

1. Agenda

Documents: [PB AGENDA 3-11-14.PDF](#)

2. E. Bayside Map Amendment

2.I. Report (E. Bayside Map Amendment)

Documents: [REPORT \(E. BAYSIDE MAP AMENDMENT\).PDF](#)

2.II. Report Attachments (E. Bayside Map Amendment)

Documents: [REPORT ATTACHMENTS \(E. BAYSIDE MAP AMENDMENT\).PDF](#)

2.III. Applicants Submittal (E. Bayside Map Amendment)

Documents: [APPLICANTS SUBMITTAL \(E. BAYSIDE MAP AMENDMENT\).PDF](#)

3. Thompsons Point

4. Division 25 Amendment

4.I. Report (Division 25 Amendment)

Documents: [REPORT \(DIVISION 25 AMENDMENT\).PDF](#)

4.II. Report Attachment (Division 25 Amendment)

Documents: [REPORT ATTACHMENT \(DIVISION 25 AMENDMENT\).PDF](#)

4.III. Applicants Submittal (Division 25 Amendment)

Documents: [APPLICANTS SUBMITTAL \(DIVISION 25 AMENDMENT\).PDF](#)

5. Waiver Of Joint Mtg.

Stuart G. O'Brien, Chair
Timothy Dean, Vice Chair
Elizabeth Boepple
Sean Dundon
Bill Hall
Carol Morrisette
Jack Soley

AGENDA
PORTLAND PLANNING BOARD

The Portland Planning Board will hold a meeting on March 11, 2014, Room 209, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at this meeting.**

WORKSHOP – 4:00 p.m.

- i. R-6 to R-7 Map Amendment; Monroe Street; Portland Housing Authority, Applicant. The Portland Housing Authority (PHA) and the Portland Housing Development Corporation (PHDC) have submitted an application to rezone the Housing Authority's properties in the East Bayside Neighborhood from Residential R-6 to Residential R-7. The proposed rezoning encompasses a total of 164 existing affordable housing units, including Bayside Terrace, Bayside East and Kennedy Park. The map amendment is sought in order to increase zoning flexibility and residential density for future renovation and expansions of the PHA properties. The map amendment includes the parcel at the corner of Boyd and Oxford Street where a proposed project called Bayside Anchor is being designed for 45 apartments and non-residential space for a Head Start program, community policing office, and PHA administrative offices .

PUBLIC HEARING – 6:30 p.m.

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **COMMUNICATIONS AND REPORTS**
3. **REPORT OF ATTENDANCE AT THE MEETINGS HELD ON FEBRUARY 25, 2014:**
Workshop: No workshop was held on this date.
Public Hearing: O'Brien, Dean, Hall, Morrisette, Soley, Boepple and Dundon present.
4. **REPORT OF DECISIONS AT THE MEETING HELD ON FEBRUARY 25, 2014:**
 - i. Master Development Plan, The Forefront at Thompson's Point, 1 Thompson's Point, Thompson's Point Development Company, Inc. (dba Forefront Partners I, LP), Applicant. The Board voted unanimously (7-0, moved by Dean and seconded by Boepple) to this item on February 25, 2014 to the March 11, 2014 meeting at 6:30 p.m.
 - ii. Executive Session to discuss the City's legal rights and duties with regard to a pending appeal of the Federated Master Development Plan and Phase I Subdivision and Site Plan. This meeting will be conducted in executive session pursuant to 1 M.R.S.A section 405 (C) and (E). The Board voted unanimously (7-0, Moved by Dean and seconded by Morrisette) to go into executive session.

5. OLD BUSINESS

- i. Master Development Plan, The Forefront at Thompson's Point, 1 Thompson's Point, Thompson's Point Development Company, Inc. (dba Forefront Partners I, LP), Applicant. The Board will consider a Master Development Plan proposal for the Thompson's Point site, which consists of approximately 30 acres of land located adjacent to the Portland Transportation Center. The master development plan includes an event center, hotel, sports medicine facility, educational facility, residential condominiums, restaurants, offices, and an associated parking structure.

6. NEW BUSINESS

- ii. Amendment to Division 25 Space and Bulk Regulations and Exceptions, Section 14-433 Lots of record and accessory structure setbacks for existing buildings; Tim Keiter, Applicant. The Board will consider a text amendment that adds the R-3 and R-5 zones to the existing zoning provisions for the R-4 and R-6 zones, which allow a dwelling unit to be created in accessory structures without meeting setback requirements, provided the structure has a minimum of 250 sq. ft. and was in existence on January 1, 1940. The proposed text amendment includes a qualification so that it is consistent with the current R-3 and R-5 requirements for additional dwelling units.
- iii. Waiver of Requirement for Joint Meeting with South Portland Planning Board for Subdivision Amendment in South Portland Related to Jetport Business Park Subdivision, aka Transport Leasing Corporation Subdivision, which is located in part in Portland and in Part in South Portland. The Board will consider a proposal to waive a required joint meeting for this amendment to a subdivision spanning both Portland and South Portland. The amendment includes an access and utility easement from City Line Drive to serve a proposed State of Maine office building on Jetport Boulevard. The improvements are located in South Portland and are to be reviewed by the South Portland Planning Board.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD



Memorandum
Planning and Urban Development Department
Planning Division

To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Richard Knowland, Senior Planner
Date: March 6, 2014
Re: Portland Housing Authority East Bayside Rezoning (R-6 to R-7)
Project #: #2014-013
Meeting Date: March 11, 2014

I. INTRODUCTION

A workshop has been scheduled to consider a proposal by the Portland Housing Authority and Portland Housing Development Corporation to rezone their residential property holdings in East Bayside from R-6 to R-7. These properties include Kennedy Park, Bayside Terrace, Bayside East, 47-49 Boyd Street and the proposed Bayside Anchor project. The impetus for the zone change is PHA's desire to provide additional infill development within their landholdings. PHA is referred in this memo as the applicants. After conducting a public hearing, the Board will be asked to make a recommendation to the City Council on the proposed map change.

Notice of the workshop consisted of the item appearing in the Portland Press Herald on 3-3-14 and 3-4-14. In addition, 271 notices were mailed to neighbors.

II. FINDINGS

Existing Zoning: R-6 (1,000 sf or 43 units per acre)
Proposed Zoning: R-7 (435 sf or 100 units per acre)
Land Area: 10.79 acres
Existing Dwelling Units: 164 units or 2,865 sf per dwelling unit
Bayside Anchor Proposal
Land Area: 20,147 sf
Dwelling Units: 45 units or 447 sf per dwelling unit
Total Dwelling Units: 209 units
Existing Parking Spaces: 183
Proposed Parking Spaces: 157

III. BAYSIDE ANCHOR PROPOSAL

PHA would like to construct a 45 unit multi-family building (Bayside Anchor) at the corner of Boyd Street and Oxford Street on the site of an existing parking lot. Attachment 6 includes a map of the PHA campus identifying the zone change area and the various housing developments within the campus. Attachment 7 details existing housing unit counts and residential density. The Bayside Anchor site is located within the PHA campus but will be owned and developed as a separate corporation thus the lot must have sufficient land to satisfy density requirements. The 20,147 sq. ft. lot would fall short of the R-6 density requirements for 45 housing units hence the request for an R-7. A conceptual site plan has been submitted and is shown as Attachment 5. The proposed building is anticipated to be 4 stories high.

Uses

In addition to residential uses the proposed building will feature Head Start, a neighborhood policing office and PHA administrative offices on the first floor. These uses will be relocated from an existing one story building on Boyd Street. The PHA offices appear to be accessory to the campus, the police office a municipal use (permitted) and Head Start (an accessory or conditional use). Applicant will need to provide specific information on these uses so that Marge Schmuckal (Zoning Administrator) may make a formal determination on the appropriate use classification.

Parking

The proposed development will occupy the site of an existing 26 space parking lot and therefore be dependent on other PHA off-street parking areas on their campus. Currently PHA has 201 parking spaces for 155 dwelling units or a ratio of 1.18 spaces per dwelling unit. See Attachment 8. With the Bayside Anchor housing project in place, PHA indicates they will have a total of 157 spaces or 0.78 parking spaces per unit. The PHA consultant team is in the process of undertaking a parking study to confirm the existing campus parking demand. Anecdotal information appears to indicate that the present PHA parking demand is well under one space per dwelling.

As an affordable housing development it qualifies under sec. 14-332.2(b), which provides for a reduced parking standard with review by the Planning Board. Under the provisions of sec. 14-333, parking for Bayside Anchor may take place at an off-site location but must be within 300 feet of the project. This provision allows the Planning Board to substitute for the Board of Appeal review if the Planning Board is already considering the project under development review. Applicant should provide documentation on the parking spaces intended to serve Bayside Anchor and their distance from the development site.

Scope of Map Change

Initially PHA requested a zone change for the Bayside Anchor site only. However upon further consideration and Planning Staff input, PHA has extended their zone change to include all their landholdings in East Bayside. The submission indicates the "R-7 zone will allow increased

flexibility and density as PHA and PHDC begin planning for future renovation and expansion of its properties within the East Bayside neighborhood.”

The Bayside Anchor site needs an R-7 zoning designation since it does not meet R-6 setbacks, density, lot coverage and possibly open space requirements. The PHA campus as a whole is well under the R-6 density requirements but its development pattern is out of character with the surrounding residential neighborhoods in terms of building placement, orientation and layout. An R-7 designation will assist future PHA efforts to facilitate infill and redevelopment more in keeping with typical neighborhoods found on the peninsula.

Generally when a map change amendment is reviewed, the Board looks at it comprehensively and considers other adjacent areas that may be appropriate candidates for a similar rezoning. This may result in the Board considering and advertising a larger geographic area for the purposes of holding a public hearing, which can be reduced in scope when the Board formulates its recommendation to the City Council. Section VII of this memo includes a discussion of a larger zone change area (beyond the PHA proposal) that could be considered for the purpose of holding a public hearing.

Development Reviews

Assuming the zone change is approved, the development will be subject to Planning Board site plan and subdivision review. Depending on the Zoning Administrators interpretation of the Head Start use, a conditional use review (kindergarten) by the Board of Appeals may be required.

IV. COMPARISON of R-6 and R-7 ZONE

A chart comparing the R-6 with the R-7 is shown below. Generally the R-7 has more flexible dimensional requirements than the R-6 zone including density, minimum lot size, setbacks and height.

Zoning requirements for R-6 versus R-7 zones		
STANDARD	R-6	R-7
Purpose	Sec. 14-135. Purpose. The purpose of the R-6 residential zone is: (a) To set aside areas on the peninsula for housing characterized primarily by multifamily dwellings at a high density providing a wide range of housing for differing types of households; and to conserve existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.	Sec. 14-141. Purpose. (excerpt) The purpose of the R-7 Compact Urban Residential Overlay Zone is to encourage and accommodate compact residential development on appropriate locations on the Portland peninsula,. . . . Locations for siting the R-7 Zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone . . .
Permitted Uses	Residential: Single and Two-family; Multifamily dwellings; Handicapped family unit; Single-family, multiple-component manufactured housing; Single-family single-component manufactured housing Other: Lodging house; Cemeteries; Parks; Accessory uses; Home occupation; Municipal uses; Special needs independent living units; Conversion into bed & breakfast; Hostels; Wind energy systems	Uses permitted in the R-6 Zone
RESIDENTIAL: *	R-6	R-7
Min. Lot Size	4,500 sf	None
Min. Street Frontage	40 feet	None
Min. Front Yard	10 feet	None
Min. Rear Yard	20 feet	5 feet
Side Yard	10 feet – 1 to 3 stories 12 feet – 4 stories 15 feet – 5 stories Side street: 10 feet	5 feet Side street: None
Structure Height	45 feet	50 feet

Max. Lot Coverage	40% for lots which contain 20 or more dwelling units 50% for lots which contain less than 20 units	100%
Min. area per dwelling unit	600 sf additional units 1,000 sf gross area 1,200 sf for each unit after first 3	435 sf gross area 400 sf habitable floor area
Open space ratio	20%	n/a
Parking	Off-street parking is required	Off-street parking is required

**All other uses in the R-7 Zone shall observe the requirements of the R-6 Zone (Sec.14-142 (a)6e)*

Residential Density

As previously indicated the R-7 provides more flexibility than the R-6 zone to address the opportunities of infill development including a higher residential density. A discussion on the context of density and neighborhoods is appropriate particularly since peninsula neighborhoods have far fewer people today than in the past.

Census Bureau data indicates that Portland's population reached its peak in 1950 with 77,634 people. Over a period of time population declined as growth in suburban areas drew people outside the City.

Attachment C is a map showing the density of people living in the City in 1950. The map indicates most Portland residents lived on the peninsula with a comparatively small number of people off-peninsula. This contrasts with present day where North Deering has the largest population of any neighborhood and 64 percent of the city's residents live off-peninsula. (1990 Census).

The latest Census count indicates Portland's population stands at 66,194 people (a 3 percent increase from 2000 to 2010) which is comparable to the population around World War I. Historically peninsula neighborhoods and housing were built with a higher density of people in mind. In earlier times, family sizes were larger thus there were more people per housing unit than present. Suburbanization and people having fewer children changed that. While the R-7 density is higher than the present R-6 density standard (see above) the fact remains there are now fewer people per unit occupying the City's housing stock. According to the 1950 Census the average Portland household (population per household) had 3.16 persons with several census tracts in Munjoy Hill having 3.43 persons per housing unit. Today the average household size in Portland is 2.07 (2010 Census). As we go back into time this disparity would likely increase. An R-7 designation may not necessarily translate into a significant increase in the total number of people living in a given residential building when compared to an earlier time in the neighborhood's history.

A review of the twelve R-7 rezonings listed in this report indicates only a couple projects that reached the maximum R-7 residential density and those required a conditional rezoning. R-7 zoning allows flexibility in building placement (more than the R-6) which may be more critical to developers than maximizing density to the R-7 limits. The R-7 does allow more density but there are other zoning provisions such as height, parking and setbacks that pose practical limits on density.

Clearly the automobile wasn't a factor at the turn of the 20th century but it is today. Automobile parking takes up space on a property occupying about 162 square feet for a standard parking space and up to 270 square feet in a formal parking lot with circulation factored in. Depending on the size of the site and number of units proposed, the amount of residual lot area available to accommodate parking may be limited. But there are other considerations. In an in-town location not everyone needs a car since public transportation is available and jobs, shopping and services are often within walking distance. The Planning Board is able to modify the normal one space per dwelling requirement in which parking demand is reduced through travel demand management programs, shared-use vehicles and other measures.

V. IMPLEMENTATION of R-7

Since the enactment of the R-7 zoning text in 1999 a number of R-7 map changes have been implemented on the peninsula. These rezonings and the subsequent housing developments provide a track record of how this zoning concept has worked. Generally these developments have been well received, contribute towards neighborhood revitalization, and blend in well with their surroundings.

The R-7 is a valuable tool to enhance infill development in a neighborhood. The present layout and pattern of residential development in many R-6 neighborhoods could not be replicated under the present R-6 zoning text. In many cases existing buildings constructed at the turn of the century (well before zoning) could not meet present day R-6 requirements such as minimum lot size, setbacks, lot coverage and density. It is precisely these building placement traits that contribute toward the physical character of a neighborhood. The R-7 on the other hand is more flexible which means building placement can reflect the traditional development pattern of a neighborhood.

Below is a list of R-7 rezonings. The column "Reason for Zone Change" refers to the reason why the developer sought out the more flexible provisions of the R-7 zone although there may be other considerations such as building placement that are not listed. Note several of these zone changes also included conditional zoning. Three of the R-7 rezonings have taken place in East Bayside including corner of Greenleaf and Monroe; corner of Smith and Oxford; corner of Cumberland and Anderson. The PHA proposal would be the largest R-7 rezoning to date.

