

1. Legal Ad

Documents: [PB LGL AD 11-25-14.PDF](#)

2. Agenda

Documents: [PB AGENDA 11-25-14.PDF](#)

3. R-6 Text Amendment

3.I. Memo And Attachments

Documents: [R-6 TEXT AMENDMENTS \(MEMO AND ATTACHMENTS\).PDF](#)

3.II. Public Comment

Documents: [R-6 TEXT AMENDMENTS \(PUBLIC COMMENT\).PDF](#)

4. India Street Sustainable Neighborhood Plan

4.I. Memo And Attachments

Documents: [INDIA ST. SUSTAINABLE NEIGHBORHOOD PLAN \(MEMO AND ATTACHMENTS\).PDF](#)

5. 849 Forest Avenue

5.I. Report And Attachments

Documents: [FOREST AVE. - 849 \(REPORT AND ATTACHMENTS\).PDF](#)

5.II. Applicants Submittal And Plans

Documents: [FOREST AVE. - 849 \(APPLICANTS SUBMITTAL AND PLANS\).PDF](#)

6. House Island Historic District Designation

6.I. Report

Documents: [HOUSE ISLAND \(REPORT AND ATTACHMENTS\).PDF](#)

**LEGAL ADVERTISEMENT
PORTLAND PLANNING BOARD MEETING**

The Portland Planning Board will hold a meeting on Tuesday, November 25, 2014, Council Chambers, 2nd Floor, City Hall, 389 Congress Street. **Public comments will be taken at the public hearing.**

Workshop – 4:30 p.m.

- i. R-6 Text Amendments: The Board will consider proposed text amendments for a comprehensive update of the R-6 zone with an emphasis on revising required dimensional standards, permitting townhouse development on individual lots in the R-6 zone and revising parking standards.
- ii. India Street Sustainable Neighborhood Plan: The draft India Street Sustainable Neighborhood Plan will be presented to the Planning Board as recommended by the India Street Neighborhood Advisory Committee. The Plan, which is proposed to be included as part of the Comprehensive Plan, includes recommendations on the topics of a Historic District, a Form-based Code, and affordable housing.

Public Hearing – 7:30 p.m. (Note Change in Time)

- i. Conditional Use Application for a Used Car Dealership; 849 Forest Avenue; David Coppersmith, Applicant. The Board will hold a public hearing to consider a proposal by David Coppersmith (Forest Avenue Buildings LLC), owner of Pine Tree Auto Body at 849 Forest Avenue, who is proposing to open a used car dealership on his open land in the rear part of the site. The site is within the B2 zone and therefore the proposed use is a conditional use and will be reviewed by the Planning Board. The project is also a Level I Site Alteration.
- ii. Nomination of House Island as a Local Historic District; Portland's Historic Preservation Board, Applicant. The Board will consider the Historic Preservation Board's recommendation to designate House Island as Local Historic District per Article IX of the Land Use Code.

STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

AGENDA PORTLAND PLANNING BOARD

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PUBLIC HEARING – 7:30 p.m.

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATIONS AND REPORTS

3. REPORT OF ATTENDANCE AT THE FOLLOWING MEETING HELD ON NOVEMBER 12, 2014:

Afternoon Workshop: O'Brien, Dean, Boepple, Hall and Morrisette present. Dundon and Soley absent.

Public Hearing: O'Brien, Dean, Boepple, Hall and Morrisette present. Dundon and Soley absent.

Evening Workshop: Dean, Boepple, Hall and Morrisette present. O'Brien, Dundon and Soley absent.

4. REPORT OF DECISIONS AT THE MEETING HELD NOVEMBER 12, 2014:

- i. 89 Anderson Street; R-6 to B-1b Map Amendment; Redfern Properties, Applicant. Dean moved and Morrisette seconded the motion to find the proposed map amendment consistent with the comprehensive plan and to recommend adoption to the City Council. The Board voted 5-0 (Dundon and Soley absent).

5. NEW BUSINESS

- i. Conditional Use Application for a Used Car Dealership; 849 Forest Avenue; David Coppersmith, Applicant. The Board will hold a public hearing to consider a proposal by David Coppersmith (Forest Avenue Buildings LLC), owner of Pine Tree Auto Body at 849 Forest Avenue, who is proposing to open a used car dealership on his open land in the rear part of the site. The site is

within the B2 zone and therefore the proposed use is a conditional use and will be reviewed by the Planning Board. The project is also a Level I Site Alteration.

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STUART O'BRIEN, CHAIR - PORTLAND PLANNING BOARD



Memorandum
Planning and Urban Development Department
Planning Division

To: Chair O'Brien and Members of the Portland Planning Board
From: Christine Grimando, Senior Planner
Date: November 21, 2014
Re: R-6 Text Amendments
Meeting Date: November 25, 2014

I. Introduction

The Planning and Urban Development Department is proposing text amendments to the R-6 Residential Zone. These changes are primarily concerned with the dimensional requirements of the zone and parking standards. The provision for *small residential lot development*, enacted in 2005, is also proposed for elimination. An important aspect of the changes is to convert the dimensional requirements from a descriptive listing to a table format, shortening and simplifying the overall text of the ordinance. A summary of all proposed changes is included in **V.**, below.

The objective of these changes is to allow for a pattern of development that provides for greater housing opportunities, enables infill development on small parcels, and to have standards in place that make it possible for new construction to be consistent with the historic pattern of development prevalent in the neighborhoods where R-6 is prevalent.

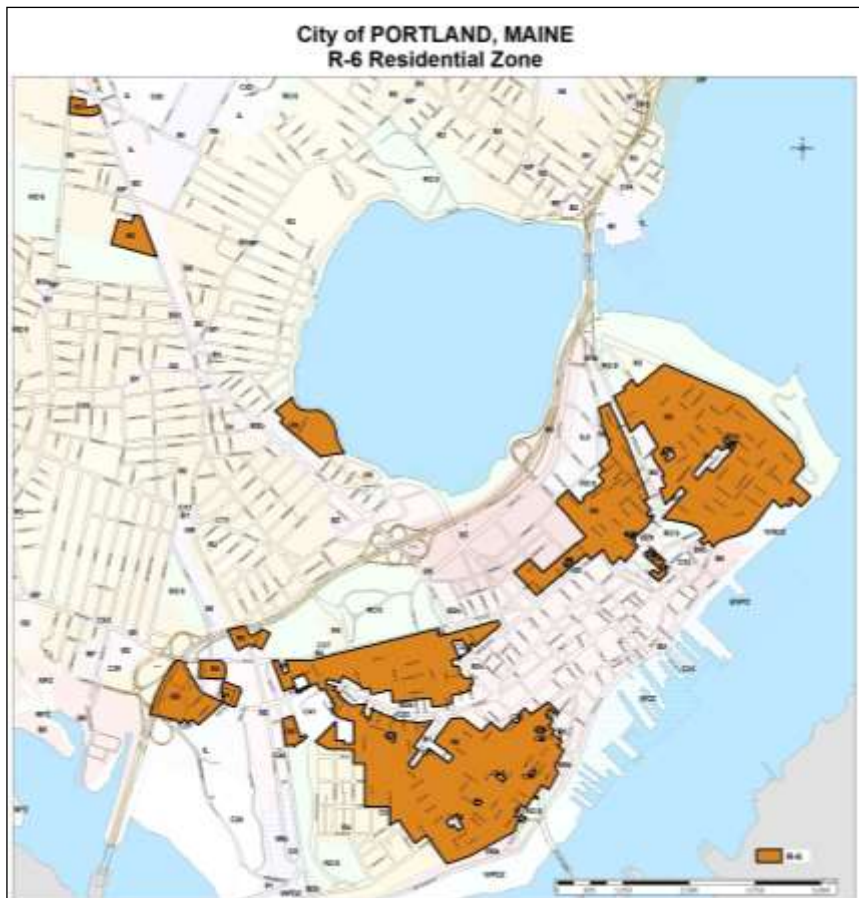


Figure 1

In Spring of 2014 the Planning Department proposed an extent of East Bayside be rezoned from R-6 to R-7, in response to repeated feedback that R-6 was not conducive to most new construction proposals. Staff at the time felt that rather than keep responding to R-7 rezoning requests, that R-7 could be more widely implemented in certain areas to preempt some applications for zone changes. Staff also discussed the fact that they were also looking into changes to the R-6 zone to make it a more viable zone to work within. After hearing much neighborhood concern about a widely expanded R-7, the Board endorsed a more circumscribed area of R-7. Feedback at that same meeting urged amending the R-6 before applying the R-7 with a broad brush. That feedback also led to the changes currently being reviewed. The R-6 zone as proposed allows greater flexibility and higher density than the existing zoning, but is still substantially more restrictive than the R-7 zone in terms of frontage, density, lot coverage (0 frontage requirement, 435 square feet of land area/dwelling unit, and 100% in the R-7 zone). These revisions to the R-6 zone are the results of that R-7 discussion.

As the dominant on-peninsula residential zone, R-6 encompasses the majority of Munjoy Hill, Parkside, the West End, and portions of other neighborhoods. These neighborhoods, varied though they are, embody successful pre-war development patterns – patterns that are not mirrored in the current dimensional requirements of the R-6 zone. Though the pattern of the peninsula's built environment is largely established, incremental changes to that pattern are ongoing, and the parameters of current zoning affect urban character today and into the future. It is hoped that these changes bring Portland's zoning closer into alignment with desirable patterns of development than is currently the case, as well as offering greater flexibility to existing and future property owners. As an example of the disparity between development patterns and zoning requirements, the current minimum lot size of 4,500 square feet renders 71% of existing parcels non-conforming. Similarly, the current minimum front setback of ten feet does not reflect the predominant pattern of Portland's residential neighborhoods, and if met or exceeded would produce a place of a significantly different urban character from the historic and much loved pattern there today. A minimum lot size of 2,000 square feet results in 86% of existing R-6 lots being conforming in the category of minimum lot size.

II. Purpose Statement for the R-6 and Land Use Policies

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 the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses, and (b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

This amendment will produce R-6 standards of greater consistency with the R-6 purpose statement than the current regulations.

III. Comprehensive Plan Policies

Numerous recommendations in Housing: Sustaining Portland's Future, support these text changes. Policy 1 indicates zoning should encourage all types of high quality and compatible housing to enhance neighborhoods, encourages high density, small lot infill, and allowing for a range of housing types. 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) recommends updating codes to encourage new residential development that: Offer diverse and quality living options; Encourages traditional neighborhood elements, Promotes a walkable city; Are Compatible with Portland's existing neighborhoods. It also recommends ensuring the integrity and economic value of Portland's neighborhoods, working to find productive uses for vacant and underutilized lots, and increasing density where appropriate to achieve

neighborhood diversity.

IV. City Council Goals.

These amendments are consistent with the City Council Common Goals and Objectives for 2014, which calls for zoning ordinance to allow for greater housing opportunities. A specific housing objective states: *Complete draft rewrites of the R-6, R-7 and B-2 portions of the zoning ordinance to allow for greater housing opportunities and present to Planning Board and Housing and Community Development Committee for review and recommendations to City Council.*

V. Proposed Text Amendments

Table 1 includes all proposed dimensional changes, with brief discussion of other proposed text amendments to follow.

Table 1

R-6 Existing and Proposed		
<i>Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Minimum Lot Size	Residential Uses: 4,500 sf	Residential Uses: 2,000 sf
	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
	Intermediate care facility: One (1) acre.	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 30,000 sf; Medium, 15,000 sf; Small, 7,500 sf.	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 4,500 sf	Municipal Use: 2,000 sf
	Hospital: Two (2) acres	Hospital: Two (2) acres
	Lodging house: Four thousand five hundred (4,500) square feet.	Lodging house: Two thousand five hundred (2,500) s.f.
	All other uses: Forty-five hundred (4,500) square feet.	All other uses: Two thousand five hundred (2,000) s.f.

Min. Lot Area/Dwelling Unit	<i>Minimum land area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	725 s.f.
Minimum Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f (Combine Lodging House Rooming Unit and Intermediate Care Facility Resident requirement)
Minimum land area per intermediate care facility resident	Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.	see above
Street Frontage	40 feet	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	Principal or accessory structures: Ten (10) feet. A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.	5 feet, or no more than average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14 432 (swimming pools) of this article
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Minimum Side Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	5 feet, except that lots under common ownership may have a minimum of 0 feet on one side yard structures, provided a cumulative of 10 feet of side yard setbacks is provided.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	ii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:	
	<i>Height of Structure Required Side Yard</i>	

	1 story 10 feet	
	2 stories 10 feet	
	3 stories 10 feet	
	4 stories 12 feet	
	5 stories 15 feet	
	The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.	
	ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.	
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Side Yard on Side Street	10 feet	0 feet
Structure Stepbacks		Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. <i>Does not apply to side yards on side streets.</i>
Maximum Lot Coverage	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	60%
Minimum Lot Width	50 feet	20 feet
Maximum Height	Principal and attached accessory structure: Forty-five (45) feet.	Principal and attached accessory structure: Forty-five (45) feet.
	Accessory detached structure: Eighteen (18) feet.	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	<i>Uses other than bed and breakfast.</i> Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.	20%

	<i>Bed and breakfasts.</i> A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.	
Minimum gross floor area for bed and breakfasts	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
Maximum floor area for places of Assembly	<i>On a collector or arterial road:</i>	<i>On a collector or arterial road:</i>
	Large: Not limited	Large: Not limited
	Medium: 4,500 sf	Medium: 4,500 sf
	Small: 2,250 sf	Small: 2,250 sf
	<i>Not on a collector or arterial road:</i>	<i>Not on a collector or arterial road:</i>
	Large: 4,500 sf	Large: 4,500 sf
	Medium: 2,250 sf	Medium: 2,250 sf
	Small: 1,125 sf	Small: 1,125 sf
Maximum Garage Opening		Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.

The changes are meant to simplify the ordinance, provide opportunities for additional housing construction, and allow for greater flexibility on lots. To that end the density standard, currently a variable 1,000 sf per dwelling unit for the first three units, and 1,200 sf per dwelling unit thereafter (36 units per acre) is being proposed to be changed to 725 sf per dwelling unit (60 units per acre). Table 2 illustrates the implications of the proposed change to the density standard on three lot sizes. Minimum lot size is proposed to change from 4,500 sf to 2,000 sf, better matching the dense, small lot fabric of residential neighborhoods on the peninsula. Setbacks are reduced to also better match traditional building patterns, reducing the front setback from 10 feet to 5 feet. Side and rear setbacks are similarly reduced. The changes to lot

Table 2	Current R-6 Density (1000-1200 sf/du)	Proposed R-6 Density (725 sf/du)
2000 sf lot	2 units	2 units
3000 sf lot	3 units	4 units
4500 sf lot	4 units	6 units

coverage and setback standards have implications for existing as well as future homeowners and property developers, allowing small additions, decks, or accessory structures to be built where they currently are not allowed, allowing greater flexibility for existing properties, and also allowing for the possibility of existing neighborhood patterns to be replicated.

Other significant changes include:

- A provision to allow townhouse style, horizontally attached dwelling units to occur through the elimination of the side setback (Sec. 14-139.b).
- The Small Residential Lot Development (current Sec. 14-139.2) is proposed to be eliminated. This standard is in place to allow for small, non-conforming lots to be developed, as the current minimum lot size renders so many small lots unbuildable. It is the goal of these changes to have a lot size sufficiently small as to eliminate the need for this provision.
- A maximum portion of the front façade has been set to 9 feet or 40 percent, so as not to have residential facades be disproportionately dominated by vehicle storage.
- Staff is proposing that the on-peninsula residential parking requirement be eliminated for the first three dwelling units. A duplex would have no parking requirement and a six unit building would be required to provide three spaces, for example. This change will better enable small lot development, allowing 1-4 unit structures such as the traditional triple decker on small lots (a well-distributed housing type in the R-6 neighborhoods), and greater viability for small scale, non-professional homebuilders.

There have been several minor changes since the October workshop:

- Recently enacted R-6A changes have been incorporated into the current draft amendment.
- The October draft amendment included variable side yard setbacks. These have been removed for a constant 5 foot side yard setback.
- There is a current provision in the R-6 use standards that requires existing residential structures to maintain a minimum size of 1,000 square feet of floor area when creating new units and also that a new unit in the structure not be less than 600 square feet of floor area. This has been moved from the use standards, Sec. 14-136, to the dimensional standards, 14-139, and has been substantively amended in two ways – 1) it currently applies only to multi-family residential, and is being proposed to also apply to single- and two-family residential, and 2) The applicability date of structures in existence as of 1987 (when the provision was first implemented) is being proposed to be updated to date of enactment of these changes.
- The Townhouse/horizontally attached dwelling unit language has been clarified. The intent is for this form of construction to be able to occur, which requires superseding side yard setbacks, and for them to be able to occur for individually owned units. The standard applies to subdivisions, which would begin under common ownership, and then be sold to individuals after approval.

VI. Public Process

Over the course of several months, staff met with each impacted neighborhood organization to discuss the proposed changes, on the following dates:

- June 11. West End Neighborhood Association
- June 16. Western Promenade Neighborhood Association
- July 7. St. John Valley Neighborhood Association
- July 14. Libbytown Neighborhood Association
- July 16. Parkside Neighborhood Association
- August 5. Bayside Neighborhood Association
- August 11. Munjoy Hill Neighborhood Association
- August 19. East Bayside Neighborhood Association

Though some of these standards have changed since their initial conception, the below summary of changes that were being considered was presented at each meeting (Table 3). The same table was distributed at each meeting so that every neighborhood organization had an opportunity to respond to a common proposal, with the caveat that some of the dimensions and details of the proposal were likely to alter. Planning staff also met with the Southern Maine Landlord Association, and numerous individuals who requested meetings on the topic.

Table 3

Potential R-6 Amendments to Dimensional Requirements		
<i>Residential Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Lot Size	4,500 sf	2,500 sf
Min. Lot Area/Dwelling Unit	1,000-1,200 sf	725 sf
Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Street Frontage	40 feet	30 feet
Front Yard Setback	10 feet, or no more than average depths of adjacent front yards	5 feet, or no more than average depths of adjacent front yards
Rear Yard Setback	20 feet	10 feet
Side Yard Setback	10-15 feet, variable by height	5 feet
Side Yard on Side Street	10 feet	0 feet
Maximum Lot Coverage	40-50%, variable by # of dwelling units/lot	60%
Minimum Lot Width	40 feet	30 feet
Maximum Height	45 feet	45 feet
Landscaped Open Space	20-30%, variable by # of dwelling units/lot	20%
Parking	1 space/unit	1 space/unit, except none required for first 3 units

At these meetings, staff made a brief presentation on the reasons for rezoning, how the changes related to existing neighborhood contexts, and implications for future development. A sample of one of the packets distributed for the East Bayside Neighborhood Association meeting was included at the October workshop. The packet included examples of nonconforming parcels, with sketches demonstrating the results of existing and proposed setbacks (see example in Figure 2) to illustrate the limitations in incongruity of existing dimensional requirements.



Figure 2

The feedback we received was lively and varied, and much of it was supportive. The overall goals of zoning standards that better align with historic and desired patterns of development, the need to allow for greater housing production, and greater flexibility for property owners on small lots were received well. Feedback on the details of the proposal was far from uniform or entirely positive, though, and there were several recurrent themes that emerged:

- *That five foot minimum side setbacks combined with a 45 foot height limit will create light and air impacts for adjacent properties.* In response, the text amendments were changed to include stepbacks of an additional five feet beyond rear and side yard requirements for portions of building above 35 feet.
- *That allowing higher densities in residential zones will hasten a loss of larger housing units and families that occupy them, including the conversion of single family homes and multi-bedroom apartments to 1-bedrooms and efficiencies.* There is an existing zoning provision that speaks to this concern, placing size limits on the conversion of existing buildings into additional dwelling units. Sec. 14-136.2 requires that the creation of new multifamily dwellings originating from the alteration of an existing residential structure not result in the creation of any new dwelling unit of less than 600 square feet of floor area, and shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area. This does not prohibit division of existing units, but it does aid in the retention of a varied housing stock.
- *That the proposed parking exemption for the first three units will have negative impacts on the livability of the impacted neighborhoods.* This has been by far the most contentious aspect of the proposed changes. It should be noted there has been some genuine support for this proposal, as well as some qualified support, but also, and in greater numbers, opposition. A number of the people we've met with were skeptical but constructively engaged with the topic, offering possible alternatives such as allowing this exemption for small developments/small parcels only, or requiring that one parking space be mandatory and the next three exempted to insure that a driveway, and other informal uses of that space for off-street parking, were made possible (this last would also allow for the possibility of more than one car parking in

tandem in a driveway – City regulations do not give credit to tandem parking spaces, but in practice driveways often hold multiple cars). Staff does not believe this to be a drastic proposal, and it offers flexibility and the potential for reduced costs for small lot housing production. Any property developer feeling the need for more parking spaces would still have the option of providing them – this is not a prohibition on providing parking for the first three spaces. Nevertheless it is a topic of great import for the community member we've met with, and deserves careful consideration.

Additional feedback has been received since the October workshop, and written comment is attached. Some issues/questions raised in the last month:

- Parking standards remain a concern.
- *What is the relationship of these changes to affordable housing?* These text amendments don't make any specific affordability proposals. By allowing for more housing to be constructed, both in overall allowed density, and in allowing for small lots to be built upon, the overall supply, and diversity of the housing supply will be added to.
- *Have these changes been brought forward at the request of developers?* These amendments are not at the request of a private developer, and will benefit individual property owners, and small, non-professional property developers as much as developers of larger scale projects.
- *How these changes will benefit, or not benefit a recent application for Sumner Court?* These amendments are not being influenced by that application, or future proposals for that property (substantive discussion of a specific application should be discussed at an advertised meeting for that application). Generally, the elimination of the Small Residential Lot provision adds greater predictability to development going forward. But introducing smaller minimum lot sizes and other reduced dimensional standards zone-wide, the need for the Small Residential Lot standard is eliminated and with it some very relaxed standards, such as no minimum lot size, and critically, no minimum street frontage requirement.
- Concern with the impact on neighborhood character of garage doors as part of a front façade. Staff's concern with this is why a maximum percentage of the front façade dedicated to garage doors is proposed. Without this standard, garage doors could dominate first floor frontages. Simultaneously, allowing some garage presence seems reasonable, and not detrimental if not the dominant street-level use.

VII. Non-conforming lot mergers

Staff indicated changes to these standards would be brought forward in November. They are not being brought forward just yet, though we are actively engaged in drafting alternatives to the current standards. These standards affect lots beyond the R-6 zone, and are complex enough to be considered as their own, freestanding amendment. The R-6 text amendments also do not require changes to the non-conforming lot merger provisions to be functional, positive changes to the current, ill-sized dimensional standards. Planning staff will present these changes in the near future as amendments brought forward in conjunction with the R-6 zone, or as a freestanding amendment, according to Board feedback and direction.

VIII. Next Steps

- Staff to revise R-6 amendments according to Planning Board comments.
- Schedule a date for a follow-up workshop or public hearing, as needed.

IX. At the November 25th meeting there'll be a selection of accompanying visuals presented.

X. Attachments

1. Proposed Text Amendments to Portland Land Use Code, Div. 7, R-6 Residential Zone
2. Proposed Text Amendments to Portland Land Use Code, Sections 14-332, and 14-433.

3. Table of Existing and Proposed Dimensional requirements

Public Comment~~RCX, BX, Vesi~~

PC2, A. Pringle

PC3, J. McManamy

PC4, Jack/Platt

PC5, PHA

PC6, K. Snyder

PC7, R. Yarnold

PC8, L. Davey

PC9, L. Parsons

PC10, JD Cowie

PC11, Z. Barowitz

PC12, B. Burwell

PC13, Z. Barowitz

PC14, JD. Cowie

PC14, G. Kuhlthau

R-6 Existing and Proposed		
<i>Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
Minimum Lot Size	Residential Uses: 4,500 sf	Residential Uses: 2,000 sf, except that in R-6A the min. residential lot size is four (4) acres.
	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
	Intermediate care facility: One (1) acre.	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 30,000 sf; Medium, 15,000 sf; Small, 7,500 sf.	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 4,500 sf	Municipal Use: 2,000 sf
	Hospital: Two (2) acres	Hospital: Two (2) acres
	Lodging house: Four thousand five hundred (4,500) square feet.	Lodging house: 2,000 sf
	All other uses: Forty-five hundred (4,500) square feet.	All other uses: 2,000 sf
Min. Lot Area/Dwelling Unit	<i>Minimum land area per dwelling unit:</i> One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.	725 s.f.
Minimum Lot Area/Lodging House Rooming Unit	250 s.f	250 s.f
Minimum land area per intermediate care facility resident	Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.	20 feet
Street Frontage	40 feet	
Minimum Front Yard Setback for Principal and Accessory Structures	Principal or accessory structures: Ten (10) feet. A front yard need not exceed the average depth of front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.	5 ft, or no more than average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Minimum Side Yard Setback for Principal and Accessory Structures	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.	5 ft, except that side yards in R-6A shall be 10 ft. for principal structures up to 45 ft. in height. And 15 ft. for principal structures greater than 45 ft. in height.
	ii. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.	Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
	i. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:	
	<i>Height of Structure Required Side Yard</i>	
	1 story 10 feet	
	2 stories 10 feet	
	3 stories 10 feet	
	4 stories 12 feet	
	5 stories 15 feet	
	The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10) feet.	

R-6 Existing and Proposed		
<i>Dimensional Requirements</i>	<i>Existing</i>	<i>Proposed</i>
	ii. Detached accessory structures with ground coverage of one hundred and forty-four(144) square feet or less: Five (5) feet.	
	iii. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.	
Side Yard on Side Street	10 feet	None
Structure Stepbacks		Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. <i>Does not apply to side yards on side streets.</i>
Maximum Lot Coverage	Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.	60%
Minimum Lot Width	50 feet	20 feet
Maximum Height	Principal and attached accessory structure: Forty-five (45) feet.	Principal and attached accessory structure: 45 ft, except that the max. principal and attached accessory structure height shall be 65 ft.
	Accessory detached structure: Eighteen (18) feet.	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	<i>Uses other than bed and breakfast.</i> Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.	20%. This area shall not include parking areas or other impervious surfaces as defined in section 14 47.
	<i>Bed and breakfasts.</i> A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for site plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the application for site plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for site plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.	
Minimum gross floor area for bed and breakfasts	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
Maximum floor area for places of Assembly	<i>On a collector or arterial road:</i>	<i>On a collector or arterial road:</i>
	Large: Not limited	Large: Not limited
	Medium: 4,500 sf	Medium: 4,500 s.f.
	Small: 2,250 sf	Small: 2,250 s.f.
	<i>Not on a collector or arterial road:</i>	<i>Not on a collector or arterial road:</i>
	Large: 4,500 sf	Large: 4,500 s.f.
	Medium: 2,250 sf	Medium: 2,250 s.f.
	Small: 1,125 sf	Small: 1,125 s.f.
Maximum Garage Opening		Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.
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Amendments to Section 14-433. Lots of record and accessory structure setbacks for existing buildings

Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Notwithstanding any other language in this ordinance, ~~A~~any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below ~~for island residential zones~~, with a minimum lot size of five thousand (5,000) square feet, ~~except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, or the applicable minimum lot size and frontage in that zone, whichever is less,~~ provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met ~~provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:~~

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250)

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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.

Amendments to Section 14-332, Parking

Sec. 14-332. Uses requiring off-street parking.

Except as provided in Section 14-332.1, 14-332.2 (exceptions) and 14-345 (fee in-lieu of parking) of this division, for the uses listed below the following minimum off-street parking requirements shall be provided and maintained in the case of new construction, alterations which increase the number of units, and changes of use:

(a) *Residential structures:*

1. For new construction, two, (2) parking spaces for each dwelling unit, ~~plus one (1) additional parking space for every six (6) units or fraction thereof.~~
2. For alterations or changes of use in existing structures, which create new or additional dwelling units in such structures, and for accessory units pursuant to §§14-68,78,88, one (1) additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.
3. For residential development on the peninsula (southerly of I-295 and Tukey's Bridge) and R-6 and R-6A zones.
 - a. One (1) space per unit unit except that no parking shall be required for the first three (3) units in the R-6 Residential Zone;
 - b. The required parking for multi-unit residential buildings may be partially met through provision of shared-use vehicles, which are vehicles owned and maintained by the owner/manager of the building and available for use on a fee basis to the residents of the building. One shared use vehicle shall be deemed to satisfy eight (8) required car spaces, but in no case shall more than 50% of the parking requirement be satisfied by shared vehicle use.
 - c. The planning board may establish a parking requirement that is less than the normally

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required number of spaces upon a finding of unique conditions that result in a lesser parking demand, such as housing for persons who cannot drive, housing that participates in a travel demand management program, availability of transit, or housing which includes permanent restrictions on automobile usage, and which is permanently restricted from utilizing resident on-street parking stickers.

DIVISION 7. R-6 AND R-6A RESIDENTIAL ZONES*

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 the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses.

(b) In cases of qualifying small, vacant, underutilized lots located in the urban residential and business zone, to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.

The purpose of the R-6A residential zone is:

(c) To encourage neighborhood livability with higher density multi-family housing on large parcels located off the peninsula. The zone is appropriate in areas that are along major public transportation routes, near service areas, and in redevelopment (underutilized) or infill areas.

Sec. 14-136. Permitted uses.

The following uses are permitted in the R-6 and R-6A residential zones:

(a) *Residential:*

1. Single- and two-family dwellings. No building reviewed as a two-family dwelling in accordance with section article V (site plan) of this chapter shall be altered to include any additional dwelling unit within five (5) years from the date of issuance of the building permit. Any building reviewed as a two-family dwelling in accordance with article V (site plan) of this chapter or not reviewed under article V, which is altered or enlarged to include any additional

dwelling unit after this five-year period, shall be reviewed as a pursuant to article V of this chapter.

2. Multifamily dwellings. ~~___, provided that any alteration of a structure in residential use on December 2, 1987:~~

~~a. Shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and~~

~~b. Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic;~~

Sec. 14-139. Dimensional requirements.

a. In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, lots in the R-6 and R-6A zones shall meet or exceed the following minimum requirements:

R-6 Dimensional Requirements	
Minimum Lot Size	Residential Uses: 2,000 sf, except that in R-6A the min. residential lot size is four (4) acres.
	Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
	Intermediate care facility: One (1) acre.
	School: Thirty thousand (30,000) square feet.
	Places of assembly: Large, 15,000 sf; Medium, 10,000 sf; Small, 5,000 sf.
	Municipal Use: 2,000 sf
	Hospital: Two (2) acres
	Lodging house: 2,000 sf
	All other uses: 2,000 sf
Min. Lot Area/Dwelling Unit	725 s.f.
Min. Lot Area/Lodging House Rooming Unit & Min. Land Area per Intermediate Care Facility Resident	250 s.f.
Street Frontage	20 feet
Minimum Front Yard Setback for Principal and Accessory Structures	5 ft, or no more than average depths of adjacent front yards.
Minimum Rear Yard Setback for Principal and Accessory Structures	10 feet, except that accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.
	Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article
Minimum Side Yard Setback for Principal and Accessory Structures	5 ft, except that side yards in R-6A shall be 10 ft. for principal structures up to 45 ft. in height. And 15 ft. for principal structures greater than 45 ft. in height.
	Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.
Side Yard on Side Street	None
Structure Stepbacks	Portions of a structure above 35 ft shall be no closer than 10 ft from the side property line and no closer than 15 feet from the rear property line when such property line abuts a residential zone. <i>Does not apply to side yards on side streets.</i>
Maximum Lot Coverage	60%
Minimum Lot Width	20 feet
Maximum Height	Principal and attached accessory structure: 45 ft, except that the max. principal and attached accessory structure height shall be 65 ft.
	Detached accessory structure: Eighteen (18) feet.
Landscaped Open Space	20%. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.
Minimum gross floor area for bed and breakfasts	Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.
Maximum floor area for places of Assembly	<i>On a collector or arterial road:</i>
	Large: Not limited
	Medium: 4,500 s.f.
	Small: 2,250 s.f.
	<i>Not on a collector or arterial road:</i>
	Large: 4,500 s.f.
	Medium: 2,250 s.f.
	Small: 1,125 s.f.
Maximum Garage Opening	Garage openings on front façade shall not exceed the greater of nine (9) feet or forty (40) percent of the front façade.

b. Townhouse Subdivisions

Subdivisions consisting of horizontally attached dwellings on individual lots are not required to have side yards between such dwellings where a party wall condition will exist. Horizontally

attached dwellings located within a single lot shall be required to meet the applicable side yard requirements at the external lot boundaries of the subdivision and internal lot boundaries between such dwellings that are not attached to each other. No minimum lot size, width or street frontage shall be required for individual lots underlying townhouse (horizontally attached) dwelling types. The applicable minimum lot area per dwelling shall apply to each lot.

C. Single-family, two-family, and multi-family dwellings in existence as of (date of enactment) shall not result in the creation of any additional dwelling unit of less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic; and Shall not result in any existing dwelling unit being reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement and attic.

~~(a) Minimum lot size:~~

- ~~1. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 (lots of record and accessory structure setbacks for existing buildings) of this article.~~
- ~~2. Reserved.~~
- ~~3. Long term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.~~
- ~~4. Intermediate care facility: One (1) acre.~~
- ~~5. School: Thirty thousand (30,000) square feet.~~
- ~~6. Places of assembly:~~

Large	30,000 sq. ft.
Medium	15,000 sq. ft.
Small	7,500 sq. ft.

- ~~7. Municipal use: Forty-five hundred (4,500) square feet.~~
 - ~~8. Hospital: Two (2) acres.~~
 - ~~9. All other uses: Forty-five hundred (4,500) square feet.~~
 - ~~10. Lodging house: Four thousand five hundred (4,500) square feet.~~
- ~~(b)~~
- ~~1. Minimum area per dwelling unit: One thousand (1,000) square feet per dwelling unit; and in the case of building additions and new construction, one thousand two hundred (1,200) square feet for each dwelling unit after the first three (3) units. This requirement may be reduced by up to twenty (20) percent for a special needs independent living unit.~~
 - ~~2. Minimum rooming unit areas for lodging houses: Two hundred (200) square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit shall be a minimum of eighty (80) square feet.~~
 - ~~3. Minimum land area per lodging house rooming unit: Two hundred fifty (250) square feet.~~
 - ~~4. Minimum land area per intermediate care facility resident: Eight thousand (8,000) square feet for the first thirty-five (35) residents, plus three hundred fifty (350) square feet for each additional resident.~~
- ~~(c) Minimum street frontage: Forty (40) feet.~~
- ~~(d) Minimum yard dimensions: (Yard dimensions include setbacks of structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)~~
- ~~1. Front yard:~~
 - ~~Principal or accessory structures: Ten (10) feet.~~
 - ~~A front yard need not exceed the average depth of~~

~~front yards on either side of the lot. A lot of record existing as of June 5, 1957, and less than one hundred (100) feet deep need not be deeper than twenty (20) percent of the depth of the lot.~~

~~2. Rear yard:~~

~~a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet: Twenty (20) feet.~~

~~b. Detached accessory structures with a ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.~~

~~c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.~~

~~3. Side yard:~~

~~a. Principal and attached accessory structures with ground coverage greater than one hundred (100) square feet:~~

~~Height of Structure Required Side Yard~~

~~1 story 10 feet~~

~~2 stories 10 feet~~

~~3 stories 10 feet~~

~~4 stories 12 feet~~

~~5 stories 15 feet~~

~~The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard is correspondingly increased, but no side yard shall be less than ten (10) feet. In the case of a lot of record existing as of June 5, 1957, and held under separate and distinct ownership from adjacent lots, the required side yard may be reduced in order to provide a buildable width of up to twenty-four (24) feet, but in no case shall the resulting side yards be less than ten (10)~~

~~feet.~~

~~b. Detached accessory structures with ground coverage of one hundred and forty-four (144) square feet or less: Five (5) feet.~~

~~c. Setbacks for swimming pools shall be as provided for in section 14-432 (swimming pools) of this article.~~

~~4. Side yard on side streets:~~

~~a. Principal or accessory structures: Ten (10) feet.~~

~~(c) Maximum lot coverage: Forty (40) percent of lot area for lots which contain twenty (20) or more dwelling units; fifty (50) percent for lots which contain fewer than twenty (20) dwelling units.~~

~~(f) Minimum lot width: Fifty (50) feet.~~

~~(g) Maximum structure height:~~

~~Principal and attached accessory structure: Forty-five (45) feet.~~

~~Accessory detached structure: Eighteen (18) feet.~~

~~(h) Open space ratio:~~

~~1. Uses other than bed and breakfast. Twenty (20) percent for those lots which contain fewer than twenty (20) dwelling units; thirty (30) percent for those lots which contain twenty (20) or more dwelling units. This area shall not include parking areas or other impervious surfaces as defined in section 14-47.~~

~~2. Bed and breakfasts. A bed and breakfast that is located on a lot that has at least twenty (20) percent open space on the date of filing of the application for Site Plan shall not reduce the open space on the lot below twenty (20) percent of the lot area. A bed and breakfast located on a lot that does not have at least twenty (20) percent open space on the date of filing of the~~

~~application for Site Plan review, and that is legally nonconforming as to the open space requirement of this section, shall not reduce the open space on the lot below the level in existence on the date of the application for Site Plan review. Open space areas shall not include parking areas or other impervious surface areas as defined in section 14-47.~~

~~(i) A below-grade dwelling unit shall be permitted only if the primary access for the dwelling unit is provided directly to the outside of the building.~~

~~(j) Minimum gross floor area for bed and breakfasts: Two thousand (2,000) square feet of gross floor area for the first three (3) guest rooms and five hundred (500) square feet of floor area for each additional guest room.~~

~~(k) Maximum floor area for places of assembly on a collector or arterial road:~~

Large	Not limited
Medium	4,500 sq. ft.
Small	2,250 sq. ft.

~~(l) Maximum floor area for places of assembly not on a collector or arterial road:~~

Large	4,500 sq. ft.
Medium	2,250 sq. ft.
Small	1,125 sq. ft.

~~(2) Small residential lot development: Residential uses on small, vacant lots located in the R-6 are subject to Site Plan review and may use the dimensional requirements below if all of the following conditions are met:~~

~~_____ The lot is:~~

~~Vacant or is used exclusively for parking or contains structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005.~~

~~_____ (a) Minimum lot size: None~~

~~(b) Maximum lot size: Ten thousand (10,000) square feet.~~

~~(c) Yard dimensions:~~

~~1. Front yard:~~

~~No more than ten (10) feet.~~

~~2. Rear yard:~~

~~None, except that rear yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the abutting buildings and proposed buildings divided by five (5), whichever is greater; and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line.~~

~~3. Side yard:~~

~~None, except that side yards between two (2) buildings on the same or different lots shall maintain a minimum ten (10) foot setback between buildings or the sum of the heights of the existing buildings and proposed buildings divided by five (5), whichever is greater and that either the rear yard or one of the side yards shall be at least fifteen (15) feet; Provided, however, detached accessory structures with a ground floor area of one hundred (100) square feet or less need not have a setback more than five (5) feet from the property line. Notwithstanding the foregoing, no structure shall be closer than four (4) feet to side property line. On a corner lot no side yard is required on that side of the lot which abuts any street. A principal structure on a corner lot shall not be more than ten (10) feet from the street.~~

- ~~(d) Minimum principal structure height: Two (2) stories of living space above the grade of the adjacent street frontage, except for porches, entryways, attached garages and accessory detached structures.~~
- ~~(e) Maximum principal structure height: Forty five (45) feet.~~
- ~~(f) Open space requirement: All lots used for residential purposes shall provide an attached exterior deck, porch, patio or balcony for each dwelling unit, except where a designated open space equal to ten (10) percent or more of the lot area is located on site and maintained as open space, then the number of exterior decks, porches, patios or balconies may be reduced by up to fifty (50) percent. The designated open space, if provided, shall have a minimum width and length of at least fifteen (15) feet, a slope of no greater than ten (10) percent and shall be used exclusively as recreational open space i.e. it shall not be used for vehicular circulation, parking, etc.. All required decks, porches, patios or balconies shall meet the requirements of the Planning and Development Design Manual.~~
- ~~(g) Minimum lot width: None.~~
- ~~(h) Minimum land area per dwelling: Seven hundred and twenty-five (725) square feet.~~

Sec. 14-140. Other requirements.

(a) *Off-street parking:* Off-street parking is required as provided in division 20 (off-street parking) of this article, except that required parking for residential building additions shall be located on the same lot.

~~For small, vacant lots which meet, and are developed under, the dimensional standards of 14-139(2) above, the following off-street parking requirements shall apply:~~

- ~~1. One (1) parking space per dwelling unit is required and shall be located on the same lot; and~~
- ~~2. The technical and Design Standards for driveway design for one and two family buildings (Section II, Traffic Design Standards and Guidelines) shall apply to~~

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~~projects with up to four units and with no more than four parking spaces;~~

(b) *Storage of vehicles:* Only one (1) unregistered motor vehicle may be stored outside on the premises for a period not exceeding thirty (30) days.

(c) *Shoreland and flood plain management regulations:* Any lot or portion of a lot located in a shoreland zone as identified on the city shoreland zoning map or in a flood hazard zone shall be subject to the requirements of division 26 and/or division 26.5.

~~_(d) Small residential lot development shall conform to the Site Plan standards of §14-526.~~

Jeff and Alex,

Thank for meeting with WPNA Board and Visioning Committee members on June 16 to discuss the impetus for and proposed text changes to the R-6. I understand that you have also reached out to other peninsula neighborhood associations and we all appreciate the early introduction to this important initiative.

As we understand it, the effort comes at the direction of the HCDC to encourage more housing creation by removing zoning impediments, while being sympathetic to the context in which new housing would be created. Objectives are:

- ~Assure a range of housing options
- ~Add housing units
- ~Promote "affordable housing"
- ~Reflect the existing development pattern in neighborhoods

On its face, each of these are worthy objectives, but zoning changes must be approached carefully to assure that the objectives are, indeed, met and that unintended consequences are avoided.

Some of our comments were:

- ~The proposed street line changes appear to make sense to conform to the existing development pattern and do not affect other neighbors.
- ~Side and rear setback changes and lot coverage may make sense in certain situations, but not others, as they may negatively affect immediate abutters.
- ~Reduction in the required lot size/unit, with some controls over individual unit size, will create more units but could potentially spur conversion of more affordable single family homes to multi-unit structures.
- ~In the quest for "affordable housing", how does the City define this term? What mechanisms are contemplated to assure sustainable affordable housing, as zoning changes do not control the marketplace? In particular, an unintended consequence might be the conversion of modest single family homes to multi-units, a windfall for the seller and developer, but probably providing affordable housing to perhaps only the first unit occupant and removing relatively affordable single family homes from the housing stock.
- ~The proposed reduced parking requirement was of great concern in an already tight parking situation on many blocks.
- ~In the case of vacant lots under the new rules, a large new building with significant lot coverage might not be consistent with the prevailing development pattern.
- ~Once the zoning is changed, it affects existing owners who can't get relief from the unintended impacts of the changes.

