

Historic Preservation Board

Wednesday, August 2, 2023 at 5:00 PM
Via Zoom



MEMBERS

Robert O'Brien, Chair
Julia Tate, Vice Chair
Hilary Bassett
Brad Miller
Jeffrey Talka
Rob Whitten

The Historic Preservation Board will hold a hybrid meeting in Room 209, 2nd Floor, City Hall. The public may attend the meeting in person or Zoom pursuant to the Remote Meeting Policy adopted by the Historic Preservation Board. Prior to the meeting, please check the Agenda Center (<https://portlandme.portal.civicclerk.com>) to view memos and reports which will be posted by the end of the day on the Friday before the Historic Preservation Board meeting as well as start times for each item as placement on the agenda can change.

REMOTE PARTICIPATION

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend either in person or via Zoom, a recording will be available in the Agenda Center following the meeting.

You are invited to a Zoom Webinar:

When: Aug 2, 2023 05:00 PM Eastern Time (US and Canada)

Topic: Historic Preservation Board Public Hearing 8/2/2023

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/87200145998>

Or One tap mobile :

+16469313860,,87200145998# US

+19292056099,,87200145998# US (New York)

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

+1 646 931 3860 US

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Webinar ID: 872 0014 5998

International numbers available: <https://portlandmaine-gov.zoom.us/j/87200145998>

PUBLIC COMMENT INFORMATION:

To submit written public comment on an agenda item, email hp@portlandmaine.gov. Submissions must be received by 12:00 PM **the day before** the Historic Preservation Board meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

Please note that the placement of each item on the agenda is subject to change. Please check the [Agenda Center](#) prior to the meeting for the item start time.

AGENDA:

1. **ROLL CALL AND DECLARATION OF QUORUM**
2. **REPORT OF ATTENDANCE AT THE MEETING HELD ON JULY 19, 2023**

- i. PUBLIC HEARING:
27 Park Avenue (Deering Oaks Park): *Bassett, Miller, O'Brien, Talka, Tate, Whitten present*
215 Commercial Street: *Bassett, Miller, O'Brien, Talka, Tate, Whitten present*

3. REPORTS OF DECISIONS AT THE MEETING HELD ON JULY 19, 2023

- i. Certificate of Appropriateness for Proposed Lighting; 27 PARK AVENUE (DEERING OAKS PARK); Friends of Deering Oaks, Applicants. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number HPBR-002379-2023. The Board voted 6-0 to approve the application with conditions.
- ii. Certificate of Appropriateness for Alterations; 215 COMMERCIAL STREET; Granite Face LLC, Applicants. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number HPBR-002551-2023. The Board voted 6-0 to approve the application with conditions.

4. COMMUNICATION AND REPORTS

5. PUBLIC HEARING

- i. Certificate of Appropriateness for New Construction; 58 FORE STREET (BLOCK 4) Portland Foreside Development Company, Applicants. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number HPBR-002380-2023.
- ii. Certificate of Appropriateness for New Construction; 58 FORE STREET (BLOCK 6) Portland Foreside Development Company, Applicants. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number HPBR-002391-2023.
- iii. Certificate of Appropriateness for New Construction; 48 Brown Street; Ocean Gate LLC, Applicants. A project and plan summary are available for viewing on the city's CSS Portal (<https://css.portlandmaine.gov/>) by referencing Plan Number HPBR-002541-2023.

6. WORKSHOP

- i. No workshop items.

STAFF MEMORANDUM HISTORIC PRESERVATION PROGRAM PLANNING AND URBAN DEVELOPMENT



TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: July 28, 2023
RE: 58 Fore Street – Public Hearing – New Construction (Block 4)
PROJECT ID: HPBR-002380-2023
MEETING: August 2, 2023

Owner: Portland Foreside Development Company
Architect: Perkins & Will

A sign announcing the Historic Preservation Board's meeting on August 2, 2023 was posted at the property on July 19, 2023. A legal ad was published in the Portland Press Herald on July 21, 2023 and July 22, 2023, and 168 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Construct new townhouses and large mixed-use building (Block 4) on site partially within and adjacent to the Portland Company Historic District.

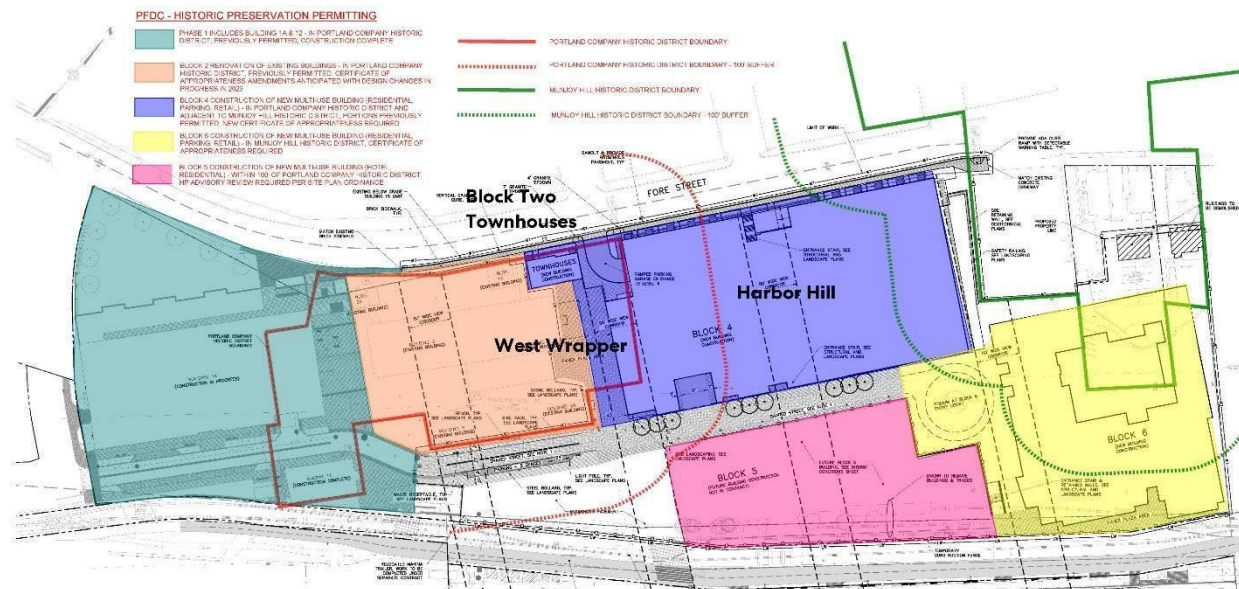


Figure 1: Map of 58 Fore Street site provided by applicant showing the Portland Company Historic District boundary (solid red line), and the area of the proposed Block 4 Development (purple shaded)

area labeled “Harbor Hill”). Block 1 (green shaded area) was previously approved and is nearing completion. Block 2 (orange shaded area) contains the historic core of the Portland Company Historic District for which the Board previously reviewed a rehabilitation program. Block 6 (yellow shaded area) will be submitted to the Board for review under a separate application. Block 5 (pink shaded area) will only be subject to advisory review by Historic Preservation Staff.

The townhouses will front onto Fore Street, with a height of two stories along that frontage; however, they will also extend to the lower elevation of the Portland Company site, which sits about two-three stories below Fore Street, at a height of four stories.

The mixed-use building will consist of several connected elements. The base of the structure is a four-story podium parking structure, the top of which aligns roughly with or sits below the elevation of Fore Street. The north side of this parking podium will be embedded into the hillside below Fore Street with residential and commercial uses wrapping its south elevation. Atop this podium will sit a series of residential “towers” which range from three stories at the western end of the structure to five stories at the eastern end. These towers are obscured from Fore Street by groupings of townhouses which are related to the block frontages across Fore Street. The areas behind the townhouses and between the towers atop the parking podium will be reserved for amenity greenspaces, some private and others open to the public and aligning with view corridors, serving as a pedestrian connection from Fore Street into the 58 Fore Street site. The building also features a two-story mass at the western elevation, referred to as the “west wrapper,” which faces into the center of Portland Company Historic District. The west wrapper will have commercial, amenity, and service uses including a rooftop amenity deck which will sit below the western façade of the westernmost residential tower.

The west wrapper will be connected to the lower levels of the townhouses through a raised podium structure supporting a driveway that provides vehicle access to the parking structure from Fore Street.

Those portions of the structure that are within the boundaries of the Portland Company Historic District require a Certificate of Appropriateness (COA). These elements include the Block 2 townhouses, the west wrapper, and the driveway podium structure (see figures 1 & 2). The remainder of the structure will be subject to an advisory design review by Historic Preservation Staff in conjunction with Portland’s Urban Designer as a part of the Site Plan Review. This review is ongoing and has had two workshops with the Planning Board.

It should be noted that any action by the Historic Preservation Board would be limited in authority to the design of those portions of the structure located within the Portland Company Historic District. An approval would not constitute an approval or favorable view of any of the other elements of the project. The applicant is responsible for ensuring that the design they are proposing meets the requirements of Portland’s zoning, site plan, and building codes. Should conflicts between the design and applicable codes arise and result in changes to a design approved by the Board, the applicant may need to return to the Board for review of the revised design to

ensure that it still meets the Historic Preservation review standards.

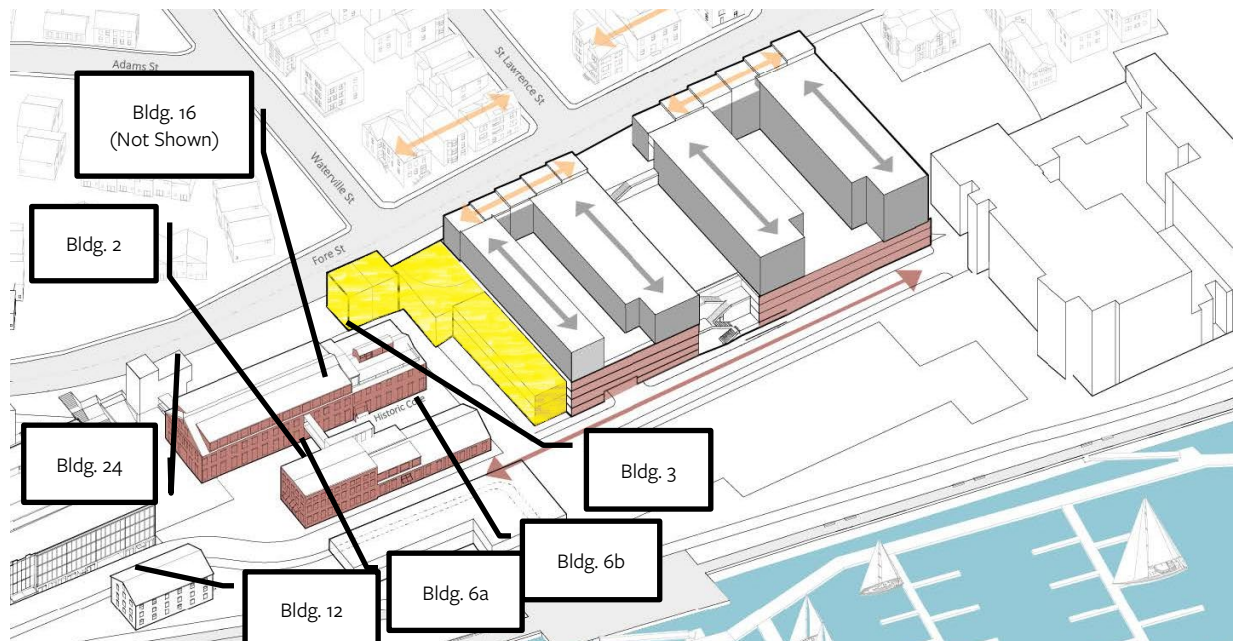


Figure 2: Axonometric view of proposed 58 Fore Street development provided by applicant showing the overall massing of the proposed Block 4 development adjacent to the historic core of the Portland Company Historic District. The areas shaded in yellow by Historic Preservation Staff, (the westernmost townhouses, the west wrapper, and the driveway podium) fall within the boundaries of the Portland Company Historic District. Historic building numbers have been added by Staff.

BACKGROUND

In 2016, the applicant received approval for a Master Development Plan (MDP) for the 58 Fore Street site. MDPs are an optional regulatory tool that can be used to guide large, multi-structure development projects such as is proposed for the 58 Fore Street site. Although the MDP approval does not constitute an authorization for development, it does maintain the applicability of regulations in effect at the time of approval for as long as the MDP approval remains valid. If an MDP is proposed for a site in a Historic District or designated as a Landmark, or a site located within 100 feet of a local historic designation, the MDP is subject to an advisory review by Historic Preservation staff. In 2016, when the applicant was applying for the MDP for 58 Fore Street, the Historic Preservation Board participated in the advisory review. Individual development projects are then still required to go through Site Plan Review by the Planning Board, and attain other necessary approvals such as a COA from Historic Preservation when development occurs within a historic district or the boundaries of a landmark structure.

Work at Blocks 1 and 2 have already gone through these reviews. Blocks 4, 5, & 6 are undergoing a joint development review. Blocks 4 & 6 are being presented to the Historic Preservation Board as

two separate applications given that the areas of each block requiring a COA are located in different historic districts.

SUMMARY OF HISTORIC CONTEXT

The Portland Company was founded in 1845 as the Portland Iron Manufacturing Company, abbreviating the name formally the next year. In operation until 1982, the Portland Company is one of the largest, most significant, and last remaining industrial complexes within the City of Portland. The company was founded in conjunction with the St. Lawrence and Atlantic Railroad to provide a local center for the design and manufacturing of railroad equipment incorporating all of the necessary shops and trades on a single site. Likely the first purpose-built complex for the manufacture of railroad equipment in the United State, the Portland Company produced hundreds of railroad engines, as well as freight and passenger cars. The company also quickly expanded to producing all manner of machinery and metalwork ranging from marine engines and boilers, navigational aids, marine vessels, equipment for Maine's paper and canning industries, fire engines, snow plows, lighthouse equipment, and a variety of architectural elements. Famously, the Portland Company cast the iron beanpots used by the Burnham & Morrill Cannery in Portland, and fabricated the entirety of the iconic Bug Light in South Portland.

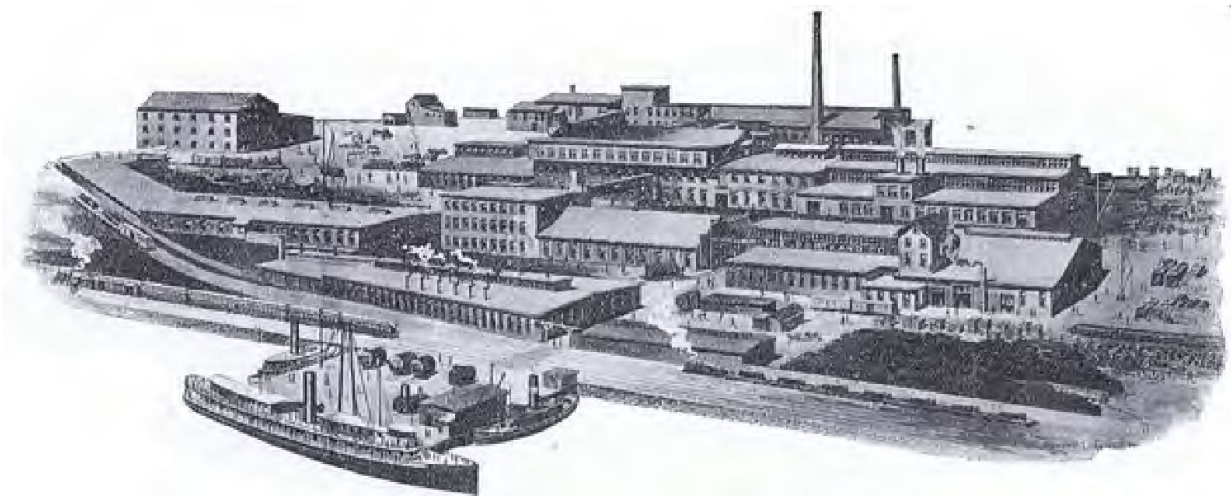


Figure 3: 1920 sketch image of the Portland Company site showing the scale of the sprawling complex. (Maine Preservation Commission)

The Portland Company complex was constructed on reclaimed land at the eastern end of Portland's primary waterfront. The approximately 10 acres of reclaimed land was part of a much larger program of land reclamation completed in the 1840s and 1850s to allow railroad access to Portland's bustling port. Given the interconnectedness of the Portland Company to the advent of the railroads in Portland and Maine, the company and site have a direct relationship the mid-nineteenth century remaking of Portland's waterfront, leading to the Commercial Street we know today.

The visual character of the Historic District is that of a rambling industrial complex containing a variety of structures all constructed to fulfill specific programmatic needs. These range from foundries and boilers, to drafting rooms, machine shops, blacksmiths, and expansive halls for the assembly of large-scale machinery. Through the designation process of the Historic District, a number of original structures were deemed non-contributing due to their lack of integrity or as part of the negotiated balancing of the site's historic character with the need for developable space. At this time, the majority of non-contributing structures have been demolished leaving the historic core of contributing buildings.



Figure 4: 2021 aerial view of the Portland Company site showing Block 1 under construction at the western edge of the site (bottom left).

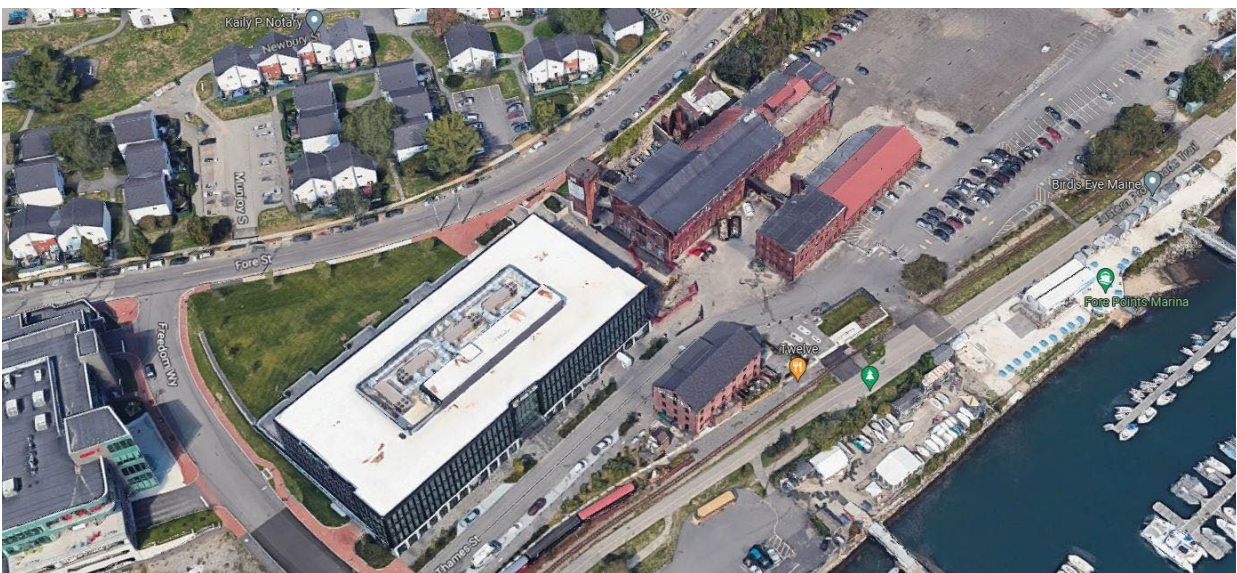


Figure 5: 2022 aerial view showing Block 1 largely complete, Building 12 reconstructed in its new location, and the remaining non-contributing structures at the eastern edge of the site having been removed clearing the way for the Block 4 Development (top right).

While all unique, the contributing buildings do generally share a visual language typical of late nineteenth- or early twentieth-century industrial architecture. The structures are predominantly low-lying with long, horizontal elevations of brick on stone foundations. Several vertically oriented structures punctuate the campus such as the drawing vault at Building 24 or the stair tower at Building 6a. Roof forms vary including flat, gabled, and shed forms. Metal is commonly used in a limited capacity as structural elements at roofs or openings, or in some lean-to additions. Wood is used in a limited capacity. Exteriors are very spartan with little to no ornament. Building 2 is the most ornate with granite window headers and sills, and a substantial classically-inspired brick cornice and pediment. Windows and doors are typically regularly spaced punched openings with a vertical orientation and multi-light glazing.

The site is also significantly characterized by the arrangement of buildings. The structures were located close to one another, speaking to their many interrelated functions. However, clear spaces were left between many structures creating a modest internal network of streets and alleys that allowed for the staff, materials, and products in varying stages of completion to be moved throughout the site. In several locations, second-story bridges or walkways create connections between buildings and over that network of streets. In some instances, important structures such as the pattern warehouse (Building 12) were located away from the working portions of the site to protect them from potential fires within the complex.



Figure 6: 2022 view of the Buildings 2 & 24. Block 1, at left, was nearing completion with sitework being completed in the foreground.

Additional information on the History of the Portland Company and each of the buildings in the

Historic District can be found on the city website: <https://www.portlandmaine.gov/665/Historic-Districts>.

PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

June 7, 2023, Workshop:

During the June 7 workshop, the applicant team presented several changes from the original design presented at the April 5 first workshop, as well as additional information such as more comprehensive rendered views. The applicant team had revised the design of several elements of the project, namely treatment of the lower level of the Block 2 Townhouses, treatment of the walls of the driveway podium, and treatment of the pedestrian entrance at the top of the driveway podium.

The revised design of the base of the Block 2 Townhouses was received favorably, with Board members noting that the stronger base for the retail space helped to reduce the perceived height and massing of the townhouses. Board members also discussed the materials, composition, and fenestration of the upper portions of the townhouses. Several Board Members suggested further study of the siding materials for the townhouses, recommending a horizontal siding to improve compatibility with the historic context and the portions of Block 4 outside the district. Several Board members also strongly encouraged the design team to consider whether there might be opportunities to incorporate fenestration at the side elevations of the townhouses.

The applicant revised the design of the driveway podium, incorporating additional articulation in a manner related to the design of the Block 2 Townhouses base and the west wrapper. Several Board members mentioned that the overall composition might benefit from a unifying horizontal datum across the townhouses, podium, and west wrapper. Board members also encourage further study of whether there were opportunities to incorporate more fenestration at the driveway podium to break up the solid walls.

Additional information and updates were also provided for the pedestrian treatment of the top of the driveway podium including a rendered view and a more prominently designed pedestrian entrance. Board members expressed favorable views of the design, noting that the choice of brick for pedestrian walkway paving material and the more welcoming pedestrian entrance sharing the language of the west wrapper helped to make the area feel more intentional and welcoming to pedestrians.

The application also included additional information on the treatment of the pedestrian entrances along Fore Street, showing a series of terraces encroaching into the right of way and narrowing the sidewalk. Staff had indicated that that treatment was still under review through the site plan application and there were potential issues with the encroachment. The Board opted not to

discuss that treatment, understanding the design was still evolving.



Figure 7: Rendering of John Poor Crossing (plaza between Portland Company Historic District & Block 4) as presented at June 7 workshop.



Figure 8: Rendering of Fore Street Elevation of Block 2 Townhouses and top of driveway podium as presented at June 7 workshop.

STAFF COMMENTS

Since the prior workshop, the applicant has made several significant modifications to the design of the Block 2 Townhouses. Otherwise, the design has remained largely the same, though the

applicant has provided additional information on building materials and construction. Included with this are images of physical samples that will be available for Board inspection during the meeting.

At the Block 2 Townhouses, the applicant has reduced the height of the townhouses by about one story due to a conflict with the allowable height along Fore Street within the B6 Waterfront zone. Generally, this reduction in height to comply with the underlying zoning is an improvement in the relationship of the townhouses to the relatively low-lying core of the historic district. The townhouses are now shown as being four stories tall from within the district, and two stories tall along Fore Street. Related to this change in height is a change in interior programming. Previously, the townhouses were proposed as four units, arranged as a pair of stacked two-story units, with three separate entrances off of Fore Street (two individual and one shared). The townhouses are now proposed to be composed of three units with each taking up one floor plate of the structure, and a single shared entrance.

The revised design of the townhouses includes a more regular and substantial pattern of fenestration across the facades, including fenestration at the east and west facades which were previously blank. The building mass is still broken up in the middle with a slightly recessed area of accent wood siding. Additionally, vertically aligned windows are connected with recessed spandrels of the same accent wood siding. The applicant has not otherwise adjusted the character of the cladding at the townhouses, still proposing a panelized system with seams aligned with the window openings.

The other significant change related to the townhouses is along Fore Street. In the prior workshop, in order to provide accessibility to the various Fore Street townhouses, the applicant had shown a series of terraced entrances with railings along Fore Street which encroached into the right-of-way. That approach was deemed inappropriate through the site plan review and the applicant has revised the design to leave the right-of-way unobstructed, shifting the terraces onto their property, buffered from the right-of-way using curbed planting beds. Generally, this new treatment is more in keeping with the residential character of Fore Street and will be minimally visually related to the historic core of the district.

In the area of the John Poor Crossing (between the historic core and the West Wrapper) the design of the project is largely unchanged from the previous workshop. Board members had suggested exploring a unified datum for the new construction within that area; however, the applicant has maintained the broken up and differentiated massings of the components of the design. Generally, this is in keeping with the somewhat rambling character of the Historic District where buildings share a language of construction, but have unique sizes and massings which were products of their varied historic programming.

In addition to the design changes detailed above, the applicant has provided further information on sitework and lighting, typical construction details, and additional information on materials, including physical samples which will be available for Board inspection during the meeting (the

applicant has provided photographs of all of the materials as documentation of the samples).

At this time, the applicant has requested a public hearing for final approval of the design of the elements located within the Portland Company Historic District.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
<u>1. Height</u> The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The height of the west wrapper and driveway podium (about three stories) generally appear to be compatible with the height of historic structures, being no higher than Fore Street at the north side of the site. In particular, the West Wrapper's height provides a transition to the taller residential tower of Block 4 just outside the Historic District. The applicant has reduced the height of the townhouses by one story to meet zoning height requirements. This paired with the stronger base previously introduced, make them more compatible with the low-lying character of the historic core.
<u>2. Width</u> The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The west wrapper is a large rectangular building that has a strong visual relationship to the historic structures of the district, though it is oriented perpendicular to the core structures of the district. The townhouses are visually taller than most of the buildings in the Historic District; however, their height has been reduced by one story and broken up using a stronger base element, and lighter, more recessive cladding at the upper stories.

<u>3. Proportion of principal facades</u> The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	Staff Comments
Yes	The west wrapper is a large rectangular building that has a strong horizontal orientation that is generally compatible with the proportions of the historic structures. The applicant has reduced the height of the townhouses, and revised the design of base, creating a more horizontal proportion. The upper portions have also been restudied with a more regular fenestration pattern creating stronger horizontal bands, paired with vertical massing, allowing the upper stories to be differentiated from the base.
<u>4. Roof shapes</u> The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	Staff Comments
Yes	Both the west wrapper and townhouses are proposed to have flat roofs. Several structures and portions of structures in the district have flat or low-slope roofs.
<u>5. Scale of a structure</u> The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	The west wrapper has a lower, horizontal massing that is generally compatible with the form of the historic structures in the district. This compatibility is further reinforced by the secondary vertical orientation of windows and openings within the horizontal mass. The townhouses are somewhat taller than most of the historic structures, based on the need to maintain a residential relationship with Fore Street. However, with the reduced height they are in scale with some of the historic vertical elements found within the district.
<u>8. Applicability to the Portland Company Historic District</u> For new construction within the Portland Company Historic District, the height requirements of the B-6 zone as shown on the B6 Building Height Overlay & Building Envelopes map shall be controlling and the historic preservation board shall not impose conditions more restrictive than the building height requirements of the B-6 zone.	
Standard Met?	Staff Comments
Yes	The Board has not suggested any conditions that would be more restrictive than the building height requirements of the B-6 zone.