Project	Land Area (sq. ft.)	Housing Units	Reason for Zone Change
Unity Village (Berman)	31,000	33	Density, setbacks
Greenleaf and Monroe (PROP)	10,833	9	Side yard and parking
Hanover (PROP)	3,820	3	Side yard and parking
Smith and E. Oxford (AVESTA)	14,790	20	Density
Cumberland/Anderson (PROP)	5,005	4	Parking, setback
Project	Land Area (sq. ft.)	Housing Units	Reason for Zone Change
Grant and Mellon (PROP)	18,980	16	???????
Valley and Gilmanton (AVESTA)	19,683	24	Density and parking
91 State Street (Butterfield)	8,548	10	Density and min. dwelling size
High on Danforth (CHOM)	7,656	30	Density and parking
66-68 High Street (CHOM)	23,797	38	Density and “lot coverage?”
Federal Street (Gan)	11,528	8	Parking, side yard
53 Danforth Street (Szanton)	16,470	43	Side yard, density, height,

VI. LAND USE POLICY

As stated the purpose of the R-7 Compact Urban Residential Overlay Zone is:

“To encourage and accommodate compact residential development on appropriate locations on the Portland peninsula, pursuant to the New Vision for Bayside element of the comprehensive plan and housing plans of the City of Portland. Sites suitable for in-city living should be within walking distance of downtown or other work places, shopping and community facilities and have access to public or private off-site parking or transit service. The intent of this zone is to foster increased opportunities for compact in-city living for owners and renters representing a variety of income levels and household types.

Locations for siting the R-7 zone are intended to be located on the peninsula of Portland, in the area encompassed in the Bayside plan, and other peninsula R-6 locations characterized by moderate to high density multi-family housing in a form and density exceeding that allowed in the R-6 Zone and where infill development opportunities exist; and areas on the peninsula with mixed business and residential zoning and uses which can accommodate higher density infill residential development without negatively impacting the existing neighborhood or adjacent properties...”

Housing: Sustaining Portland’s Future contains several goals which are applicable to this proposed map amendment. Chief among them is *Policy #1 Ensure an Adequate and Diverse Supply of Housing for All* which states:

“Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.”

- Objective 1.a. Ensure the construction of a diverse mix of housing types that offers a continuum of options across all income levels for both renter and owner-occupied.
- Objective 1.b. A variety of housing choices should be available such that no one should have to spend more than 30% of their income for housing.
Encourage and support Portland Housing Authority to become active in development of more housing.
- Objective 1.c: Encourage higher density housing for both rental and home ownership opportunities, particularly located near services, such as schools, businesses, institutions, employers, and public transportation.
Encourage higher density multi-family developments and mixed-use projects with housing, along major public transportation routes, near service areas, and in redevelopment or infill areas.

Objective 1.d: Increase Portland’s rental housing stock to maintain a reasonable balance between supply and demand yielding consumer choice, affordable rents, and reasonable return to landlords.

1.d.2 Evaluate and update current zoning, as needed, to eliminate barriers to the creation of rental housing . . .

Policy #5: Portland’s Comprehensive Plan encourages a manageable level of growth that will sustain the City as a healthy urban center in which to live and work and to achieve a shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the City by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

- *Objective 5.b: Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads exist or may be expanded at minimal costs.*

VII. CONSIDERATION OF LARGER MAP AMENDMENT AREA

Generally when the Board reviews a map change, the Board looks beyond the applicant's proposal to consider other adjacent areas that may also be appropriate candidates for a rezoning. This may result in the Board considering a larger geographic for the purposes of holding a public hearing which can be reduced in scope when the Board formulates its recommendation.

For the Board's consideration staff has outlined additional land area the Board may want to consider for purposes of holding a public hearing. These areas are shown on Attachment A and identified as blocks 1 to 7. Generally the blocks about the PHA campus or "fill out" a block that has PHA properties which seems to be a logical extension of a rezoning. For background information a listing of land area, land use and number of housing units for each R-6 zoned lot in East Bayside (for non-PHA properties) has been provided on Attachment B. This data has been organized by block so information on lots considered for rezoning (blocks 1 to 7) can be reviewed as well as other East Bayside blocks/lots outside the proposed rezoning (blocks 8 to 17). Similar information on PHA owned properties is shown in a different format on Attachment 7.

The PHA proposal is to rezone their campus. Considering a larger area for rezoning may complicate the rezoning process. PHA has a fairly ambitious schedule for the zone change and site review process in order to take advantage of funding opportunities. The additional rezoning area is relatively modest in size but if during the workshop or public hearing these additional properties compromise this schedule, we may need to uncouple these properties from the PHA request and follow a different schedule.

NEXT STEPS

1. The Board should determine the geographic area of the rezoning for the purposes of holding a public hearing.
2. Schedule a public hearing.

ATTACHMENTS

Staff Attachments

- A. Map of Potential Non-PHA Properties to Consider for R-7 Rezoning
- B. East Bayside Lot Size, Use and Density by Block (Non-PHA Properties)
- C. Portland Density Map of 1950

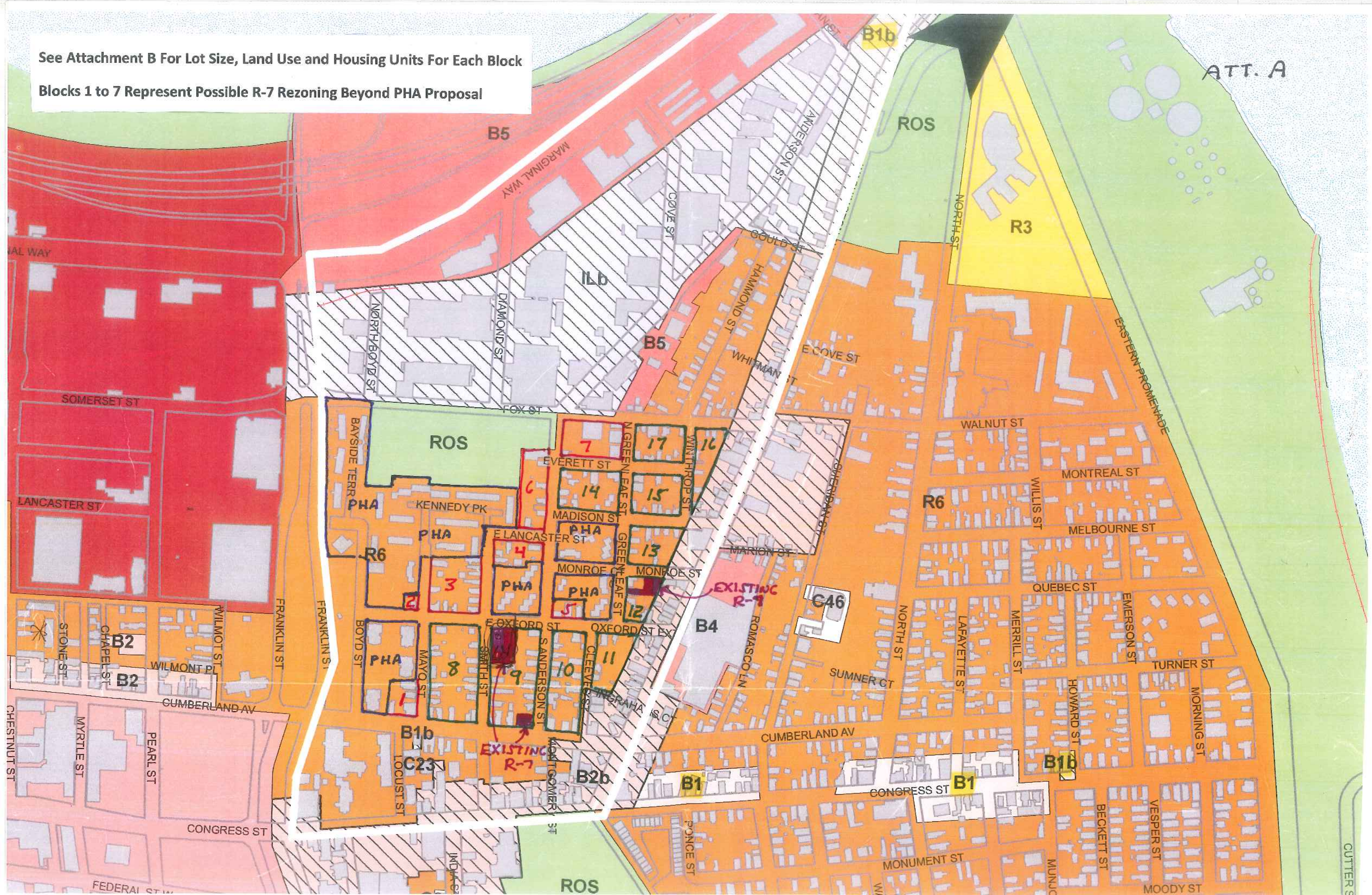
Application Submissions

- 1. Zone Change Application
- 2. Vicinity Map
- 3. List of PHA Properties to be Rezoned
- 4. Deeds (excerpt, remainder on file in Planning Offices)
- 5. Site Plan
- 6. Zone Change Map
- 7. PHA Campus Density
- 8. PHA Campus Parking Count
- 9. Bayside Anchor Ownership Info.
- 10. Neighborhood Meeting Notice (2-27-14)

See Attachment B For Lot Size, Land Use and Housing Units For Each Block

Blocks 1 to 7 Represent Possible R-7 Rezoning Beyond PHA Proposal

ATT. A



EAST BAYSIDE NON-PHA PROPERTIES BY BLOCK

Attachment B

CUMBERLAND-OXFORD-MAYO-BOYD BLOCK #1 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
165 Cumberland Ave. (2-6 Mayo St.)	22-H-26	4,200	12 (Ingraham House)
8-10 Mayo St.	22-H-28	1,815	2
12 Mayo St.	22-H-23	3,850	School (Owned by Charity)
171 Cumberland Ave.	22-H-24	3,080	Commercial
169 Cumberland Ave.	22-H-25	3,024	(Ingraham House)

OXFORD-BOYD-MAYO #2 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
36-40 Mayo St. (69-73 Oxford St.)	22-I-5, 6	4,340	1

OXFORD-MAYO-SMITH BLOCK #3 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
35-39 Mayo St. (65-67 E. Oxford St.)	22-I-19	2,600	3
41 Mayo St.	22-I-18	2,470	2
43 Mayo St.	22-I-14	2,692	Vacant
45 Mayo St.	22-I-13	2,886	Garage
49 Mayo St.	22-I-10	3,960	3
78 Smith St.	22-I-11	2,700	a
76 Smith St.	22-I-12	2,288	2
74 Smith St.	22-I-16	2,640	a
70 Smith St.	22-I-17	3,062	a
68 Smith St.	22-I-25	1,800	3
66 Smith St.	22-I-26	1,600	3
62 Smith St. (53-55 E. Oxford St.)	22-I-27	1,730	2
57 Oxford St.	22-I-22-24	3,641	Garage
61 R. Oxford St. (east)	22-I-15-28	4,353	Vacant

LANCASTER-SMITH-ANDERSON BLOCK #4 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
77 Smith St.	22-K-2	2,448	1
14-16 E. Lancaster St. (79-83 Smith St.)	22-K-20	3,408	1
10 E. Lancaster St.	22-K-3	3,907	2
2 E. Lancaster St./58-60 Anderson St.	22-K-4	5,266 Total for Both	1
6 E. Lancaster St. (58-60 Anderson St.)	22-K-4	0	1
12 E. Lancaster St.	22-K-1	2,192	1

OXFORD-ANDERSON-GREENLEAF-MONROE BLOCK #5 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
31 Oxford St.	13-B-8	3,200	3
27 Oxford St.	13-B-7	3,200	3
35 Oxford St. (37-41 Anderson St.)	13-B-6-13	2,895	3

ANDERSON-LANCASTER BY SOCCER FIELD BLOCK #6 (Adjacent to PHA)

Address	CBL	Lot Area in Sq. Ft.	Housing Units
74-76 Anderson St.	23-B-13-33	4,800	1
78 Anderson St.	23-B-11	1,500	Vacant
80-82 Anderson St.	23-B-7-9	5,700	2
86 Anderson St.	23-B-3	5,550	1
90 Anderson St.	23-B-32	6,080	City Building
1-7 Lancaster St./Anderson St.	23-B-21	8,400	1

FOX-ANDERSON-EVERETT-GREENLEAF #7

Address	CBL	Lot Area in Sq. Ft.	Housing Units
89-99 Anderson St. (Everett and Fox Sts.)	12-I-1	20,440	Commercial
29 Everett St.	12-K-5	2,920	Commercial
42-52 Greenleaf St.	12-I-2	11,592	15

CUMBERLAND-OXFORD-MAYO-SMITH BLOCK #8

Address	CBL	Lot Area in Sq. Ft.	Housing Units
5 Mayo St.	22-J-23	2,283	3
9 Mayo St.	22-J-19	2,390	2
11 Mayo St.	22-J-16	3,300	2
13 Mayo St.	22-J-12-15 (Unit 1)	9,460	1
13 Mayo St.	22-J-12-15 (Unit 2)	0	1
15 Mayo St.	22-J-12-15 (Unit 3)	0	1
21 Mayo St.	22-J-11	3,955	1
23 Mayo St.	22-J-8-0	4,286	1
66 Oxford St. (27-79 Mayo St.)	22-J-1-2-4-33 (Unit 1)	7,181	1
68 Oxford St. (27-79 Mayo St.)	22-J-1-24-33 (Unit 2)	0	1
52-58 Oxford St. (56-58 Smith St.)	22-J-5-6	5,743	1
48-52 Smith St.	22-J-7-10	5,419	2
44-46 Smith St.	22-J-13	3,182	2
42 Smith St.	22-J-14	3,495	2
38 Smith St.	22-J-18	3,002	2
36 Smith St.	22-J-21	3,002	3
32-34 Smith St.	22-J-20-22	4,156	1
149 Cumberland Ave. (Corner of Mayo St.)	22-J-29	1,700	4
151 Cumberland Ave.	22-J-28	2,156	3
155 Cumberland Ave.	22-J-26	3,569	3
151 Cumberland Ave.	22-J-28	2,156	3
153-155 Cumberland Ave.	22-J-27	3,283	Vacant

CUMBERLAND-OXFORD-SMITH-ANDERSON BLOCK #9

Address	CBL	Lot Area in Sq. Ft.	Housing Units
145-147 Cumberland Ave. (27-31 Smith St.)	22-L-17	3,180	4
141-143 Cumberland Ave.	22-L-18	2,790	3
139 Cumberland Ave. (2-6 S. Anderson St.)	22-L-19-20-21	4,870	4
8 Anderson St.	22-L-24	2,712	1
10-12 Anderson St.	22-L-15	2,995	1
14 Anderson St.	22-L-13	3,272	3
16-18 Anderson St.	22-L-12	3,635	3
20-22 Anderson St.	22-L-8-9	4,447	1
24-26 Anderson St.	22-L-7-25	3,676	3
28-32 Anderson St. (36-42 Oxford St.) Condo #1	22-L-4-22-23	0	1
28-32 Anderson St. (36-42 Oxford St.) Condo #2	22-L-4-22-23	0	1
28-32 Anderson St. (36-42 Oxford St.) Condo #3	22-L-4-22-23	0	1
33 Smith St.	22-L-16	4,000	3
35-37 Smith St.	22-L-14	5,643	4
39-41 Smith St.	22-L-11	4,900	2
43-45 Smith St.	22-L-10	5,000	2
47-55 Smith St. (48-50 Oxford St.)	22-L-1-2-3-6-26-27	14,600	20