Upon reflection, here are some incremental actions that may make sense, in response to the issues raised above:

- ~Focus first on the vacant "stranded lots", development of which is constrained by existing zoning. How many such lots are there? How many housing units might be created under the proposed density changes? Do and evaluate some visual impact examples for individual lots, shown in the existing development context.

~Explore ways to reduce development cost on the peninsula. As you have heard me comment at numerous meetings, the development cost of "affordable housing" is outrageous. How does it compare to the cost of private development by Crandall Toothaker, for example?

~Study the market for very small units. How deep, sustainable is that market? What housing stock might be lost to the conversion to smaller units? How does that affect the mix and integrity of existing neighborhoods?

~Study the peninsula housing pattern in, say, the '40s or '50s, when Portland's population was much larger. How many people lived on the peninsula? Household sizes? In what housing configurations? Single family homes, multi-bedroom apartments, etc? What has changed? For example, the large-scale conversion in Parkside in the 1970s of large single family units (homes and apartments) to one bedroom units made the neighborhood more transitory and severely affected the parking problem.

Thank you for considering our input.

Please let me know the current timeline for this issue to move forward, so that we will be ready to participate in meetings.

Thanks - and let me know if you have any questions or comments

Anne Pringle, President
Western Promenade Neighborhood Association

November 19, 2014

Chair O'Brien and members of the Portland Planning Board:

I am writing to ask you to broaden awareness of and participation in the substantial changes proposed for the R6 zone. As a resident of Munjoy Hill, I can see that the amendments will have a substantial negative impact on my quality of life, and I believe my concerns would be shared by many if they were aware of the work underway. Casual conversations around town convince me they are not.

My first request is that you mail postcards to property owners and renters in the affected neighborhoods, directing them to the well-organized resource on the city's website and informing them of upcoming events.

With respect to the proposals, I am concerned about the elimination of the offstreet parking requirement for the first three units. Before we had any parking requirements at all, Parkside was the focus of a frenzy of investment in income properties, and the congestion resulting from that era remains today: the interest among Portland residents in being car-free has not removed enough cars from Parkside streets to make the neighborhood's parking adequate. Much of the property is absentee landlord-owned. Were these changes to go through, I am certain the same would happen on Munjoy Hill. I would be able to add two units to the building I own and live in, and all the tenants' cars would be on the street. Increased real estate values would put great pressure on landowners to build to the maximum number of units.

We need a specific parking strategy for the Portland peninsula, but this is not it. My second request is that you remove this proposal from the table this activity and develop a parking strategy with input from residents.

My second concern is for the escalation of property values on the peninsula, which this proposal will accelerate. There is growing anxiety about the next revaluation, and consequent impact on taxes. A sudden increase in property taxes is likely to drive many middle income residents out of my neighborhood, to accelerate the chopping up of existing buildings into smaller units, and to eventually lead to another collapse in real estate prices. Already there are unsold condos on the Hill, and developers are buying and renovating properties in order to flip them. We have seen this before, in the early 90s, and don't want to go down that road again.

My third request is that you communicate in a transparent way with the citizens of Portland about the state of the city and the type of social fabric your housing policy is designed to bring about (is it true that half the rental units in the city are subsidized? Is it true also that families with children leave the peninsula and the city seeking a better balanced social environment for their children's schools once the children reach school age?) Nowhere is it clearly stated.

I believe that most of the residents of the R6 zone support shelter for all who need it, but believe that driving this development agenda will simply price more middle class families out of the market. It is time to create cluster developments with neighborhood services in off-peninsula neighborhoods where land prices are more reasonable and construction costs lower. I think this rises to the level of a revision of the comprehensive plan, and so my fourth request is that you initiate that process.

Finally, I want to request that the city rebalance its efforts to reduce the time spent on enabling development. The city's only visible economic development strategy seems to be a maximum buildout of its real estate. This summer, nearly every street on the peninsula was opened for utility work, and closed up again without the installation of fiber optic cable or conduits for fiber optic cable. Meanwhile, South Portland has partnered with gwi.net to install state of the art infrastructure for business and entrepreneurs. The internet service on the peninsula is poor, partly because our antiquated phone lines cannot carry a high quality signal, and Portland is at

risk of losing its highly valued entrepreneurial culture as a result. We have sadly neglected important business as a city, whether it is fire safety or infrastructure to support business. The pendulum has swung too far.

Thank you for taking the time to read this.

Sincerely,

Jean (Nini) McManamy
10 Willis Street, Portland

11/19/14

Barbara Barhydt, Development Review Manager
Alex Jaegerman, Director
Christine Grimando, Senior Planner
Planning Division
389 Congress Street 4th Floor
Portland, ME 04101

Dear Barbara,

My husband and I own and reside in property on Munjoy Hill. We are not able to attend the workshop meeting on 11/25 to discuss the proposed changes to the R-6 Zoning Ordinance but want to weigh in on this important issue.

We understand that the city's mission for changing the R-6 ordinance is to provide for greater housing opportunities, to enable infill development on small parcels and to have standards in place for new construction to be consistent with the historic pattern of development in the R-6 zone.

While we support parts of that overall mission, we feel that some of the reduced requirements in the current proposal go too far and will create unintended consequences that will negatively change the landscape and overall character of the neighborhoods in the R-6 zone.

For example, at the first meeting we attended several months ago regarding the R-6 changes, the initial proposal reduced the minimum lot size from 4,500 to 2,500 sq. ft. and reduced the minimum street frontage and lot width requirements from 40' to 30'. In the latest proposal, these requirements have been even further reduced, which we are very concerned about. The current proposal reduces the minimum lot size from 4,500 to 2,000 sq. ft. and reduces the minimum street frontage and lot width requirements from 40' to 20'.

If these current requirements pass and parcels with only 20' of street frontage qualify as buildable lots--with the new 5' setbacks on either side--they would allow for 10' wide buildings as high as 45' to be erected. These structures would resemble the "tube" housing that is prevalent in Hanoi, Vietnam—the only place in the world where these structures currently exist. Below are examples of what these buildings look like:



These structures are clearly not the type of housing that is intended for the Portland peninsula, do not support the Comprehensive Plan and are completely out of character with our current neighborhoods. Yet they would be possible given the requirements in the current proposal.

Too, given the huge increase in land values, property owners and developers would be encouraged to divide and sell off any portions of their lots that would qualify as buildable lots under the new provisions. Thus, not only would some of the existing R-6 vacant lots qualify for development, but much of the land currently used as side yards and off street parking areas would be lost to the type of increased housing density mentioned above. The charm and character of our current neighborhoods would be lost forever and more cars would end up on the streets, making our parking issues far worse.

We are further concerned that the parking requirements have been reduced from 1 space per unit to 0 spaces for the first three units. The Portland public transportation system has a very long way to go before it will truly be practical for residents not to own cars. In the interim, the City is responsible for creating realistic zoning laws that recognize this fact. Pouring more cars on the streets with no plan for how to properly manage them is simply not good public policy.

We agree that the Small Residential Lot Provision should be eliminated from the R-6 Zoning Ordinance since the new minimum lot size will be smaller and will allow for many vacant lots to be developed, where appropriate. If the Small Lot Provision is not eliminated, it should be amended to include a minimum street frontage provision so that lots with inadequate access will not qualify for development.

While we support responsible development when and where it's appropriate, we do not support changing zoning laws simply so that developers can squeeze more market rate housing units into every square inch of land on the peninsula. This will do nothing to preserve the character of our neighborhoods or to solve the affordable housing crisis. It will only support the developers and those who can afford luxury housing. Given the continued rise in land and property values, it is no longer feasible for developers to build

affordable housing units in most areas on the peninsula, especially the already densely populated areas like Munjoy Hill and the West End. There is an explosion of new high end housing units currently under construction on Munjoy Hill. Some are selling for prices as high as a million dollars per unit. If the goal is to add more affordable housing units in Portland, the City needs to look at neighborhoods where land is more available and affordable rather than changing the zoning in the most densely populated neighborhoods in the state to squeeze in more high end housing units. Affordable housing opportunities are more realistic in areas off the peninsula with lower land values.

In summary, we feel that more public discussion is necessary before a proposal is presented to the City Council for approval. We attended a meeting on 11/16 at the MHNO office and heard from the nearly 36 people in attendance that there is a high lack of public awareness surrounding this issue. Despite the fact that members of the Planning Staff have met with some of the neighborhood organizations, many residents are not aware that changes to the R-6 zoning ordinance have been proposed and are being discussed. The city must cast a much wider net to include their voices in this discussion before any changes are made.

Sincerely,

Pam Jack & Devon Platte
26 North Street



COMMISSIONERS

Christian MilNeil, Chairperson
 Shirley Peterson, Vice Chairperson
 Siyad Ahmed, Commissioner
 Mariar Balow, Commissioner
 Evan Carroll, Commissioner
 Faith McLean, Commissioner
 Thomas Valleau, Commissioner

Mark B. Adelson
 Executive Director

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

November 10, 2014

To the Portland Planning Board and Portland City Council:

The Portland Housing Authority (PHA) would like to express its strong support for the proposed revisions to Portland's R6 zoning code. We assist over 3,000 households with housing in the City of Portland through our Public Housing and Section 8 Housing Choice Voucher programs. The current zoning code is a major obstacle in building new rental housing on the Portland peninsula, and poses three important challenges to our mission and programs:

- Very few market rate apartments have been built on the Portland peninsula in the past 30 years, in spite of rising demand. This has created extremely tight conditions in the rental market, with single-digit vacancy rates. This makes it harder for us to locate housing for families eager to utilize our Housing Choice Vouchers, the bulk of which are paid to private-sector landlords.
- The imbalance of rental supply and demand has also increased the city's market rents. This drives more households to seek assistance from our programs (over 4,500 applicants are currently on our waiting list) while forcing us to spend more money on each of the 1,800 Section 8 Housing Choice Vouchers we administer.
- Our long-term goal is to redevelop our Public Housing neighborhoods like Kennedy Park in such a way that these sites can house more families, employ better urban design, and create wider variety of affordable housing opportunities. However, the restrictions of the current zoning code effectively prohibit affordable housing unless significant subsidy can be obtained. State and Federal assisted financing for development and additional rental subsidies are extremely limited and competitive. Along with current density restrictions, setback and parking requirements prohibit building new housing that mimics the design and architectural vernacular of Portland's older neighborhoods.

The proposed revisions would, in the short term, enable the PHA and others to develop new affordable housing that serves more households, is more energy-efficient, promotes upward mobility for our residents, and is better-integrated with surrounding neighborhoods. And, in the longer term, a revised R6 zone would stimulate the construction of new middle-class housing which in-turn would help to ameliorate the city's housing shortage and associated rent inflation.

One question we have is in regard to two of our largest Public Housing properties in the R6. Together, Harbor Terrace in the West End and Franklin Towers in Bayside contain 320 apartments for seniors and disabled individuals. These buildings are over 40 years old and will be ready for redevelopment in the not-to-distant future. Even if the proposed amendments are approved, they would still violate the new R6 zone's height requirements. Whether they deserve an entirely new zoning designation or an exception in the R6 language, we would appreciate a discussion with City planners and possibly a proactive solution.

Yours sincerely,



Mark B. Adelson, Executive Director

cc: Jeff Levine, City of Portland Planning Division Director

Hi Alex, Christine, and Jeff,

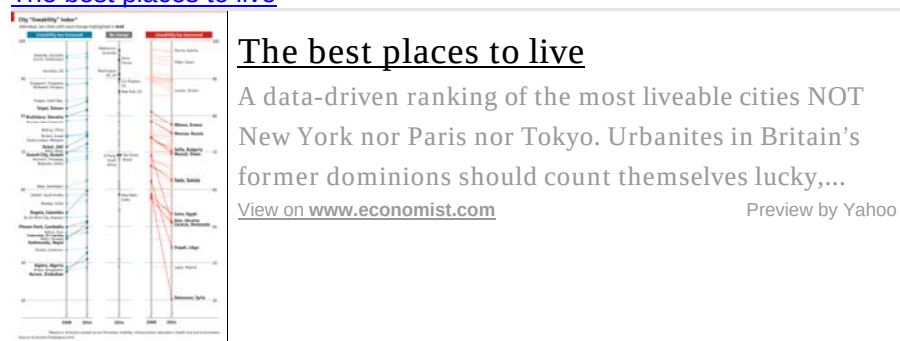
Based on the outcome of the proposed R-6 amendment changes that you proposed to the East Bay Side Neighborhood Meeting held on Tuesday, August 19, 2014 at the Mayo Streets Art building, conservatively 80% of the East Bay Residents that attended were really opposed to the R-6 recommended parking changes of NOT requiring off street parking for multi-units of three (3) or less. One (1) off street parking slot per unit should ALWAYS be required. I am pretty sure the majority of East Bay Side neighbors agrees with this statement to keep further congestion on our neighborhood streets.

Additionally, I am concerned about the accuracy and the bench marking information gathering that you seem to justify these proposed R-6 dimensional requirement changes. You seem to use a specific consultant that feeds you information and you appear to be using only Portland, Oregon as a bench marking model. Yet, you can not seem to provide any specific detail on the statistics (example: averages, min/max, etc.) that drive your dimensional requirements existing and proposals dimensional numbers. In fact, when we asked you about Front Yard Setback, you basically said you don't have any averages, well if that is the case, how could you make a proposed front yard setback dimension requirement? This also applies to the other proposed dimensional requirements as well.

I am not sure if you realize this but the reputable magazine called the Economist which has just put out the most livable cities in the world to live in and the United States has NOT one city included in the top ten. In fact, several Australian and Canadian cities are in the top ten.

The below link provides the Economist's 2014 latest livable city list which could also possibly be used in benchmarking for cities' models and parameters rather than just Portland, Oregon.

[The best places to live](#)



The reason why I live in Portland, ME is because it acted like a city represented in the Economist as a most livable city since I have been to most of the world's best livable cities. However, it appears that the current Portland city council, planning dept, and the planning board members are slowly killing the essence of what makes Portland, ME one of the few cities in the United States that is "livable" to appease the developers without the consideration of the local tax paying residents in mind.

Regards,
K Snyder
Concerned Munjoy Hill Resident

>>> "RITA YARNOLD" <cbayrea1@maine.rr.com> Tuesday, October 28, 2014 12:08 PM >>>
Dear Barbara,

I have a showing appointment that conflicts with the Planning Department workshop this afternoon at 4:30.

As a local real estate professional, I agree with Ron Gan's October 22, 2014 letter, that was addressed to you.

Best regards,

Rita Yarnold
Bay Realty/President
559 Congress Street
Portland, Me. 04101

11-18-14

Ms. Grimando -

I was unable to make the meeting Sunday at the Munjoy Hill Neighborhood Organization, but wanted to express great concern for many of these proposed changes. The drastic reductions in lot size and setbacks, increasing density and requiring no parking for first 3 units, would change the landscape here on Munjoy Hill - affect light, increase crowding, and damage instead of enhance quality of life.

I am very much in favor of urban development, but even with the existing R-6 regulations, it is pretty easy to watch development go up that completely changes the landscape of streets and blocks.

I am also concerned that the next public meeting is Tuesday, November 25, during the week of Thanksgiving holiday, when many interested citizens will be away or with family.

I would very much like to be added to any e-mail list you have re the progress and process of proposed revisions to R-6.

Thanks very much.

Lynn Davey

9 Ponce St

Portland

207-773-6356

Hi, Christine:

Thanks for talking with me just now. Below is the notice that went around from WENA and that prompted my call.

If there is any mechanism for continuing to take public comment on this matter, I'd like it known that I am concerned about the 5 foot minimum on the sides of lots. For closely abutting properties this poses potential fire risks as well as maintenance difficulties (should workers need to have access to either structure). The current 10 foot setback seems much more reasonable and workable on both these issues. So I hope the City will leave well enough alone here.

If you have any questions, don't hesitate to be in touch; I'll keep following this process, too.

Thanks again and have a good weekend,
Liz Parsons
44 Winter Street

Ms Grimando, my wife Annie and I live on 32 North St on the corner of Sumner Court. If you can do so please send me a copy of the R6 Text Amendments the Planning Board will be considering on November 25. We, and several of our neighbors, are concerned that any proposed amendments would permit a multi-unit building to be built at the end of Sumner Court and that would allow Sumner Court to be used as the sole vehicle access to and from such a building.

Thank you,

JD Cowie

321-8615

Looks great! Perfect balance of needs and historic character.
Kudos!
Zack Barowitz

Re Proposed R-6 Zoning Changes and Resident Feedback

Dear Planning Board member,

I first heard of proposed changes to the R-6 zone from a neighbor only recently, and learned some of the details at a November 16 gathering at the Munjoy Hill Neighborhood Organization building. Attendees included individuals from the West End and Bayside as well as Munjoy Hill residents. We met to begin understanding the objectives and parameters of the proposed changes.

I left with several impressions:

- v Some residents are very knowledgeable, articulate and committed to their neighborhoods. They are also open-minded. Decisions on zoning changes would benefit from their insights.
- v Each R-6 neighborhood has its own character, opportunities and challenges. The proposed changes would affect various R-6 neighborhoods differently. For example, zoning changes which significantly reduce off-street parking requirements would be problematic on Munjoy Hill where shortages of on-street parking space is already acute. However, on-street parking is not a problem in some other areas. A broad brush approach to all R-6 zones would not be most effective.
- v Many attendees expressed support for more affordable housing. Unfortunately, long-term homeowners and tenants on Munjoy Hill are leaving due to the effects of rapid increases in property values, taxes, and rents. The proposed R-6 changes would accelerate these trends as properties with unbuilt yards or smaller buildings would increase financial incentives for tear-downs and rebuilds with larger structures. Some attractive nineteenth century housing would surely be lost.

As a property owner in Cumberland I recently received a survey asking for my opinions on possible zoning changes there. The survey was both detailed (which zones in town, if any, should be considered for reductions in minimum lot sizes) as well as open-ended (what did I like and dislike about living in Cumberland). The survey made resident opinions part of the planning process, and I suspect that the town obtained valuable input.

I request that the Planning Board take actions to educate residents in R-6 neighborhoods about the objectives and options of zoning changes, and gather substantive input from those residents before proceeding with unvetted, broad brush changes.

Thank you.

Brian Burwell

Hi All,

I'd like to add a couple of things to discussion about changes to the R6 zoning.

- The current zoning laws are both archaic and impractical. They specify a much lower density than exists currently and does not reflect current standards. Indeed nearly every house--upwards of 95%--in the affected areas (West End, East End, Parkside, SJV, Libbytown, etc.) is non-conforming to the current codes. That means that all the great houses in Portland could not be built today because the lot size is not big enough, they are not set back far enough, they are too close to the side neighbors, etc.

- As stated in the minutes, the changes are intended to ease restrictions on creating higher density; what that means is that it would be easier to add an in-law unit or an above the garage unit to one's home. By adding more units housing will become more affordable according to the laws of supply and demand.

- Apart from providing more housing, higher density will encourage more businesses (such as neighborhood groceries). It will also allow for infill of disused vacant lots.

- The changes will allow Portland to continue to be Portland; it will not allow for tall, out of character buildings in historic neighborhoods but rather encourage more of what Portlander's value in terms of greater walkability, cultural interaction, and quality of life.

I would be happy to discuss this matter further with anyone who would like to.

Thank you,
Zack

11-21-14

Dear Mr Jaegerman:

At the end of that mtg I asked a question I was promised an answer to, but I have not got it. The question was:
Could Frontage on Sumner Court (such as on Mr Gan's vacant lot there) be used to satisfy the proposed revised R6
street frontage requirement?

Please answer me or have someone in you group do so.

While I'm at it I also want the Board and its Staff to know that my wife Annie Cowie and I agree with and support
everything Pamela Jack and Devon Platt said in their letter to Ms Barhydt.

JD Cowie
32 North St
321-8615

From: truenorth9@msn.com
To: truenorth9@msn.com; dirtgirl1@aol.com
Subject: Proposed changes to R6 Zone
Date: Wed, 12 Nov 2014 11:03:39 -0500

To: Barbara Barkydt
Christine Grimando

Dear Ms Barkydt and Ms Grimando:

I am absolutely shocked at the proposed changes to the R6 Zoning! I simply cannot believe that these could even be suggested, here in such an already dense area..... there is so little space between buildings, between buildings and streets now.... I cannot imagine the crowded and unsafe situation it would cause.

What would happen to the quality of life we all enjoy living here now. I moved here almost 10 years ago for this way of life and to get out of crowded areas that these changes proposed to do to Portland. Portland has become one of the most desirable areas to live and now you want to change it for the worse..... Why?? Why change a thriving neighborhood by crowding the homes, crowding the streets with too many cars with not enough parking spots and smaller units unable to accommodate families, What about fire safety and parking for snow removal?

Also I understand that there are not enough code enforcers now to ensure fire safety in all the apartments and buildings now.... what will happen when more are added? More tragedies?

Why?? What reasons are these changes being proposed?? We insist on knowing how this will benefit anyone other than the greedy developers who will ruin our peace and go off on their merry way, with bags of money.

****All people in the R6 Zone areas are entitled to be notified and respond to this change before anything further moves forward.

My vote is "NO"..... as a home owner on Munjoy Hill, I say NO to this proposal.

Yours truly,
Gail L. Kuhlthau, 9 Adams Street, Portland, Maine 04101

Memorandum
Planning and Urban Development Department
Planning Division



To: Stuart O'Brien, Chair and Members of the Portland Planning Board
From: Caitlin Cameron, Urban Designer, & Alex Jaegerman, Planning Division Director
Date: November 21, 2014
Re: India Street Sustainable Neighborhood Plan (ISSNP)
Meeting Date: November 25, 2014

On Monday, September 22, 2014, the India Street Neighborhood Advisory Committee (ISNAC) voted 9 -1 (Mazer opposed) to recommend the India Street Sustainable Neighborhood Plan to the City Council to be adopted as an element of the Portland Comprehensive Plan. A similar vote in August had to be retaken based on a concern that there was insufficient attendance at that earlier meeting. At the October 20 Council meeting, Council referred the Plan to Planning Board, Housing & Community Development Committee, and Historic Preservation Board for further review and development. This item appeared before the Housing & Community Development Committee on October 8 and will also be communicated to the Historic Preservation Board in December.

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

The Plan has two parts. Part 1 is comprised of the following:

- 5 Goals
- 6 Vision Statements
- 13 Development Principles
- 12 Critical Actions as part of an Implementation Plan

Part 2 of the Plan is an elaboration of the 12 Critical Actions enumerated in the Plan. This document can be viewed as a work plan subject to change and future direction from Council.

As with all comprehensive planning documents, the intention of this plan is to set policy direction for the India Street Neighborhood which hitherto has not been the focus of a planning study or master plan. As noted throughout the Plan itself, the India Street Neighborhood is a unique place in the city for its history, diversity, and location – it is considered a “downtown adjacent” neighborhood and also boasts a key location on the waterfront near the Eastern Promenade Trailhead and the transportation hub of the Ocean Gateway and Casco Bay Ferry Terminals. The neighborhood also contains mixed uses and several development sites making it a popular place for development. On its Western boundary is Franklin Street – the Plan attempts to set direction for this edge of the neighborhood with the understanding that the details of the future of Franklin Street remains uncertain. The Plan attempts to take this context into consideration while also addressing a complex set of considerations, as displayed by the five work groups mentioned above. The result is a set of principles and suggested implementation tools that address many aspects of quality of life beyond just the built environment.

Two major recommendations of the Plan would result in developing implementation tools that would be brought for review to the Planning Board at a future date and as separate policy items:

- An India Street Historic District
- A Form Based Code to replace the existing zoning districts in this neighborhood

Historic Preservation: The Historic Preservation Work Group recommended that a historic district be established for a large area of the neighborhood, based on research and analysis by historic preservation consultants Turk Tracey & Larry Architects. The outcome from the September 22 meeting was to exclude the specific proposed historic district boundary map from the Plan, while retaining the policy statements related to historic preservation. It is understood that the specifics of the historic district boundary will be reviewed by the Historic Preservation Board and the Planning Board prior to this specific regulation being recommended to the City Council for enactment. Members of the Historic Preservation Work Group will be invited to participate in the ongoing development of the recommended district. The expectation is that the details and extent of the proposed district will be further debated and refined during that review process.

Form Based Code: The Plan from its inception anticipated that this neighborhood would be the subject of a new zoning methodology of form-based code. This zoning method more effectively addresses the form and massing of development through detailed master planning of blocks and streets. While we made some progress in creating the draft FBC for India Street, the latest version presented to the FBC Working Group did not adequately address member concerns with the scale of building forms that have proliferated in the past several years, which are widely viewed as out of scale with the desired character of the India Street Neighborhood. At the September 22 meeting, ISNAC voted to withdraw the draft FBC regulations from the plan. Remaining in the

plan are the core elements of the proposed FBC, namely the Character District Map, which describes in a qualitative way three street/block types and locates them in the neighborhood. This map was endorsed in the plan and will form the basis of ongoing work to develop the Form Based Code zoning provisions for this neighborhood. The Form Base Code Work Group will continue to meet to further develop this ordinance provision recommendation, which will go to the Planning Board for further development and a recommendation back to the City Council.

Planning Board members will find within the public comment included here, some comments are specific to the proposed Historic District or the Form-based Code – in some cases these comments will be more relevant when the Planning Board, Historic Preservation Board, and City Council review these implementation tools at a later date.

Review Process:

Comprehensive Plan:

The Planning Office is seeking for the India Street Sustainable Neighborhood Plan to be adopted into the Comprehensive Plan. We anticipate the possibility of revisions to the Plan as a result of Planning Board workshop(s) with the hope that the Board would be able to recommend the Plan as the result of a Public Hearing. The document would then be recommended back to the Council for hearing and ultimately, adoption.

Implementation Tools:

Regarding the Historic District and Form-based Code implementation elements, it was directed that these would be advanced for further development by the respective Boards (HP and Planning Board), and that they would be returned for City Council consideration together as a package separate from the India Street Sustainable Neighborhood Plan.

Inclusionary Zoning:

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

consider further direction to the Department to proceed with this program, which would also be referred to the Planning Board for further development and their recommendation back to the City Council.

Next Steps for Planning Board:

At this time, the focus for the Planning Board is on the Comprehensive Plan element as a policy document recommendation to City Council. Additional workshops or public hearings can be accommodated as needed. A site walk has not been scheduled for this part of the process. We recommend that a site walk occur vis a vis the Historic District and Form-based Code when the Planning Board takes up those two issues.

Attachments

- India Street Sustainable Neighborhood Plan: Part 1
- India Street Sustainable Neighborhood Plan: Part 2
- Meeting Notes, Attendance, and Minority Report
- Public Comment

India Street Sustainable Neighborhood Plan

Portland, Maine

Final ISNAC Draft, September 2014



Part 1: The Plan

Portland Starts Here . . .



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

[Insert City Council Order as Passed adopting plan]

Acknowledgments

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

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

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

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

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

India Street Neighborhood Advisory Committee

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

City Council

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

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Background – The Planning Process

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

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

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



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

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

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

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

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

Public Planning Processes:

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

Private Development Projects:

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

Why a *Sustainable* Neighborhood Plan?

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

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

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

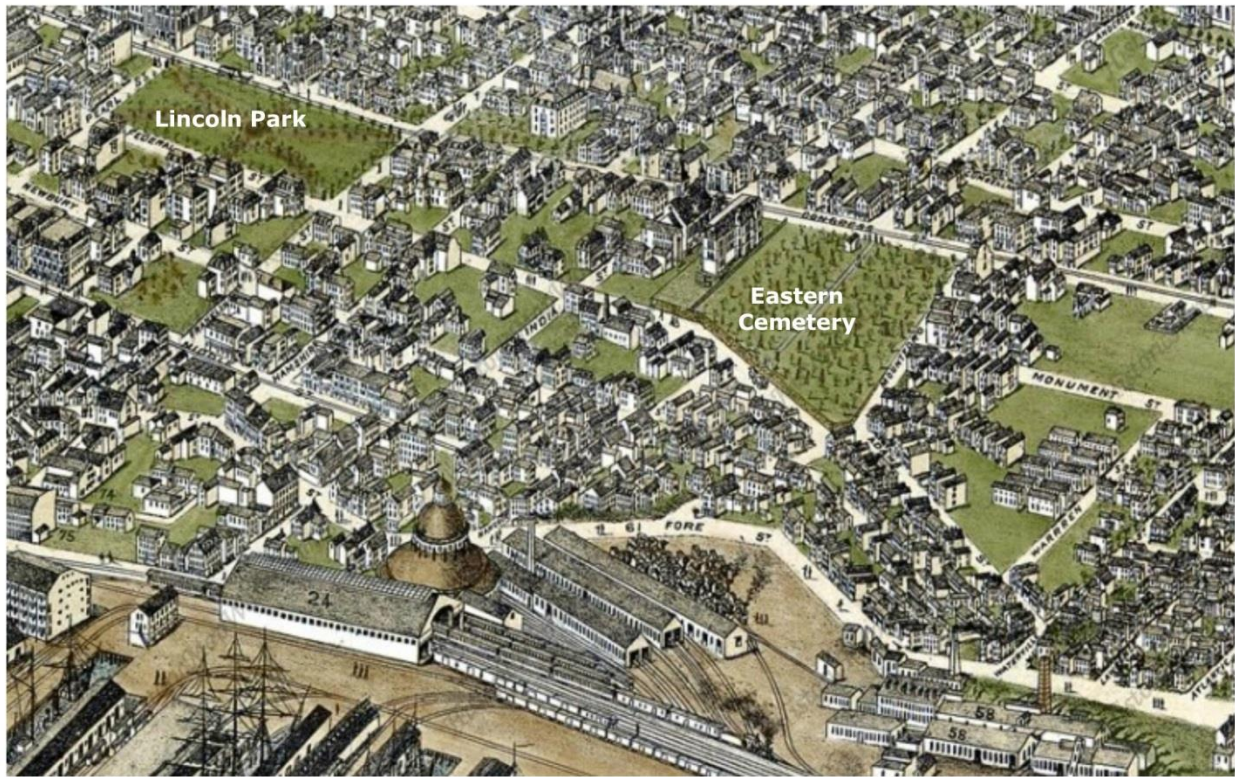
If the answers are “yes,” then the decision will move us toward becoming a more sustainable city.”

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

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

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

History – The India Street Neighborhood



India Street Neighborhood in 1871

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



North School (1867)

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

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

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



Abyssinian Meeting House (1828)

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



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



A mix of different building types on Congress St

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

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

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

India Street Neighborhood Identity Past and Present



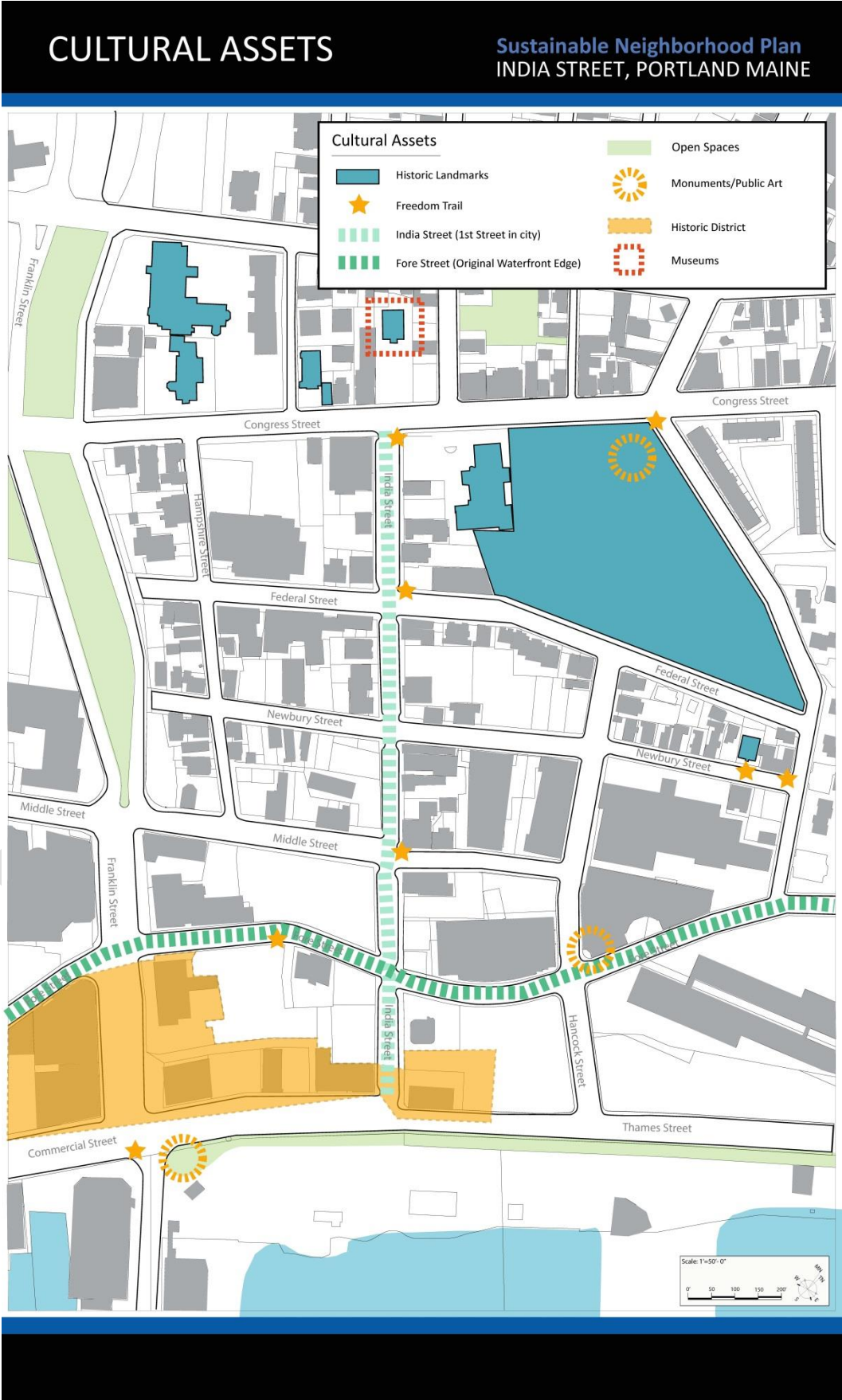
From the results of a Neighborhood Workshop with Michele Reeves, Civilis Consulting, February 2014

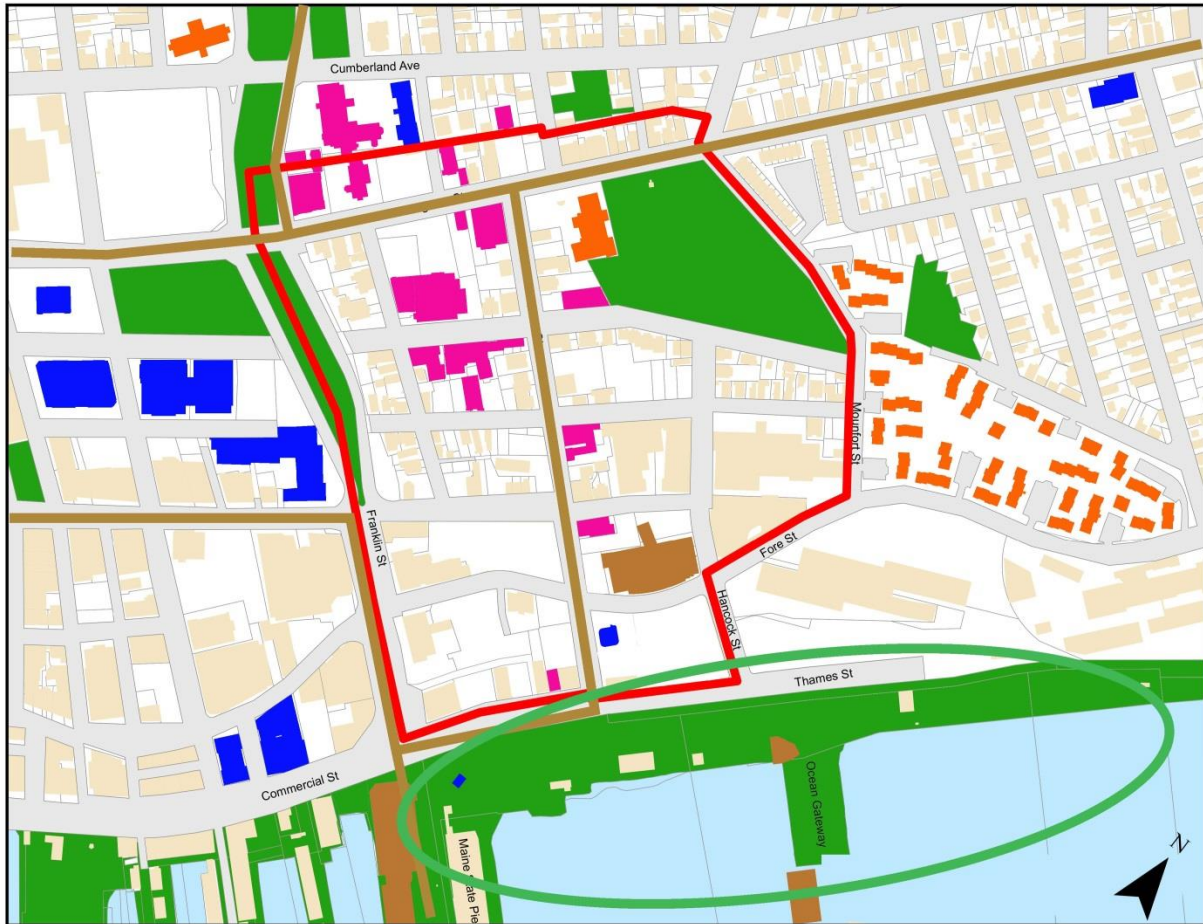
Assets to Build Upon

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

Challenges to Face

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





Physical/Land Assets

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

Transportation & Mobility

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

Community, Health, and Resources

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

Local Institutions

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

Affordable Housing

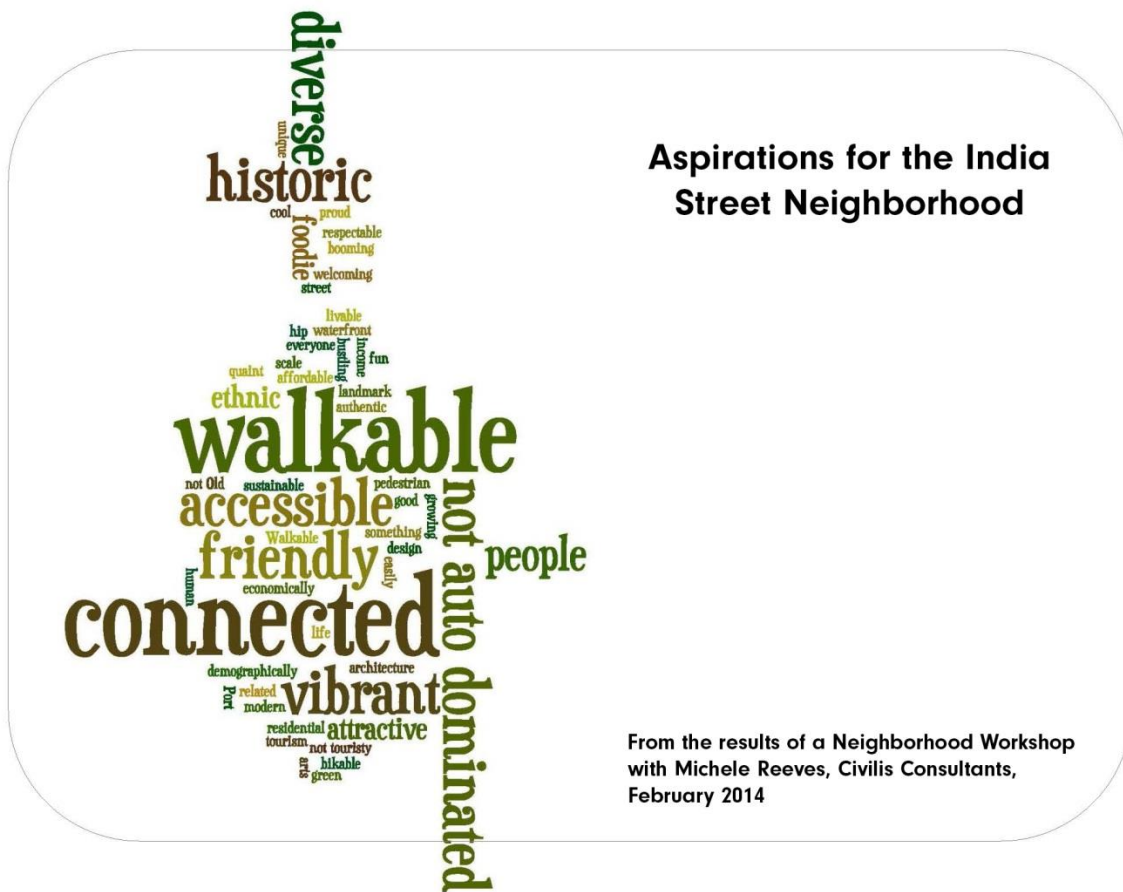
Assets in the India Street neighborhood and surrounds

Goals and Vision Statements

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

GOALS for the India Street Neighborhood

Vitality	Good Quality Design	Strong Neighborhood Identity that Builds on its Heritage	Diversity	Enhance Mixed-use Nature of Neighborhood
• The vision for the India Street neighborhood includes vibrant streets. Improvements to the street level environment, public realm, and open spaces will encourage and attract activity. • Vitality for this neighborhood can be achieved, in part, by encouraging and directing residential growth, especially small infill projects. • Improving the connectivity (of all modes) to and from the neighborhood will elevate the "adjacent" status of the neighborhood by making it a destination. • A vital neighborhood also considers its future; the neighborhood seeks to reduce its vulnerability to climate change and embrace strategies that consider future quality of life including transportation, energy, and sea level rise. • Economic prosperity is a crucial part of neighborhood vitality - strategies around economic development are a high priority.	• People are attracted to neighborhoods with good quality design. This includes not only the materials and aesthetics of new development but also the street presence and longevity of a project. • Compatibility, especially in terms of building scale, is essential in a historic and mixed-used neighborhood such as this one. • In this neighborhood, good quality design also includes good quality rehabilitation of existing and historic buildings. • Infrastructure improvements shall be included in this goal - the public realm and streetscape are of equal importance to the quality of life as buildings are. Standards for high quality design shall also be held true for infrastructure changes or improvements.	• India Street was the first street in Portland and the neighborhood is rich in cultural history. These qualities are at the heart of the neighborhood identity and should be at the forefront of any strategy that deals with neighborhood character, objectives, relationships, or environment. • Streetscape and building improvements (both existing and historic) as well as new development should contribute to an identity that promotes the neighborhood to prospective residents, tourists, and adjacent neighborhoods as a destination. • The historic fabric and landmarks tell a story about this neighborhood and are critically important to its identity.	• The India Street neighborhood has always hosted a diverse resident population. The neighborhood plan should encourage and maintain that diversity of residents (age, race, ethnicity, gender, family size, income, etc.) • Quality of life for a diverse population will include considerations such as food access, transportation choices, access to open space, and diversity of residential unit types and ownership models. • The built environment of the neighborhood is diverse; a dynamic urban neighborhood keeps a diverse mix of building types by including contemporary and historic buildings, and varying building scales.	• The India Street Neighborhood is truly a mixed-use neighborhood with residences, business, offices, hotels, retail, and restaurants. The neighborhood plan should allow this mixed-use nature of the neighborhood to continue and to expand. • New development and the built environment should continue to support and enhance mixed uses. • The neighborhood plan should especially support existing businesses and attract new businesses to the neighborhood, but especially those that provide services and amenities to neighborhood residents and workers.