Standard B. Composition of Principle Facades	
1. Proportion of openings The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	Staff Comments
Yes	Generally, the west wrapper and townhouses have square or vertically oriented openings. At the west wrapper the windows are broken up into smaller window units, creating the impression of multi-light windows. The townhouses have larger expanses of glass, but the windows generally have vertically oriented proportions.
2. Rhythm of solids to voids in facades The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	Staff Comments
Yes	Both the west wrapper and the townhouses have generally very regular arrangements of windows. The west wrapper incorporates significantly more glazing than is found on the remaining historic structures; however, the multi-light arrangement and industrial character are quite compatible with the historic structures. The driveway podium is proposed to be largely solid given that it contains mechanical and support spaces for the whole of Block 4. The applicant has redesigned the podium to have an articulated façade similar in treatment to the west wrapper. The townhouses feature a similar ratio of solid to void as the historic structures at the north and south elevations, and additional fenestration has been incorporated to the east and west elevations.
3. Rhythm of entrance porch and other projections The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	The west wrapper features large commercial entryways and several garage doors which bear a relationship to the larger industrial openings of the historic structures. The north side of the townhouses has a very residential scale which relates to the many residential structures across Fore Street, all of which are not located in the historic district. At the south elevation, the structure has an over height storefront entrance which provides a solid base for the townhouses above and ties the lower level of the townhouses to the other retail storefront proposed along the alley and the west wrapper.

4. Relationship of materials

The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.

Standard Met?	Staff Comments
For Board Discussion	The applicant has provided additional information on and samples of the proposed wood, brick, fiber cement, and metal siding materials. Staff would encourage the board to examine the physical samples during the meeting to determine whether the proposed colors and textures are sufficiently compatible with the character of the Portland Company Historic District.

Standard C. Relationship to Street

1. Walls of continuity

Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.

Standard Met?	Staff Comments
Yes	The proposed west wrapper will reestablish a sense of enclosure at the eastern end of the historic district reinforcing the inward focus of the site. Historically a number of other buildings were located in this area. Where the west wrapper ends and the south façade of Block 4 begins extending eastward is generally in line with one of the original internal streets of the site. This line of the structure will help to also reestablish that internal street which will now be the extension of Thames Street. The townhouses will continue to establish the enclosure created by the retaining wall holding up Fore Street within the site. At the level of Fore Street, the townhouses are generally compatible in scale with the residential buildings across the street and will retain some openness to either side, as is typical of the adjacent residential areas. The proposed landscaped planters along the edge of the right-of-way are in keeping with the character of landscaped front yards found in the adjacent residential context.

<u>2. Rhythm of spacing and structures on streets</u> The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
Yes	The proposed west wrapper and townhouses will retain the open space of the interior roads and alleys of the site and create a new space at the eastern edge of the site. Additionally, the structures will reestablish the sense of enclosure that had been created by several of the now removed non-contributing buildings. Along Fore Street, the proposed townhouses will mirror the relationship of the many residential buildings across the street to Fore Street.
<u>3. Directional expression of principal elevation</u> A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
For Board Discussion	The west wrapper has a highly horizontal expression, punctuated by vertically oriented openings, as is typical of the historic structures. The townhouses have a more vertical orientation than the historic industrial structures on the site. Additionally, the expression of materials as shown in a limited capacity in the elevations and renderings is also vertical, in contrast to the more horizontal historic structures.
<u>4. Streetscape, pedestrian improvements</u> Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	Staff Comments
Yes	The applicant is proposing to create a plaza of stone pavers at “John Poor Crossing” (the area between the historic core and the west wrapper). This type of paving is in keeping with the more developed industrial character of the core of the historic district. At the top of the parking podium, the applicant is proposing brick pavers to match those found on city sidewalks to encourage pedestrian access. Along Fore Street, the design includes planters which will create a landscaped buffer between the city sidewalk and the new construction as is typical of the adjacent residential context.

Standard D. Other Standards	
1. Compatible use Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	Generally, the proposed mixed use of the development is not incompatible with the site.
2. Distinguishing original character The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	Staff Comments
Yes	The proposed development will not damage any significant historical material. Additionally, as discussed above, the proposed placement and arrangement of the development will not negatively impact the significant qualities of the relationships between the historic structures.
4. Contemporary design Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
Yes	The applicant has taken a design approach that is leading towards an assemblage of clearly contemporary buildings while attempting to respond to the historic character of the district.

MOTION FOR CONSIDERATION

I move to APPROVE application HPBR-002380-2023 for new construction at 58 Fore Street, Block 4, within the Portland Company Historic District on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the Historic Preservation Board that the project meets Standards for Review of New Construction 17.8.3 A.1-5, A.8, B.1-4, C.1-4, & D.1-4.

ATTACHMENTS

1. Applicant Presentation
2. Material Palette
3. Photo Survey from April 5, 2023



Harbor Hill – July 11, 2023

Perkins&Will

Summary of July 7th, 2023, supplemental information request to HP Board [responses by slide number](#):

- **Sheets 15 & 16: Show the full extent of work to the west.**
[Refer to updated sheets.](#)
- **Sheet 25: The windows at the Block 2 townhouses do not match the other views.**
[Elevation updated.](#)
- **Sheets 22-24, 26, & 33: Indicate pavement materials in material palette.**
[Refer to updated sheets.](#)
- **Sheets 34 & 35: Key sections to cutaway axon drawings. What is "Vision Glass?"**
[Transparent Glass/ Clear Glazing. Example added on axon materials.](#)
- **Provide section details that show how the divided light/grill pattern will be achieved at the West Wrapper including differences between solid and transparent treatments and horizontal datum between first floor and spandrel area.**
[Refer to slide 34, 35 & 41 for updated annotations on axons and elevation.](#)
- **Provide plan detail for primary columns and jamb intersection at West Wrapper.**
[Refer to slide 34 for added detail.](#)
- **Provide dimensions for primary insets/offsets/reveals for details.**
[Additional dimensions annotated on details.](#)
- **Provide a comparable level of detail for driveway podium and Block 2 Townhouses**
[New Slide 36 added to include requested drawings.](#)
- **Sheet 41: Where on the building will the YS2A be mounted? Will they be casting up or down light?**
[Slide 42 \(Previous 41\) West Wrapper elevation added locating light fixtures and noting elevation 14'-6" for YS2A fixtures casting light down.](#)

Summary of June 7th, 2023, HP Board Workshop items that Design Team has advanced in preparation of June 30, 2023 materials, [and responses by slide number](#):

- **Introduce windows at podium & sides of B2 THs**
[Slides 28-29: Added fenestration to both short end walls of the TH's.](#)
- **Consider B2 ground floor expression to same height as West Wrapper, ie cont. datum within this corner. Lower entrance opening could be this tall as well.**
[Slides 20-22: Have lowered the overall height of B2 THs, and kept a casual, "stepping" of base elevations, more in keeping with the scale of the Historic Block, rather than imposing a singular, monolithic site base elevation.](#)
- **Review even more horizontal reading of B2 TH cladding, ie borrowing from B4 bars to connect the two**
[Slides 30-32: B2 Townhouses have decreased in height since last presentation in an effort to decrease overall verticality, and the TH's now borrow the same cladding materials of adjacent residential bars to help merge the new residential elements on site.](#)

Summary of April 5th, 2023, HP Board Workshop items that Design Team has advanced in preparation of May 15, 2023 materials.

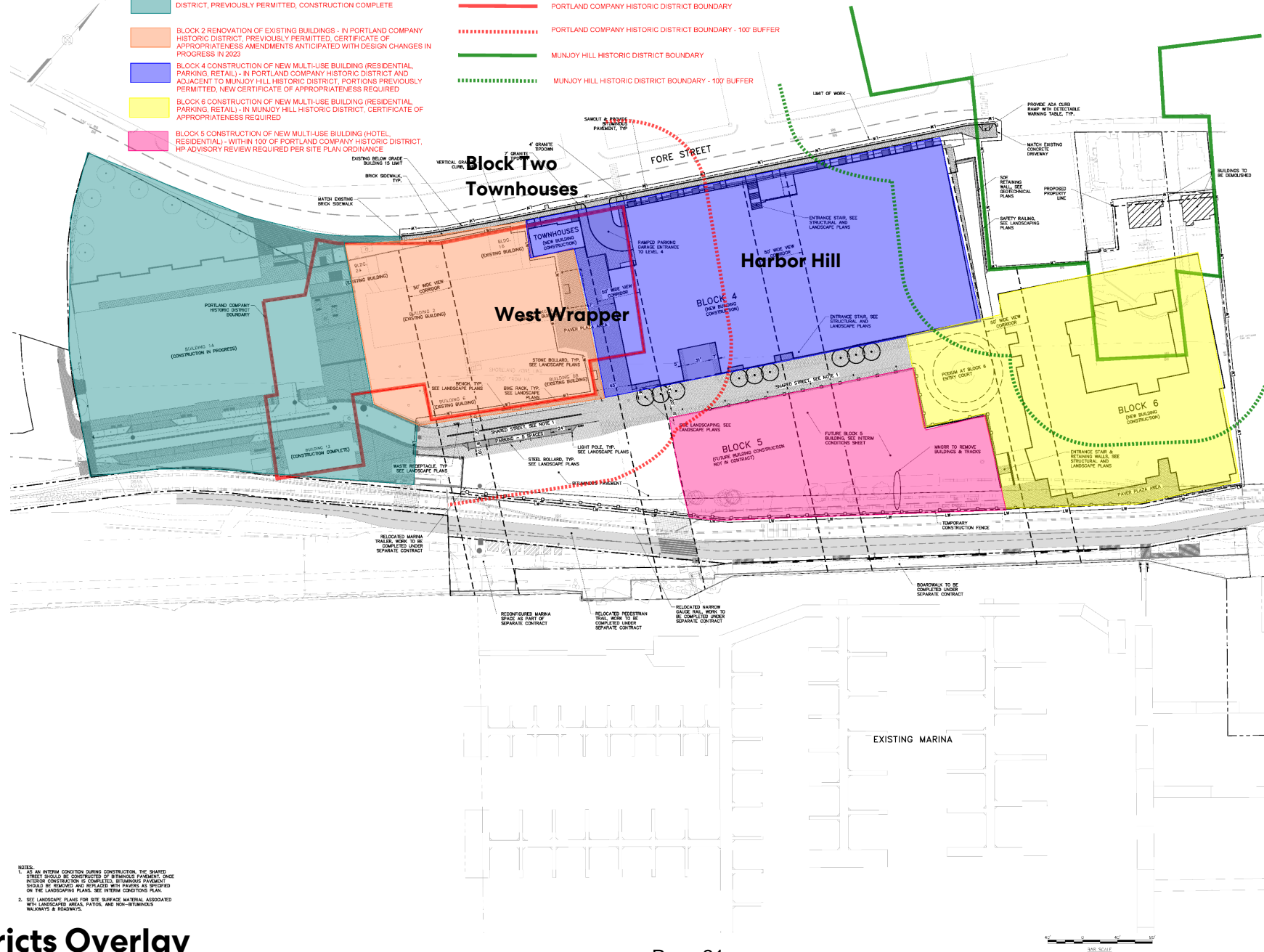
- **Explore ways to diminish perceived height of B2 THs & core elements facing within the Portland Company HD.**
[Now expressing a distinct ground floor 'band' for B2 townhouses, now in keeping with the materiality of the rest of the new architecture](#)
- **Study scale of West wrapper & fronting space of John Poor Crossing with context and scale of existing campus**
[Example of similarity of scale in space, comparing public space volume between John Poor Crossing and the Sun Life / Grand Stair plaza.](#)
[Slide 16: comparing scale of existing historic plazas as terminated in space of West wrapper across John Poor Crossing.](#)
- **Examine scale & materials of core under drive aisle, expressing nature of retaining wall condition, including nature of visitor entry / arrival within the space.**
[Breaking down scale of volumes at rear of John Poor Crossing, utilizing tectonics of new architecture to tie these elements together](#)
- **Provide further detail on pedestrian entrance / arrival to Portland Company from Fore Street, including presence of B2 Townhomes along street**
[Composition of Fore Street and B2 Townhouses framing the view corridor at Waterville Street as entry for pedestrian / visitor access to core at parking entry / lookout over Historic District and marina below.](#)

Perkins&Will

PFDC - HISTORIC PRESERVATION PERMITTING

- PHASE 1 INCLUDES BUILDING 1A & 12 - IN PORTLAND COMPANY HISTORIC DISTRICT, PREVIOUSLY PERMITTED, CONSTRUCTION COMPLETE
- BLOCK 2 RENOVATION OF EXISTING BUILDINGS - IN PORTLAND COMPANY HISTORIC DISTRICT, PREVIOUSLY PERMITTED, CERTIFICATE OF APPROPRIATENESS AMENDMENTS ANTICIPATED WITH DESIGN CHANGES IN PROGRESS IN 2023
- BLOCK 4 CONSTRUCTION OF NEW MULTI-USE BUILDING (RESIDENTIAL, PARKING, RETAIL) - IN PORTLAND COMPANY HISTORIC DISTRICT AND ADJACENT TO MUNJOY HILL HISTORIC DISTRICT, PORTIONS PREVIOUSLY PERMITTED, NEW CERTIFICATE OF APPROPRIATENESS REQUIRED
- BLOCK 6 CONSTRUCTION OF NEW MULTI-USE BUILDING (RESIDENTIAL, PARKING, RETAIL) - IN MUNJOY HILL HISTORIC DISTRICT, CERTIFICATE OF APPROPRIATENESS REQUIRED
- BLOCK 5 CONSTRUCTION OF NEW MULTI-USE BUILDING (HOTEL, RESIDENTIAL) - WITHIN 100' OF PORTLAND COMPANY HISTORIC DISTRICT, HP ADVISORY REVIEW REQUIRED PER SITE PLAN ORDINANCE

- PORTLAND COMPANY HISTORIC DISTRICT BOUNDARY
- PORTLAND COMPANY HISTORIC DISTRICT BOUNDARY - 100' BUFFER
- MUNJOY HILL HISTORIC DISTRICT BOUNDARY
- MUNJOY HILL HISTORIC DISTRICT BOUNDARY - 100' BUFFER



- NOTES:
- AS AN INTERIM CONDITION DURING CONSTRUCTION, THE SHARDED STREET SHOULD BE CONSTRUCTED OF BITUMINOUS PAVEMENT. ONCE INTERIOR CONSTRUCTION IS COMPLETED, BITUMINOUS PAVEMENT SHOULD BE REMOVED AND REPLACED WITH PAVERS AS SPECIFIED ON THE LANDSCAPING PLANS. SEE INTERIM CONDITIONS PLAN.
 - SEE LANDSCAPE PLANS FOR SITE SURFACE MATERIALS ASSOCIATED WITH LANDSCAPED AREAS, PATIOS, AND NON-BITUMINOUS WALKWAYS & ROADWAYS.



41 Middle Street
Portland, Maine 04102
503.433.4262 | www.woodardcurran.com

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NOT FOR CONSTRUCTION

CLIENT: PORTLAND FORESIDE DEVELOPMENT COMPANY
PORTLAND, MAINE
BLOCK 4 - HARBOR HILL
BLOCK 6 - CHANNEL MARK

REV	MODIFY	DESCRIPTION
FOR NO.	22001	
DATE	SEPTEMBER 2022	
SCALE	1"=40'	
DESIGNED BY	LOUICHA	
DRAWN BY	BM	
CHECKED BY	LS	
FILENAME	OVERALL SITE PLANNING	

DRAWING TITLE:
CIVIL
OVERALL SITE PLAN

DRAWING NO:
C-1

Exterior photograph of property





Portland Company & Munjoy Hill

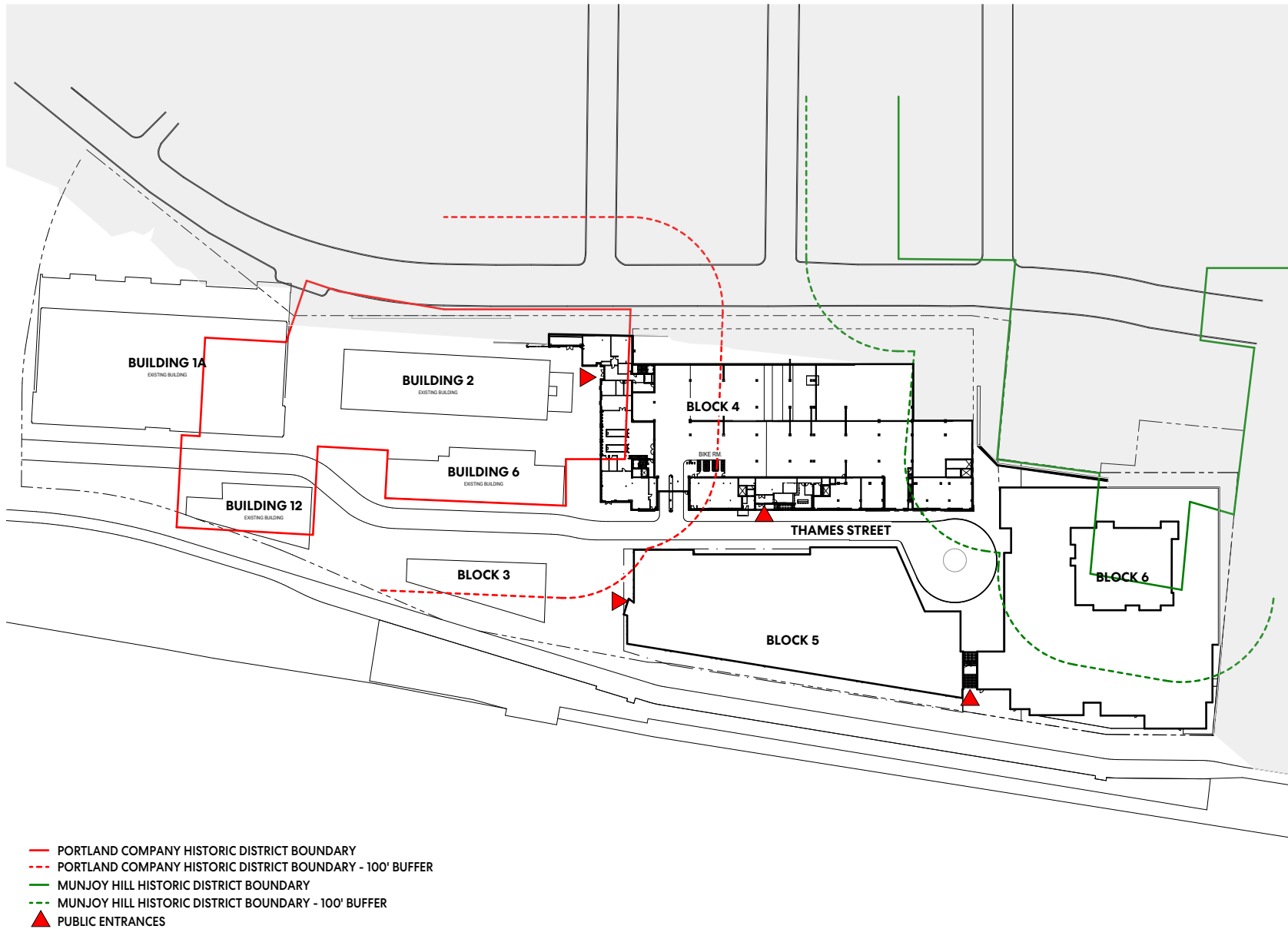


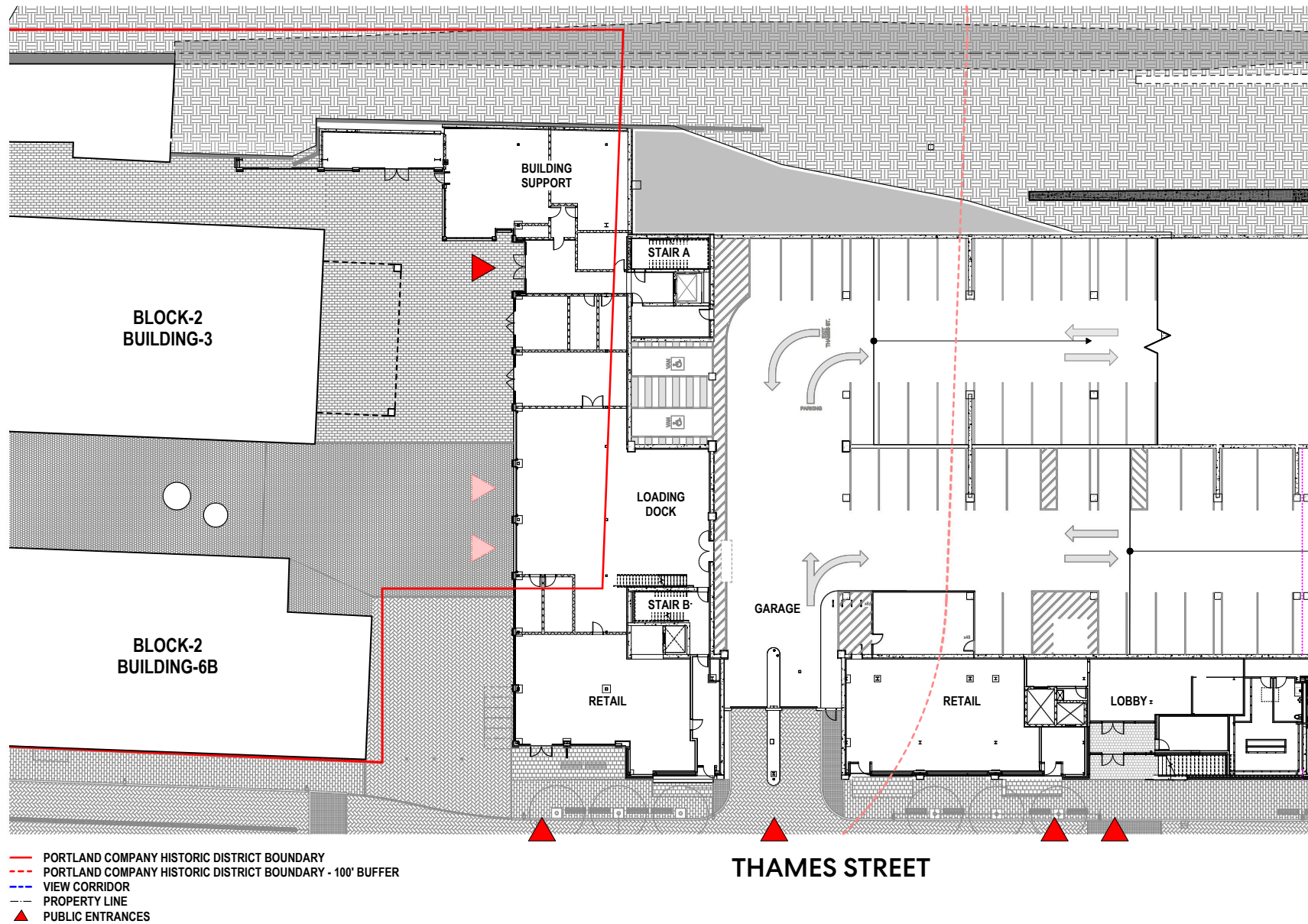
**Design approach:
new designs reveal
the character of the
existing district
through a
complementary
language, one that
is relatively quiet
and simple**



**a crafted, machined
aesthetic, referencing
the site's history of
fabrication, but now
expressed through a
contemporary
language**

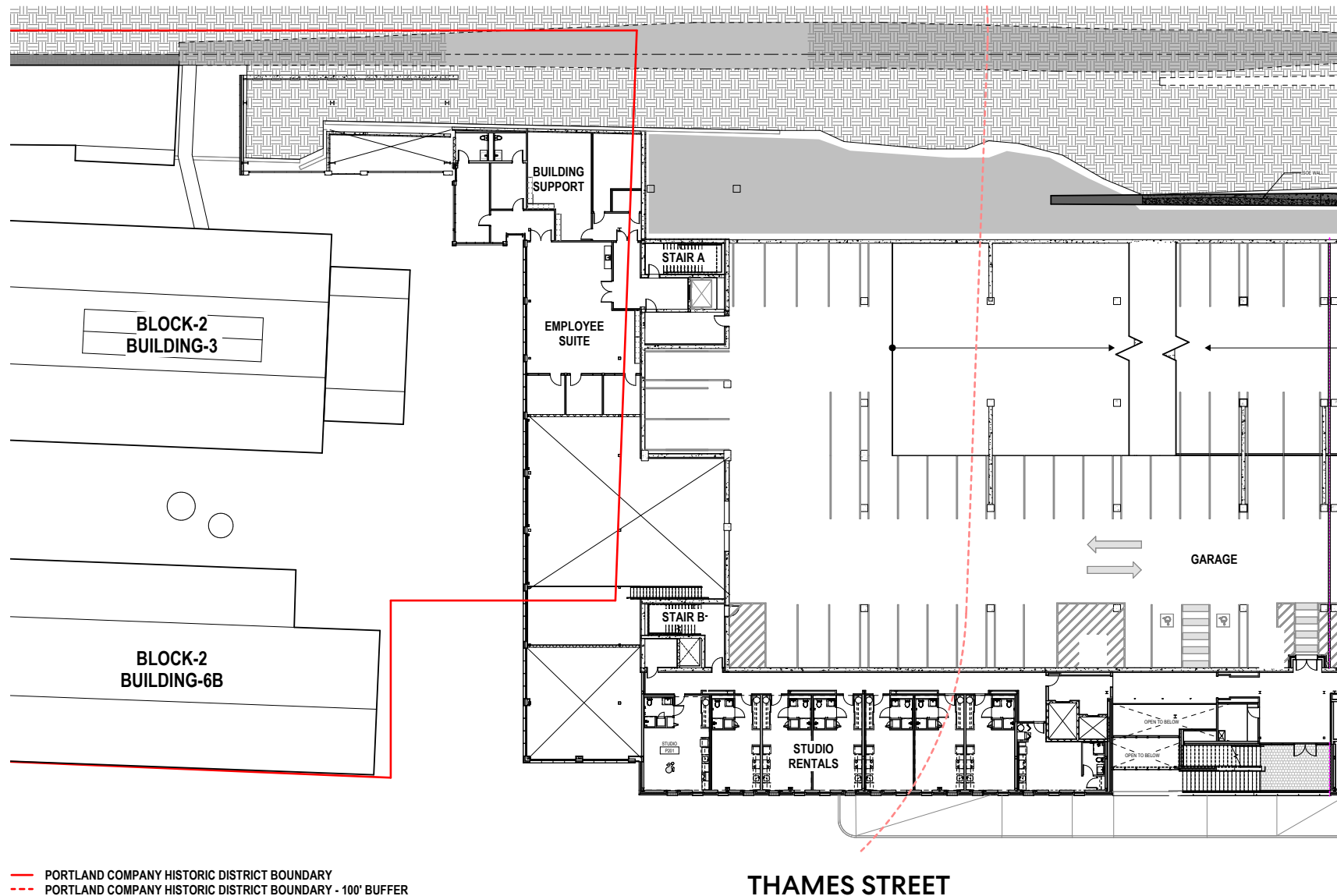






Harbor Hill – Block 4 Floor Plan Level 01

Perkins&Will

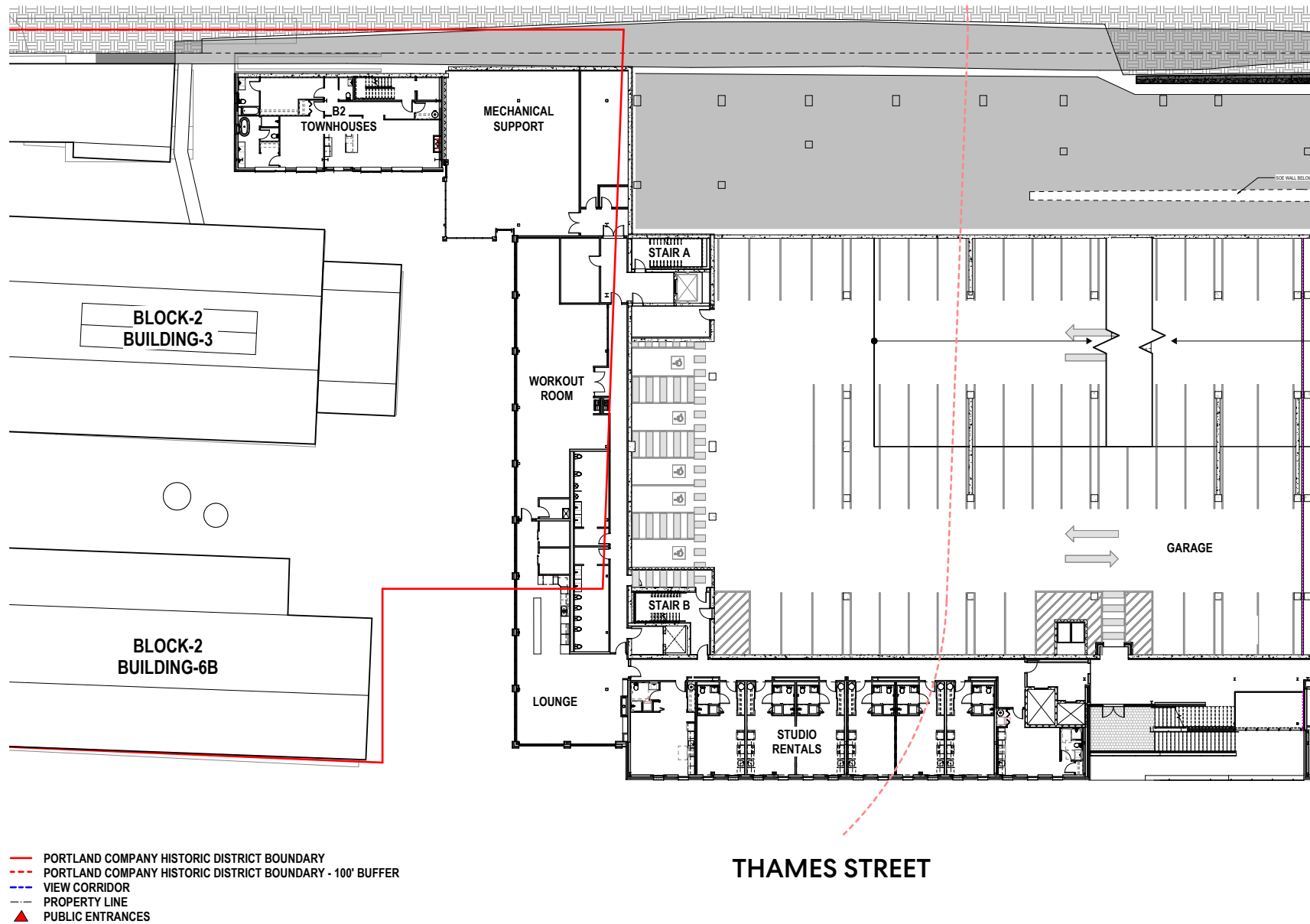


- PORTLAND COMPANY HISTORIC DISTRICT BOUNDARY
- - - PORTLAND COMPANY HISTORIC DISTRICT BOUNDARY - 100' BUFFER
- - - VIEW CORRIDOR
- - - PROPERTY LINE
- ▲ PUBLIC ENTRANCES