CUMBERLAND-OXFORD-ANDERSON-CLEEVES BLOCK #10

Address	CBL	Lot Area in Sq. Ft.	Housing Units
119-121 Cumberland Ave. (2-6 Cleeve St.)	13-D-17	1,896	3
123 Cumberland Ave.	13-D-16	5,057	3
127 Cumberland Ave.	13-D-15	2,312	4
5 Anderson St.	13-D-14	1,512	Vacant
7-9 Anderson St.	13-D-13	2,075	3
11 Anderson St.	13-D-12	1,525	3
13-15 Anderson St.	13-D-10	1,025	3
17-19 Anderson St.	13-D-8	3,157	3
23 Anderson St.	13-D-6	2,450	2
25 Anderson St.	13-D-5	2,457	1
27 Anderson St.	13-D-3	2,531	1
34 Oxford St.	13-D-1	3,548	4
29-31 Anderson St.			
8-10 Cleeve St.	13-D-18	5,833	1
12-16 Cleeve St.	13-D-11	3,288	3
18-20 Cleeve St.	13-D-9	3,540	3
22-24 Cleeve St.	13-D-7	3,554	3
26-28 Cleeve St.	13-D-4	2,252	Vacant

OXFORD-CLEEVE BLOCK #11

Address	CBL	Lot Area in Sq. Ft.	Housing Units
15 Cleeve St.	13-E-17	3,039	1
17-19, 21 Cleeve St.	13-E-21	1,105	1
23 Cleeve St.	13-E-14	1,454	1
23-25 Cleeve St.	13-E-9	1,013	Vacant
25-31 Cleeve St.	13-E-1-8	6,996	3
18 Oxford St.	13-E-2	1,618	1

OXFORD-GREENLEAF-MONROE BLOCK #12

Address	CBL	Lot Area in Sq. Ft.	Housing Units
6-10 Monroe St.	13-C-4	2,523	2
12-14 Monroe St.	13-C-2	5,102	3
9-11 Greenleaf St.	13-C-15	3,258	3
15 Greenleaf St. (16-20 Monroe St.)	13-C-15	3,280	3
1-7 Greenleaf St. (13-15 Oxford St.)	13-C-8	4,113	1
5-7 Oxford St.	13-C-10	4,800	2
9-11 Oxford St.	13-C-9	5,161	1

GREENLEAF-MONROE-MADISON BLOCK #13

Address	CBL	Lot Area in Sq. Ft.	Housing Units
12-14 Madison St.	12-O-5	3,200	1
16 Madison St.	12-O-4	3,120	1
18 Madison St.	12-O-3	2,480	2
22 Madison St.	12-O-2	2,480	4
25-27 Greenleaf St. (24-26 Madison St.)	12-O-1	2,960	3
23 Greenleaf St.	12-O-11	1,800	2
21 Greenleaf St. (17-21 Greenleaf/17-21 Monroe Sts.)	13-A-1-2	5,644	1
13 Monroe St.	13-A-4	2,400	1
15 Monroe St.	13-A-3	2,400	Vacant

ANDERSON-MADISON-GREENLEAF-EVERETT BLOCK #14

Address	CBL	Lot Area in Sq. Ft.	Housing Units
26 Everett St.	12-L-3	4,800	Garage
30 Everett St.	12-L-2	2,384	1
40 Greenleaf St. (20-24 Everett St.)	12-L-4-5	3,710	3
34 Greenleaf St.	12-L-11	1,120	1
32 Greenleaf St.	12-L-12	1,120	1
37 Madison St.	12-L-10	2,400	1
39 Madison St.	12-L-9	2,400	Vacant
41 Madison St.	12-L-8	2,400	Vacant
43-45 Madison St.	12-L-13	1,800	1
71-73 Anderson St. (47 Madison St.)	12-L-12	1,424	1
77 Anderson St.	12-L-7	3,200	1
79 Anderson St.	12-L-6	3,224	1
83 Anderson St.	12-L-1	3,200	2

MADISON-GREENLEAF-EVERETT-WINTHROP BLOCK #15

Address	CBL	Lot Area in Sq. Ft.	Housing Units
13 Madison St.	12-M-10	2,409	1
15-17 Madison St.	12-M-9	2,400	1
19 Madison St.	12-M-8	2,395	1
21 Madison St.	12-M-7	3,120	1
23-25 Madison St.	12-M-6	2,725	1
31 Greenleaf St. (27 Madison St.)	12-M-5	2,865	2
37-41 Greenleaf St. (12-16 Everett St.)	12-M-10	6,370	7
8-10 Everett St.	12-M-2	3,200	1
12 Winthrop St. (2-6 Everett St.)	12-M-3	3,200	1
8-10 Winthrop St.	12-M-4	3,200	Vacant

FOX-WINTHROP-MADISON BLOCK #16

Address	CBL	Lot Area in Sq. Ft.	Housing Units
18 Fox St.	12-K-21	1,331	1
14-16 Fox St.	12-K-2	1,998	1
10-12 Fox St.	12-K-3	3,446	1
20-22 Fox St. (23-27 Winthrop St.)	12-K-1	2,795	Vacant
19 Winthrop St.	12-K-7	3,196	1
13-15 Winthrop St.	12-K-12-14	6,348	1
11 Winthrop St.	12-K-23	1,400	Vacant
9 Winthrop St.	12-K-16	2,245	1
7 Winthrop St.	12-K-17	2,201	Vacant
5 Winthrop St.	12-K-19	1,932	1

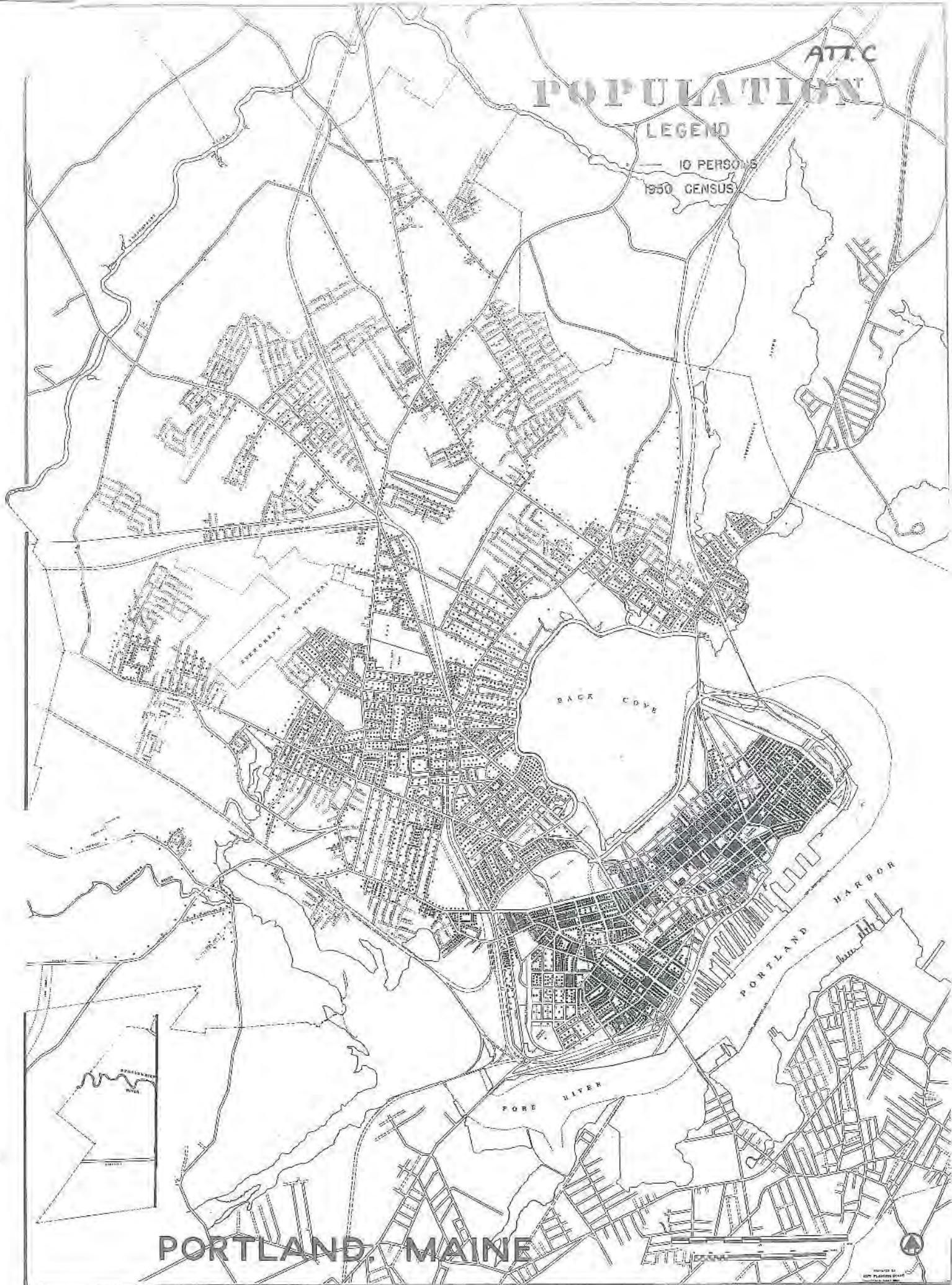
FOX-GREENLEAF-WINTHROP-EVERETT BLOCK #17

Address	CBL	Lot Area in Sq. Ft.	Housing Units
32 Fox St.	12-J-4-5	4,095	1
34-36 Fox St.	12-J-3	3,288	4
38 Fox St.	12-J-2	1,588	1
40 Fox St. (49-53 Greenleaf St.)	12-J-1	1,174	1
15 Everett St. (43-47 Greenleaf St.)	12-J-7	2,400	1
13 Everett St.	12-J-8	2,400	1
9-11 Everett St.	12-J-9	2,400	1
5 Everett St.	12-J-11	3,120	1
22 Winthrop St.	12-J-12	2,440	1
26-28 Winthrop St. (26 Fox St.)	12-J-6	2,080	1

ATTC POPULATION

LEGEND

10 PERSONS
1950 CENSUS



PORTLAND, MAINE

REPRODUCED BY
ATTC Planning Group



ATT 1-A

COMMISSIONERS

Tom Valleau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

Ms. Barbara Barhydt
Planning Division
City Hall 4th Floor
389 Congress Street
Portland, ME 04101

February 4, 2014

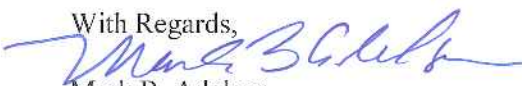
Dear Barbara,

On behalf of Portland Housing Authority and the Portland Housing Development Corporation we are pleased to submit this Application for a Zone Map Change associated with our properties in East Bayside. We are proposing the Portland Zoning Map be modified to shift our East Bayside properties which are currently in the R-6 Residential Zone District to the R-7 Residential Zone District. These properties include approximately 164 units of affordable rental apartments including our Public Housing developments of Bayside Terrace, Bayside East, and Kennedy Park, and the Development Corporation's property at 47-49 Boyd Street. The R-7 zone will allow increased flexibility and density as PHA and PHDC begin planning for future renovation and expansion of its properties within the East Bayside neighborhood.

This change is also in response to a new project that we are proposing named Bayside Anchor, which is located at the corner of Boyd and Oxford Streets. This project will complement the existing PHA properties and contain 45 new residential apartments, along with non-residential space including a relocated Head Start program, a neighborhood policing office, and administrative offices for PHA. The proposed program does not fit within the R-6 Zoning requirements, and rather than request a Zone change just for this particular property it seems logical to look at a larger zone that encompasses much of the neighborhood.

Attached and made part of this Application are the signed Application Form, Application Fee, and supporting documents and exhibits. We welcome the opportunity to begin the discussion with the Planning Staff and Planning Board on this project and look forward to working closely with you as this proposal moves forward. Please contact myself or Patrick Carroll if you have any questions or need additional information.

With Regards,


Mark B. Adelson,
PHA Executive Director and PHDC President

Enc.

CC: Seth Parker, Avesta Housing
Brooks More, Avesta Housing
Jesse Thompson, Kaplan Thompson Architects
Patrick Carroll, Carroll Associates



Zoning Map/Text Amendment Application Portland, Maine

Planning and Urban Development Department
Planning Division and Planning Board

Portland's Planning and Urban Development Department coordinates the development review process for requests for zoning map amendments, zoning text amendments and contract or conditional rezoning. The Division also coordinates site plan, subdivision and other applications under the City's Land Use Code. The **Application Process for a Zone Change** is summarized below under Section I and the associated costs for reviews are found under Section II, **Development Review Fees, Public Notices and Guarantees**, and are listed on the fee structure sheet.

I. APPLICATION SUBMITTAL

Pre-application meeting

Prior to submitting a zoning amendment application, the Planning Division recommends that the applicant or the designated representative schedule a pre-application meeting to discuss the review process and applicable standards for a proposal. Please contact Barbara Barhydt, Development Review Services Manager at 874-8699 to schedule a meeting.

Zoning Amendment Application

All plans and written application materials must be uploaded to a website for review. At the time of application, instructions for uploading the plans will be provided to the applicant. One paper set of the plans, written materials and application fee must be submitted to the Planning Division Office to start the review process.

- Submit one (1) complete paper set of the zoning amendment application with a concept plan and a written narrative. Contract and conditional rezoning applications must include 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. Applications may be submitted between 8 a.m. and 4:30 p.m. Monday through Friday at the Planning Division on the 4th floor of City Hall, 389 Congress Street, Portland.
- All applications are processed in the order in which they are received.
- In order for the Planning Division's Administrative Staff to accept and log-in an application, the application form must be complete, it shall be signed by the applicant's or the applicant's designated representative, and all applicable fees paid at the time of submittal.
- The Land Use Code is available on the City's website at www.portlandmaine.gov.
- If the application is found to be incomplete, the applicant will be informed in writing of the required plans and materials.

II. DEVELOPMENT REVIEW FEES, PUBLIC NOTICES AND GUARANTEES

Zoning Application Fees

- Each application must be submitted with the applicable fees as listed in the fee structure on page 4. The fees cover general administrative processing costs.
- Application fees may be paid in cash or by check (addressed to the City of Portland).
- An application will not be processed without the required application fees.

Fee for City Review Services

- The City of Portland charges fees for service to cover the cost of reviews by Planning and Legal staff members. The charges will be billed at an hourly rate and will be invoiced monthly for reimbursement.
- Current billing rates: Planning services, \$40.00/ hour and Legal services: \$75.00/hour.

Fee for Third Party Review

- Portland contracts with local engineering firms to conduct engineering reviews of development proposals. The direct cost of all engineering services or third-party consultant reviews, such as the civil engineering review of stormwater management plans, traffic impact reviews and such other reviews as required under the City's Ordinances, will be included in the monthly invoices for reimbursement.

Public Notices

- Public notices must be sent to property owners within 500 for all proposals at the time an application is received. Zoning map amendments for Industrial zones require notices to be sent to property owners within 1,000 feet.
- In advance of a Planning Board workshop or public hearing, public notices for projects must be sent to property owners and are posted in a legal ad in the Portland Press Herald and on the City's web site.
- In addition, zoning map amendments, text amendments and conditional rezoning agreements require individual notices to be posted in the Portland Press Herald.
- The Planning Division mails public notices and posts notices in the newspaper. The applicant will be billed for actual or apportioned costs for advertising and sending mailed notices.
- The applicant is required to hold a neighborhood meeting under the City's regulations for zone change requests. The mailing labels must be purchased from the Planning Division for the neighborhood meeting invitation. A request for labels requires a minimum of two business days to generate the mailing labels and a charge of \$1.00 per sheet will be payable upon receipt of the labels.