Vision: Cultivating the Future of the India Street Neighborhood

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

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



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

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

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



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

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

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

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

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



Vision Statement 6: A Neighborhood of Strong Identity

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

Thirteen Development Principles

1. Strong Neighborhood Identity

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

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

Related Critical Actions:

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



2. Diversity of Residents

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

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

Related Critical Actions:

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



3. Neighborhood Heritage and Historic Preservation

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

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

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

Related Critical Actions:

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

4. Mixed-Use Neighborhood

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

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

Related Critical Actions:

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

5. Vibrant Local Economy

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

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

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

Related Critical Actions:

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

6. Retail Corridors

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

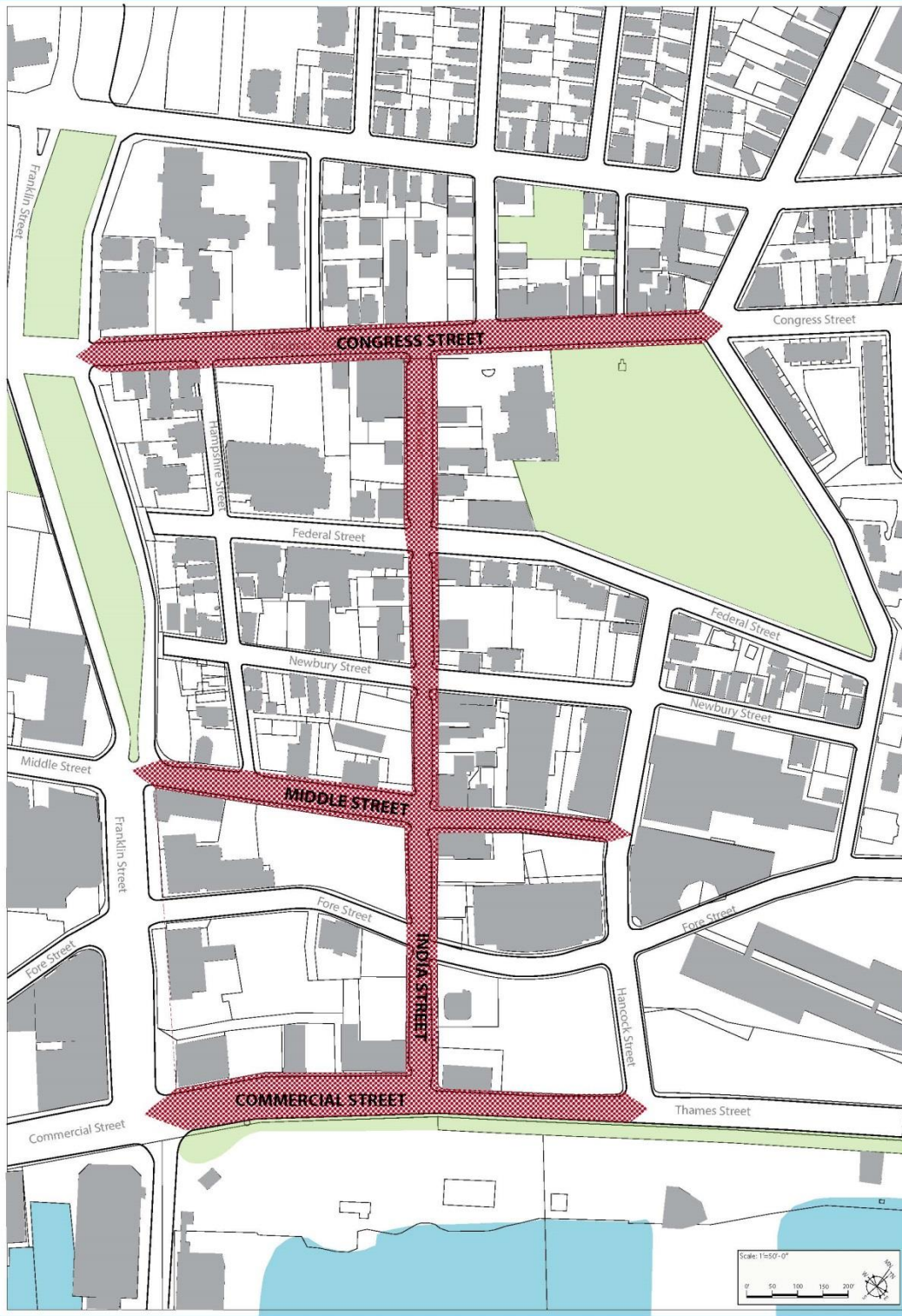
Commercial Street is a popular pedestrian route and entry into Portland for cruise ship and ferry passengers. Enticing people to the India Street Neighborhood will depend, in part, on creating a continuous "chain of crumbs" leading from Commercial up India Street. This will require a phased approach,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

Related Critical Actions:

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

RETAIL CORRIDORS

Sustainable Neighborhood Plan
INDIA STREET, PORTLAND MAINE



RETAIL CORRIDOR CONCENTRATION

7. Guided Growth

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

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

Related Critical Actions:

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

8. Form of Development

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

The Importance of Form – The identity of a downtown adjacent neighborhood is dictated in large part by its scale and pedestrian-friendly design. Critical elements include¹:

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

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

Related Critical Actions:

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

9. Compassionate and Supportive Community

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

Related Critical Actions:

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

10. Connected Neighborhood

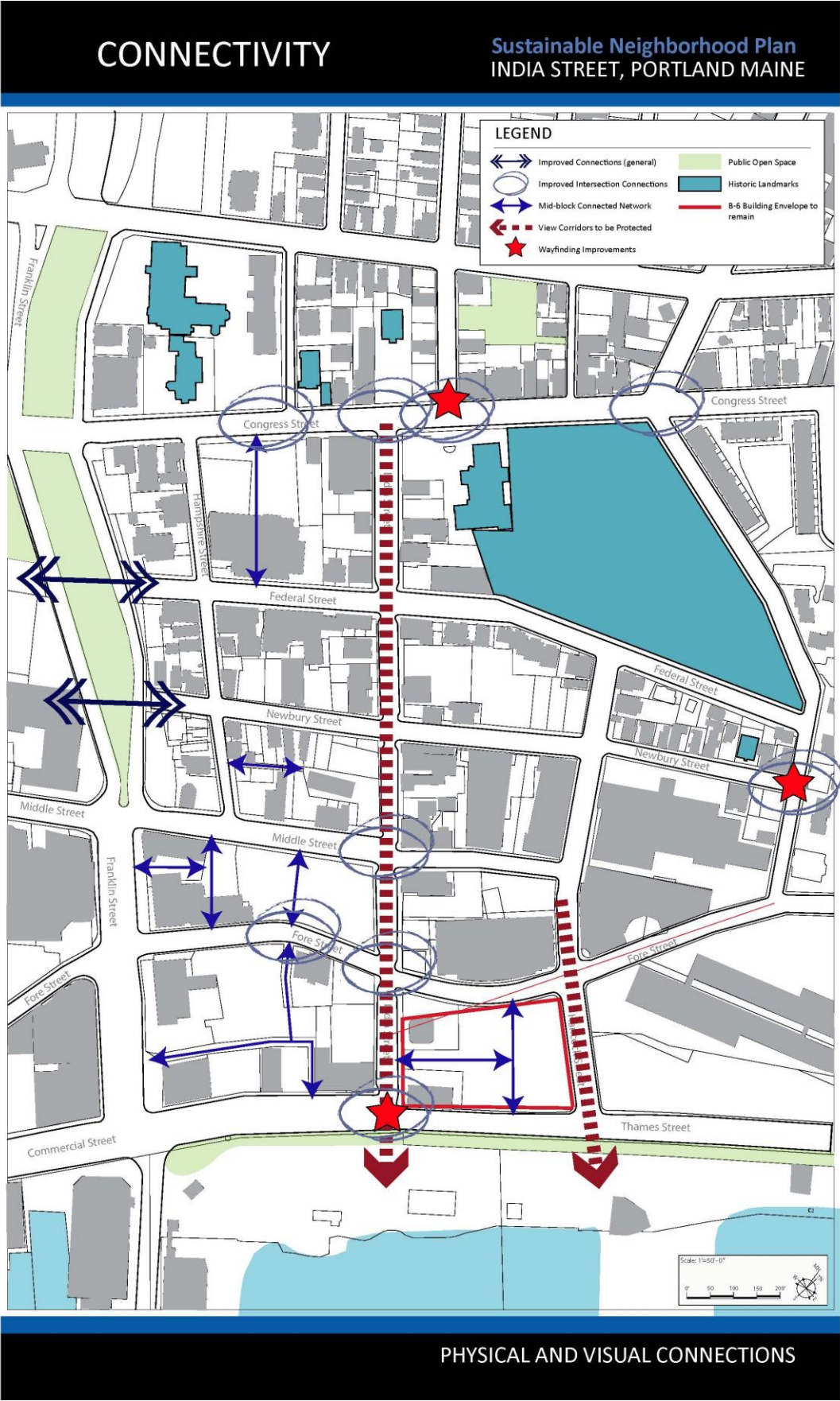
A downtown-adjacent neighborhood that is disconnected from its downtown is an undervalued and underutilized asset. The *adjacent* nature of this neighborhood is both unique and full of potential. India Street abuts many wondrous assets and resources – residential neighborhoods, the downtown district,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

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

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

Related Critical Actions:

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



11. Quality Infrastructure

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

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

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

Related Critical Actions:

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





12. Ample Recreation and Open Space

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

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

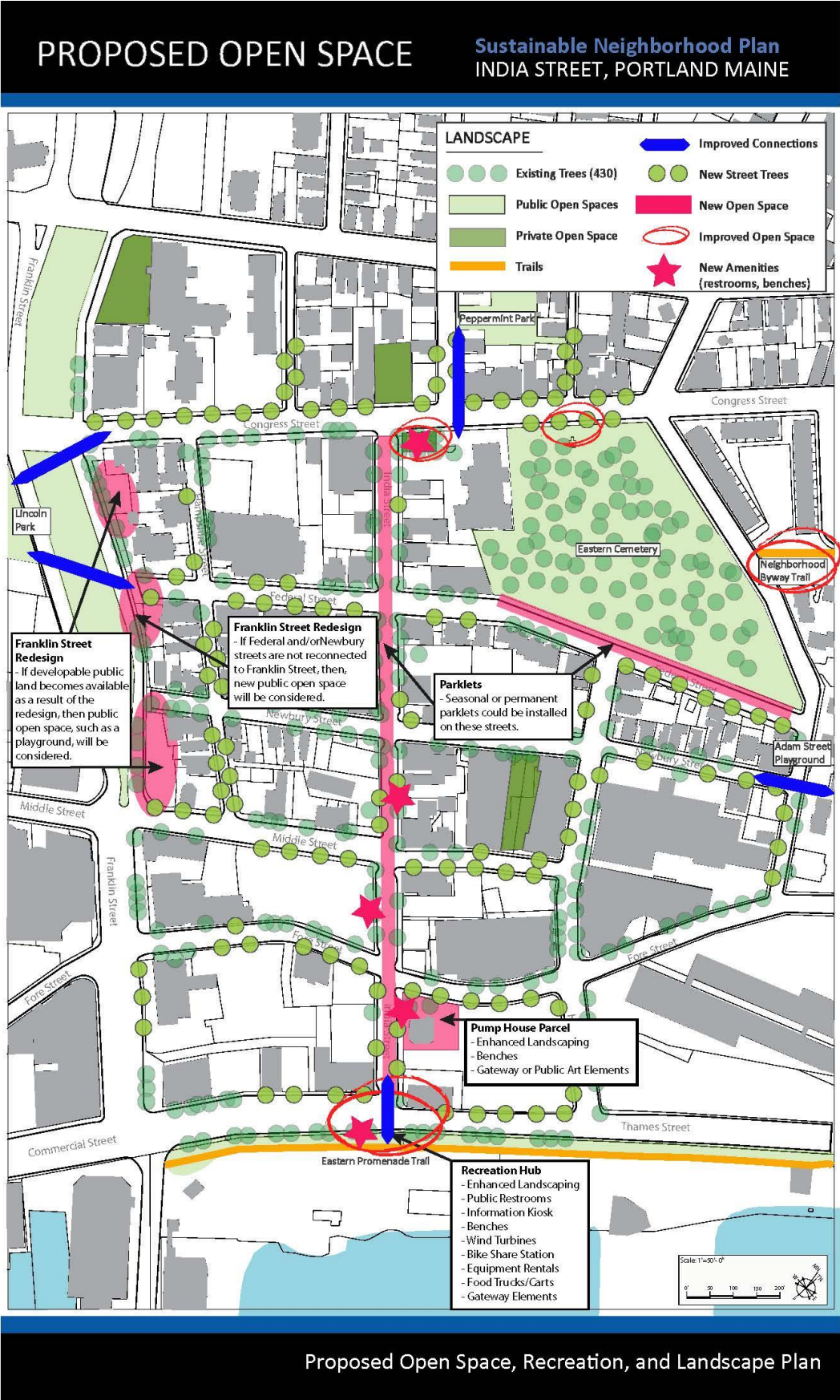
- Neighborhoods should have open space focal points
- Recreational opportunities should be available for all ages and genders
- Neighborhood open space should be within walking distance
- Portland residents appreciate their park system

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

Related Critical Actions:

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





13. Responsive to Climate Change

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

Related Critical Actions:

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



Implementation Plan

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

Specific
Measurable
Attainable
Realistic
Tangible

Critical Action 1

Capture the distinctive and authentic neighborhood identity

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

Critical Action 2

Adopt policies that promote the creation of affordable housing

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

Critical Action 3

Take advantage of existing housing programs and resources

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

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

Critical Action 4

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

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

Critical Action 5

Create a local Historic District

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

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

Critical Action 6

Create and maintain business and resident relationships to strengthen the community

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

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

Critical Action 7

Prioritize India Street as the Main Street

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

Critical Action 8

Adopt a Form-based Code

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

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

Critical Action 9

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

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

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

Critical Action 10

Improve neighboring recreation amenities and connections to them

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

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

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

Critical Action 11

Create a Recreation Hub at the foot of India Street

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

Critical Action 12

Make India Street Neighborhood a model for stormwater management

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

Strategies include:

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



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

Sustainable Neighborhood Plan

Portland, Maine

Final ISNAC Draft, September 2014



Part 2: Implementation Tools



Aspirations for the India Street Neighborhood

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

Implementation Plan

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Tangible

Critical Action 1

Capture the distinctive and authentic neighborhood identity

Background

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

Proposal: Identity Strategy Initiative

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

Potential Issues

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

Financial Resources

Budget: \$75,000

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

Timeframe

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

Responsibilities

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

Stakeholders

- Business Owners
- Residents
- India Street Neighborhood Association

Critical Action 2

Adopt policies that promote the creation of affordable housing

Background

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

Proposal

This critical action step supports the use of public policy to encourage small infill and rental housing development. ~~The Plan advocates for the consideration of a city-wide Inclusionary Zoning Ordinance (IZ) that would require developers to include units of affordable housing within residential development projects. The proposed IZ includes an “in-lieu” fee provision which would provide flexibility for developers and be deposited in the City’s Housing Trust Fund and used to create additional affordable housing.~~

Potential Issues

Careful attention should be paid to crafting ~~a policy~~ iesy that provides incentives so as to not discourage future development in Portland.

Financial Resources

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

Timeframe

Timeline: 6-8 months ~~with goal of IZ ordinance adoption in December 2014.~~

Responsibilities

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

Stakeholders/Partners

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

Critical Action 3

Take advantage of existing housing programs and resources

Background

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

Proposal

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

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

Action items to leverage CDBG funds:

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

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

Potential Issues

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

Financial Resources

Budget: N/A

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

Timeframe

Timeline:

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

Responsibilities

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

Stakeholders/Partners

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

Critical Action 4

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

Background

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

Proposal

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

Potential Issues

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

Financial Resources

Budget: \$277,800

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

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

Timeframe

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

Responsibilities

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

Stakeholders/Partners

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

Critical Action 5

Create a Local Historic District

Background

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

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

Proposal

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

Potential Issues

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

Financial Resources

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

Timeframe

Timeline: Under the requirements set forth in the historic preservation ordinance, a proposed historic district must be reviewed by the Historic Preservation Board, Planning Board, and City Council.

Factoring in the time needed to conduct informational meetings with affected property owners as well as the requirement to schedule at least one workshop and one formal public hearing with three City review entities, it is likely that this nomination/designation process will take a minimum of 4-5 months to complete.

Responsibilities

Responsible Parties: Historic Preservation Program staff

Stakeholders

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

HISTORIC DISTRICT

Sustainable Neighborhood Plan INDIA STREET, PORTLAND MAINE



Proposed Landmarks and Contributing Buildings - September 22, 2014

Critical Action 6

Create and maintain business and resident relationships to strengthen the community

Background

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

Proposal

Examples of such programs are as follows:

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

Potential Issues

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

Financial Resources

Budget: \$2,000

Source: ISNA Budget

Timeframe

Timeline: Ongoing

Responsibilities

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

Stakeholders

- Business Owners
- Residents
- Employees

Critical Action 7

Prioritize India Street as the Main Street

Background

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

Proposal 1: Façade Improvement Program

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

Potential Issues

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

Financial Resources

Budget: \$100,000

Sources: Downtown TIF District

Timeframe

Timeline: Application – October 2014; Implementation – July 2015

Responsibilities

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

Stakeholders

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

Proposal 2: Underground Electric/Communications Infrastructure

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

Potential Issues

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

Financial Resources

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

Timeframe

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

Responsibilities

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

Stakeholders

- Residents
- Property Owners
- Real Estate Developers

Proposal 3: Implement Complete Streets Design Guidelines

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

Potential Issues

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

Financial Resources

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

Timeframe

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

Responsibilities

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

Stakeholders

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

Proposal 4: Portland Bricks Project on India Street

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

Potential Issues

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

Financial Resources

Budget: \$20,000

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

Timeframe

Timeline: Installation in Spring/Summer 2015

Responsibilities

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

Stakeholders

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

Critical Action 8

Adopt a Form-based Code

Background

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

Proposal

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

Potential Issues

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

Financial Resources

Budget: N/A

Timeframe

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

Responsibilities

Responsible Parties: Planning Division staff

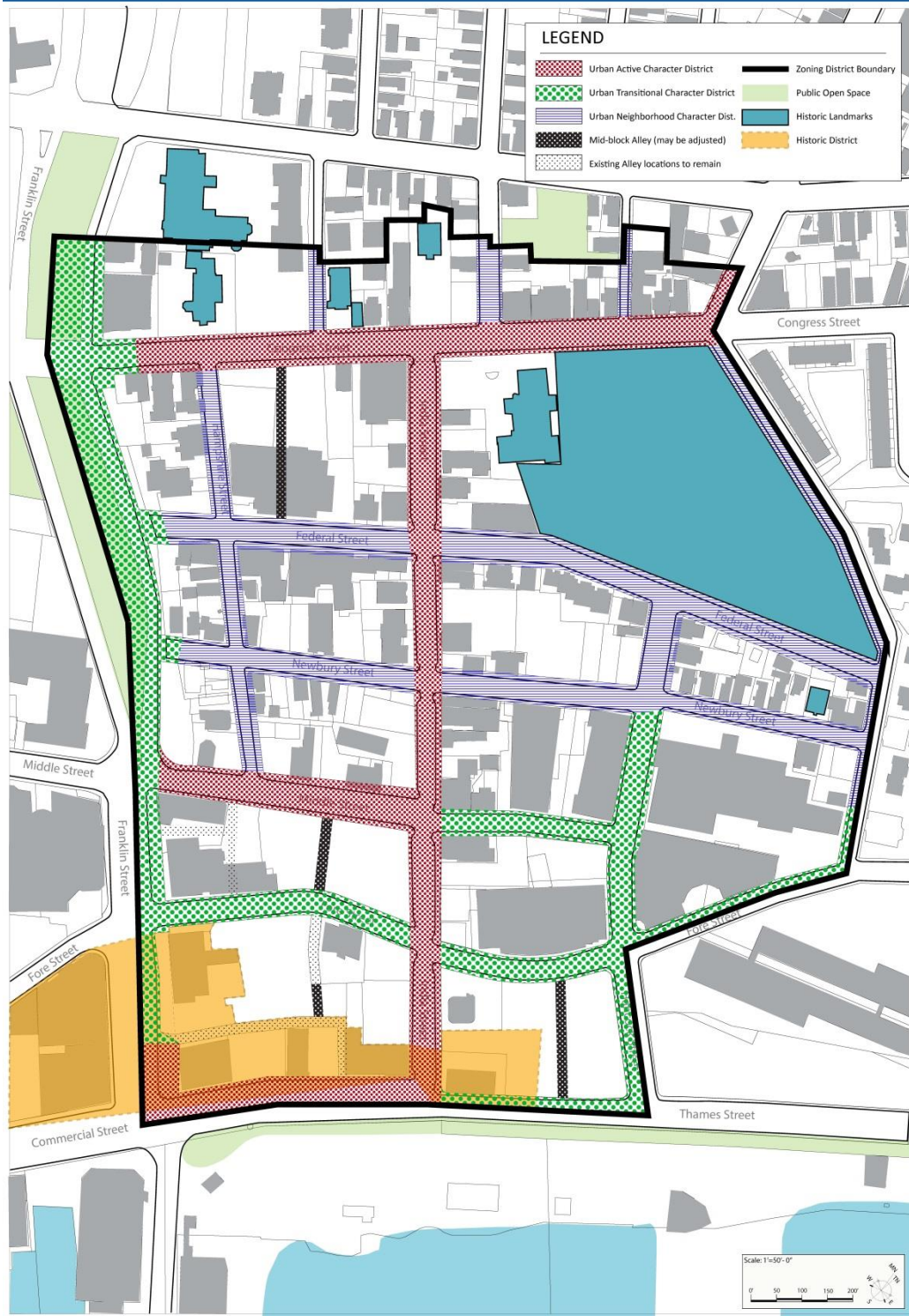
Stakeholders

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

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

CHARACTER DISTRICT PLAN

Sustainable Neighborhood Plan INDIA STREET, PORTLAND MAINE



PROPOSED CHARACTER DISTRICTS, August 7, 2014

Critical Action 9

Support Transportation Infrastructure initiatives

Background

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

Proposal

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

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

Potential Issues

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

Financial Resources

Budget: varies

Timeframe

Timeline: varies

Responsibilities

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

Stakeholders

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

Critical Action 10

Improve neighboring recreation amenities and connections to them

Background

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

Proposal

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

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

Potential Issues

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

Financial Resources

Budget: unknown

Sources: CDBG, CIP, grants

Timeframe

Timeline: varies

Responsibilities

Responsible Parties:

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

Stakeholders

- Residents
- Employees

Critical Action 11

Create a Recreation Hub at the foot of India Street

Background

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

Proposal

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

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

Potential Issues

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

Financial Resources

Budget: unknown

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

Timeframe

Timeline: ongoing

Responsibilities

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

Stakeholders

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

Critical Action 12

Make India Street Neighborhood a model for stormwater management

Background

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

Proposal

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

Potential strategies include:

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

Potential Issues

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

Financial Resources

Budget: unknown

Timeframe

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

Responsibilities

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

Stakeholders

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



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

**Meeting Notes
& Minority Report**

Meeting 13 – Notes

India Street Neighborhood Advisory Committee

8/7/14

Attendance

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

Requested revisions to Plan document:

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

Votes Taken:

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

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

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

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

Vote roster on next page.

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

Meeting 14 – Notes

India Street Neighborhood Advisory Committee

9/22/14

Attendance:

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

Announcements:

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

Public Comment:

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

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

Questions and Discussion:

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

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

Motions and Amendments:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Minority Report to the India Street Sustainable Neighborhood Plan

August 27, 2014

Updated September 29, 2014¹

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

Neighborhood Boundary

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

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

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

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

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

Historic District Boundary

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

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

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

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

Housing

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

² http://www.pressherald.com/2014/08/22/zoning-bid-to-redevelop-fore-street-site-sought/?utm_source=Headlines&utm_medium=email&utm_campaign=Daily

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

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

Form Based Code

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

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

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

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

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

⁴ Ibid, Page 26.

⁵ Ibid, Page 27.

⁶ India Street Sustainable Neighborhood Plan, Draft 4, August 2014 Page 28.

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

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

Open Space

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

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

Conclusion

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

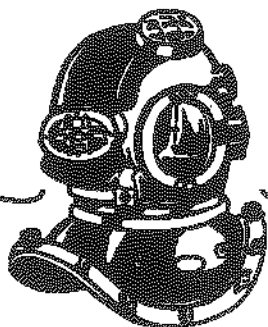
At the final public ISNAC meeting there were a large number of neighbors that voiced their concern with this plan. The ISNAC and now the Council and other committees must take these concerns into consideration.

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

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

Denotes ISNAC member

Public Comment



General Marine Construction Corp.

446 COMMERCIAL STREET
PORTLAND, MAINE

Barge & Equipment Rental 24 Hour Service
Dock Building and Repairs • Full Insurance Coverage • Breakwaters • Dredging

5/6/2014

Dear Mr. Jaegerman,

General Marine Construction has owned the 115 space parking lot on Fore Street since 1990. (Assessed property description 29-N-5 216-232 Fore St.)

We have turned down many offers to sell the property over the years. We have always hoped for the value of the property to increase. We are concerned that any additional height restriction on property would destroy any future development opportunities we may have in the future. The City should be concerned for the future development opportunities that the City may lose.

With all respect, we oppose any new height restrictions on our property.

Sincerely,

A handwritten signature in dark ink, appearing to read "Roger P. Hale". The signature is fluid and cursive, with a large initial "R" and "H".

Roger P. Hale, President
General Marine Construction

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

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

Hi,

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

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

The proposed building height map at the sustainsouthernmaine.org site shows a permitted height reduction from 6 floors down to 4 and 5 floors.

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

John

John R. Bass, II, Esq.
 Thompson, Bull, Furey, Bass & MacColl, LLC, P.A.
 120 Exchange Street, P.O. Box 447
 Portland, Maine 04112-0447
 (207) 774 - 7600
 (207) 772 - 1039 (fax)
 jbass@thomport.com
 http://thomport.com

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

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

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

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

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

Hi Caitlin,

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

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

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

I have two questions:

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

Thanks and regards, John

John R. Bass, II, Esq.
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From: Caitlin Cameron [mailto:CCameron@portlandmaine.gov]
Sent: Friday, June 27, 2014 2:06 PM
To: Caitlin Cameron

India Street Neighborhood Plan.... Oops

Nir Buras, July 2014

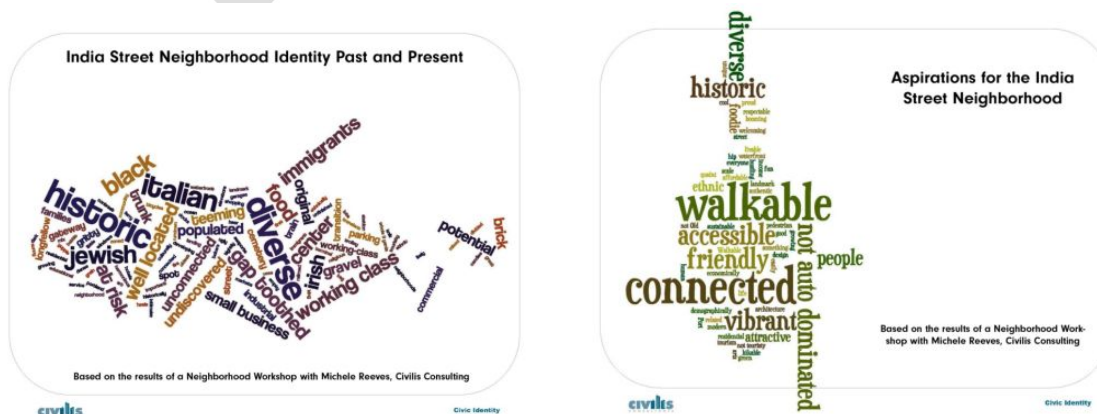
In response to interest from developers and corresponding pressure from India Street Neighborhood residents, the City of Portland undertook a neighborhood planning process. The planners, committees and consultants clearly defined the India Street Neighborhood's assets to build upon, be they Portland's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

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

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

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

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



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

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

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

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



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

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

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

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

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

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

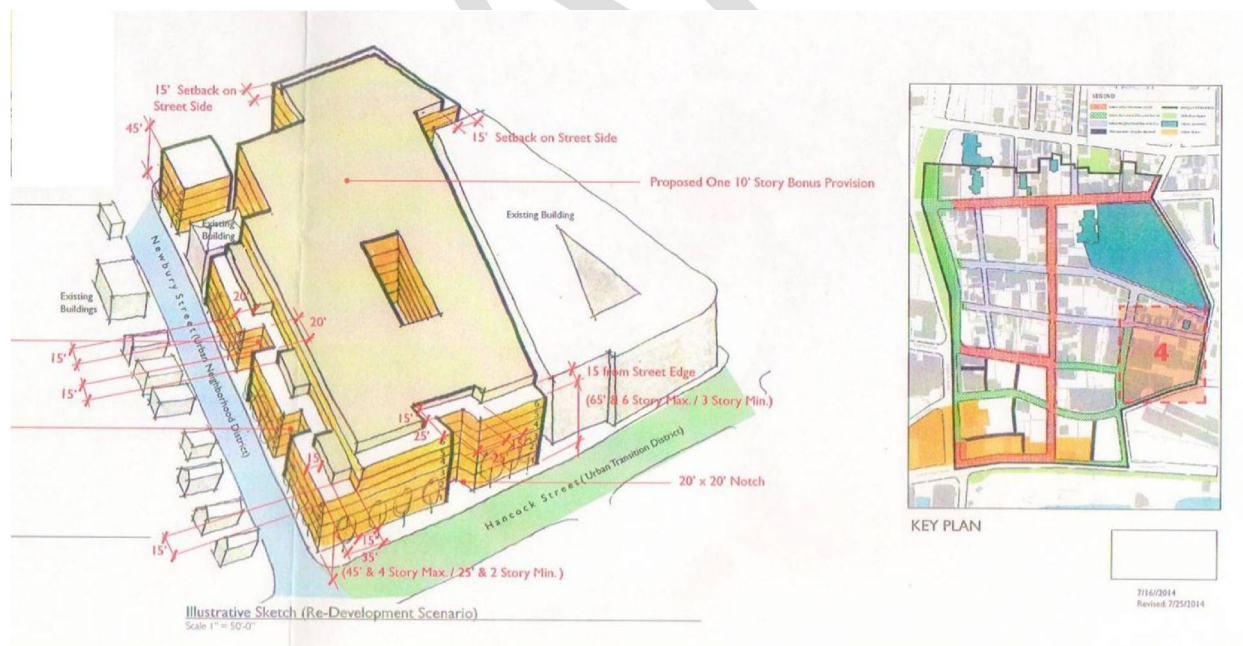
To attain Critical Action 1, to “Establish a distinctive and authentic neighborhood identity”, the plan uses two powerful tools and lacks one. The one it lacks is TIME, because a 25 year plan covers barely a generation. It is too short for the urban horizon, and unable to reflect true sustainability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

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

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

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

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



5. The astonishing notches are also counter urban. They cannot be the exclusive manner to attain differentiation between buildings on a city block. I wonder what the precedent for this idea was. How about a simple clause that says “No building to be more than ¼ block”?

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

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

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

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

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

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

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

India Street Classic Planning Code

1. Purpose

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

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

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

Beautiful spaces are safer, calming, and encourage respect.

2. Facts

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

3. Urban design Goals

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

4. Principles and assumptions:

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

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

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

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

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

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

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

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

Code**I. Use and follow the grid(s)**

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

II. Properly size streets, blocks and plazas following original precedent.**III. Use small blocks and small lots.**

- a. No building larger than ¼ block.

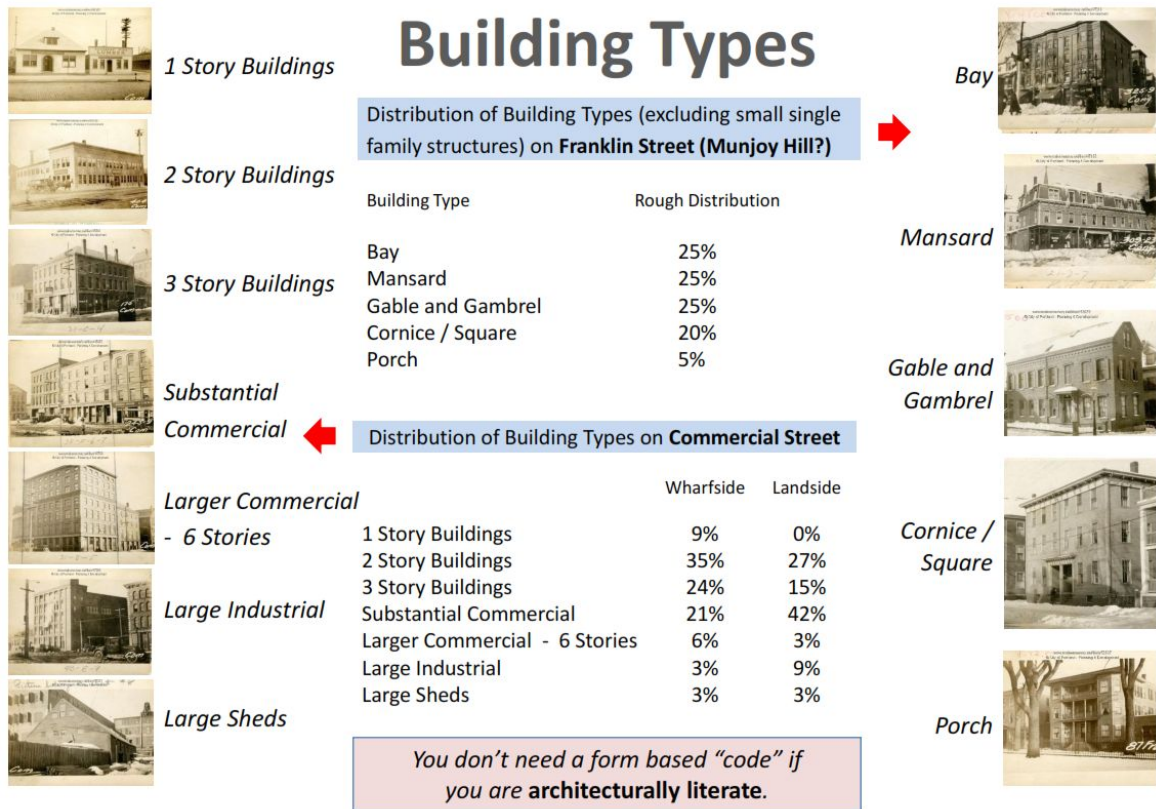
IV. “Use” is ephemeral.

- a. Conflicting uses are rare but serious

V. Buildings

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





Conclusion

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

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

India street comments

—Peter Monro

Height:

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

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

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

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

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

Goals and Vision Statements

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

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

Development Policies and Principles

Principle 1. “A Strong Neighborhood Identity”

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

Principle 3: Guided Growth

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

Principle 4: Form of Development

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

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

9. A Connected Neighborhood

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

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

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

Quality infrastructure

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

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

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

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

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

Thank you for your consideration of these modifications,

Peter Monro, ASLA

32 May St., 04102

Jp_monro@myfairpoint.net (207) 318-6052

#####

Caitlin Cameron - Re: Notice - India Street

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

Jennifer,

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

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

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

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

Michael Mertaugh

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

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

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

What I heard said was:

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

What I did not hear was:

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

GENERAL CONCLUSIONS

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

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

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

I have mentioned before and continue to think that the density bonus is inappropriate in the UN district. If building scale is kept to what it should be, there is little chance of its application. More on that below.

There are many people, within the ISN and outside, who do not feel comfortable speaking in public. At the meeting on the 6th, we intend to present many elements of the plan and to get a vote of those who like, dislike or do not care about each one. We will attempt to frame this fairly and to sell the best points of ideas that are not universally understood. I do not anticipate that the results will be very different from the opinions given on the 28th but I have been surprised before. This information will be available for the meeting on the 7th and sent to you that AM.

You might take a look at the Mid-Block Permeability language. As it reads, The redevelopment of Shipyard (as presented on the 28th) could be seen as meeting the requirements. It does touch two streets - and what if Shipyard and the hotel were redeveloped together? To make the lines shown on the regulating plan the deciding factor may not be the most stable solution; Bayhouse may be expected to be redeveloped within a few decades (and one hopes that the parking garage will not be there forever while the proposed building north of it should last a long time).

DENSITY BONUS

I think it is a good concept. I believe in small units and there is a great need for them. People argue for affordability for young professionals but do not seem to understand that the one direct way to address that is small size units. The present problem with the idea is that there seems to be more of a market for million dollar 2,000 sq ft units than for half million dollar 1,000 sq ft units (which cost more per sq ft to build). The solution elsewhere has been to go to even smaller units, which has met with some success.

Portland has a smaller residential demand base than larger cities and a much less daring or creative developer community. The idea of 400 to 600 sq ft is seen as just too much of a risk and might be near to impossible to finance. Nonetheless, it may be the only way a density increase may be

realized.

Let us consider a slightly larger than typical size project on a 60' by 65' ft lot (3,900 sq ft). That is about a tenth of an industrial acre. With the side lot setbacks and the rear setback (10 ft each) we are left with 2,200 sq ft. Reducing this by 15% for hallways, stairs and utility runs, we have 1,870 sq ft. In the UN district, with four floors, that would be a total of 7,480 sq ft. 150 units per acre would dictate 15 units. That would be about 500 sq ft per unit. Just one floor-through unit would mean that all of the rest would have to be only 400 sq ft each. I do not think that there is a developer ready to do that.

A building (somewhat like the Shipyard, Newbury residential drawing) is about 60 by 280 ft (16,800 sq ft) or .42 or so industrial acres. That would dictate 63 units to meet the density bonus. After only one side setback and the three 20x20 notches and the 15% non unit space that leaves 15,000 sq ft per floor or 60,000 for four floors. That allows about 800 sq ft per unit. That could work out very well. I might want to live in one of them. They could get the bonus - but will anyone build such a development? When I ask this of local professionals, the answer is: "NO".

The larger of the Intercontinental buildings would be about 90 x 270 ft or .6 acres. That would be 91 units in six floors. With no setbacks and only the 15% reduction and one notch, that would allow 1,327 sq ft per unit. If they chose to have first floor commercial, the five floors of residential would still allow 1,105 sq ft per unit to get the bonus. The extra floor could then be larger units. Asking the same professionals, I have been told that it is not likely that a developer would like to do that. Nonetheless, it is a very workable plan. This means we have to wait for a developer who is interested in building what we want vs dealing always with what the developers want to build (all luxury condos).

The point here is that the bonus might be hard to sell to developers. It is also that the density required is not likely to be met in any but the UT zone which is where that bonus belongs. Larger footprint building along Franklin have the potential to develop a large number of units. It is equally true that decreasing the required number of units to 100 would only make the bonus virtually automatic and not get any true density increase. It would only allow more height for non-inclusive development.

OTHER NUMBER ISSUES

The inclusion of the number of floors for buildings has been discussed in workgroup and in AC meetings. It had not been stressed that minimum floor numbers would provide a problem both for industrial uses as well as for architectural expression. Minimum building height is desirable in all zones. In all zones it works to increase residential density, at least on upper floors. It prevents what Michelle called the "toothyness" of empty lots or one story buildings. In short, it makes for a more uniform fabric.

For maximum height, there is a use for denoting the number of floors. First, there is no industrial problem where unwanted floors must be built. It informs anyone reading the code as to what a certain height building is expected to look like. It allowed it to be easily envisioned. Lastly, it encourages the building of a structure that will meet present and probable future demand and which will be able to be built with proper inter floor spacing.

The maximum number of floors are derived from many elements of the design. They presuppose clear (floor to ceiling) heights from 12 feet for commercial space to between 8 and 9 feet for residential. While some high end units are now built with 10 foot ceilings, there is room for variation within any development.

____Hugh



To: City of Portland India Street neighborhood Planning Committee

August 7, 2014

Regarding the India Street Sustainable Neighborhood Plan Critical Action # 9

Are there any Critical Actions that you believe need further discussion or revisions? For example, should future visions for transportation and rail be incorporated into this plan?

The ISN Plan, from inclusionary zoning to historic designation and FBC is a "future vision". No need to single out passenger rail any differently. The SLR Project plan is currently part of local, state and federal planning to restore passenger rail to this neighborhood. Just as the ISN Plan considers the impacts of reconstructing Franklin Street, the plan should consider the land-use implications of a multi-modal system of transit at this adjacent waterfront location.

Yes there should a critical action recommendation to design alternatives to automobiles coming into the already congested waterfront and India Street neighborhood. The recommendation should focus on a transportation system that includes passenger rail. The State of Maine owned SLR railway corridor, which shares the right of way with the Eastern Prom recreational trail, is more than a resource for attaining sustainability. Passenger rail is the critical element of a multi-modal system that connects people to places. Planning for that "last mile" is the responsibility of the community and should be incorporated into the Plan for the India Street neighborhood.

The SLR rail corridor is adjacent to the ISN and offers connections to towns and regions beyond the city, including Canada. The rail corridor is a fixed route that will eventually move hundreds of thousands of people to a fixed railway station location. These people will arrive without cars and will access and travel through India Street, just as the travelers from Casco Bay Lines, cruise ships, and ferry to Nova Scotia do. They will need safe pedestrian access and bike routes. They will need public and private bus transit, along with car share, bike share, ferry services.

The ISN Plan references "Support existing Transportation Infrastructure initiatives" and "Emphasis on connectivity and where we propose that to take place". The plan should go further in recommending that the City design a system of mobility and access that meets the needs of people coming and going who will access Portland at this place by means other than a car. The ISN Plan should identify the transportation hub that is OceanGate, not as a "future vision", but as a resource that can be used (a lot sooner than rebuilding Franklin Street and for less money). The potential for developers to reduce the costs of parking and vehicular access should be noted, particularly in considering the regulatory impacts of FBC on new development.

The goal should be to establish a community-based system of mobility, e.g., transportation that contributes to the long term sustainability of the local economy, creating jobs and improving the environment. The strategy should be to provide cost- effective transportation to meet current and emerging mobility needs of an aging population who desire alternative means of access, and a younger generation demanding alternative 21st century options that require effective transportation alternatives to reach jobs, housing and markets.



