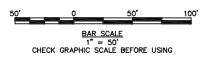
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| 17  | DRAWN BY    | DATE       |      |
| 18  | CHECKED BY  | DATE       |      |
| 19  | DESIGNED BY | DATE       |      |
| 20  | DRAWN BY    | DATE       |      |

**EXISTING AND PROPOSED SITE PLAN**

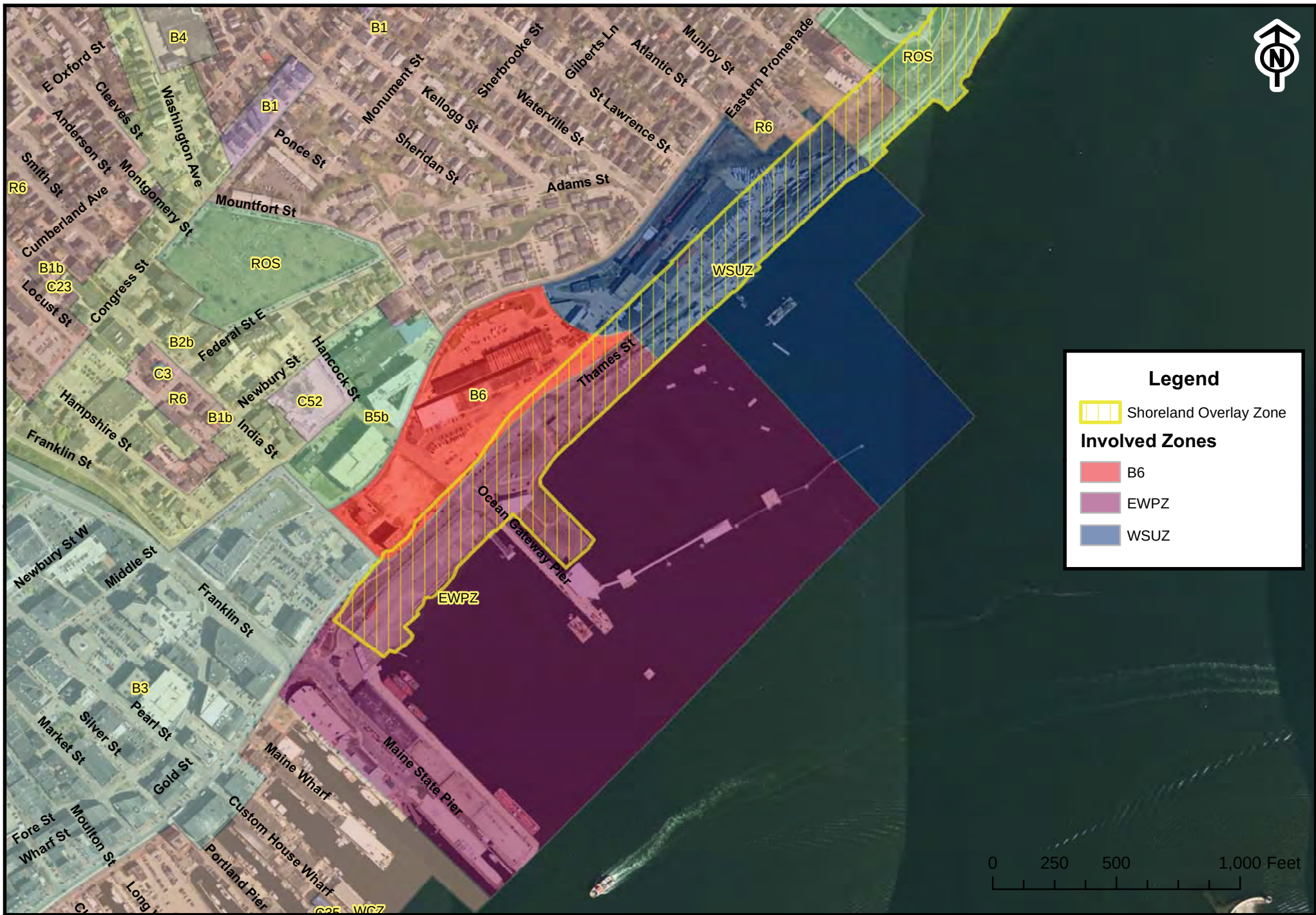
CPB2 LLC, PO BOX 7987  
PORTLAND, ME 04112

58 FORE STREET  
PORTLAND, MAINE

**SURVEY REFERENCE:**  
EXISTING CONDITIONS BASED ON A SURVEY TITLED  
"ALTA/ASIM LAND TITLE SURVEY, 58 FORE STREET, PORTLAND,  
CUMBERLAND COUNTY, MAINE, MADE FOR CPB2 LLC,"  
BY OWEN HARRIS, L.L.C., PROFESSIONAL LAND SURVEYORS,  
380 U.S. ROUTE ONE, UNIT #10,  
FALMOUTH, MAINE 04105  
DATED MAY 22, 2013.