Third Party Review Fees

- Engineer and Third Party Review Fees - The fees are assessed by the Consulting Engineers and Third Party Reviewers.
- Inspection Fee - This fee is 2% of the Performance Guarantee or as assessed by Planning or Public Works Engineer with \$300.00 being the minimum.

Noticing/Advertisements Planning Board/City Council Review

- Legal Advertisement: Percent of total bill
- Notices: .75 cents each
(notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council)

Planning Division
Fourth Floor, City Hall
389 Congress Street
(207) 874-8721 or 874-8719

Office Hours
Monday thru Friday
8:00 a.m. – 4:30 p.m.

PROJECT ADDRESS: East Bayside Neighborhood - various parcels and addresses bounded by the following streets, Cumberland, Boyd, Fox, Mayo, Oxford, Smith, East Lancaster, Anderson, Monroe Court and Greenleaf.

CHART/BLOCK/LOT: See Attachment B- listing of affected properties

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Proposed change from R6 to R7 zoning to allow future renovation and infill development of residential properties currently controlled by Portland Housing Authority (PHA) and the Portland Housing Development Corp. (PHDC), which are co-applicants, including Bayside Terrace, Bayside East, Kennedy Park, 47-49 Boyd Street, and the proposed Bayside Anchor Project (currently under design).

CONTACT INFORMATION:

		Applicant's Contact for electronic plans	
		Name:	Patrick Carroll
		e-mail Address	pcarroll@carroll-assoc.com
		work #	207-772-1552
Applicant – must be owner, Lessee or Buyer		Applicant Contact Information	
Name: Mark Adelson		Work #	207-773-4753
Business Name, if applicable: Portland Housing Authority		Home#	
Address: 14 Baxter Boulevard		Cell #	Fax# 207-774-6471
Portland, ME 04101		e-mail: madelson@porthouse.org	
City/State : Zip Code:			
Owner – (if different from Applicant)		Owner Contact Information	
Name: Co-applicants: Portland Housing Authority and Portland Housing Development Corporation		Work #	
Address: Attn: Mark Adelson		Home#	
14 Baxter Boulevard		Cell #	Fax#
City/State : Portland, ME 04101 Zip Code:		e-mail:	
Agent/ Representative		Agent/Representative Contact information	
Name: Patrick Carroll		Work #	207-772-1552
Carroll Associates			207-329-8976
Address: 217 Commercial Street, Suite 200		Cell #	pcarroll@carroll-assoc.com
Portland, ME 04101 Zip Code:		e-mail:	
Billing Information		Billing Information	
Name: Mark Adelson		Work #	207-773-4753
Portland Housing Authority		Cell #	Fax# 207-774-6471
Address: 14 Baxter Boulevard		e-mail: madelson@porthouse.org	
Portland, ME 04101 Zip Code:			
Engineer		Engineer Contact Information	
Name: John Mahoney		Work #	207-772-2891
Ransom Consulting, Inc.		Cell #	207-831-6165 Fax# 207-772-3248
Address: 400 Commercial Street, Suite 404		e-mail: john.mahoney@ransomenv.com	
Portland, ME 04101 Zip Code:			

Surveyor Name: Owen Haskell, Inc 390 US Route 1, Unit 10 Address: Falmouth, ME 04105 City/State : Zip Code:	Surveyor Contact Information Work # 207-774-0424 Cell # Fax# e-mail: jswan@owenhaskell.com
Architect Name: Jesse Thompson Kaplan Thompson Architects Address: 424 Fore Street Portland, ME 04101 City/State : Zip Code:	Architect Contact Information Work # 207-842-2888 Cell # Fax# e-mail: jesse@kaplanthompson.com
Attorney Name: Gary Vogel Drummond Woodsum Address: 84 Marginal Way Portland, ME 04101 City/State : Zip Code:	Attorney Contact Information Work # 207-253-0518 Cell # Fax# 207-772-3627 e-mail: gvogel@dwmlaw.com

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

See Attachment C- Right Title and Interest

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.) See Attachment A

Existing Use: Describe the existing use of the subject property:

The properties are currently developed for rental apartments. A total of 164 dwelling units currently exist within the boundary area. Additionally, there are minor community based non-residential uses that occur on several parcels, including a Head Start program, Administrative Offices and Community Police Department Office. The properties in this neighborhood have been developed by PHA over the past 30+ years and provide affordable housing for a significant population in Portland.

Current Zoning Designation(s):

Properties are all currently zoned R-6 Residential

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 properties are proposed for rezoning from R-6 to R-7 to better provide for future development of new housing and renovation of existing facilities and apartments and better management of existing housing units. One project is currently proposed within the PHA holdings, Bayside Anchor, consists of new construction of 45 rental apartments and relocation of the Head Start, Portland Police, and PHA administrative offices proposed to be located on land at the corner of Oxford and Boyd Streets. Additional renovation and expansion projects will likely occur in these neighborhood over the next few years depending on availability of funding and tenant demand.

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.

See Attachment D, Bayside Anchor Conceptual Site Plan
Attachment E, Proposed Zone Map Boundary Change

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment <u> X </u> \$2,000.00 (from <u> R6 </u> zone to <u> R7 </u> zone) Zoning Text Amendment <u> </u> \$2,000.00 (to Section 14- <u> </u>) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (example) and language to be added is depicted as underline (example)) Combination Zoning Text Amendment and Zoning Map Amendment <u> </u> \$3,000.00 Conditional or Contract Zone <u> </u> \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed 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. Please refer to Division 1.5, Sections 14-60 to 62.)	Fees Paid (office use) <u> </u> <u> </u> <u> </u> <u> </u>	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
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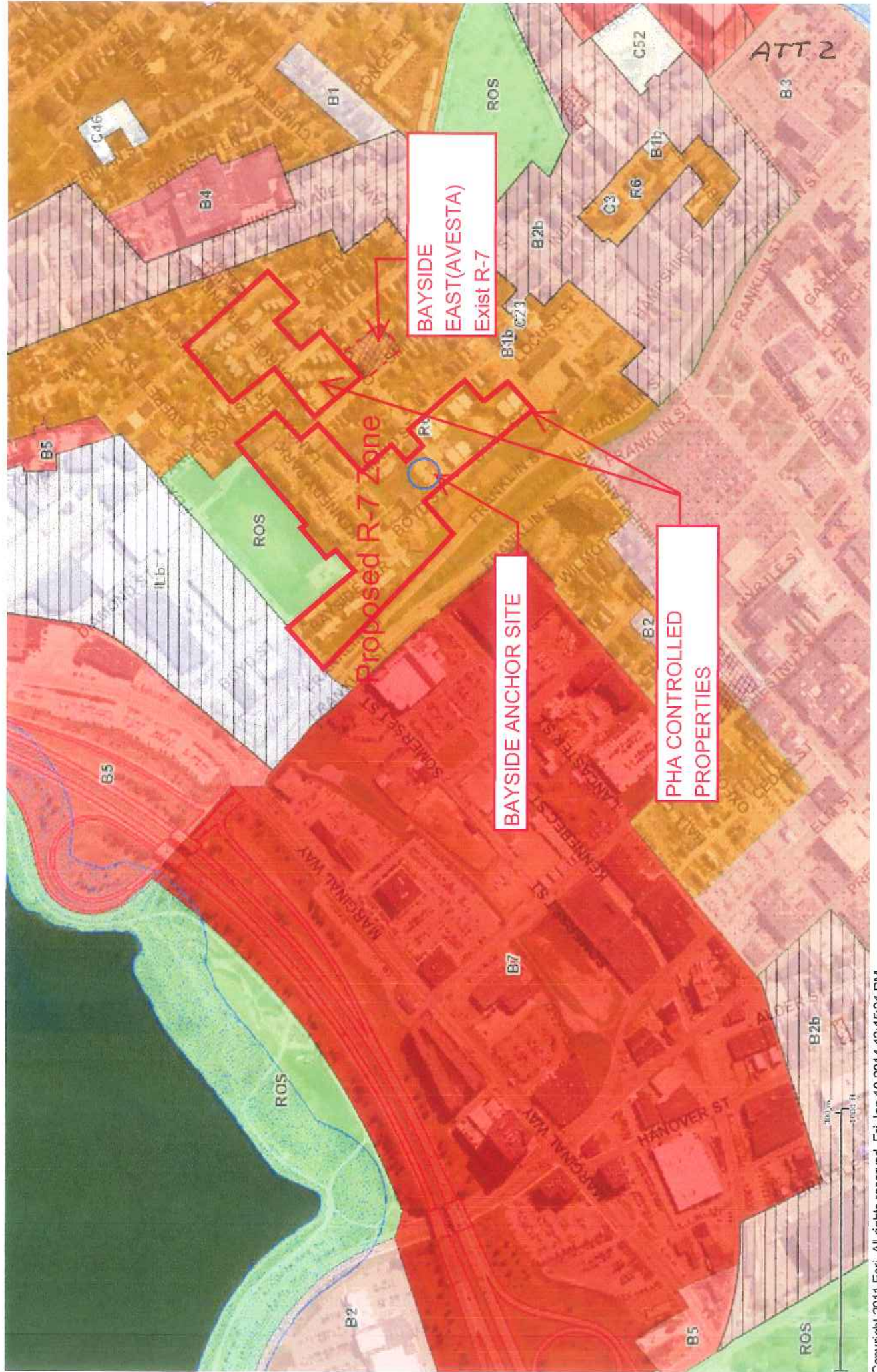
Signature of Applicant: 	Date: <u> 2/4/14 </u>
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Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

Potential R-7 Rezoning

Attachment
Vicinity Map



East Bayside Rezone Request
List of Affected Properties

The following properties are included in the proposed Rezone Request:

Bayside East

Map 12 R 001
Map 13 N 001
Map 13 B 001
Map 13 B 002
Map 22 H 001
Map 22 K 007

Bayside Terrace

Map 24 B 006
Map 24 B 008

Kennedy Park

Map 22 I 030
Map 23 B 030
Map 23 B 031

Other Properties

Map 22 I 001
Map 22 I 003
Map 22 I 004
Map 22 I 009
Map 22 F 001

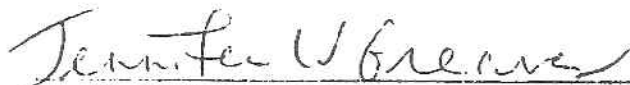
Warranty Deed

MOONSTONE PROPERTIES LLC, also known as Moonstone Properties, LLC, a Maine limited liability company with a mailing address of 661 Allen Avenue, Portland, ME 04103, for consideration paid, grants to **Portland Housing Development Corporation**, a Maine Corporation with a mailing address of 14 Baxter Boulevard, Portland, ME 04101, with **WARRANTY COVENANTS**, a certain parcel situated in the City of Portland, in the County of Cumberland, and State of Maine, bounded and described as follows, to wit:

See Attached Exhibit A

Meaning and intending to describe the same premises conveyed by Quitclaim Deed Without Covenant from Synergy Properties, LLC to Moonstone Properties, LLC dated and recorded November 15, 2012 in the Cumberland County Registry of Deeds in Book 30131, Page 245.

In Witness Whereof, the said Jennifer W. Greaves, in her capacity as Sole Manager and Member of Moonstone Properties LLC, has set forth her hand this 12th day of March, 2013.



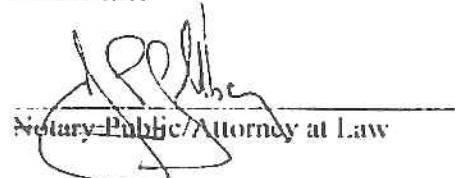
Jennifer W. Greaves, Sole Manager and Member
Moonstone Properties LLC
Duly Authorized Thereunto

STATE OF MAINE
CUMBERLAND, ss.

March 12, 2013

Then personally appeared the above-named Jennifer W. Greaves, in her capacity as sole member and manager of Moonstone Properties LLC and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of Moonstone Properties LLC.

Before me,


Notary Public/Attorney at Law

JONATHAN L. GOLDBELLY

MAINE REAL ESTATE TAX PAID

EXHIBIT A

47-49 Boyd Street, Portland, ME

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland, and State of Maine bounded and described as follows:

Beginning at a point on the easterly side of Boyd Street, said point being situated one hundred thirty-five and fifty-eight hundredths (135.58) feet northerly from the intersection of said line of Boyd Street with the northerly line of Oxford Street; thence easterly by a line parallel to Lancaster Street one hundred eight (108) feet to Boyd line, so-called; thence northerly by said Boyd line fifty (50) feet, more or less, to a point; thence westerly by a line parallel to Lancaster Street one hundred eight (108) feet to Boyd Street; thence by said Boyd Street to the point begun at.

Also another certain lot or parcel of land with the buildings thereon, situated in said Portland, and bounded and described as follows:

Beginning at a stake in the northeasterly sideline of Boyd Street nineteen (19) feet from the house on Boyd Street formerly owned by Samuel H. Colesworthy and Joseph C. Colesworthy; thence running southeasterly along the said sideline of Boyd Street thirty (30) feet to land formerly of Samuel H. Colesworthy, being the northwesterly corner of the first parcel above; thence northeasterly along said first parcel above, formerly of said Colesworthy; thence by said Colesworthy land northwesterly thirty (30) feet to the other land formerly of said Colesworthy; thence sixty (60) feet to the point of beginning. Excepting and reserving however, that portion of said parcel conveyed by Cumberland Savings and Loan Association to Florence S. F. Hooper by deed dated June 23, 1943, and recorded in the Cumberland County Registry of Deeds in Book 1720, Page 96.

Also another certain lot or parcel of land, situated in the rear of Boyd Street in said Portland, bounded and described as follows:

Beginning at the northeasterly corner of a lot of land conveyed by Cumberland Savings and Loan Association to Florence S. F. Hooper by deed dated June 23, 1943, at a point on the division line between the northeasterly sideline of said Association's land and the southwesterly sideline of said Hooper's land; thence northeasterly on a prolongation of the southeasterly side of the premises conveyed by said Association to said Hooper by the aforementioned deed forty-eight (48) feet, more or less, to the northeasterly sideline of land of said Hooper; thence southeasterly along the northeasterly sideline of said Hooper's land fifteen (15) feet to a point in the southeasterly sideline of said Hooper's land; thence southwesterly along the last named bound forty-eight (48) feet, more or less, to the division line between the northeasterly sideline of said Association's land and the southwesterly sideline of said Hooper's land; thence northwesterly along said last named division line fifteen (15) feet, more or less, to the point of beginning.

Received
Recorded Register of Deeds
Mar 12, 2013 03:35:55P
Cumberland County
Famela E. Lovley

032817

43BOYD.QUI.DED.1
04.16.97

197

QUITCLAIM DEED

KNOW ALL PERSONS BY THESE PRESENTS, that the City of Portland a body politic and corporate in the County of Cumberland, State of Maine, in consideration of one dollar (\$1.00) and other valuable consideration paid by Portland Housing Authority, a quasi-municipal corporation of Portland, County of Cumberland, State of Maine, the receipt whereof is hereby acknowledged, does hereby remise, release, bargain, sell and convey and forever quitclaim to the said Portland Housing Authority, its successors and assigns, a certain lot or parcel of land described in Schedule A, attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, the said City of Portland has hereunto caused this instrument to be signed by Duane G. Kline, its duly authorized Director of Finance, this 16th day of April, 1997.