This is not just about rail. By incorporating connections to a multi-modal center for residents the City can provide more transportation choices. Development of safe, reliable and economical transportation choices decrease congestion and household transportation costs, reduce our dependence on foreign oil, improve air quality, reduce greenhouse gas emissions and promote public health. A 21st century system of moving people is also a tool for attracting business and creating new jobs, something this plan otherwise does not address.

"Complete Streets" does not meet the design standards required for local, inner-urban pedestrian access. Complete streets is just that; a DOT engineering design for protecting the integrity of the street and automobile LOS. Only by fully engaging in a system of connectivity, supported by alternatives to cars, including a passenger rail operation will we meet sustainability goals. That type of planning may consider Complete Streets guidelines, but it should be focused first on safe, effective and efficient non-motorized transport, before making it convenient for cars. In fact it should make it inconvenient for cars by slowing them down and directing them to off-street parking at a cost that will make the drivers consider alternatives.

The Problem with the Boundary

Although the ISNA claims the boundaries were established after a long and detailed debate, we need to question as to whether that debate would have been better done in a more public forum. The Portland waterfront is almost sacred to most of the residents of the city, and region. That a preservation plan for an adjacent neighborhood would spill over into the waterfront requires a serious debate.

One of the primary criticisms of the ISN plan is that while regulating the India Street neighborhood for historic preservation and residential development, the plan does not recognize the connectivity to the transportation hub that is Portland's waterfront. While the plan has its champions, and may be what is needed to protect India Street neighbors from unwanted development, the impacts on the waterfront are unknown and the ISN Plan might possibly be an impediment to the highest and best use of the most valuable under-developed real estate on the eastern seaboard.

The inclusion of any land on the waterfront side of Fore Street, including the former Grand Trunk railway property and the Shipyard Brewery is a mistake. The problem is the regulatory boundaries of the ISN Plan include these undeveloped, underdeveloped or in the case of Shipyard Brewery industrial land, that is part of the Eastern Waterfront, an area of the city that was planned and accepted into the City Comprehensive Plan 10 years ago.

While the ISN plan is an effective instrument for preservation and integrity of the neighborhood to the benefit of the growing residential population, historic preservation, inclusionary zoning, building heights, mass and design, parking standards, street design requirements and other applications of government regulatory and planning is not in the best interest of obtaining the highest and best use of the waterfront.

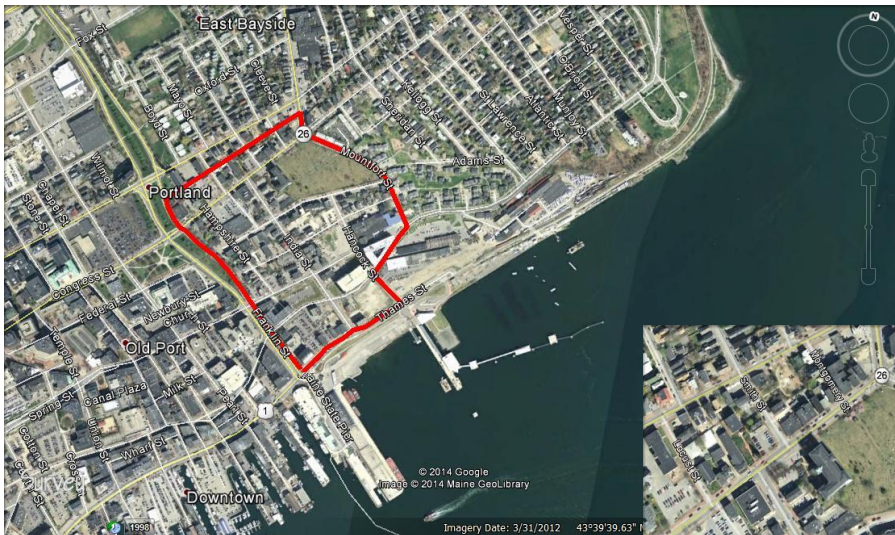
8/8/2014

3 | Page



This was a most efficient process done in record time for an initiative of its scope. That those involved find this to be well-vetted is understandable. But now that the details on zoning and design requirements are out for public comment, it is evident that the boundary of the India Street neighborhood should not have been extended into the waterfront. In fact it is time to revisit the eastern waterfront and have some public discussion on the plans for the former Portland Company, the Shipyard Brewery, the Grand Trunk land, Munjoy South and the expansion of the OceanGate Transportation Center for inclusion of passenger rail.

end



Anthony J. Donovan, Founding Member

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Train Time

SUSTAINABLE PORTLAND: THE WATERFRONT AND THE RAILROAD

The recently published India Street Neighborhood (ISN) Plan for regulating development and historic preservation of this unique area of the City, misses the Portland waterfront's equally historic importance as a commercial transportation hub. While needed to protect India Street neighbors from unwanted development, the Plan's impacts on the waterfront are unknown and could have serious unintended consequences to what may be the most valuable real estate on the eastern seaboard.

The waterfront side of Fore Street, including the former Grand Trunk railway property, the Shipyard Brewery complex and the undeveloped and *underdeveloped* part of the Eastern Waterfront, is already covered by the City Comprehensive Plan, now 10 years old. Even inferred inclusion of this land in the ISN plan is a mistake.

The commercial transportation resources of the waterfront include the ferry to Nova Scotia, cruise ships, the Casco Bay Island Transit District (with 1 million passengers annually) and the rail corridor connecting Portland's waterfront to western Maine and beyond. Although not explicitly included in the ISN Plan, they could be negatively affected.

Many Portland residents and visitors are not aware that there is a railroad from Montreal to India Street Portland, established in 1853, known as the Saint Lawrence & Atlantic Railway, or the SLR and that the right-of-way (ROW) still exists. The Portland peninsular section wholly owned by the State of Maine, is currently used by Portland Trails and the Maine Narrow Gauge Railroad tourist rail under a leasing agreement with the Maine Department of Transportation (MeDOT).

The State of Maine has a plan in place to operate passenger service on this rail route. It has already spent millions of dollars in the engineering and environmental assessments for the operations. In 2011 the plan was refined in a MeDOT analysis; and this past April a \$1.35 million application for funding the final design was submitted to the US Department of Transportation by the MDOT. A recent poll prepared for the Maine Sierra Club shows almost 8 in 10 residents (77%), conservatives and liberals alike say they want investments in the railroad to allow for passenger rail service between Portland and Auburn.

The SLR rail project is a realistic effort to restore passenger rail service between the Portland, Maine Waterfront and the Auburn/Lewiston Municipal Airport. This is the first leg of a planned extension through western Maine, New Hampshire, and Vermont, extending finally to Montreal. This initial 30-mile corridor links the two largest population centers in Maine. Restoring this critical transportation route provides an opportunity to reduce congestion, mitigate pollution and connect Portland to a host of economic regions, while reducing the costs of transportation to consumers and governments alike.

However, there are references in the ISN Plan to the waterfront and to the Eastern waterfront recreational trail, which runs on the SLR ROW. A review of the draft plan indicates detailed and complicated zoning regulations for the India Street neighborhood, including the Eastern Waterfront properties. Such regulations would impact the planning required for a passenger rail transit center at the OceanGate site and designs for alternative means of transportation, including bike, pedestrian, bus, ferry, and services such as car and bike share.

The ISN plan is an effective instrument for preservation and integrity of the neighborhood to the benefit of the growing residential population. However, the historic preservation, inclusionary zoning, building heights, mass and design, parking standards, street design requirements and other applications of government regulatory land-use codes are not in the best interest of obtaining the highest and best use of the commercial waterfront.

This ISN Plan process was done in record time for an initiative of its scope. Those involved consider it well-vetted. But now that the details on zoning and design requirements are out for public comment, it is evident that the boundary of the India Street neighborhood should not have been extended into the waterfront.

In fact it is time to revisit the Eastern Waterfront and have some public discussion on the plans for the former Portland Company, the Shipyard Brewery, the Grand Trunk land, Munjoy South and the expansion of the OceanGate Transportation Center for inclusion of passenger rail.

Anthony J. Donovan, Founding Member
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Caitlin Cameron - FW: India Street Neighborhood -- Simba Lot

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

Caitlin,

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

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

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

Thank you for considering my comments.

Best regards,

Caitlin Cameron - Form Based Code

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

Hello,

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

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

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

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

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

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

I appreciate your time.

Regards,
Tim Hardy
Cathy Lilly

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

Hi:

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

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

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

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

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

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

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

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

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

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

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

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

____Hugh

First Name: Jon

Last Name: Graback

Email: jgraback@zwi.net

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

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

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

First Name: John

Last Name: Turk

Email: johnturk@ttl-architects.com

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

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

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

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

First Name: Brent

Last Name: Adler

Email: brentadler@gmail.com

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

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

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

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

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

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

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

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

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

Julie Ann Larry, ttl-architects

First Name: Liv

Last Name: Chase

Email: livchase@yahoo.com

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Portland Society for Architecture
PO BOX 5321
Portland, Maine 04101
www.portlandarchitects.org

To: India Street Neighborhood Advisory Committee
From: Portland Society for Architecture
Date: 22 September 2014
Subject: India Street Sustainable Neighborhood Plan

Dear Committee Members,

The Portland Society for Architecture strongly supports efforts to develop a neighborhood plan for the India Street Neighborhood. We support the Critical Actions proposed in the Implementation Plan *except* Critical Action 5 – Create a Local Historic District. Portland needs to ensure the goals of historic preservation initiatives work in harmony with the housing affordability and economic development goals of our city. We do not believe designating an entire historic district is a balanced approach for the following reasons:

- Historical authenticity and identity of the neighborhood can be maintained simply by including the proposed landmark buildings without naming an entire historic district.
- A majority of the proposed contributing buildings listed are small and on irregular-sized lots, and realized historic tax credit benefits would only start to be available at investment levels of \$500,000 or more.
- We believe a historic district will tend to restrict the new businesses and residents it attracts and will not encourage the 'diversity of residents' goals put forth in the plan.
- Restrictions placed on proposed contributing buildings will limit the highest and best use of properties and limit the flexibility needed in order to provide increased housing opportunities put forth in the plan and identified in 'Portland's Economic Scorecard 2014-2015.'
- Many of the buildings listed as Contributing are merely old, small, wood-framed structures that are neither unique nor necessarily more valuable to Portland's urban culture than the buildings that may someday replace them. We should not freeze sections of our city in an inappropriate scale and construction type; we should instead find ways to smartly manage future growth as the neighborhood is attempting to do with the Form Based Code effort.

In summary, PSA believes Neighborhood Heritage and Historic Preservation (Development Principal 3) can be achieved by designating additional landmark buildings rather than blanketing the entire district and in doing so will not negate the other 11 Critical Actions but provide enhancement. Additionally, we believe that by landmarking individual properties rather than creating the district will allow for less conflicts between historic reviews and the Form Based Code providing a clearer expectation for design and development.

Very truly yours,

Portland Society for Architecture
Board of Directors



To: India Street Neighborhood Advisory Committee
From: Portland Society for Architecture
Date: 7 October 2014
Subject: Addendum to 9/22 Statement

Dear Committee Members,

PSA wishes to clarify the following language included as part of our September 22 statement before the Committee:

“A majority of the proposed contributing buildings listed are small and on irregular-sized lots, and realized historic tax credit benefits would only start to be available at investment levels of \$500,000 or more.”

In making this statement, we did not mean to imply that historic preservation tax credits are unavailable below an investment level of \$500,000 or more. That is not how the law is written. We were, instead, hoping to start a conversation about the practical reality that historic tax credits are rarely used at investment levels below an approximate figure of \$500,000.

The law fully permits applications for smaller amounts, but the cost of hiring consultants and the extensive due diligence required means that projects below \$500,000 are rarely able to access tax credit benefits. The creation of an Historic District can bring benefits to some property owners, but in our opinion it would be improper to claim that small residential property owners in an Historic District will be able to access the same level of financial assistance afforded large property owners and developers.

Thank you for the opportunity to add this clarification for the record.

Very truly yours,

Portland Society for Architecture
Board of Directors

Portland Society for Architecture

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Portland, Maine 04101

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Greater Portland Landmarks Comments on the India Street Master Plan and Process October 15, 2014

Greater Portland Landmarks actively participated in the India Street Advisory Committee and supports the India Street Master Plan draft that has been forwarded to the City Council from the Council's Housing and Community Development committee. We strongly support the policy recommendation to create an India Street Historic District to preserve the historic fabric of the neighborhood that includes buildings that are not only historically significant for their architectural character, but also have merit as representations of larger social, cultural, and historic events in Portland. Consideration of a potential district resulted from a planning board recommendation several years ago, when neighborhood residents raised concern about the scale and impacts of new construction in the neighborhood.

To prepare to consider the possibility of an historic district, the City commissioned extensive research including a study of every property that could be in a potential district. This information helped guide the work of subcommittee to study proposed boundaries of a district. The work included consultation with the Maine Historic Preservation Commission regarding concurrent National Register district designation to provide access to historic preservation tax credits.

We would like to provide accurate information to address several assumptions presented at the final meeting:

One purpose of an historic district in this neighborhood is to preserve the historic fabric of a neighborhood that is the site of the earliest settlement of Portland; was significantly impacted by Portland's ocean, railroad, and land transportation economy; was a focal point for immigration including the earliest African American neighborhood, as well as Jewish, Italian, and other immigrant communities; and contains distinctive civic and religious buildings.

Another purpose of an historic district is to provide a consistent review process for the entire neighborhood. Landmark buildings are important, and there are eight in the area, however the additional historic buildings that contribute to the historic character and significance of the area are important in retaining its scale and architectural character as well as to convey the story of the neighborhood. Consistent improvement and development review standards give assurances to property owners of all types that their investments will be respected and protected.

There are buildings of many ages and styles in the India Street neighborhood that reflect its long history – it is not a homogeneous neighborhood like the Old Port. It includes many more modest structures that are not architect designed, but that do reflect the evolution of our city and represent the pedestrian oriented human scale that characterizes Portland. The neighborhood is not unlike the near West End where more modest buildings comprise the majority of the historic fabric. Consultant Michelle Reeves cited the potential for reinvestment in this neighborhood with a variety of evolving uses. This makes sense to us. The relatively small scale of the buildings is an advantage in many cases.

We have provided information on the attachment about the historic preservation tax credit program. The Maine program has special provision for smaller projects between \$50,000 and \$250,000 and work can include a wide range of projects from upgrading HVAC systems, repairing roofs, walls, floors, chimneys and porches, among other items. The property must be an income producing property.

One of the major reasons for the India Street Master Planning process has been the concern of residents that large, out of scale buildings, such as the Bay House complex, were beginning to dominate the architectural character of the neighborhood. As we have seen from the work completed to date, the Form Based Code alone will not alleviate the massive structures that inspired the master planning process in the first place, nor will it address the quality of materials and design details that make for good new construction. Historic Districts and Form Based Codes work well together and each address different aspects of the planning process. We believe that both should be developed in tandem and work in tandem.

With the above in mind, we would like to propose a revision to the process going forward. Part of the reason the ISNAC failed to reach a clear consensus was because the so-called working groups were largely working independently. The same pattern continues as the historic district and the form-based code discussions progress on their parallel paths. A more integrated path could be more effective, where the historic program staff participates in the form-based code development process; where the form based code and Historic District working groups meet together to review both items as they progress towards a final recommendation; where the form based code committee draft goes to the historic preservation board for review prior to the final draft; and where there is a historic preservation board workshop to review the Historic District boundary and form based code guidelines. The goal would be to ensure that there is not conflict between the two areas of the plan and that the review process will be easier because there is consistency and agreement.

Thank you for your consideration.

Hilary Bassett
Executive Director
Greater Portland Landmarks
93 High Street
Portland, ME 04101
www.portlandlandmarks.org

Historic Preservation Tax Credits

For information about call Chris Closs, Preservation Services Advisor for Greater Portland Landmarks.
207-774-5561 ext. 102 or email at ccloss@portlandlandmarks.org.

FEDERAL TAX INCENTIVE PROGRAM

<http://www.nps.gov/tps/tax-incentives.htm>

Tax Incentives for Preserving Historic Properties

The Federal Historic Preservation Tax Incentives program encourages private sector investment in the rehabilitation and re-use of historic buildings. It creates jobs and is one of the Nation's most successful and cost-effective community revitalization programs. It has leveraged over \$62 billion in private investment to preserve 38,000 historic properties since 1976. The National Park Service and the Internal Revenue Service administer the program in partnership with State Historic Preservation Offices.

20% Tax Credit

A 20% income tax credit is available for the rehabilitation of historic, income-producing buildings that are determined by the Secretary of the Interior, through the National Park Service, to be "certified historic structures." The State Historic Preservation Offices and the National Park Service review the rehabilitation work to ensure that it complies with the Secretary's Standards for Rehabilitation. The Internal Revenue Service defines qualified rehabilitation expenses on which the credit may be taken. Owner-occupied residential properties do not qualify for the federal rehabilitation tax credit. Learn more about this credit before you apply.

Each year, Technical Preservation Services approves approximately 1000 projects, leveraging nearly \$4 billion annually in private investment in the rehabilitation of historic buildings across the country.

10% Tax Credit

The 10% tax credit is available for the rehabilitation of non-historic buildings placed in service before 1936. The building must be rehabilitated for non-residential use. In order to qualify for the tax credit, the rehabilitation must meet three criteria: at least 50% of the existing external walls must remain in place as external walls, at least 75% of the existing external walls must remain in place as either external or internal walls and at least 75% of the internal structural framework must remain in place. There is no formal review process for rehabilitations of non-historic buildings. Learn more about this credit in Historic Preservation Tax Incentives.

Tax Benefits for Historic Preservation Easements

A historic preservation easement is a voluntary legal agreement, typically in the form of a deed that permanently protects an historic property. Through the easement, a property owner places restrictions on the development of or changes to the historic property, then transfers these restrictions to a preservation or conservation organization. A historic property owner who donates an easement may be eligible for tax benefits, such as a Federal income tax deduction. Easement rules are complex, so property owners interested in the potential tax benefits of an easement donation should consult with their accountant or tax attorney. Learn more about easements in Easements to Protect Historic Properties: A Useful Historic Preservation Tool with Potential Tax Benefits. http://www.maine.gov/mhpc/tax_incentives/index.html

STATE REHABILITATION TAX CREDIT

In his supplemental budget that was signed into law on March 31, 2008, Governor Baldacci incorporated the provisions of LD 262, An Act to Amend the Credit for Rehabilitation of Historic Properties. This bill fundamentally changes the existing state tax credit. Among the changes are a significantly increased credit cap, the creation of a small projects provision for taxpayers who do not claim the federal tax credit but who could claim the state credit, and the inclusion of an added incentive for the creation of affordable housing. The law went into effect as of July 1, 2008, although the tax credit is allowable for certified qualified rehabilitation expenditures incurred after January 1, 2008.

The Maine Historic Preservation Commission (also referred to as the Maine State Historic Preservation Office) will administer the program in consultation with the Department of Administrative and Financial Services, Bureau of Revenue Services. **The Commission strongly recommends that prospective applicants carefully review the program rules prior to submitting applications or commencing work.** Maine's State Historic Rehabilitation Tax Credit Program now includes the following features:

1. The **"Substantial Rehabilitation Credit"**. A 25% state credit for any rehabilitation that also qualifies for the 20% federal credit. The rehabilitation must meet all of the requirements of the Federal tax incentive program.

2. The **"Small Project Rehabilitation Credit"**. A 25% state credit for the rehabilitation of certified historic structures with certified qualified rehabilitation expenditures of between \$50,000 and \$250,000. Projects utilizing this credit do not need to be eligible for the Federal tax incentive program, but the same review criteria will apply.

3. The **"Affordable Housing Rehabilitation Credit Increase"**. The State Substantial Rehabilitation Credit and the Small Project Rehabilitation Credit may be increased to 30% if the rehabilitation project results in the creation of a certain amount of affordable housing. Please contact the Maine State Housing Authority (MSHA) for additional eligibility requirements.

4. There is a "per project" state credit cap of \$5 million. State credits are fully refundable, 25% of the credits must be claimed in taxable year in which the property is placed in service, and 25% must be taken in each of the next three (3) taxable years. Only rehabilitation expenditures incurred between January 1, 2008 and December 31, 2023 are eligible for the credit.

Some key points and cautionary reminders about the credits:

- Only certified historic structures will qualify for the credits. A "certified historic structure" is defined as a building that is listed in the **National Register of Historic Places**, either individually or as a contributing building in a National Register historic district, or as a contributing building within a local historic district that has been certified by the Secretary of the Interior.
- A property is listed in the **National Register of Historic Places** by a nomination, which is a research report prepared according to detailed state and federal guidelines. The final authority on National Register listing is the federal Keeper of the National Register in Washington, D.C. In its role as administrator of the National Register program in Maine, the Maine

(continued on next page)

Greater Portland Landmarks Preservation Information

State Rehabilitation Tax Credit

(continued from previous page)

State Historic Preservation Office is charged with ensuring that nominations forwarded by the State Historic Preservation Officer to the Keeper are complete and correct. The State Historic Preservation Office provides direction to preparers but generally does not write nominations for purposes of the tax credit. Most nominations are prepared by private consultants [this list is in Adobe Acrobat Reader format] hired by property owners, local governments, or private non-profit organizations. The nomination process typically takes a minimum of six months, and may take much longer. For more information regarding the National Register nomination process, please contact Christi Mitchell at the Maine Historic Preservation Commission: Christi.Mitchell@maine.gov or 207-287-1453.

■ If Maine's **Substantial Rehabilitation Credit** is applied for, the rehabilitation expense must exceed the greater of the "adjusted basis" of the building or \$5,000 within a 24 month period, or a 60 month period for phased projects. For Maine's **Small Project Rehabilitation Credit**, the certified qualified rehabilitation expenditures must be between \$50,000 and \$250,000 within either a 24 month or, if the project will be completed in phases, a 60 month period.

■ All rehabilitation work must meet the **Secretary of the Interior's Standards for Rehabilitation**. Applications for Maine's Substantial Rehabilitation Credit are subject to a joint review by the Maine State Historic Preservation Office and the National Park Service, with final authority resting with the National Park Service. Applications for Small Project Rehabilitation Credit are reviewed solely by the State Historic Preservation Office. However, any building that is the subject of the rehabilitation must be listed in the National Register of Historic Places before it will become a "certified historic structure", which means that it must be approved by the Keeper of the National Register. Rules for Maine's historic rehabilitation tax credit program are promulgated by the Maine Historic Preservation Commission.

■ The credits cannot be claimed against the cost of acquisition, new additions, site work, or personal property. Only costs incurred in work upon or within a historic structure will qualify. Interior work such as HVAC work and kitchen and bathroom remodelings will qualify if the work meets "The Secretary of the Interior's Standards for Rehabilitation."

■ Property owners are **strongly advised** to consult with the Maine Historic Preservation Commission **before beginning a rehabilitation** to resolve potential design and rehabilitation problems that could result in denial of the credits. ■

If you are considering submitting an application, or if you have any questions, please contact:

Mike Johnson
Rehabilitation Tax Credit Coordinator
Maine Historic Preservation Commission
55 Capitol Street
Augusta, ME 04333
PH: 207-287-2949
e-mail: Mike.D.Johnson@maine.gov

If you have specific tax or fiscal-related questions, please contact:

Maine Revenue Services
Business Taxes Section
26 Edison Drive
Augusta, ME 04333
PH: 207-624-9547
e-mail: Richard.E.Truman@maine.gov

National Register of Historic Places

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

CRITERIA FOR EVALUATION

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workman-

ship, feeling, and association, and:

A. That are associated with events that have made a significant contribution to the broad patterns of our history; or

B. That are associated with the lives of significant persons in or past; or

C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. That have yielded or may be likely to yield, information important in history or prehistory.

For more information regarding the National Register nomination process, please contact Christi Mitchell at the Maine Historic Preservation Commission: Christi.Mitchell@maine.gov or 207-287-1453.

To the Council:

Luckily, for the length of your meeting, I am in the south of France and will not be speaking with my usual extensions of the three minute rule. Suffice it to say that the India Street plan before you is that which the Planning Board suggested was needed some two years ago. The India Street Neighborhood Association is generally pleased with the language and structure of the plan. We look forward to participation in the completion of the form based code and the Historic District which are soon to follow.

As you know, the Eastern Waterfront Plan has allowed many massive developments which have greatly altered the character and scale of the neighborhood. Without this plan and the accompanying code the texture of the original small scale traditional neighborhood would be completely lost in a few more years.

On behalf of the ISNA and all in the neighborhood, I ask you to look favorably on this plan.

Hugh Nazon
President, ISNA

COMMENTS CONCERNING INDIA STREET PLAN

To: Caitlin Cameron &
Portland City Council
From: Ed MacColl, for Simba, Inc.
Dated: October 15, 2014

Re: India Street Plan

Caitlin and City Councilors,

This office represents Simba, Inc., a local company owned by Roger P. Hale, that owns and operates a parking lot on the downhill (water) side of Fore Street. At Mr. Hale's request, we have followed the ongoing planning process for the last few months. Our office has been favorably impressed by the hard work and obvious good intentions of the City's staff and the neighborhood association. But, as we have expressed at the last several public meetings, the process has unfortunately excluded the property owners in Simba's neighborhood. As a result, the report reflects conclusions and policies not well suited to the land below Fore Street. Our concerns are informed by the following facts:

1. The nineteen-person Advisory Committee includes none of the owners or occupants of property below Fore Street; their interests are not represented;
2. The land below Fore Street is vastly different from the balance of the proposed district in history, use, potential and character; as the report reflects, the area properly within the India Street Neighborhood was and is a melting pot of residential and mixed uses. For much of the history described in the plan, the area below Fore Street was a cove (Clay Cove). Before and after being filled (when Commercial Street was constructed) the area has always been an important commercial center;

3. The balance (represented portion) of the proposed district is three or four blocks across, but below Fore Street the district is only two blocks wide; the Portland Company property, immediately to the east, is being treated separately. That makes the two blocks below Fore Street within the district appear to be an appendage – and an unrepresented appendage at that; and
4. The properties below Fore Street represent a unique opportunity for the City and for their owners; it makes eminent sense that in planning the future of our client's area the interests of folks further up the hill should be taken into account; but by the same token it is fundamentally wrong for a group that represents only the folks up the hill to make the rules for unrepresented neighboring properties.

We respectfully ask that the two blocks below Fore Street be excluded from the proposed district. On behalf of our client we also note the following particular concerns:

- a. The plan states that “wherever possible” “visual” “access to the waterfront” will be provided as a public amenity; taken literally, the assertion would prevent any development of our client's property, currently a surface parking lot;
- b. The plan depicts a “mid-block connection network” apparently across our client's property; and
- c. The proposal to have a historic district, but without any proposed boundary, and to have “form-based” (i.e. form over function) zoning, but without a meaningful description of the “form” the zoning ordinance will take produce great anxiety.

Again, thank you for your hard work and service and for considering our views and concerns.

First Name: Bethany
Last Name: Field
Email: bethany.field@gmail.com

Comments/Questions on proposed India Street Historic District: Overall, I think the India Street plan has sparked many great conversations, and begun an important dialogue about the future of the neighborhood. Much is still left to be discussed. This is a plan of inward speculation, but much of our neighborhood is heavily influenced by other nearby parts of the city. Franklin Street, the Waterfront, Portland Company Complex, Munjoy South Development, East End/Munjoy Hill Development, and Bayside revitalization all play a role in the future success of India Street Neighborhood's growth.

As a homeowner and 5-year resident, I have questions and concerns about how some components of the proposed plan might affect each other. The area of most concern is the interplay between the new form-based code proposal and the creation of a historic preservation district.

Generally, the historic district proposal could provide benefit to the neighborhood and the city if appropriately applied to truly historic structures. However, the inclusion of 26 and 28 Hampshire Street and other nearby structures as contributing members of the district seems baseless, and could easily place an undue burden on property owners, at marginal, if not negative, benefit to the neighborhood. The following reasons underlie my serious concerns about both the scope of the proposed historic district and the integrity of the proposal process as it applies to my area of the neighborhood:

- Structures at 26 and 28 Hampshire have been modernized significantly and no longer maintain a character in line with the historic architecture of the neighborhood. They literally do not contribute to proposed historic district.
- Uninhabitable structures at 167 and 169 Newbury are in an advanced, and possibly irredeemable, state of disrepair and similarly cannot contribute to the proposed historic district.
- The 26-28 Hampshire block is devoid of any other historic structures that are proposed for inclusion in the district, further obviating the disconnect between these structures and the proposed district.
- Under the new form-based code proposal, adjacent vacant lots on the 26-28 Hampshire block at 160 Newbury and 24 Hampshire may be developed to extend to heights well above that of 26 and 28 Hampshire. That's a height of 65ft at 160 Newbury and 45ft at 24 Hampshire. If included in the district, the desirability of the existing structures would be significantly reduced, as they would eventually be surrounded by tall buildings while retaining no option to build up.
- It is not clear that owners and residents of the affected properties have been sufficiently informed of the consequences of inclusion. It is also not clear that those advocating these proposed changes have actively solicited all stakeholders' opinions during the planning process.

I urge the city council to tread very carefully when considering these major changes, and to take an active role in ensuring that those affected have the information they need.

Form Submitted on: 10/16/2014 3:39:46 PM

**David Filipos
36 Federal Street
Portland Maine 04101**

To: Planning Board and City Council Members
For: City of Portland Council Packet 10/20/2014
Date: 16 October 2014

Dear Planning Board, City Council Members and all others involved in the implementation of the India Street Neighborhood Plan, I have read through the Implementation Tools of this plan and I take issue with a few of it's critical actions.

First let me say that I have been a resident of the East side of Portland for 26 years and an owner of record of 36 Federal Street for the past 18 years and as a concerned resident of the India Street Neighborhood I have hopes that my concerns will be well regarded and respected.

- The implementation of Critical Action 5 concerns me the most. In the case of my building at 36 Federal which has been tagged as a "Contributing Building" to the proposed Historic District, I believe strongly that there has been an exaggerated assessment of my property's historic qualities.

After reviewing the only Architectural Description and Historical Narrative that the Portland Department of Historic Preservation could produce, it is evident that there is very little to support the unique and distinct characteristics that would be beholden to a building of true historical relevance.

My hope and request is that my property at 36 Federal will be removed from the proposed historic zone so that I may someday develop this site into a building that is truly contributing in architectural value and will support housing for working class urbanites that will become part of a vibrant neighborhood.

- Critical Action 8 supports the infill development of property and my property is a fine example of the potential for infill as it has an undeveloped side yard that would be able to support several single dwelling units if allowed the opportunity.

Currently this property resides in a B2b zone and has building height restrictions of 45', or 50' if the first floor is to be used for a commercial purpose.

The approved project that abuts it's rear location on Newbury Street has a proposed building height of 65'. Not only will this project block much of the view that I now enjoy but it will also shadow my southern sun exposure and lower my quality of life in the winter months.

In short, I would like to be granted the same building height as the Bay House property so that when I am able to develop 36 Federal I may once again enjoy the view, the sunshine, and realize the potential of a townhouse apartment building that will be able to support a few more dwelling units.

A 65' height limit in my location that is across the street from the graveyard at a much lower elevation than Congress street will not block anyones view nor usurp their precious sunlight.

When zoning is restricted on a street by street basis in a small neighborhood that is dominated by larger buildings I believe a precedent has already been established and it becomes the smaller buildings that fall out of scale. Why should 15' of building height make a difference at this point? Allow for equal opportunity and architectural creativity!

- Lastly I have a brief comment on Critical Action 12, stormwater management. A potential stormwater service charge to property owners based on their impervious surfaces would be a huge overreach by a heavy handed government.

I am in support of a plan that would reduce stormwater runoff into our beloved Casco Bay but I would like to see more of a budget strategy as it relates to implementation of the plan and cost estimates of what a Stormwater Service Charges would impose on property owners' impervious surfaces and how those funds were to be allocated.

Thank you all for your considerations.

Sincerely, David Filipos



PLANNING BOARD REPORT PORTLAND, MAINE

Pre-owned Automobile Dealership

Site Plan and Conditional Use Review

Forest Avenue Buildings LLC (David Coppersmith), Applicant

Project No: 2014-100 & 2014-177

CBL: 137 C010 001

Submitted to: Portland Planning Board
Public Hearing Date: November 25th, 2014

Prepared by: Jean Fraser, Planner
Date: November 21st, 2014

I. INTRODUCTION

Planning Board approval is requested for a Conditional Use and Level I: Site Alteration site plan for the proposed used car dealership on the rear part of 849 Forest Avenue. The site is .62 acre (26,890 sq ft) and covered by occupied buildings for about 2/3 of the area. The site includes two restaurants at the front of the site, the Pine Tree Auto Body operation at the rear, and three apartments in the middle.

The overall site has approximately 97 feet of street frontage on the east side of Forest Avenue and backs onto the railway line. The frontage is almost completely taken up with existing buildings and drive access, so the proposed use will be at the rear of the site.

The site is located in a B-2 Community Business Zone, where automobile dealerships are listed as a conditional use and therefore are reviewed by the Planning Board.

Required Reviews:

- Conditional Use in the B-2 zone;
- Level I (Site Alteration) Site Plan.

Staff recommended this be brought directly to a Planning Board hearing in view of the backland nature of the site and the small scale of the proposed improvements.

A total of 70 notices of the Hearing were sent to property owners within 500 feet and to interested citizens. A notice was published in the November 17th and 18th, 2014 editions of the *Portland Press Herald*. The applicant is not required to hold a neighborhood meeting for this proposal.

The project does not require any waivers.



Site at 849 Forest Ave.
Prepared by Planning Dept based on City GIS/DOH aerials

II. PROJECT DATA:

Zone:	B-2 Business
Proposed Use:	Automobile Sales
Previous (Legal) Use:	Commercial/residential
Required Minimum Lot Area:	10,000 sq ft
Proposed Lot Area:	26,890 sq ft
Existing impervious area:	24,043 sq ft
Proposed impervious area:	22,092 sq ft
Total floorspace of existing bldg:	(included in above impervious area)
Required parking:	not specified in ordinance
Proposed parking:	5 spaces for employees and customers, up to 14 vehicle display spaces and 6 spaces for the 3 existing apartments
Required Bicycle Parking:	2 spaces
Proposed bicycle parking:	none shown

Existing Driveways: 2
Proposed Driveways: 2, with northern-most driveway to serve the proposed use

III. EXISTING CONDITIONS

The L-shaped parcel is located behind restaurants along Forest Avenue, and includes the existing Pine Tree Auto Body shop owned by the applicant as part of the overall site. (White building in rear right in photo). The main access is via the northern drive which is 32 feet wide and there is a mutual easement supporting its use for access (See photo to right taken from Forest Avenue).



Most of the site is paved or built over, with the vehicle display area at the rear on an open graveled part of the site. The area is currently used for overflow parking by the residents of the three apartments on the site. A dumpster is located at the corner of the site nearest the railway and there are no trees in the open area of the site (one existing mature tree is located at the rear of the frontage building).

Three residential units are located in the middle of the site - see photo at left taken from the proposed display area.

IV. PROPOSED DEVELOPMENT

The applicant is proposing minor improvements to manage the site for a used car dealership (display area) and address the conditional use requirements. These are shown in the site plan (Plan P2) and described in the Letter to the Planning Board (Attachment E) and include:

- Organizing parking in the rear area, primarily with signage on a new split rail fence
- Reduction of impervious surface by 7%
- Planting of two street trees plus potted plants along frontage of site
- Preservation of mature trees along the railway

V. PUBLIC COMMENT

The Planning office has not received any public comments on this project.

VI. RIGHT, TITLE AND INTEREST

The applicant submitted the deed for the site and has occupied the site for 28 years (Attachment C).

VII. STAFF REVIEW

A. ZONING ASSESSMENT

The site is located in the B-2 Community Business zone where automobile dealerships are permitted as a Conditional Use. The site is within a long band of B-2 on the east side of Forest Avenue and is at least 90 feet from the R-5 zone on the other side of the railway tracks, although most of the area on the other side of the tracks is undeveloped and at the rear of the Ocean Avenue School property.

The project was reviewed by the Zoning Administrator who requested some reduction in the nonconformity created by the extent of impervious surface. The Zoning Administrator has confirmed the project addresses the zoning requirements (Attachment 2).

B. CONDITIONAL USE REVIEW (Section 14-183)

Sec. 14-183. Conditional uses identify auto dealership in the B-2 zone as a conditional business use if they meet the following requirements, and “the Planning Board shall be substituted for the board of appeals as the reviewing authority over conditional business uses”. The applicant has submitted a conditional use application (Attachment B) and an analysis of how the proposal complies with the conditional use standards in Attachment E.

Section 14-183 specifies (in relation to automobile dealerships):

In addition to approval by the Planning Board with respect to the requirements of article V (site plan), sections 14-522 and 14-523 notwithstanding, these uses shall comply with the following conditions and standards in addition to the provisions of section 14-474:

The requirements taken from the Ordinance 14-183 (a) 5 are in italics below, together with a staff comment in respect of the proposals.

- a. *Signs: Signs shall not adversely affect visibility at intersections or access drives. Such signs shall be constructed, installed and maintained so as to ensure the safety of the public. Such signs shall advertise only services of goods available on the premises.*

Staff comment: The applicant is not proposing any signs as part of the current applications. A potential condition requiring the separate sign review and approval is included in the proposed motion for the Board to consider.

- b. *Circulation: No ingress and egress driveways shall be located within thirty (30) feet from an intersection. No entrance or exit for vehicles shall be in such proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.*

Staff comment: The existing driveways meet this requirement.

Clause 6 g.i. *A landscaped buffer, no less than five (5) feet wide, shall be located along street frontages (excluding driveways). The buffer shall consist of a variety of plantings in accordance with the City of Portland Technical Manual.*

Staff comment: The area where the cars will be displayed does not front onto Forest Avenue, although the overall site has 97 feet of frontage. The existing buildings are at the ROW line and there are two curb cuts, so the only opportunity for planting is in two small pockets at each side of the existing building frontage.

The Site Plan (Plan P2) shows two trees near the property line and denotes that these will be “2 ½” diameter street trees, species to be agreed with the City Arborist”. The letter in Attachment E states that the applicant will also be “placing potted shrubs and or flowers along the sidewalk in front of the building” to meet this standard.



Site frontage onto Forest Avenue

The City Arborist has commented (Attachment 5):

The proposed landscape treatment along Forest Avenue is acceptable given the unique layout of the site. The planting of two ornamental trees out front either within the right of way or on project property would need to consider ADA & sidewalk snow clearing requirements. Plants in the proposed planter is a good idea and will help the site appearance but should factor in the overhanging canopy. I am willing to work with the applicant on the best trees and plants for the site.

A proposed condition of approval is included to secure this improvement with the City Arborist’s guidance on both the species and the location.

C. CONDITIONAL USE REVIEW (Section 14-474) - Note: this provision applies to all conditional use; these standards were revised and came into effect just before the application was received):

Section 14-474(c)(2) Standards. The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

- a. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*

Staff comment: Tom Errico, the Traffic Engineer, did not have any concerns regarding these aspects of the proposal (Attachment 4).

- b. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*

Staff comment: The applicant's letter addressing these standards (Attachment E) confirms that any work on the vehicles will be performed inside the existing body shop. A suggested condition of approval is included to confirm this requirement given the proximity of residential uses. The Fire Prevention officer has also requested a condition that relates to the containment of any fluids from cars, as these may be dangerous or flammable (Attachment 3).

- c. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.*

Staff comment: The use as proposed is understood to be low intensity and the applicant has not proposed any new signs nor new lighting. Members of the public will be visiting the site and potential impacts of this activity are limited by the proposed hours of operation (weekdays only - 8am to 5pm). Staff are aware that car dealerships may generate related activities near the site (eg parking and viewing of cars for sale), so a suggested condition of approval addresses that possibility.

D. DEVELOPMENT REVIEW

The proposed development has been reviewed by staff for conformance with the relevant review standards of Section 14-526- Site Plan. As this is a Level I: Site Alteration Site Plan, not all of the standards are applicable and there are fewer submittal requirements. Staff comments are highlighted in this report.

1 SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527)

The proposal is subject to a Level I: Site Alteration Site Plan and the submission requirements are listed in 14-527 (b). The Site Plan application (Attachment A), narratives and plans have addressed the ordinance requirements.

2 SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. A Level I site Alteration is not subject to all of the Site Plan Standards. Staff comments are listed below.

A. Transportation Standards (1,2 and 4)

1. Impact on Surrounding Street system and 2. Access and Circulation

The proposed used car dealership is located on Forest Avenue along a straight stretch of single lane traffic with good visibility. The proposal will be served by an existing wide driveway and does not have high trip generation, with limited loading and servicing. The Traffic Engineer, Tom Errico, has confirmed the project is acceptable overall, but has suggested conditions to ensure that on-site access and circulation is safe (Att. 4):

- * *All access/egress movements from the business operations shall be limited to the northerly driveway.*
- * *The primary access/egress driveway shall be managed such that a minimum width of 18 feet is provided for vehicle circulation.*

2. Access and Circulation- Sidewalks: the sidewalks along the site frontage are in good condition.

4. Parking Requirements

The ordinance does not specify minimum vehicle parking provision for this use. The proposed layout provides 6 spaces for the 3 existing residential units, 5 spaces for customers and employees, and up to 14 display spaces. Where these cannot be striped on the ground (because part of the site is gravel), the applicant has indicated they will be marked with small signs on a new split rail fence (see Plan P2). Review comments focus on the

management of the parking to ensure emergency access and access for the other users of the site (Attachment 4), and a suggested condition of approval includes this condition:

- * *The parking of vehicles shall comply with the site plan layout. Given that parking spaces will not be delineated with paint, the applicant shall be responsible for maintaining travel lane/parking aisle widths noted and thus only park vehicles where illustrated on the site plan.*

The Ordinance requires 2 bicycle parking spaces where the parking requirement is 0 to 10 vehicle parking spaces. These have not been identified on the plan, so a potential condition of approval is included to require the two bicycle parking spaces.

B. Environmental Quality Standards (1 and 3)

1. Preservation of Significant natural Features

There are no significant natural features on this site, which is largely paved or built. There is one large tree near the front of the site and several large trees along the rear boundary line that are not impacted by the proposal. Planting, as feasible, is proposed along the sidewalk (see conditional use review above).

3. Water quality; Stormwater Management; Erosion control:

The applicant has reduced the overall impervious surface through the conversion of 1961 sq ft of compacted gravel to crushed stone as shown on Plan P2. The project does not trigger Chapter 500 requirements. Dave Senus, the Peer Engineering reviewer, has commented that the final plan is acceptable (Attachment 1).

C. Public Infrastructure and Community Safety Standards (1)

1. Consistency with Master Plans:

The proposals do not impact city infrastructure.

D. Site Design Standards (5,6,8,9)

5. Historic Resources:

The proposed site alterations do not affect any historic resource.

6. Exterior Lighting:

The proposals do not include any specific lighting proposals.