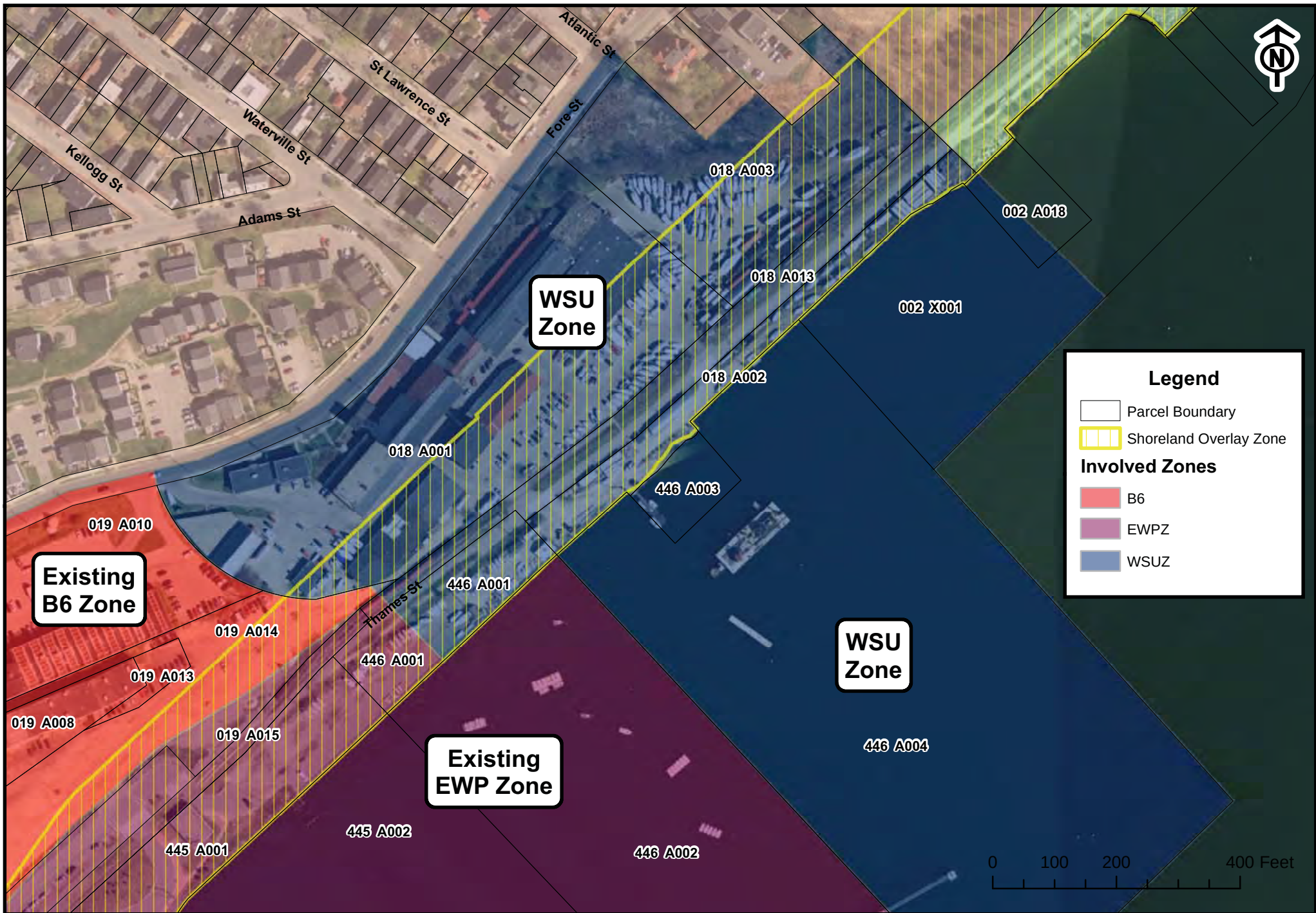






**Existing Portland Eastern Waterfront Zoning Map**

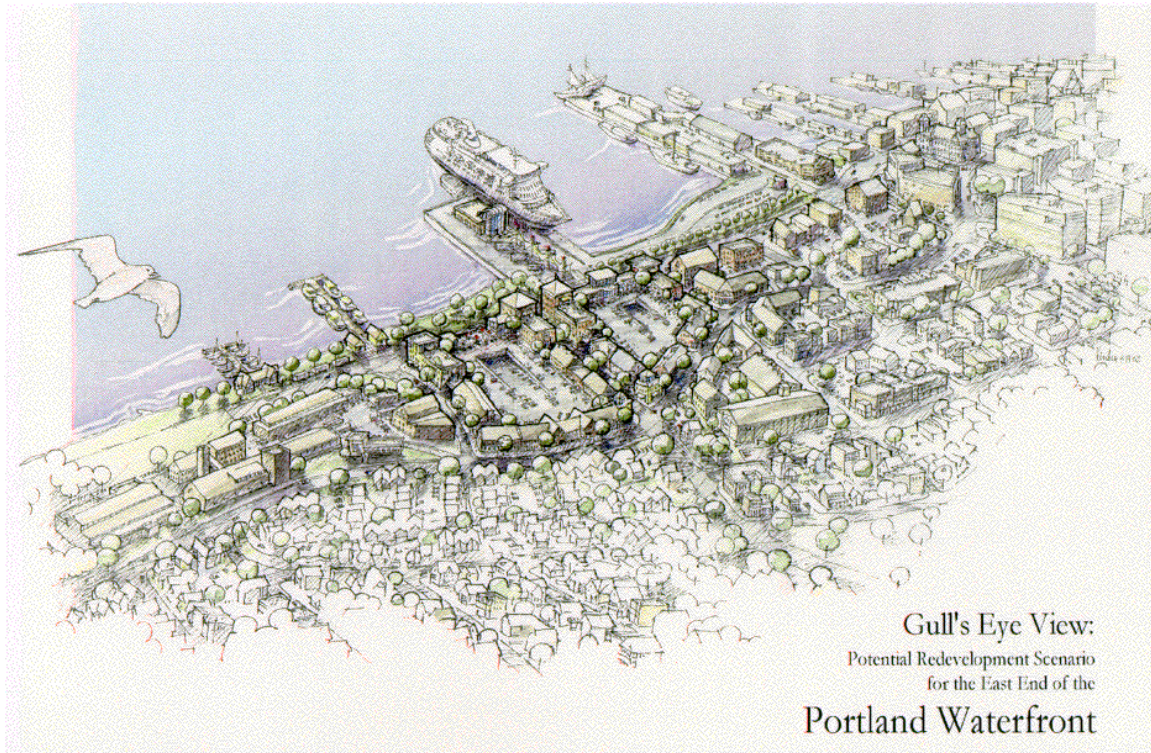




# CPB2 LLC: Existing Zoning



*Final Report of the*  
**Waterfront Development and Master Planning Committee**



***A Master Plan for Redevelopment  
of the Eastern Waterfront***

Prepared by the City of Portland  
Planning Office

With technical support from  
ICON Architecture, Boston, MA  
June 3, 2002  
Amended October, 2004  
Amended September, 2006

been considered for a potential historic district expansion, and the area is currently the subject of a building-by-building historic resources survey.

The Jordan Meats manufacturing plant dominates the block on the westerly side of India Street and the southerly side of the Middle Street. The interior of the blocks between Middle, India, Commercial, and Franklin contains large amounts of surface parking leased to resident and off-site commercial uses and island residents. Aggregating the parking into structures would provide opportunity for infill development and replacement of non-historic buildings in this portion of the study area.

#### Development Considerations

- Established historic commercial and residential district.
- Opportunity for adaptive reuse of significant buildings.
- Promote sensitive infill development.
- Possible expansion of the existing Waterfront Historic District.
- Opportunities to combine portions of private property east of India Street with adjacent City owned land to facilitate efficient development of mixed use parking structures.

### **3. Portland Company Complex**

The Portland Company complex, a mid-nineteenth century manufacturing facility, occupies the easterly end of the Eastern Waterfront. As an early manufacturing center, the site is home to several large brick and granite industrial buildings of architectural significance with potential for adaptive reuse. The Portland Company property is currently designated as eligible for inclusion in the National Register of Historic Places.

The property is highly developed, but in need of significant structural and cosmetic repair. Importantly, the complex is the only private property in the study area with direct water access. Currently, the Portland Company houses a variety of commercial uses, including a marina, boatyard, boat repair, general office, exhibition space, and the Narrow Gauge Railroad Museum.

Future parking enhancements and better vehicular and pedestrian access to the central redevelopment area will better integrate the Portland Company complex with the Eastern Waterfront and the Commercial Street business district, spurring the adaptive reuse and restoration of the historic structures.

#### Development Considerations

- Historic 19th Century industrial complex.
- Promote the continuation of boat yard and yacht support services.
- Encourage the adaptive reuse and sensitive rehabilitation of historic structures.
- Increase connections to Commercial Street and promote shared parking with abutting uses.

- Expand recreational boating and active public use of the water.

#### **4. Ship Yard Brewery Complex**

The Ship Yard Brewery occupies an early twentieth century industrial building along Hancock and Newbury Streets. Extending south to Fore Street, the site is heavily developed at the Newbury Street and Hancock Street portion of the property, but is largely vacant or abandoned adjacent to Fore Street. While a small cluster of historic residential structures occupy the Newbury and Mountfort Street corner, underutilized industrial buildings and commercial parking occupy the lands adjacent to the Fore Street right of way.

##### Development Considerations

- Home to active brewery in historic early 20<sup>th</sup> Century industrial complex.
- Significant opportunity for large and small-scale development.
- Reestablish the historic Hancock Street corridor link between Middle and Fore Street.

#### **5. PDOT Large Vessel Support Areas**

The Portland Department of Transportation will retain control of the majority of the former BIW ship repair facility as the Marine Passenger Terminal Facility. Two working deep-water piers are included within the large vessel support area. Maine State Pier (Pier 1) is a City owned structure and contains a 100,000 square foot cargo shed along its easterly perimeter adjacent to a 1000-foot deepwater berth. The shed is currently in need of considerable repair, but provides potential for continued use as deepwater berthing support and other uses. *(For a policy statement on the future of the Maine State Pier, adopted as an amendment to this document in September 2006, please see Section IX, page 26, of this report.)*

The Casco Bay Island Ferry Terminal is located on the westerly side of the Maine State Pier, and is under the control of the Casco Bay Island Transit District. The CBITD facility currently handles 900,000 passengers per year and is the primary point of entry and departure for the Casco Bay island community.

The Atlantic Pier (Pier 2) is a 600-foot finger pier that was developed to serve the BIW dry dock. Pier 2 is in excellent condition, is constructed with full utilities in place, and is proposed to be expanded to house the marine passenger terminal and provide the Scotia Prince berth and the primary cruise ship berth.

The land between the Maine State Pier and Pier 2 is entirely paved and has historically provided parking and circulation support for the berthing and warehousing function of the piers.

There is an area of filled land east of Pier 2 extending into the harbor that poses potential environmental risks. The “containment area” is composed of

contaminated dredge spoils retained within a wooden piling structure. The containment area has been capped under the “VRAP,” voluntary remediation action plan, program and is currently limited to pedestrian use. Any long-term development plan for the Pier 2 area will need to address the maintenance and safety of the containment area and work within the regulatory restrictions of the VRAP program.

#### Development Considerations

- Future home to marine passenger terminal and expanded cruise ship berthing.
- Potential for terminal building to provide significant architectural statement for Portland’s waterfront.
- Promote utilization of deep water berthing.
- Plan for the long-term utilization of Maine State Pier (*see Section IX, page 26.*)
- Plan for the long-term stability of the containment area.
- Retain and plan for the future safety and function of the Casco Bay Island Ferry terminal for the use of island residents and visitors.

### **6. Small Vessel Marine Support/Public Access Area**

The land east of Pier 2 and adjacent to the water currently serves as back lot parking and exterior storage areas remaining from the BIW use of the site. The area is adjacent to the remains of the historic grain piers that dominated the Eastern Waterfront until their destruction by fire in the late 1960’s. A granite crib work bulkhead and the remnant pile fields of the former grain docks characterize the shoreline east of Pier 2. The water in this area is shallow and the southerly exposure receives extreme weather during the winter months. The lands adjacent to the water east of Pier 2, provide opportunity for seasonal small vessel berthing and marina development, public access to the water, open space and trail enhancements, and the possibility for a tug boat pier. The character and scale of development in the lands east of Pier 2 should, to the extent possible, be designed to add value and retain views for the Central Redevelopment Area

#### Development Considerations

- Develop shallow draft commercial and recreational berthing.
- Develop open space and trail enhancements.
- Provide a place for increased public access and use of the water’s edge.
- Provide opportunities for development of a public boathouse and landing.
- Retain potential for a wave-attenuating pier to provide future tugboat berthing and expanded protected berthing in the winter months.

## **TRAIL, TRAIN**

Consistent with the transportation related history of the area, two current uses provide amenities and challenges to redevelopment: the Easter Promenade Trail and the Narrow Gauge Railroad.

The Eastern Promenade Trail is a multi-use pedestrian and bicycle corridor connecting Commercial Street to the East End Beach with further links to the Back Cove loop trail. The Trail consists of a stone dust jogging/walking path paralleled by a paved travel way for roller-blading, biking, or pedestrian use. The Eastern Prom Trail is extremely popular providing year-round activity and vitality to the eastern waterfront and is a pivotal link in Portland's recreational trail and alternative transportation system.

The Narrow Gauge Railroad occupies a 26-foot wide State of Maine rail right of way and extends from the southerly edge of Commercial Street at India Street, along side the Eastern Prom Trail, to a point beyond Cutter Street at the East End Beach. The Narrow Gauge Rail is a heritage museum and tourist attraction with exhibition space housed in the Portland Company complex. While the two-foot wide rail spacing was never a part of Portland's historic rail system, some of the rolling stock displayed and used at the Narrow Gauge Museum was manufactured at the historic Portland Company site.

The Eastern Promenade Trail and the Narrow Gauge Railroad, with their linear orientation parallel to the shore, have a tendency to divide the uplands from the water's edge. Some relocation and redesign of both of these corridors will be needed in order for the Master Plan to take advantage of the amenities provided by these features while retaining connectivity with the uplands and the functional utility of marine uses.