Henrik F. Paulson
Witness

CITY OF PORTLAND

By: Duane G. Kline
Director of Finance

STATE OF MAINE
CUMBERLAND, ss.

April 16, 1997

Personally appeared the above-named Duane G. Kline, in his capacity as the Director of Finance of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,

Henrik F. Paulson
Notary Public/Attorney at Law

Printed Name

JENNIFER L. BARCOCK
Notary Public, Maine
My Commission Expires 6-26-03

43BOYD.QUI.DED.1
04.16.97

SCHEDULE A

A certain lot or parcel of land known as Tax, Map and Lot 22-I-4 as shown on the maps of the Tax Assessor for the fiscal year 1997.

Meaning and intending to convey the interest acquired by the Grantor by virtue of a real estate tax lien filed in the Cumberland County Registry of Deeds on June 15, 1992 in Book 10118, Page 126; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 11, 1993 in Book 10756, Page 176; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 7, 1994 in Book 11473, Page 226; a real estate tax lien filed in the Cumberland County Registry of Deeds on June 8, 1995 in Book 11952, Page 010; and a real estate tax lien filed in the Cumberland County Registry of Deeds on June 19, 1996 in Book 12570, Page 206.

RECEIVED
CLERK OF DEEDS

1997 JUN 20 PM 1:31

CUMBERLAND COUNTY

John B. O'Brien

4-15

VERRILL
&
DANA^{LLP}
Attorneys at Law

CHRISTOPHER J.W. COGGESHALL
PARTNER
ccoggeshall@verrilldana.com
Direct 207-253-4502

ONE PORTLAND SQUARE
PORTLAND, MAINE 04112-0586
207-774-4000 • FAX 207-774-7499
www.verrilldana.com

May 14, 2002

Peter A. Howe, Executive Director
Portland Housing Authority
14 Baxter Boulevard
Portland, Maine 04101

Re: Property Deeds

Dear Peter:

In accordance with your request, we have reviewed the records in the Cumberland County Registry of Deeds and identified the deeds by which Portland Housing Authority acquired property between 1968 and 1974.

Enclosed are copies of the following deeds which occurred during that period:

Kellogg Street, Portland, Maine

Book 3090, Page 105, from Antonio J. Amoroso, et al.
Book 3102, Page 397, from Charles A. Brown, et al.
Book 3112, Page 239, from Fay Avrech
Book 3112, Page 240, from Beatrice M. Star, et al.
Book 3120, Page 368, from Portland Renewal Authority (four parcels)

West End - Dermot Court, Clark Street, Danforth Street and Emery Street, Portland, Maine

Book 3176, Page 103, from Housing Opportunities, Inc. (Dermot Court and Clark Street)
Book 3198, Page 97, from F. D. Rich Housing Corp. (Danforth and Emery Streets)

East Deering Area, Portland, Maine

Book 3150, Page 101, from City of Portland (Cummings, Front and Presumpscot Streets)
Book 3196, Page 834, from Stirling Homex Corporation (Cummings, Front and Presumpscot Streets)
Book 3459, Page 186, from F. D. Rich Housing Corp. (Presumpscot and Sherwood Streets and Washington Avenue)

Peter A. Howe, Executive Director
May 14, 2002
Page 2

4-F

Forest Avenue and Maine Turnpike Area, Portland, Maine

Book 3280, Page 329, from F. D. Rich Housing Corp. (19.86 acres)

South of Cumberland Avenue, East of Franklin and West of Washington Avenue, Portland, Maine

Book 3129, Page 374, from Portland Renewal Authority (12 small parcels)

Book 3096, Page 206, from King E. Butland (Greenleaf Street)

Please give me a call if you have any questions.

Sincerely,

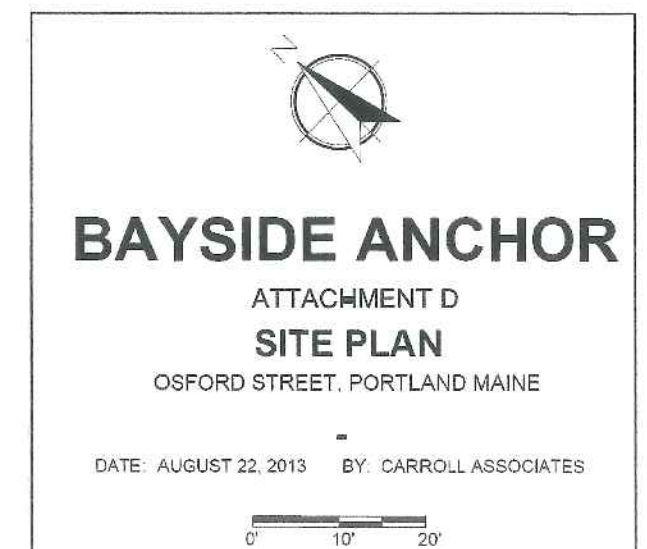
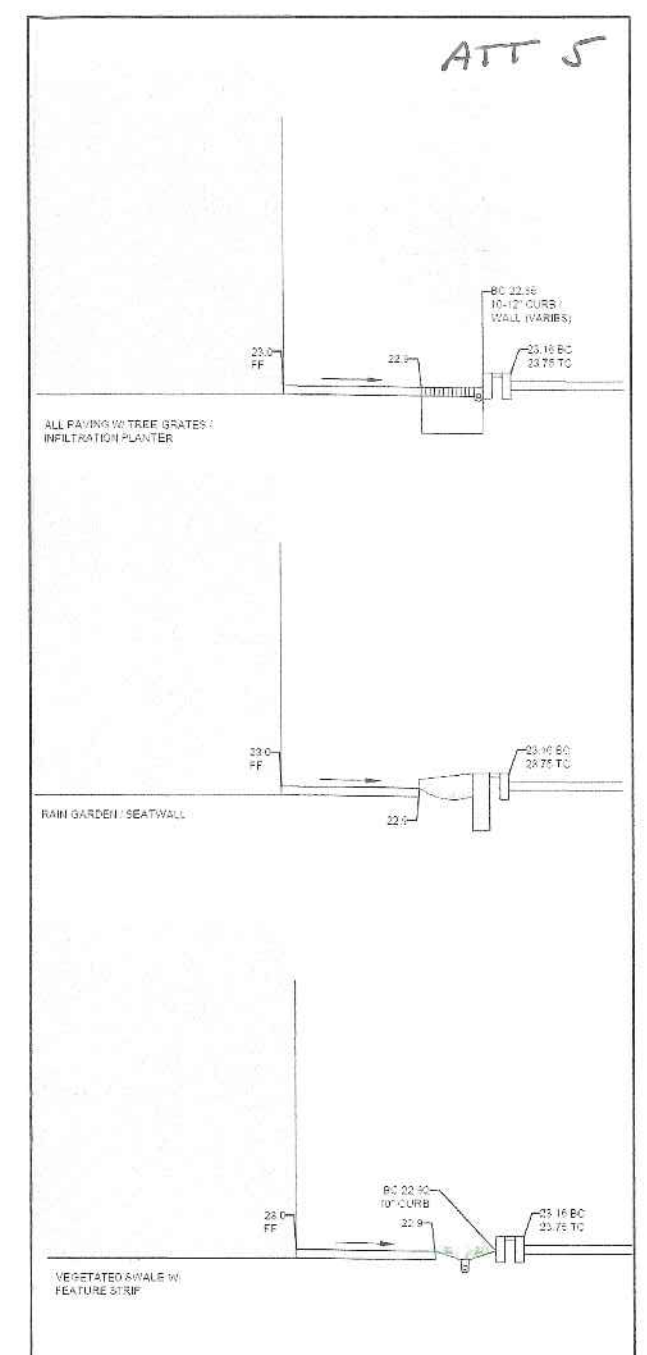
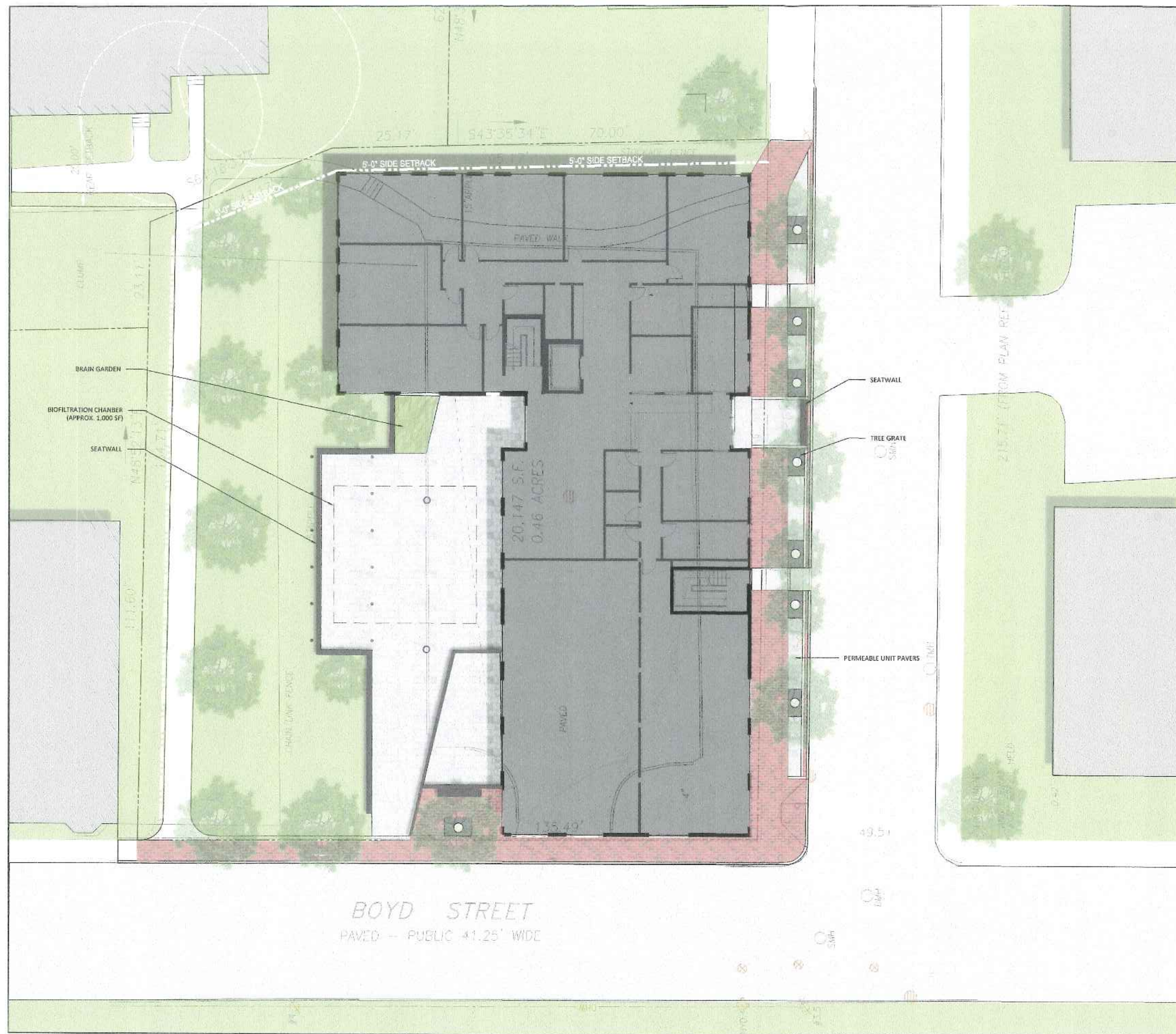