A potential condition of approval is included in the motion for the Board to consider to ensure that if lighting is added it must meet the City standards, particularly as there are three residential units on the site.

8. Signage and Wayfinding:

The proposals do not include any new signs, but a potential condition of approval is included to clarify that any new signs would require separate permits.

9. Zoning Related Design Standards

There are B2 standards that would apply if there was a new building. The B2 design standards do require landscaping and buffers, which is generally addressed by the Conditional Use requirement for a frontage planting and the proposed preservation of existing vegetation along the rear site boundary.

VIII. STAFF RECOMMENDATION

Staff recommends that the Planning Board approve the Auto Dealership conditional use and site plan with the proposed conditions of approval.

IX. PROPOSED MOTIONS FOR THE PLANNING BOARD'S CONSIDERATION

CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on November 25, 2014 for application #2014-100 and #2014-177 (849 Forest Avenue), relevant to Portland's Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing:

The Planning Board finds that the proposed conditional use for Auto Dealership at 783 Forest Avenue in the B-2 zone **does / does not** meet the standards of Section 14-474 and the standards of Section 14-183 for the B2 zone, subject to the following conditions:

- i. That all car repairs/maintenance shall take place within the existing auto body shop on the site; and
- ii. That the hours of operation shall be no earlier or later than Weekdays, 8am to 5pm; and
- iii. All activities associated with the car dealership use, including the parking of vehicles for sale, shall take place on the privately owned part of the site and not on any adjoining or nearby streets, or property outside of the site; if such activities are documented as taking place, enforcement action may be pursued by the City.

SITE PLAN

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in Planning Board Report for the public hearing on November 25, 2014 for application #2014-100 and #2014-177 (849 Forest Avenue), relevant to the Site Plan Ordinance and other regulations and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is / is not** in conformance with the site plan standards of the land use code, subject to the following conditions:

- i. All access/egress movements from the business operations shall be limited to the northerly driveway, and this primary access/egress driveway shall be managed such that a minimum width of 18 feet is provided for vehicle circulation at all times; and
- ii. The parking of vehicles shall comply with the site plan layout. Given that parking spaces will not be delineated with paint, the applicant shall be responsible for maintaining travel lane/parking aisle widths noted and thus only park vehicles where illustrated on the site plan; and
- iii. That any/all vehicles that may be leaking fluids shall be placed on an identified section of the paved hard surface or indoors, and that any oil or other polluting fluids shall be contained and disposed of so that they do not flow elsewhere on the site or onto other property; and
- iv. That two 2.5 inch diameter "street trees" be planted in the ROW along the site frontage or on the site near the sidewalk, prior to the issuance of a Certificate of Occupancy, subject to the location and species being agreed in advance with the City Arborist to ensure ADA and snow clearance issues are taken into account; and place potted shrubs or flowers along the sidewalk in front of the building fronting onto Forest Avenue where the canopy allows for adequate growing conditions; and
- v. That the applicant shall install bicycle parking for 2 bicycles at a visible and accessible location on the site; and
- vi. That any new lighting shall be in compliance with the site lighting requirements as set out in the City's Technical Standard 12 "Site Lighting", and any dumpster on the site shall be screened by planting or an opaque enclosure; and
- vii. That the applicant shall obtain a license from the State of Maine Bureau of Motor Vehicles prior to the start of car sales from this site; and
- viii. That separate permits are required for any signs on the site prior to their installation.

ATTACHMENTS

Report Attachments

1. Peer Engineering Reviewer, Dave Senus, 11.17.2014
2. Zoning Administrator, Marge Schmuckal, 11.18. 2014 & previous
3. Fire Prevention, Craig Messinger, 11.19.2014
4. Traffic Engineering Reviewer, Tom Errico, 11.20.2014
5. City Arborist, Jeff Tarling 11.21.2014
6. Department of Public Services, David Margolis-Pineo
(not received at time Report was completed)

Applicants submittal

- A. Level I: Site Alteration Site Plan Application
- B. Conditional Use Application
- C. Right, title and interest
- D. Letter of financial capacity
- E. Letter with Conditional Use analysis 11.14.2014

Plans

- P1. Existing conditions/survey
- P2. Proposed Site Plan

Public Comments (none)

From: David Senus <dsenus@woodardcurran.com>
To: Jean Fraser <JF@portlandmaine.gov>
Date: 11/17/2014 10:42 AM
Subject: RE: 849 Forest #2014-100 and 2014-177 final plan and letter

Hi Jean.
I'm fine with this.
-Dave

From: Jean Fraser [mailto:JF@portlandmaine.gov]
Sent: Friday, November 14, 2014 5:16 PM
To: Ann Machado; David Margolis-Pineo; Jeff Tarling; David Petrucci; Thomas.Errico@tylin.com; David Senus
Cc: Barbara Barhydt
Subject: 849 Forest #2014-100 and 2014-177 final plan and letter

Hi

Please see attached the revised plan and letter that I believe address all the comments. They are also in e-plan.

Please note that you need to add the 2 previous surface areas that he has noted on the plan to get the numbers to work.

I need final written comments (for the Planning Board) by wed 11.19.14 please.

thanks
Jean

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2014-177
Date: 11/18/2014

Comments Submitted by: Ann Machado/Zoning on 11/18/2014

I have reviewed the most recent plan submitted (11/14/14). Regarding the impervious surface ratio, the existing ratio was 89.4%. This was over the 80% required by zoning. The proposed impervious surface ratio is 82.1% which makes the site less nonconforming. All the zoning requirements are now being met

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2014-177
Date: 11/6/2014

Comments Submitted by: Marge Schmuckal/Zoning on 11/4/2014

I reviewed the most recent plan that was submit. I am glad to see that the parking spaces located nearest to the R/R tracks are now completely on the property that we are reviewing.

I am somewhat confused about the information given on those plans concerning impervious surface ratio after the proposed work. The Impervious Area Calculation Table gives the existing lot size as 26,890 square feet. He has also given the total PERVIOUS area as 2,628.5 sf. The subtraction of permious from the lot size gives me the impervious sf area. It comes out to MORE than the existing conditions. The impervious surface is increasing. From what the surveyor is relating. Increasing the impervious surface is unacceptable. I am sure the surveyor erred somewhere because the plan shows increased pervious surface. The suveyor needs to correct the submitted information before I can make a final sign off.

Marge Schmuckal
Zoning Administrator
City of Portland, Maine

MEMORANDUM

To: FILE
From: Jean Fraser
Subject: Application ID: 2014-177
Date: 11/4/2014

Comments Submitted by: Marge Schmuckal/Zoning on 10/10/2014

This project is located in a B-2 residential zone. Automobile sales are allowed under a conditional use appeal to the Planning Board (14-183(a)5. The applicant did not include any information regarding the maximum impervious surface allowance of 80%. I will need that information prior to completing the my zoning review. I also notice that the site plan shows the vehicle display area to extend off the property and on to an adjoining propperty. I cannot approve the use to go on to another property. The parking spaces closest to the R/R tracks should be modified to be shown only on the applicants property.

Separate permits are required for any new signs.

Marge Schmuckal
Zoning Administrator
City of Portland, ME

From: Craig Messinger
To: Jean Fraser
Date: 11/19/2014 1:48 PM
Subject: 849 Forest Avenue

Hi Jean,

Fire would like to place a condition on the project to have any/all vehicles that may be leaking fluids to be placed on the hot top surface in a protected area.

Hope that answers your questions,

Craig

380 Congress st
Portland Maine 04101
874-8400

From: Tom Errico <thomas.errico@tylin.com>
To: "Fraser, Jean" <JF@portlandmaine.gov>
CC: David Margolis-Pineo <DMP@portlandmaine.gov>, Katherine Earley <KAS@port...>
Date: 11/20/2014 8:49 AM
Subject: 849 Forest Avenue - Final Traffic Comments

Jean - I have reviewed the final plan details and I find the project to be acceptable with the following comments:

- * All access/egress movements from the business operations shall be limited to the northerly driveway.
- * The parking of vehicles shall comply with the site plan layout. Given that parking spaces will not be delineated with paint, the applicant shall be responsible for maintaining travel lane/parking aisle widths noted and thus only park vehicles where illustrated on the site plan.
- * The primary access/egress driveway shall be managed such that a minimum width of 18 feet is provided for vehicle circulation.

If you have any questions, please contact me.

Best regards,

Thomas A. Errico, PE
Senior Associate
Traffic Engineering Director
[T.Y. Lin International] T.Y. Lin International
12 Northbrook Drive
Falmouth, ME 04105
207.781.4721 (main)
207.347.4354 (direct)
207.400.0719 (mobile)
207.781.4753 (fax)
thomas.errico@tylin.com<mailto:thomas.errico@tylin.com>
Visit us online at www.tylin.com<http://www.tylin.com>
Twitter | Facebook | LinkedIn | YouTube

"One Vision, One Company"

Please consider the environment before printing.

From: Tarling, Jeff
To: Jean Fraser
Date: 11/21/2014 1:14 PM
Subject: 849 Forest Avenue

Hi Jean -

The proposed landscape treatment along Forest Avenue is acceptable given the unique layout of the site. The planting of two ornamental trees out front either within the right of way or on project property would need to consider ADA & sidewalk snow clearing requirements. Plants in the proposed planter is a good idea and will help the site appearance but should factor in the overhanging canopy.

I am willing to work with the applicant on the best trees and plants for the site.

Thanks,

Jeff Tarling
City Arborist

PROJECT NAME FOREST AVENUE BUILDINGS LLC

Att. A

PROPOSED DEVELOPMENT ADDRESS

849 FOREST AVE

PROJECT DESCRIPTION:

PROPOSED USED CAR DEALERSHIP

CHART/BLOCK/LOT: 137-C-10

CONTACT INFORMATION:

Applicant – must be owner, Lessee or Buyer Name: <u>FOREST AVENUE BUILDINGS LLC</u> Business Name, if applicable: Address: <u>849 FOREST AVE</u> City/State: <u>PORTLAND</u> Zip Code: <u>04103</u>	Applicant Contact Information Work # <u>207-</u> Home# Cell # <u>671-5299</u> Fax# e-mail:
Owner – (if different from Applicant) Name: <u>Same</u> Address: City/State: Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Agent/ Representative Name: <u>ROBERT T. GREENLAW</u> Address: <u>32 OLD ORCHARD ST.</u> City/State: <u>O.O.B</u> Zip Code: <u>04064</u>	Agent/ Representative Contact information Work # Cell # <u>207-289-4546</u> e-mail: <u>BOB GREENLAW504@gmail.com</u>
Billing Information Name: <u>SAME AS APPLICANT</u> Address: City/State: Zip Code:	Billing Information Work # Cell # Fax# e-mail:

Engineer Name: <u>N/A</u> Address: City/State: Zip Code:	Engineer Contact Information Work # Cell # Fax# e-mail:
Surveyor Name: <u>ROBERT T. GREENLAW</u> Address: <u>32 OLD ORCHARD ST</u> City/State: <u>O.O.B</u> Zip Code: <u>04064</u>	Surveyor Contact Information Work # Cell # Fax# e-mail:
Architect Name: <u>N/A</u> Address: City/State: Zip Code:	Architect Contact Information Work # Cell # Fax# e-mail:
Attorney Name: <u>N/A</u> Address: City/State: Zip Code:	Attorney Contact Information Work # Cell # Fax# e-mail:

APPLICATION FEES

(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

☐ Level 1 Site Alteration (\$200.00)	The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
---	---

Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are ***paid in full*** to the Inspections Office, City of Portland Maine by method noted below:

☐

Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.

☐

Within 24-48 hours, once my application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.

☐

I intend to deliver a payment method through the U.S. Postal Service mail once my application paperwork has been electronically delivered.

☒

PAYMENT ALREADY MADE.



Applicant Signature:

8.22.14

Date:

I have provided digital copies and sent them on:

Date:

NOTE:

All electronic paperwork must be delivered to _____ or
by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor,
Room 315.

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the Electronic Plan and Document Submittal page of the City's website at
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

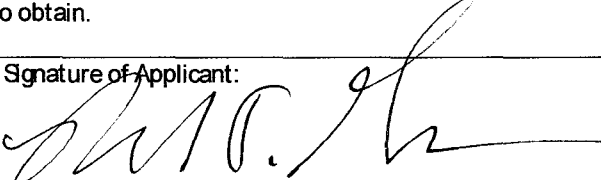
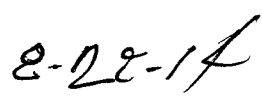
1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. All Written Submittals (Sec. 14-527 (c), including evidence of right, title and interest.
3. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet.
4. Plans and maps based upon the boundary survey and containing the information found in the attached sample plan checklist.
5. One (1) set of plans reduced to 11 x 17.

Please refer to the application checklist (attached) for a detailed list of submission requirements.

APPLICANT SIGNATURE

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Level II Site Plan review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 
---	---

PROJECT NAME: PINE TREE AUTO BODY

PROPOSED DEVELOPMENT ADDRESS:

849 FOREST AVECHART/BLOCK/LOT: 137-C-10

CONTACT INFORMATION:

Applicant -- must be owner, Lessee or Buyer Name: <u>DAVID COPPERSMITT</u> Business Name, if applicable: <u>PINE TREE AUTO BODY</u> Address: <u>849 FOREST AVE</u> City/State: <u>PORTLAND</u> Zip Code: <u>04103</u>	Applicant Contact Information Work # <u>772-4585</u> Home# Cell # Fax# e-mail:
Owner -- (if different from Applicant) Name: <u>SAME</u> Address: City/State : Zip Code:	Owner Contact Information Work # Home# Cell # Fax# e-mail:
Billing Information Name: <u>SAME</u> Address: City/State : Zip Code:	Billing Information Work # Cell # Fax# e-mail:

RIGHT, TITLE OR INTEREST:

FOREST AVENUE BUILDINGS LLC (DAVID) OWNER

(Please identify the status provide documentary evidence, attached to this application, of the applicant's right, title, or interest in the subject property (ex: deed, option or contract to purchase or lease the property.)

VICINITY MAP: (Please attach a map showing the subject parcel and abutting parcels, labeled as to ownership and/or current use.)

EXISTING USE: Describe the existing use of the subject property.

AUTO BODY SHOP

TYPE OF CONDITIONAL USE PROPOSED:

USED CAR DEALER

SITE PLAN: Provide a site plan of the property, showing existing and proposed improvements, which meets the submission requirements of the applicable level of site plan review.

CONDITIONAL USE AUTHORIZED BY: SECTION 14- 183

Address any specific conditional use standards for the specific use contained in the zoning code in the written submission.

APPLICATION FEES:

(Payment may be made by Credit Card, Cash or Check payable to the City of Portland.)

___ Conditional Use Review (\$100.00) (Please submit a separate application for the applicable site plan review. Fees and charges are listed within the application)	The City invoices separately for the following: • Notices (\$.75 each) • Legal Ad (% of total Ad) • Planning Review (\$40.00 hour) • Legal Review (\$75.00 hour) Third party review fees are assessed separately. Any outside reviews or analysis requested from the Applicant as part of the development review, are the responsibility of the Applicant and are separate from any application or invoice fees.
--	--

APPLICATION SUBMISSION:

1. All site plans and written application materials must be submitted electronically on a CD or thumb drive with each plan submitted as separate files, with individual file which can be found on the **Electronic Plan and Document Submittal** page of the City's website at <http://me-portland.civicplus.com/764/Electronic-Plan-and-Documentsubmittal>
2. In addition, one (1) paper set of the plans (full size), one (1) paper set of plans (11 x 17), paper copy of written materials, and the application fee must be submitted to the Building Inspections Office to start the review process.

The application must be complete, including but not limited to the contact information, project data, application checklists, wastewater capacity, plan for fire department review, and applicant signature. The submissions shall include one (1) paper packet with folded plans containing the following materials:

1. One (1) full size site plans that must be folded.
2. One (1) copy of all written materials or as follows, unless otherwise noted:
 - a. Application form that is completed and signed.
 - b. Cover letter stating the nature of the project.
 - c. Evidence of right, title and interest.
 - d. Written Submittals that address the conditional use standards of Sec. 14-474 and any applicable standards of review contained in the zoning code for the specific use.
 - e. A stamped standard boundary survey prepared by a registered land surveyor at a scale not less than one inch to 50 feet and containing the information required for the applicable level of site plan review.
 - f. See Section 14-527 for plan and submission requirements. Refer to the application checklist for a detailed list as well.
 - g. One (1) set of plans reduced to 11 x 17.



Jeff Levine, AICP, Director
Planning & Urban Development Department

Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no Site Plan or Historic Preservation Applications can be reviewed until payment of appropriate application fees are ***paid in full*** to the Inspections Office, City of Portland Maine by method noted below:



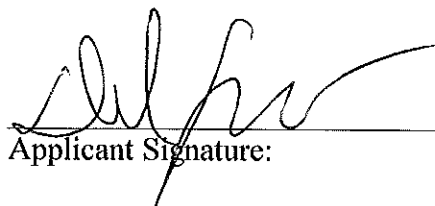
Within 24-48 hours, once my complete application and corresponding paperwork has been electronically delivered, I intend to **call the Inspections Office** at 207-874-8703 and speak to an administrative representative and provide a credit/debit card over the phone.

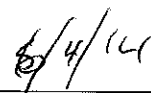


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Applicant Signature:


Date:

I have provided digital copies and sent them on:

Date:

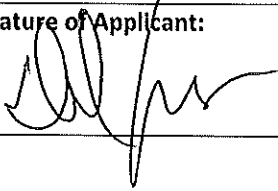
NOTE:

All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means i.e. a thumb drive or CD to the Inspections Office, City Hall, 3rd Floor, Room 315.

APPLICANT SIGNATURE:

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Planning Authority and Code Enforcement's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for a Conditional Use Review. It is not a permit to begin construction. An approved site plan, a Performance Guarantee, Inspection Fee, Building Permit, and associated fees will be required prior to construction. Other Federal, State or local permits may be required prior to construction, which are the responsibility of the applicant to obtain.

Signature of Applicant: 	Date: 6/4/17
---	------------------------

WARRANTY DEED
Maine Statutory Short Form
 JULY 7, 2002 BY 15704 Pg: 174
 DOC 76183 BK 18093
 Know all Men by these presents,

That **David G. Coppersmith**, whose mailing address is: 84 Mayer Road, Portland, Maine, 04103, and **William B. Coppersmith**, whose mailing address is: Overlook Road, Windham, Maine, 04062, for consideration paid, grant to **Forest Avenue Buildings, LLC**, a Maine limited liability company with a place of business in the City of Portland, County of Cumberland and State of Maine with a mailing address of 849 Forest Avenue, Portland, Maine, the premises located in the City of Portland, County of Cumberland and State of Maine, as described on **Schedule A** attached hereto and made a part hereof.

Being the same premises conveyed to the Grantor and Grantees herein by virtue of a deed from Robert J. Coppersmith dated January 4, 2000, and recorded in the Cumberland County Registry of Deeds in Book 15704, Page 49.

Witness our hands this 31st day of July, 2002.

Signed and Delivered in
the presence of:

Michael H. Hill

David G. Coppersmith
David G. Coppersmith

to both

William B. Coppersmith
William B. Coppersmith

STATE OF MAINE
CUMBERLAND, SS.

July 31, 2002

Then personally appeared the above named David G. Coppersmith and William B. Coppersmith and acknowledged the foregoing instrument to be their free act and deed.

Before me,

Michael H. Hill
~~Notary Public~~/Attorney at Law

Printed Name: MICHAEL H. HILL

SCHEDULE A

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

Beginning at a spike in the Easterly side of Forest Avenue at the Northwest corner of land conveyed to John F. Amato by deed recorded in the Cumberland County Registry of Deeds in Book 3213, Page 897, said point of beginning also being distant North 4° 26' West, 12.93 feet measured by said Forest Avenue from a granite monument marking an angle point in said Forest Avenue;

Thence from said point of beginning and continuing by said Forest Avenue on the same course of North 4° 26' West 96.85 feet to other land now or formerly of Bernard S. Coppersmith;

Thence by said other land of Bernard S. Coppersmith North 86° 55' 30" East, 204.37 feet by a line which, at its Easterly end, passes through a frame garage building, to land of the Portland Terminal Company;

Thence by said Portland Terminal Company land South 3° 57' 30" West, 207.79 feet to land conveyed to Dana R. and Roger C. Bowker by deed recorded in said Registry of Deeds in Book 3109, Page 641;

Thence by said Bowker land North 71° 59' 35" West, 80.05 feet to an iron and land of said John F. Amato;

Thence by said Amato land on the following two courses and distances;

North 4° 26' West, 83.00 feet to an iron;

Thence South 85° 34' West, 100.00 feet to the point of beginning.

Also conveying a right of way and easement for egress and ingress by foot or vehicle to the land conveyed herein over a certain strip of land 16.00 feet wide measured at right angles to and Northerly of the second course above described. Said strip of land is more particularly bounded and described as follows:

Beginning at the iron pipe on said Forest Avenue that is distant North 4° 26' West, 96.85 feet from the point of beginning of the lot herein conveyed;

Thence by the Northerly sideline of the herein described parcel North 86° 55' 30" East, 178.8 feet, more or less, to an iron pipe set in the ground at the face of the frame garage building aforementioned;

Thence by the face of said garage North 2° 33' 35" East, 16.05 feet to a point;

Thence on a line parallel with said Northerly sideline of above described lot South 86° 55' 30" West, 64.51 feet to the Southeasterly corner of a building;

Thence continuing on a line parallel with the Northerly sideline of said above described parcel

and along the face of said building 92.40 feet to the Southwesterly corner of said building;

Thence continuing on same course South $86^{\circ} 55' 30''$ West, 23.85 feet to the Easterly sideline of Forest Avenue;

Thence by the Easterly sideline of Forest Avenue South $4^{\circ} 26'$ East, 16.04 feet to the iron pipe at the point of beginning.

Excluding and reserving, however, a right of way for ingress and egress by foot or by vehicle in favor of Heywood A. Sawyer, his heirs and assigns to said other land of the said Sawyer, over a certain strip of land running from Forest Avenue to the frame garage building herein referred to.

Said strip of land is more specifically bounded and described as follows:

Beginning at an iron pipe on the Easterly sideline of Forest Avenue, said pipe being the point of beginning of the above-described parcel;

Thence by the Southerly sideline of the above described parcel North $86^{\circ} 55' 30''$ East, 178.8 feet, more or less, to an iron pipe set in the ground at the face of a wooden garage;

Thence by the face of said garage South $2^{\circ} 33' 35''$ West, 19.17 feet to a point;

Thence North $87^{\circ} 13'$ West, 37.82 feet to the corner of a wooden lumber bin;

Thence continuing on the same course by the face of the wooden lumber bin, 50.07 feet to the Westerly corner of said wooden lumber bin;

Thence North $89^{\circ} 56' 55''$ West, 40.86 feet to the Northeasterly corner of a building;

Thence by said building to the Northwesterly corner of said building and continuing on a course of South $87^{\circ} 34' 10''$ West, 47.85 feet to a point on the Easterly sideline of Forest Avenue;

Thence by said sideline of Forest Avenue North $4^{\circ} 26'$ West, 15.86 feet to the point of beginning.

The above described courses are magnetic and of the year 1924.

Reference is made to a certain plan captioned "Plan of Property in Portland, Maine made for Heywood A. Sawyer" dated April 12, 1978 and made by H.I. & E.C. Jordan, said plan to be recorded in said Registry of Deeds.

Received
Recorded Register of Deeds
Sep 17 2002 01:55:07P
Cumberland County
John B. O'Brien

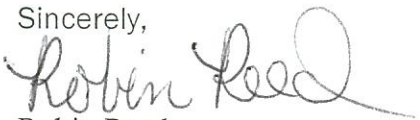
June 2, 2014

To Whom It May Concern:

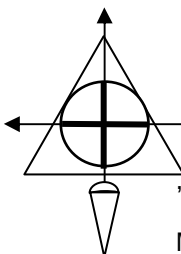
This letter is to inform you that David Coppersmith has banked with Bangor Savings Bank for over 4 years. He is financially stable. He should be able to handle purchases up to \$100,000.

If you have any questions please feel free to contact me at 207-541-2740 or our Customer Care Center at 1.877.Bangor1 (1.877.226.4671).

Sincerely,



Robin Reed
Assistant Branch Manager
NMLS# 638254
Bangor Savings Bank
883 Forest Ave
Portland, ME 04103
Branch: 207-541-2740
Direct: 207-541-2742
Toll Free: 1-877- Bangor1
Fax: 207-553-9792
Robin.Reed@Bangor.com



ROBERT T. GREENLAW, PLS

May 28, 2014 (Revised November 14, 2014)

City of Portland
Planning and Urban Development Department
Planning Division
389 Congress Street
Portland Maine 04101

Conditional Use Appeal for an Automobile Dealership at 849 Forest Ave

As a representative of the owner of 849 Forest Avenue, Buildings on Forest Avenue LLC I would like to ask the planning department and or Planning Board to grant our request to authorize a conditional use of the above address to operate as a Pre Owned Automobile Dealership.

Listed as a conditional use in section 14-183 of the zoning ordinance for the B-2 zone this property will continue to serve the neighborhood as it has in the area of used cars. Pine Tree Autobody has occupied the property for the last 28 years.

The site will remain as it has with two entrances/exits that are not within 30 feet of intersection No entrance or exit for vehicles is in proximity to a playground, school, church, other places of public assembly, or any residential zone that the nearness poses a threat or potential danger to the safety of the public.

The proposed conditional use is actually a traditional use along Forest Avenue. There are currently two used car dealers along Forest Avenue. This property is suited for the proposed use as there enough space to park many automobiles. While meeting the design guidelines of creating a 5 foot wide planted buffer in front of the property can not be met, we feel the planting of two street trees and placing potted shrubs and or flowers along the sidewalk in front of the building will help in meeting this standard.

The parking lot is in fair condition with the City of Portland concrete sidewalks providing safe passage for pedestrians in front of the site.

To the north and south of the property are commercial buildings with the railroad to rear of the property. Baxter Woods is directly across the street.

No sign is planned for the property at this time.

Light mechanic work will take place on the parcel with auto detailing taking place inside the building being currently occupied by Pine Tree Auto Body.

We look forward to working with the planning staff in developing this conditional use.

Sincerely,

Robert T. Greenlaw PLS

134 Portland Ave.
Old Orchard Beach, Maine 04064
Bobgreenlaw504@gmail.com
207-289-4546

ROBERT T. GREENLAW, PLS

Written Response to Conditional Use Standards:

Section 14-183:

(a) Business permitted to in the B-2 zone

(a) 5. Automobile dealerships

Signs:

No signs are planned on the street line side of the property.

Circulation:

The existing 32 foot wide entrance shall be used for the dealership as shown on the attached proposed site plan. It is not within 30 feet of any intersection. A second entrance/exit is located to the south of the main entrance and used for access to neighboring building. It is not used by the tenants of the subject parcel unless the main entrance is blocked for some reason. A sign will be installed near the smaller entrance/exit stating "Do Not Block Driveway".

6. Drive through:

No drive through window is planned for the dealership.

(g) Conditions specific to major or minor auto service stations, car washes and automobile dealerships.

i. No 5 foot wide landscape buffer is planned to be installed along the street line as shown on the attached "Proposed Site Plan". Two City of Portland specified street trees will be installed as well as large potted plants against the building to help meet the buffer guidelines.

Section 14-474

1. An application has been submitted with the appropriate fee

a. The applicant's name and address is Forest Avenue Buildings 849 Forest Avenue Portland, Maine 04103. Forest Avenue Buildings is the owner of the of the subject property.

c. The address of the subject property is 849 Forest Ave Portland Maine

d. The subject parcel falls in the B2 zone and is currently occupied with Pine Tree Auto Body, 2 take out restaurants and three apartments. .

e. As noted above, an automobile dealership is a conditional accepted use in the B2 zone as mentioned in Section 14-183.

f. The applicant seeks to use the property as a previously owned automobile dealership.

g. A preliminary site plan is attached hereto.

134 Portland Ave.
Old Orchard Beach, Maine 04064
Bobgreenlaw504@gmail.com
207-289-4546

ROBERT T. GREENLAW, PLS

h. The planning department raised concern that the impervious area ratio was around 90% (the allowable ratio is 80%). We checked the area and found it to be 89% as suspected. I have checked with my client and agreed that building some landscaped areas in the locations shown on the submitted plan will bring the impervious area down to the allowable 82%. These areas will be excavated down to a depth of approximately 18 inches, then refilled with crushed stone.

Sec 14-474 (c)

The planned change in use and keeping the current use will not change the current traffic pattern of the site or add any additional trips to and from the site.

The hours of operation shall be Monday thru Thursday 8:00 am to 5:00 pm, Friday 8:00 am to 3:00 pm.

No new pavement is planned for the site. Parking spaces will be managed with signs attached to sections of split rail fence as shown on the site plan. The current number of planned parking spaces is not greater than the allowed number in the current zone.

The planned change in use will not create any additional noise or emissions to the site. Any work on the vehicles will be performed inside the current body shop. Detailing previously owned automobiles will not create any additional waste, glare, dust, or emissions to the site.

The planned landscaping and parking of vehicles will not affect the neighboring uses or violate the ordinance. A restaurant with an expansive parking lot is located to North of the site, the railroad bed and tracks are located to the east with 10 +/- acres of woods next to track, to the south of the site is former insurance building that is commercial use only.

Assessment of Zoning Compliance:

The building was constructed approximately 28 ago and has remained an Auto Body Shop. While the building does not meet the B2 zone requirement of having the building near the street it does meet setback requirements for the side and rear setbacks.

Evidence of Financial and Technical capacity:

A statement of Forest Avenue Buildings LLC financial capability is included herein.

Required State and Federal Permits:

The State of Maine Car dealer's license will be submitted to the State and is waiting on the Conditional Use being approved by the City of Portland. The current business licenses are attached hereto.

134 Portland Ave.
Old Orchard Beach, Maine 04064
Bobgreenlaw504@gmail.com
207-289-4546

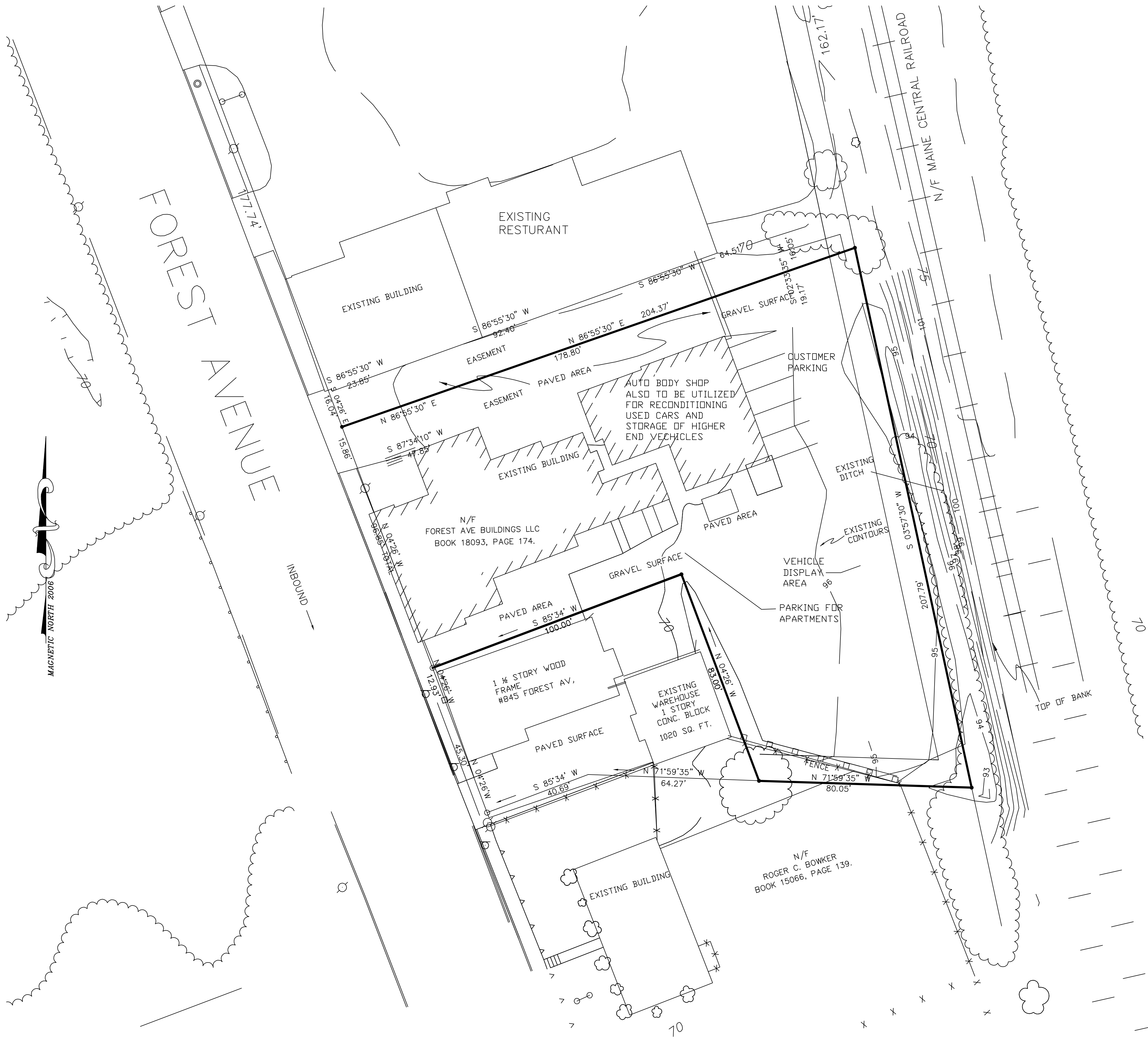
ROBERT T. GREENLAW, PLS

We ask the planning authority to help us in creating some sort of landscape buffer in front of the site along Forest Avenue. The area is paved and concrete surface with little room a buffer as specified in the ordinance.

The Automobile dealership will not be seen from the street and will not adversely change the use of the site.

Robert T. Greenlaw PLS

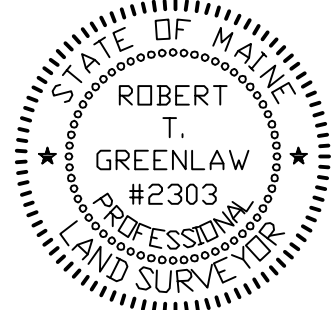
134 Portland Ave.
Old Orchard Beach, Maine 04064
Bobgreenlaw504@gmail.com
207-289-4546



1. RECORD OWNER OF PARCEL: FOREST AVENUE BUILDINGS LLC, DESCRIBED IN BOOK 18093, PAGE 174 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.). PARCEL IDENTIFIED AS TAX MAP 137 BLOCK C LOT 10. OWNERS ADDRESS=849 FOREST AVE. PORTLAND ME 0103
2. BEARINGS ARE BASED UPON GRID NORTH NORTH AMERICAN DATUM MAINE WEST ZONE OBTAINED FROM THE CITY OF PORTLAND ENGINEERING DEPARTMENT. THIS SURVEY INFORMATION OBTAINED UTILIZING THE FOLLOWING EQUIPMENT:
LIETZ SOKKISHA SET 3 TOTAL STATION, LIETZ SDR 33 DATA COLLECTOR.
3. ELEVATIONS SHOWN HEREON ARE BASED UPON THE MONUMENT LISTED IN NOTE 6 AS 783 FOREST AVENUE. VERTICAL DATUM: CITY OF PORTLAND.
4. REFERENCE IS MADE TO THE FOLLOWING PLANS:
- a.) CITY OF PORTLAND ASSESSORS PLAN NO. 137, BLOCK C, LOT 10, REVISED 9/76.
- b.) CITY OF PORTLAND STREET LINE SHEETS FOR FOREST AVENUE
5. AREA OF SUBJECT PARCEL: 26890.0 SQ. FT., 0.62 ACRES
6. HORIZONTAL ALIGNMENT IS BASED ON TWO GRANITE OFF-SET MONUMENTS FOUND ON THE EASTERLY SIDE OF FOREST AVENUE. THE FIRST 3 FOOT OFFSET MONUMENT WAS FOUND FLUSH WITH THE CONCRETE SIDEWALK IN FRONT OF 783 FOREST AVENUE, THE SECOND MONUMENT WAS FOUND IN FRONT OF 883 FOREST AVENUE(HELD). THE COORDINATES FOR THE MONUMENTS ARE 783 FOREST: NORTH 306771.75, EAST 2921107.07 ELEVATION=71.07
883 FOREST: NORTH 307446.28, EAST 2920849.86
7. THERE WERE EASEMENTS OR RESTRICTIONS BURDENING AND BENEFITING SUBJECT PROPERTY AT THE TIME OF OF THIS SURVEY. THE EASEMENT FOR THE SHARED DRIVEWAY IS SHOWN HEREON.

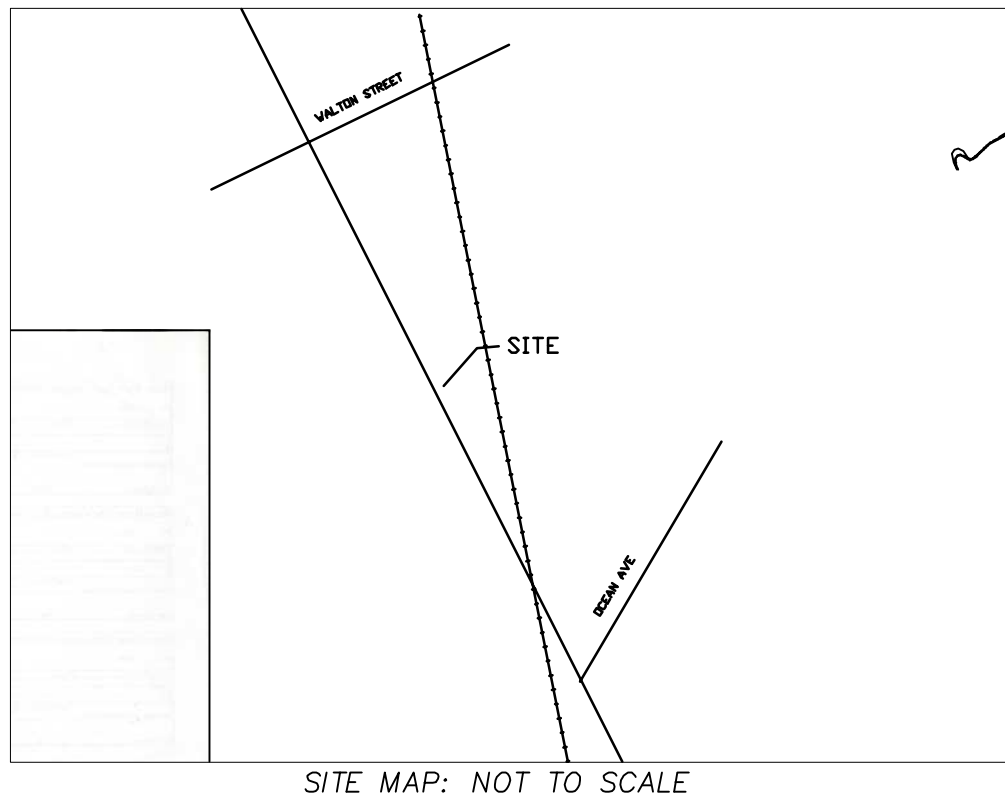
BY GRAPHIC PLOTTONG ONLY, THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 230051 7C WHICH BEARS AN EFFECTIVE DATE OF 12-08-1998 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

ZONE: B-2b COMMUNITY BUSINESS
SETBACKS:
FRONT: NONE (NGT AVG OF ABUTTERS)
REAR: 10 FT. (20 FT. IF ABUTTER IS RES.)
SIDE: NONE (10 FT. IF ABUTTER IS RES.)
MINIMUM LOT SIZE: NONE
MINIMUM STREET FRONTAGE: 50 FT.
MAXIMUM BUILDING HEIGHT: 45 FT.
MAXIMUM LOT COVERAGE: 80% (IMPERVIOUS)



SURVEYORS STATEMENT:
I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:
a) NO WRITTEN REPORT
b) NO NEW DESCRIPTION
c) NO NEW CORNERS SET
DATE: MAY 28 2014
ROBERT T. GREENLAW P.L.S., #2303

DRAWN BY: PUM CHECKED BY: RTG SCALE: 1"=20' DATE OF SURVEY: N/A JOB NUMBER: 20060044 SHEET: 1 OF 1		PREPARED BY: BACK BAY BOUNDARY, INC. PROFESSIONAL LAND SURVEYING 643 FOREST AVENUE PORTLAND, MAINE 04101 207-774-2855 FAX 207-347-4346	
PROPOSED SITE PLAN AT: 849 FOREST AVE, PORTLAND, MAINE FOR: FOREST AVENUE BUILDINGS LLC		REVISION: LOCATION: 853 FOREST AVENUE PORTLAND, MAINE	
DRAWER: 2006 NO: 044			



SITE MAP: NOT TO SCALE

IMPERVIOUS AREA CALCULATION TABLE
26,890 SQ. FT. AREA OF LOT
24043.0 SQ. FT. EXISTING, BUILDINGS, PAVEMENT & PARKING
IMPERVIOUS RATIO=89%
TOTAL EXISTING PERVIOUS AREA= 2,847 sq ft
TOTAL PROPOSED PERVIOUS AREA= 1960.9 sq ft
PROPOSED IMPERVIOUS RATIO= 82%

1. RECORD OWNER OF PARCEL: FOREST AVENUE BUILDINGS LLC, DESCRIBED IN BOOK 18093, PAGE 174 AS RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS (C.C.R.D.). PARCEL IDENTIFIED AS TAX MAP 137 BLOCK C LOT 10. OWNERS ADDRESS=849 FOREST AVE. PORTLAND ME 0103

2. BEARINGS ARE BASED UPON GRID NORTH NORTH AMERICAN DATUM MAINE WEST ZONE OBTAINED FROM THE CITY OF PORTLAND ENGINEERING DEPARTMENT. THIS SURVEY INFORMATION OBTAINED UTILIZING THE FOLLOWING EQUIPMENT:
LIETZ SOKKISHA SET 3 TOTAL STATION, LIETZ SDR 33 DATA COLLECTOR.

3. ELEVATIONS SHOWN HEREON ARE BASED UPON THE MONUMENT LISTED IN NOTE 6 AS 783 FOREST AVENUE. VERTICAL DATUM: CITY OF PORTLAND.

4. REFERENCE IS MADE TO THE FOLLOWING PLANS:

a.) CITY OF PORTLAND ASSESSORS PLAN NO. 137, BLOCK C, LOT 10, REVISED 9/76.

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883 FOREST. NORTH 307446.28, EAST 2920849.86

7. THERE WERE EASEMENTS OR RESTRICTIONS BURDENING AND BENEFITING SUBJECT PROPERTY AT THE TIME OF OF THIS SURVEY. THE EASEMENT FOR THE SHARED DRIVEWAY IS SHOWN HEREON.