## **ISLAND PARKING**

Retention and expansion of parking opportunities for Island residents is a consistent theme and an identified need for the Eastern Waterfront. For the last several years, the City has provided approximately 130 full time parking spaces for island residents. Located south of Fore Street and north of the Eastern Prom Trail, the island parking lot was a poorly organized gravel lot with marginal access to the Casco Bay Island Ferry Terminal. The City typically issued over 700 permits for the 130 spaces, resulting in a predictable shortage of spaces and "over packing" during the peak summer months. For the 2002 season, 150 spaces were available to Islanders for monthly rental. Additionally, the 130-space lot was available to the general public, including Islanders, for short or long-term rental. Islanders, who chose not to utilize the City lots, negotiated parking from one of the many commercial lots in the vicinity or park on the street.

The Casco Bay Island Transit District ferry terminal includes a five-story, 420 space parking garage. The garage is a municipally owned structure under private management with half of the spaces assigned to long-term leases and half designated for transient hourly rental. As future parking structures are developed in the Study Area, the opportunity will develop to allow a significant portion of this existing garage to be set aside for designated island parking, with transient and/or commercial tenants shifted to new facilities. The development of additional structured parking and additional on-street parking will expand private and public parking opportunities for Islanders.



## **IV. STATEMENT OF PRINCIPLES FOR REDEVELOPMENT OF THE EASTERN WATERFRONT**

*Adopted by the Eastern Waterfront Master Planning Committee, 6-11-01*

The Waterfront Development and Master Planning Committee established the following set of principles to guide land use policy in the Eastern Waterfront.

The principles and objectives reported here are of equal value and should be applied uniformly during the evaluation of proposed land use policies and development for the Eastern Waterfront.

### **CHARACTER AND IMPACT OF DEVELOPMENT**

**Development within the eastern waterfront will be compatible with the surrounding areas, neighborhoods, natural environment and maritime uses.**

#### Objectives:

- Protect the operation of island ferry service and enhance parking, circulation and safety.
- Encourage compatible architecture.
- Encourage historic preservation and adaptive reuse of historic structures.
- Establish a new street and pedestrian network that integrates with the surrounding street and trail network.
- Preserve significant public view corridors to and from water and along the waterfront.
- Manage traffic, noise, and air and water emissions to minimize impacts on the surrounding community and users.
- Improve and protect the value and quality of natural resources.

### **MIXED USE**

**Development within the eastern waterfront will create a vital and active mixed use urban area that generates life and use every day of the year and all hours of the day.**

#### Objectives:

- Provide opportunity for mixed-use non-marine development and activities in locations and in ways that are compatible with the use of maritime resources.
- Increase public use of the water, waterfront and shore through public access and green space development.
- Maintain and enhance recreational trail access.

- \* Note: Mixed use includes but is not limited to residential, commercial, public, institutional, marine, park, trail and industrial uses (all as generally defined in the B-5 Zone of the Portland Land Use Code.)

## MARITIME RESOURCES

**Development in the eastern waterfront on piers, bulkheads, and on land within 75' of mean high water line, will give priority to compatible water-dependent and maritime uses.**

Objectives:

- Preserve and encourage long-term enhancement of emerging and traditional maritime and water dependent uses.
- Utilize the harbor's deep-water resources to serve deep draft vessels.
- Encourage small boat berthing where water depth does not permit deep-water berthing.
- Encourage public physical and visual access to the water where appropriate.
- Allow non-marine mixed uses when compatible with water dependent and marine uses.

## ECONOMICALLY RESPONSIBLE DEVELOPMENT

**Development in the eastern waterfront will provide a significant benefit to the City and regional economy.**

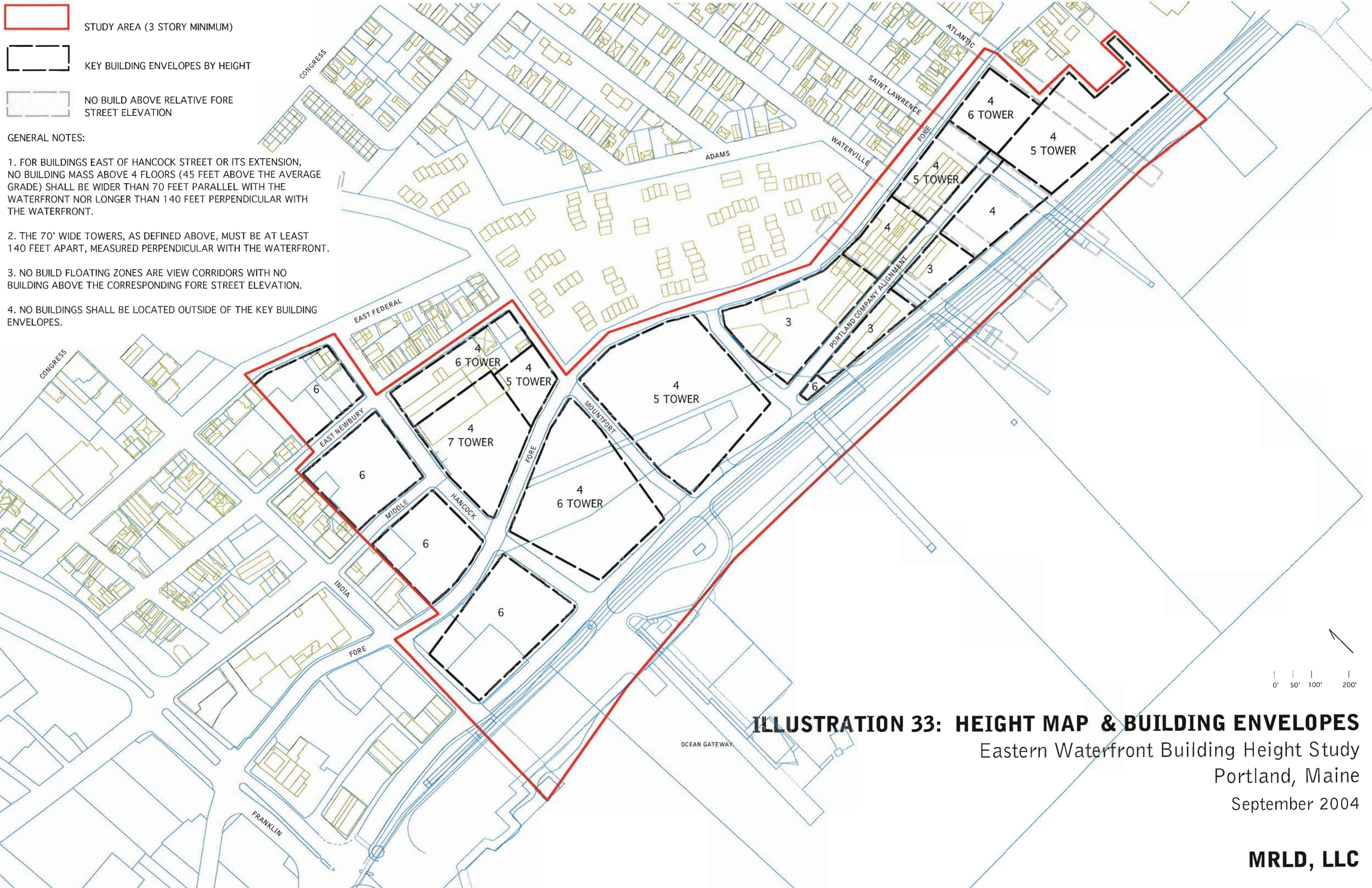
Objectives:

- Encourage a positive economic return to City government.
- Sustain and strengthen water-related tourism.
- Enhance the economic viability of the eastern waterfront's property and facilities.
- Assure that public investment and development benefit the residents of the greater Portland community.
- Provide adaptable, flexible infrastructure that will allow the City to adjust to future technologies and trends.
- Enhance multi-modal transportation opportunities.