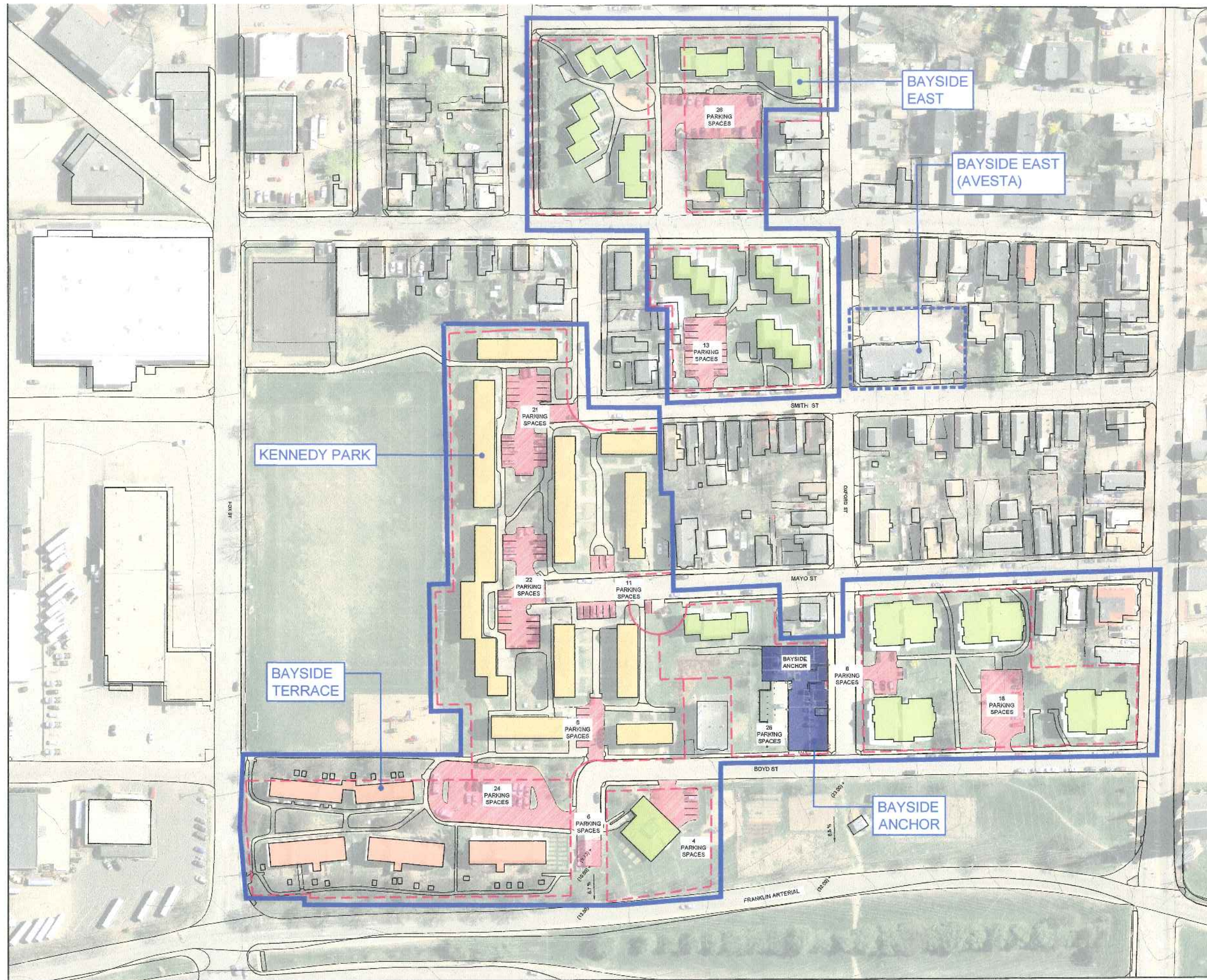
Christopher J.W. Coggeshall

CJWC:emp

Enclosures

P:\CJWC\LETTERS\Howe 051402.doc





LEGEND		ATT. 6
	EXISTING PARKING	
	KENNEDY PARK	
	BAYSIDE TERRACE	
	BAYSIDE EAST	
	BAYSIDE ANCHOR	
	PHA LAND HOLDINGS	



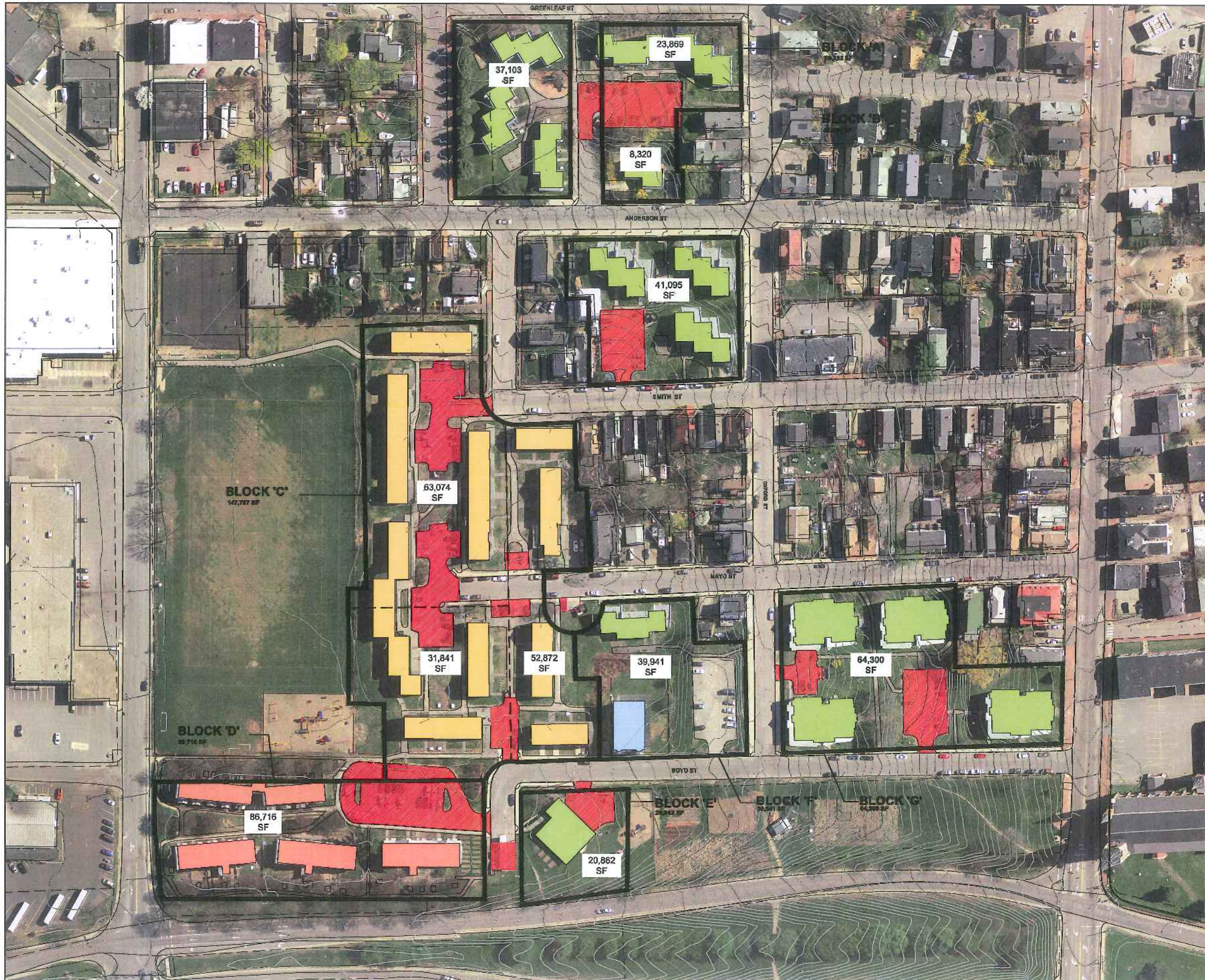
EAST BAYSIDE PROPERTIES

PROPOSED ZONE MAP CHANGE
OXFORD STREET, PORTLAND MAINE

ATTACHMENT 'E'

DATE: FEBRUARY 4, 2014 BY: CARROLL ASSOCIATES

0' 60' 120'



LEGEND

ATT 7

EXISTING PARKING

KENNEDY PARK

BAYSIDE TERRACE

BAYSIDE EAST

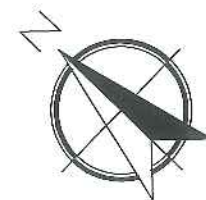
BAYSIDE ANCHOR

PHA OWNED

PHA LAND HOLDINGS

BLOCK	SQUARE FOOTAGE	ACRE	# OF UNITS	DENSITY (UNITS / AC)
A	69,292	1.59	25	15.72
B	41,095	0.94	17	18.02
C	147,787	3.39	45	13.26
D	86,716	1.99	24	12.06
E	20,862	0.48	0	0
F	39,941	0.92	13	14.18
G	64,300	1.48	40	27.10

* SQUARE FOOTAGE IS ACQUIRED FROM PORTLAND TAX MAPS WHEN EVER POSSIBLE, OTHERWISE DERIVED FROM GIS PARCEL DATA.



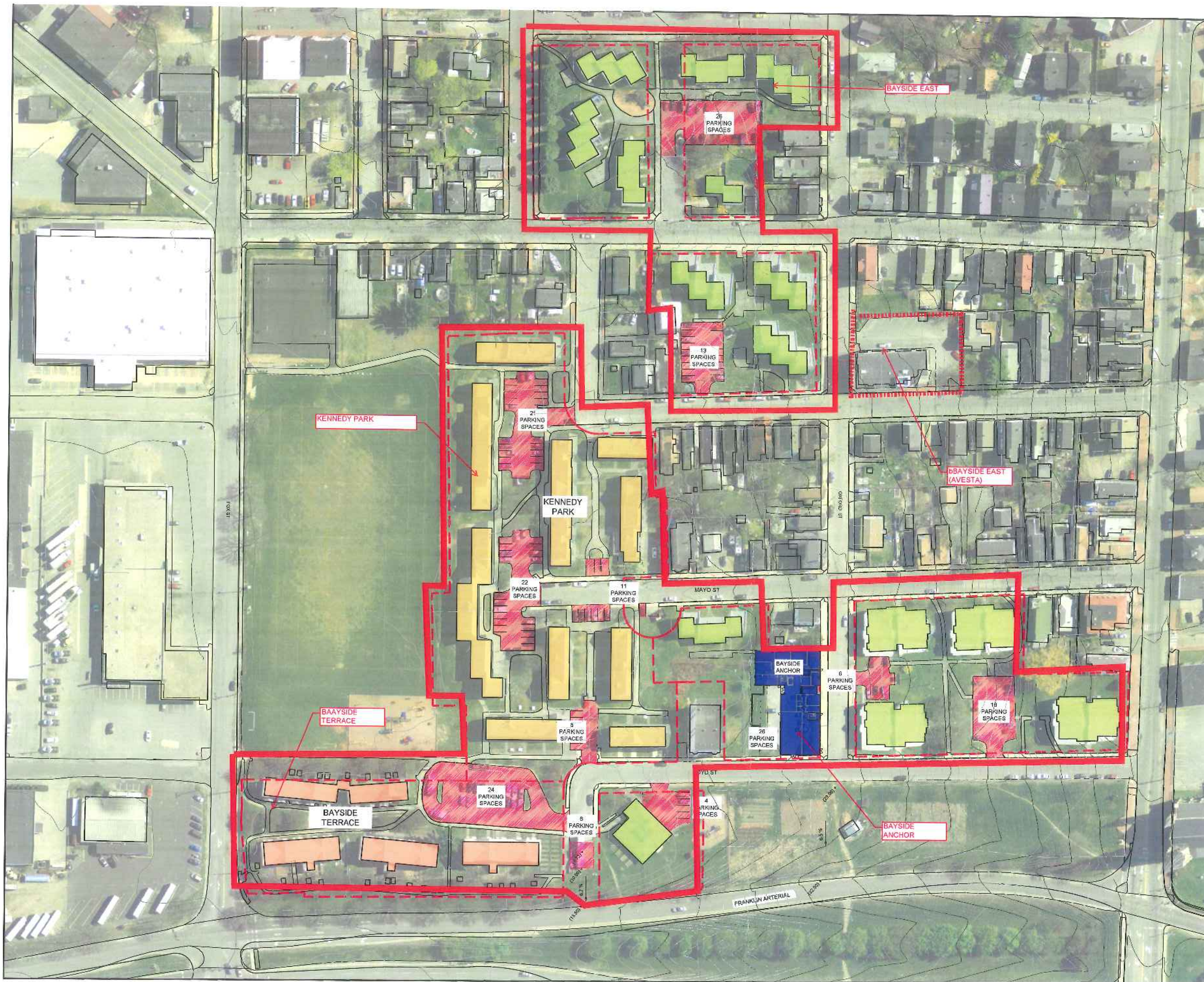
EAST BAYSIDE
PHA PROPERTIES

PROPOSED ZONE MAP CHANGE
OXFORD STREET, PORTLAND MAINE

EXISTING DENSITY

DATE: FEBRUARY 26, 2014 BY: CARROLL ASSOCIATES

0' 60' 120'



LEGEND *ATT 8*

	EXISTING PARKING
	KENNEDY PARK
	BAYSIDE TERRACE
	BAYSIDE EAST
	BAYSIDE ANCHOR
	PHA LAND HOLDINGS

PARKING COUNT	EX. DU	PROP. DU	EXISTING PARKING	PROPOSED PARKING
KENNEDY PARK	45	45	60	60
BAYSIDE TERRACE	24	24	30	30
BAYSIDE EAST	86	86	67	67
BAYSIDE E. OVERFLOW	/	/	26	0
BAYSIDE ANCHOR	0	46	0	0
TOTAL	155	201	183	157
Cars / Units			1.18	0.78

* Does not include on street parking

BAYSIDE ANCHOR

PHA PARKING COUNT
OSFORD STREET, PORTLAND MAINE

DATE: JANUARY 10, 2014 BY: CARROLL ASSOCIATES

ATT 9

Rick Knowland - RE: height of building

From: "Patrick Carroll" <pcarroll@carroll-assoc.com>
To: "Rick Knowland" <RWK@portlandmaine.gov>
Date: 3/6/2014 3:42 PM
Subject: RE: height of building
CC: "Mark Adelson" <madelson@porthouse.org>, "Seth Parker" <SParker@avesta...>

Hi Rick,

The building will be 4 stories, height will not exceed 50 ft per R7 requirements. I believe a copy of the LIHTC submission that shows the intended massing was included in the rezone application, if you don't have it let me know and I will send it over.

Wrt your earlier ownership question, Bayside Anchor will be developed and owned by a separate LLC (required for all LIHTC Projects). Partners include the Portland Housing Development Corp and Avesta Housing. PHA has partnered with Avesta due to their successful experience in developing and managing LIHTC projects.

PHDC is a component corporation of PHA, established specifically for the purpose of developing additional affordable housing, and as such Bayside Anchor is considered part of the PHA "Affordable Housing" portfolio. Although BA is not public housing it will be located on land that is currently part of the PHA campus. So it doesn't expand the campus in terms of acreage. BA will initially be managed by Avesta. This is necessitated by the competition for MaineHousing's tax credit financing but within a short timeframe (three years) the management will be turned over to PHA.

I hope this answers your questions.

Regards, Pat

Patrick J. Carroll
Carroll Associates Landscape Architects
207-772-1552 (w)
207-329-8976 (c)
pcarroll@carroll-assoc.com

 Please consider the environment before printing this email.



ATT. 10

COMMISSIONERS

Tom Valteau, Chairperson
Robyn Tucker, Vice Chairperson
Faith McLean, Commissioner
Shirley Peterson, Commissioner
Christian MilNeil, Commissioner
Mariar Balow, Commissioner
Evan Carroll, Commissioner

Mark B. Adelson
Executive Director

14 Baxter Boulevard
Portland, Maine 04101
Office: 207-773-4753
Fax: 207-761-5886
www.porthouse.org

Neighborhood Meeting Invitation

February 10, 2014

Dear Neighbor:

Please join us for a neighborhood meeting to discuss our plans for **Rezoning of Portland Housing Authority land in the East Bayside Neighborhood from Residential R-6 to Residential R-7 Zone District**. The properties include all of Bayside Terrace, Bayside East, and Kennedy Park neighborhoods managed by Portland Housing Authority (PHA) located north of Franklin Street.

Meeting Location: PHA Kennedy Park Community Room, 58 Boyd Street
Meeting Date: Thursday, February 27, 2014
Meeting Time: 6:00 PM

(The City code requires that property owners within 500 feet (1000 feet for proposed industrial subdivisions and industrial zone changes) of the proposed development and residents on an "interested parties list", be invited to participate in a neighborhood meeting. A sign-in sheet will be circulated and minutes of the meeting will be taken. Both the sign-in sheet and minutes will be submitted to the Planning Board.)

If you have any questions, please contact:

Patrick Carroll
Carroll Associates
207-772-1552
pcarroll@carroll-assoc.com

Sincerely,

Applicant:

Portland Housing Authority
14 Baxter Boulevard
Portland, ME 04101



PLANNING BOARD REPORT PORTLAND, MAINE

Amendment to Division 25 Space and Bulk Regulations and Exceptions,
Section 14-433 Lots of record and accessory structure setbacks for existing buildings

[To allow defined existing accessory structures in the R-3 and R-5 zones to be converted to dwelling units
without meeting the setback requirements]

Project #: 2013-268 CBL 192-C001001
Tim Keiter, Applicant

Submitted to: Portland Planning Board
Public Hearing Date: March 11th, 2014

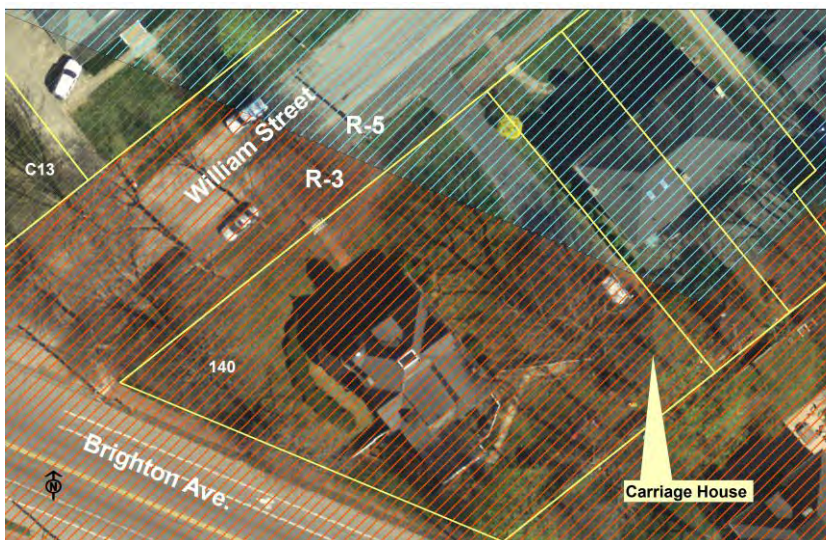
Prepared by: Jean Fraser, Planner
Date: March 7th, 2014

I. INTRODUCTION

The applicant, Tim Keiter, has requested the text amendment to allow the use of the existing carriage house on his single-family property for an in-law apartment (Attachment A). The R-3 zone allows (as a conditional use reviewed by ZBA) the creation of an accessory dwelling within the principal structure on the lot. The amendment would allow the existing carriage house to be used for a dwelling unit without meeting the zoning setback requirements, as is allowed in the R-4 and R-6 zones already in 14-433 (the carriage house must have been in existence prior to 1940 and at least 250 sq ft in area).