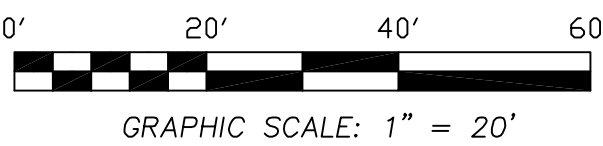
ZONE: B-2b COMMUNITY BUISINESS	SETBACKS:	FRONT: NONE (NGT AVG OF ABUTTERS)
		REAR: 10 FT. (20 FT. IF ABUTTER IS RES.)
		SIDE: NONE (10 FT. IF ABUTTER IS RES.)
MINIMUM LOT SIZE:		NONE
MINIMUM STREET FRONTAGE:		50 FT.
MAXIMUM BUILDING HEIGHT:		45 FT.
MAXIMUM LOT COVERAGE:		80% (IMPERVIOUS)

FLOOD NOTE:

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS IN ZONE C OF THE FLOOD INSURANCE RATE MAP, COMMUNITY/PANEL No. 230051 14C WHICH BEARS AN EFFECTIVE DATE OF 07-17-1986 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

LEGEND:

⊙ Capped 5/8" Rebar Found. With Registration Number as Noted	CE Common Element
● Sewer Manhole	LCE Limited Comon Element
⊙ Manhole	N/F Now Or Formerly
Unit Delimiter Line	TYP Typical
Abutter Line	⊘ Utility Pole
Property Line	u Denotes Common Ownership
Street Line	⊙ PROPOSED 2-3" DIAMETER STREET TREE, SPECIES TO BE AGREED WITH THE CITY ARBORIST
Edge of traveled way	⊙ PROPOSED 3/4 INCH CRUSHED ROCK PERVIOUS SURFACE
Existing Easement Area	



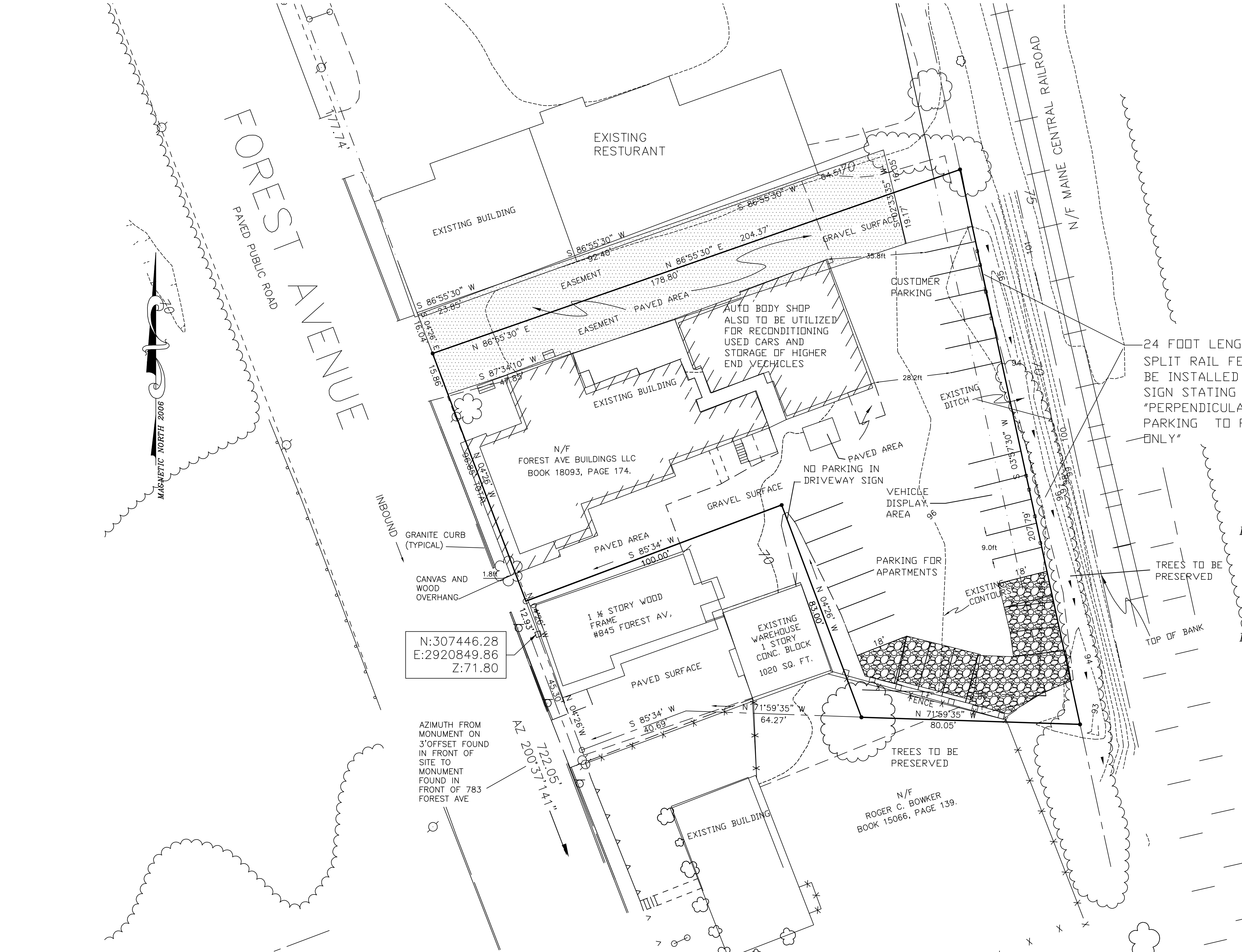
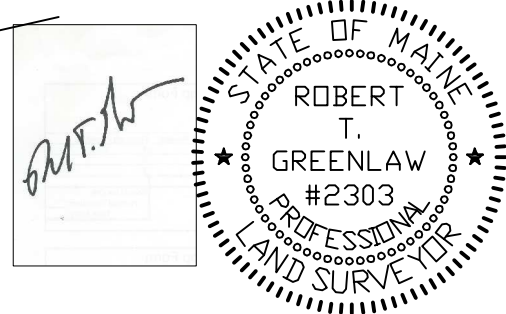
SURVEYORS STATEMENT:

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE AS ADOPTED APRIL 01, 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO NEW DESCRIPTION
- c) NO NEW CORNERS SET

DATE: November 14, 2014

ROBERT T. GREENLAW P.L.S., #2303



REVISION 4:11-14-14 : REVISED IMPERVIOUS TABLE & NEW PERVIOUS AREAS
REVISION 3:11-4-14 : ADDED IMPERVIOUS TABLE & NEW PERVIOUS AREAS
REVISION 2:10-21-14 : ADDED EASEMENT AREA AND NO PARKING IN DRIVEWAY SIGN
REVISION:10-21-14 CHANGED PARKING LOCATIONS, ADDED NOTES AND DIMENSIONS
LOCATION: 883 FOREST AVENUE PORTLAND, MAINE

PROPOSED SITE PLAN
AT: 849 FOREST AVE, PORTLAND, MAINE
FOR: FOREST AVENUE BUILDINGS LLC

DRAWN BY: PJM
CHECKED BY: RTG
SCALE: 1"=20'
DATE OF SURVEY: 05-28-14
JOB NUMBER: 2014008
SHEET: C1 SITE PLAN

PREPARED BY:
ROBERT T. GREENLAW PLS
PROFESSIONAL LAND SURVEYING

32 OLD ORCHARD ST
OLD ORCHARD BEACH MAINE 04064
207-289-2855
Bobygreenlaw504@gmail.com

DRAWER: 2014 NO: 008



PLANNING BOARD REPORT PORTLAND, MAINE

Recommendation to City Council Regarding Historic District Designation of House Island

Submitted by: Historic Preservation Board

Submitted to: Portland Planning Board
Public Hearing Date: November 25, 2014

Prepared by: Deborah Andrews, HP Program Manager
Date: November 20, 2014

House Island
Historic Resources Map
With inset map of Fort Scammell



Figure 1. (larger version of map included in consultant report)

I. INTRODUCTION

The Planning Board will hold a public hearing and final deliberations on a recommendation by the Historic Preservation Board to designate House Island as a local historic district subject to the provisions of Article IX (Historic Preservation) of the Land Use Code. The Planning Board's role in this matter is to determine whether the nominated district meets the criteria for designation in Division 3 of the historic preservation ordinance. The Planning Board also considers the effect of such designation on other aspects of the comprehensive plan. Based on its determination, the Planning Board will forward its own recommendation regarding designation to the City Council, which has the final authority as regards local designation of nominated historic properties.

The proposed district designation applies to the entire 26-acre House Island and includes twenty-one (21) identified historic structures or sites representing several key periods of development history on the island—see Fig. 1.

A workshop on the proposed historic district was held on October 21st. At that time, staff presented the Historic Preservation Board's recommendation, as well as the Board's findings which led to their favorable recommendation. Julie Larry of ttl-architects, who prepared the report documenting the history of House Island and its extant historic resources, also made a presentation on the history and significance of the historic resources on House Island. In her presentation, Ms. Larry addressed the specific designation criteria included in the preservation ordinance, explaining how, in her professional opinion, House Island met all six of the identified criteria. Public comment was also taken at the workshop. (Public comment is summarized in a following section of this report.)

II. HISTORIC PRESERVATION BOARD FINDINGS & RECOMMENDATION

On October 1, 2014, the Historic Preservation Board voted unanimously (6-0, Turk absent) to recommend to the Planning Board designation of House Island as a local historic district based on findings that it met the criteria for designation in Division 3 of the historic preservation ordinance. (The full text of Article IX, Division 3 is enclosed as Attachment 1.) Formal deliberations on the nomination followed two preliminary workshops including a site visit to House Island to review current conditions of the existing structures and sites. Detailed documentation on the development history and significance of the island and its extant structures was provided in a report prepared by ttl-architects entitled *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*. (See Attachment 2.)

The Historic Preservation Board's recommendation was based on findings that House Island meets the criteria for designation as defined in Division 3 of the historic preservation ordinance. Under Sec. 14-610 (a) Minimum Criteria for Designation, a nominated historic district must be found to exhibit at least one (1) of six (6) identified areas of cultural, historic, architectural, and/or archeological significance. The Board found that House Island meets all six (6) of the identified criteria. In making this finding, the Historic Preservation Board referenced and confirmed the statements of significance included in the ttl-architect report that addressed the Criteria 1-6. The Board found that ttl's concluding statements of significance, which describe in a succinct narrative how the various criteria are met, were well-founded and based on detailed research and available documentation.

The Historic Preservation Board also found that House Island meets the criterion set forth in Sec. 14-610 (b), which requires that a substantial number of the sites, structures, or objects within a proposed district have a high degree of significance and that other sites and structures within the district boundaries

contribute to the overall visual characteristics of the significant properties within it. The Board found that the nominated district met this standard. The Board supported the ttl-report's recommended classifications for each identified site and structure within the district boundary (see Index of Resources on page 22 of consultant's report).

Finally, the Historic Preservation Board found that the structures and sites located within the proposed House Island district meet the separate criterion set forth in Sec. 14-611, which requires that the historic resource must exhibit sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration. Based on the Board's site visit to House Island, the Board was satisfied that the structures and sites within House Island exhibit a high degree of integrity.

A. BACKGROUND

On July 9, 2014, the City's historic preservation office received letters from Greater Portland Landmarks and Peaks Island summer resident Jo Israelson requesting that House Island be nominated as a local historic district. (See Attachment 3). The letters were distributed to the members of the Historic Preservation Board as a communication at their meeting later that day. At the Board's next scheduled meeting (July 16), Board members Penny Pollard and Bruce Wood distributed a letter to the full Board, formally nominating House Island for consideration as a local historic district. (The ordinance stipulates that district nominations must be initiated by any two members of the Historic Preservation Board or by written petition by one or more owners of affected property in the proposed district, provided two or more members of the Board sponsor the petition.)

Following the nomination, a detailed report was prepared by Julie Larry of ttl-architects documenting the multi-layered history and architecture of House Island. The report also included an analysis of House Island's significance and level of integrity, specifically addressing the designation criteria included in Portland's historic preservation ordinance. Staff reviewed the report and found that it constituted a "complete nomination" for purposes of considering the merits of designation.

On August 6th, an initial workshop was held on the proposed designation. Julie Larry of ttl-architects was invited to make a powerpoint presentation based on her written report. Ms. Larry reviewed the long history of development on House Island and the various key roles it has played over time. Using historic and recent photographs, she described the numerous extant structures and sites on the island that document various periods of its history and the specific activities that it has supported. Finally, Ms. Larry presented her findings as to the relative significance of House Island within the context of the history of Portland and beyond.

This informational workshop was followed by a site visit on September 3rd. Accompanied by property owner Michael Scarks and City staff, members of the Historic Preservation Board toured the entire island, reviewing the specific historic resources identified in Ms. Larry's report. Visiting the property was critical to the Board's deliberations as it provided an opportunity to observe the current condition of the sites, structures and objects within the proposed district. In order for the Board to address the question of *integrity* as defined in the historic preservation ordinance, it was essential to review the historic resources first hand. The site visit also provided Board members with the opportunity to decide whether the designation classifications (Landmark, Contributing, Non-contributing) recommended by the consultant for each site, structure and object within the district boundaries were appropriate. The site visit allowed Board members to observe the overall visual character of the island, the spatial and scale relationship between the individual structures on it and the visual relationship between the north and south ends of the island. Finally the site visit, which concluded with a boat tour around the entire perimeter of the island, provided Board members with an opportunity to observe available views of the

island and its built resources from the water and other islands within Casco Bay and understand its role as a key character-defining feature of the bay.

III. CONSISTENCY WITH THE COMPREHENSIVE PLAN

As noted in introduction to this report, in addition to determining whether House Island meets the designation criteria identified in Division 3 of the historic preservation ordinance (Article IX), the Planning Board “shall also consider the effect of such designation on other aspects of the comprehensive plan of the city”. (See Sec. 14-610(d). Consistent with State Goal I: “To preserve the State’s historic and archaeological resources”, Portland’s comprehensive plan includes an historic resource element and an ordinance protecting historic resources in the City of Portland. One of the stated goals within the Historic Preservation element of the Plan is to “create a mechanism to identify, preserve and enhance distinctive areas, sites, structures and objects that have historic, cultural, architectural and archeological significance.” (See pg. 72 of the Comprehensive Plan.) Historic preservation is also addressed in the Shoreland Zoning Amendments adopted in 1991. The goal statement of that section of the Plan includes the following: “protect archeological and historic resources”. (See pg. 57 of the Comprehensive Plan.)

IV. SUMMARY OF PLANNING BOARD WORKSHOP, PUBLIC COMMENT

At the October 21 workshop, the current owners of the northern and southern sections of House Island addressed the Board. Michael Scarks, who purchased the entire island in May 2014 and sold the northern half in late September, indicated that he had no objection to designating Fort Scammel itself, but questioned the rationale for designating the balance of the island. Mr. Scarks also questioned the timing of the nomination. Vincent “Cap” Mona, the new owner of the north half of the island that includes historic structures associated with the island’s role as an immigration and quarantine station, also introduced himself. Mr. Mona did not express a firm position on the proposed designation. Four other members of the public, including Hilary Bassett Executive Director of Greater Portland Landmarks, expressed support for the nomination/designation. During Board discussion, Board members expressed the view that House Island met the criteria for designation as a historic district.

IV. MOTION FOR CONSIDERATION

Upon the recommendation of the Historic Preservation Board and on the basis of documentation and analysis provided in the report *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District* prepared by ttl-architects, as well information included in the staff report for the November 25, 2014 public hearing, the Planning Board

1) finds that the nominated House Island historic district:

- a) meets the historic preservation ordinance’s minimum criteria for designation as set forth in Sec. 14-610 (a), specifically (a) 1, 2, 3, 4, 5 and 6, based on the Board’s finding that the summary statements included in the ttl-architects report (pages 2-5 of the report), addressing criteria (a) 1,2,3,4,5 and 6 are well-founded and based on detailed research and available documentation. Accordingly, the Board confirms and references the report’s statements of significance as the basis for its finding;**
- b) meets the criterion in Sec. 14-610 (b), based on the Board’s finding that a substantial number of the structures and sites within the proposed district have a high degree of cultural, historic or architectural significance and integrity, many of which qualify as landmarks, and that the proposed district also has within its boundaries other sites and structures which contribute to the overall visual characteristics of the most significant properties and sites. Pursuant to this finding, the Board supports classifications for each identified site and**

structure within the district boundary included in the ttl-architects' report. (see Index of Resources on page 22 of report);

- c) **meets the integrity criterion set forth in Sec. 14-611**, based on the Board's finding that the district and the structures and sites therein have sufficient integrity of location, design, condition, materials and workmanship to make them worthy of preservation or restoration;
 - d) **is consistent with the goals of the Comprehensive Plan**, based on the Board's finding that both the Historic Preservation element of the Comprehensive Plan and the Shoreland Zoning Amendments of December 1991 (which are incorporated by reference in the Plan) encourage the identification, protection and preservation of historic resources within the City of Portland; and
- 2) **recommends to the City Council that House Island be designated as a local historic district, the boundaries of which are illustrated in Figure 1.**

ATTACHMENTS

1. Excerpts from historic preservation ordinance (Article IX) applicable to the nomination and designation of historic resources, including designation criteria
2. *House Island, Portland, ME: Analysis of Eligibility as a Local Historic District*, prepared by Julie Larry, ttl-architects
3. Original petition letters from Greater Portland Landmarks and Jo Israelson requesting that the Historic Preservation Board nominate House Island as a local historic district
4. Compilation of Public Comment

ATTACHMENT
↓

(s) To annually report to the council with following matters:

1. Survey work in progress or completed;
2. The number of projects reviewed (by type);
3. How many certificates of each type were issued.

(Ord.. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

- (1) Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;
- (2) Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;
- (3) Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;
- (4) Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;
- (5) Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or
- (6) Its representation of a significant cultural, historic,

architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.

(Ord. No. 235-90, 2-26-90)

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provision of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

- (1) Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or
- (2) By written petition of any owner, in the case of a landmark; or
- (3) By written petition of one (1) or more owners of affected property in the case of a district; provided two (2) members of the historic preservation board must sponsor the petition.

(b) A nomination shall be completed and filed with the department with all required signatures and any fees specified therefore for the nomination to be pending.

(c) Upon nomination, the department shall notify the owner or owners of the nomination and shall transmit the nomination to the historic preservation board for its consideration at its next scheduled meeting, which in no event shall be held later than thirty (30) days following nomination.

(d) At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the historic preservation board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the historic preservation board that the structure is eligible for a permit shall be conclusive.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-616. Notification of nomination and public hearing.

(a) A public hearing on the nomination shall be held by the historic preservation board within thirty (30) days following the first scheduled meeting referred to in section 14-615(c), but in no event later than sixty (60) days following receipt of the completed nomination form by the department. Notice of the nomination and of the public hearing shall be in accordance with the procedures for public hearings before the planning board for site plan approval.

(b) The hearing shall be conducted in accordance with procedures adopted by the historic preservation board. The historic preservation board shall consider all testimony or evidence relating to the designation criteria in division 3 from any person who makes written submissions or appears at the public hearing. Historic preservation board members may also present testimony or make submissions. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in division 3.
(Ord. No. 235-90, 2-26-90)

Sec. 14-617. Recommendation by historic preservation board.

Within thirty (30) days following the close of the public hearing, the historic preservation board shall make recommendation to the council in the case of a landmark, or to the planning board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in division 3. Such recommendation shall be approved by at least four (4) members of the historic preservation board and shall be accompanied by a report to the council or planning board containing the following information:

- (a) Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
- (b) Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
- (c) Proposed design guidelines for review of alteration or construction. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of division 7.
- (d) Relationship of the nominated landmark or district to the ongoing effort by the committee to identify and nominate

all potential areas, sites, structures and objects that meet the criteria for designation.

- (e) A map showing the location of the nominated landmark and the boundaries of the nominated district.
- (f) A list, including the address, of every site, structure and object in each nominated historic district indicating their degree of cultural, historic, architectural or archeological significance by classification as of a landmark or contributing significance.

Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four (4) members, the item shall automatically be tabled to the next regularly scheduled meeting.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 3, 5-17-93)

Sec. 14-618. Reserved.

Sec. 14-619. Notification of historic preservation board recommendation.

(a) The recommendation of the historic preservation board, including a copy of the report, shall be transmitted to the city council in the case of a landmark and to the planning board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within ten (10) business days following adoption of the recommendation and report.

(b) If the recommendation of the historic preservation board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one (1) year from the date of termination, except upon a showing of substantial and material newly discovered information.

(Ord. No. 235-90, 2-26-90)

Sec. 14-620. Determination by planning board.

(a) The planning board, upon receipt of a recommendation and a report from the historic preservation board concerning nomination of a district, may hold a workshop meeting pursuant to the provisions of section 14-26. After review of the historic preservation board recommendation and report, the planning board shall hold a public hearing.

(b) All meetings, hearings and deliberations of the planning board to consider the recommendation and report of the historic preservation board shall be held in conformity with sections 14-24 through 14-28.

(c) The planning board may request the chair of the historic preservation board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

(d) The planning board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in division 3 within forty-five (45) days following receipt of the recommendation and report from the historic preservation board. A copy of the determination of the planning board shall be sent by regular mail to all owners within a nominated district within ten (10) business days following the determination.

(Ord. No. 235-90, 2-26-90)

Sec. 14-621. Planning board recommendation to city council.

The recommendation of the planning board regarding a nominated district shall be filed with the city clerk within ten (10) business days. It shall be accompanied by a copy of the report and recommendation of the historic preservation board and, in the case of a recommendation that the council designate, a draft of a proposed designation ordinance, including any proposed design guidelines for review of alteration, construction, removal or demolition. The recommendation of the planning board may include proposed changes in other city ordinances, policies, infrastructure, or recommendations with respect to the comprehensive plan of the city relating to the proposed designation.

(Ord. No. 235-90, 2-26-90)

Sec. 14-622. Action by the city council.

(a) Within sixty (60) days after the filing of a recommendation on the nomination with the city clerk pursuant to section 14-620, the council shall designate the landmark or district or reject designation. Any designation ordinance may include design guidelines for the designated landmark or district.

(b) Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district which is determined to be a landmark or considered to be

contributing or noncontributing, indicating their degree of cultural, historic, architectural or archeological significance. This list may be amended thereafter by the council upon recommendation from the planning board under the same procedures as set forth above. Where there are no express findings by the council in the designation ordinance, there shall be a presumption that the council found that all requirements of sections 14-610 and 14-611 were met.

(c) Notice of the proposed action of the council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.
(Ord. No. 235-90, 2-26-90)

Sec. 14-624. Reserved.

Sec. 14-625. Reserved.

*Editor's note - Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-626. Reserved.
Sec. 14-627. Reserved.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the boundaries of the proposed district have given written consent to the extension.

(c) Failure to comply with any time limit in the nomination and designation process as provided in divisions 3 or 4 shall not affect the validity of any designation nor the interim protection provided by division 5.
(Ord. No. 235-90, 2-26-90)

Sec. 14-629. Reserved.

DIVISION 5. INTERIM PROTECTION FOR NOMINATIONS

Sec. 14-630. Nominated landmarks and districts.

(a) From the time of nomination until the historic preservation board acts upon such nomination, a site, structure, object or area nominated but not yet designated as a landmark or district shall be subject to all of the provisions of divisions 8 and 10 governing demolition and minimum maintenance, to the same extent as if designated. Upon final action of the historic preservation board recommending designation, the site, structure, object or area nominated shall be subject to all of the protection of this article until a final decision on designation by the council becomes effective. If the council rejects designation or fails to designate a property, that property shall no longer be subject to the provisions of divisions 8 and 10 of this article.

(b) Alteration or new construction commenced pursuant to a building permit issued prior to nomination shall not require a certificate of appropriateness, unless such permit has expired, been canceled or revoked. No project for which any application is pending, and which has received substantive review by the planning

board prior to nomination, shall be affected by nomination. Substantive review, as used in this paragraph, shall include workshop review of any completed application under articles IV or V of this chapter.

(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 4, 5-17-93; Ord. No. 165-08/09, 3-16-09)

Sec. 14-531. National Register of Historic Places

(a) Every property, landmark or district listed in the National Register of Historic Places prior to adoption of this article, as shown in the design manual, is hereby designated as a landmark or district and shall be subject to all of the protection of this article, until such time as such designation is amended or rescinded as provided by section 14-623. Listed properties which would qualify for designation as historic landscape districts shall be subject to the applicable provisions of this article. If there is any inconsistency between the boundaries of any landmark or district as shown in the designation ordinance, if any, the design manual and/or the National Register, such inconsistency shall be resolved in favor of such ordinance and the design manual in that order. A certificate of appropriateness shall be obtained for every alteration or new construction affecting said listed properties and districts.

(b) Upon notice to the city that a property or area has been listed in the National Register after the adoption of this article, a nomination shall be deemed submitted to the historic preservation board for designation of such property or area as a landmark, historic district or historic landscape district under this article, and the procedures of this division shall be applicable thereto.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-632. Properties eligible for listing on National Register or for local designation.

A certificate of economic hardship shall be obtained prior to demolition of any structure which has not been designated in accordance with this article but which is eligible for listing on the National Register of Historic Places under the criteria established by 16 U.S.C. Section 470(a) or its successor statute and/or regulations made thereunder or which is eligible for local listing under the criteria for designation of this article. The determination of eligibility for listing shall be made by the department, which may refer such a determination to the historic preservation board, and by the board of appeals if an appeal is taken. Upon determination of eligibility, the structure so

determined shall also be subject to the provisions of division 10 until a final decision by the council on designation becomes effective. If the council rejects designation or fails to designate a structure which has been determined to be eligible under the terms of this section, that structure shall no longer be subject to the provisions of divisions 8 and 10 of this article.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 5, 5-17-93)

Sec. 14-633 Reserved.

DIVISION 6. CERTIFICATES OF APPROPRIATENESS AND NONAPPLICABILITY

Sec. 14-634. Certificate of appropriateness required.

(a) Except as provided in sections 14-635 and 14-636, a certificate of appropriateness shall be required before the following actions affecting any landmark, contributing or noncontributing structures, objects, sites or property in a district may be undertaken and shall be a condition precedent to the issuance of any permit authorizing such work:

- (1) Any exterior alteration or new construction requiring a building permit from the City of Portland, including, but not limited to the following:
 - a. Removal and replacement of architectural detailing including, but not limited to, porch spindles and columns, railings, window moldings and cornices;
 - b. Moving of structures or objects on the same site or to another site;
 - c. Construction of rooftop additions or decks;
 - d. Alteration of accessory structures such as garages;
 - e. Porch replacement or new construction of porches;
 - f. Installation of exterior access stairs;
 - g. Window or door replacement requiring enlargement of openings;
 - h. Installation of antennas and satellite receiving dishes;

House Island, Portland, ME Analysis of Eligibility as a Local Historic District

By ttl-architects, LLC

30 July 2014



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SUMMARY DESCRIPTION OF A POTENTIAL HOUSE ISLAND HISTORIC DISTRICT

House Island is a 24 acre island just off the coast of Portland on the north side of the entrance to Portland Harbor between Cushing Island and Fort Gorges. The potential House Island Historic District includes Fort Scammell, three 1907 buildings and a pump station associated with the US Hospital, Quarantine and Immigration Station, cut granite wharves, the remains of a late 19th century lobster pound, a cemetery, the site of the City of Portland's Inspection Station, and two United States Coast Guard markers. Fort Scammell on House Island has been identified as eligible for listing on the National Register of Historic Places by the City of Portland.

House Island has a long history of use as a center for fishing, for military fortifications and as a site for processing immigrants into the United States in the late nineteenth and early 20th centuries. After the United States government's sale of the island following World War II, the island has been privately owned by one family until its sale in 2014.



SUMMARY STATEMENTS ADDRESSING THE CITY OF PORTLAND'S MINIMUM CRITERIA STANDARDS FOR DESIGNATION AS A LOCAL HISTORIC DISTRICT

House Island meets the minimum criteria standards for designation as a local historic district as defined in Sec. 14-610 of the City of Portland's Historic Preservation Ordinance and summarized below:

Sec. 14-610.a.1 - Value as a significant example of the cultural, historic, architectural, archaeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.

The potential historic district provides a unique state and local example of the social history surrounding immigration in the United States in the late 19th and early 20th centuries, particularly the public health laws for immigrants from foreign ports and the immigration laws of the early 20th century which established quotas for entry into the United States. The extant United States Hospital, Quarantine and Immigration Station facilities on the north half of House Island assumed the functions previously administered at the City of Portland's Inspection Station located on the Fort Scammell military reservation. The site and extant above ground resources are significant at the local, state, and national level for their association with United States immigration policy and processing operations.

The potential historic district is also significant in the area of maritime history and commerce as it is a district that represents the local economic, cultural and social importance of fishing on Maine's islands. Although few remains of its fishing past are located on the island, just offshore on the northeast end of the island are the remains of three early 19th century wharves used by the island's fish curing businesses. The wharves and the remains of the c1889 lobster pound in Lobster Pound Cove provide evidence of the island's importance in the local fishing economy.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities leading up to the War of 1812 and again during the Civil War. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor. Built in 1808 as a second system fort with a blockhouse, the extant fort structures are the result of a redesign of the fort from 1862-1870 to conform to national third system fortification designs. The site and extant above ground resources are significant at the local, state, and national level for their role in the United States' design and strategy for coastal defenses.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the islands for hunting, fishing, and gathering and House Island may have the potential to yield information on its use by native Americans. In addition, there is potential to yield information on the historic use of the island during the period 1623-1808 when the island was used primarily for fishing and farming. The island is locally and regionally significant for its potential ability to expand the archeological database for the late Ceramic period in Casco

Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

Sec. 14-610.a.2 - Location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structures on the property.

The potential district has been the site of events that have had an important impact on the region as a whole from the mid nineteenth century through the early twentieth century. The remaining resources associated with the United States Hospital, Quarantine, and Immigration Station provide a unique national, state and local example of immigration processing operations.

Additionally, the potential historic district is also significant in the area of maritime history and commerce as an example of the local economic, cultural and social importance of fishing on Maine's islands. The early nineteenth century granite wharves and the remains of the c1889 lobster pound provide evidence of the island's importance in the local fishing economy. The lobster pound provides evidence of the ingenuity of Maine's lobster merchants to regulate supply and pricing for their product, a site significant to the lobster fishery's rise to prominence in Maine, and is an early example of this type of enclosure in Maine.

Sec. 14-610.a.3 - Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.

As the site of Portland's Inspection and Quarantine Station, House Island served as a port of entry for European immigrants arriving in New England in the late 19th century to work in area mills, to immigrate to the western states, or to immigrate north into Canada via the St. Lawrence and Atlantic Railroad. In the 20th century the United States Hospital, Quarantine and Immigration Station on House Island served as an alternative quarantine and inspection station to heavily used federal facilities in Boston and New York. The site and extant above ground resources are significant at the local, state, and national level for their association with European immigration to the United States in the late 19th and early 20th centuries.

In addition, Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.4 - Exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design detail, materials or craftsmanship.

Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918 and as example of a mid-nineteenth century fortification known for its design and engineering. Begun in 1808, the second system fortifications were altered and the block house removed to conform to national third system fortification designs 1862-1870. The fort was also slightly altered again in the 1890s during a massive construction and modernization program with a focus on concrete fortifications, the installation of large caliber breech loading artillery, and the installation of mine fields, with smaller guns employed to protect mine fields from mine sweeping vessels. During this period Fort Scammell's East Battery was equipped to control a minefield in Whitehead Passage and the fort was upgraded with 15-inch Rodman cannons. During World War One concrete bases for three-inch anti-aircraft guns were built on the South and East Batteries, but no guns were installed.

In addition the Acadian Revival style of the Small Detention Barracks and the Quarantine Hospital are locally unique examples of this style of architecture.

Sec. 14-610.a.5 - Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, State of Maine, New England region, or the United States.

Fort Scammell is significant for its association with Army Engineer Thomas Lincoln Casey (1831-1896). Casey oversaw construction on coastal fortifications in Maine, including Fort Knox, Fort Preble, Fort Scammell, and Fort Gorges. He oversaw the Washington Monument construction 1879-1888, was the engineer of the Thomas Jefferson Building at the Library of Congress, and served as the Chief of Engineers for the United States Army Corps of Engineers from 1888-1895.

Sec. 14-610.a.6 - Representation of a significant example of the cultural, historic, architectural, archaeological or related theme expressed through distinctive areas, sites, structures, or objects.

The potential district is significant in the area of Military History. Fort Scammell is significant as one of the major fortifications of the Federal strategy to protect coastal cities from 1807-1918. Because of its location, Fort Scammell, along with Fort Gorges and Fort Preble, was a critical element in the defense of the entrance to Portland Harbor in the 19th century and early 20th century. Fort Scammell was determined eligible for listing on the National Register of Historic Places by the City of Portland. Fort Gorges was listed on the National Register of Historic Places in 1973 and is a city designated landmark.

Although no professional archeological investigations have been undertaken on House Island, other islands in Casco Bay have yielded artifacts 2000-4000 years old,

evidence of Native American use of the islands for hunting, fishing, and gathering. The island has a strong likelihood to yield important information about Native American lifeways over a broad period, the early settlement of the island, and use of the island for marine trade. During the period 1623-1808 when the island was used primarily for fishing and farming there were numerous fish houses, flakes¹, outbuildings, and two dwellings on the island as well as the extant remains of the wharves on the northeast end of the island and the lobster pound in the cove on the east side of the island. The island is locally and regionally significant for its potential as a source for artifacts and information to expand the archeological database for the late Ceramic period in Casco Bay, and to develop a more comprehensive understanding of island life from pre-contact into the early 19th century.

HISTORIC CONTEXT

Native American Occupation

Native American occupation of Casco Bay likely began 12,000 years ago, although sea level changes are believed to have washed away evidence of early human presence. There have been no archeological investigations of House Island, although other islands in Casco Bay have yielded artifacts 2000-4000 years old, evidence of Native American use of the Casco Bay islands for hunting, fishing, and gathering. A potential House Island Historic District has a strong likelihood to yield important information about Native American use over a broad period.²

Early European Settlement, c1600-1675

House Island may have been occupied by European settlers as early as 1623 when Christopher Leavitt was granted six thousand acres including the islands of Casco Bay by King Charles I of England. Although Leavitt and his men may have established a trading center on House Island for commerce with the Wabanaki,³ the earliest documented structure on the island is a house transferred in a 1661 deed from Nicholas White to John Breme, along with a right for White's fish business. In the first few decades of European settlement the island was inhabited principally by fisherman, with some subsistence farming, and was the site of active fish curing, and possibly fish trading, businesses.

¹Wood framed structures for drying fish.

² An undated article clipping in the files at Greater Portland Landmarks indicates that in 1845, during construction on Fort Scammell, a Native American gravesite was discovered, although there is no indication what happen to the remains that were uncovered.

³Conforti, Joseph A. ed. "Creating Portland: A History and Place in Northern New England. Lebanon, NH: University Press of New England, 2005.

Indian Wars, 1676-1715

The French and Indian Wars were a series of conflicts that were part of a larger colonial struggle between France and England that lasted three quarters of a century. The settlement on the Portland peninsula, then known as Casco, was destroyed in 1676 during King Phillips War or the First Indian War (1675-1678). After the Treaty of Casco in April of 1678, Portland was resettled.

In September of 1689, during a conflict known as King William's War (1689-1697), 200 Norridgewock, Penobscot, and Canadian Indians gathered on Peaks Island and attacked European settlements in Back Cove. While the September attackers were driven off, a second attack in the spring of 1690 forced the surrender of Fort Loyal near the foot of India Street. The settlement at Portland was burned and European settlers were killed or taken prisoner. Although there was some resettlement in Casco Bay, principally at Spring Point in South Portland, these settlers were driven out after an attack in August of 1703⁴. The area was not substantially resettled until the close of Queen Anne's War (1702-1713) after the 1713 Treaty of Portsmouth ended hostilities between England and France. By 1715 Portland, then known as Falmouth, was resettled. House Island, like most of the area, was mostly unsettled from 1676-1715.

During this turbulent period, House Island was owned by George Munjoy, owner of the eastern end of the Portland peninsula and Peaks Island, and his family. Munjoy acquired a fourth interest in House Island in 1663 and eventually acquired the rights to the whole island. His garrisoned dwelling at the corner of Fore and Mountfort Streets on the peninsula was demolished in 1676. Deeds indicate there were two houses, an old house and a new house, on the island at this time, although they were likely demolished or deteriorated substantially during the period of abandonment. After his death in 1680, his ownership of the island was affirmed by the provincial authorities and deeded to his widow, although she seems to have resided in Boston during the conflicts.

Resettlement Period, 1715-1750

As the Casco Bay area was resettled after the cessation of hostilities, House Island was owned in part by various fisherman, farmers, and businessmen; no one owner possessed a right to the entire island. For most of this period of European resettlement the island was the site of fish curing businesses. There are no known remains of this period of resettlement on House Island. Archeological investigations might yield information on island life in the 18th century as deeds indicate dwellings were present on the island during this time.

⁴Goold, Nathan. *A History of Peaks Island and Its People: Also a Short History of House Island*. Portland, ME: Lakeside Press, 1897.

Nineteenth Century Fish Curing Yard and Lobster Pound

In 1801 the island was acquired by John Walden Green of Salem, a fisherman and farmer. He built a dwelling upon the island, no longer extant. He sold the southern half of the island, twenty-acres, to the US Government in 1808.

For most of the 19th century the northern portion of the island was owned by members of the Trefethen and Starling families. In 1822 John Starling [Sterling] (1785-1870) acquired one half of the north part of the island and moved to the island with his wife Patience Bowe [Browne]. In 1823 his cousin Henry Trefethen III (1797-1880) acquired title to the other half of the north end of the island, and moved to the island from Monhegan. The two families lived on the island in a two family house (See images). The Starling and Trefethen families fished and cured their catches in large flake yards.⁵ (See images).

Besides the two-family dwelling house the Starling and Trefethen families had fishing sheds and piers on the eastern side of the island. Although the wooden outbuildings are no longer extant, three large stone piers of cut granite that formed the bases of the wharves are extant. The families also laid out a cemetery near the middle of the island overlooking Lobster Pound Cove. The cemetery's oldest grave is William Hogart (c1777-1822).

Information from the Cushing family, owners of the island in the second half of the 20th century, dates the use of the cove on the east side of the island as a lobster pound to the 1850s. *Maine's Sea Fisheries* and the history of lobster pounds in Maine indicate the establishment of the lobster pound was probably closer to 1889 when Howard H. Trefethen established his wholesale lobster business.

Prior to 1880 lobstering in Maine was largely irrelevant to Maine's economy, ranking sixth in pounds landed behind cod, herring, mackerel, hake, and haddock. In the 1880s lobsters quickly became the most valuable catch in Maine's fisheries driven in part by the rise of Maine as a tourist destination and the ability to transport fresh lobster to urban markets. The lobster catch in Maine grew from 14 million pounds in 1880 to 25 million pounds in 1889. The value of the catch increased from \$269,000 in 1880 to \$574,000 in 1889. By 1900 the lobsters were Maine's most valuable catch worth approximately \$1 million dollars. As the value of the catch and demand for lobsters increased the number of lobstermen increased as well from less than 200 in 1876 to 3,304 in 1898. Lobster for delivery out of state was initially canned locally,

⁵ The *Maine Register or State Year-book and Legislative Manual* of 1889 indicates that Alpheus G. Sterling and Charles & Henry Trefethen were fish curers and fish wholesalers on House Island. Alpheus, the youngest son of John Starling, inherited the Starling family share of the island. In 1888 deeds indicate Alpheus sold the Trefethens the right to use the water in the eastern cove for a lobster pound. Other fisherman from the island include Henry Trefethen III's nephew George Trefethen, Jr. who sold dry, smoked and pickled fish at 6 Commercial Wharf. George's brother John Waterman Trefethen was a wholesale and retail dealer in fresh and pickled fish on the east end of Commercial Wharf in Portland.

but was quickly replaced by fresh shipment after 1885 with the development of lobster pounds along the coast.⁶

Lobstering in Maine was a seasonal business, with trapping occurring in March-July and October-December. The steady demand and seasonal supply resulted in low prices when lobsters were readily available and high prices when there were fewer lobsters available for market. In an effort to hold lobsters captive for sale out of season, a lobster pound was created in 1875 by Johnson & Young of Boston in a nine-acre bay along the coast of Vinalhaven, using a natural shoal with a wire fence across the top. By 1890, there were three lobster pounds in Maine, including the lobster pound on House Island. By 1898, the House Island lobster pound was one of nine pounds along the Maine Coast.

In 1889 Howard H. Trefethen, grandson of Henry Trefethen III, entered the wholesale lobster business becoming one of three principals in Holbrook, Trefethen & Harvey, wholesalers in live, boiled and pickled lobster on Long Wharf. A business journal notes in 1891 Holbrook, Trefethen & Harvey had a pound on the island. The pound was located in a cove on the east side of the island, now known as Lobster Pound Cove (See images). Two natural rock ledges were extended by a granite wall topped with a short weir to enclose the cove and create a containment pond for the lobsters. Historic photographs show a small gable building at the northern end of the wall. The fish house was likely used for the storage of lobster feed, for packing the lobsters, and for the storage of gear, usually nets or seines, used to harvest the lobsters from the pound. In the 19th century, Howard's cousin, Newell Fales Trefethen, continued the family's involvement with wholesale lobstering, operating a lobster business in Portland. He moved his lobster house, N.F. Trefethen Co. from Portland Pier to Customs House Wharf, building a two story lobster house.⁷ He also operated a lobster pound in South Bristol, Maine. His uncle, George Trefethen Jr worked with him at N.F. Trefethen Co.

Military Ownership, 1808-World War II

Second Systems Forts and the War of 1812

In 1807 the English ban on US trade with France and concerns in the United States over British aggression toward the country's coastal cities and sailing vessels prompted President Jefferson to renew the country's fortification program. Forts built during this period were known as second system forts. Second system forts were built with engineers from the US Military Academy at West Point, a corps program established in 1802 to cut the country's reliance on foreign engineering. Second system forts in Maine include: Fort Sullivan in Eastport (1808), Fort at Machias in Machiasport (1808), Fort Penobscot (1808), Fort at Castine (1808), Fort at Fort Island⁸ in Boothbay (1808), Fort Edgecomb (1808), Fort at Kennebec in Georgetown

⁶ O'Leary, Wayne. *Maine's Sea Fisheries: The Rise and Fall of a Native Industry, 1830-1890*. Boston: Northeastern University Press, 1996. Page 258.

⁷ See 1924 tax photo, Item No 86340.

⁸ Also known as Damariscotta Battery. The island is also known as Webber Island.

(1808), Fort at St. George (1808), Fort Scammell (1808), Fort Preble in South Portland (1808), and Fort McClary at Kittery Point (1808). In addition Fort Sumner in Portland (1794) was altered in 1808 with the addition of a brick gun house and water battery.