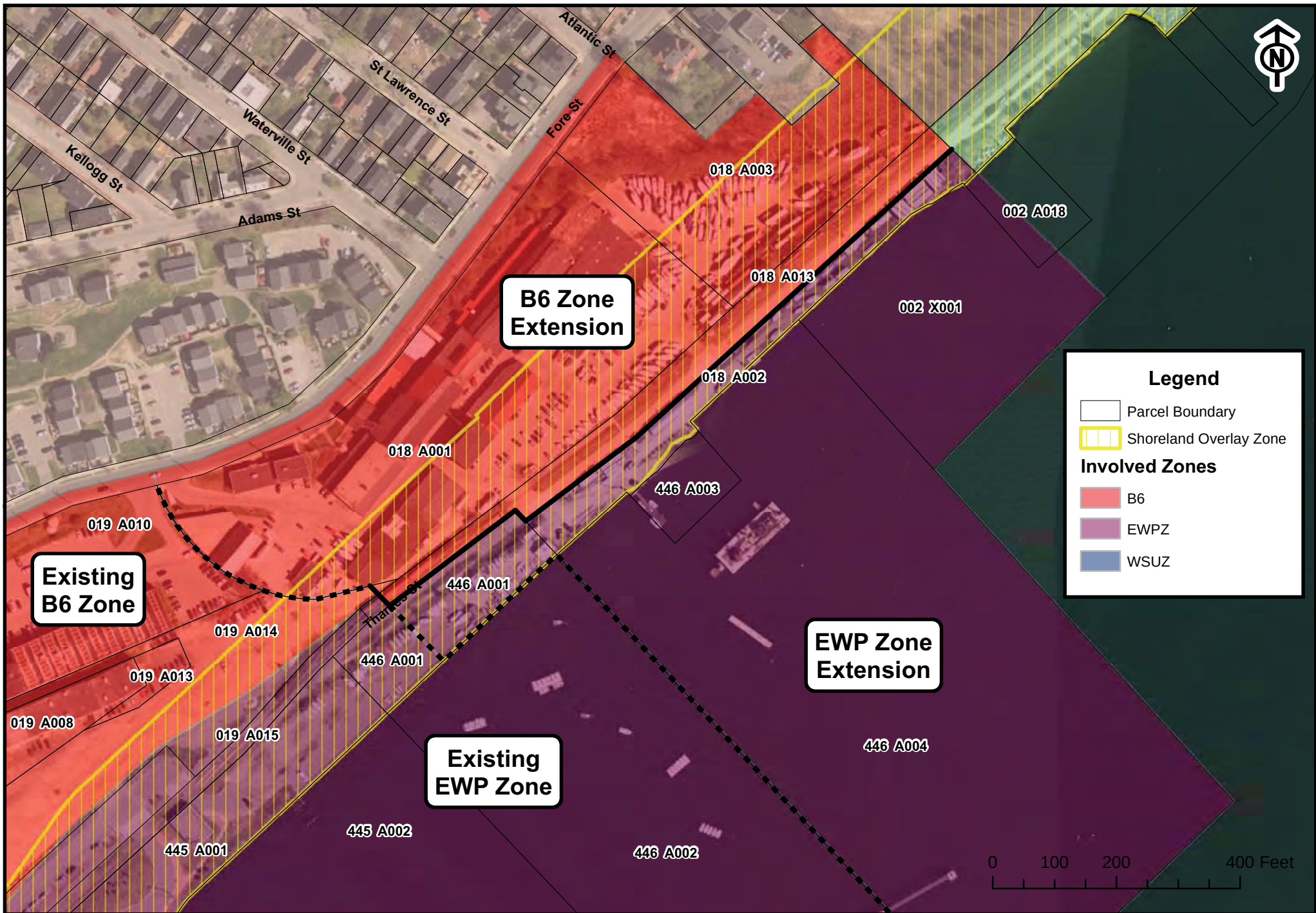
- STUDY AREA (3 STORY MINIMUM)
- KEY BUILDING ENVELOPES BY HEIGHT
- NO BUILD ABOVE RELATIVE FORE STREET ELEVATION

- GENERAL NOTES:
1. FOR BUILDINGS EAST OF HANCOCK STREET OR ITS EXTENSION, NO BUILDING MASS ABOVE 4 FLOORS (45 FEET ABOVE THE AVERAGE GRADE) SHALL BE WIDER THAN 70 FEET PARALLEL WITH THE WATERFRONT NOR LONGER THAN 140 FEET PERPENDICULAR WITH THE WATERFRONT.
  2. THE 70' WIDE TOWERS, AS DEFINED ABOVE, MUST BE AT LEAST 140 FEET APART, MEASURED PERPENDICULAR WITH THE WATERFRONT.
  3. NO BUILD FLOATING ZONES ARE VIEW CORRIDORS WITH NO BUILDING ABOVE THE CORRESPONDING FORE STREET ELEVATION.
  4. NO BUILDINGS SHALL BE LOCATED OUTSIDE OF THE KEY BUILDING ENVELOPES.



**ILLUSTRATION 33: HEIGHT MAP & BUILDING ENVELOPES**  
Eastern Waterfront Building Height Study  
Portland, Maine  
September 2004





# CPB2 LLC: Proposed Zoning Extension

**Proposed Use of Property:** Please describe the proposed use of the subject property. If construction or development is proposed, please describe any changes to the physical condition of the property.

The existing uses of the CPB2 Property, the State of Maine Property, and the City Property will continue unchanged for the immediate future. There are no set plans at this time for redevelopment or construction on the CPB2 Property; however, planning for future development would maintain consistency with the proposed B6 and EWPZ zone extensions. The requested rezone will inform the future development planning for these areas.

**Site Plan:** On a separate sheet, please provide a site plan of the property showing existing and proposed improvements, including such features as buildings, parking, driveways, walkways, landscape and property boundaries. This may be a professionally drawn plan, or a carefully drawn plan, to scale, by the applicant. (Scale to suit, range from 1" = 10' to 1" = 50'.) Contract and conditional rezoning applications may require additional site plans and written material that address physical development and operation of the property to ensure that the rezoning and subsequent development are consistent with the comprehensive plan, meet applicable land use regulations, and compatible with the surrounding neighborhood.

## 2. PROJECT DESCRIPTION

### 2.1 PROJECT SITE & BACKGROUND

The proposed rezoning area includes (i) three parcels identified as Lots 1, 2, and 3 on Map 18-A of the City of Portland Tax Maps (attached in Appendix A) owned by CPB2 LLC (the ‘CPB2 Property’); (ii) a portion of Lot 13 on Map 18-A owned by the State of Maine (the ‘State of Maine Property’); (iii) two (2) small areas of City-owned land on the west edge of the adjacent City-owned lots, specifically portions of Map 19-A, Lot 14 and Map 446-A, Lot 1 (the ‘City Property’); and, (iv) four (4) lots covering areas of submerged lands leased to the Owner, specifically Map 446-A, Lots 3 and 4, Map 2-X, Lot 1, and a portion of Map 2-A, Lot 18.

The CPB2 Property, commonly referred to as the “Portland Company Complex”, is located at 58 Fore Street in Portland, Maine and is currently zoned Waterfront Special Use Zone (WSUZ) with a Shoreland Overlay Zoning over the waterfront portion of the property. CPB2 LLC acquired the CPB2 Property from the previous owner in two (2) installments, the first occurring in July 2013 and the second occurring in April 2014 (see Section 3 of this application for additional information on Right, Title or Interest); during the past 12 months, CPB2 LLC has been evaluating rezoning of the CPB2 Property to align it with the goals of the Master Plan for Redevelopment of the Eastern Waterfront (Master Plan).

On the CPB2 Property, Map 18-A Lots 1 and 3 have frontage along Fore Street, while Lot 2 is located along the waterfront. Lots 1 and 3 are separated from Lot 2 by the State of Maine Property, which is currently utilized by the Maine Narrow Gauge Railroad and Portland Trails. The City of Portland Online Assessor’s Database and GIS parcel maps combine Lots 1 and 2 together as 6.92 acres, and list Lot 3 as 2.87 acres. A recent survey of the CPB2 Property indicates that Lots 1 and 2 are approximately 0.14 acres greater than the City’s Assessor’s Database. Lots 1 and 3 are proposed to be rezoned from WSUZ to B-6 Zone; Lot 2 is proposed to be rezoned from WSUZ to Eastern Waterfront Port Zone (EWPZ). The exact location of the proposed zone boundary between the B-6 zone and the EWPZ has not been determined at this time; we anticipate further discussions with City Staff to help define this boundary location.

Four (4) lots covering areas of submerged lands leased to the Owner, specifically Map 446-A, Lots 3 and 4, Map 2-X, Lot 1, and a portion of Map 2-A, Lot 18, are proposed to be rezoned from WSUZ to EWPZ (see Section 3 of this application for additional information on Right, Title or Interest).

The State of Maine Property, Map 18-A Lot 13, is a continuous strip of land that extends beyond the proposed area to be rezoned; a total of 1.35 acres of Lot 13 is proposed to be rezoned from WSUZ to B-6 under this application. In addition, 0.01 acres of City Property (Map 19-A Lot 14) is proposed to be rezoned from WSUZ to B-6, and 0.5 acres of City Property (Map 446-A Lot 1) is proposed to be rezoned from WSUZ to EWPZ.

Redevelopment in the eastern waterfront area of Portland, near the CPB2 Property, has intensified over the last 5 to 10 years, however, the property at 58 Fore Street and the properties immediately adjacent to the CPB2 Property have remained largely unchanged during this period. The CPB2 Property primarily slopes from northwest to southeast towards the waterfront. A steep grade change exists along Fore Street from northwest to southeast. The northeastern corner of the CPB2 Property is comprised of a steep, vegetated embankment. Retaining walls and buildings have been constructed along much of the boundary with Fore Street. A driveway from Fore Street on the western end of the CPB2 Property provides the primary means of site access. The CPB2 Property is also connected to Hancock Street and Thames Street by gravel parking lots and driveways located on adjacent parcels to the west.



## 2.2 AREA DEVELOPMENT

### 2.2.1 Recent Adjacent Projects

The City-owned Ocean Gateway facility with international ferry accommodations on Pier 2 Berth 1 was completed in 2008, and construction of the facility's cruise ship accommodations on Pier 2 Berth 2 was completed in 2011; this project is located within the Eastern Waterfront Port Zone and the adjacent B-6 Eastern Waterfront Mixed Zone. The Ocean Gateway project included the construction of roadway extensions in the vicinity of the subject property. The Ocean Gateway facility is currently used as a terminal for Nova Star Cruises, which provides international ferry service to Nova Scotia, and as an event center and transient berthing for cruise ships and other vessels. Renewed use of the terminal for regular international ferry service to Nova Scotia began in May 2014 under Nova Star Cruises; previous international ferry service provided by the Bay Ferries Cat ended operations in 2009.