The applicant's property is located in the R-3 zone at the corner of William Street and Brighton Avenue and abuts the R-5 zone. The lot is large (just over 15,000 sq ft) and the carriage house dates from 1905 with a floor area of about 500 sq ft. It is close to the property boundaries and does not meet the R-3 setback requirements for accessory structures.

The request was considered at the Planning Board Workshop on 2.11.2014 where the Board supported the amendment in principle and requested it be extended to include the R-5 zone.



This hearing was advertised in the February 24th and 25th, 2014 editions of the *Portland Press Herald* and notices were sent to the interested citizen list. The Planning Office has not received any public comments as of time this Report was completed.

II. CURRENT RELEVANT ZONING

The existing text that allows for the conversion of carriage houses in the R-4 and R-6 zones and waives setbacks is quoted below (Division 25 Space and Bulk Regulations and Exceptions, Section 14-433 *Lots of record and accessory structure setbacks for existing buildings, fourth para*):

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

It is understood that this provision was added some years ago in response to potential loss of historically important large carriage houses in the West End (which is zoned R-4 and R-6), and its intent was reinforced by the ground coverage and age related qualification.

All residential zones allow for accessory units within the principal structures on the site, with slightly different levels of required review. The review requirements are summarized in the table below. In the R-5 and R-6 zone the issue is complicated by the fact that duplexes are permitted uses.

Table 1: Accessory unit references in residential zones

	R-1	R-2	R-3	R-4	R-5	R-6
Accessory units allowed	Conditional use 14-68 (a) (2)	Conditional use 14-78 (a) (2)	Conditional use and must meet conditions in 14-88 (a) (2)	Conditional use 14-103 (a) (2)	Two family dwelling permitted; on non-conforming lot where dwelling predates 9.3.2008 is conditional.	Two family dwelling permitted; Multi family dwellings resulting from alteration of a structure permitted subject to conditions.
Size limit	>30% of gross floor area of prin bldg. and min of 400 sq ft	>30% of gross floor area of prin bldg. and min of 400 sq ft	>30% of gross floor area of prin bldg. and min of 400 sq ft	Min of 600 sq ft and max volume inc. & not reduce other to less than 1000 sf	30% of gross floor area of prin bldg. and min of 400 sq ft	Min of 600 sq ft and not reduce other to less than 1000 sq ft
Min lot area for cond use	10,000 sq ft pre May 1984; 15,000 sq ft after	8,000 sq ft pre May 1984; 10,000 sq ft after	6,500 sq ft	3000 sq ft <u>per dwelling unit</u>	Min of 4000 sq ft; max of 6000 sq ft	
Carriage house may be converted if pre-1940 and >250 sq ft	[Note: Few carriage houses in this zone]	[Note: Few carriage houses in this zone]		Yes- currently under 14-433		Yes currently under 14-433

III. PROPOSED AMENDMENT

The applicants property is located within the R-3 zone and the applicant seeks to amend the text to allow for the use of the carriage house on this property for an in-law apartment (Attachment A). The application included a proposed text amendment that was discussed at the Planning Board Workshop on 2.11.2014 and the Board directed:

- That the amendment should also add the R-5 zone into the relevant provision (quoted above) that currently refers to the R-4 and R-6 zones;
- That the text amendment suggested by staff in the PB Memo, to include the R-5 zone, should be simplified to avoid repetition, with suggested wording offered by the Chair of the Planning Board.

Staff have addressed the Board’s comments and developed the proposed text amendment below:

14-433 ...

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling ~~uses~~ units without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of Section 14-88(a) (2) for lots in the R-3 zone, or to the requirements of Section 14-118(a) (5) for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under Sections 14-88 or 14-118.

The existing text has been amended to correct a typo (to correct “year” to “yard”) and the Associate Corporation Counsel has added the other correction to the original text, to change “uses” to “units”.

The new paragraph qualifies the text in respect of the R-3 and R-5 zones. This section has evolved through a number of iterations, starting with the Chair’s suggested wording to streamline what was suggested in the staff memo, with revisions to increase clarity, and final changes by the applicant based on concerns about possible miss-interpretation- Table 2 below illustrates the evolution of the text.

Table 2: Text iterations for the new paragraph and reasons for modifications

Text versions	Concerns
<u>AS IN PB MEMO of 2.11.2014</u> In the R-3 zone, any such conversion to a dwelling unit shall be a conditional use subject to requirements (a) through (j) of Section 14-88 (a) (2), and shall be in lieu of and not in addition to the additional dwelling unit contemplated by that Section. In the R-5 zone, any such conversion to a dwelling unit shall be a permitted use if there is one existing dwelling unit on the lot and the lot is a conforming lot. In the R-5 zone, any such conversion to a dwelling unit shall be a conditional use subject to requirements (a) through (f) of Section 14-118 (a) (5) where the existing dwelling unit is a single family dwelling existing as of September 3, 2008 and the lot is a non-conforming lot, and shall be in lieu of and not in addition to the additional dwelling unit contemplated by that Section.	Too long and repetitive. No need to refer to what is permitted (not done so in the case of other zones).
<u>AS SUGGESTED BY CHAIR</u> In the R-3 and R-5 zones any such conversion to a dwelling unit shall be a conditional use subject to all applicable dimensional requirements of that zone in addition to all other requirements relating to alteration and construction of additional dwelling units and shall be in lieu of any additional dwelling units allowed.	That the limited application within the R-5 zone should be highlighted. That the reference to “all applicable dimensional requirements” would appear to contradict the 14-433 waiver of setback requirements and set up possible miss-interpretation.
<u>FINAL TEXT AS AGREED APPLICANT AND STAFF</u> Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of Section 14-88(a)(2) for lots in the R-3 zone, or to the requirements of Section 14-118(a)(5) for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under Sections 14-88 or 14-118.	

In order to appreciate the full implications of the wording, the cross referenced ordinance sections are quoted below:

Re R-3 Zone - 14.88 (a) 2.

Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants, provided that:

- a. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit;
- b. There shall be no open outside stairways or fire escapes above the ground floor;
- c. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling;
- d. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required;
- g. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;
- h. Parking shall be provided as required by division 20 of this article;
- i. The project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building;
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.
- j. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Re R-5 Zone 14.118 (a) 5.

Alteration of a single-family dwelling existing as of September 3, 2008 on a nonconforming lot to accommodate an accessory dwelling unit within and clearly subordinate the principal structure provided that:

- a. The accessory unit shall have a minimum floor area of four hundred (400) square feet that represents no more than thirty (30) percent of the gross floor area of the principal dwelling unit. Gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level and may include the attic if such space is habitable.
- b. The principal dwelling unit shall be located on a lot of no less than four thousand (4,000) square feet and no more than six thousand (6,000) square feet;
- c. Either the accessory or principal dwelling unit shall be occupied by the owner of the lot, except for bona fide absences of a temporary nature;
- d. Parking shall be provided as required by Division 20 of this article.
- e. There shall be no open, outside stairways or fire escapes above the ground floor; and
- f. The project shall be subject to Article V for site plan review and approval and the following additional standards:
 - i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building; and
 - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets.

IV. STAFF ANALYSIS

The development of the text has addressed the need to ensure clarify on the following four points:

- Clarification that in the R5 zone it only applies to non-conforming lots- as conforming lots could have a duplex as a permitted use if there is adequate lot area;
- Clarification that any accessory unit would be subject to the conditional use provisions of the relevant zone (these would be reviewed by the Zoning Board of Appeals);
- Clarification that in the R3 and R5 zones only one accessory unit per lot may be created, either in the principle dwelling or in the carriage house- to ensure no unintended increase in density for the zone;
- Clarification that all the other dimensional requirements (except setbacks) would apply- which has not been called out in the new text as it is addressed by the existing principle clause and is the same for all four zones.

One further point has been raised by the applicant in respect of the application of the conditional use standards on the accessory unit within the carriage house (Attachment B). One of the R-3 conditional use requirements states:

- g. *No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic;*

The applicant is concerned that the application of this requirement is not clear- would the area of the carriage house be subtracted from the floor area of the principle dwelling? This would not impact the applicant's ability to convert the carriage house at 140 William Street as the main house has over 3000 sq ft of floorspace, but could be problematic where there was a large carriage house and a relatively small main dwelling house.

Staff recommend that there is no need for further clarification, as the literal interpretation relates to an actual reduction in floorspace, so the floorspace of the accessory unit within a carriage house would not be relevant, as the principal dwelling unit would not be altered. The Zoning Administrator has confirmed this interpretation (Att. 1).

V. CONFORMANCE WITH THE COMPREHENSIVE PLAN

The Comprehensive Plan includes the following policy from *HOUSING: SUSTAINING PORTLAND'S FUTURE* – November 18, 2002:

Policy #1: *Ensure that an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of all Portland households, now and in the future.*

Policy #3: *Maintain and enhance the livability of Portland's neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.*

The proposed text amendment enhances the livability of the R-3 and R-5 neighborhoods by allowing the applicant and others with similar existing older accessory structures to create an additional dwelling unit to

meet the owner’s needs (eg for an in law). The cross-references to specific zone sections (in the proposed text) require either the principal unit or the accessory unit to be occupied by the owner of the lot. Therefore the housing provided through conversion of a carriage house is likely to meet a need of the owner, and may allow them to remain in the neighborhood rather than moving to a larger (or smaller) dwelling elsewhere.

The proposed amendment also addresses the Comprehensive Plan Policy:

“State Goal I: To preserve the States historic and archeological resources”

as it facilitates the reuse and preservation of historic structures, such as carriage houses, that may be located in the R-3 and R-5 residential zones.

VI. STAFF RECOMMENDATION

The Planning staff recommends the proposed amendment to section 14-433 text to add both the R-3 and R-5 zones, subject to the addition of a qualifying paragraph as set out above. Staff consider that the size and age limitations of the original text would limit the amendments to older structures that are likely to be of historic value and where retention would be encouraged. Where an accessory unit is a conditional use, the caveats regarding the overall number of accessory dwelling units that are allowed per lot ensure that the text amendment would not have any unintended consequences regarding density in the R-3 or R-5 zones.

Staff recommends the proposed text amendment as being consistent with the Comprehensive Plan and suggests the Planning Board make a positive recommendation to the City Council.

VII. MOTIONS FOR THE BOARD TO CONSIDER

On the basis of the application, plans, reports and other information submitted by the applicant, the policies and requirements of the R-3 and R-5 zones, the Comprehensive Plan, public comment, staff comments and recommendations contained in in the Planning Board Report for the public hearing on March 11, 2014 for application #2013-268, and the testimony presented at the Planning Board Hearing, the Planning Board finds:

- A. That the proposed text amendment to Section 14-433 to allow defined existing accessory structures in the R-3 and R-5 zones to be converted to dwelling units without meeting the setback requirements **[is or is not]** consistent with the Comprehensive Plan; and
- B. That the Planning Board therefore **[does or does not]** recommend adoption of the proposed text amendment to 14-433 to the City Council.

ATTACHMENTS

Staff comments

- 1. Zoning Administrator 3.6.2014 re interpretation of 14-88 (a) 2g

Public comments

Applicants submittal

- A. Applicants application for a Text Amendment
- B. Applicants question re interpretation of 14-88 (a) 2 g

From: Marge Schmuckal
To: Alex Jaegerman; Jean Fraser; Jennifer Thompson
Date: 3/6/2014 8:01 PM
Subject: Re: draft PB report re 14-433 Text Amendment (R-3 and R-5)

Jean,

per your voice mail, I believe you were asking whether the remaining 1,000 sf for a dwelling unit would be affected. that was put into the Ordinance to prevent cutting units in half to make very small, sometimes efficiency units. Using a detached garage would not affect the existing units. They would remain whatever size that they are and would not be reduced in size.

does this answer your question?

Marge

KAY HAMLIN & TIM KEITER

140 WILLIAM STREET
PORTLAND, MAINE 04103
(207) 272-0306

January 16, 2014

City of Portland
Planning Division
389 Congress Street, 4th Floor
Portland, Maine 04101

Re: Zoning Text Amendment Application/140 William Street

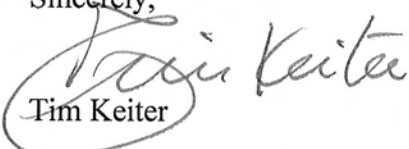
Dear Sir or Madam:

Pursuant to my conversations with Jean Fraser, I am enclosing with this letter the following materials:

1. Completed and signed Zoning Text Amendment Application Form.
2. Our application fee check, made payable to the City of Portland, in the amount of \$2,000.00.
3. Deed copy.
4. Vicinity Map.
5. Site Plan.
6. Proposed Text Change.

If you should need any further information or materials in connection with this application, please don't hesitate to contact me. Many thanks for your help with this application.

Sincerely,


Tim Keiter

Cc: Jean Fraser, Planner

PROJECT ADDRESS: 140 William St.

CHART/BLOCK/LOT: 081 B011 001

DESCRIPTION OF PROPOSED ZONE CHANGE AND PROJECT:

Zoning text change to allow in law apartment in existing carriage house.

CONTACT INFORMATION:

Applicant's Contact for electronic plans

Name:
e-mail Address
work #

Applicant – must be owner, Lessee or Buyer

Name: Tim Keiter
Business Name, if applicable: —
Address: 140 William St.
City/State: Portland, ME Zip Code: 04103

Applicant Contact Information

Work # (207) 774-5100
Home# none
Cell # (207) 329-5100 Fax# (207) 774-5199
e-mail: tkeiter@keiterassociates.com

Owner – (if different from Applicant)

Name: Tim Keiter + Ray Hamlin
Address: 140 William St.
City/State: Portland, ME Zip Code: 04103

Owner Contact Information

Work # (207) 774-5100
Home# none
(207) 272-0306 (KH)
Cell # (207) 329-5100 (TK) Fax# (207) 774-5199
e-mail: tkeiter@keiterassociates.com (TK)
kehamlin@maine.rr.com (KH)

Agent/ Representative

Name: none
Address:
City/State: Zip Code:

Agent/Representative Contact information

Work #
Cell #
e-mail:

Billing Information

Name: Tim Keiter
Address: 140 William St.
City/State: Portland, ME Zip Code: 04103

Billing Information

Work # (207) 774-5100
Cell # (207) 329-5100 Fax# (207) 774-5199
e-mail: tkeiter@keiterassociates.com

Engineer

Name: none
Address:
City/State: Zip Code:

Engineer Contact Information

Work #
Cell # Fax#
e-mail:

Surveyor Name: <i>none</i> Address: City/State : Zip Code:	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: <i>none</i> Address: City/State : Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: <i>none</i> Address: City/State : Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

Right, Title, or Interest: Please identify the status of the applicant's right, title, or interest in the subject property:

<i>owner.</i>

Provide documentary evidence, attached to this application, of applicant's right, title, or interest in the subject property. (For example, a deed, option or contract to purchase or lease the subject property.)

Vicinity Map: Attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use. (Applicant may utilize the City Zoning Map or Parcel Map as a source.)

Existing Use: Describe the existing use of the subject property:

<i>single family residential use with in-home occupation.</i>

Current Zoning Designation(s):

<i>R 3 zone</i>

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.

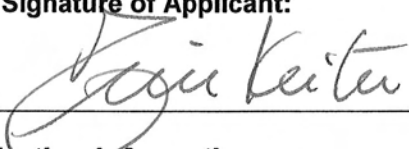
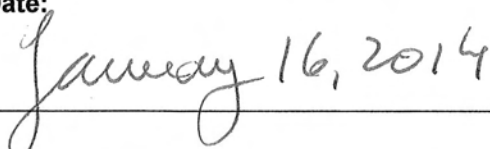
Main structure: single family use with in-home occupation.
Carriage House: additional living unit (in law apartment)
No improvements are proposed except for interior improvements to carriage house to make it into a living unit.