THAMES STREET

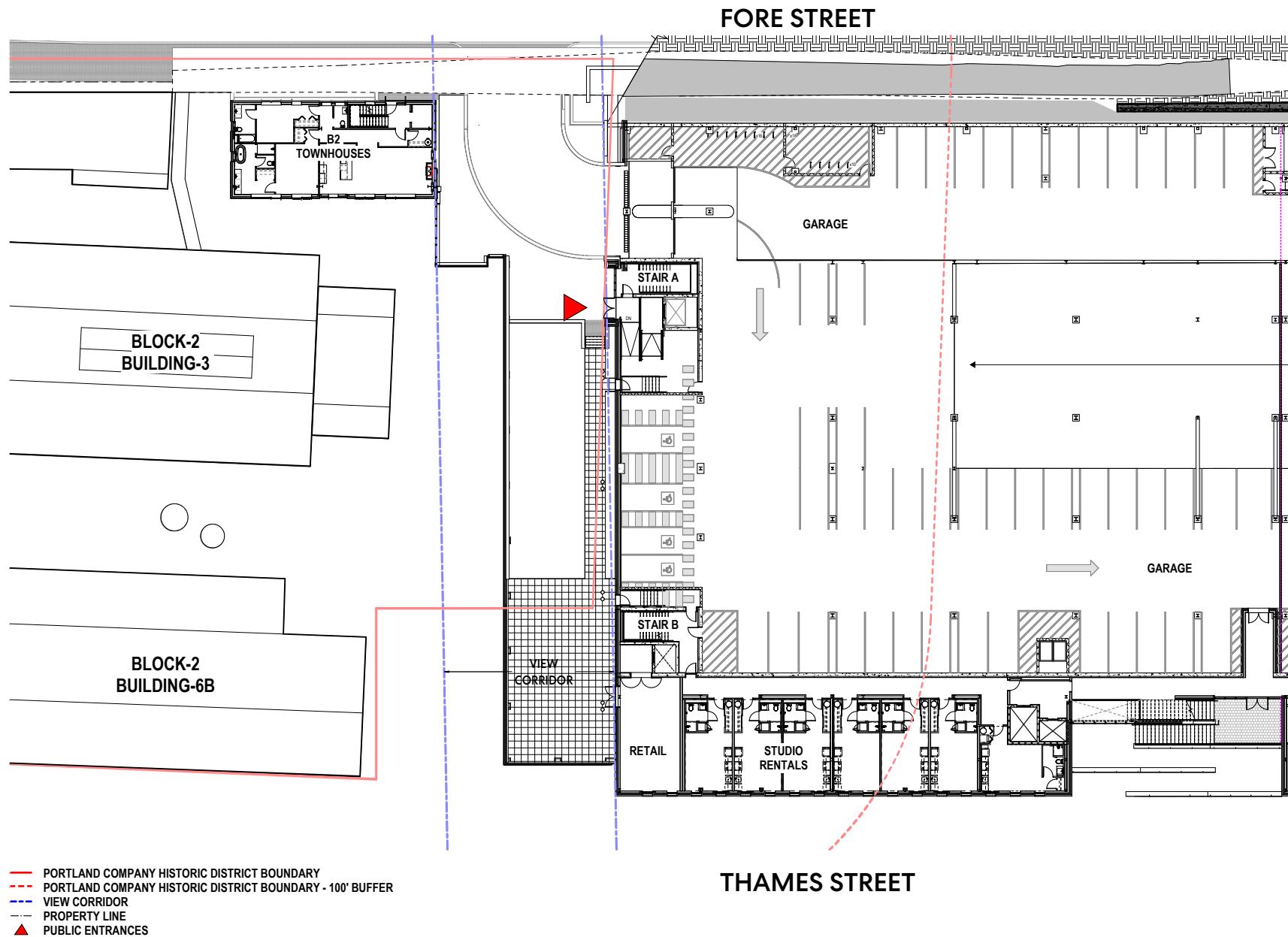
Harbor Hill – Block 4 Floor Plan Level 02

Perkins&Will



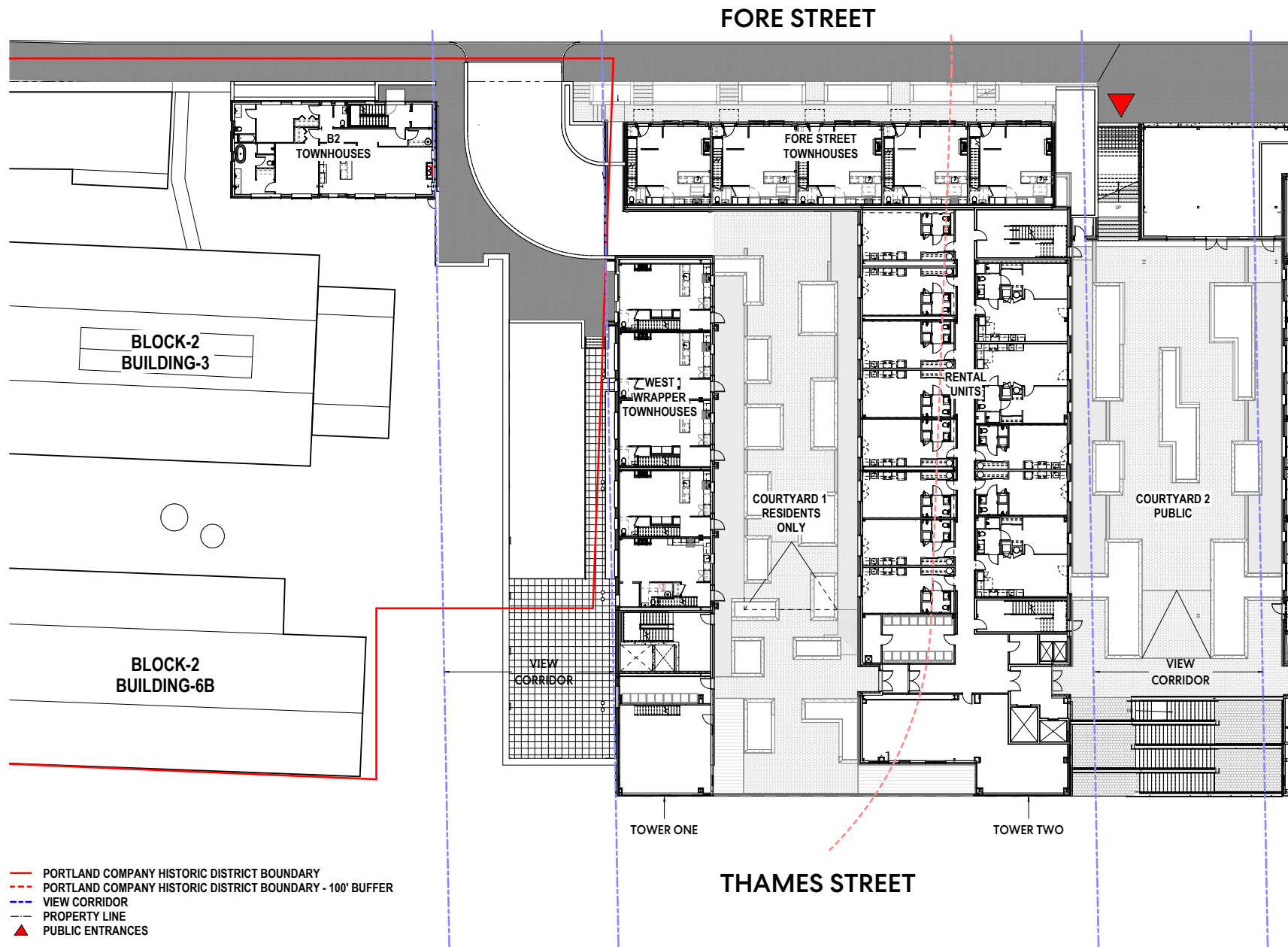
Harbor Hill – Block 4 Floor Plan Level 03

Perkins&Will



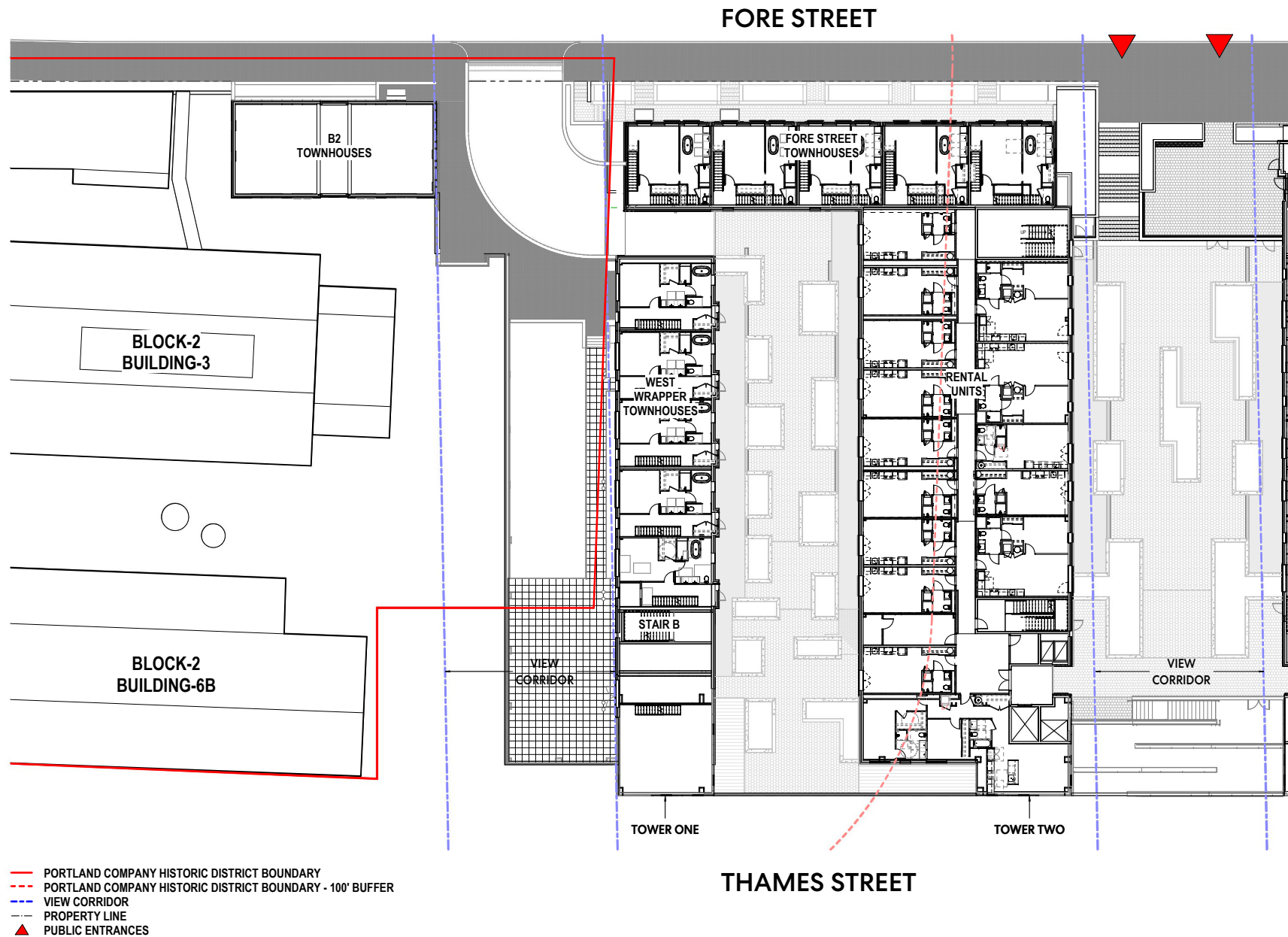
Harbor Hill – Block 4 Floor Plan Level 04

Perkins&Will



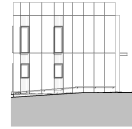
Harbor Hill – Block 4 Floor Plan Level 05

Perkins&Will



Harbor Hill – Block 4 Floor Plan Level 06

Perkins&Will



OVERALL
ELEVATION - B2
EAST
④ 1/16" = 1'-0"



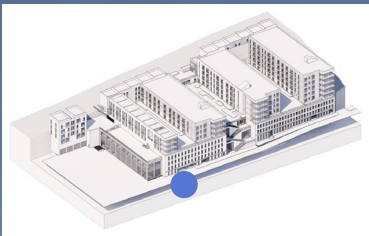
③ OVERALL ELEVATION - WEST
1/16" = 1'-0"



② OVERALL ELEVATION - NORTH
1/16" = 1'-0"



① OVERALL ELEVATION - SOUTH
1/16" = 1'-0"



Shiplap Fiber Cement Panels



Black Metal



Gray Metal Panel

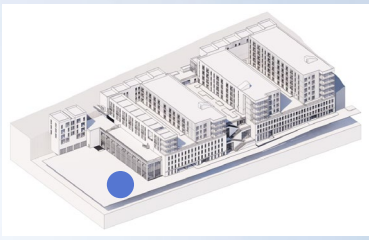


Red Brick

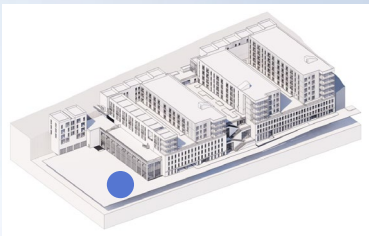


Stone Paving

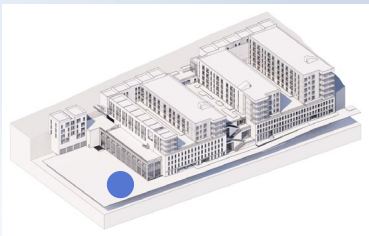




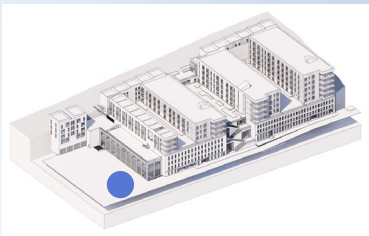
John Poor Crossing Before Height Adjustment



John Poor Crossing After Height Adjustment



John Poor Crossing After Height Adjustment



Shiplap Fiber Cement Panels



Black Metal



Gray Metal Panel



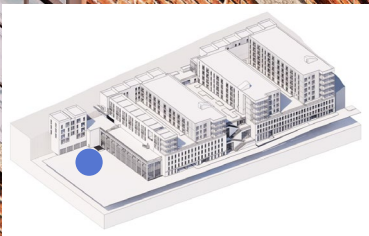
Natural Wood Siding



Stone Paving



John Poor Crossing



Shiplap Fiber Cement Panels



Black Metal



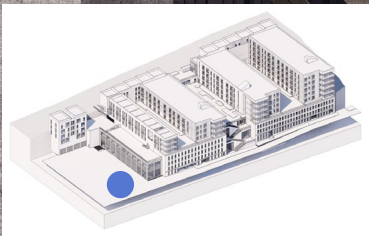
Restored Brick



Stone Paving



Boiler Passage



Shiplap Fiber Cement Panels



Black Metal



Gray Fiber Cement Panels



Natural Wood Siding



Stone Paving



John Poor Crossing



Restored Brick



Vertical and Horizontal
T&G Siding with Grey
Opaque Stain



Black Aluminum
Storefront



Three-Tab Asphalt
Shingle Pitched Roof



Natural Wood Siding



Metal Panel

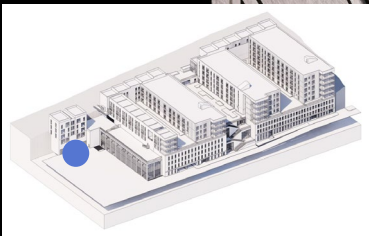


Shiplap Fiber
Cement Panels



Red Brick





Natural Wood Siding



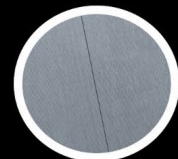
Black Metal



Restored Brick

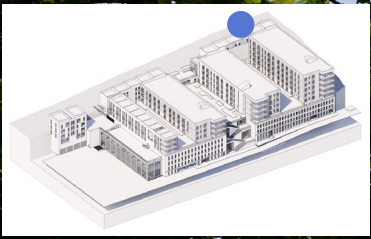


Gray Fiber Cement Panels



Stone Paving





Warm Gray Brick



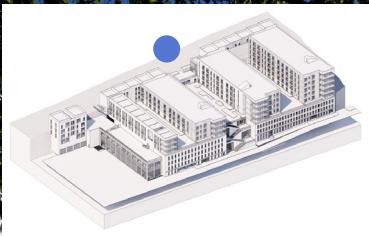
Black Metal



Brick Pavers



Fore Street looking West



Shiplap Fiber Cement Panels



Black Metal

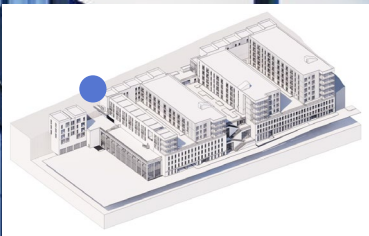


Warm Gray Brick

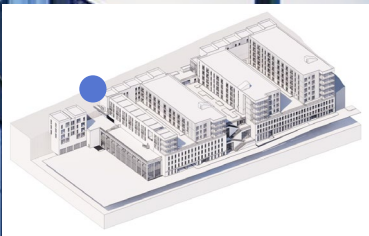


Brick Pavers

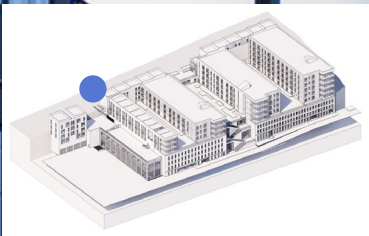




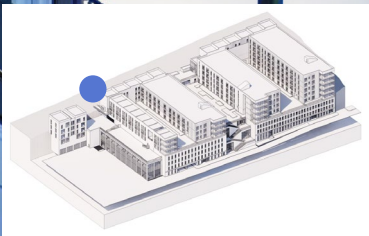
Fore Street @ Waterville & B2 Townhouses Before Height Adjustment



Fore Street @ Waterville & B2 Townhouses After Height Adjustment



Fore Street @ Waterville & B2 Townhouses After Height Adjustment



Shiplap Fiber Cement Panels



Black Metal



Warm Gray Brick



Natural Wood Siding

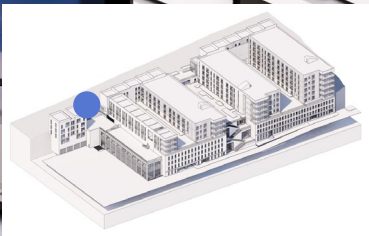


Gray Metal Panel



Brick Pavers





Shiplap Fiber Cement Panels



Black Metal



Metal Panel

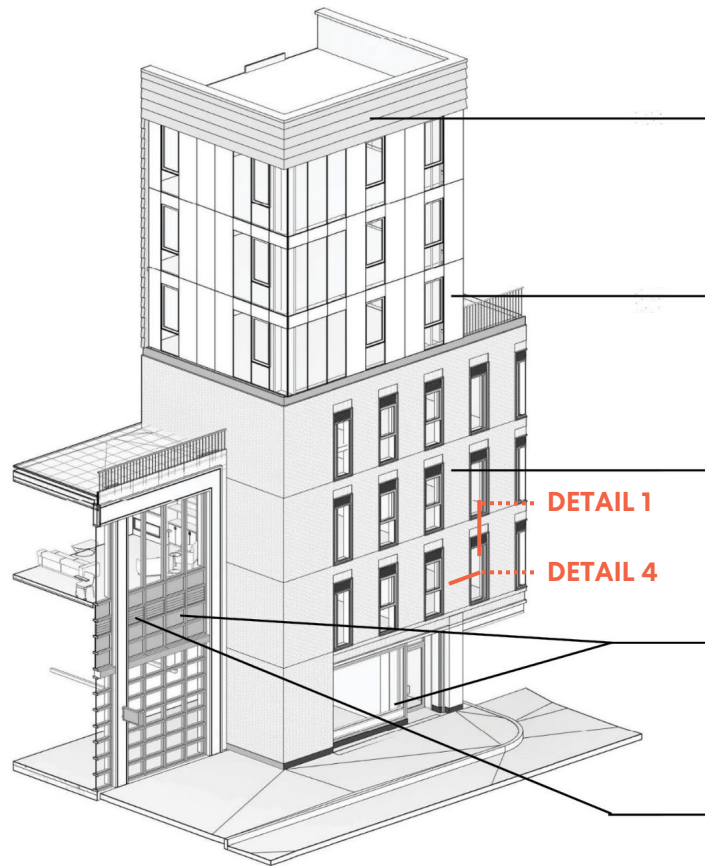


Red Brick



Brick Pavers





Shiplap Fiber Cement Panels



Gray Metal Panel



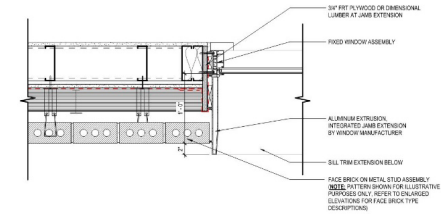
Red Brick



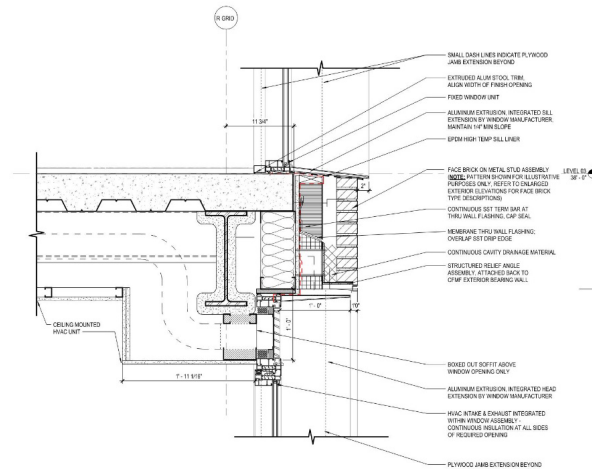
Black Metal



Metal Louver



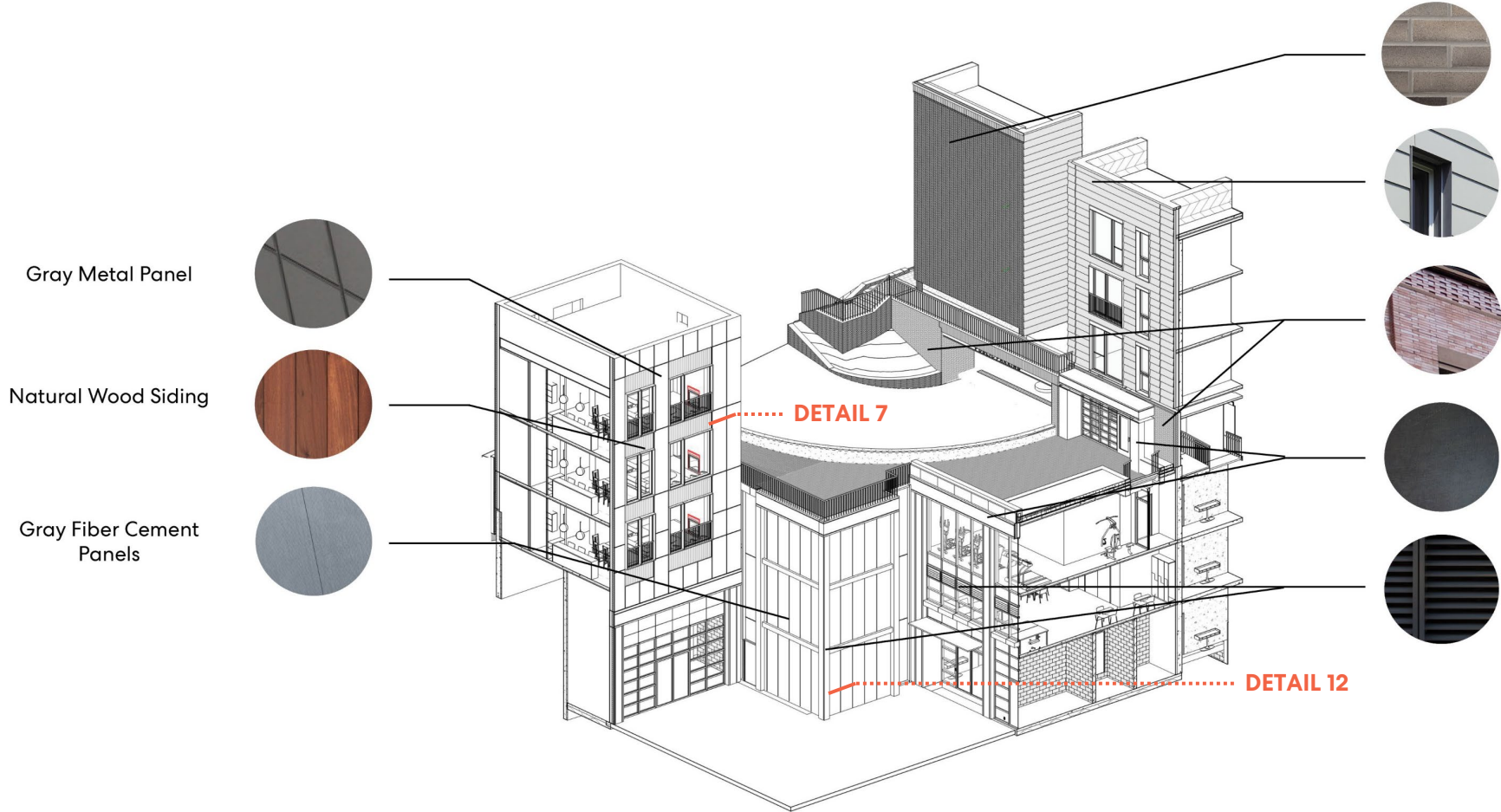
TYP EXT PLAN DET - JAMB @ FACE
4 BRICK FIXED WINDOW
1 1/2" = 1'-0"