The roughly 750-space privately-owned Ocean Gateway parking garage was constructed in 2008 at the northwest corner of the Fore and Hancock street intersection, located within the B5b Urban Commercial Business Zone. In the last several years, a roughly 180-key Marriott Residence Inn was completed on the northeast corner of the Fore and Hancock street intersection, located in the B5b Urban Commercial Business Zone. In 2012, a roughly 120-key Hampton Inn with ground-floor restaurant and residential condominiums was completed at northeast corner of the intersection of Fore and Franklin Streets, at the former Jordan's Meats site, located in the B3 Commercial Business Zone. Phase one of a two phase project referred to as the "The Bay House" was recently completed on the east side of the block formed by Hancock, Newbury, Middle and India Streets in a Contract Zone (C52). Phase I of the project included two buildings containing 84 residential condominium units and street level commercial space.

### 2.2.2 Existing Use & Zoning

The existing CPB2 Property is developed with warehouse and storage buildings on Lots 1 and 2 with associated parking and laydown areas, and similar parking and laydown areas on Lot 3 and the adjacent City-owned lots. The State of Maine Property, the 50' wide strip of land that bisects the CPB2 Property, includes railroad tracks owned, utilized and maintained by the Maine Narrow Gauge Railway as well as a section of the paved, public pathway, The Eastern Promenade Trail, maintained by Portland Trails/City of Portland. The majority of the existing 15 buildings on the CPB2 Property are currently occupied by Portland Yacht Services, which provides full-service boatyard operations accompanied by marina operations. The remainder of the CPB2 Property is leased to various other tenants. The CPB2 Property also serves as exhibition and event space, hosting events ranging from wedding receptions to several well recognized annual events, including the Maine Boatbuilders Show and the Portland Flower Show.

The CPB2 Property is currently located in the City's Waterfront Special Use Zone (WSUZ), and is partially within the Shoreland Overlay Zone. A figure showing the existing zoning map for the area around and including the CPB2 Property is provided in Appendix B of this Report. WSUZ permits the following marine-related uses:

- Marinas, boat repair yards, boat storage;
- Seafood processing, packing and packaging, loading and distribution;
- Commercial marine transport and excursion services, ferries, captained charter services, sport fishing and water taxis;
- Marine office, including offices of owners of wharves or their agents, and naval architects, and seafood brokers;
- Marine wholesaling, distribution, retailing, marine repair services;

- Harbor and marine supplies and services, ship supply such as fueling and bunkering of vessels;
- Marine industrial welding and fabricating, shipbuilding and facilities for construction, maintenance, and repair of vessels; and
- Cargo handling facilities, including docking, loading, and related storage.

The following commercial uses are permitted on Lots 1 and 3, on the north side of the railroad track (State of Maine Property, Lot 13) in existing buildings or in a new building that meets a zoning-defined square footage requirement:

- Professional, business, and general offices;
- Business service establishments;
- Restaurants;
- Cabinet and carpentry shops;
- Cold storage facilities; and
- Museums and art galleries.

## 2.3 PROPOSED ZONE MAP & TEXT AMENDMENTS

The Owner of the CPB2 Property is requesting a zone map amendment with associated text edits for the CPB2 Property and the abutting State of Maine Property and City Property. Specifically, the Owner is requesting an extension of the B-6 Zone and Eastern Waterfront Port Zone (EWPZ) to cover the CPB2 Property, four lots comprising submerged lands leased to the Owner, two small areas on adjacent City-owned lots (City Property), and a portion of Lot 13 (State of Maine Property), as originally contemplated during the development of the Master Plan. Extending these existing zones over these properties will eliminate the need for the Waterfront Special Use Zone (WSUZ). The former owner of the CPB2 Property objected to the extension of the B-6 zone to his property, and the WSU Zone was created, as a compromise, for only the CPB2 Property (and the adjacent State and City Properties noted herein) in order to protect the then-owner's right to operate and expand his boat repair business, which use was not permitted under the B-6 zone, and to continue his other non-marine uses. No changes are proposed to the existing Shoreland overlay zone. A figure showing the proposed zoning map for the CPB2 Property is provided in Appendix B of this Report.

As shown by the existing zoning map, the neighboring property to the west of the CPB2 Property is zoned as B-6. The B-6 zone encourages development that emphasizes quality pedestrian experience, promotes public transport, and demonstrates exemplary urban design.

The Purpose of the B-6 Zone, as stated in Sec. 14-268. of the City of Portland Code of Ordinances is as follows:

*The purpose of the B-6, eastern waterfront mixed zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban form through development that emphasizes a quality pedestrian experience, promotes public transit, and demonstrates exemplary urban design. The zone promotes a range of uses to achieve twenty-four urban vitality and shared use of parking infrastructure as recommended in the eastern waterfront master plan for redevelopment.*

*The zone language established herein provides regulatory framework to promote the mixed-use development pattern envisioned for urban land on Portland's peninsula. Specific development*



*criteria, including building height overlays and design standards, may be established for this district to supplement the provisions of this section.*

Proposed text amendments to the B-6 and EWPZ zones are provided in Appendix C of this Application. These text amendments include the addition of zone-appropriate uses and clarifications to text. Our team has reviewed the proposed text amendments with City Staff at our Pre-Application Meeting, and welcomes discussion of any revisions that may be suggested by Staff to ensure that structure, context, and consistency is maintained in the City's Land Use Code.

## **2.4 COMPLIANCE WITH THE CITY OF PORTLAND COMPREHENSIVE PLAN**

This request for a zone map amendment is in compliance with the City of Portland Comprehensive Plan, as it is directly aligned with the goals, objectives, and recommendations of the Master Plan, an adopted element of the Comprehensive Plan. As stated in the City's Comprehensive Plan, the Master Plan focused, in part, on the potential for high-value, mixed-use development on the upland areas of the Eastern Waterfront. The Master Plan also included zoning recommendations designed/intended to increase opportunities for a mix of residential, commercial, and office uses.

The Eastern Waterfront Development and Master Planning Committee worked to create a consensual, unified vision for private and public development in the study area. The Master Planning process sought involvement from all stakeholders in an open, participatory process and considered both impacts and opportunities presented for the Eastern Waterfront.

The Master Plan was adopted by the City Council in December of 2004 and focused on four adopted principles to guide redevelopment and land use policy in the eastern waterfront:

*The principles and objectives reported here are of equal value and should be applied uniformly during the evaluation of proposed land use policies and development for the Eastern Waterfront.*

- *Character and Impact of Development:* *Development within the eastern waterfront will be compatible with the surrounding areas, neighborhoods, natural environment, and maritime uses;*
- *Mixed Use:* *Development within the eastern waterfront will create a vital and active mixed use urban area that generates life and use every day of the year and all hours of the day;*
- *Maritime Resources:* *Development in the eastern waterfront on piers, bulkheads, and on land within 75 feet of mean high water line will give priority to compatible water-dependent and maritime uses; and*
- *Economically Responsible Development:* *Development within the eastern waterfront will provide a significant benefit to the City and regional economy.*

The Master Plan notes that "Mixed Use" includes, but is not limited to residential, commercial, public, institutional, marine, park, trail, and industrial uses (all as generally defined in the B-6 zone of the City of Portland Land Use Code).

The B-6 Eastern Waterfront Mixed Use Zone, was adopted concurrently with the adoption of the Master Plan in December of 2004, and in September of 2006, the City Council adopted the EWPZ. At the time, the City adopted a Waterfront Special Use Zone for the Property in accommodation of the desires of the prior landowner.

The City of Portland Future Land Use Map indicates that the Site is located within the area designated as "Redevelopment/Study Area B – Waterfront East". It is the Owner's understanding, as verified by City Staff and other key contributors to the Master Plan, and its process, that the CPB2 Property was intended to be rezoned to include the Mixed Use (upland) and Maritime Resource (waterfront) objectives of the Master Plan, upon agreement from the landowner, and upon determination of a more appropriate zone

designation. The B-6 and EWPZ zones were created to achieve the Mixed Use and Maritime Resource objectives of the Master Plan respectively, as these zones were established as a direct recommendation of the Master Plan. As stated in the Master Plan and its associated design guidelines document, *“the [design] guidelines [established in the plan] have [the] intended application [of] a policy basis for future zoning and land use ordinance changes for the Eastern Waterfront”*.

As stated in the City’s Land Use Code, the purpose of the B-6 Eastern Waterfront Mixed Zone is to establish a zoning district for the upland portion of the eastern waterfront area. The B-6 zone encourages this district to acquire a distinctly urban feel through development that emphasizes quality pedestrian experiences, promotes public transit, demonstrates exemplary urban design, and encourages uses which/that achieve 24-hour urban vitality. The rezoning of the CPB2 Property to B-6 and EWPZ would ensure that the development be compatible with the surrounding neighborhood, as the neighboring property to the west of the CPB2 Property has since been rezoned to B-6 and EWPZ, and the residential uses of the B-6 zone complement the Munjoy Hill neighborhood zoned R-6 to the north and east of the CPB2 Property. Furthermore, the new zoning would encourage mixed use development on the 10 acre CPB2 Property, and 13 acre marina, which would provide significant benefit to the local economy, sustain and strengthen water-dependent uses, and enhance the economic viability of the Eastern Waterfront’s property and facilities. For these reasons, the proposed zoning amendments are consistent with the goals and intent of the City’s Comprehensive Plan for the Eastern Waterfront. CPB2 LLC, the new landowner of the CPB2 Property, welcomes this zone change.