Fort Scammell was named in honor of Alexander Scammell (1747-1781), adjutant general of the Continental Army in the Revolutionary War. He was killed in action during the Battle of Yorktown. Construction of the fort was overseen by Henry Alexander Scammell Dearborn (1783-1851) a Portland lawyer and son of Major General Henry Dearborn. General Dearborn was a former Secretary of War and served in Alexander Scammell's regiment. Henry Dearborn acting as the Agent of Fortifications also oversaw construction in 1808 of Fort Preble across the harbor entrance in South Portland.

Fort Scammell initially consisted of a semi-circular fort. The fort overlooked the harbor entrance and was built of stone, brick, and sod a portion of the brick has been exposed (Image). In the center of the fort was the Powder Magazine. To the north of the magazine was an octagonal blockhouse. The block house had six guns located on the upper floor. The building was also used as a barracks. To the east of the blockhouse was a Brick Furnace to heat the shot before loading into the cannons. The fort was equipped with eleven 24 and 32-pounder mounted cannons. The rear (north) wall of the fort was a wooden stockade that bisected the wooden blockhouse.

In June of 1812 the United States declared war on England. Fort Scammell was garrisoned during the War of 1812 (1812-1814), but the fort's guns only fired once in August of 1813 on a British Privateer beyond Whitehead Passage. A month later in September 1813 a British Flag of Truce party landed at the Fort to negotiate for the release of British prisoners from the *HBM Brig Boxer* captured after a battle with the *US Brig Enterprize* off Pemaquid Point on 5 September 1813.

Near the end of the war in October of 1814 an exterior battery was completed on the north end of fort. The exterior battery was designed and engineered by Major Daniel Lane of the 33rd Regiment Infantry of Maine.⁹ The detached gun battery overlooked the northern end of the island and protected the rear of the fort from a landward attack.

Third Systems Forts

In 1816 Congress appropriated \$800K to improve the country's seacoast defensive system. Without the threat of war, construction projects moved slowly. Fort Preble and Fort Scammell were the only two Maine second system forts altered in the 1840s and 1850s. Fort Scammell was altered in the 1840s when earthen walls were extended east and west of the semi-circular fort for gun mounts. The walls were extended in the 1850s to encompass the gun battery. Forts built or altered after the War of 1812 are known as Third System forts. Third System forts are large brick or stone forts with multiple tiers of gun batteries built on promontories or on islands at choke points to important harbor entrances with earth covered batteries open to the

⁹ Information courtesy of Kenneth E Thompson, Jr.

rear and concrete magazines to store powder and ammunition. Third System forts in Maine include: Fort Knox in Prospect (1844-1869), Fort Popham in Phippsburg (1862-1870), Fort Gorges in Portland (1861-1870), New Fort Scammell (1862-1870), New Fort Preble in South Portland (1863-1870), and New Fort McClary in Kittery Point (1863-1870).

Thomas Lincoln Casey (1831-1896) was a West Point graduate, Class of 1852. He was assigned to the Corps of Engineers and taught engineering at West Point 1854-1859. In the 1860s he was assigned to Maine to oversee construction of Fort Knox, Fort Gorges, New Fort Scammell, and New Fort Preble. After the Civil War he was assigned to oversee construction on the Washington Monument 1879-1888. He served as the Chief of Engineers for the US Army Corps of Engineers 1888-1895 and was the engineer for the Library of Congress' Thomas Jefferson Building (1890-1897).

During the 1862 construction at Fort Scammell, a two-story granite bastion was built on the east side of the 1850s earthen walls and a one-story granite bastion was built on the west side near the end of the 1840s earthen wall extension. The enclosed bastions were equipped with 10-inch guns.¹⁰ Tunnels from the parade ground provide access the enclosed interior. A proposed granite bastion to the north was not built, although the tunnel from the parade ground was constructed. Typical of 19th century fortifications, each bastion was planned to have multiple tiers of casemates and a barbette tier on the top.

The granite for Fort Scammell was quarried on Mount Waldo and brought by stone sloops to the island. Wharves on the west side of the island were constructed for the off-loading of the granite, as was a stone cutting shed. Granite was unloaded and moved using block and tackle. Not only was the granite for Fort Scammell prepared on House Island, but also the granite for Fort Gorges and Fort Preble. A field of cut and uncut granite is extant just to the north of the stone wharf. A second field of granite is located the fort north of the east bastion. The granite blocks were moved from the cutting area by the wharf to the east bastion by way of a short narrow gauge railroad. A small area of narrow gauge tracks leading to the mixer have been uncovered.¹¹ A mound near the center of the parade ground is the remains of the foundation of a large concrete mixer. The mixer took 26 men to operate. Concrete was also brought onto the island in barrels. "A solidified chunk of concrete with the marking of wood barrel staves that have rotted away is located in the gallery of the East Battery."¹²

¹⁰ Although Third System forts generally have batteries open to the rear, similar to Fort Gorges and Fort Popham, Fort Scammell's batteries are enclosed. At Fort Scammell, tunnels were constructed to connect the interior of each battery to the parade ground in the center of the fort. Smoke produced by the firing cannons was vented through flues built into the walls.

¹¹ A group including members of the Coast Defense Study Group, Portland Harbor Museum, and Kenneth E Thompson, Jr. undertook to clear some of the overgrowth within and around the fort and uncovered a section of the tracks.

¹² From the Fort Scammell Tour published by Portland Discovery Land and Sea Tours, 2012.

By 1870 the fort was modified to accept 13-inch guns on barbette emplacements as well as at the top of the two granite bastions. In the mid 1860s the wooden blockhouse was removed and a large gunpowder magazine built near the tunnel entrance to the east bastion. Work on the fort was halted by a federal funding freeze on coastal defense projects in the late 1870s. With the abandonment of the construction of the North Bastion, construction at Fort Scammell relatively complete.

Endicott Period/ Board of Fortification: 1890-1910

In 1885 President Cleveland appointed a joint military and civilian board led by William Crowninshield Endicott, then Secretary of War, to assess the country's coastal defenses. The Board of Fortifications recommended a massive construction and modernization program with a focus on concrete fortifications and installation of large caliber breech loading artillery and mortar batteries with open topped concrete walls protected by earthworks. The program also included the use of mine fields, with smaller guns employed to protect the mine fields from mine sweeping vessels.

Spanish-American War

In 1890 Fort Scammell was altered to accommodate the larger 15-inch Rodman cannons and the east battery was used to control a minefield established in Whitehead Passage. In 1898 as a temporary measure, two old rebored 15-inch Rodman cannons were mounted on Fort Scammell on the east side of the fort. Despite this small improvement, Fort Scammell's days were drawing to a close. In 1903 the fort was listed as without armament and was not garrisoned. Although concrete bases for three-inch anti-aircraft guns were built on south and east batteries during World War One in 1918, no guns were installed.

Quarantine Stations& Immigration, 1892-1937

In the eighteenth and nineteenth centuries in order to prevent the entry and spread of infectious diseases, vessels suspected of having contagious diseases could be stopped and quarantined. Initially, this was done on a port by port basis, with no national control or oversight. New York's first quarantine station was built in 1758 on Bedloe's [Liberty] Island. In 1832, Little Hardwood Island, a small two-acre island in Passamaquoddy Bay was utilized to isolate ship passengers infected with cholera who were arriving at St. Andrews for settlement in Canada and northern New England. The island became known as Quarantine Island and Hospital Island. Hospital Island was used through the period of Irish immigration during the Potato Famine 1845-1852 and closed in 1865. The hospital and other buildings were destroyed by a storm in 1869. In 1879, the first nationally funded and operated United States Quarantine Station was built on Ship Island, Mississippi for the Port of New Orleans. The same year the Ship Island Quarantine Station was established, a second act established a National Board of Health to coordinate with local and state wide systems of quarantine.

In Maine in 1884, 15-acre Widow's Island off North Haven in Penobscot Bay became the site of a US Navy hospital for yellow fever patients. The hospital was functional 1885-1904, but never had a yellow fever patient. In 1904 after ownership was

acquired by the State of Maine, it was used by patients from Augusta Mental Health Institute and Bangor Mental Health Institute for recreation and was known as the Chase Island Convalescent Hospital.

At the end of the nineteenth century in Maine, smaller ports often had no quarantine anchorage, quarantine facility, or even quarantine laws or regulations. In 1896 there were no inspection stations in Castine, Eastport, Ellsworth, Waldoboro, Belfast, Rockland, Wiscasset, York and Kennebunkport.¹³ Larger ports like Bath and Bangor, had designated anchorages in the river for vessels suspected of possibly carrying infectious diseases and local laws outlining the procedures for inspecting vessels from foreign ports. A small vessel carrying the local health officer would board and inspect ships at anchorage. In Portland, like Bangor and Bath, a vessel would anchor in the harbor and the Public Health Officer would inspect the ships' crews and passengers for disease. Portland unlike other ports also had a quarantine facility.

The facility was built on land owned by the Federal Government on House Island that was part of the Fort Scammell Military Reservation and licensed to the Portland Board of Health in 1892 to use for quarantine purposes.¹⁴ The City of Portland built a one-and-a-half story cottage with a steam disinfecting chamber, a 30' x36' coal shed, two steam boilers in a boiler house, and a pier on wood pilings. The wood framed cottage was 36' x 78' with a monitor roof and two cupolas. Inside there were two 10'x48' corridors for packing and unpacking baggage. There were six 10' x8' rooms with bathtubs and attached dressing rooms. Water came from a small pond on the hill behind the station and was fed by gravity into a cistern. During inspection, immigrants were stripped and their clothes run through the steam room to disinfect while they bathed. As part of the steam process, heat from the steam was vented to dry the clothing before it was returned to the newly bathed immigrants. Persons that needed to be retained were housed in an old house on the island or in the ordinance building inside the fort. A watchman lived on the island, but the Public Health Officer would be brought out to the island by steamer. In 1895, 415 immigrants passed through the inspection and quarantine station.¹⁵

In 1896 at the urging of western states, particularly Michigan, and with the approval of the City of Portland, Congress authorized the takeover of the Portland Inspection and Quarantine Station at Fort Scammell. They appropriated \$12,000 for its purchase and maintenance that year, although records indicate they may not have

¹³ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1896.

¹⁴ _____. *United States Military Reservations, National Cemeteries, and Military Parks*. United States Army, office of the Judge Advocate General, Charles Edward Hay Jr. US Government Printing Office, 1904. Deed from John Green Walden (c1758-1822) and wife to the United States dated February 29, 1808, conveying 12 acres of land. Deed recorded Book 53, Page 531 in the Cumberland County Registry of Deeds.

¹⁵ _____. *"Portland" Annual Report of the Supervising Surgeon General of the Marine Hospital Services*. Washington, DC:US Government Printing Office, 1896.

assumed full control of the inspection station until January of 1902.¹⁶ In 1904 one hundred steamers with 1,342 passengers were inspected. In an article in the *Journal of Medicine and Science*, the medical officer in command of the United States Hospital, Quarantine and Immigration Station at Portland, P.C. Kalloch, described the need for a barracks capable of holding 150-200 immigrants, a small hospital, and a residence for doctors and staff on House Island. Until 1905, the north end of the island had been in continuous use for fishing and fish curing. The north end of the island was purchased by the United States from the Sterling and Trefethen heirs. In 1907 the small wood framed barracks for about 50 people, the Public Health Officer's Residence and the Quarantine Hospital were completed. A beehive pump station over a 270-foot deep well to supply water to the barracks was also completed during this period of construction. The pump was powered by a windmill that was removed in the 1970s.

In 1913 a federal subcommittee of the House Appropriations Committee heard testimony for the need of a "fire proof" building for detaining 500 immigrants at the US Hospital, Quarantine and Immigration Station on House Island. The need for expansion of the US Hospital, Quarantine and Immigration Station on House Island to increase detention capacity was in part affected by early 20th century immigration laws. Congress passed the 1917 Immigration Act on 5 February 1917 to restrict the immigration of undesirable immigrants from other countries, including any persons with tuberculosis, any form of contagious disease, a disability restricting them from earning a living in the United States or any "idiot, imbecile, epileptics, alcoholics, poor, criminal, beggars, polygamist, or anarchist."¹⁷ The act established a literacy test for immigrants and the requirement for medical examinations before entering the country. In 1920 a second Detention Barracks was built to the east of the Small Barracks. It had a capacity for 592 people.¹⁸ It was torn down in 1962, although the remains of the foundation are still visible.

The Emergency Quota Act 1921 was passed by Congress to temporarily limit the number of immigrants into the United States. The law imposed quotas based on the country of birth. Allowable quotas for each country were calculated at three percent of the total number of foreign-born persons from that country recorded in the 1910 United States census.¹⁹ The Act was superseded in 1924 by the Johnson-Reed Act which limited the number of immigrants allowed into the United States to two percent of the total number of people of each nationality living in the United States as of the 1890 national census.

¹⁶ _____. *Report of the Federal Security Agency: Public Health Service*. Washington, DC: US Government Printing Office, 1904.

¹⁷ Tucker, Davis and Jessi Creller. "Summary of the 1917 Immigration Act" The University of Washington-Bothell Library website.
http://library.uwb.edu/guides/usimmigration/1917_immigration_act.html

¹⁸ _____. *Fort Scammell Tour*. Portland: Portland Discovery Land & Sea Tours, 2012.

¹⁹ Barrientes, Brenda "Summary of the 1921 Emergency Quota law; An Act to limit the immigration of Aliens into the United States" The University of Washington-Bothell Library website. http://library.uwb.edu/guides/usimmigration/1921_emergency_quota_law.html

In the 1920s, the Portland station was largely used as an overflow station for the ports of Boston and New York. In November of 1923 the ships *President Polk* and *George Washington* were diverted to Portland from New York and 218 immigrants from those ships were quarantined at the station. The station was abandoned in the winter of 1923. In 1937 the US Hospital, Quarantine and Immigration Station on House Island was officially closed and offered for sale.

Navigation

In the early 20th century, a shoal about 60 yards off the north end of the island was marked by House Island Light.²⁰ A shoal with 14-17 feet of water over it extends from House Island into Diamond Island Roads, the anchorage for vessels waiting for inspection. In 1906, at the time of development of the island by the United States government, a black spar buoy off the north end of the island at the easterly entrance to Diamond Island Roads anchorage was added.²¹ Known as House Island Buoy 1, it was discontinued in 1982.²² In 1914 lights were added to the navigational markers on the island.

The south end of the island is now marked by Fort Scammel Point Light 2, a 35' high triangular red daymark on a skeleton tower. On the north end of the island is House Island Light 3 with a square green daymark on a skeleton tower 20' above water and a House Island Buoy, a green can buoy, at N 43°39' 22.408" and W 70°12'20.221".²³

Private Ownership, 1950-present

At the end of World War II Fort Scammel was sold to Navy Captain Lincoln King, ret. for \$1200 in 1948. King wanted to sell the fort's granite to the US Army Corps of Engineers for a planned breakwater from the shore of South Portland to Spring Point Light. Hilda Cushing of South Portland wanted to see the fort preserved and was quoted as saying, "You can't have tomorrow without today."²⁴ She purchased the southern half of the island from King in 1954. In 1955 she purchased the remainder of the island which was then owned by Stanley Pettengill. Her family owned the island until 2014.

²⁰ United States Coast Pilot: The Atlantic Coast. US Coast & Geodetic Survey. US Government Printing Office, 1911.

²¹ "Maine-Portland Harbor Buoyage" *The Canada Gazette*. Ottawa. Saturday August 25, 1906. Page 435.

²² _____. "150 Bouys in use along Maine Coast to be discontinued by Coast Guard". *Bangor Daily News*. April 1, 1982

²³ _____. *Light List, Volume 1 Atlantic Coast: St Croix River, Maine to Shrewsbury River, New Jersey*. US Department of Homeland Security, United States Coast Guard. US Government Printing Office, 2014.

²⁴ Gratwick, Harry. *The Forts of Maine: Silent Sentinels of the Pine Tree State*. Charleston, SC: The History Press, 2013. P.55

ARCHITECTURAL DESCRIPTIONS

House Island is an hourglass shaped island, with the north and south ends of the island connected by a narrow ridge dropping off to semicircular beaches on the east and west sides of the island. The island is characterized by a zone of exposed bedrock around the shoreline with sand beaches on either side of the narrow ridge connecting the two halves of the island, a small sandy beach to the east of the Public Health Officer's Residence and by the former Starling and Trefethen Wharves on the north east side of the island. Like most small coastal islands, the surface of the island has a thin layer of topsoil with bedrock either bare or close to the surface. Exposed bedrock is particularly predominate on the south half of the island. The south half of the island is dominated by Fort Scammell. The cut granite exteriors of the east and west battery are connected by the earth covered magazines and exterior walls of the south battery and unfinished site of the north battery. The fort is centered around a roughly rectangular parade ground that is entered through a sally port on the west side of the island. To the west of the fort is a stone wharf, the remains of a second wharf, the site of the 1892 Portland Inspection Station, and the remains of the stone cutting yard and the partial foundations of the stone work house. On the north end of the island are three wood framed structures associated with the former United States Hospital, Quarantine and Immigration Station, used as seasonal residences and for private functions in the second half of the twentieth century. Primary access is via a dock on the west side of the island. The various resources on the island are connected by mown trails.

Small Detention Barracks (1907)

Map Location C, contributing

Located at the north end of the island is the small detention barracks constructed in 1907. The one-and-one-half story, rectangular shaped wood-frame building was constructed in the Acadian Revival style. The barracks is eight bays wide and two bays deep and is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style as is the raised foundation and steeply pitched hipped roof. The soffit is open with decorative rafters exposed. The roof is sheathed with asphalt shingles. The barracks is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the barracks are clad with wood shingles.

The principal southeast facade features a slightly projecting center gable over a four-bay wide by one-bay deep entry bay. The southeast facade of the entry bay features four tall window openings, reading from south to north (left to right) the southernmost opening is infilled by a stacked three-light window, the next opening features a nine-over-nine double-hung wood sash, next is a six-over-six double-hung wood sash window with a three-light transom and the last opening is a six-over-six double-hung wood sash window with a three-light transom as well; however the muntins and frame of the last transom are considerable lighter than that to the south. A single multi-light wood entry door is located on the north and south elevations of the entry bay. A band of three one-over-one double-hung sash replacement windows are located in the gable above. Two six-over-six double-hung wood sash windows are located to the north and south of the entry bay. A simple wood surround highlights each door and window opening. Each window has a slightly projecting wood sill. A brick chimney pierces the southwest roof plane to each side of the central gable.

The north and south elevations feature two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the openings feature a simple wood surround with a slightly projecting wood sill. Centered above on the plane of the roof is a single hipped roof dormer. The dormer features a flared eave and exposed rafters like the principal hip. A six-over-six double-hung wood sash window provides light to the interior.

The rear (northwest) elevation features a centrally located sliding glass door with a ten-light transom above and three, six-over-six double-hung wood sash windows to each side. Two, hipped roof dormers are located on the roof plane above. Each dormer features an overhanging flared eave and exposed rafters as well as a six-over-six double-hung wood sash window. A slender brick chimney pierces the roof plane to the south of the south dormer. Historic images of the island show that a chimney was located to the north of the north dormer. A full-width wood deck is located along the northwest elevation. A central wood stair provides access to the deck. A simple wood balustrade wraps the deck above and wood lattice is located below.

Large Detention Barracks (1920) ruins only

Map Location D, contributing

Located east of the small detention barracks are the deteriorated and partial remnants of the one-story large barracks constructed in 1920. The barracks was constructed of brick laid in a six-course common bond on a poured concrete foundation. The barracks was razed in 1962.

Public Health Officer's Residence (1907)

Map Location H, contributing

Located to the southeast of the small detention barracks is the public health officer's quarters constructed in 1907. The one-and-one-half story, t-shaped wood-frame building was constructed in Dutch Colonial Revival style with Acadian Revival style influences. The residence is three bays wide and two bays deep and is capped by a side gable gambrel roof featuring a flared eave projecting out over the facade and each elevation. The upper plane of the roof is sheathed with asphalt while the lower plane is sheathed with wood shingles. The residence is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the residence above are clad with pebbled dash.

The principal west facade features a projecting one-story entry porch centered on the facade. The roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch. Access is gained through a multi-light wood door flanked by eight-light sidelights. A single 6/6 double-hung wood sash window is located to each side of the entry porch. The windows feature a simple wood surround and slightly projecting wood sill. Historic images of the quarters show the sash were originally six-over-two. A four-light foundation window is centered below each of the first floor windows. A nearly full-width shed roof dormer is located across the lower roof plane on the facade. The dormer features a centered paired six-over-six double-hung wood sash with a single six-over-six double-hung wood sash located to each side. Historic images of the quarters show the paired sash of the dormer were originally a multi-light diamond patterned sash over two-lights and like the first floor, the single six-over-six were historically six-over-two-lights. An interior brick chimney pierces the ridge of the roof to the north of center and an exposed exterior end-wall chimney is located on the south elevation.

A raised one-story wrap-around porch is located at the southeast corner of the south elevation and continues down along the east (rear) elevation. The flat roof of the porch is supported by classically inspired wood columns resting on wood plinths. Wood steps provide access to the porch at the southeast corner of the porch. A paired multi-light French door at the east end of the south elevation provides secondary entrance to the building. The exposed brick chimney stack is located to the west and a single six-over-six double-hung wood sash window is located at the west end of the foundation. A six-over-six double-hung wood sash window is located to each side of the chimney stack in the gable above.

The north elevation features two six-over-six double-hung wood sash windows on the first floor with a window stacked above each opening in the gable. A semi-circular window is located above near the gable peak.

The rear (west) elevation features a two-story centrally located projecting gable with a shed roof dormer to each side. Additionally, a one-and-one-half story rear-ell projects out to the east. An advertisement in 1915 requested services to construct a boiler room and laundry, although no building is mentioned, it appears as though the one-and-one-half story ell may have been added on after the initial construction in 1907. The ell is two-bays wide and one bay deep and is capped by a gable roof featuring a flared eave. The plane of the roof is sheathed with asphalt while the gable end is clad with wood shingles. The ell is constructed on a rough-cut, un-coursed granite foundation with a wood water table capping the foundation. The walls of the ell, like the residence, are clad with pebbled dash. An inset entry is located at the northeast corner of the ell. The windows of the ell are smaller in scale than the principal block.

Quarantine Hospital(1907)

Map Location I, Contributing

Located south of the Public Health Officers Quarters, the Quarantine Hospital was constructed in 1907 in the Acadian Revival style. The hospital is a four bay wide and two bay deep, one-story rectangular shaped wood-frame dwelling which is capped by a hipped roof featuring a flared eave projecting out over the facade and each elevation. The flared eave is a character-defining feature of the Acadian Revival style. The soffit is open with rafters exposed. The roof is sheathed with asphalt shingles. The hospital is constructed on a rough-cut, un-coursed granite foundation. A wood water table caps the foundation. The walls of the hospital are clad with wood shingles.

The principal north facade features a central entry flanked by six-over-six double-hung wood sash windows with a secondary entrance located to the west. Both openings features a single-light and wood panel entry door with a transom above and a wood screen door. A single light wood transom is located over the central entry and a three-light transom is located over the entry to the west. A simple wood surround highlights each door and window opening. Each window has a slightly projecting crown and wood sill. A slender brick chimney rises from the east end of the roof. Two slender metal vents pierce the north roof plane to the north and west of the chimney. A set of wood stairs and a wood deck provides access to both entries. A simple wood railing wraps the deck.

The west elevation features two six-over-six double-hung wood sash windows with a single-light foundation opening below each window. Like the windows on the facade, the west

elevation openings feature a simple wood surround with a slightly projecting crown and wood sill. Wood flower boxes are located below the sill.

The rear (south) elevation features four six-over-six double-hung wood sash windows symmetrically aligned across the elevation. A small wood frame opening (boarded over) is located between the two western most window openings. The sill of the small opening is level with the meeting rail of the primary windows. A slender brick chimney pierces the roof at the west end of the roof.

Starling/Trefethen's Wharves, (c1823)

Map Location B, Contributing

Three foundations of the former wharves used by the Starling and Trefethen families are located just off the northeastern shore of the island. The rectangular wharf bases are comprised of small cut and uncut stones. Historically the wharves were extended by wood pilings and wood framed piers. One and two story wood framed fish houses were located on the wharves for the processing of fish.

Old Wharf(1862)

Map Location E, Contributing

The foundations of an old wharf are located just off shore to the west of the Small Detention Barracks. The wharf base is composed of uncut stones.

Beehive Well Head(1907)

Map Location F, Contributing

To the west of the Public Health Officer's House is a domed brick structure covered in concrete parging. The domed structure covers a fresh water well.

Dock(early 20th century, improvements 1950s)

Map Location G, Contributing

The actively used dock is largely comprised of wood pilings supporting a long wood wharf with floating docks on the northwestern end for loading and unloading vessels. At the shore end of the dock, stone cribbing is located between the pilings. To the south of the dock is a flat sandy beach for barge landings.

Lobster Pound Cove and Foundation of Lobster Pound (1889)

Map Locations J & K, contributing

To the east side of the narrowest point of land between the south and north ends of the island lies Lobster Pound Cove. The semicircular shaped cove has a sandy beach that resolves into rock ledges at the outermost edges of the cove. A natural barrier of ledge extends from the northern edge of the cove into the water. A barrier of cut granite stones connects the ledge barrier to the ledge on the south side of the cove. The stone fill is visible at low tide, but submerged at high tide. The barrier stones are the remains of Trefethen's lobster pound. The stone barrier and ledges were topped by a wood weir. Historic photos indicate a one-story gable roof fish house was located the north end of the enclosure, although no remains of the fish house are apparent in aerial images.

Cemetery (1822)

Map Location L, Contributing

A small cemetery is located at the north eastern end of the south section of the island overlooking Lobster Pound Cove. The cemetery is bounded in part by a low wall and picket fence. The cemetery has a few stones. Approximately twenty-two burials are located in the cemetery.

Old Wharf/Stone Cribbing (1850s)

Map Location M, contributing

A natural ledge on the west side of the island is topped by the remains of an old wharf with rough and cut stones. The remaining stones are largely below the water at high tide. To the south of the remains of the old wharf are piles of cut granite stones scattered across the rocky shore.

Site of Stone Cutting Shed and Granite cutting area (1850s)

Map Location N, Landmark

Between the remains of the old wharf and a wharf of cut granite stones lies an area composed of piles of stacked rough cut granite, finished granite stones, and cast-off waste stones. At the south end of the area is a stacked granite foundation, possibly the foundation of the former Stone Cutting Shed.

Granite 'Engineer's' Wharf (1850s)

Map Location O, Landmark

The wharf structure on the west shore of the fort is composed of blocks of large cut granite. The granite perimeter stones curve out from the juncture with the shore and a recessed cut is located on the north side of the wharf. The interior of the wharf is paved with small granite pavers. The pavers have deteriorated with the growth of organic materials between the stones. The western end of the wharf has a deteriorated raised wooden platform and is used for the storage of lobster traps. Large wood bumper pilings are located along the perimeter of the water side of the wharf.

Site of Portland Inspection Station (1892)

Map Location P, Contributing

The site of the former 1892 inspection station is located between the entrance to the fort and the granite wharf. The area is overgrown, except for the mown path with outcroppings of ledge.

Fort Scammell

Fort Scammell was originally built as a semi-circular stone, brick and sod fortification facing Casco Bay and the entrance to Portland Harbor in 1808. In 1814 a single exterior battery was built to the rear of the fort overlooking the north end of the island. In the 1840s and 1850s semi-circular fortification was extended by earthen walls on the right and left flanks and finally to the rear to incorporate the exterior battery and enclose a much larger area. During the Civil War and shortly thereafter, the fort was expanded and rebuilt. The major changes of the new construction include the two granite block bastions (east bastion and west bastion) on the east and west sides of the island, the parade ground, and the great magazine. A planned north bastion was never completed.

Sally Port (1850s)

Map Location Q, Landmark

Fort Scammell, like most nineteenth century forts, is entered through a sally port. The segmentally arched and vaulted passage originally contained heavily timbered doors which were held by the large iron pins on the outside of the archway. The sally port is flanked on both sides by earthen bomb proofs. A band of square granite pavers is located at the outermost opening in the sally port.

Parade Ground (1850s, altered 1862)

Map Location R, Landmark

Fort Scammell includes a centrally located parade ground. A mound near the center of the parade ground is the remains of the foundation of a large concrete mixer. The parade ground was larger before the fort was expanded and rebuilt in the 1860s and 1870s. Openings around the parade ground lead via tunnels to powder magazines and the gun emplacements.

1808 Fort aka South Bastion (1808, altered 1862)

Map Location S, Landmark

The earthen walls of the South Bastion have been partially excavated to reveal a section of the stone and brick walls of the south battery constructed in 1808. Approximately 80% of the 150-foot brick wall has been exposed to reveal 25 courses of tapered and curving brick atop a fieldstone foundation secured to a granite outcropping. The exposed brick walls of the fort were whitewashed. The walls were whitewashed to make it evident to enemy vessels that the harbor was defended. A World War I anti-aircraft gun emplacement is located on top of the South Bastion.

1814 Exterior Battery (1814)

Built to defend the rear (north) of the 1808 fort from a land invasion on the north end of the island. A portion of the battery has been incorporated into the 1840s and 1850s expansion of the fort and survives.

West Bastion (1862)

Map Location T, Landmark

A one-story granite block bastion was constructed in 1862 along with the two-story granite block east bastion. The granite casemates of both bastions face Casco Bay. The west bastion was originally designed to have two levels of casemates while the east bastion was designed for three; however, the west bastion was only completed to the first level of casemates and the east bastion was completed to the second level. Each bastion contains a series of arched and enclosed casemates with heavily vaulted ceilings to support the gun platforms above. The barbette tier (top) parapets were added in the late 1860s.

East Bastion (1862)

Map Location U, Landmark

A two-story granite block bastion was constructed in 1862 along with the one-story granite block west bastion. The granite casemates of both bastions face Casco Bay. The east bastion was designed to have three levels of casemates while the west bastion was designed with two; however, the east bastion was only completed to the second level of casemates and the west bastion was completed to the first. Each bastion contains a series

of arched and enclosed casemates with heavily vaulted ceilings to support the gun platforms above. The barbette tier (top) parapets were added in the late 1860s.

Great Magazine (1870s)

Map Location V, Landmark

Along the southeast side of the parade ground and over the site of the 1808 blockhouse a large central magazine or Great Magazine was built in 1870. The magazine was used as the central storeroom for ammunition.

House Island Light 3 (late 20th century)

Map Location A, non-contributing

House Island Light 3 is located on the north end of the island. A square green day mark is mounted 20 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.

Fort Scammel Point Light 2 (late 20th century)

Map Location W, non-contributing

Fort Scammel Point Light 2 is located on the south end of the island. A triangular red day mark is mounted 35 feet above the water on a skeleton tower resting on a concrete base fixed to a rocky ledge.²⁵

Flagpoles

A flagpole is located atop the western battery. A second flagpole is located outside the Public Health Officer's Residence. Additional smaller flag poles are located on the dock and on the deck of the Quarantine Hospital.

²⁵<http://me.usharbors.com/harbor-guide/portland-harbor#sthash.F8IKC8ke.dpuf>

INDEX OF RESOURCES

Map ID	Resource Name	AYB	Level of Significance
A	House Island Light 3	Late 20 th Century	Non-Contributing
B	Starling/Trefethen Wharf 1	Circa 1823	Contributing
	Starling/Trefethen Wharf 2	Circa 1823	Contributing
	Starling/Trefethen Wharf 3	Circa 1823	Contributing
C	Small Detention Barracks	1907	Contributing
D	Large Detention Barracks	1920	Contributing
E	Old Wharf	unknown	Contributing
F	Well Head	1907	Contributing
G	Dock	Early 20 th Century	Contributing
H	Public Health Officer's Residence	1907	Contributing
I	Quarantine Hospital	1907	Contributing
J	Lobster Pound Cove	Circa 1889	Contributing
K	Lobster Pound Foundations	Circa 1889	Contributing
L	Cemetery	1822-2008	Contributing
M	Old Wharf/Stone Cribbing	1850s	Contributing
N	Site of Stone Cutting Shed	1850s	Landmark
O	Granite "Engineer's" Wharf	1850s	Landmark
P	Site of Portland Inspection Station	1892	Contributing
Q	Sally Port	1850s	Landmark
R	Parade Ground	1850s (1862)	Landmark
S	South <u>Bastion</u> & Site of 1808 Fort/ <u>exposed wall</u>	1808 (1862)	Landmark
T	West <u>Bastion</u>	1862	Landmark
U	East <u>Bastion</u>	1862	Landmark
V	Great Magazine	1870	Landmark
W	Fort Scammell Light 2	Late 20 th Century	Non-Contributing
X	<u>Earthen Walls</u>	<u>1840s-</u> <u>1850s</u>	<u>Landmark</u>
Y	<u>Concrete mixer, granite foundation stones & narrow gauge rails</u>	<u>1850s-</u> <u>1860s</u>	<u>Landmark</u>

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Deed from George Trefethen to United States of America. Book 747, Page 293. 1904.

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Deed from the United States of America to Lincoln King. Book 1916, Page 458. 1948.

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Deed from the Lincoln King to Hilda Cushing. Book 2210, Page 416. 1954.

Deed from Stanley Pettengill to Hilda Cushing. Book 2231, Page 415. 1955.

House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District
Revised 6 October 2014

Other Collections:

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Indian Graves, Burying Ground that Was Discovered on House Island. Files at Greater Portland Landmarks. Undated.

NOAA's Historic Fisheries Collection.

**House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District**

Appendix C - Extant Images



2012 photo by Max Yeston, Greater Portland Landmarks

Small Detention Barracks (1907) *Map Location C, Contributing*



2013 photo, Greater Portland Landmarks

Remains of the Large Detention Barracks (1920) *Map Location D, Contributing*



2012 photo by Max Yeston, Greater Portland Landmarks

Public Health Officer's Residence (1907) *Map Location H, Contributing*



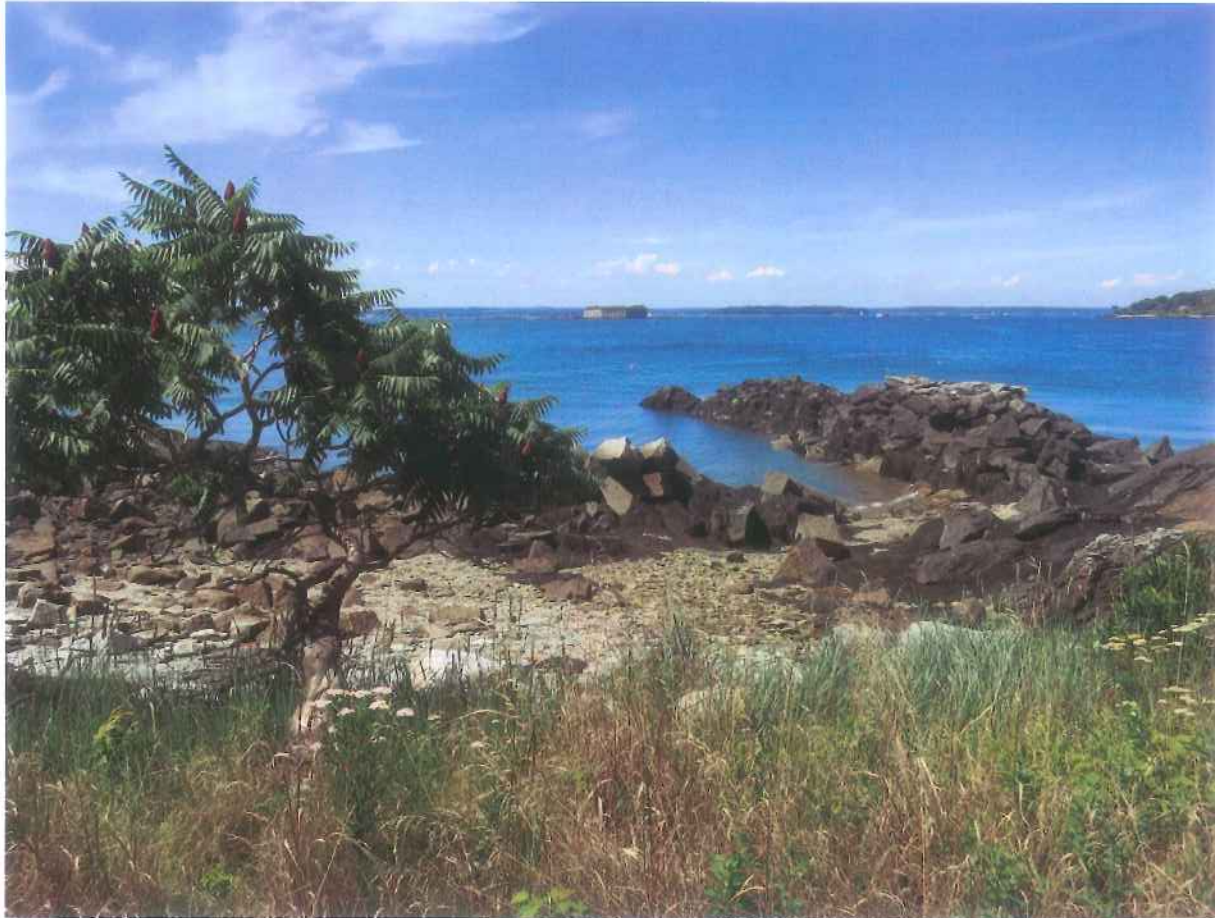
2012 photo by Max Yeston, Greater Portland Landmarks

Quarantine Hospital (1907) *Map Location I, Contributing*



2013 photo, Greater Portland Landmarks

Lobster Cove (c1889) *Map Location J, Contributing*



2013 photo, Greater Portland Landmarks

Old Wharf/Stone cribbing and Remains of Granite Stones (1850s) *Map Location M, Contributing*



2013 photo, Greater Portland Landmarks

Granite "Engineer's" Wharf (1850s) *Map Location O, Landmark*



2013 photo, Greater Portland Landmarks

Sally Port (1850s) *Map Location Q, Landmark*



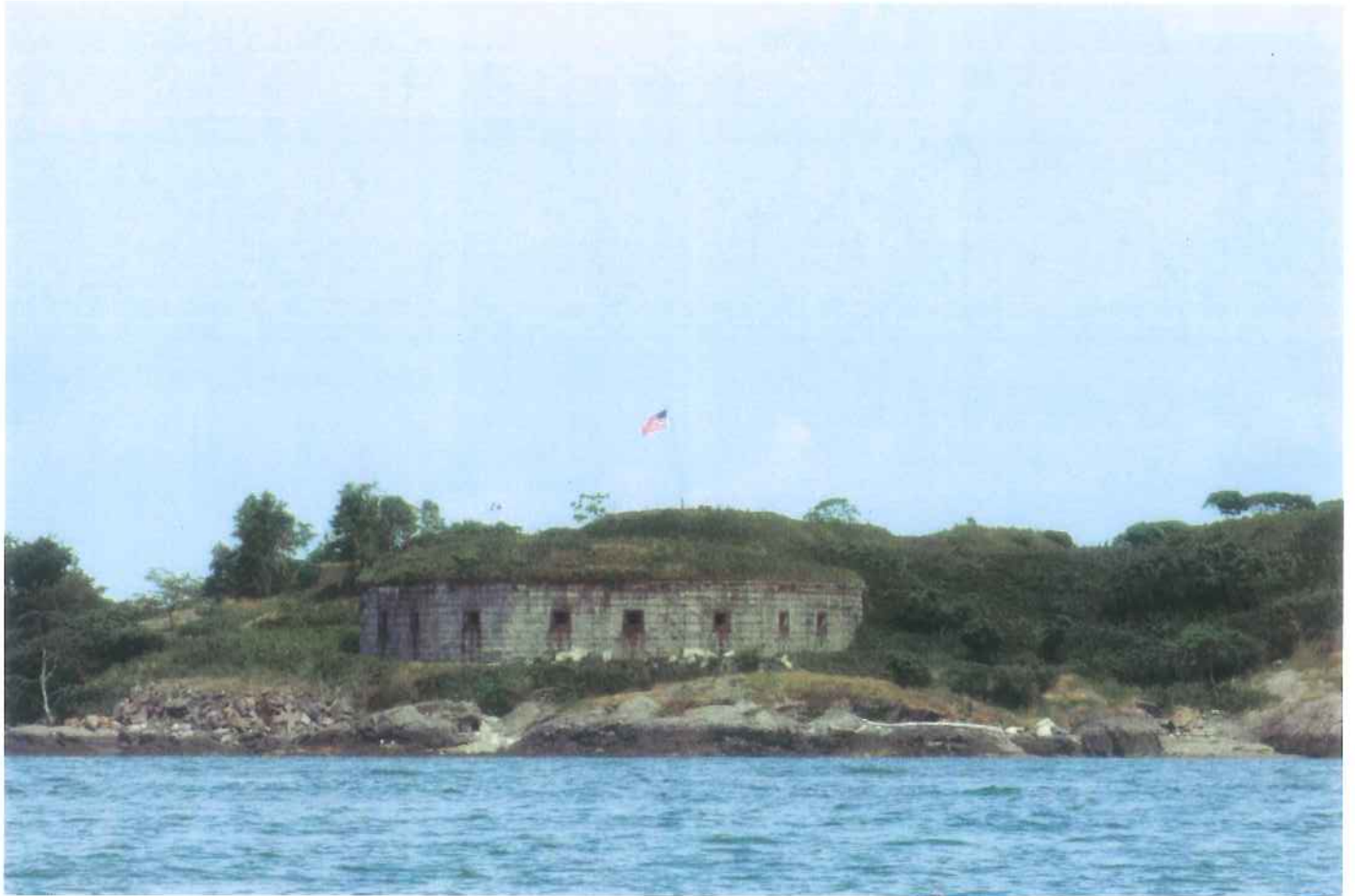
2013 photo, Greater Portland Landmarks

Parade Ground Looking North (1850s, 1862) *Map Location R, Landmark*



2013 photo, Greater Portland Landmarks

1808 Wall, South Battery (1808, 1862) *Map Location S, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

West Bastion (1862) *Map Location T, Landmark*



2012 photo by Max Yeston, Greater Portland Landmarks

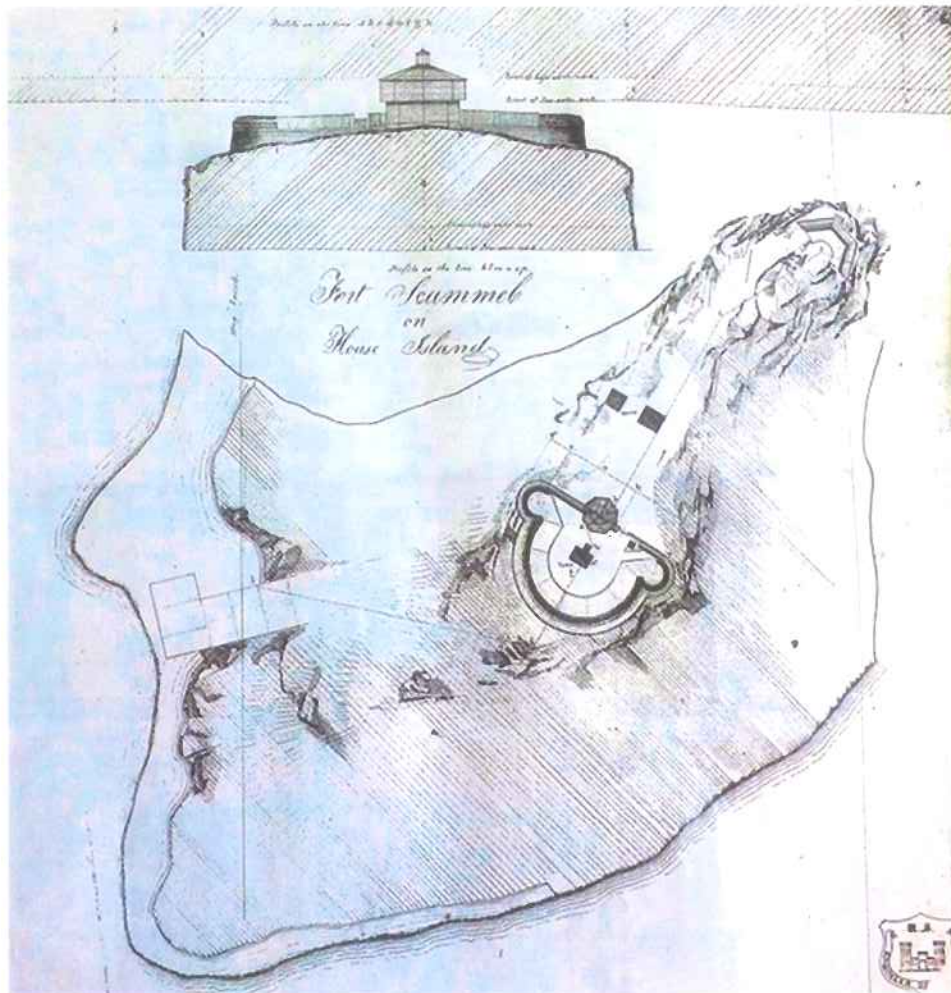
East Bastion (1862) *Map Location U, Landmark*



Image of partially exposed wall of the South Bastion. Courtesy of Kenneth E. Thompson, Jr.