TYPICAL EXT SECT DET - HEAD / SILL @
FACE BRICK CASEMENT
1 WINDOW_HAMBRO
1 1/2" = 1'-0"

Exterior wall & façade details- Thames St. Podium

Block 2 Townhouses and Podium Driveway



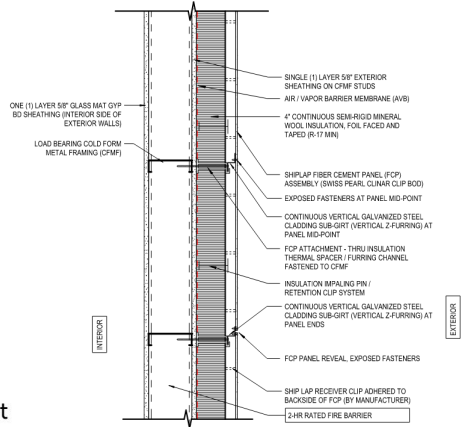
Warm Gray Brick

Shiplap Fiber Cement Panels

Red Brick

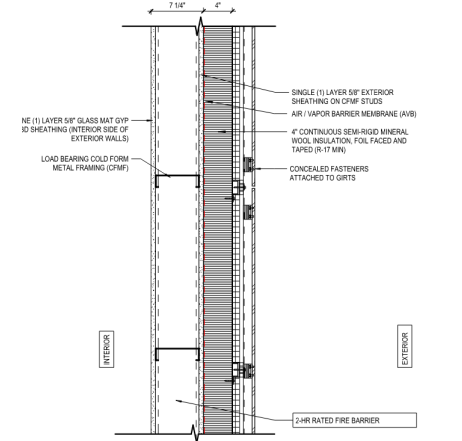
Black Metal

Metal Louver



WALL TYPE EWA-4 - TYPICAL EXTERIOR PLAN DETAIL - FIBER CEMENT PANEL ON METAL STUD

7 1 1/2" = 1'-0"



WALL TYPE EWA-8 - TYPICAL EXTERIOR PLAN DETAIL - PLATE METAL PANEL ON METAL STUD

12 1 1/2" = 1'-0"



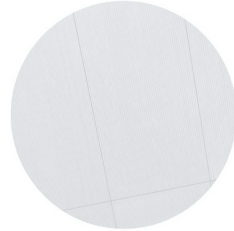
RED BRICK
LOCATION: Podium cladding



NATURAL WOOD SIDING
LOCATION: B2 townhouses and entrance wrappers



WARM GRAY BRICK
LOCATION: Fore Street Townhouses



FIBER CEMENT PANELS- GRAY
LOCATION: John Poor Crossing Entrance



BLACK METAL/ WINDOW FRAMES
LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers

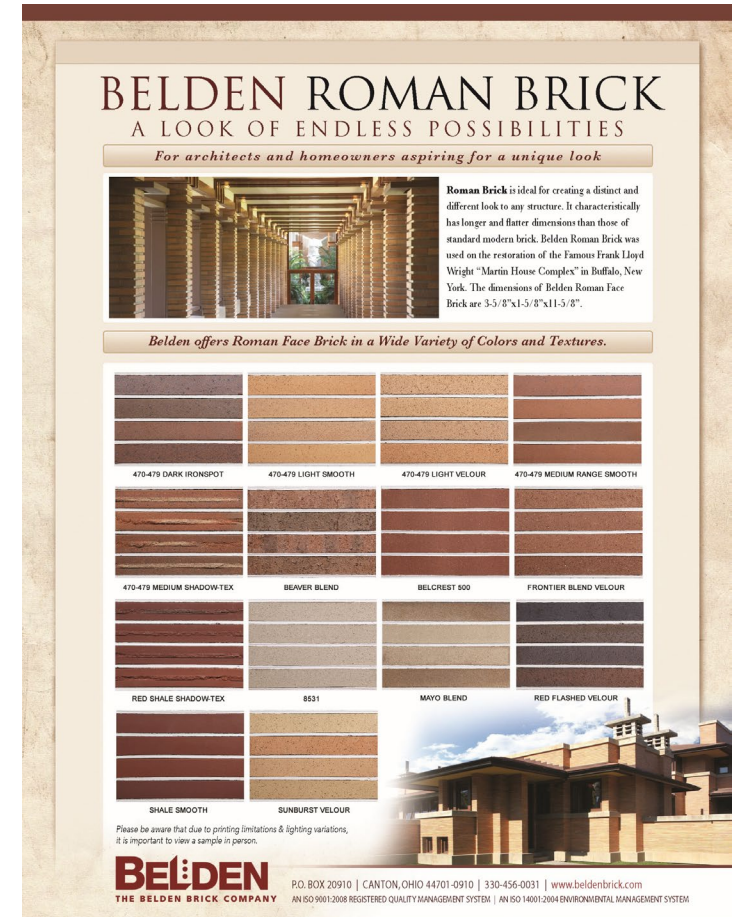


GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards

Building Material Product Data





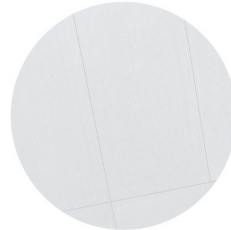
RED BRICK
LOCATION: Podium cladding



NATURAL WOOD SIDING
LOCATION: B2 townhouses and entrance wrappers



WARM GRAY BRICK
LOCATION: Fore Street Townhouses



FIBER CEMENT PANELS- GRAY
LOCATION: John Poor Crossing Entrance



BLACK METAL/ WINDOW FRAMES
LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers



GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards



Building Material Product Data

08 S1 00/PEE
BuyLine 3208

High Performance Aluminum Window and Door Systems

- Single Hung
- Double Hung
- Horizontal Slider
- Commercial Fixed
- Projected In & Out
- Casement
- Projected Fixed
- Sliding Glass Door
- Terrace Door

Architectural

Acoustical

Blast / ATFP

Hurricane / Impact / Coastal

Historical

Airports / Sealed Airframe

Military

Government / Municipal

Commercial

Universities / Dormitories

Schools

Hospitals

High-Rise Complexes

Condominiums / Apartments

Hotels / Motels / Casinos

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Specify the Windows that Reflect Quality.

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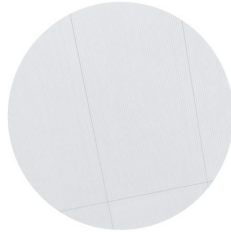
RED BRICK
LOCATION: Podium cladding



NATURAL WOOD SIDING
LOCATION: B2 townhouses and entrance wrappers



WARM GRAY BRICK
LOCATION: Fore Street Townhouses



FIBER CEMENT PANELS- GRAY
LOCATION: John Poor Crossing Entrance



BLACK METAL/ WINDOW FRAMES
LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers



GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards



Building Material Product Data



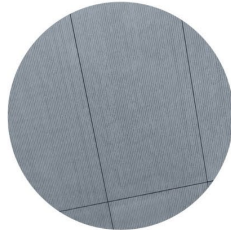
RED BRICK
LOCATION: Podium cladding



NATURAL WOOD SIDING
LOCATION: B2 townhouses and entrance wrappers



WARM GRAY BRICK
LOCATION: Fore Street Townhouses



FIBER CEMENT PANELS- GRAY
LOCATION: John Poor Crossing Entrance



BLACK METAL/ WINDOW FRAMES
LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers

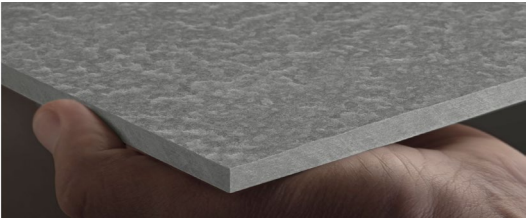


GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards

Building Material Product Data



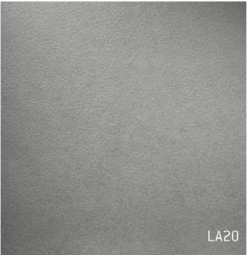
EQUITONE [lunara]

ESSENCE
A through-colored panel with a surface resembling a lunar landscape.

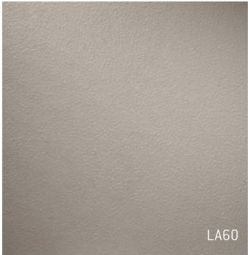
CHARACTERISTICS
The special production process makes each panel unique in color, texture, and surface.

EXPRESSION
The refined, uncoated surface looks as if it was created naturally, and the texture is without a repeating pattern.

Thickness	Sheet Size	Nominal Weight
10mm	4' x 8' (1220 x 2500mm) 4' x 10' (1220 x 3050mm)	3.6lb/R ²



LA20



LA60



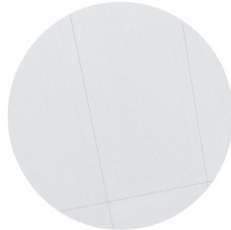
RED BRICK
LOCATION: Podium cladding



NATURAL WOOD SIDING
LOCATION: B2 townhouses and entrance wrappers



WARM GRAY BRICK
LOCATION: Fore Street Townhouses



FIBER CEMENT PANELS- GRAY
LOCATION: John Poor Crossing Entrance



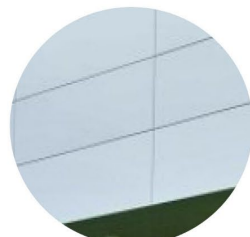
BLACK METAL/ WINDOW FRAMES
LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers



GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



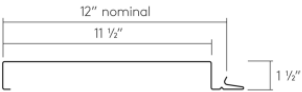
LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards

Metal Wall & Roof Systems
North America



Matrix MX-6

Primary application: Wall
Height 1.5" / 38.1mm **Width** 12" / 305mm
Perforation options for aluminum, stainless steel, zinc, and copper
Produced at: Bristol CT, Fontana CA, DeLand FL

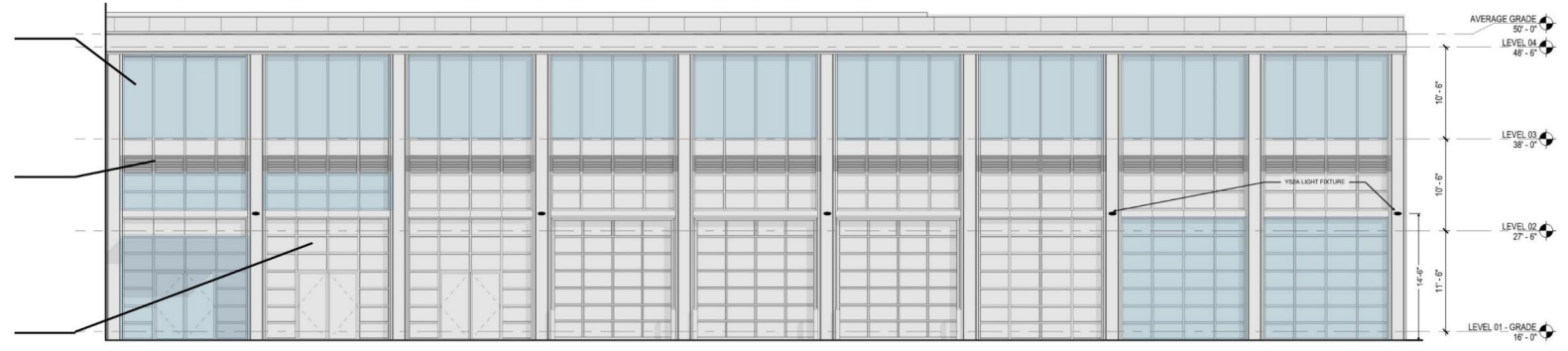


Suggested Metals
Galvalume 22, 20, 18 ga
aluminum .040, .050
zinc .8mm, 1mm
copper 16, 20 oz.
stainless steel 24, 22 ga

Vision Glass/
Transparent Glazing

Metal Louver

Black Metal



② **PODIUM- WEST PART 1**
1/8" = 1'-0"



● **P1**

Exterior Poles along Vehicular Traffic

PoleStructura BOL round straight solid wood pole with Head Bega-77930

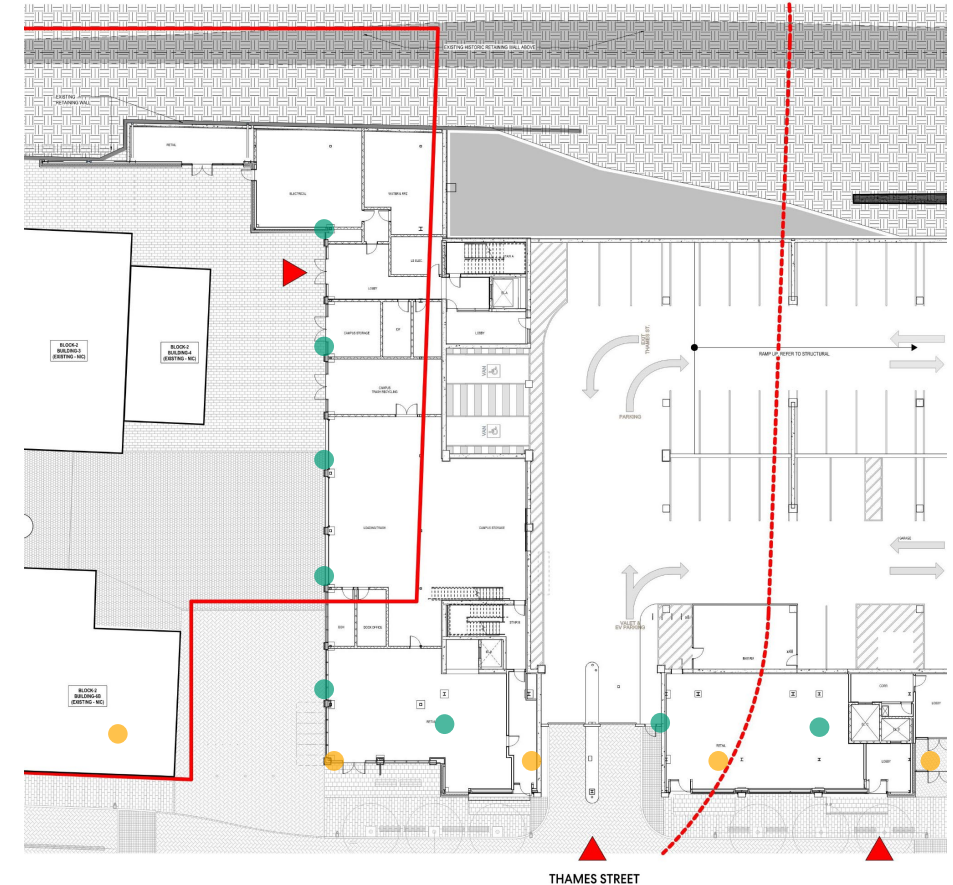


● **YS2A**

Building Mounted Moonlighting

Lumenpulse Lumenbeam Medium

Site & Building Mounted Moonlighting



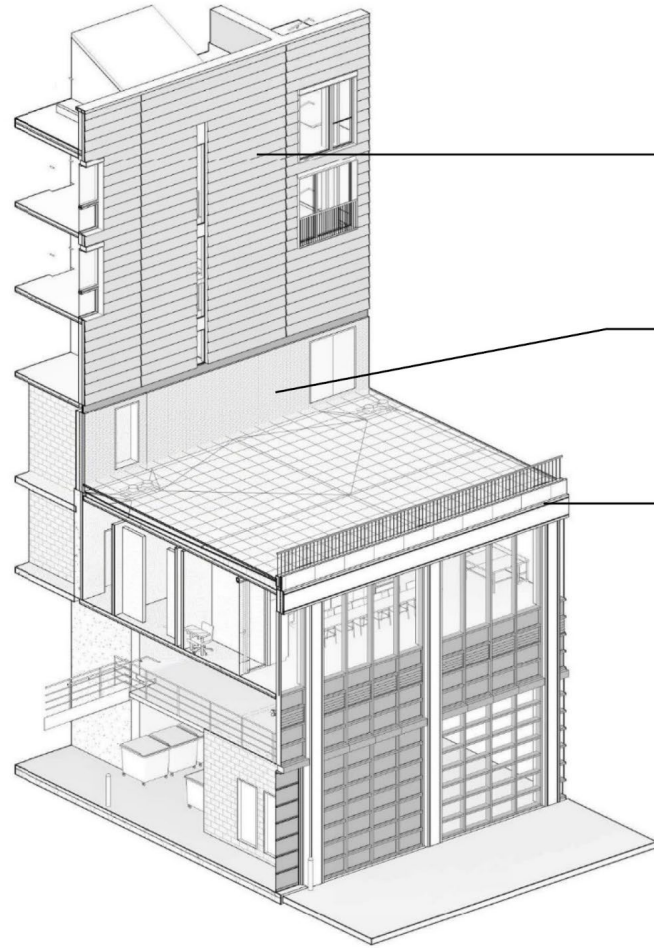


Harbor Hill – July 11, 2023

Perkins&Will

Note: Samples are intended to represent the material type and general gauge, texture, format, size to be applied per the finish schedule and details contained in the submittal package; however, actual manufacturer and/or product line may vary to an "or equal" product subject to material availability, installer/supplier agreements, and cost agreements as acceptable to Architect of Record. Any product changes that are materially different from those included in this application will be reviewed with City Historic Preservation staff prior to installation.





Shiplap Fiber Cement Panels

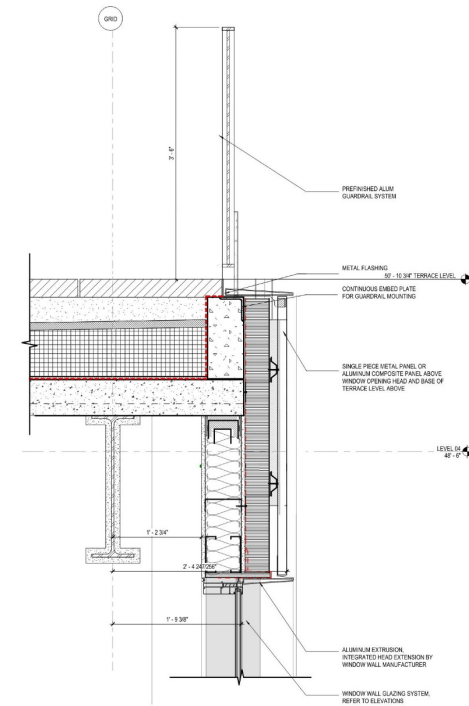


Red Brick

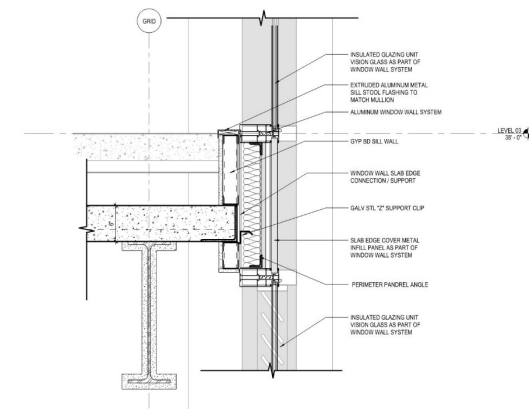


Black Metal

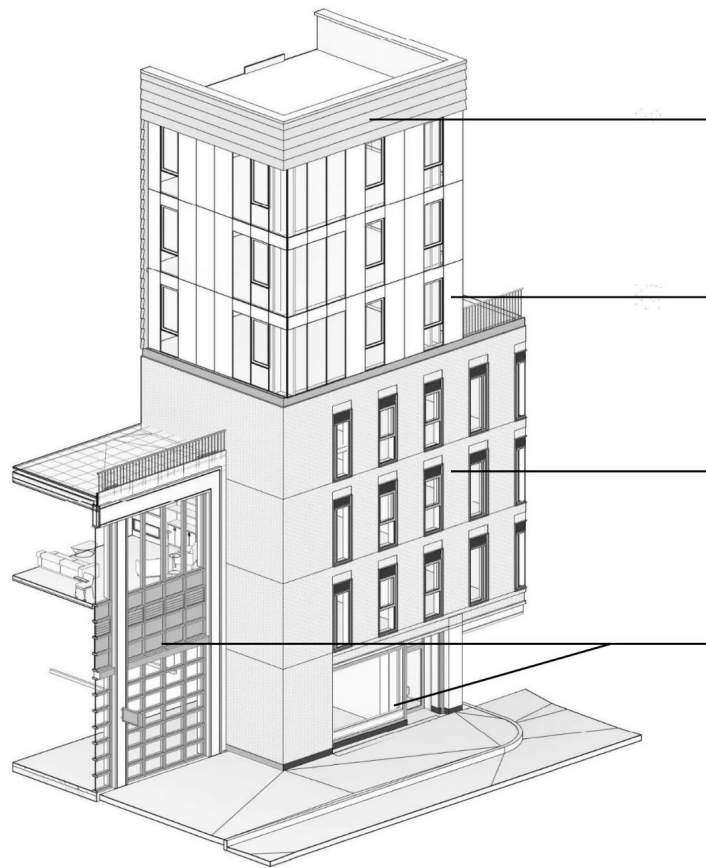
Exterior wall & façade details- West Wrapper



TYPICAL EXT DETAIL AT TOP OF WALL
② (OCCUPIABLE ROOF AT WEST)
1 1/2" = 1'-0"



TYPICAL EXT DETAIL AT WEST
③ CLADDING SLAB EDGE
1 1/2" = 1'-0"



Shiplap Fiber Cement Panels



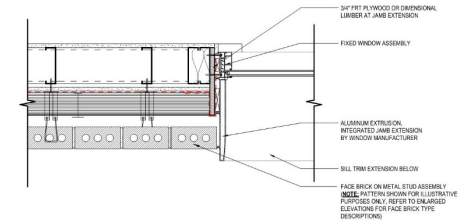
Gray Metal Panel



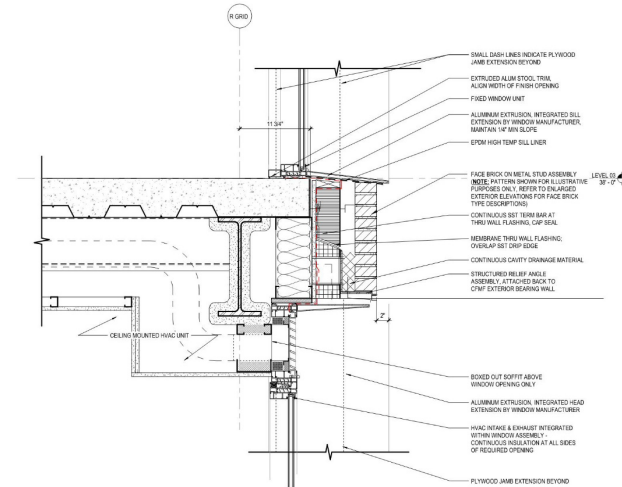
Red Brick



Black Metal



TYP EXT PLAN DET - JAMB @ FACE
④ BRICK FIXED WINDOW
1 1/2" x 1'-0"



TYPICAL EXT SECT DET - HEAD / SILL @
FACE BRICK CASEMENT
① WINDOW
1 1/2" x 1'-0"

Exterior wall & façade details- Thames St. Podium



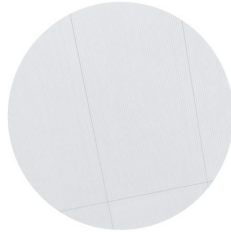
RED BRICK
LOCATION: Podium cladding



NATURAL WOOD SIDING
LOCATION: B2 townhouses and entrance wrappers



WARM GRAY BRICK
LOCATION: Fore Street Townhouses



FIBER CEMENT PANELS- GRAY
LOCATION: John Poor Crossing Entrance



BLACK METAL/ WINDOW FRAMES
LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers



GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards

Building Material Product Data

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RED SHALE SHADOW-TEX	8531	MAYO BLEND	RED FLASHED VELOUR
SHALE SMOOTH	SUNBURST VELOUR		

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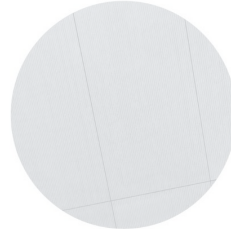
RED BRICK
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NATURAL WOOD SIDING
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FIBER CEMENT PANELS- GRAY
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LOCATION: Public Courtyard-2 Stairs and Retail



FIBER CEMENT PANELS- TAN
LOCATION: Residential Towers



GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards



Building Material Product Data


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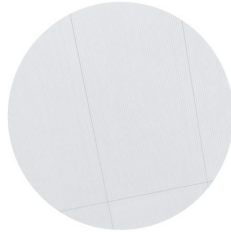
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GRAY METAL PANELS
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Building Material Product Data



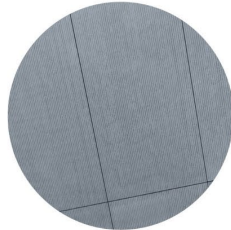
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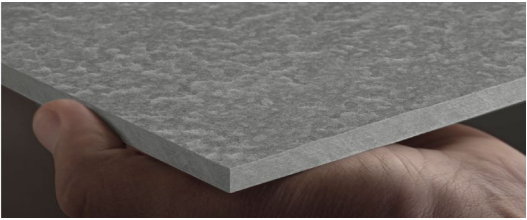


GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards

Building Material Product Data



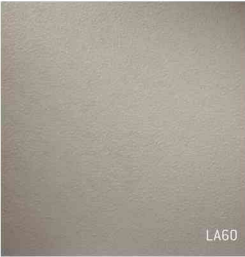
EQUITONE [lunara]

ESSENCE
A through-colored panel with a surface resembling a lunar landscape.

CHARACTERISTICS
The special production process makes each panel unique in color, texture, and surface.

EXPRESSION
The refined, uncoated surface looks as if it was created naturally, and the texture is without a repeating pattern.

Thickness	Sheet Size	Nominal Weight
10mm	4' x 8' (1220 x 2500mm)	3.6lb/ft ²
	4' x 10' (1220 x 3050mm)	



Note: Samples are intended to represent the material type and general gauge, texture, format, size to be applied per the finish schedule and details contained in the submittal package; however, actual manufacturer and/or product line may vary to an "or equal" product subject to material availability, installer/supplier agreements, and cost agreements as acceptable to Architect of Record. Any product changes that are materially different from those included in this application will be reviewed with City Historic Preservation staff prior to installation.