In summary:

- The Master Plan for Redevelopment of the Eastern Waterfront development process headed by the Eastern Waterfront Development and Master Planning Committee informed the creation of the B-6 Zone and EWPZ to achieve the vision for the public and private properties on the Eastern Waterfront.
- The CPB2 Property was intended for mixed use rezoning (B-6 and EWPZ) during the Master Plan process;
- The previous owner of the Property opted for the Waterfront Special Use Zone (WSUZ) to preserve existing uses on the property
- The B-6 Zone incorporates the goals for “Mixed Use”, “Economically Responsible Development”, and “Character and Impact of Development”, as described in the Master Plan
- The EWPZ incorporates the goals for preservation of “Maritime Resources” on the waterfront as described in the Master Plan

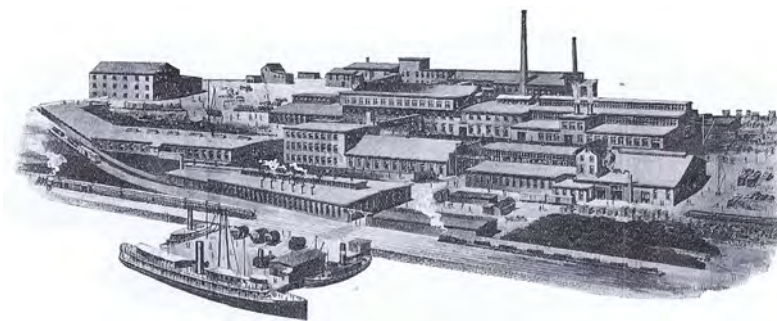
## 2.5 SITE PLAN AND PROCESS

The Zoning Map / Text Amendment Application form from the City of Portland Planning and Urban Development Department requests the submittal of a Site Plan showing the existing and proposed improvements for the site. CPB2 LLC is requesting to rezone the CPB2 Property in accordance with the intent of the Master Plan, similar to the process undertaken by the City when rezoning the adjacent lots in 2004 and 2006 during the establishment of the B6 and EWP Zones. Rezoning the CPB2 Property is a necessary initial step that will inform future planning and concept design development for the CPB2 Property; however, at this time the Owner does not propose changes to the existing site or its uses. As such, included in Appendix D of this Application is a site plan showing the existing and proposed site conditions (which will remain unchanged under this Application).

Upon receiving approval for a Zoning Map / Text Amendment, CPB2 LLC anticipates entering into a coordination and planning process to develop concept plans and potentially a Master Development Plan for redevelopment of the CPB2 Property. Any future changes to the site will follow the processes

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established in the City's Land Use Code, including preparing either a Master Development Plan, Site Plans, and/or Subdivision Plans, and seeking approval from the appropriate local, state and federal review authorities.



The Portland Company  
Historic Significance and Integrity

Sutherland Conservation & Consulting  
2014

Scott T. Hanson  
Amy Cole Ives  
Matthew Corbett

## **The Portland Company: Historic Significance and Integrity**

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## Introduction

Sutherland Conservation & Consulting (SCC) has been retained by the City of Portland to research, document and analyze the historic and architectural significance of the Portland Company complex. The historic assessment report is intended to address the place and significance of the Portland Company within the city of Portland, the state of Maine, and beyond; especially in the context of national trends in manufacturing and transportation during the company's years of operation (1847-1982).

This historic assessment report will:

- identify the areas of historic significance for the complex at the National, State, and Local levels
- identify the historic period(s) of significance for the complex
- use developmental modeling to analyze and assess the relative historic significance of the individual structures as well as the role each structure played in the manufacturing processes of the Portland Company and within the complex as a whole, and how each contributes to the ability to understand and appreciate the evolution of complex over time.

Additionally, SCC has been asked to assess the historic integrity of the individual buildings and the complex as a whole. Historic integrity is distinct from structural integrity. Historic integrity is based on the retention of sufficient essential physical features from the historic period, including location, design, setting, materials, workmanship, feeling, and/or association, to convey the significance of a property.

The work of this report does not duplicate the Inventory of Historic Buildings by Tremont Preservation Services dated January, 2014 or the Evaluation of Existing Buildings at the Portland Company Property by Becker Structural Engineers dated March 28, 2014, but it does utilize the same numbering system for the buildings in the complex to the greatest extent possible to facilitate cross-referencing the reports. The text of the Tremont report has been included as an appendix to this report with annotations that have been added to provide additional information and clarifications based on research completed by Sutherland Conservation & Consulting.

A summary history of the Portland Company has not been included in the body of this report because the Historical Context section of the Tremont report (pages 44-51) provides this information.

## Methodology

Primary and secondary sources were reviewed and utilized including extensive research in the Portland Company records at the Maine Historical Society and in depth research into the early history of railroad locomotive manufacturing in the United States. Using historic maps, site plans, building plans and numerous historic photographs, the historic development and evolution of the buildings of the Portland Company complex have been documented and compiled in a series of site plans and developmental models to illustrate how the complex has changed over time. A site visit was completed on July 23, 2014 to inspect and photo-document the interiors and exteriors of all the existing buildings to assess how much of the original design and materials remain intact for the buildings individually and the complex collectively.

The historic photographs and developmental models were compared to the existing conditions photographs to evaluate the historic integrity and significance of the buildings individually and the complex as a whole. The historic and architectural significance and integrity of the Portland Company complex has been assessed utilizing the criteria of the National Register of Historic Places, which is recognized as the standard for determining historic and architectural significance in the United States and is also the basis for the City of Portland's Designation Criteria.

## Executive Summary

The Portland Company was established in 1846 in conjunction with construction of the Atlantic & St. Lawrence Railroad which was built to connect Portland to Montreal. John A. Poor, the individual most responsible for Portland's successful bid over Boston to become Montreal's winter port via rail, was a Director of the Atlantic & St. Lawrence Railroad and became the first President of the Portland Company.<sup>1</sup> Other Atlantic & St. Lawrence Directors were also stockholders in the Portland Company, including Portland's wealthiest individual John Bundy Brown, who would become President of the company in 1864; Congressman and later Senator and U. S. Secretary of the Treasury William P. Fessenden; and Captain George Turner, who was given a seat on the railroad's Board between the regular annual Director's elections, shortly after selling property to the Portland Company for their works.

The period of significance for the Portland Company complex begins with the start of operations in 1847 and extends to the end of foundry work at the Portland Company in 1982. Within this period, specific periods of significance are identified for different areas of significance in Appendix G. During the period of significance, the plant experienced several substantial expansions and numerous small alterations. In 1873, fire destroyed several buildings at the south end of the property which were then rebuilt. No substantial changes have been made since 1920 except for the demolition of the wooden blacksmith and tin shop and the replacement of the late-19<sup>th</sup> century wooden boiler shop by a large modern steel building in the second half of the 20<sup>th</sup> century. A modern brick and wood office building was built on the site of earlier stables circa 1950. Through all of this, a number of the pre-Civil War buildings have remained largely intact and would be easily recognizable to John A. Poor and the original company directors and employees of the Portland Company.

The use of cast metals, particularly iron, was central to the rapid industrialization and expansion of the United States in the nineteenth century. Although the technology was ancient, the use of it at the scale undertaken during the period the Portland Company was founded was unprecedented. Cast iron has been called, "the plastic of the nineteenth century" for the way it transformed production and expanded the range of products available to industry and the public. Putting all of the stages of production for large machines, like steam locomotives, in one place was a radical advance over traditional practices. Combined with the use of patterned cast iron parts, as opposed to individually hand-crafted unique parts, this advance laid the foundation for Henry Ford's next step in the progression of efficient production, the assembly line. The Portland Company complex represents an important advance in this process and is possibly the only surviving example of such a complex documenting this stage of industrial production in the United States. Its survival in largely intact condition in 2014 is noteworthy and remarkable.

### National, State and Local Historic Significance

The Portland Company has national historic significance because it appears to have been the first complex in this country built specifically for the manufacture of railroad equipment with all of the necessary shops and a foundry on a single site. The Portland Company complex as it stands today is a rare surviving example of a pre-Civil War foundry, machine shop, and car shop complex because it retains a number of its original and early buildings, whereas most, if not all, other pre-Civil War complexes have been substantially or wholly demolished. As such, the Portland Company complex contains the oldest surviving railroad shop buildings in the nation still within their historic manufacturing complex context. Recent research indicates the Portland Company appears to be the only surviving pre-Civil War locomotive manufacturing plant in the nation, making it the only one surviving where locomotives were built for the U.S. Government as part of that war effort.

The Portland Company has statewide historic significance because the company made a significant

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1 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890



contribution to the development of Maine's railroads (including the state's iconic two-foot gauge lines) and maritime shipping industry. The locomotives, railroad cars, marine engines and boilers, and maritime navigation aids produced entirely or in part at the Portland Company were important to the development of rail and maritime transportation in the state of Maine from the middle of the nineteenth century into the twentieth century. Industrial expansion, natural resource extraction, commerce, and tourism all benefited from improved transportation made possible by products of the Portland Company.

The Portland Company was the state's largest nineteenth century foundry-machine shop, with those two shops combined in a way that was unprecedented in Maine. The company grew to be the state's most substantial engineering and machine manufacturing business, employing 150 of the 500 machinists in the state at one point. The Portland Company also played a significant role in the development of many important industries in Maine including the paper-making, textile, and canning industries. A number of industrial processes likewise benefitted from the research and development of electrical engineer and inventor William Chapman for the Portland Company and through the Chapman Electric Neutralizer Company at the Portland Company.

The Portland Company has local historic significance because it is the only intact nineteenth and early twentieth century industrial complex remaining in the city. Thirty-three manufacturing plants can be identified in the 1876 Bird's Eye View of Portland. Only the Portland Company complex remains largely intact 138 years later. Portland had 60 sizable companies engaged in industrial production of various sorts in 1924, occupying more than 85 buildings. Of these 85 buildings, fewer than a dozen survive outside the Portland Company, none as complexes.