**House Island, Portland, ME
Analysis of Eligibility as a
Local Historic District**

Appendix B - Historic Images



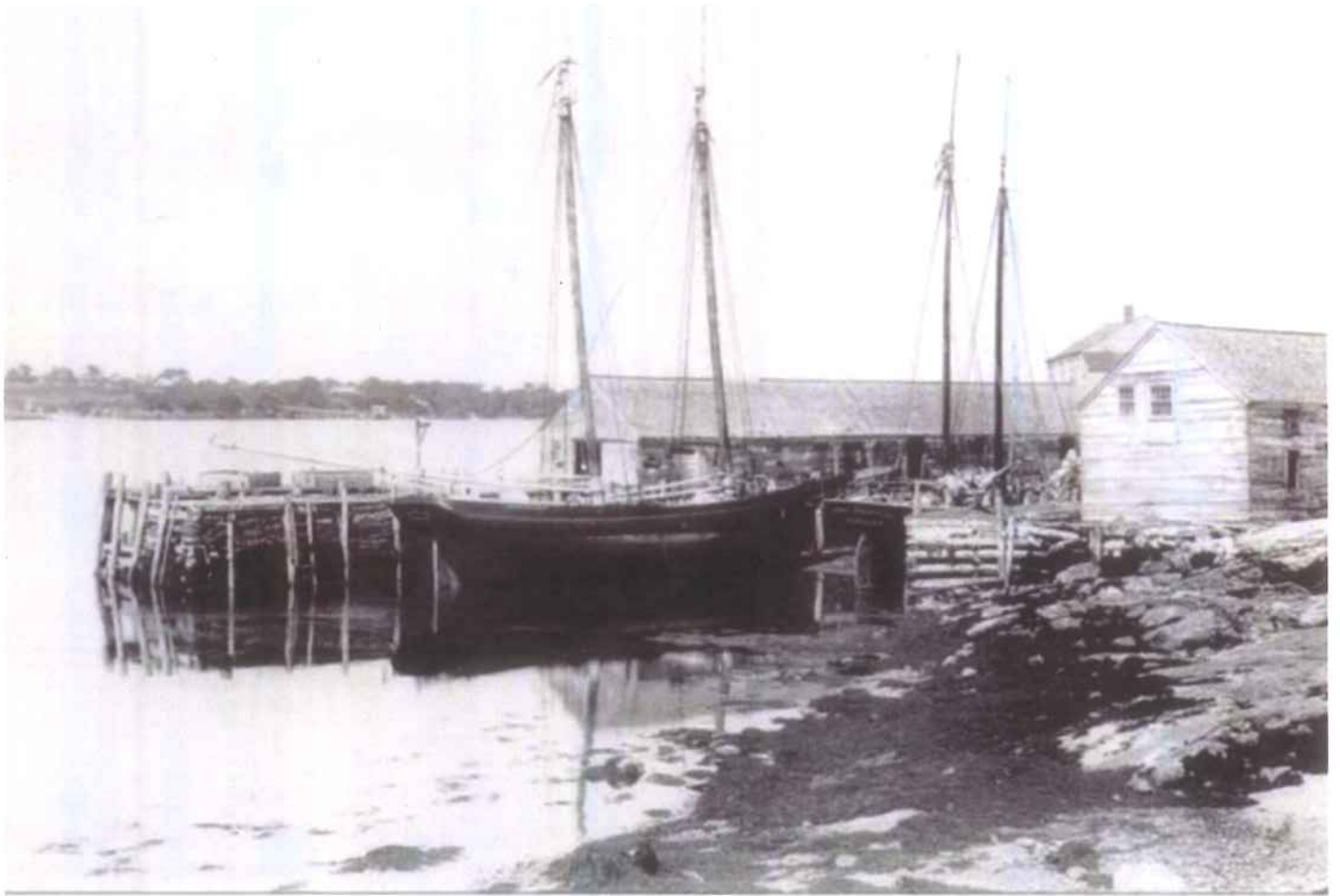
1808 Plan of Fort Scammel on House Island



House Island in the nineteenth century from *New England Magazine: An Illustrated Monthly*, Vol.14.



Dwelling on House Island from *The Casco Bay Islands, Maine* by Ruth S Sargent.



Fish Houses and wharves on House Island from *The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Splitting Hake on Trefethen's Wharf, House Island.
Image No.fish6813, NOAA's Historic Fisheries Collection.



Trefethen's Flake Yard [House Island].
Image No.fish6851, NOAA's Historic Fisheries Collection.



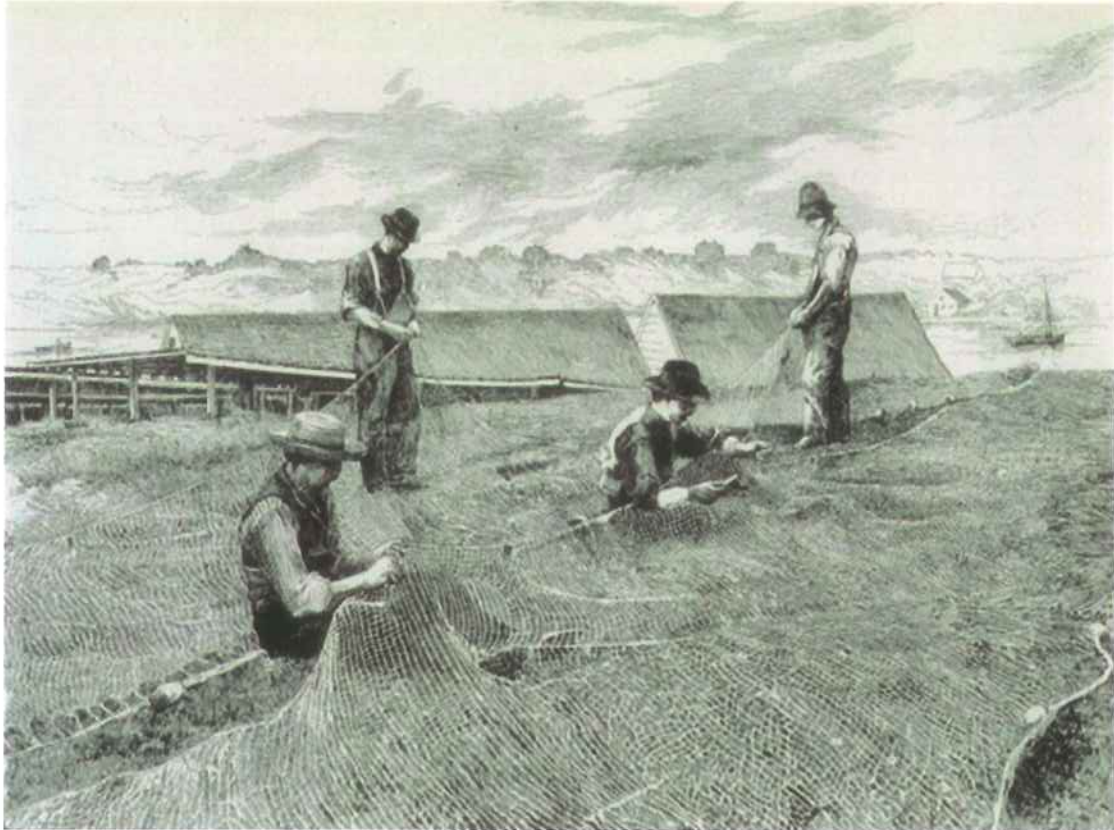
View of House Island fish flakes (drying racks) *From The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Trefethen's flake yard [House Island]
Image No.fish6850, NOAA's Historic Fisheries Collection.



Mending nets at Trefethen's flake yard [House Island].
Image No.fish6849, NOAA's Historic Fisheries Collection.



Fisherman mending herring gill-nets at House Island, Casco Bay, Maine.
Image No. Figb0121, NOAA's Historic Fisheries Collection.



Undated Image of House Island Lobster Pound from *New England Magazine: An Illustrated Monthly*, Vol.14.



Image of the Lobster Pound. Courtesy of Kenneth E. Thompson, Jr.



Late 19th century image of House Island. Courtesy of Kenneth E. Thompson, Jr.



Image of a sloop near the Granite Cutting Shed (map location N) and the Old Wharf (M) a wood structure over stone cribbing.
Courtesy of Kenneth E. Thompson, Jr.



View of Fort Scammell (middle ground) and Fort Gorges (back ground). Courtesy of Kenneth E. Thompson, Jr.



Fort Scammell, House Island 1900-1906 from the collections of the Library of Congress

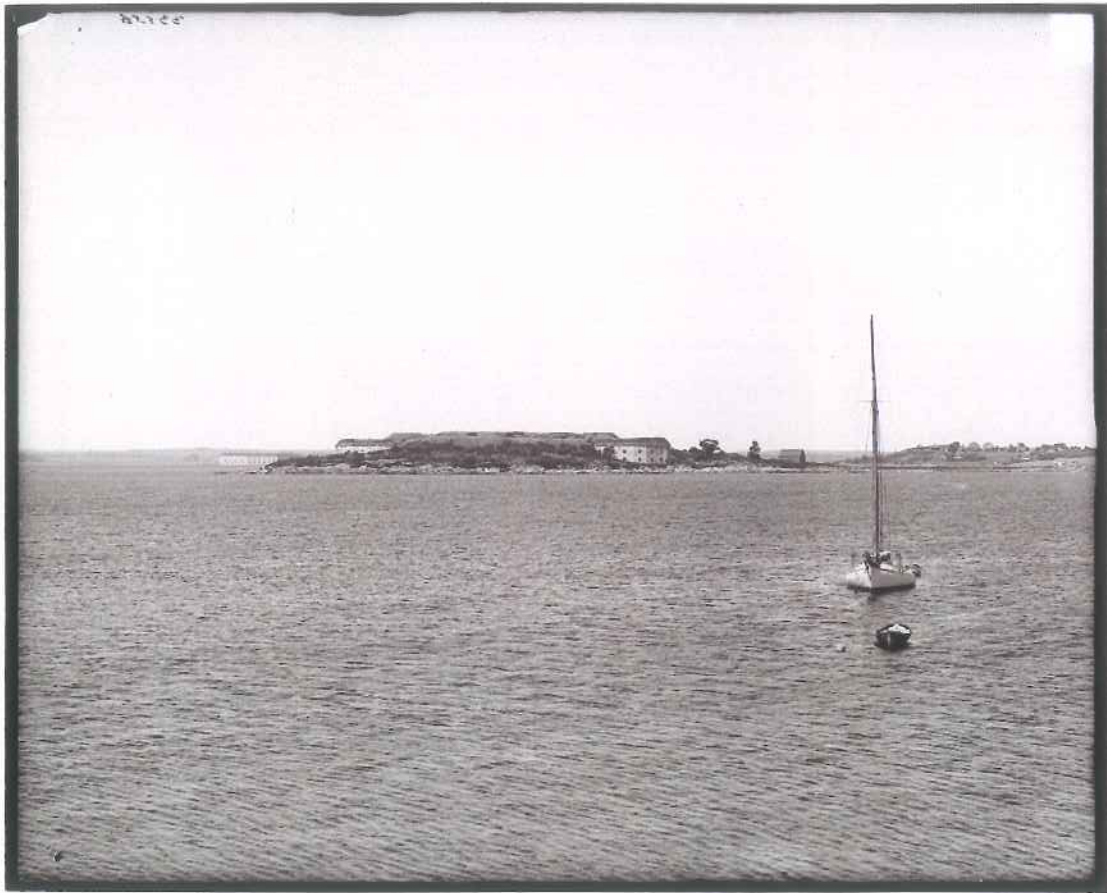


Image of Fort Scammell, House Island 1900-1910 from the collections of the Library of Congress



L to R the Public Health Officer's House, the Large Detention Barracks, and behind, the Small Detention Barracks *From The Casco Bay Island: 1850-2000* by Kimberly E MacIsaac.



Image of House Island May 1941 from the *National Archives*. Identifier No. 7318778.



Public Health Officer's House, House Island. Item 68410, Maine Memory Network.

ATTACHMENT

3



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TRUSTEES

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Sharon Miller
Member-at-Large

July 9, 2014

Deb Andrews
Manager, Historic Preservation Program
City of Portland
389 Congress Street
Portland, ME 04101

Dear Deb:

I write on behalf of Greater Portland Landmarks to request that the City of Portland Historic Preservation Board nominate House Island as an historic district. The 24-acre island strategically situated at the entrance to Casco Bay played an important role in American history protecting Portland Harbor from the War of 1812 through the Civil War, and later as an immigration center in the early 20th century. House Island has tremendous significance to the history of Portland and to the overall character of Portland Harbor. Landmarks declared it a Place in Peril in 2012, when the property was placed on the market for sale. Its historic resources currently lack any protection.

In 1808, the U.S. Government purchased the southwest section of House Island and initially erected an octagonal timber fortification named after Revolutionary War General Alexander Scammell. Garrisoned during the War of 1812, Fort Scammell (1808-1898) was fired upon by British privateers in 1813 and is the only fortification guarding Portland Harbor ever fired upon – and to return fire. In 1862 Fort Scammell was completely redesigned and totally rebuilt for the Civil War under the direction of Thomas Lincoln Casey, who was also the architect of Washington's Monument. He specified use of portland cement in the fort, which is significant because according to the Portland Cement Association of the US and Canada, the earliest recorded shipment of portland cement to the US from England was in 1868. The Fort is extremely well built heavy masonry and remarkably intact. This primarily underground fort is, cathedral-like in its scale and a wonder to behold. This unique structure is of national significance.

The northern half of House Island was a federal Immigration Quarantine Station from 1907-1937, "the Ellis Island of the North," and retains three residential-scale buildings from that era, which served as the doctor's house, the detention barracks and the quarantine hospital. All have recently been in use, but all need maintenance.

Earlier the island was the site of a major shipbuilding enterprise, a major fish drying industry and retains a lobster pound. The island has been kept primarily cleared of trees by its previous owners, the Cushing family. In a different fiscal era, this site could be a candidate to be a National Park.

House Island is one of the most important historic landmark sites and cultural landscapes in the City of Portland. Its location at the center of the Harbor, its significance in national and local history, and its value as a resource that combines fascinating elements of the built and natural environment make it a top priority to find a way to preserve the site.

Thank you for your consideration.

Yours sincerely,

Hilary Bassett
Executive Director

Deb Andrews - Designation of House Island as a Historic District

From: Jo Israelson <welcomingthestrangerart@gmail.com>
To: <dga@portlandmaine.gov>
Date: 7/9/2014 10:11 PM
Subject: Designation of House Island as a Historic District
Attachments: 02The Past is Prologue OR Why Don't We Know About That.docx

July 9, 2014

TO: Deb Andrews, Historic Preservation Manager

City Of Portland

Historic Preservation Office

FR: Jo Israelson 443.622.0863

RE: Request for House Island Designation as Historic District

This is a request to your office to consider designating House Island as a historic district.

I am a Portland-born and Munjoy-Hill raised artist. I am preparing for a 2015 exhibit at the Maine Jewish Museum. Because my work often focuses on a little known moment in history that reflects larger issues within a current context, the role of the House Island quarantine station in the lives of Portland immigrants peaked my interest.

"In November 1923, 218 immigrants traveling to NY and Boston on the George Washington and the President Polk ships were diverted to Casco Bay, Maine. They were then detained on House Island, known at that time as the "Ellis Island of the North." This quarantine station was in service from 1907 until 1937.

For the past year I have been researching the history of House Island and specifically the Immigration and Quarantine station. I have delved into the files of the Maine State Archives, Maine Historical Society, the Portland Room of the Portland Public Library, the New England Archives in Waltham, and Judaica Collection at the Glickman Library as well as the National Archives in Washington, D.C. There appears to be very little documentation relative to House Island and the Immigration Station.

I found a few details. It was in service from 1904 – 1937. As the implementation date of the 1924 quotas approached, passenger ships not allowed to land in Boston

or NY were re-routed to House Island. Immigrants allowed to remain in the U.S. could then be sent by rail to New York or Boston. Others were returned to their country of origin.

- What I haven't found yet were artifacts from the Doctor's Home, the quarantine station itself, the environs surrounding the buildings.
- What I haven't found yet are detailed photographs of the buildings on the Island.
- What I haven't found yet are all the names of people who were held there from 1904 – 1937.
- What I haven't found yet were the names of Portland residents whose family members came into Portland through House Island.
- What I haven't found were the names of those returned to their country of origin.

As kids growing up on Munjoy Hill (The Hill), we were more interested in hanging out on the Prom, playing pick up baseball, and finding beach glass. Studying history was an anathema: too many dates and too much war. I was only interested in the people who made the history – many of whom we never learned about. Those people were this city's immigrants and our ancestors. House Island's story has not been told.

Portland is a city created by immigrants; Irish, Italian, Eastern European, English...I am hoping that your office will honor House Island's history and its role as, not only the Gateway to the City, but also the gateway to those who built it.

Attached is an article entitled: *The Past is Prologue or Why Don't we Know About That* published in the May, Munjoy Hill Observer that chronicles my research.

I hope you will consider my request. Thank you for your assistance.

cc.

Rick Romano

John Turk

Ted Oldham

Scott Benson

Bruce Wood

Penny Pollard

ATTACHMENT

4

PUBLIC COMMENT

From: Lynne Mason <lynnemason108@yahoo.com>
To: <dga@portlandmaine.gov>
Date: 11/20/2014 1:34 PM
Subject: historical preservation of house island

Dear council,

I hope some plan or compromise can be worked out and that House Island in Portland Maine has its historical history preserved for all to learn and enjoy. It is a rich heritage of immigration history so topical to our times.

Best Dr. Lynne Mason
Po Box 26
Plum Island Maine
born in Portland Maine
425-223-0157

Deb Andrews - House Island, Portland Maine

From: STEPHEN BYRNE <stephen.byrne@sbcglobal.net>
To: "DGA@portlandmaine.gov" <DGA@portlandmaine.gov>
Date: 11/17/2014 7:47 AM
Subject: House Island, Portland Maine

I am writing in support of House Island as a local historic district. In July of 2011, I was fortunate to tour the island with a friend & my 10 year old son. We saw the Fort/Battery, the houses, the infirmary & listened to the history of the island. I hadn't realized the importance of the island. It would be a shame to lose this piece of history. JoAnn Byrne

Greater Portland Landmarks

Statement In Support of Designation of House Island as a Local Historic District Planning Board meeting 10/21/2014

House Island is one of the most important historic landmark sites and cultural landscapes in the City of Portland. Its location at the center of the Harbor, its significance in national and local history, and its value as a resource that combines fascinating elements of the built and natural environment make it a top priority to find a way to preserve the site.

House Island's Fort Scammell protected Portland Harbor from the War of 1812 through the Civil War. The three residential-scale buildings on the northern half of House Island were known as "the Ellis Island of the North," serving as a federal immigration quarantine station from 1907-1937.

Greater Portland Landmarks strongly encourages the Planning Board to support the Historic Preservation Board's recommendation to designate House Island as an historic district. There are three aspects within the purview of the planning board jurisdiction:

- a) the nomination is complete, and includes strong evidence of its historic significance in the study prepared by ttl architects;
- b) the nomination has been carefully reviewed and unanimously recommended by the Historic Preservation Board, which determined that it meets all 6 criteria for historic district designation based on its cultural, historic, architectural, and archeological significance, and retains its historic integrity. Please note that a site only needs to meet 1 of the 6 criteria to be designated, so that this site is especially significant to Portland on multiple levels, and
- c) historic preservation is named as a goal of the City's comprehensive plan, with the City's Historic Preservation ordinance cited as an historic resource element to the plan which protects historic resources in the City of Portland.

A local historic district provides a formal means to preserve the existing historic buildings, structures and landscape features. It does not prevent new development. Rather, it provides a formal means to review and manage change, including any new construction, to ensure that it is compatible and sensitive in design, scale and quality of materials to what is already there.

Local historic district designation also provides long-term protection for the historic resources on the island, protections that transcend the ownership of the land. This is important, because different owners may have different objectives in owning the island. Recently, the northern part of House Island was sold to new owners, and there will be other transitions in ownership going forward.

House Island has tremendous significance to the history of Portland and to the overall character of Portland Harbor, and needs to be protected for the benefit of future generations. Again, we urge you to recommend the designation of House Island as a local historic district.

Hilary Bassett
Executive Director
Greater Portland Landmarks

From: Herbert Nolan <herbnolan@me.com>
To: DGA@portlandmaine.gov
CC: NMM@portlandmaine.gov; jhinck@portlandmaine.gov; jduson@portlandmaine.go...
Date: 9/26/2014 11:38 AM
Subject: Comments on the proposed House Island Historic District
Attachments: letter to portland board.pdf

Dear Ms. Andrews:

Attached is my comment letter regarding the proposed House Island local historic district which I and many other islanders support. Please distribute it to the Historic Preservation Board. Since this matter may be before the Portland City Council at some point this winter I am forwarding the comment letter to the council members as well. As I look at House Island on my way to Peaks tomorrow I will do so with much deeper appreciation of its history and significance having read the excellent report by tti-Architects.

All my best,

Herb Nolan

September 23, 2014

Rick Romano, Chair
Portland Preservation Board
389 Congress Street
Fourth Floor
Portland, ME 04101

Dear Mr. Romano and fellow board members:

I've read the historic research on House Island, sponsored by Greater Portland Landmarks, and now have a much deeper appreciation for this Casco Bay landmark. I, and many of my fellow islanders in the bay, urge you to consider the historic significance of this little island and vote to designate it a local historic district. There are several compelling arguments to safeguard this island, its extraordinary history leading the list.

History: House Island is one of the best preserved coastal fortifications on the eastern seaboard from the early 19th century and played a pivotal role in the defense of Portland harbor. Furthermore, it supported a significant fishing industry and became, in the early 20th century, the "Ellis Island of the North" welcoming tens of thousands of immigrants to North America. That rich history is evidenced by a group of well-preserved artifacts that generations of islanders know and cherish. All of this could be swept away by bull dozers or degraded by poorly conceived development in a matter of months.

In addition to its compelling history and artifacts, there two other reasons for protecting this invaluable resource:

Visibility: House Island is a gateway to the harbor and a character defining feature of the bay. It is seen by thousands of people on shore or on shipboard every day. Five miles of urban waterfront in Portland, South Portland, and Cape Elizabeth overlook House Island. (see attached diagram showing this view shed.) This small but highly visible island is viewed at close hand by those who take the island ferries every day. Close to *one million* ferry passengers have had the opportunity to enjoy the view of House Island this year alone. Over *eighty thousand* passengers see House Island from the decks of cruise ships as they enter and leave Portland Harbor each season. Many more people pass by on tour boats or on their own vessels each summer. The scenic value of House Island to all of these thousands of residents and visitors is incalculable. Its degradation by excessive development would be a loss to hundreds of thousands of individuals.

Economics: The City of Portland has made great efforts to protect its historic fabric and scenic beauty over the years. The value of tourism to the City of Portland has grown tremendously as a result, and the bay has played an important role in that growth. Cruise ships bring in millions of dollars of revenue each year. One week this fall eight cruise ships with twelve hundred passengers crowded Portland's wharves. Over a million dollars was likely spent during their stay. The economic impact of whale watching, deep sea fishing, and tour boats during the summer months is comparable to that of cruise ships. Our summer residents play an economic role as well. The island population, which triples in size during the summer, has a direct and indirect impact of over one hundred million dollars on the Portland economy according to one University of Maine study. Much of the tourism economy depends on and takes for granted Portland's stewardship of its historic character. Eroding that character will inevitably erode the reasons people cherish this city and chose to visit or live here.

On a personal note, I grew up in Portland and spent my summers on Cushings Island. I live in a house built in 1884 and remodeled in 1913 for my grandfather who was the dean of St. Luke's Cathedral. Reverend Nolan had a recessed cross built into the fire place and welcomed scores of islanders to Sunday morning mass in our living room each summer. I've spent years maintaining that historic house and its shoreline as something of a shared legacy in the bay. Many fellow islanders feel a similar responsibility. Well over half of Cushings Island is in conservation to protect the scenic approaches to Portland Harbor in perpetuity. We are proud of that commitment.

The same degree of care should be taken with House Island. Any owner/developer worth their salt will take pride in restoring and reusing the existing structures and will make limited additions to the island only in a way that respects the historic character of the island. One thing is for certain, those magnificent fortifications and their slopes guarding the entrance to Portland harbor should remain intact and unencumbered for generations to come. Designation as an historic district is one way to ensure this.

Thank you for your thoughtful consideration.

Sincerely,

Herbert Nolan
Portland, ME

CC Deb Andrews, Historic Preservation Manager
Stuart O'Brien, Chair, Planning board
Portland City Council

ENC: Views to House Island



Views to House Island from the mainland, the islands, and the approaches to Portland harbor

Note: 65% of Cushings Island was placed into conservation in 1980 to protect the undeveloped scenic beauty of the land and to "preserve, protect, and enhance the entrance to Portland harbor."

Part of the CB Richard Ellis Affiliates network
29 September, 2014

Ore Canal Plaza Suite 500
Portland ME 04101

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Deborah G. Andrews
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, ME 04101

Dear Ms. Andrews,

Historic Districts have value throughout the city of Portland, and they provide the public with an opportunity to experience and appreciate our city's cultural and traditional heritage. While I understand the need, it seems that proposing Historic Districts, has recently become a new mechanism to thwart any development, whether the property be historic or not.

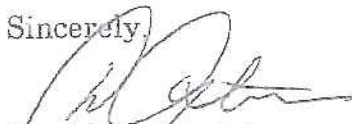
I am writing to you today to voice my opposition to the nomination of House Island as a historic district because the nomination would create an entirely new standard of what should be a historic district.

With the exception of Fort Scammel, which would not be impacted by Mr. Scarks' plans for the island, the other structures are in need of serious repair. There is no trace of any of the historical activities that long ago took place on the island

I have personally known Mike Scarks as a developer for over 30 years. If you look back at all the projects he has repurposed, including Nissen Bakery, the Merrill Transportation property on Forest Ave, and of course the former Maine National Bank building, it is obvious he has taken into consideration preservation aspects of each development, resulting in a positive contribution to the City. This has all been done within the current planning process.

Change is inevitable, and without it we would be living in the past. Although there are plenty of structures which need to be preserved, the dilapidated, fallen down structures on House Island do not qualify as historic. As such, in the case of House Island, the designation of a historic district would do far more harm than good.

Sincerely,



Daniel Greenstein



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Deborah G. Andrews

9/30/2014

Historic Preservation Program Manager

Dept. of Planning & Urban Development

Portland City Hall, 4th floor

389 Congress St.

Portland, Maine 04101

Re: House Island

Dear Ms. Andrews;

I BELIEVE THE HISTORIC BOARD IS SLOWLY MAKING A LOT OF THIS CITY LESS THAN USEFUL TO A GREAT NUMBER OF THE PUBLIC.

MAKING ANOTHER PROPERTY HISTORIC WHEN THE PROPERTIES THAT ARE TRULY HISTORIC NOW, LIKE FT. GORGES, ARE IN DISREPAIR AND NOT AVAILABLE TO THE PUBLIC BECAUSE THEY ARE TOO DANGEROUS, AND THERE IS NO FUNDING AVAILABLE TO MAKE THEM EVEN REASONABLY SAFE.

HOUSE ISLAND HAS NO PUBLIC ACCESS AND WILL NEED A SMALL MOUNTAIN OF MONEY TO JUST REBUILD THE EXISTING INFRASTRUCTURE.

I BELIEVE REAL HISTORIC PRESERVATION IS WORKING WITH WILLING PARTIES TO PRESERVE AND ENHANCE THE PUBLIC AND

PRIVATE USE OF PROPERTIES. IF HOUSE ISLAND IS DESIGNATED AS HISTORIC, THEN ARE YOU NOT DOING THE SAME THING HERE AND MAKING ANOTHER PROPERTY LESS THAN USEFUL WITH NO FUNDING AVAILABLE TO DO ANYTHING.

AS A FINAL THOUGHT, IT SEEMS INAPPROPRIATE TO PROPOSE THIS CHANGE NOW AND NOT WHEN HAROLD FIRST PUT THE PROPERTY ON THE MARKET TWO YEARS AGO.

SINCERELY,

A handwritten signature in dark ink, appearing to read "Roger P. Hale", written over the printed name.

Roger P. Hale, Pres.

General Marine Construction Corp.

Deb Andrews - House Island Hearing

From: "Nancy 3. Hoffman" <3nancy3@gmail.com>
To: <dga@portlandmaine.gov>
Date: 10/1/2014 9:46 AM
Subject: House Island Hearing

October 1, 2014

Dear Ms. Andrews and Members of the Historic Preservation Board -

This is in support of the proposed designation of House Island as a Historic District.

I am a graduate architect who has worked for the National Park Service in Lakewood, Colorado. I also was Assistant Director of the Dade County Historic Survey, Miami, Florida (1977-1980), and served on the State of Florida historic survey team in Key West, Florida (1975 - 1977). I have worked briefly for Portland Landmarks and for various preservation architects in New England.

In Florida, my responsibilities included researching and writing nominations to the National Register of Historic Places for districts including over 1,000 structures.

One of the most significant nominations I worked on was for the "Freedom Tower," also known as the Miami News Building. In short, this building served as the primary immigration center for Cubans coming into the United States in the 1960's and 1970's. Our nomination of this structure was upgraded by the Park Service, and the building became a National Historic Landmark. (ref. "Update Magazine" of The Historical Assoc. of Southern Florida, June, 1978).

It is surprising and perhaps ironic that I now live on Peaks Island, and have learned of the potential designation of another, earlier, immigration center to the local landmarks listing. In reading the historic material provided by Julie Larry of ttl-architects, I am impressed with the detail and comprehensive nature of her research on House Island. At a time when a major influx of immigrants from Europe were entering this country and forming the core of the famed "melting pot" of cultures in America, House Island served as a significant intake point for many of those immigrants.

I concur that the structures on House Island and the remains of others meet the minimum criteria under Section 14-610 and 14-611 of the historic preservation ordinance. I urge the Historic Preservation Board and the City of Portland to designate House Island as a local historic district.

Nancy 3. Hoffman
53 Brackett Avenue
Peaks Island, Maine 04108
207-939-0301, email: 3nancy3@gmail.com

Deb Andrews - House Island

From: "Astrid O'Brien" <aobrien@fordham.edu>
To: <dga@portlandmaine.gov>
Date: 9/22/2014 4:07 PM
Subject: House Island

I have been spending summers on Peaks Island since 1966: we bought a seasonal residence on the island in 1968. I have always been fascinated by House Island, and curious about its history, the history of those who built the houses and the fort, what they did, etc. This is human history; we cannot plan a positive future unless we know more about ourselves than the brief span of an individual life. Therefore it would be a great loss to simply tear down the buildings for commercial gain. They should be preserved, their history made visible in a museum. I support the historic districting of House Island. and its coming under the jurisdiction of the Preservation Board. thank you, (Dr.) Astrid M. O'Brien

Deb Andrews - house Island

From: "M. Roth" <shecap10@hotmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 10/1/2014 2:06 PM
Subject: house Island

Good day Ms. Andrews,

I am writing regarding House Island and it's historic designation debate. I have lived on Peaks Island for the past 10 years and captained the Casco Bay Lines ferries for the past 17 years. This particular property always saddened me as it was completely off-limits to the public and appeared deserted and derelict. It was not until Mr. Skarks purchased the island that I was given opportunity to set foot on House Island.

Here on Peaks we have several cemeteries that have stones dating back to the 1700's that lie in disrepair. Fort Gorges is falling into ruin and the energies of those advocating for House Island would be most welcome in the fight to save history that is easily accessible but often ignored.

Having seen the rehabilitation of the Nissan building on Munjoy Hill done by Mr. Skarks I feel strongly that he will be a good steward of House Island. His willingness to make the fort accessible to the public to me is worth celebrating. If we curtail those who are willing to take on impossibly large tasks such as Mr. Skarks has we will only see history crumble as we pass by on the ferry year after year. Although romantic from afar, the condition of the wooden structures is moderate to poor and they pose little to no significant architectural details.

Please give Mr. Skarks the ability to save House Island in his own vision and with support from the local community.

Best regards,

Cpt. Mary-jo Roth

Deb Andrews - House Island

From: priscilla webster <pwebster@gwi.net>
To: <dga@portlandmaine.gov>
Date: 9/22/2014 8:28 PM
Subject: House Island

Dear Ms. Andrews:

I am aware of an Historic Preservation Hearing about House Island on October 1, but will not be able to attend.

The building that housed the hospital there is a little known part of US history, not just Maine history, and I hope you will be able to see that it is preserved and not torn down. I remember going on a tour there from Peaks Island a few years back and I was so amazed to learn of the island's part in the US immigration story. I hope others will have that chance.

Sincerely,
Priscilla Webster
29 Centennial Street
Peaks Island

Deb Andrews - Can this be read at tomorrows Historic Preservation Board meeting

From: Arthur Fink <af@arthurfinkphoto.com>
To: Deb Andrews <DGA@portlandmaine.gov>
Date: 9/30/2014 1:18 PM
Subject: Can this be read at tomorrows Historic Preservation Board meeting

Dear Deb Andrews,

I'll not be able to attend tomorrow's Historic Preservation Board meeting, where the House Island historic district proposal will be discussed. I hope that this short statement can be read on my behalf:

I wish that I could be present in person to speak strong on behalf of protecting the rich history of House Island, by creating an appropriate historic district.

Where else in Maine — let alone in Portland — can we encounter so much history in one place? Fort Scammel dates back to the early 1800's. The immigration station, from the middle of the last century, was our version of Ellis Island.

Surely it's possible to develop part of the island for modern usage, while maintaining much more than token symbols of this history. And surely we should have a mechanism to insure that any development on the island is respectful of such rich history. That's what a historic district provides.

Our cultural history should not be obliterated, or put in the shadows of excessive "development". We should put in place a mechanism to insure this — and that's exactly what our government provided, when it passed the historic preservation ordinance.

I've served on Portland's Historic Preservation Board, and know that it has lots of flexibility to allow reasonable development, as long as significant architectural, historic, and cultural elements are preserved and respected. Please give them the opportunity to work with the new island owner to protect House Island, even as some some development arrives.

Best regards,

Arthur Fink

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for news about shows, art and spirit and creativity workshops,
creativity coaching, wedding, birth, and event photography.

Deb Andrews - In support of House Island historic district

From: Shelagh Reiser <out2cthec@hotmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 9/30/2014 7:51 PM
Subject: In support of House Island historic district

Hi Deb,

I am unable to attend the meeting tomorrow but am very much in support of designating House Island as an historic landmark and protecting it for all of us, and the visitors to Portland, to enjoy. I have been a sea kayak guide on Peaks for several years, and I take countless visitors (and islanders!) around House Island every year. People are awed and enchanted to visit and explore Fort Gorges; they are also very interested in Fort Scammel and House Island and, of course, would love to set foot there as well.

In addition, we see osprey there often, as well as blue herons in the shallows - my favorite shore birds! And of course, lots of other wildlife.

I am hoping the Portland will protect this piece of our historic, vibrant, welcoming, accessible waterfront.

Sincerely,
Sheila Reiser
Peaks Island

I don't get to my e-mail every day, so if your message has a short time line, you're better off contacting me by phone. Thanks!

From: "Miranda Vinograd" <miranda.vinograd@gmail.com>
To: <DGA@portlandmaine.gov>
Date: 8/4/2014 8:26 AM
Subject: House Island

Peaks Island, Portland, ME
8/3/14

Dear Ms Andrews,

I was astonished to discover that House Island and especially Fort Scammell are not covered by any preservation order nor included in the Portland historic district. It seems intuitively logical that as the historic harbour fortifications from Fort Gorges to the Liberty Ship memorial are intrinsic to the importance of Portland as a seaport (its all in the name) they should be strenuously preserved, documented and publicised. In addition, House Island has buildings and remains significant to the history of immigration which is in danger of being overlooked. But it seems that this may all be lost through inaction and handed over to developers without protection or consideration.

Will this be another example of Portland losing great landmarks like Union Station which could only have added to the value of Portland as a unique historical destination of charm and interest? The economic value of The Old Port comes from its surviving warehouses and cobbled streets not the modern blandness of a Maine Mall. Would the cruise ships stop here if the history was swept away?

Portland should allow something of universal interest be created on House Island and that should begin by making it part of the Portland historic district and protecting the significant buildings on the island.

Sincerely,

Miranda Vinograd

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<http://www.avast.com>

Kelly J. Butterfield
6 Wadsworth Street
Portland, Maine 04103

September 29, 2014

Deborah G. Andrews
Department of Planning and Urban Development
Portland City Hall
389 Congress Street
Portland, Maine 04101

Dear Ms. Andrews,

Recently, House Island was purchased by Michael Scarks, a Portland-based real estate developer. No sooner was the ink dry on the deed, and the city of Portland is now considering designating House Island as an historic district.

House Island has been privately owned for more than 50 years and this recent sale was a private sale from one owner to another.

The Island properties were in despair, taxes were reportedly delinquent, and the island was littered with years of accumulated trash and other debris. While House Island is home to Fort Scammel, a visible landmark in Casco Bay, it has not been a public destination, nor has the City of Portland ever before taken steps to incorporate this island into its historic district, a district largely defined by pedestrian access and public ways.

The petition to designate House Island as a historic district is totally unnecessary and short sighted. The new owner has no plans to remove or alter Fort Scammel, nor does he have plans for a high density real estate development. This developer has an outstanding record in this city of doing some very good things in the city, including renovating a number of older buildings including the Nissen Bakery on Washington Avenue and the former Maine National Bank building on Exchange Street.

Allowing a designation that would limit and restrict a private developer's vision and investment is sending a terrible message to others who want to invest in, improve, and upgrade properties around this city.

Sincerely,


Kelly J. Butterfield

Deb Andrews - House Island

From: Donovan Gray <polardog@comcast.net>
To: <dga@portlandmaine.gov>
Date: 9/4/2014 6:04 PM
Subject: House Island

I totally support House Island's designation as an historic landmark. A friend of mine, David Hansen, an expert on coastal fortifications in the US, told me Portland Harbor has more forts (7) than any other location in the US except for Boston and New York City. Fort Scammel is rather unique with so much of it being underground and its use as a quarantine facility from 1898 to 1920. So go with gusto! ;-)

-dmg

Donovan Gray
polardog@comcast.net
360-402-6851

From: Sharoan <sharoana@gmail.com>
To: "dga@portlandmaine.gov" <dga@portlandmaine.gov>
Date: 9/2/2014 8:16 AM
Subject: House Island

Deb,

I am writing in support of House Island becoming a historic district.

Please also know that I am absolutely opposed to a Helipad being built anywhere on any of the Islands in the Portland Harbor.

sharoan

Deb Andrews - House Island

From: Fgowdy <fgowdy@cox.net>
To: <dga@portlandmaine.gov>
Date: 8/6/2014 3:22 AM
Subject: House Island

As a summer resident of Peaks Island for the past 50 years, and a taxpayer to the city of Portland, I believe House Island should be designated a historic landmark. The fort, the history as a quarantine station, and the beauty of the island all combine to make it a treasure for all. It is important to preserve such treasures.

Sincerely
Diane Gowdy

Deb Andrews - House Island...

From: kmci <kmcinern@gmail.com>
To: <DGA@portlandmaine.gov>
Date: 7/30/2014 4:25 PM
Subject: House Island...

Hi Deb,

If there is any way that House Island could be preserved, it would be wonderful.

If and when structures go up on House ("vacation homes"), the character of Casco Bay itself (every view from every vantage point, on shore as well as on the water) will change and be lost forever.

I wish the federal, state and local entities could work together to find a solution that would give fair compensation to whoever bought it, while preserving it for the historic site it is.

I hope you find a way to keep House Island the special place it is, and always has been.

Thank you,

Kathy (over 20 years on Munjoy Hill, & lived on West End prior to that)

Deb Andrews - House Island

From: Arthur Fink <arthur@arthurfink.com>
To: Deb Andrews <dga@portlandmaine.gov>
Date: 8/1/2014 3:12 AM
Subject: House Island

Dear Deb Andrews,

I'm out of town, and will not be back in time to attend the August 6 workshop regarding House Island.

Were I at the meeting, I would strongly support the historic district designation. House Island has a rich and varied history, and should have all the protections that Portland's historic preservation ordinance offers. Further, I would support any possible interim measures to offer similar protection during the period the nomination is being considered.

Best regards,

Arthur Fink

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Deb Andrews - House Island

From: Cheryl Miner <c.nunes.miner@gmail.com>
To: <dga@portlandmaine.gov>
Date: 7/31/2014 8:20 AM
Subject: House Island

I would like to see House Island designated as a local historic district. I live on Peaks Island and enjoyed going over to House Island several times and had hopes that I would be able to take my grandsons there when got a little older. I know they would love it.

I cannot make the August 6th meeting but I am putting the September meeting on my calendar.

I am the Chair of the Peaks Island Council, is there anything that the Council could do to help preserve this historic island?

Cheryl Miner
c.nunes.miner@gmail.com