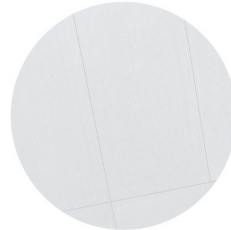
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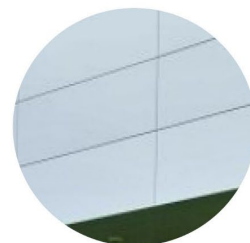
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GRAY METAL PANELS
LOCATION: Residential Tower Window Wall Infill Panels



LIGHT GRAY METAL PANELS
LOCATION: Inner Courtyards

Building Material Product Data

Metal Wall & Roof Systems
North America

Morin
A Kingspan Group Company

Matrix MX-6

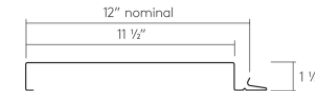
Primary application: Wall

Height 1.5" / 38.1mm

Width 12" / 305mm

Perforation options for aluminum, stainless steel, zinc, and copper

Produced at: Bristol CT, Fontana CA, DeLand FL



Suggested Metals

Galvalume 22, 20, 18 ga

aluminum .040, .050

zinc .8mm, 1mm

copper 16, 20 oz.

stainless steel 24, 22 ga

Note: Samples are intended to represent the material type and general gauge, texture, format, size to be applied per the finish schedule and details contained in the submittal package; however, actual manufacturer and/or product line may vary to an "or equal" product subject to material availability, installer/supplier agreements, and cost agreements as acceptable to Architect of Record. Any product changes that are materially different from those included in this application will be reviewed with City Historic Preservation staff prior to installation.



Harbor Hill – March 24, 2023

Perkins&Will



Fore Street looking East

Harbor Hill – March 24, 2023

Perkins&Will



Fore Street looking East

Harbor Hill – March 24, 2023

Perkins&Will



Fore Street looking East

Harbor Hill – March 24, 2023

Perkins&Will



Fore Street looking East

Harbor Hill – March 24, 2023

Perkins&Will



Fore Street looking West

Harbor Hill – March 24, 2023

Perkins&Will



Overall site looking North

Harbor Hill – March 24, 2023

Perkins&Will



Overall site looking East

Harbor Hill – March 24, 2023

Perkins&Will



Overall site looking South

Harbor Hill – March 24, 2023

Perkins&Will

March 13, 2023

Chair O'Brien and members of the Historic Preservation Board:

Founded in 1964, Greater Portland Landmarks is a non-profit advocacy organization that works toward the preservation and revitalization of greater Portland's built environment. Our goal is to save greater Portland's historic places through preservation and adaptive use while promoting creative new architecture that enhances historic neighborhoods. We appreciate the opportunity to comment on projects that impact the historic character of the city.

We are writing with comments related to the initial workshop on Block 4 of the Portland Foreside Development Company (58 Fore Street). Because this is an early phase of review and the packet materials are mostly conceptual, we want to offer appreciation and support for the Historic Preservation staff's comments about three aspects of the proposal. Namely, that the HP Board supports the current compatibility of the "west wrapper" while encouraging the applicant to make the townhouses stand out less in relation to the historic core of the complex. Specifically, we support designs that reduce the contrasting verticality of the townhouses, such as through adjusting their massing to minimize their perceived height, and consider non-flat roof forms. Relatedly, we believe the driveway podium would benefit from some fenestration rather than being a solid wall. With regard to overall massing and placement, we want to thank the applicant for helping to maintain the open spaces of the site's interior roads and alleys that evoke the historic ones.

Sincerely,



C. Ian Stevenson, PhD
Director of Advocacy



Sandra L. Guay
Partner
sguay@archipelagolaw.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

March 17, 2023

Via Email:

Portland Planning Board
Maggie Stanley, Chair
City of Portland Planning & Urban Development
389 Congress Street
Portland, ME 04101
planningboard@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4 and 6
Major Site Plan Review Application

Dear Madam Chair and Board Members:

As noted in my December 28, 2022 letter, this firm represents John Roger Trettel, an abutter to 58 Fore Street and the mixed-use development project that is the subject of the Portland Foreside Development Company (“Applicant”) site plan application currently pending before the Board (“Application”). As also noted in that letter, Mr. Trettel generally supports the mixed-use development project and the benefits that it will bring to the City’s Munjoy Hill and waterfront area.

As an abutter to the project however, Mr. Trettel has followed the development of this site closely and is aware of its long and complex history. Although he did not own the 5 Eastern Promenade property at the time, Mr. Trettel is aware of the community conversations that took place back in 2015 when the property was rezoned to accommodate this project, and in 2016 when the Master Development Plan and Phase I site plan were reviewed and approved. Like many of his neighbors and others in the City, he is aware of the controversy that has surrounded the development since 2016 – including the after-the-fact requests for approval by the Applicant and the enforcement action taken by the City in 2021 and 2022 after repeated violations.

Given the history and context of the development of 58 Fore Street, it is critically important that the Applicant’s proposal is compliant with all applicable standards and codes, and with the Planning Board and City Council’s vision for the growth and development of the City of Portland. Along these lines, Mr. Trettel has significant concerns about the Application and the next phases of development and trusts that a meaningful resolution of these concerns might serve to avoid still more controversy and conflict for the City and the Munjoy Hill Neighborhood.

Attorney Keith Richard and I recently met with Kevin Kraft to discuss some of these concerns. We appreciate Kevin taking the time to meet with us and understand that the Application will be undergoing a more rigorous review process over the coming weeks and months. It is in this light that we offer the following comments and would ask that the issues raised in this letter are carefully considered and addressed by the reviewers and by the Planning Board.

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 2 of 8

I. The 2016 Master Development Plan (MDP) Approval has Expired and is Therefore Void.

On December 20, 2016, the Planning Board approved a Master Development Plan (“MDP”) for the 58 Fore Street property (the “Property”). Both the City and the Applicant have since argued that the standards found in the Land Use Code in effect on December 20, 2016, apply to the current Mixed Use of Blocks 4 and 6 Major Site Plan Review Application and future development of the Property.

The 2016 MDP has only three “Standard Conditions of Approval & Requirements”. The third condition, located directly above the signature of then-Planning Board Chair, Elizabeth Boepple, is captioned “Master Development Plan Expiration”, and reads:

An approved master development plan shall expire six (6) years from the date of approval unless, prior to the expiration of the master development plan, a written request for an extension is submitted to the Planning Authority. Only two (2) such extensions may be granted by the Planning Authority, and each such extension shall be limited to two (2) years from the date of expiration of the master development plan. The Planning Authority may grant an extension provided there have not been substantial changes to the underlying zoning or site plan standards since the date of the master plan development plan approval that would have a substantial impact on approval. The Planning Authority may condition the extension on an amendment of the master development plan to comply with such applicable ordinance or site plan standard changes per section *14-532(d)* of the city’s land use ordinance. Approved major or minor amendments to a master development plan do not alter the expiration date for the master development plan.

This very same Section 3 MDP Condition language is also found in Section 14-532(d) of the Portland Land Use Ordinance, Expiration of Master Development Plan, effective on the date of the 2016 MDP approval.

It is without question that Section 14-532(d) is the controlling language for the 2016 MDP approval, yet at the January 10, 2023 Planning Board Workshop, this Board was informed by Planning staff that the criteria for expiration of the MDP was:

Master development plans approved under this article shall expire six years from the date of approval if no site work or building construction has commenced.

This provision however is not from the MDP or even from the Land Use Code in effect in 2016, when the MDP was approved. Rather, this language is from Article 14.12.2 of the March 7, 2022 Land Use Code. It is therefore inapplicable to the 2016 MDP approval, and in fact in violation of the terms and conditions of that approval. It was additionally stated at the January 10 Workshop that only the standards of the 2016 Land Use Code apply to the Application, and that it is not subject to the new standards and requirements found in the 2022 Land Use Code; but, this then leads to an absurd result - the Applicant cannot reasonably argue on the one hand that the 2016 Code applies for *all* applicable regulations and standards, but that Article 14.12.2 from the 2022 Code applies with respect to expiration of the MDP. There is nothing in either the 2016 or the 2022 Code that would allow this, nothing in the 2016 MDP that allows

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 3 of 8

it, and there is no argument in law that would support this. The plain language of Section 14-532(d) in the 2016 Code, copied verbatim into the MDP approval, has no ambiguity as to its intent or meaning and it was the only mechanism available to the Applicant for obtaining a possible extension to the 2016 MDP.

The Maine Law Court has considered the finality of expiration language in land use approvals and ordinances, finding that “an Applicant must be diligent and request an extension within the [time] period for which the approval remains viable. Otherwise, the Ordinance would allow the Board to extend an approval that had become void.” *George D. Ballard, Builder, Inc. v. Westbrook*, 502 A.2d 476, 480 (Me. 1985). “Moreover, to construe the extension provision otherwise would allow a developer to be protected from zoning changes for an indefinite period greater than the [time period] provided in the Ordinance.” *Id.*

We have been provided with emails between Mary Costigan, Esq. on behalf of the Applicant, and Cristine Grimando, dated September 2022. On behalf of the City, Ms. Grimando opined that the MDP would not expire on December 22, 2022 because construction had commenced on the site. Ms. Grimando’s interpretation was based on the inapplicable Article 14.12.2 of the March 7, 2022 Land Use Code; the legislatively adopted Section 14-532(d) in the 2016 Code is, however, non-discretionary and the Planner had no authority under the Code to ignore, waive or otherwise provide a variance from that extension requirement. Furthermore, the email exchange between Attorney Costigan and Ms. Grimando had no impact upon the expiration of the MDP pursuant to the express terms of the MDP itself and the applicable Section 14-532(d) effective in 2016. First, Attorney Costigan’s email did not request an extension—it merely sought an opinion that the MDP would not expire. Second, there was no assessment by the City, as required by the Code, of whether there had “been substantial changes to the underlying zoning or site plan standards since the date of the master plan development plan approval that would have a substantial impact on approval....” Because there was no written request for an extension from the Applicant, nor the required process to determine whether to grant that extension by the City, the MDP expired.

Simply put - the Applicant failed to properly request an extension within requisite six years of the date of approval as clearly and unambiguously required by the 2016 MDP and in Section 14-532(d) of the 2016 Code. As a result, the 2016 MDP approval is void; there is no longer an approved or controlling MDP in place, and with all due respect to the Planning Board, it therefore lacks jurisdiction to continue to review the Application as though it were validly submitted.

II. Given the magnitude of this proposed project and its lasting impact on both the neighborhood and the character of Portland as viewed both to and from the water and Munjoy Hill, it is critical that the Planning Board understand the issue of grade and its relationship to building height.

A. The Project Violates Height Restrictions on Numerous Grounds.

“Average developed grade,” which is being applied by the City and Applicant, is not in the height definition or in any provisions addressing vertical dimensional standards. In fact, “finished grade” or

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 4 of 8

“developed grade” as the starting measuring point for structures has no express support anywhere in the Code, past or present.¹

Where a term, like “grade,” is undefined, Maine courts construe the term “reasonably with regard to both the objects sought to be obtained and to the general structure of the ordinance as a whole.” *Friends of Cong. Square Park v. City of Portland*, 2014 ME 63, ¶ 9, 91 A.3d 601 (citation omitted). Courts “give such terms their ‘common and generally accepted meaning’ and dictionaries are an established authority to identify definitions. *Id.*

Merriam-Webster Dictionary defines “grade” as “a datum or reference level . . . especially: GROUND LEVEL.” Merriam-Webster Dictionary Online, “grade” <https://www.merriam-webster.com/dictionary/grade>. Oxford Languages defines “datum” as “a fixed starting point of a scale or operation.” Dictionary definitions establish that “grade” has an objective, uniform starting point that bears a rational relationship to the conditions of the earth. The same conclusion follows applying the general rules of ordinance interpretation. *See Banks v. RSA #1*, 1998 ME 272, ¶ 4, 721 A.2d 655 (“A court’s interpretation of an ordinance must not create ‘absurd, inconsistent, unreasonable or illogical results.’”)

The City’s interpretation of “grade” will produce inconsistent, illogical, and absurd results. As a function of uniform height regulations, grade must consider the objective conditions of the site tethered to factual reality. Interpretation of “grade” as “post development grade” would mean height restrictions vary depending upon whatever a developer artificially creates or manipulates for conditions, divorced from what exists at the time of an application. For developers with the gumption, financial capacity, and engineering capability to reshape the earth, introduce creative structures, and pile fill, the sky is the limit. A developer can achieve whatever height they desire by creating a “developed grade” that games the height standard by anticipating when the City will begin measuring and adjusting their “developed grade” and proposed structures accordingly.

That is precisely the scenario here. The Applicant has artificially elevated their proposed buildings on a “pedestal” with the absurd and illogical result that buildings can exceed 110’ in a zone that restricts buildings to half as tall. For those without the same resources (everyone else), the regular height standards of 45’ up to 65’ apply. That is the type of inconsistent result produced by a “grade” interpretation and height standard that does not have any objective regulatory limit. Measuring height from the perimeter of

¹ A review of the Code as a whole reveals that such an interpretation is foreclosed by express provisions. *See, e.g.,* Portland, Me., Code § 14-755 (amended 2016) (defining height of wind energy system as “vertical distance *as measured from the average elevation of the finished grade*” (emphasis added)); § 14-369(d) (establishing height computations for signs as “normal grade” defined as “the lower of either existing grade prior to construction or the newly established grade after construction excluding any filling, berming, mounding or excavating accomplished solely for the purpose of locating the sign”). Thus, in creating height and grade standards for wind energy systems and signs, the drafters of Portland’s Code knew and understood how to clearly delineate between “existing” or “predevelopment grade” and “newly established” or “post development grade.” If “grade” for purposes of structure height was intended to be broadly interpreted to mean “post development grade,” this would have been stated explicitly. It was not, we must presume with intent. *See, e.g., Fuhrmann v. Staples the Office Superstore E., Inc.*, 2012 ME 135, ¶ 34, 58 A.3d 1083 (“If the Legislature had intended to create individual supervisor liability it would have done so explicitly in much clearer terms.”).

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 5 of 8

buildings, artificially elevated by new structures and fill, is a textbook example of stretching a definition to a logical extreme that violates core tenets of ordinance interpretation. *See, e.g., Banks*, 1998 ME 272, ¶ 4, 721 A.2d 655 (rejecting illogical interpretation of ordinance to construe tower as exempt from height restrictions as rendering height restriction meaningless).

The fact that the Code distinguishes “pre-development grade” on the islands does not mean that “grade” on mainland Portland has no objective definition. It is a logical fallacy to infer that because “pre-development grade” applies on the Islands, that “grade” for purposes of Mainland Portland therefore means “post-development grade,” with no objective definition of grade tied to a specific moment in time prior to development. Rather, “grade” must mean conditions of a site which logically, like any land use standard, would be determined *at the time of an application*. This is *not* an argument for applying the Islands standard to the Mainland because “pre-development grade” already has a specific meaning that is fixed in time: “‘Pre-development grade’ is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.”

What about grade on October 2, 2000; on October 2, 2022; the date an application is filed; or the present date? None of the foregoing points in time constitute “predevelopment grade” because they all post-date October 1, 2000. Not only is the City implying “post development grade” without support in the Code—but the City is also failing to consistently interpret “predevelopment grade.” On the Mainland, the City appears to consider “predevelopment grade” to mean conditions of the site from the beginning of time until the moment before the developer has moved earth, built up, and filled the site. The Code definition of “predevelopment grade,” fixed in time as of 2000, contradicts that interpretation.

Moreover, the City’s interpretation is arbitrary. Starting tomorrow, the City could interpret “grade” on the Mainland to be the conditions at the time of an application, which would be consistent with the Code. If the City wants to adopt a standard with material regulatory consequence, that policy must be enacted by legislation, not unwritten longstanding internal deference to “the way we have always done it.” Unlike state agencies, municipalities do not receive deference in their interpretations of law, including ordinances. *Compare Rudolph v. Golick*, 2010 ME 106, ¶ 8, 8 A.3d 684 (“The interpretation of a local ordinance is a question of law, and we review that determination de novo.”), *with Guilford Transp. Indus. v. PUC*, 2000 ME 31, ¶ 11, 746 A.2d 910 (court defers to agency interpretations of ambiguous statute the agency administers). Regardless of whether this is a longstanding interpretation of the Code is immaterial to whether it is correct as a matter of law.²

² At the January workshop it was stated that the Maine courts have upheld the City’s interpretation. This is technically true but requires some important qualification. A single Superior Court case has affirmed the City’s height interpretation and site plan approval for an apartment building development in East Bayside, but that decision is currently on appeal at the Maine Supreme Court. *See Murray v. City of Portland*, AP-22-03 (Me. Sup. Ct. Aug. 5., 2022). The City’s height and grade interpretation is directly at issue in the appeal as a matter of first impression. Because trial court decisions are not binding on other courts (only Supreme Court decisions are), another Superior Court justice in a subsequent appeal could lawfully reach the opposite conclusion and we believe likely would on the facts presented by this application. Until that appeal is decided, there are no *binding* Maine court decisions.

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 6 of 8

Even applying post-development grade to this application, the Portland Co. site *is* developed and has an existing post-development grade. If a site can be “developed” over and over again without limit, the standard truly has no objective meaning.

Finally, with respect to the portions of the proposed site that are within the Shoreland Overlay Zone, the City’s grade interpretation and height calculation is inconsistent with and therefore preempted by the Mandatory Shoreland Zoning Act, 38 M.R.S. §§ 435-448.³ *See Sawyer Env’tl. Recovery Facilities, Inc. v. Town of Hampden*, 2000 ME 179, ¶ 27, 760 A.2d 257. For new structures in the shoreland, “height” is defined as “the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure” 38 M.R.S. § 436-A(7-A). This definition preempts the City’s interpretation of “grade” on two grounds: first, the height calculation standards apply to “average grade” *before* construction, rather than post development; and second, the property owner must calculate from the downhill side of the structure. The statutory standard preempts the City’s inconsistent unwritten interpretation for portions of the site subject to shoreland zoning.

B. Even if the Lawfulness Were Assumed, the City’s Traditional Methodology for Determining Grade is Simplistic, Flawed, and Results in Errors and is being Improperly Employed by the Applicant here.

The City’s 2015 and 2022 code utilizes a simplistic methodology for determining the average grade of a site that is easily manipulated and can generate dramatically inconsistent results. The methodology involves calculating a simple average of the grade elevation at the primary corners of the building foundation. This methodology is most applicable if the site is small and generally uniform; it is not appropriate for a large, irregularly shaped and undulating site as that proposed for the 58 Fore St. project. This methodology was utilized during the original Master Development Plan review phase when it was applied to a large parking podium that would be constructed across Blocks 4, 5, and 6. By heavily weighing the high sides of the site, the Applicant (and apparently the City) erroneously determined that the average grade of the site was 50.1 feet.

Engineering consultant, Tetra Tech, performed a more accurate assessment of the site utilizing more applicable industry standard methods (see Attachment A). This easily reproduceable analysis determines that the average grade of the Block 4, 5, and 6 area is in reality approximately 29 feet—a *difference of over 20 feet*. Given the importance of the site in terms of its impact on the overall character of Portland and surrounding Munjoy Hill historic community, it is extremely important for the City to get the issue of grade and subsequent building height correct. It is not acceptable to use and manipulate a simplistic and flawed methodology to establish an incorrect starting grade that enables buildings that far exceed the maximum heights (45 to 65 feet) and number of floors (max 4-6) envisioned in the adopted height study plans⁴ and in the Code.

³ “In accordance with a schedule adopted by the board and acting in accordance with a local comprehensive plan, municipalities shall prepare and submit to the commissioner zoning and land use ordinances that are *consistent with or are no less stringent than the minimum guidelines adopted by the board* and, for coastal communities, that address the coastal management policies cited in section 1801.” 38 M.R.S.A. § 438-A.2 (emphasis added).

⁴ As noted, the Eastern Waterfront Building Height Study (September 2004) (“Study”), adopted into the E. Waterfront Master Plan and the City’s Comprehensive Plan as it existed in 2015, formed foundation and basis for the B-6 Height Overlay. In the area of the proposed new development, any building over four stories (one story is defined

In the application for the individual buildings proposed on Block 4 and Block 6, this methodology has been improperly used to establish base grades far beyond the factual conditions of the site. Using the methodology as intended, the average grades for the Block 4 and Block 6 buildings are approximately 39 feet and 36 feet, respectively (see expert statement Attachment B). While not presented in the current filing as it will be a separate building, the average grade for Block 5 is approximately 14 feet.

Reviewing the numbers presented in the filing, it is easy to see how the Applicant has weighted the high side of the site by utilizing approximately three times the data points, thereby dramatically skewing the purported “average.” This blatantly and inaccurately skews the average starting grade 30-40% higher than it actually is, with dramatic consequences for how height restrictions will be applied. More importantly, it flies in the face of the intent of the code and various height studies and overlays, to promote responsible development consistent with the character and scale of Portland’s eastern waterfront and the Munjoy Hill neighborhood.

III. The Applicant Cannot Unilaterally Include New Lots in an Entirely Different Zone Within the Boundary of the 2016 MDP.

As discussed in the December 28, 2022 letter and as further discussed by Board members at the January 10, 2023 Planning Board Workshop, the proposed site plan for Block 6 includes portions of three parcels of land, identified as 13-23 Eastern Promenade, which were never a part of the now void 2016 MDP, but rather separately purchased by the developer in 2021. The Applicant has now included portions of these parcels in the Application as though they were within and a part of the 2016 MDP project. Significantly, these appended properties are not located in the B-6 zone, but rather in the R-6 zone and in the Munjoy Hill Historic District and in addition to being inappropriately included in the present Application, are therefore subject to different and enhanced ordinance standards and regulations.

At the November 23, 2021 workshop for an amendment to the 2016 MDP⁵ the Planning Board opined as whether the Board had any control over the design of the project if the Level II site plan application pending at that time was subject only to staff review. The Board was informed that the MDP section of the 2016 Code had a provision for a major MDP amendment determination. In fact however, as noted in our December 28, 2022 letter, the 2016 Land Use Ordinance only provides a methodology for the Planning Authority to permit *minor* amendments to still effective Master Development Plans. Neither the 2016 Land Use Ordinance, nor the 2016 MDP, provide *any* avenue for a major, substantive amendment to an MDP (such as expansion of the boundaries of the original MDP by the addition of new land located in a different zone).

The inclusion of additional land, especially land that is in a different zone, is not a decision that can be made by staff. The addition of land in a residential zone has far reaching impacts upon those already residing in that zone, on the Comprehensive Plan and on the City’s and neighborhood’s vision for that residential neighborhood. It must be subject to the same rigorous review process that the initial MDP went

as 11 feet) has “has a maximum 70’ width parallel with the shore and a maximum 140’ length perpendicular to the shore.” Per the Study, the maximum total number of stories permitted in this area of the B-6 Overlay is 5 to 6 floors.

⁵ The purpose of the November 23, 2021 Planning Board Workshop was to amend the MDP in such a way non-permitted structures and uses at the 58 Fore Street project, then subject to Notices of Violation and a Consent Agreement with the City, would become compliant.

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 8 of 8

through – and in this case, as the MDP is void, there needs to be a substantial review as an entirely new project under the Site Plan Review section of the Code.

IV. The Applicant Has Failed to Establish Sufficient Right, Title, and Interest to Warrant Review by the Board.

As this Board well knows, to have sufficient standing to pursue an application for land use development, an Applicant must demonstrate that they have a reasonable expectation that they will be able to develop the property as they have proposed. In the absence of that interest, Maine courts have explained that an Applicant lacks sufficient right, title, and interest (RTI) to pursue an application before a municipal board. Ultimately, the standing/RTI requirement is aimed at ensuring that the Planning Board's (and Planning staff's) time is not wasted reviewing applications for projects that may never get built. Therefore, under state law as well as the express language of the City's Code, all applications for permission to develop land must include evidence of sufficient RTI to develop the property *before* review of the proposal is undertaken. As noted in my December 28, 2022 letter, the 2016 Master Development Plan for the 58 Fore Street property is also express on this point.

The now void MDP and the proposed Site Plan clearly contemplate improvements to the site that are located on property outside the Applicant's ownership and control, including City and private property. Easements allowing those improvements are therefore needed and required. The Applicant however has failed to provide copies of executed easements – likely because they have not yet been obtained. Nevertheless, the Applicant is treating the application as if it is complete and entitled to review by staff and this Board. It is not. Given the history of development of this property and before any further staff or board time is taken up reviewing this development, the Applicant should be required to go to the effort of securing the easements and any other permissions needed to build out the project *before* the Board reviews it. Otherwise, it is entirely possible that necessary easements will not be given causing the plans to later be amended with additional rounds of review and Board meetings required.

Rather than invite multiple hearings and amended approvals, the Applicant can and should be made to wait to present its proposals until such time as it actually has the permissions needed to build it. Without those permissions, review of this application is a waste of staff and board time. More fundamentally, the Applicant lacks standing to seek site plan approval at all.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:
John Roger Trettel
Portland Historic Preservation Board
c/o Evan R. Schueckler, Program Manager

ATTACHMENT A
Grade Elevation Study

Project: 58 Fore St. Project Area Elevation Review

Tetra Tech, Inc. is a global engineering, design, and consulting firm with over 50 years of experience performing complex engineering, design and construction services on 1000's of projects worldwide.

Tetra Tech performed a desktop investigation of the 58 Fore St. Project development area in the City of Portland, Maine to establish the estimated average grade across the site above mean sea level. The study area is located in the eastern waterfront area of Portland and consists of approximately 5 acres of commercial, past industrial, and vacant land uses. Approximately two-thirds of the study site is marked by a large low-lying level area slightly above sea level supporting parking areas, a commercial building slab, and a rail yard; while about one third of the site consists of undeveloped, fragmented scrub forest on steeply sloping to almost vertical terrain along its northern and eastern boundaries. The vertical portion of the site is a narrow strip along the north boundary where a stone retaining wall supports Fore Street.

The industry standard method for calculating average elevation of an irregularly shaped and undulating parcel of land involves the use on-site topographic land surveying or contouring. If time, budget, or access prohibit collecting of field data, a site can be studied remotely using Digital Elevation Models (DEMs) and Geographical Information Systems (GIS). The DEMs provide a three-dimensional representation of the topography of the parcel, while the GIS is used to process and analyze the DEM data. The first step in this process is to obtain the DEM data, either by using aerial LiDAR (Light Detection and Ranging) technology or by interpolating spot elevation data using techniques such as kriging (ESRI, 2018). Once the DEM data are obtained, it is processed to create a raster layer, which is a grid of cells with equal dimensions that represent the elevation of the parcel at each cell location. The average elevation of the parcel is then calculated by summing the elevation values of all the cells in the raster layer and dividing by the total number of cells (Lidén et al., 2003). This process is often performed using GIS software, such as ArcGIS or QGIS.

Such data were not readily available for this study, and as such, Tetra Tech utilized Google Earth's elevation profile functionality as the DEM to find the elevation across the site using a 10-foot by 10-foot raster grid. Elevation profiles were obtained by casting the raster grid across the irregular site polygon using the southern corner as an anchor point (see attached figure). Elevation profiles along grid lines were examined at 10 foot intervals and the elevation at each point was recorded and rounded to nearest whole number (data attached).

A total of 2406 data points were recorded across the polygon, totaling to 69,647 feet of total elevation. The average elevation across the site was determined to be 29 feet (total elevation / total number of data points), which is approximately 15 feet above the existing level grade elevation.

While Google Earth data are generally regarded as quite accurate and reliable in urban areas, the best measurement of average elevation/grade of an irregularly shaped and uneven site would be determined by an on-site topographic land survey using total station or global positioning system (GPS) equipment. Upon completion of a land survey, there are numerous industry standard DEM engineering models available that would use these data to quickly and precisely measure the average elevation/grade across the site.

In performing this desktop analysis, Tetra Tech performed a QA/QC check of the Google Earth data by doing a representative spot check of points across the site and comparing them to the topographic survey map provided in the 58 Fore Street project's original 2016 application. This review determined the Google Earth data to be close to the applicant's field surveyed measurements with only minor deviations observed. As such, the average calculated elevation across the site of 29 feet is expected to be accurate within a small margin of error.

Discussion on Perimeter Measure Methodology

The average grade of the site was previously determined by others using a perimeter elevation measure methodology. Using elevation measurements taken around the perimeter of an undulating site to determine the average elevation is not appropriate, as it does not accurately reflect the complex topography of the interior of the site. This method provides only a rough estimate of the average elevation and is likely to be significantly different from an average elevation calculated from more comprehensive elevation data. Using only perimeter measurements is likely to give a biased estimate of the average elevation and may result in errors, especially if the site has steep or complex topography (Lidén et al., 2003). In this case, a difference of 21 feet (50.1ft vs. 29 ft) between the perimeter measure approach and the grid overlay/topographic approach is a dramatic deviation and indicates that the perimeter measure approach is not providing an accurate assessment of the average grade of the site.