The Portland Company has local historic significance for its association with several significant 19<sup>th</sup> century planning and development initiatives within the city of Portland. As part of John A. Poor's vision for creating a modern international port at Portland, he conceived of a wide new street along the waterfront which would contain railroad tracks to connect the Atlantic & St. Lawrence R. R. on the east end of the city to the Portland, Saco & Portsmouth R. R. on the west end while providing both railroads access to the numerous wharves between their terminals. The narrow original waterfront street, Fore Street, followed the natural landform, snaking along the shore around Clay and Broad coves. The new street would be built by filling between the existing wharves below Fore Street, far enough out into the harbor to allow the construction of large new warehouse buildings along the land side of the street. Broad Cove would be filled for construction of the Atlantic & St. Lawrence Railroad terminal and for the Portland Company works and Clay Cove would be filled for the street and new buildings. The Portland Company site alone is seven acres, the majority of it made by filling the mud flats and cove. This project was undertaken co-operatively by the two railroads, the Portland Company, and the city of Portland, with the railroads paying the cost of filling between the wharves and the City paying wharf owners for the value of their properties seized through eminent domain. The mile-long and one hundred foot wide street would be named Commercial Street.<sup>2</sup> This project was the largest urban planning initiative undertaken in the city of Portland in the nineteenth century and was transformative in its effects.

### Historic Architectural Significance

The buildings of the Portland Company complex have historic architectural significance because they remain substantially unaltered from the time of their original construction and consequently show clearly the distinguishing characteristics (design and construction materials) of several distinctive types of industrial buildings constructed between 1847 and 1920. Additionally, the Portland Company buildings from the 1840s and 1850s are the only industrial buildings of that period remaining in the city of Portland today.

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2 Poor, Laura Elizabeth, John A. Poor. *The First International Railway and the Colonization of New England, Life and Writings of John Alfred Poor*, 1890.

Records of the Atlantic & St. Lawrence Railroad, Maine Historical Society.

The buildings of the Portland Company also have historic architectural significance because each of the remaining buildings served distinctive function(s) in the historic manufacturing process. Collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company.

#### Historic Significance and Visual Character of the Portland Company Site

The primary entrance to the site off Fore Street is a curving roadway that follows the grade between the original shoreline at Fore Street and the filled mudflat land on which the complex is built. This has been the entrance to the property since 1847 and is historically significant as an original site feature that has not been substantially altered. This curving roadway leads to the historic entrance yard of the complex.

The entrance yard has historically been, and continues to be, an open space serving the function of entranceway to the linear manufacturing paths of circulation. It is the point from which these streets and alleys of the complex are accessed. Historically, it also served as a fire break between the manufacturing facilities, the paint shop and the pattern storage buildings. At different points in time a car shop and other buildings have projected into this space, especially prior to the construction of the much larger erecting shop (building 1) in 1918. The entrance yard has been in its current configuration for nearly 100 years.

The historic functional organization and placement of the Portland Company buildings in linear proximity to each other creates a visual character for the site that is unique for Portland in the way that the industrial buildings form private streets or alleys. The overhead pedestrian bridges spanning these private streets are also unique in Portland and contribute to the visual character and historic significance of the site.

To a large degree, the architectural significance of the Portland Company exists in the relationship of the buildings to each other within the complex. The proximity and orientation of the buildings to each other permitted related manufacturing processes to take place in a way that allowed for the efficient progression of stages in the production of the company's products.

#### **Findings:**

- The Portland Company complex is historically significant within local, state and national historic contexts related to industry, transportation, community planning and architecture.
- The buildings individually and the complex as a whole retain a high degree of architectural integrity to the period of significance for the complex (Portland Company production 1847 – 1982).
- All of the buildings of the complex constructed over 50 years ago contribute to the historic significance and integrity of the Portland Company complex.
- Collectively, the existing buildings encompass the complete historic manufacturing process of the Portland Company with the exception of one shop for the construction of boilers.
- Together, the historic significance and historic integrity of the Portland Company complex make it one of the most historically important sites in the city of Portland.
- The removal of any of the historic buildings existing in the complex will diminish the ability of the complex to demonstrate the historic manufacturing process of the Portland Company.
- The Portland Company was the largest business in the city in the mid-nineteenth century and is the only remaining intact nineteenth and early twentieth century industrial complex in the city of Portland today.
- The Portland Company buildings remaining from the 1840s and 1850s are the only industrial buildings of that period surviving in the city of Portland.

- The outstanding nature of the architectural integrity of the complex and exceptional historic value of the Portland Company as the first self-contained complex in the nation built specifically for the manufacture of railroad equipment may make it a strong candidate for National Historic Landmark eligibility consideration.
- The historic Portland Company complex is a compact manufacturing facility characterized by two distinct areas, the entrance yard and the manufacturing corridors.
- The historic functional organization and placement of the Portland Company buildings in linear proximity to each other along the manufacturing corridors creates a visual character for the site that is unique for Portland in the way that the industrial buildings form private streets or alleys. This is similar to the character found in large textile mill complexes in Maine cities like Lewiston, Biddeford, and Sanford but not found elsewhere in Portland.
- The compact nature, visual continuity and circulation routes of the historic manufacturing facility of the Portland Company are significant character defining features of the site. The removal of any contributing building would adversely impact the historic significance and character of the whole complex.
- Currently the only modern intrusion into the visual continuity of the complex is building 5, located on the northeast side of the foundry building (building 4).
- In considering the redevelopment of the property for new uses while retaining the essential physical features that give it integrity, a large city-owned vacant parcel to the southwest of the site might provide an opportunity for a connection from the site to Thames Street, allowing enhanced access without altering the historic entrance to the site or the visual character of the entrance yard and “streets” between the historic buildings.
- A large area of vacant land on the east end of the site abuts the largest building on the property, the not-historically-significant modern building wrapping around the two sides of the Foundry. Removal of the modern building could allow access to new development at the east end of the site in a way that maintains the visual character of the “street” between the Erection Shop, Machine Shop, and Foundry and the Car Shop and Blacksmith Shop.
- Compatible new buildings on the sites of the demolished Boiler Shop and Tin and Smith Shop could reinforce the historic character of the site’s “streets.”



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September 2, 2014

Deb Andrews  
Manager, Historic Preservation Program  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Deb:

I write on behalf of Greater Portland Landmarks to request that the City of Portland Historic Preservation Board nominate the Portland Company complex as a local historic district.

The Portland Company complex is the only relatively intact 19<sup>th</sup> century waterfront industrial site surviving on the Portland peninsula. Its landmark quality buildings illustrate the story of 19<sup>th</sup> century Portland's industrial prowess in both rail and marine transportation, which helped establish Portland's prominence in international business and trade. The City's recent study commissioned from Sutherland Conservation and Consulting identified fourteen historic buildings built between the mid-1840s and the 1950s which survive on the ten acre site along the waterfront. The Sutherland study provides extensive documentation of the historic significance of the site locally and nationally in the context of the American Industrial Revolution. The whole complex has been determined eligible for the National Register of Historic Places by the Maine Historic Preservation Commission.

From 1845 - 1978, the Portland Company produced 630 steam railroad locomotives, boilers and engines for over 350 marine vessels, machinery for the paper industry, armor plate for gunboats for the Civil War (including the USS Monitor), and equipment to build the Panama Canal. In addition, the Company produced a variety of forged and cast iron objects needed for the metropolitan industrial age, such as decorative cast iron building storefronts, streetlights, gates, grates, and manhole covers. The Portland Company manufactured all the cast iron details of the Greek Revival style Portland Breakwater Light, or "Bug Light" (1875) in South Portland. The Portland Company was one of the largest employers in the state of Maine, providing jobs for hundreds of workers, contributing to the local and state economies for more than 130 years.

The Portland Company complex currently lacks any protection of its historic resources, which are at risk as development pressure increases on Portland's peninsula. The complex helps introduce and define the City of Portland from the water, and the character of any development on the site will have tremendous impact on the surrounding neighborhoods and the City as a whole. Therefore, we believe that the protections afforded by historic district designation would be essential to managing change, including new development on the site.

Thank you for your consideration.

Yours sincerely,

Hilary Bassett  
Executive Director

**MEMORANDUM**

**TO:** Chair Donoghue and Members of the HCDC

**FROM:** Alex Jaegerman, Planning Division Director

**DATE:** October 2, 2014

**SUBJECT:** PACTS Land Use and Transit Technical Assistance Project

The PACTS Land Use and Transit Technical Assistance Project comes from the Gorham East-West Corridor project which has the potential to provide improved access between Portland and communities to the west. Gorham East-West consists of looking at how to maximize resources by doing road construction, transit improvements, and land use planning together. The Land Use and Transit Technical Assistance Project provides the land use analysis component for the six municipalities involved, including Portland, with a goal of pinpointing high priority growth areas (centers of opportunity) in each community that could over time feasibly be linked by increased transportation choice.

During this process, the Sustain Southern Maine model will be used, along with local comprehensive plans and the input of meeting participants, to prioritize potential centers of opportunity. Once six priority centers are identified, the study will focus on providing the municipalities with the tools needed to facilitate transit supportive development, including an emphasis on understanding each center's strengths and vulnerabilities, will identify best practices, model codes and needed infrastructure for each. Additionally, the study will refine and customize the Gorham East-West Transit recommendations to apply to these high-priority center-of-opportunity locations. Finally, the task includes identifying a package of acceptable incentives to increase the chances that those centers will support transportation choice.