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.

APPLICATION FEE:

Check the type of zoning review that applies. Payment may be made in cash or check payable to the City of Portland.

Zoning Map Amendment ___ \$2,000.00 (from ___ zone to ___ zone)	Fees Paid (office use) ___	The City invoices separately for the following: • Notices (\$.75 each) (notices are sent to neighbors upon receipt of an application, workshop and public hearing meetings for Planning Board and public hearing meeting for City Council) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review is assessed separately.
Zoning Text Amendment ☒ \$2,000.00 (to Section 14- <u>433</u>) (For a zoning text amendment, attach on a separate sheet the exact language being proposed, including existing relevant text, in which language to be deleted is depicted as crossed out (<u>example</u>) and language to be added is depicted as underline (<u>example</u>))	___	
Combination Zoning Text Amendment and Zoning Map Amendment ___ \$3,000.00	___	
Conditional or Contract Zone ___ \$3,000.00 (A conditional or contract rezoning map be requested by an applicant in cases where limitations, conditions, or special assurances related to the physical development and operation of the property are needed 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. Please refer to Division 1.5, Sections 14-60 to 62.)	___	

Signature of Applicant: 	Date: 
---	--

Further Information

In the event of withdrawal of the zoning amendment application by the applicant, a refund of two-thirds of the amount of the zone change fee will be made to the applicant as long as the request is submitted to the Planning Division prior to the advertisement being submitted to the news paper.

2497

KAY E. HAMLIN
TIMOTHY S. KEITER
140 WILLIAM STREET
PORTLAND, ME 04103
(207) 761-5953



KeyBank National Association
Portland, Maine 04101
52-60-112

KeyBank Check Card
Production for Business

1/16/2014

PAY TO THE
ORDER OF:

City Of Portland

\$ **2,000.00

Two Thousand Only*****

DOLLARS

Security features. Details on back.

[Handwritten Signature]

AUTHORIZED SIGNATURE

MEMO

Hamlin/Keiter-text amendment-140 William St

⑈002497⑈ ⑆01200608⑆ 19127004620⑈

WARRANTY DEED (LONG FORM)

KNOW ALL BY THESE PRESENTS,

THAT I, SUSAN N. BISSONNETTE of Scarborough, Cumberland County, Maine, in consideration of one dollar and other valuable consideration paid by TIMOTHY S. KEITER and KAY E. HAMLIN, both of North Yarmouth, Cumberland County, Maine and whose mailing address is 83 Birchwood Terrace, North Yarmouth ME 04097, the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto Timothy S. Keiter and Kay E. Hamlin, as joint tenants, their heirs and assigns forever, the real estate in Portland, Cumberland County, Maine, more fully described on Exhibit A attached to this instrument.

TO HAVE AND TO HOLD the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to Timothy S. Keiter and Kay E. Hamlin, as joint tenants, their heirs and assigns, to them and their use and behoof forever.

AND I DO COVENANT with the Grantees, their heirs and assigns, that I am lawfully seized in fee of the premises; that they are free of all encumbrances except as above noted and further, except for current zoning and land use regulations; that I have good right to sell and convey to the said Grantees to hold as aforesaid; and that I and my heirs shall and will warrant and defend the same to Timothy S. Keiter and Kay E. Hamlin, their heirs and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, Susan N. Bissonnette has hereunto set her hand and seal this 28th day of March, 2005.

SIGNED, SEALED AND DELIVERED
IN PRESENCE OF:

[Signature]
(Witness)

[Signature]
SUSAN N. BISSONNETTE

STATE OF MAINE
Cumberland, ss.

March 28, 2005

Then personally appeared Susan N. Bissonnette and acknowledged the foregoing instrument to be her free act and deed.

Before me:

[Signature]
Notary Public/Attorney at Law

NOTARY PRINT NAME:

Rachel L. Bouchard

RACHEL L. BOUCHARD
ATTORNEY AT LAW

MAINE REAL ESTATE TAX PAID

EXHIBIT A**140 WILLIAM STREET, PORTLAND, CUMBERLAND COUNTY, MAINE****Portland Assessor's Map 81 Block B Lot 11**

A certain lot or parcel of land with the buildings thereon, situated on the southeasterly side of William Street in the City of Portland, County of Cumberland and State of Maine, and being Lots #21 and #22 upon the plan of Fessenden Park in said Portland recorded in the Cumberland County Registry of Deeds in Plan Book 8 Page 87. Said lots are bounded as follows: Beginning on the northeasterly side of Brighton Avenue at the southerly corner of William Street; thence running northeasterly on said William Street one hundred thirty three and eleven hundredths (133.11) feet to a hub; thence southeasterly at right angles with said William Street one hundred twenty-one and one tenth (121.1) feet to a hub; thence southwesterly parallel with said William Street sixty six and three hundredths (66.03) feet to a hub on the easterly side of said Brighton Avenue; thence northwesterly on said Brighton Avenue to the point begun at.

Also a certain other lot or parcel of land situated on William Street in said City of Portland and described as follows: Beginning at a point distant one hundred thirty three (133) feet and eleven (11) inches from the intersection of the easterly sideline of Brighton Avenue and the southerly line of said William Street; thence running southerly along the easterly sideline of land now or formerly owned by one Clark to an iron hub; thence easterly parallel with the southerly sideline of William Street twenty-five (25) feet and six (6) inches to a point; thence parallel with the easterly sideline of said Clark land to a point in the southerly sideline of said William Street; and thence westerly by the southerly sideline of said William Street to the point of beginning; being the westerly half of Lot #20 on plan of Fessenden Park recorded in the Cumberland County Registry of Deeds in Plan Book 8, Page 87, to which plan reference is hereby made.

Meaning and intending to describe and convey the same premises conveyed to Susan N. Bissonnette by the warranty deed of Sumner C. Weeks, Jr. and Carol A. Weeks dated August 9, 1995 and recorded in the Cumberland County Registry of Deeds Book 12050 Page 129.

Received
Recorded Register of Deeds
Mar 28, 2005 03:11:19P
Cumberland County
John B O'Brien

VICINITY MAP

File No. BPA1406

SITE PLAN

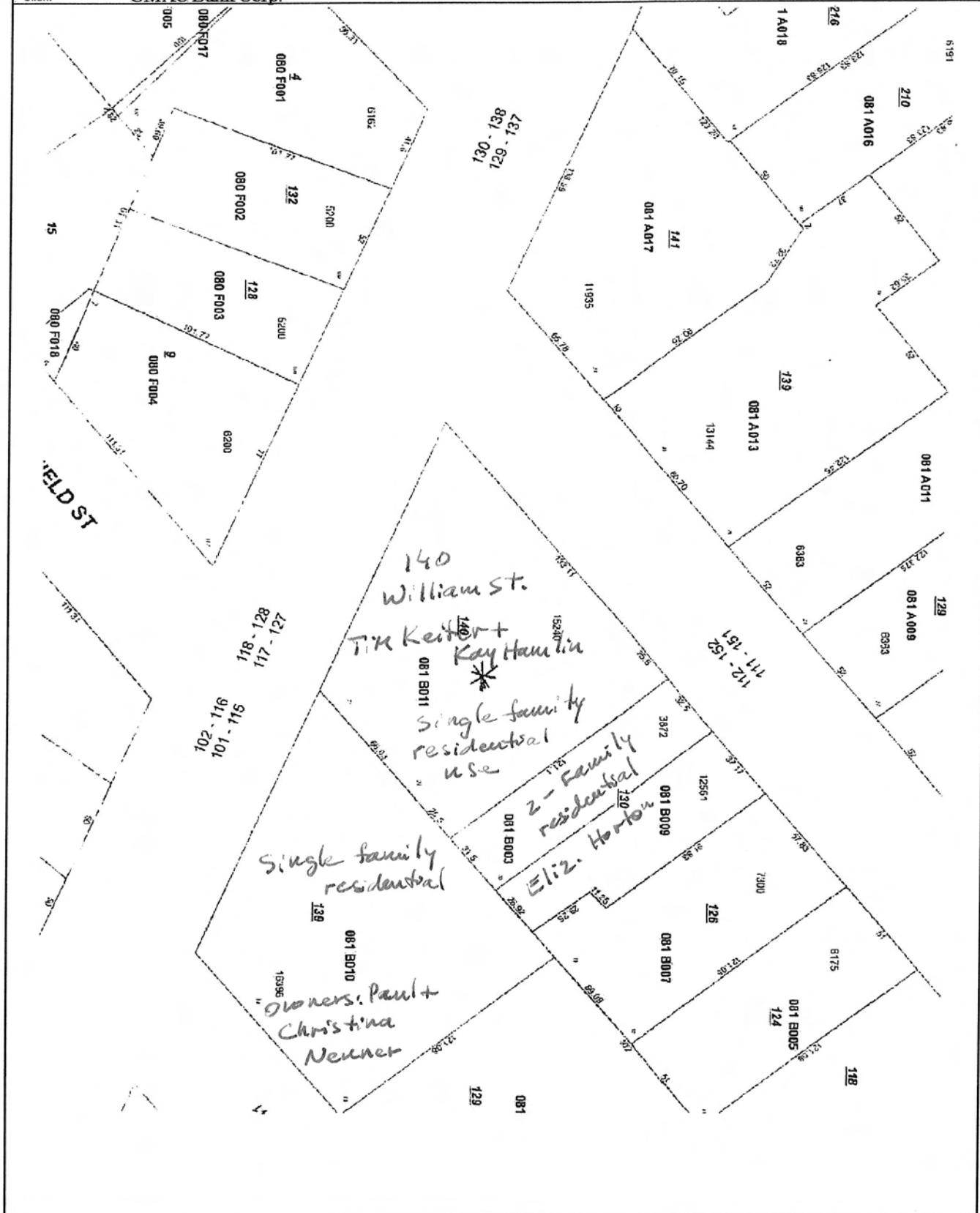
Borrower or Owner **Keiter, Timothy & Hamlin, Kay**

Property Address **140 William Street**

City **Portland** County **Cumberland** State **ME**

Zip Code **04103-4841**

Client **GMAC Bank Corp.**



SITE PLAN

THIS IS NOT A BOUNDARY SURVEY

INSPECTION OF PREMISES

I HEREBY CERTIFY TO Douglas Title Co.
Bath Savings Institution and its Title Insurer

140 William Street
Portland, Maine

Job Number: 382-47
Inspection Date: 02-23-05
Scale: 1"= 40'

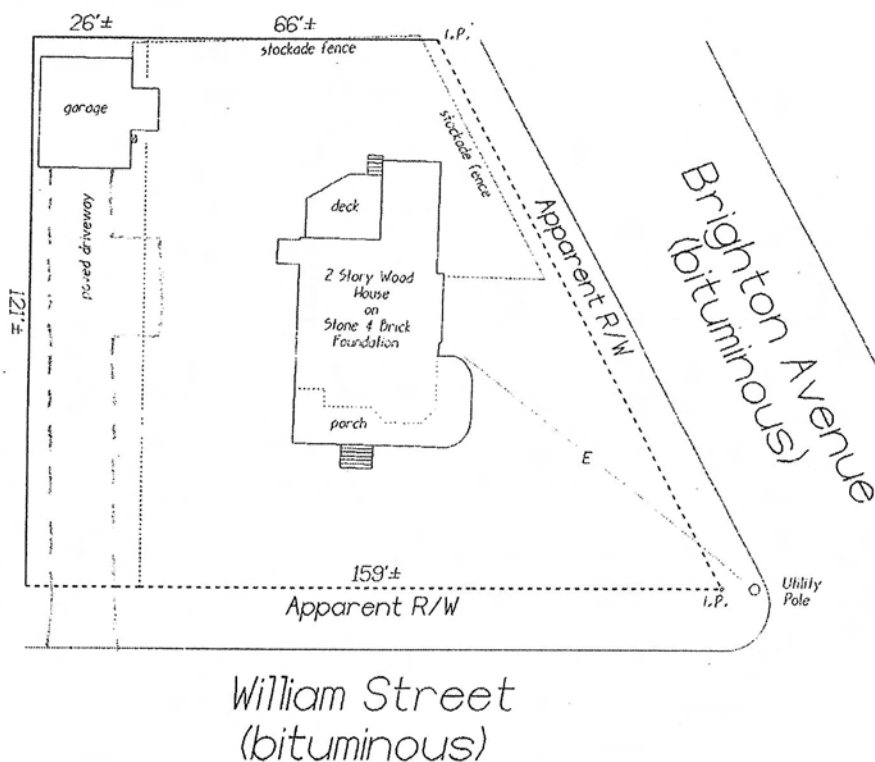
The monumentation is ~~not~~ in harmony with current deed description.

The building setbacks are ~~not~~ in conformity with town zoning requirements. "Grandfathered"

The dwelling does not appear to fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

The land does not appear to fall within the special flood hazard zone as indicated on community-panel # 230051 0013 B.

BUYER: Timothy Keiter &
Kay E. Hamlin
SELLER: Susan N. Bissonnette



THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. THOSE THAT ARE EVIDENT ARE SHOWN.

THIS PLAN MIGHT NOT REVEAL CONFLICTS WITH ABUTTING DEEDS.

Bruce R. Bowman
INCORPORATED
199 John Small Road
Chebeague Island, Maine 04017
Phone: (207) 846-1663
Fax: (207) 846-1664



PLAN BOOK 8 PAGE 67 LOT ± 20,21,22
DEED BOOK 12050 PAGE 129 COUNTY Cumberland

THIS PLAN IS NOT FOR RECORDING Drawn by: *[Signature]*

Proposed text change to section 14-433 (4th paragraph):

| Any detached or accessory structure in the R-3, R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses without meeting front, side or rear ~~year-yard~~ set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit. In the R-3 zone, any such conversion to a dwelling use shall be a conditional use subject to requirements (a) through (j) of Section 14-88(a)(2), and shall be in lieu of and not in addition to the additional dwelling unit contemplated by that Section.

From: "Tim Keiter" <tkeiter@keiterassociates.com>
To: "'Jean Fraser'" <JF@portlandmaine.gov>
CC: "'Kay Hamlin'" <kehamlin@maine.rr.com>
Date: 3/5/2014 3:52 PM
Subject: RE: Further suggestion re Text Amendment
Attachments: Proposed Text Change to Section 14-433 2014-03-05 (TSK clean).doc; Proposed Text Change to Section 14-433 2014-03-05 (TSK redlines).doc

Hi Jean, thanks for your message – I think these changes work!

I am attaching a further redline with a couple of proposals to just clean up the language a little further; please feel free to disregard them but I think the section reads better with them.

In re-reading Section 14-88(a)(2) just now, I noticed that subsection (g) requires that no unit be “reduced” to less than 1,000 square feet, and I just wanted to touch bases with you to confirm that this doesn’t interfere with our conversion, since we aren’t “reducing” a pre-existing unit.

As always, thanks so much for your help. Please don’t hesitate to let me know if I can provide anything further at this point.

Many thanks - Tim

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Wednesday, March 05, 2014 3:27 PM
To: Tim Keiter
Cc: 'Kay Hamlin'
Subject: RE: Further suggestion re Text Amendment

Tim

Sorry for the delay in replying.

There seem to be three points that are at issue:

- * potential conflicting interpretations re the dimensional requirements
- * clarification that any accessory unit would be subject to the conditional use provisions of the relevant zone
- * clarification that in the R3 and R5 zones can only be one accessory unit per lot, either in the principle dwelling or in the carriage house