The level of measurement error that is acceptable for a project site is dependent upon the ultimate use of the site. However, in general, such a large deviation between two methods of measurement is not considered to be an acceptable level of error to enable accurate and responsible decision making and design. Tetra Tech recommends a more comprehensive method, such as a topographic land survey or a DEM analysis, to obtain a more accurate average elevation of an undulating site with extreme topography changes such as the 58 Fore St. project area.

References:

ESRI (2018). Understanding Raster Elevation Data. Environmental Systems Research Institute, Redlands, CA, USA.

American Society of Civil Engineers. (2017). Surveying Fundamentals. <https://asce.org/continuing-education/courses/surveying-fundamentals/>

Lidén, K., Jonsson, P., and Löfgren, S. (2003). Average elevation and other terrain attributes from digital elevation models: a comparison of methods. *Geomorphology*, 55(1-2), 89-104.

58 Fore Block 4, 5 & 6 Area

58 Fore Project Area
10'x10' Grade Grid

Legend

-  58 fore area
-  Feature 1



58 Fore Street Site Elevation Study - 10x10 Foot Grid Data																						
GE Paths	0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Path1	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11	11	11	11
Path2	12	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11	11	11
Path3	12	12	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11	11
Path4	12	12	12	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11
Path5	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	11	11
Path6	12	13	13	13	13	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Path7	13	13	13	13	13	13	13	13	13	13	13	13	13	12	12	12	12	12	12	12	12	12
Path8	13	13	14	14	14	14	14	13	13	13	13	13	13	13	13	13	13	12	12	12	12	12
Path9	13	14	14	15	14	15	15	15	15	14	14	14	14	13	13	13	13	13	13	13	13	13
Path10	13	14	14	15	15	15	15	15	15	15	15	15	14	14	13	14	14	13	13	13	13	13
Path11	13	14	14	15	15	15	15	15	15	15	15	15	14	14	13	13	14	14	14	14	13	13
Path12	14	14	14	15	15	15	15	15	15	15	15	15	15	14	14	13	13	14	14	14	14	14
Path13	14	14	15	15	15	15	15	15	15	15	15	15	15	14	14	14	13	14	14	14	14	14
Path14	14	14	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14	14	14
Path15	14	14	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14	14
Path16	14	14	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14	14
Path17	15	14	14	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14
Path18	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14
Path19	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14
Path20	15	15	15	15	15	15	15	15	15	15	15	15	16	16	15	15	15	15	15	15	15	15
Path21	15	15	15	15	15	15	15	15	15	15	15	16	16	16	16	15	15	15	15	15	15	15
Path22	15	15	15	15	15	15	15	15	15	15	15	16	16	16	16	15	15	15	15	15	15	15
Path23	15	15	16	16	16	16	15	15	15	15	16	16	16	16	16	16	15	15	15	15	15	15
Path24	15	15	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	15	15	15	15
Path25	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	15	15
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Path28	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	17
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Path32	42	40	39	40	38	36	35	33	33	32	31	31	30	30	31	31	32	31	31	31	30	29
Path33	50	50	49	48	49	47	45	45	43	41	42	41	40	41	49	38	39	37	37	38	37	36
Path34	50	51	52	50	51	49	48	48	47	46	48	46	45	47	47	46	48	47	47	49	50	51
Path35	57	56	58	57	56	57	56	59	60	61	64	66	69	71	71	73	71	72	72	71	72	72
Path36	75	76	76	75	76	76	76	76	77	78	78	78	78	78	78	80	80	80	80	79	79	81
Path37	81	83	83	83	83	84	83	84	82	83	83	84	87	88								
Path38	87	88	88																			
Path39	71	69	66	64	61	60	58	57														
Path40	72	71	69	67	65	62	61	60														
Path41	73	72	70	69	67	65	63															
Path42	73	72	71	70	69	67	65															
Path43	74	72	72	71	70	69	67															
Path44	74	73	72	71	71	70	68															
Path45	74	74	72	72	71	71	70															
Path46	75	74	73	72	72	72	72															
	Total Count	2406																				
	Total Elevation	69647	feet																			
	Average Elevation	28.95																				

220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390	400	410	420	430	440	450
12	12	11	11	12	12	11	11	12	12	12	12	12	12	12	12	12	12	12	12	12	13	13	13
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37	36	36	38	38	38	40	41	41	45	46	46	51	53	56	57	58	60	60	60	62	62	63	63
55	56	57	61	63	64	66	66	66	68	68	68	69	69	69	71	71	71	72	72	73	74	74	75
72	73	73	74	74	74	75	76	77	77	77	77	77	78	78	78	81	83	85	86				
82	86	87	88																				
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[illegible]

[illegible]

ATTACHMENT B
Expert Opinion

February 24, 2023

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

Attn: Planning Board

Re: Miscalculation of Average Grade
Level III Site Plan and Subdivision – 58 Fore Street
Portland Foreside Development Company

Dear Planning Board Members:

Based on our review of the above-referenced submission, it appears the Applicant has either miscalculated or misrepresented average grade for proposed structures on Parcel 4 (“Harbor Hill”) and Parcel 6 (“The Channel Mark”). The proposed building elevations note average grade *singularly* as **elevation 50.1** despite there effectively being two buildings on separate parcels of land with substantially different surrounding grades. The average grade noted has no discernible relevance to the buildings proposed and no reasonably justifiable supporting calculations were found for the value. Furthermore, the calculations provided are clearly and unjustifiably skewed to result in a higher elevation than would otherwise reasonably be determined. This is particularly egregious as it pertains to the Harbor Hill structure.

The City of Portland Land Use Code (March 2022) clearly and logically specifies average grade as being calculated at the corners of the foundation of the proposed structure. Common practice for determining average grade requires weighting selected foundation corners relative to the length of building foundation. The attached figures show how applying common practice and using existing elevations at the principal foundation corners results in the substantially different average grade calculation of **elevation 39.5** for the Harbor Hill structure and **elevation 36.3** for The Channel Mark structure. A substantially different average grade calculation would be the result whether calculated using the four principal foundation corners or equidistant points along the foundation.

Any building height measured from the average grade of elevation 50.1 is simply unsupportable and inconsistent with the relatively clear intent expressed in the City of Portland Land Use Code (March 2022).

Very truly yours,



Sean P. Reardon, PE
Vice President



Matthew W. Moyan, PE
Senior Project Manager

Attachments: Figure 1 – Civil Building Height Calculation Figure Markup

Cc: Roger Trettel

this is absurd



EXISTING MARINA

Source: Civil Building Height Calculation
Figure prepared by Woodard &
Curran dated November 2022

Figure 1
02-16-23

TETRA TECH, INC.

Tetra Tech has been a world class provider of consulting and engineering services for over 50 years. We support global commercial and governmental clients focused on sustainable infrastructure, water, environment, energy, and international development. With over 27,000 associates worldwide, Tetra Tech provides clear solutions to complex problems.

In a complex world with competing demands for limited resources, Tetra Tech offers clear solutions made possible with sound science, understanding, innovation, and industry-leading approaches.

PERSONNEL EXPERIENCE SUMMARY**Sean P. Reardon, PE**

Mr. Reardon is a Vice President at Tetra Tech who specializes in guiding site/civil engineering and land development programs to successful completion. He has 30 years of experience in the planning, permitting, design and construction of a wide range of facilities and infrastructure. His broad background encompasses all service sectors: municipal, institutional, private land developers and public/private partnerships. He is particularly skilled in managing multidisciplinary services under aggressive timeframes, as well as design/build and on-call engineering contracts. Mr. Reardon prides himself on building long-term, collaborative client relationships and overcoming technical and regulatory challenges with creative solutions that optimize project objectives. In addition to his leadership on residential, institutional, commercial and mixed-use development programs, Mr. Reardon is regularly called upon to provide expert witness testimony and litigation support. Mr. Reardon is a licensed Professional Engineer in Maine, Massachusetts, Rhode Island, New Hampshire, Connecticut, and Vermont.

Matthew W. Moyen, PE

Mr. Moyen is a Senior Project Manager at Tetra Tech with 16 years of experience in planning, civil engineering design, permitting, and construction as part of multidiscipline and multi-firm project teams. He leverages his diverse skill set and technical background to lead a range of commercial, industrial and residential land development projects, renewable energy projects, and stormwater programs to successful completion for public agencies and private clients. Mr. Moyen also provides peer review services of complex projects for municipal boards and state agencies. Mr. Moyen is a licensed Professional Engineer in New Hampshire, with reciprocity underway in several states including Maine.

58 Fore Street 0 views



Barbara Vestal <vestal@chesterandvestal.c... Mar 29, 2023, 6:26:52 PM (17 hours ago)
to hp@portlandmaine.gov



Hello Chair O'Brien and Historic Preservation Board Members,

I write to you as an abutter to the proposed project. I reside directly across the street at 7 Fore Street. As you begin to review proposed Block 6, I would like to call your attention to a few threshold issues that I believe you need to be aware of as you begin your review:

- 1) it appears that the 2016 Master Development Plan approval has expired;
- 2) the proposed plan appears to violate the building height restrictions,
- 3) new lots have been included in proposed Block 6 which were not part of the original Master Development Plan application, and
- 4) it appears that the project is not ripe for review because it has not obtained all of the rights necessary to develop as proposed.

Rather than repeating all of its contents, let me just say that I wholeheartedly endorse the letter from Attorney Sandra Guay dated March 17, 2023 which was submitted to the Portland Planning Board with a copy to the Historic Preservation Board. In that letter she documents in great detail the fact that the Master Development Plan approval expired on December 20, 2022 by its own terms, without a timely request for any extension. That means that this project needs to be reviewed as an entirely new project under the currently applicable site plan and historic preservation standards.

Attorney Guay also outlines multiple bases to challenge the extreme building heights currently proposed by the applicant, including:

- the fact that they are using an absurd and illogical interpretation of the grade language in the ordinance to inflate proposed heights,
- that they are ignoring the statutory requirements for grade calculation in the shoreland zone, and
- that they seem to be using a single (inflated, improperly calculated) average grade for the entire site despite the fact that blocks 4, 5 and 6 each have different site and grade characteristics.

Attorney Guay also raises the issue that the plan contemplates improvements to the site that would be located upon land outside the current control of the applicant. I would add to Atty. Guay's discussion of missing rights that there is an 1876 agreement between the City and Portland Company recorded in Book 434, Page 368 (copy attached) which was made as the seawall along Fore Street was being constructed. It says that up to 4 feet of the embankment under the base of the seawall/retaining wall may be upon land owned by the Portland Company, with the rest to be constructed upon land of the City. The Portland Company, its successors and assigns are not to disturb the embankment which sustains the wall except if they substitute permanent support at their own cost. Further, the Portland Company is given the right to construct upon the top of the wall, but only within the line of Portland Company land, any wall of brick or stone which it might desire to erect on the retaining wall, consistent with the safety and stability of the wall. The applicant appears to be proposing to build an access ramp to the parking garage across City-owned land, and appears to be proposing to construct at least a portion of the parking garage driveway podium structure (not just a "wall of brick or stone") on top of the historic retaining wall. It seems like the City would need to grant an additional easement for that to be permissible.

I would think that these fundamental Master Development Plan expiration issues, grade and building height issues, and development rights issues need to be resolved before the Historic Preservation Board will be in a position to meaningfully undertake its review. I realize that your direct review applies primarily to portions of Block 4, but your comments on the remainder of Block 4 and Block 6 may also be relevant to HP staff advisory design review of the remainder of the proposed project.

I anticipate that you will proceed with due caution as this massive project will significantly affect what is left of the historic Portland Company structures, the historic seawall, and the adjacent Munjoy Hill Historic District.

Regards,
Barbara Vestal



Sandra L. Guay
Partner
sguay@archipelagolaw.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

March 31, 2023

Via Email:

Portland Historic Preservation Board
Robert O'Brien, Chair
c/o Evan Schuekler, Program Manager
City of Portland
389 Congress Street
Portland, ME 04101
evans@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4 and 6
Historic Preservation Board Review Workshop
HPBR-002380-2023

Dear Chair O'Brien and Board Members:

This firm represents John Roger Trettel, the owner of property located at 5 Eastern Promenade, and a direct abutter to the proposed new construction and development at 58 Fore Street as presented in the Historic Preservation Board ("HPB") Review application ("Application") submitted by Portland Foreside Development Company ("Applicant"). This letter is submitted to voice Mr. Trettel's concerns about the proposed development's impact on his property and on the Munjoy Hill Historic District. Mr. Trettel makes these informed observations as the recent recipient of the 2023 Preservation Buffalo award for his work in the renovation of historic structures in Buffalo, New York.

The HPB is also in receipt of Mr. Trettel's March 17, 2023 letter to the Planning Board, which is incorporated into this letter and included in the record to this Board. The March 17 letter lays out in detail: (a) that the 2016 Master Development Plan ("MDP") for this project expired in December of 2022 and was never extended as required by both the City Code in effect in 2016 and as explicitly conditioned in the MDP itself, and is therefore void; (b) that the proposed new development violates the City's height restrictions on numerous grounds; (c) that even if it didn't violate the City Code on height restrictions, the methodology used by the Applicant to calculate height for the new structures is flawed, leading to significant errors in the height calculation (by more than 20 feet); (d) that the Applicant is including land that is not included in the 2016 MDP and is in fact located in an entirely different zone (the R-6 zone, which is in the Munjoy Hill

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 2 of 5

Historic District); and, (d) that that Applicant has failed to submit sufficient right, title or interest for areas of the proposed new construction that are outside of the Applicant's control, including both private and City property.

While each of these issues, well supported in the March 17 letter, are important to this Board in its review of the Application, the purpose of this letter is to focus on the additional review criteria subject to HPB review. In addition, this letter suggests that in light of the void MDP, the incomplete Application and the unresolved height calculation issues, the HPB should table the review of this Application until such time as a new and complete non-MDP application is submitted, and the height questions resolved.

I. The Application is Not Complete

The purpose of having a complete application prior to acceptance and initial review by any administrative board is to avoid waste of the board's time in the event that an applicant is either unable to provide what is needed in the application, and/or the applicant needs to significantly alter the application after review has already commenced, public comment has been received, and time has been expended. In this case, the City Code *requires* that an application submitted for review to the HPB must be deemed complete *before* that application is placed on a HPB meeting agenda. (Sec. 17.7.4.A). In addition to insufficient evidence of right, title or interest and insufficient evidence of adequate financial security, as noted in the March 15, 2023 Staff Memorandum to the HPB from Evan R. Schuekler, there is "significant amounts" of information that is lacking from the Application. The Application, as submitted, therefore lacks sufficient and required substantive information for the Applicant to have standing for even a workshop review by this Board, and review of the Application should therefore be tabled.

II. The Project is Not in Compliance with the Character and Form of the Historic District

In part, the stated purpose of the City's Historic Preservation Code is to "prevent the unnecessary loss of the community's historical features and to ensure compatible new construction." (Sect. 17.1.C). By manipulating the otherwise allowed height for structures in the B-6 zone, the massing of the proposed townhouses is significantly out of scale with the existing historic structures, leaving these historic structures shaded and dwarfed in comparison. This oversized scaling fails to meet the stated purpose of the Code, and additionally fails to protect and enhance neighborhood character (Sect. 17.1.E), fails to stabilize and improve the value of the designated properties and area (Sect. 17.1.F), fails to protect and enhance the attractiveness of the City (Sect. 17.1.G), and fails to foster and encourage preservation, restoration, and rehabilitation that respects the historic, cultural, architectural and archeological significance of the distinctive Munjoy Hill historic area and the historic structures (see discussion about the historic seawall in an email addressed to this Board from Barbara Vestal, dated March 29, 2023).

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 3 of 5

The original seawall structure is a significant archeological resource in the City of Portland. (Sec. 14.6.4.3.i). As such, it is subject to the requirements of that Section of the Code, including “leaving archeological resources untouched beneath a new development through adaptation of foundation design or architectural layout”. (Sec. 14.6.4.3.a). The Applicant is required to provide evidence if complete protection is not feasible. (Sec. 14.6.4.3.b). Further, the need to impact the City’s historic seawall in any way does not appear to be supported by evidence right, title or interest to do so. In addition, old maps of the area encompassing Block 4/Block 6, indicate that a fort was at one time located in that area. An archeological study should be required to identify whether the fort is located within the proposed development area, and if so, to make certain that any further development at the very least documents and where feasible, preserves, that important piece of Portland history.

The Munjoy Hill Architectural Development & Context Statement (April 2019) also illustrates how the proposed new structures fail to comply with the standards for the Munjoy Hill Historic District. For example, in the ‘Visual Character of the Hill’ section of the Context Statement, the scale of the existing houses is described as “generally modest” with most buildings ranging from 1½ to 3 stories in height. The Statement points out that this is the reason why some of the later developments “do not feel sufficiently integrated with the neighborhood.” This statement easily applies to the tall, narrow structures proposed in the Application.

In addition, the review standards provided in Section 17.8.3.A of the City Code require that new construction in a Historic District must be visually compatible with surrounding structures “when viewed from any street or open space” with respect to height, width, proportion and scale. Section 17.8.3.B requires that the composition of the principal facades be visually compatible with structures, public ways and places to which the building is visually related. Section 17.8.3.C requires such compatibility with relation to the street. Section 17.8.3.D. requires that “the distinguishing original qualities or character of a structure, object, *or site and its environment*, not be destroyed” (emphasis added). There is no amount of wordsmithing by the Applicant that can make the proposed new structures meet these mandatory standards.

Furthermore, one critical “open space” from which these structures can be viewed is the water. For centuries, boaters have enjoyed the view of Fore Street and Munjoy Hill as seen over the top of the Portland Company buildings. The proposed structures will block and destroy this historic view forever. Likewise, because the proposed structures do not “step down” toward the water, they will forever block the view to the water from Fore Street and other locations on Munjoy Hill.

III. The Height Issue Must be Resolved Prior to Review by this Board

As fully illustrated in the March 17, 2023 letter to the Planning Board, on which this Board was copied, there are numerous issues with the way height has been calculated for the proposed new structures. In part, the Applicant (and previously, the City) has been applying an “average

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 4 of 5

developed grade” from which to begin to calculate height. Not only is this term not defined in the Code, it makes no logical sense. As used, it would mean that a developer can bring as much fill onto a property as it wants to raise the pre-measurement height to any level it desires (in this case even using another structure, the parking structure to establish “average developed grade”). In effect, this means that the City has *no enforceable maximum height restrictions*, as the starting point from which to start calculating height can be artificially manipulated to whatever the developer desires and can afford. Here the existing Portland Company site has a historically established grade – the parking lot – and it is from here that the height of the structures should be measured.

In the MDP, despite the radically elevated rear portion of the property along Fore Street, the City’s Planning Office permitted the Applicant to use a method of calculating the “average developed grade” by allowing the developer to calculate an average at the corners of the building foundation. In the application to the Planning Board, it was however readily apparent that rather than use the industry standard for determining an average grade, the Applicant had taken numerous measurements from the highest side of the property, and very few measurements from the lower elevation of the property. In doing so, the supposed “average grade” was manipulated to look significantly greater than it actually is; a difference of *over 20 feet*.

Until the issue of height calculation is resolved, it is a waste of this Board’s valuable time reviewing an application for structures that have been designed around these miscalculations.

IV. Summary

The Historic Preservation Board has always played a critical role in the review of applications before it and, in keeping with the legislative wishes of the City and of the surrounding community, works diligently to ensure that new development in Portland’s historic districts meet the letter of the Code. The Board often gets only one shot to reshape a proposed development – or to disapprove of a proposed design in its entirety when, as proposed, the project fails to comply with the Code.

There is of course great significance to all applications that come before the HPB, from the perspective of the Board, the applicant, and the community. The size and scope of the 58 Fore Street project is however unique in many respects. The all-encompassing, view blocking scale of the proposed structures now before this Board would forever alter and destroy the historic nature of Munjoy Hill, as viewed both from the streets of the City and from the water.

The 2016 Master Development Plan has expired and is now void. The Application as submitted is woefully incomplete, in part lacking necessary evidence of right, title or interest. The height calculations proposed by the Applicant are artificially manipulated and otherwise fail to comply with the Code. The project area includes land in the R-6 zone and outside of the scope of

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Portland Planning Board
March 31, 2023
Page 5 of 5

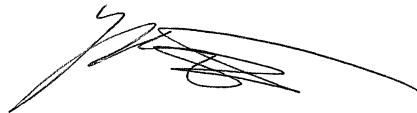
even the now void 2016 MDP. Lastly, the Application fails to meet even the most basic requirements of the Historic Preservation portion of the Code.

On behalf of abutter John Roger Trettel, we ask that the Historic Preservation Board find the application to be incomplete and/or otherwise not in compliance with the required review standards of the City Code.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:

John Roger Trettel



Evan Schueckler <evans@portlandmaine.gov>

Fwd: Historic images showing scale

Roger Trettel <roberttrettel@gmail.com>

Fri, Mar 31, 2023 at 11:26 AM

To: Evan Schueckler <evans@portlandmaine.gov>, Robert Wiener <rwiener@portlandmaine.gov>

I'm sure you have probably seen this map, but it definitely illustrates the historic scale of the area and how the Portland Company Historic District property was tucked in beneath the hill. Anything bigger than this would be contrary to the scale of the Munjoy Hill Historic District which is largely reflected here.

Best regards,

Roger Trettel

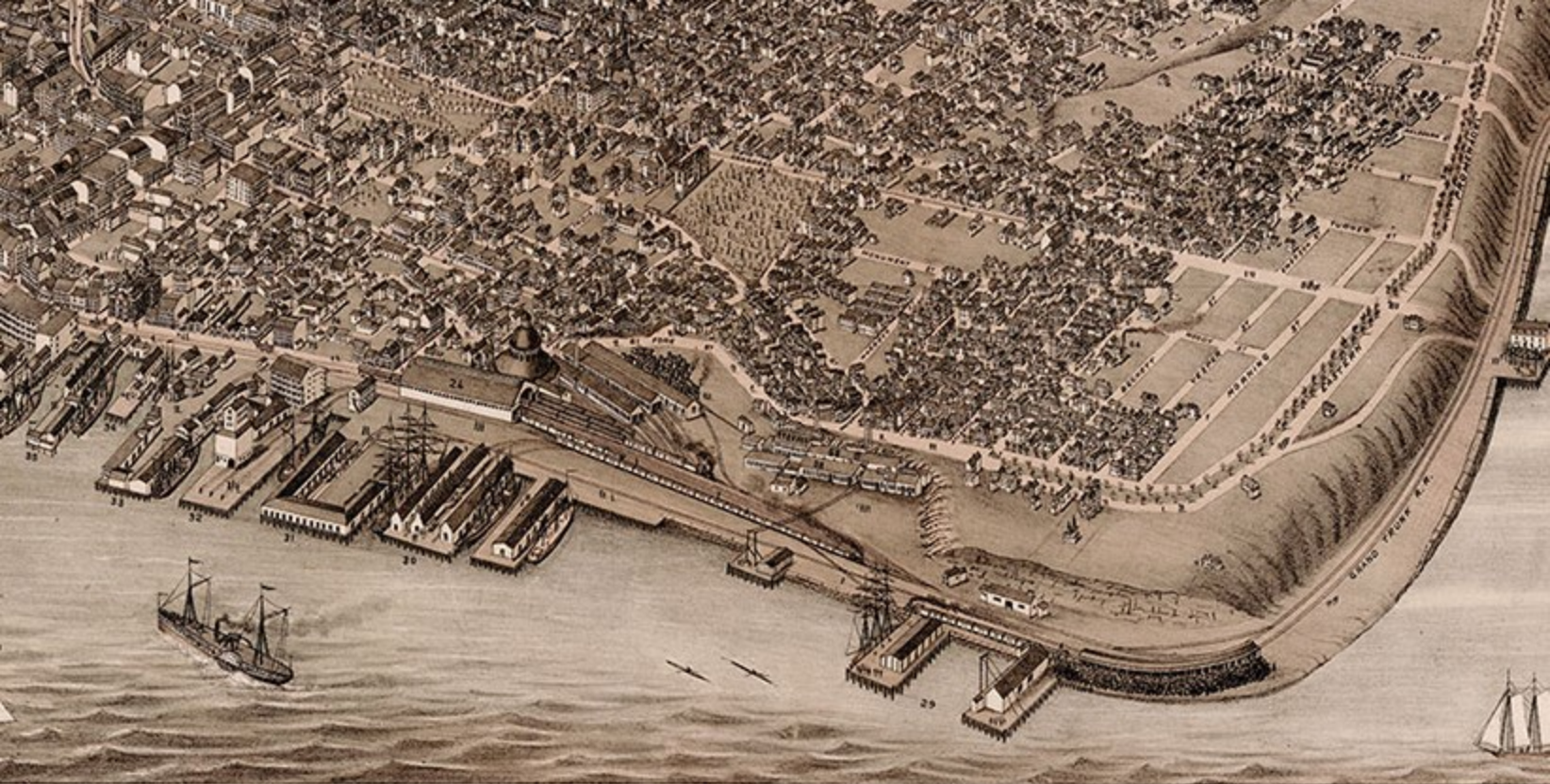
2 attachments

**Portland historic birds eye view showing scale.jpg**

681K

**Portland historic birds eye view showing scale zoom in.jpg**

251K



BIRD'S EYE VIEW OF THE CITY OF

PORTLAND

MAINE,
1876.

WILLIAM CHURCH & CO. PRINTERS, CHURCH STREET, N.Y.

55. Portland Packing Co.'s Horizontally Inclined Provision, W. G. Davis and J. P. Baxter.
56. Burgess, Faxon & Co's White Lead Works.
57. Portland Iron Match Co's Works.
58. S. H. & A. R. O'Brien's Planing & Moulding Mills.
59. J. J. Fry's Pine Factory.
60. F. O. Bailey & Co's Dock and Shoe Case Factory.
61. Smith, Knight & Co's Cabinet Organ.
62. Leather & Gore's Refining Shop.
63. C. N. Deane & Co's Planing & Moulding Mills.
64. Slat & Nevins, Coffee and Spice.
65. Twitchell, Champin & Co's Coffee & Spice.
66. Burdett & Merrill, Packagers of Canned Goods.
67. George H. Wain's Soda Factory.

68. Casson Tanning Co.
69. Hayes & Britton's Mosaic Factory.
70. E. Newman & Co's Gutter and Casement Moulds.
71. C. M. & H. T. Plummer, Gas and Water Pipe.
72. Whitney & Thomas, Boat and Shoe.
73. Sawyer, Webb & Co., "
74. C. W. Thurston, "
75. Wm. H. H. Merrill's Marble Works.
76. Gas Works.
77. E. M. Lang's Solder and Tin Works.
78. J. Russell's Carriage and Sleigh Factory.
79. Carriage Factory.
80. J. M. Cook's Tannery.
81. Portland Stoneware Co's Works.
82. Portland Suspender Co's "

90. Geo. Hudson's Candy Works.

CHURCHES.

- A. First Baptist.
- B. Free St. Baptist.
- C. Free Will.
- D. Payson Memorial Congregational.
- E. High Street.
- F. State Street.
- G. Plymouth.
- H. St. Lawrence.
- I. Bethel.
- J. Wesleyan Chapel.
- K. St. Luke's Cathedral, Episcopal.
- L. St. Stephen's.
- M. St. Paul's Episcopal.
- N. Church St. Methodist.
- O. Pine St.
- P. Congress St.
- Q. Mount Zion.
- R. Russian Catholic Cathedral.
- S. St. Dominic.
- T. Friends' Chapel.
- U. First Parish Unitarian.
- V. Park St.
- W. First Universalist.
- X. Second.
- Y. New Jerusalem.
- Z. Frothingham St. Chapel.
- * Allen Chapel.