**PACTS and the project consulting team will convene a Regional Study Team Meeting on Thursday, October 23rd, 4:00 PM. at the Maine Turnpike Authority off Skyway Drive in Portland.** City Councilors and Planning Board members are invited and encouraged to attend this session. Prior to that meeting, the Planning Office has been requested to submit a number of potential Centers of Opportunity in Portland for consideration as project areas. This is the same process that we followed to do the visioning work for the India Street neighborhood as part of the Sustain Southern Maine planning process. At this time, we are considering East Bayside as the project area. They would like us to identify several areas. Another possibility is to take a fresh look at Bayside, on the 15<sup>th</sup> anniversary of the New Vision for Bayside Plan.





Mary Davis

Division Director, Housing &amp; Community Development Division

**TO:** Councilor Donoghue, Chair  
Members of the Housing and Community Development Committee

**FROM:** Mary Davis, Division Director  
Housing and Community Development Division

**DATE:** October 3, 2014

**SUBJECT:** COMMUNICATION ITEM: FY 2015-2016 Annual CDBG Allocation Process Begins October 8, 2014

The Housing and Community Development Office is beginning the annual CDBG allocation process. The calendar for the FY 2015-2016 allocation process is noted below:

|                       |                                                                 |
|-----------------------|-----------------------------------------------------------------|
| October 8             | Application is available                                        |
| October 9             | 6:00 pm <i>Mandatory</i> Pre-Application Meeting for Applicants |
| November 13           | 2:00 pm Applications are DUE                                    |
| January to March 2015 | Allocation Committee reviews & scores all applications          |
| March                 | Allocation Committee recommends funding allocations             |
| March                 | City Manager recommends funding allocations to Council          |
| March 16              | 5:00 pm - 1 <sup>st</sup> Portland City Council Public Hearing  |
| April 6               | 5:00 pm - 2 <sup>nd</sup> Portland City Council Public Hearing  |
| May 15                | Staff submits the Annual Action Plan to HUD                     |
| July 1, 2015          | Programs and projects may begin                                 |

The Application will be posted to the City's website on October 8<sup>th</sup>  
(<http://www.portlandmaine.gov/763/Application-Process>)

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

TO: Councilor Donoghue, Chair  
Members of the Housing and Community Development Committee

FROM: Mary Davis, Housing & Community Development Division Director  
Jeff Levine, Planning & Urban Development Director  
Greg Mitchell, Economic Development Director

DATE: October 3, 2014

SUBJECT: 2014 HCDC Calendar

Attached is a standing communication on your agenda, the updated Committee Calendar.



## **DRAFT 2014 Housing & Community Development Committee meeting Calendar**

*Meetings: 2<sup>nd</sup> & 4<sup>th</sup> Wednesday of each month*

*As of October 3, 2014*

### **January**

#### **Jan. 8 Meeting:**

2014 Draft HCDC Work Plan for preliminary discussion subject to change after January 13 City Council goal setting workshop.

For Review and Recommendation to Council - Pearl Place TIF district amendments

Wilmot Street – Possible Reacquiring – Executive Session

Tenant Based Rental Assistance Program update

Housing First Pre-Development RFP – Review Draft

Communication: Update on CDBG Workforce Development Program

#### **Jan. 22 Meeting:**

Presentation on proposed amendments to parking requirements and the Sustainable Transportation Fund for possible action

Economic Development Vision and Plan – Work Plan Update for 2014-2015

### **February**

#### **February 12, 2014 Meeting:**

Possible City lease/acquisition of property for City Department Consolidation/Forward to Council – Public and Executive Session

Start Downtown TOD/TIF Discussion

Update on Housing Plan and Consultant Services RFP/Communication Item

#### **February 26 Meeting:**

Housing Program Budget Recommendation to Council

Review City sites for residential development or sale including former Adams School property

Nova Scotia Ferry Service Operator Lease – Executive Session

### **March**

#### **March 12 Meeting:**

Continue Downtown TOD/TIF District Discussion

Nova Scotia Ferry Service Operator Lease/Possible Recommendation to City Council

Review & Recommendation: Updated Citizen Participation Plan

Review & Recommendation: 3 year renewal of Cumberland County HOME Consortium, 2015-18

#### **March 26 Meeting:**

Presentation on proposed amendments to the B2 zones for possible action

Review and possible approval of Affordable Housing RFP

Creative Portland PACE Project in Bayside for Review/Direction and executive session for possible City-owned Bayside property disposition discussion.

Spring Street Garage Space Leases (Pirates and Adjacent Vacant Space)

Communication: Update on the discussion of city sites for residential development

Communication: CDBG funding recommendations from Committee & City Manager; Annual Action Plan

**April**    **April 9 Meeting:**

Presentation on proposed amendments to R-6/R-7 zones for feedback  
Review of draft of possible RFP for city-owned lot on Munjoy Street

**April 23 Meeting:**

Spring Street Garage Space Leases (Pirates and Adjacent Vacant Space)  
Executive Session Tugboat Lease Renewal at Portland Ocean Terminal  
Donation of Property to City on Rowe Avenue  
Communication: Annual Action Plan, due to HUD May 15  
Review of Housing First RFP Responses

**May**    **May 14 Meeting:**

AHTIF Request – 134 Washington Avenue  
Executive Session: Real estate negotiations associated with the Federated Companies Midtown Project and their financial contribution toward the cost of Somerset Street reconstruction.

**May 28 Meeting:**

Downtown TOD/TIF District – Continue Discussion  
Executive session/public session for guidance and approval to move forward with disposition process for a tax-acquired property on Cliff Island.  
Tugboat Lease Renewal at Portland Ocean Terminal

**June**    **June 11 Meeting (Meeting Canceled):**

**June 25 Meeting:**

Disposition process recommendation to staff for tax-acquired property on Cliff Island  
Downtown TOD/TIF District – Continue Discussion  
Executive Session: Real estate negotiations associated with the Federated Companies Midtown Project and their financial contribution toward the cost of Somerset Street reconstruction.

**July**    **July 9 Meeting (Meeting Canceled):**

**July 23 Meeting (Meeting Canceled):**

**August**

**August 13 Meeting:**

Continuation and final policy direction on new Downtown TOD/Arts TIF District.  
Disposition process recommendation to staff for tax-acquired property on Cliff Island  
Review and vote to recommend to City Council action on Federated Companies Midtown Project documents, including Somerset Street Cost Share Agreement  
Executive Session:

- Proposed Ready Seafood Company Lease Amendments;
- Proposed Shucks Maine Lobster Lease Amendments;
- Proposed new tenant and lease terms for use of second floor office space located in Portland Ocean Terminal.

**August 27 Meeting**

Disposition process recommendation to staff for tax-acquired property on Cliff Island  
Update on City-owned lot on Munjoy Street

65 Hanover Street Property/review draft RFP for development of affordable homeownership units, i.e. workforce housing at 100% to 120% AMI and property disposition of 71 Hanover Street.  
Housing Trust Fund Annual Plan  
Review of potential development site located at 157 Brackett Street  
Reed School Re-Use

## **September**

### **September 10, 2014 (Meeting Canceled)**

### **September 24, 2014**

65 Munjoy Street – Update and Review of Draft RFP

157 Brackett Street – Review of Draft RFP

For Review and Comment: Consolidated Annual Performance Evaluation Report (CAPER) due to HUD September 30.

For Review and Comment/ Recommendation to Council if necessary: Recommendations for improvement to CDBG process.

[Update on Portland Economic Development Plan 2014-2014 Work Plan activities, including the 2014/2015 Portland Economic Scorecard. -Carried over to October 8?](#)

Executive Session:

- Proposed Development on Spring Street/Cotton Street
- Proposed new tenant and lease terms for use of second floor office space located in Portland Ocean Terminal

## **October**

### **October 8**

Communication: CDBG Application is available/Process Update.

[India Street Plan](#)

[Portland Company/58 Fore Street Update](#)

[Bay House TIF District termination vote and recommendation to City Council](#)

[Executive Session: Proposed new tenant and lease terms for use of second floor office space located in Portland Ocean Terminal](#)

[PACTS Land Use and Transit Technical Assistance](#)

### **October 22**

Recommendation to City Council on award of proposal for tax-acquired property on Cliff Island.

[Fore/India/Middle Street TIF District termination vote and recommendation to City Council;](#)

[Bayside TIF District Expansion Amendment - vote and recommendation to City Council;](#)

Inclusionary Zoning

[65 Munjoy Street – Update, Review and Possible Approval of RFP](#)

[157 Brackett Street – Update, Review and Possible Approval of RFP](#)

[Tentative: Shucks Maine Lobster and Ready Seafood Company Lease Amendment vote and recommendation to City Council.](#)

[Affordable Housing Development Application– review of proposal received](#)

## **November**

### **November 12**

[65 Hanover/52 Alder Street – Update, review of feasibility study and draft RFP](#)

[71 Hanover Street – Review of draft RFP](#)

[New Downtown TOD/Arts TIF District vote and recommendation to City Council, including:](#)

- [Creative Economy & Arts TIF District – vote and recommendation to City Council to reduce boundary.](#)
- [Riverwalk TIF District Reduction Amendment - vote and recommendation to City Council;](#)

Annual City wide TIF District Activity Report/review and recommendation to City Council

HCDC Annual Accomplishment Report/review and recommendation to City Council

~~Start discussion related to Riverside Street area wide needed public infrastructure status and improvements.~~

### **November 26 Canceled**

### **December**

#### **December 10**

#### **December 24 Canceled**

### **Future Work Plan Items**

Update on city-owned lot at 98 High Street

Area-wide Affordable Housing TIF District discussion

#### **Short Term Rentals**

#### **Wilmot Street**

~~Start discussion related to Riverside Street area wide needed public infrastructure status and improvements.~~