Comment on 58 Fore St. Block 4 & 6 Historic Review, Apr. 19 or later workshop External Inbox

**Roger Trettel** <rogetrettel@gmail.com>

to Evan, Robert, me, Sandra

Dear Mr. Schueckler,

As we have noted in several filings and in comments made at the April 5 Historic Preservation Board workshop for the 58 Fore St. project, the heights of the proposed buildings on the site illustrate this, the attached markups of the applicant's elevations depict the approximate maximum building heights and ancillary extensions allowable based on the actual unbiased applicant by heavily overweighting the narrow high side of the site and applying that across the entire area to be occupied by the three buildings in Blocks 4, 5 and 6 (50.1 ft).

This should be of concern to the Historic Board and their review as it dramatically and profoundly changes what would be visible in relation to the Portland Company Historic District Code. In short, the the majority of the townhouses along Fore St. would not be possible/visible and thus review of them by the Historic Board is moot; and, the upper floors of the buildings would be much of Munjoy Hill. It similarly would have less of a negative effect on the views toward the Hill from the public way of the Eastern Prom trail and the water.

Thank you for the opportunity to comment.

Sincerely,

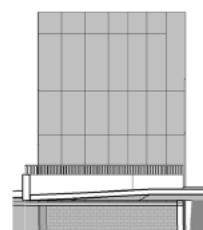
Roger Trettel

Owner, 5 Eastern Promenade, Portland

BLOCK 4 BUILDING



5 OVERALL ELEVATION - EAST
1" = 20'-0"



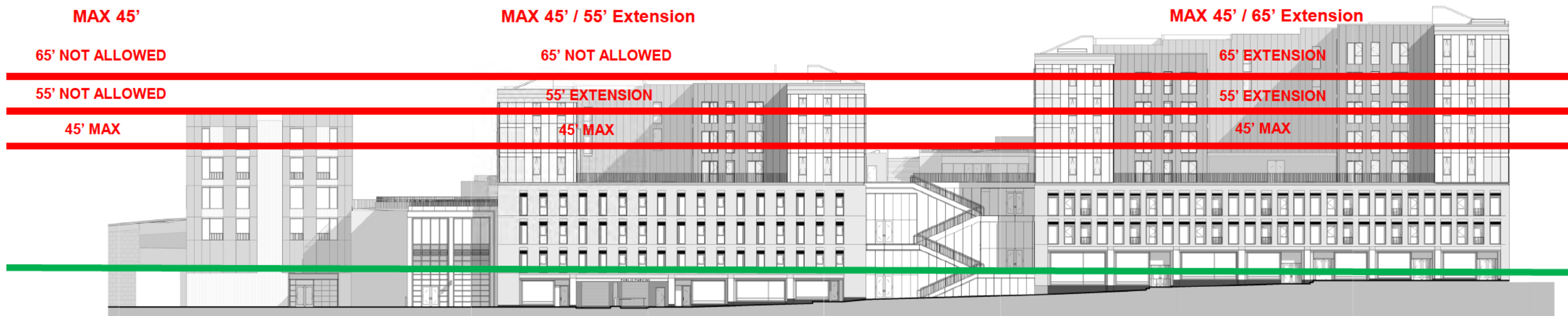
4 OVERALL ELEVATION - B2 EAST
1" = 20'-0"



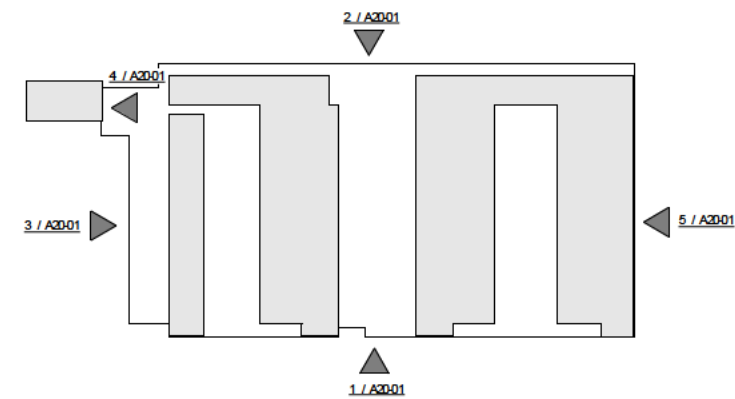
3 OVERALL ELEVATION - WEST
1" = 20'-0"



2 OVERALL ELEVATION - NORTH
1" = 20'-0"



1 OVERALL ELEVATION - SOUTH
1" = 20'-0"



Perkins&Will

225 Frank in Street, Suite 1100
Boston, MA 02110
1 617 478.0300
www.perkinswill.com

CONSULTANTS

CIVIL ENGINEER
Woodard & Curran
41 Hedges Dr
Portland, ME 04102
1 207 774.2112

STRUCTURAL ENGINEER
Thornton Tomasetti
14 York Street, Suite 201
Portland, ME 04101
1 207 245.6062

MEP ENGINEER
Allied Engineering, Inc.
160 Verona St, Portland,
ME 04103
1 207 221.2290

GEOTECH AND NEER
Haley & Aldrich, Inc.
75 Washington Avenue, Suite 1A, Portland,
ME 04101
1 207 482.4607

OWNER'S CONSULTANT

LANDSCAPE ARCHITECT
Michael Boucher Landscape Architecture
457 US Route 1 Suite 2
Freeport, Maine
1 207 865.1080

PROJECT

FORESIDE
LIVING COMMUNITY

PFDC HARBOR HILL
254 COMMERCIAL ST
SUITE 118
PORTLAND, ME 04101

KEYPLAN



DATE: 03/03/2023

DESIGN DEVELOPMENT
FEBRUARY 03, 2023

Job Number 157111
Drawn Author
Checked Checker
Approved Approver

TITLE

OVERALL
ELEVATIONS

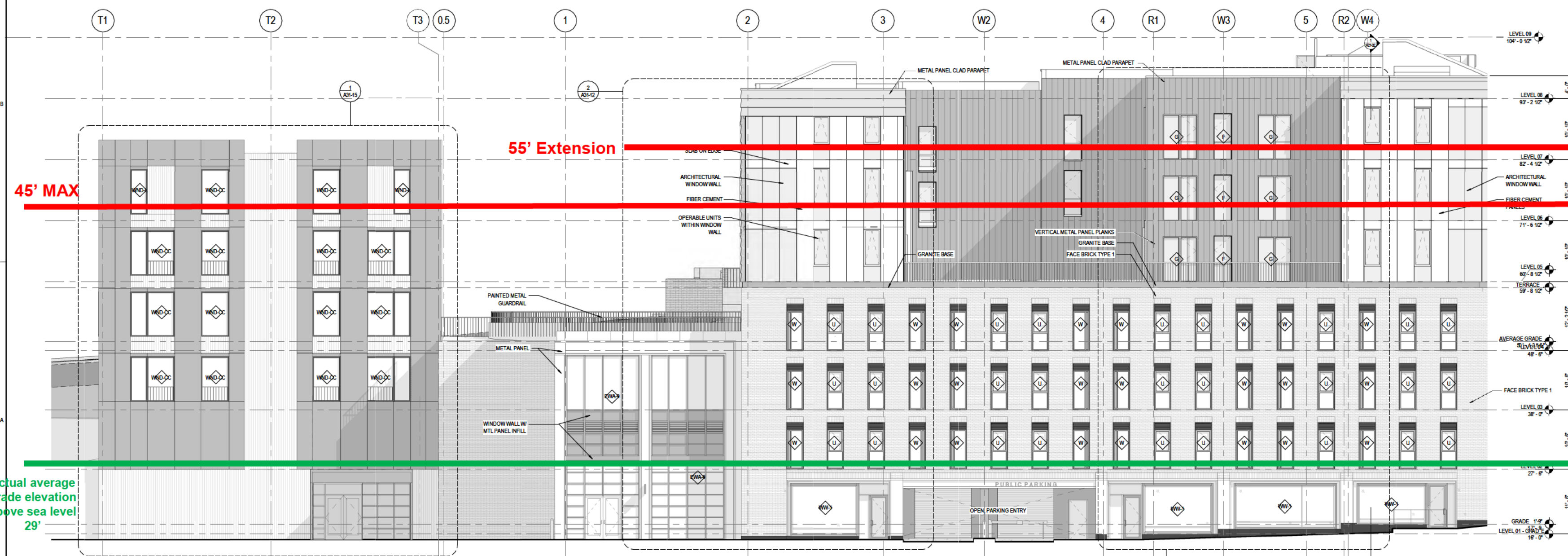
SHEET NUMBER

A20-01

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1 OVERALL SOUTH ELEVATION A
1/8" = 1'-0"



2 SOUTH ELEVATION B
1/8" = 1'-0"

Autodesk Docs/PFDC Block Four/ARCH-PFDC_BldgReg_INT.rvt 2/1/2023 11:08:46



EXTERIOR ELEVATION
GENERAL NOTES

1.

MATERIAL SYMBOLS ON ELEVATIONS ARE TO DISPLAY THE EXTENT OF THE MATERIAL ONLY. THEY ARE NOT TO SCALE.

2.

REFER TO ENLARGED ELEVATIONS FOR DESCRIPTION OF FACE BRICK TYPES.

EXTERIOR GLAZING SYSTEM TAG REFER TO A30-00 FOR PUNCHED OPENING SCHEDULE

EXTERIOR ELEVATION
LEGEND

EXTERIOR GLAZING SYSTEM TAG REFER TO A33 SERIES FOR SCHEDULE

TEMPERED GLAZING

BUILDING EXPANSION JOINT

MASONRY EXPANSION JOINT: MATCH MORTAR COLOR

Perkins&Will

225 Frank in Street, Suite 1100
Boston, MA 02110
617.478.0300
www.perkinswill.com

CONSULTANTS

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Woodard & Curran
41 Hedges Dr
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1.207.774.2112

STRUCTURAL ENGINEER

Thornton Tomasetti
14 York Street, Suite 201
Portland, ME 04101
1.207.245.6062

MEP ENGINEER

Allied Engineering, Inc.
160 Verona St, Portland,
ME 04103
1.207.221.2290

MECHANICAL ENGINEER

Haley & Aldrich, Inc.
75 Washington Avenue, Suite 1A, Portland,
ME 04101
1.207.482.4607

OWNER'S CONSULTANT

LANDSCAPE ARCHITECT

Michael Boucher Landscape Architecture
437 US Route 1 Suite 2
Freeport, Maine
1.207.865.1080

PROJECT

FORESIDE
LUXURY CONDOMINIUM

PFDC HARBOR HILL
254 COMMERCIAL ST
SUITE 118
PORTLAND, ME 04101

KEYPLAN

TRUE NORTH

1"=10'

1"=20'

1"=30'

DESIGN DEVELOPMENT
FEBRUARY 03, 2023

Job Number

157111

Drawn

Author

Checked

Checker

Approved

Approver

TITLE

OVERALL EAST
ELEVATION

SHEET NUMBER

A20-03

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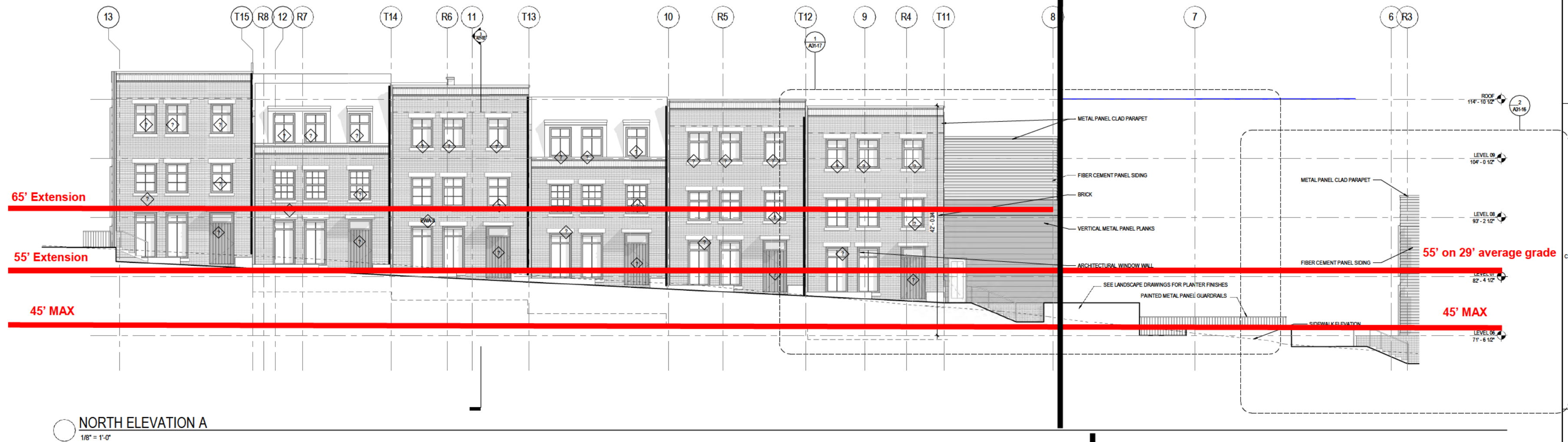
65' Extension

55' Extension

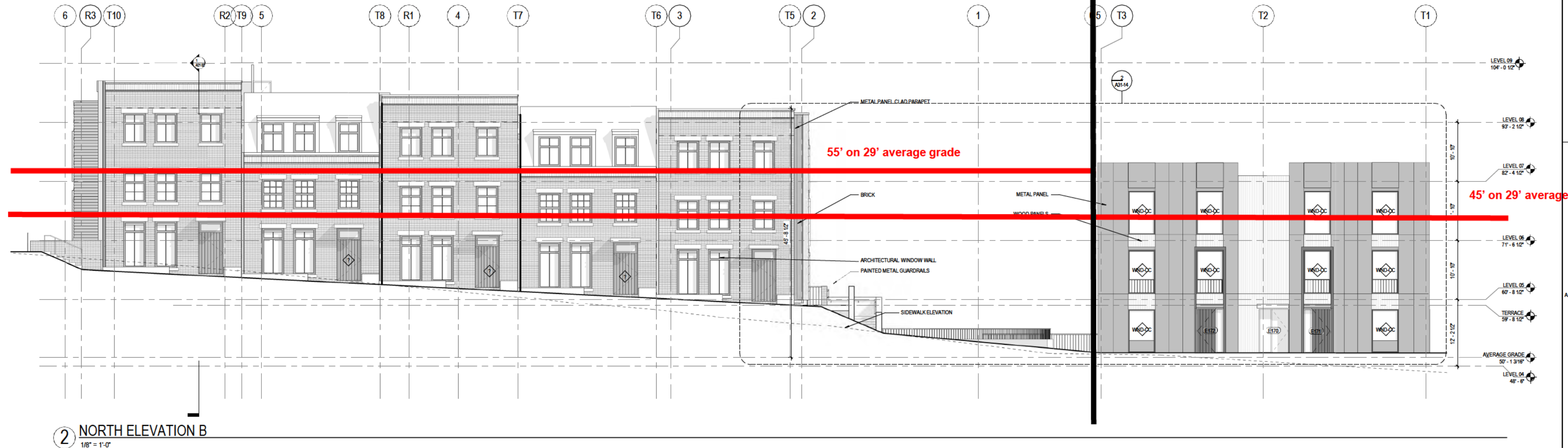
45' MAX

Actual average
grade elevation
above sea level
29'

Height Overlay Section MAX 45' with 65' Extensions



Height Overlay Section MAX 45' with 55' Extensions



6

5

EXTERIOR FINISH LEGEND						
FINISH NO.	MATERIAL	MANUFACTURER	STYLE NAME / NO.	COLOR	SIZE	DESCRIPTION / REMARKS
CONC-01	CONCRETE					EXPOSED POURED IN PLACE CONCRETE
EXTERIOR FLOORING						
CT-01	PORCELAIN PAVER		WOOD LOOK		LARGE FORMAT - RECTILINEAR	AT POOL AND ROOF TERRACES
CT-02	PORCELAIN PAVER		STONE LOOK		LARGE FORMAT - PLANK	AT POOL AND ROOF TERRACES
PS-01	PEDASTAL PAVER SYSTEM	HANOVER PAVERS	GRIDLOC ON PEDASTAL PAVERS			WEIGHTED
PS-02	PAVERS	PER LANDSCAPE			VARIED	ABOVE PODIUM
MASONRY						
STN-01	STONE		GRANITE		LARGE FORMAT	CAVITY WALL VENEER
STN-02	STONE		GRANITE		LEDGESTONE	CAVITY WALL VENEER
METAL						
MTL-01	ALUMINUM FRAMED DOOR / WINDOW SYSTEM	WASAU		DARK BRONZE		THERMALLY BROKEN
MTL-02	ALUMINUM COMPOSITE PANEL	FAIRVIEW ARCHITECTURAL	VITRAPLATE		FACTORY FINISHED TO MATCH WINDOW SYSTEM	ROOF EQUIPMENT SCREEN
MTL-03	ALUMINUM RAILING SYSTEM	LEVOLUX	SERENITI BALUSTADE		FACTORY FINISHED TO MATCH WINDOW SYSTEM	VERTICAL PICKET RAILING WITH NARROW PROFILE

4

3

EXTERIOR FINISH LEGEND						
FINISH NO.	MATERIAL	MANUFACTURER	STYLE NAME / NO.	COLOR	SIZE	DESCRIPTION / REMARKS
MTL-04	GLASS GUARDRAIL	WESHAMPTON ARCHITECTURAL	BOTTOM SHOE		48" PANELS	GLASS PANEL RAILING WITH ALUMINUM MOUNT SYSTEM
MTL-05	MODULAR BALCONY	LEVOLUX	SERENITI BALCONY		15' X 9'	THERMALLY BROKEN ATTACHMENT, RAILED ALLUM DECKING, AND EDGE DRAINAGE
PAINT						
PNT-01	ELASTOMERIC COATING			COLOR TO MATCH MTL-01		ALL EXPOSED STEEL
RAINSCREEN PANEL						
FCP-1	FIBER CEMENT PANEL	SWISS PEARL	GRAVAIL	GRANITE 024		CONCEALED ATTACHEMENT SYSTEM
FCP-2	FIBER CEMENT PANEL	TBD	CLAPBOARD	WHITE	6"	CONCEALED ATTACHEMENT SYSTEM
GFRC-1	GLASSFIBER REINFORCED CONCRETE SLAT	RIEDER	OKO SKIN STRIPES	COLOR/FINISH MIX TBD	70mm, 147mm, 302m	CONCEALED ATTACHEMENT SYSTEM: VERTICAL ORIENTATION
GFRC-2	GLASSFIBER REINFORCED CONCRETE SLAT	RIEDER	OKO SKIN STRIPES	COLOR/FINISH MIX TBD	70mm, 147mm, 302m	CONCEALED ATTACHEMENT SYSTEM: HORIZONTAL ORIENTATION

2

1

KEYNOTES	
05.51.14	DECORATIVE ALUMINUM SPIRAL STAIRCASE
05.50.13	MODULAR ALUMINUM BALCONY, BOD: LEVOLUX SERENITI MODULAR BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE DECKING, AND EDGE DRAINAGE
05.73.00.B	PREFINISHED ALUMINUM GUARDRAIL TO MATCH MODULAR BALCONIES
05.73.13	GLASS GUARDRAIL IN ALUMINUM SHOE
07.44.53	FRP COLUMN WRAP, MOUNTED VERTICALLY
07.42.00.A	ALUMINUM COPING WITH KYNAR FINISH - SEE SECTION 07.6200
08.11.13	PAINTED HOLLOW METAL DOOR AND FRAME - SEE SHEETS A8-01, A8-02, AND SECTION 08.1113
08.33.23	OVERHEAD COILING DOORS
10.55.01	ADAPTIVE OUTDOOR SHADE STRUCTURE, BOD: LANDSCAPE FORMS UPFIT
31.32.36	SOE PER CIVIL DRAWINGS
32.13.13.A	GRAND EXTERIOR STAIR PER LANDSCAPE DRAWINGS

Baskervill

FORESIDE/

THE CHANNEL MARK®



NOT FOR CONSTRUCTION

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PROJECT NUMBER
2.210338.0

PFDC - BLOCK 6: THE CHANNEL MARK

58 FOREST
PORTLAND, ME 04101

ISSUE
03/09/23 - HISTORIC
PRESERVATION PACKAGE

EXTERIOR ELEVATIONS
A200

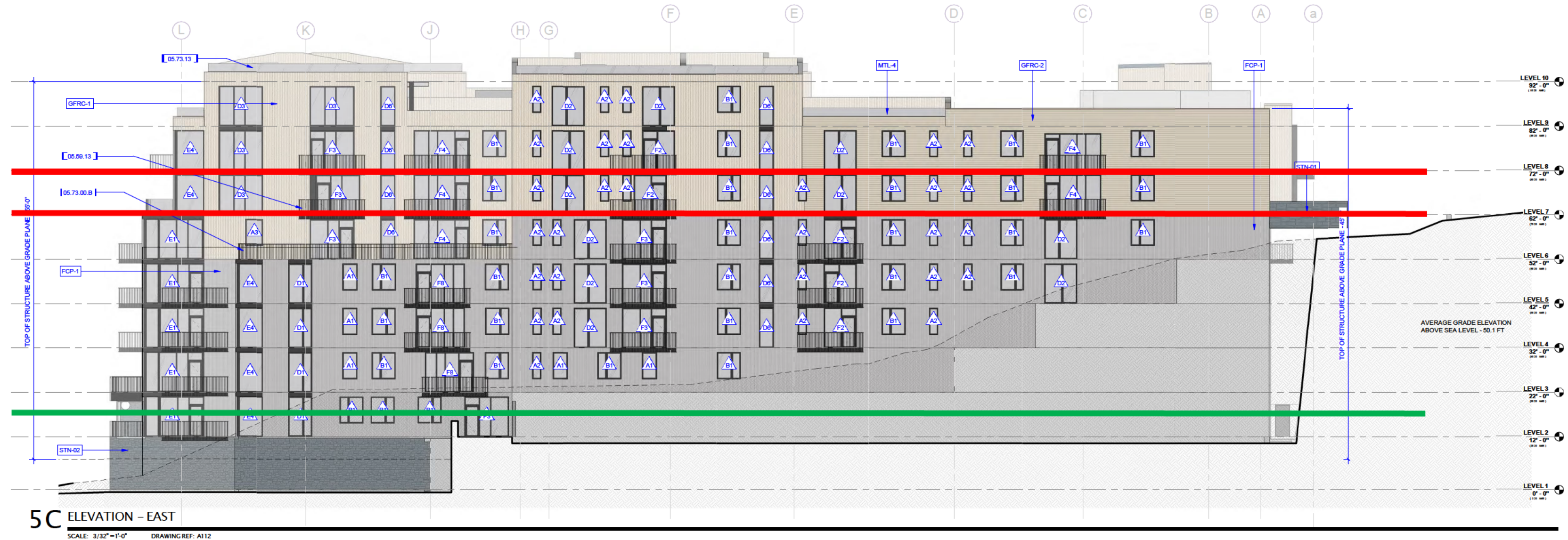
KEYNOTES

05.59.13 MODULAR ALUMINUM BALCONY, BOO-LEVOLUX SERENITI MODULAR
BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE
05.73.00.B BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE
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07.62.00.A GLASS GUARDRAIL IN ALUMINUM SHOE
ALUMINUM COPING WITH KYNAR FINISH SEE SECTION 07 6200

Baskervill

FORESIDE/

**THE
CHANNEL
MARK®**



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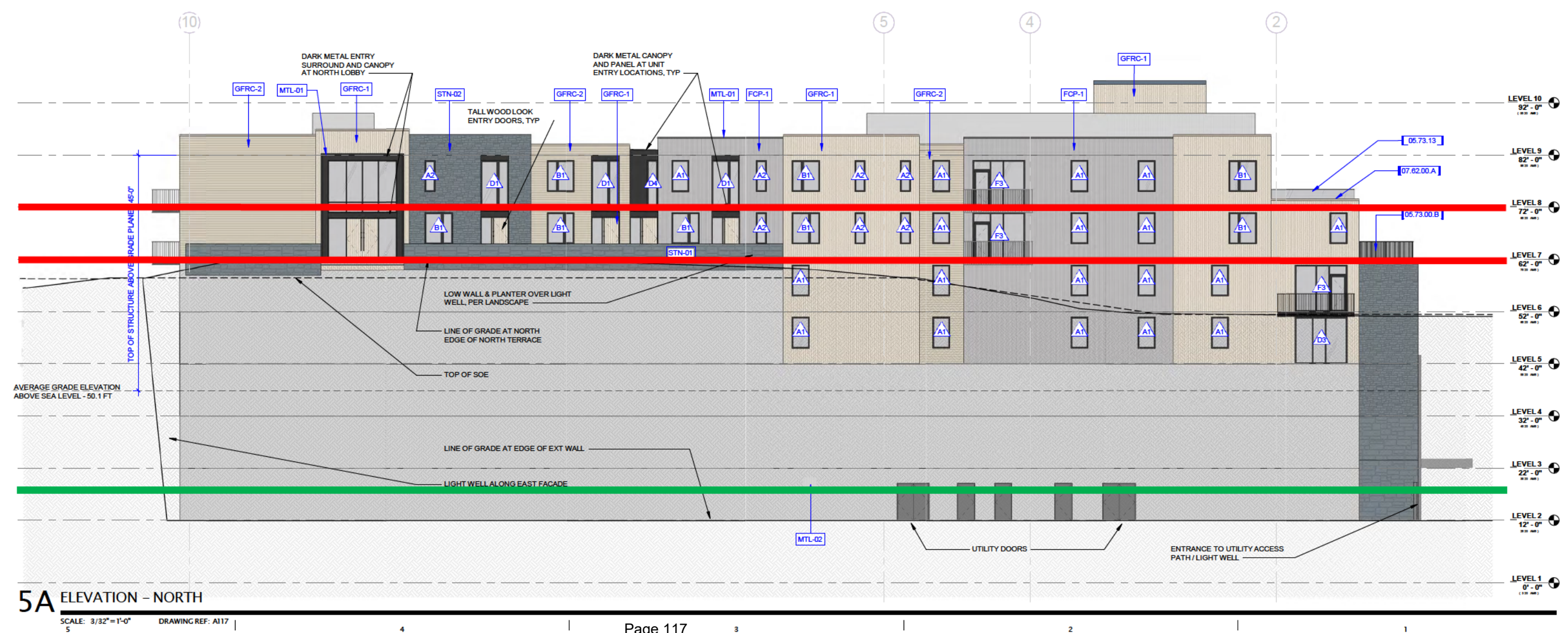
PROJECT NUMBER
2.210338.0

**PFDC - BLOCK 6: THE
CHANNEL MARK**

58 FOREST
PORTLAND, ME 04101

ISSUE
03/09/23 - HISTORIC
PRESERVATION PACKAGE

EXTERIOR ELEVATIONS
A201



58 Fore St Project 0 views



Kelly Walker <kellytwalker47@gmail.com>

11:22 AM (1 hour ago)



to hp@portlandmaine.gov

I believe this is the correct way to make a comment on the 58 Fore St project. The 58 Fore St project as proposed will have a significant negative impact on several buildings within the historic district. Additionally, when looking at the zoning ordinance it appears to me as though the proposed buildings do not follow the ordinance as pertains to height and potentially other zoning restrictions as well. As such I am reaching out with my concerns.

If this is not the correct format to make a comment please let me know.

All the best,
Kelly Walker

58 Fore Street, Block 4 0 views



Barbara Vestal <vestal@chesterandvestal.com>

9:55 AM (2 hours ago)



to hp@portlandmaine.gov, Evan Schueckler

Hello Chair O'Brien and Historic Preservation Board members,

As I was unable to get my audio to work for the public comment portion of the workshop yesterday, I am submitting the following comments that I intended to make on 6/7/23:

I reside at 7 Fore Street, Portland, Maine.

I would just like to note that there are two elephants in the room: 1) whether the applicant's master development plan expired in December 2022; and 2) whether their extreme height calculations are legally defensible. I want to note my continuing assertion that the Master Development Plan has expired, and my objection to the manner in which heights have been calculated. But for the purposes of this workshop, I will address other matters.

What you have before you are very conceptual drawings and renderings for only selected portions of the site. The fact that this is a massive site with multiple components should not be used by the applicant as an excuse to lower the bar on the level of detail submitted for review. I trust you will require fully developed and documented plans before you decide whether to issue a certificate of appropriateness.

I have specific questions about the rendering of **Fore Street at Waterville Street (p. 22)**. At the last workshop, you briefly commented on the townhouses on Fore St in Block 4, because they are within 100 feet of an historic district. The applicant doesn't squarely address those townhouses in this workshop submission. But in this Fore St. at Waterville St rendering, you can just see a small corner. The color of those townhouses seems to have changed. I am wondering whether that is the only change and what the materials are now.

This rendering includes the entrance to the parking garage. I assume some signage for the parking is anticipated, but I do not see it shown on this rendering. I am wondering what signage is being proposed, and

where? If signage for the parking garage will appear on Fore Street, is that within historic preservation board review?

This Fore St at Waterville Street rendering shows a point of critical interaction between the development and the public. As you review this, I ask you to be particularly mindful of the **relationship of the development to the street**, particularly the relationship of the proposed development to **all of the public ways to which it is visually related – Atlantic Street, St. Lawrence Street, and Waterville Street**. In the B6 rezoning, the City dictated so-called “view corridors” as a way to preserve public views of the historic core and the harbor. While these view corridors are deeply flawed, they establish one important determinant of the relationship of this development to the street.

Each view corridor is required to be a 50 foot wide extension of the street end. No development within this 50- foot extension is allowed to exceed the grade of Fore Street. It is hard to tell from this rendering, but it looks like the landscaping, the railings, benches and the viewing platform might exceed the grade of Fore Street in this location. Signage and awnings might encroach as well. It is unclear whether the roof of the western wrapper is intended to be a public space. Is the public only allowed to access the elevator and stairs, or is it public for the full depth of the western wrapper? I hope you will pay particular attention to these important considerations in the relationship of the development to the street and public realm.

Thank you for considering these remarks.

Regards,

Barbara Vestal



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Keith P. Richard
Principal
krichard@archipelagona.com

June 16, 2023

Via Email:

Portland Planning Board
Maggie Stanley, Chair
City of Portland Planning & Urban Development
389 Congress Street
Portland, ME 04101
planningboard@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4, 5 and 6
Major Site Plan Review Application

Dear Madam Chair and Board Members:

As previously noted, this firm represents John Roger Trettel. As the owner of property located at 5 Eastern Promenade, Mr. Trettel is a direct abutter to 58 Fore Street and the mixed-use development project that is the subject of the Portland Foreside Development Company (“Applicant”) site plan Application currently pending before the Board (“Application”). While supportive of the general concept of the development, Mr. Trettel remains concerned about the serious and repeated deficiencies put forward by the Applicant in the Application.

As also put forth in Mr. Trettel’s prior submissions, the Master Development Plan (“MDP”) under which the Application has been submitted, has expired. There was only one way for an extension to have been granted under the express terms of the MDP and the 2016 Ordinance which governed that approval, and that was a written request by the applicant prior to December 22, 2022, followed by a determination by the Planning Authority that there had not been any changes to the underlying zoning or site plan standards that could substantially impact the project since the date of the MDP approval. At the very least, the critical amendment to the Inclusionary Zoning requirements should have been reviewed at that time. There is no evidence in the record that either a written request was made or that zoning amendments were ever considered.

While maintaining that the review of the Application should not proceed under the 2016 MDP, and without waiving that argument, Mr. Trettel provides the following comments to the Applicant’s Block 5 submission.

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 2 of 8

I. The Applicant has not provided information or a narrative sufficient for the Board to make the required findings on applicable Code standards.

The latest amended Application submission purports to set forth consistency with various site design standards (the Applicant cites 2022 Code site design standards). Describing the content of the narrative on those standards as “sparse” would be generous. For example, regarding massing, ventilation, and wind impact, as well as shadows, the narrative contends compliance is met:

7.1 Massing, ventilation, and wind impact

Buildings have been designed within a context of similarly scaled new and existing buildings. All primary mechanical equipment is housed either within buildings, or within a fully screened extent of roof located to minimize disruption to abutting properties. HVAC venting is directed away from adjacent public areas.

7.2 Shadows

Buildings have been designed to minimize impacts of shadows on open space and public areas that would affect the viability of the public use and existing vegetation. Over the course of the day, direct sunlight will be provided to adjacent areas to promote the use and growth of vegetation.

Major Site Plan submission at 7-1 (Nov. 2022). It is not clear what “similarly scaled new and existing buildings” are being referenced, but the only comparable high-rise building in the area is the Portland House, which few would cite as a model of massing or indicative of any other buildings in the entire Munjoy Hill area. There is no detail or narrative that connects the various architectural components of the proposed development to the longstanding or new development in the area. The proximity to the waterfront means that there will be high wind conditions on the site, enhanced by the high-rise buildings and narrow corridors that break up the buildings, yet there are no wind studies illustrating the scope of that impact. As to shadows, anyone familiar with the progression of the sun as it passes over the Portland peninsula to the west, knows that the promenade experiences premature shadow caused by the hill in mid- to late afternoon. One can anticipate that buildings of this scale and mass will create an even more substantial and earlier shadow over one of most utilized public trails used by walkers, joggers, bikers, and others year-round. A shadow study should be commissioned to analyze these impacts.

It is unclear how, without significant additional information, the Board can find these standards have been met.

II. There are multiple flaws in how “grade” is being calculated, primarily related to the parking pedestal “structure” that purportedly straddles Blocks 4, 5, and 6.

We have previously addressed the miscalculation of grade and the misinterpretation of the height standard in prior letters and incorporate those comments by reference. Now that Blocks 4, 5, and

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 3 of 8

6 are fully before the Planning Board, the entirety of the so-called “parking pedestal” structure is under review for the first time.¹ Because “grade” and “height” are keyed to a structure, and the Applicant needs to leverage the extreme elevation gain up to Fore Street to elevate building heights across the site, the Applicant must convince this Board of the fiction that the parking pedestal is one single structure. The proposed parking pedestal² is, as a matter of fact, more than one structure and the 2016 “Overall Site Master Plan” requires that they be kept as separate structures with individualized height calculations.³

III. Height restrictions vary across the combined development site and thus grade must be evaluated segment-by-segment.

Block 4 (“Harbor Hill”) and Block 6 (“The Channel Mark”) are separate buildings on separate parcels that must be evaluated for height compliance as such. The Applicant, in its March 2, 2023 letter to Planning calls out Block 5 as proposed was, in the Applicant’s own words in the original submissions, a separate building.⁴ (Woodard & Curran Letter Mar. 2, 2023.) Although stating Blocks 4+6 and Block 5 will be *separate* construction, the Applicant characterizes Block 5 as a “phased addition” to the “single building structure.” As Maine courts have stated dryly, “Painting a pumpkin green and calling it a watermelon will not render its contents sweet and juicy.” *Sacred Feather v. Merrill*, No. 07-18-B, 2008 U.S. Dist. LEXIS 47543, at *9 (D. Me. June 19, 2008).

Furthermore, the plans submitted clearly depict separate buildings and any reasonable observer of the site will see a group of free-standing separate buildings, despite whatever integrated infrastructure may link them. An example illustrates the absurdity of the argument: As applied to the new Townhouse buildings that are proposed to line Fore Street, this would be equivalent to considering the buildings across the street as one structure if there was a subterranean parking

¹ As was noted in the Planning Board’s December 2016 decision on the Master Development Plan, “if the parking base is built in phases, the average grade for each phase will need to be evaluated for consistency with the B-6 Height Overlay. There are no final building designs in a MDP plan Application, so this review addresses the feasibility of the site design concept as proposed.” (PB 12/20/16 decision at 12.)

² With only approximately 30 parking spaces within Block 5, it is unclear how much, if any significant actual parking connected with Block 5 is located there.

³ The Applicant includes the Development Block Layout Plan from the 2016 MDP, but conspicuously omits the Overall Site Master Plan – the plan that shows the approved layout of structures within those Blocks.

⁴ The Applicant states “Block 4 and Block 6 are considered one building. The building has pedestal parking at the base, with connected and architecturally varied residential uses above. This approach was presented and agreed to in the MDP approval and was documented in the Staff memos to the Planning Board as part of that process. Block 5 will be a phased addition to this single building structure. We will address Block 5 as part of the site plan application to be submitted separately.” (Woodard & Curran Letter Mar. 2, 2023.)

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 4 of 8

garage under Fore Street that linked them. No rational interpretation of code standards or development norms would support such an assertion.

For the height standards to have any rational relationship to the structures that are being regulated (which is required by how grade and height is defined in the Code), the height standard cannot be applied as proposed but rather must be applied in segments, either by (1) each building; or (2) each parcel of the 10-parcel subdivision that comprises the site; or (3) each Block. Any of those three methodologies follow from the Code, the B-6 Height overlay, and the objective factual circumstances presented by the site.

The “parking pedestal” as a “single” massive structure is a tool of manipulation that is more fiction than fact. The manipulation is particularly obvious and consequential when one considers the average grade of Block 5, which is approximately 14’ above MS. Even using the 2016 MDP version of the B-6 Height Overlay, the building envelopes that Block 5 straddles restrict heights to 45’ and 45’ with extensions to 55’, meaning that no structure within the Block 5 building envelope should exceed 69 feet in total height. Block 5 proposes an eight-story building “comprised of a hotel, residential condominiums ground-level retail and restaurant, and below-grade parking.” The structure(s) will clearly exceed 69 feet.

IV. Even assessing the site as a whole, the “average” as calculated is not an accurate average.

Even if the site is evaluated as a whole in calculating grade, the “average” is not a true average. A middle schooler with a rudimentary grasp of calculating averages could tell you that concentrating 75% of your data points in one limited area, rather than evenly distributing the points and collecting data at consistent intervals, will skew your results and will not produce an average of the whole. Polling a political issue by querying 75 Portland peninsula residents and 25 residents from the farthest rural corners of the State will not produce survey results that could be fairly presented as the opinion of “the average Mainer.”

In our March 17 submission, we described two methods of determining average grade of the site using the City’s grade and height methodology.⁵ The first involved applying the industry standard topographic method across the entire Block 4, 5, and 6 “superblock” as was shown by the Applicant in 2016 that they improperly utilized to establish an estimated average grade of 50.1 feet. The true average grade is approximately 29 feet when calculated accurately, scientifically, and objectively without skewing the data points to the highest elevation corners of the site to “gain” more height. (Trettel Letter, March 17, 2023, Attach. A.)

⁵ For the reasons stated herein and in prior submissions to this Board, we maintain that the City’s interpretation of “grade” is arbitrary, unlawful, preempted, unconstitutional, and void.

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 5 of 8

The second method utilized the City's method of measuring grade from the primary foundation corners of each building (generally assumed to be four corners). Using this methodology, we demonstrated the average grade of the buildings on Block 4 and Block 6 is approximately 39 feet and 36 feet, respectively. Using this methodology, the average grade of the site of the Block 5 building would be approximately 14 feet. (Trettel Letter, March 17, 2023, Attach. B.)

If we apply the above "superblock" methodology to the new Block 5 building, the average starting grade would be 29 feet, thus resulting in a maximum allowable building height of $29+55 = 84$ feet. Applying the City's "corners" methodology, the maximum allowable building height would be $14+55 = 69$ feet. In either case, the 125 feet proposed by the Applicant far exceeds the maximum heights permitted in the B6 overlay zone. If the "corners" methodology is used on the superblock area, given the numerous "corners" (of what are really at least three separate buildings), the Board should be drawing an average from more than the six selective and highly subjective points that the Applicant has presented in its most recent average grade drawing. Of the six points the Applicant strategically placed on the drawing to achieve its target 50-foot average grade, four of them are concentrated on the highest edge of the site along Fore Street, with only two elevation points representing the low side of the parcel which comprises roughly 75% of the land area.

No advanced degree in engineering or mathematics is required to recognize that the grade calculations are not lawful or rationally supported by or connected to the available evidence and data.

V. The water views that the view corridors were intended to protect appear to have been eliminated.

The current proposed plans appear to eliminate a view of the water down the designated view corridors from Munjoy Hill. Notwithstanding the dimensional requirements stated in the B-6 Height Overlay notes, the clear intent of the view corridors and the spacing, massing, and building break around them was to preserve a view of Casco Bay from Kellogg, Waterville, St. Lawrence and Atlantic Streets. This intent was confirmed by renderings submitted in 2016 that show clear unobstructed sight lines down the view corridor to the water from the perspectives depicted. Those prior renderings with ocean blue are conspicuously absent from the present filings by the Applicant, which suggests that those views will be eliminated. It is not entirely clear what purpose the view corridors will now serve other than to present a horizontal view of new building rooftops.

The water views were not merely in the 2016 renderings; the approved MDP Application in numerous places spoke of the water views in connection with the view corridors, so it appears the Applicant is departing from a fundamental premise of their original proposals and prior MDP approval. *See, e.g.*, MDP Application (Sept. 2016) at 3-7 ("On the hill side, housing and planted courtyards step down the hill providing residents active and passive landscaped courts and mews to soften and enliven the architecture and to provide a lush ground plane which serves to maximize the view corridors"); 4-2 (celebrating the "preservation of significant view corridors to the water

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 6 of 8

and along the waterfront”); 4-3 (“View Corridors - Street corridor placement and design should provide for views to and from the water . . .”).

If the City Council and Planning Board thought that the corridors would protect the water views, there has been a bait and switch.

VI. The submission does not even meet the layout that had been approved in the 2016 MDP.

The Applicant claims that the 2016 MDP approval is still valid and applicable when it works to its favor, for instance when relying on the 2016 Inclusionary Zoning requirement, but ignores the MDP when its provisions do not work in the Applicant’s favor. In addition to the several ways this is illustrated in the discussion above, in its Permitting and Zoning Section. 2.3.4., the Applicant states that the “*the proposed development of Blocks 4, 5 and 6 is consistent with the general layout of the site on the Master Development Plan.*” In fact, however, the proposed development of Blocks 4, 5 and 6 is not consistent with the general layout of the site on the Master Development Plan (MDP). For one thing, the design, separation and layout of structures are not as depicted in the 2016 MDP Overall Site Master Plan that, as noted above, has been excluded from the recent Application. Furthermore, the Applicant appears to simply take for granted that the newly acquired R-6 Zone property has been subsumed into the 2016 MDP approval. The R-6 Zone land that has been added to the new Application is not a part of the “second phase of development” of the 2016 MDP, as stated by the Applicant. Block 6 cannot be arbitrarily expanded beyond the MDP district in whatever way the Applicant schemes or desires, or what then is the purpose of defining the MDP district in the first place.

The dimensional requirements for the development were all based on the B-6 standards, there was never any consideration given to the separate R-6 requirements and any impact on the R-6 neighborhood, which would then have been factors in the original MDP review. Inclusion of this newly acquired property into the development plan is not “*consistent with the general layout of the site on the Master Development Plan.*”

VII. The project is not in compliance with the character and form of the historic district.

For the reasons set forth in a March 31, 2023 letter to the Historic Preservation Board, attached to this letter for brevity and the Planning Board’s information, the project as proposed does not meet the Munjoy Hill Historic District preservation standards.

VIII. Portland’s lack of objective “grade” standards is an impermissible delegation of legislative authority to the Planning Board, would allow the Board to unlawfully grant variances, and violates constitutional due process and equal protection protections.

A decision left in the hands of the unfettered discretion of an adjudicator lacking objective standards is arbitrary and violates constitutional protections of due process and equal protection. These principles are well established in Maine law. *See, e.g., Stucki v. Plavin*, 291 A.2d 508, 510 (Me. 1972) (“The governing rule, constitutionally mandated, may be simply stated as that in delegating power to an administrative agency, the legislative body must spell out its policies in sufficient detail to furnish a guide which will enable those to whom the law is to be applied to reasonably determine their rights thereunder, and so that the determination of those rights will not be left to the purely arbitrary discretion of the administrator.”); *Wakelin v. Yarmouth*, 523 A.2d 575, 577 (Me. 1987) (“the absence of specific standards in zoning ordinances results in a denial of equal protection of the laws . . . The ordinance opens the door wide to favoritism and discrimination by permitting the Board to grant or deny special exceptions for reasons that are unconnected to the ordinance but that masquerade as quasi-judicial findings of fact.”); *Perkins v. Town of Ogunquit*, 1998 ME 42, ¶ 9, 709 A.2d 106 (“Such a scheme would permit a town to circumvent the Legislature’s express and implicitly exclusive grant of variance-granting authority to boards of appeals. . . . The statutory language is clear that allowing planning boards variance-granting powers would frustrate the purpose of the statute.”); *Kosalka v. Town of Georgetown*, 2000 ME 106, ¶ 17, 752 A.2d 183 (“Because the condition that all proposed developments ‘conserve natural beauty’ is an unmeasurable quality, totally lacking in cognizable, quantitative standards, this condition is an unconstitutional delegation of legislative authority and violative of the due process clause.”).

The City’s proposed interpretation of “grade” as “average developed grade” would allow heights that are limited only by whatever the Applicant introduces for fill or creative parking pedestals or retaining walls—a regulatory gap, that on its face and as applied to the present Application, renders height restrictions objectively meaningless. Leaving the Planning Board discretion to determine “grade” as “average developed grade” results in a Code height standard that violates at least three core tenets of constitutional and administrative law: (1) the standard is an impermissible delegation of legislative authority to an adjudicatory decision maker, the Planning Board, which is a function that is expressly and solely the power of the legislative arm of government, the City Council; (2) the standard, which can essentially be relaxed, amended, or suspended to suit the application, would allow ad hoc variances from height restrictions, a function that is similarly outside the Planning Board’s powers, but rather committed to the Zoning Board of Appeals; and (3) the height standard, as interpreted, is unconstitutional and void because the public and property owners to whom the standards apply cannot discern a consistent, objective standard that they or their neighbor may be held to. The lack of definition of “grade” and thereby an objective measure of how height restrictions are calculated is unlawful and unconstitutional.

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 8 of 8

In summary, the Application fails in the most significant ways to meet the standards and requirements of the City Code, or even of the now expired 2016 MDP. Mr. Trettel appreciates the Planning Board's continued examination of the Application.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:
John Roger Trettel



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March 31, 2023

Via Email:

Portland Historic Preservation Board
Robert O'Brien, Chair
c/o Evan Schuekler, Program Manager
City of Portland
389 Congress Street
Portland, ME 04101
evans@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4 and 6
Historic Preservation Board Review Workshop
HPBR-002380-2023

Dear Chair O'Brien and Board Members:

This firm represents John Roger Trettel, the owner of property located at 5 Eastern Promenade, and a direct abutter to the proposed new construction and development at 58 Fore Street as presented in the Historic Preservation Board ("HPB") Review application ("Application") submitted by Portland Foreside Development Company ("Applicant"). This letter is submitted to voice Mr. Trettel's concerns about the proposed development's impact on his property and on the Munjoy Hill Historic District. Mr. Trettel makes these informed observations as the recent recipient of the 2023 Preservation Buffalo award for his work in the renovation of historic structures in Buffalo, New York.

The HPB is also in receipt of Mr. Trettel's March 17, 2023 letter to the Planning Board, which is incorporated into this letter and included in the record to this Board. The March 17 letter lays out in detail: (a) that the 2016 Master Development Plan ("MDP") for this project expired in December of 2022 and was never extended as required by both the City Code in effect in 2016 and as explicitly conditioned in the MDP itself, and is therefore void; (b) that the proposed new development violates the City's height restrictions on numerous grounds; (c) that even if it didn't violate the City Code on height restrictions, the methodology used by the Applicant to calculate height for the new structures is flawed, leading to significant errors in the height calculation (by more than 20 feet); (d) that the Applicant is including land that is not included in the 2016 MDP and is in fact located in an entirely different zone (the R-6 zone, which is in the Munjoy Hill

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 2 of 5

Historic District); and, (d) that that Applicant has failed to submit sufficient right, title or interest for areas of the proposed new construction that are outside of the Applicant's control, including both private and City property.

While each of these issues, well supported in the March 17 letter, are important to this Board in its review of the Application, the purpose of this letter is to focus on the additional review criteria subject to HPB review. In addition, this letter suggests that in light of the void MDP, the incomplete Application and the unresolved height calculation issues, the HPB should table the review of this Application until such time as a new and complete non-MDP application is submitted, and the height questions resolved.

I. The Application is Not Complete

The purpose of having a complete application prior to acceptance and initial review by any administrative board is to avoid waste of the board's time in the event that an applicant is either unable to provide what is needed in the application, and/or the applicant needs to significantly alter the application after review has already commenced, public comment has been received, and time has been expended. In this case, the City Code *requires* that an application submitted for review to the HPB must be deemed complete *before* that application is placed on a HPB meeting agenda. (Sec. 17.7.4.A). In addition to insufficient evidence of right, title or interest and insufficient evidence of adequate financial security, as noted in the March 15, 2023 Staff Memorandum to the HPB from Evan R. Schuekler, there is "significant amounts" of information that is lacking from the Application. The Application, as submitted, therefore lacks sufficient and required substantive information for the Applicant to have standing for even a workshop review by this Board, and review of the Application should therefore be tabled.

II. The Project is Not in Compliance with the Character and Form of the Historic District

In part, the stated purpose of the City's Historic Preservation Code is to "prevent the unnecessary loss of the community's historical features and to ensure compatible new construction." (Sect. 17.1.C). By manipulating the otherwise allowed height for structures in the B-6 zone, the massing of the proposed townhouses is significantly out of scale with the existing historic structures, leaving these historic structures shaded and dwarfed in comparison. This oversized scaling fails to meet the stated purpose of the Code, and additionally fails to protect and enhance neighborhood character (Sect. 17.1.E), fails to stabilize and improve the value of the designated properties and area (Sect. 17.1.F), fails to protect and enhance the attractiveness of the City (Sect. 17.1.G), and fails to foster and encourage preservation, restoration, and rehabilitation that respects the historic, cultural, architectural and archeological significance of the distinctive Munjoy Hill historic area and the historic structures (see discussion about the historic seawall in an email addressed to this Board from Barbara Vestal, dated March 29, 2023).

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 3 of 5

The original seawall structure is a significant archeological resource in the City of Portland. (Sec. 14.6.4.3.i). As such, it is subject to the requirements of that Section of the Code, including “leaving archeological resources untouched beneath a new development through adaptation of foundation design or architectural layout”. (Sec. 14.6.4.3.a). The Applicant is required to provide evidence if complete protection is not feasible. (Sec. 14.6.4.3.b). Further, the need to impact the City’s historic seawall in any way does not appear to be supported by evidence right, title or interest to do so. In addition, old maps of the area encompassing Block 4/Block 6, indicate that a fort was at one time located in that area. An archeological study should be required to identify whether the fort is located within the proposed development area, and if so, to make certain that any further development at the very least documents and where feasible, preserves, that important piece of Portland history.

The Munjoy Hill Architectural Development & Context Statement (April 2019) also illustrates how the proposed new structures fail to comply with the standards for the Munjoy Hill Historic District. For example, in the ‘Visual Character of the Hill’ section of the Context Statement, the scale of the existing houses is described as “generally modest” with most buildings ranging from 1½ to 3 stories in height. The Statement points out that this is the reason why some of the later developments “do not feel sufficiently integrated with the neighborhood.” This statement easily applies to the tall, narrow structures proposed in the Application.

In addition, the review standards provided in Section 17.8.3.A of the City Code require that new construction in a Historic District must be visually compatible with surrounding structures “when viewed from any street or open space” with respect to height, width, proportion and scale. Section 17.8.3.B requires that the composition of the principal facades be visually compatible with structures, public ways and places to which the building is visually related. Section 17.8.3.C requires such compatibility with relation to the street. Section 17.8.3.D. requires that “the distinguishing original qualities or character of a structure, object, *or site and its environment*, not be destroyed” (emphasis added). There is no amount of wordsmithing by the Applicant that can make the proposed new structures meet these mandatory standards.

Furthermore, one critical “open space” from which these structures can be viewed is the water. For centuries, boaters have enjoyed the view of Fore Street and Munjoy Hill as seen over the top of the Portland Company buildings. The proposed structures will block and destroy this historic view forever. Likewise, because the proposed structures do not “step down” toward the water, they will forever block the view to the water from Fore Street and other locations on Munjoy Hill.

III. The Height Issue Must be Resolved Prior to Review by this Board

As fully illustrated in the March 17, 2023 letter to the Planning Board, on which this Board was copied, there are numerous issues with the way height has been calculated for the proposed new structures. In part, the Applicant (and previously, the City) has been applying an “average

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 4 of 5

developed grade” from which to begin to calculate height. Not only is this term not defined in the Code, it makes no logical sense. As used, it would mean that a developer can bring as much fill onto a property as it wants to raise the pre-measurement height to any level it desires (in this case even using another structure, the parking structure to establish “average developed grade”). In effect, this means that the City has *no enforceable maximum height restrictions*, as the starting point from which to start calculating height can be artificially manipulated to whatever the developer desires and can afford. Here the existing Portland Company site has a historically established grade – the parking lot – and it is from here that the height of the structures should be measured.

In the MDP, despite the radically elevated rear portion of the property along Fore Street, the City’s Planning Office permitted the Applicant to use a method of calculating the “average developed grade” by allowing the developer to calculate an average at the corners of the building foundation. In the application to the Planning Board, it was however readily apparent that rather than use the industry standard for determining an average grade, the Applicant had taken numerous measurements from the highest side of the property, and very few measurements from the lower elevation of the property. In doing so, the supposed “average grade” was manipulated to look significantly greater than it actually is; a difference of *over 20 feet*.

Until the issue of height calculation is resolved, it is a waste of this Board’s valuable time reviewing an application for structures that have been designed around these miscalculations.

IV. Summary

The Historic Preservation Board has always played a critical role in the review of applications before it and, in keeping with the legislative wishes of the City and of the surrounding community, works diligently to ensure that new development in Portland’s historic districts meet the letter of the Code. The Board often gets only one shot to reshape a proposed development – or to disapprove of a proposed design in its entirety when, as proposed, the project fails to comply with the Code.

There is of course great significance to all applications that come before the HPB, from the perspective of the Board, the applicant, and the community. The size and scope of the 58 Fore Street project is however unique in many respects. The all-encompassing, view blocking scale of the proposed structures now before this Board would forever alter and destroy the historic nature of Munjoy Hill, as viewed both from the streets of the City and from the water.

The 2016 Master Development Plan has expired and is now void. The Application as submitted is woefully incomplete, in part lacking necessary evidence of right, title or interest. The height calculations proposed by the Applicant are artificially manipulated and otherwise fail to comply with the Code. The project area includes land in the R-6 zone and outside of the scope of

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 5 of 5

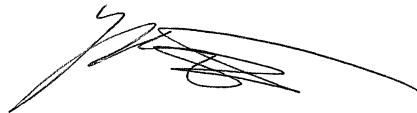
even the now void 2016 MDP. Lastly, the Application fails to meet even the most basic requirements of the Historic Preservation portion of the Code.

On behalf of abutter John Roger Trettel, we ask that the Historic Preservation Board find the application to be incomplete and/or otherwise not in compliance with the required review standards of the City Code.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:

John Roger Trettel

STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT



TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: July 28, 2023
RE: 58 Fore Street – Public Hearing – New Construction (Block 6)
PROJECT ID: HPBR-002391-2023
MEETING: August 2, 2023

Owner: Portland Foreside Development Company
Architect: Perkins & Will

A sign announcing the Historic Preservation Board's meeting on August 2, 2023 was posted at the property on July 19, 2023. A legal ad was published in the Portland Press Herald on July 21, 2023 and July 22, 2023, and 168 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Construct new mixed-use building (Block 6) on site partially within and adjacent to the Munjoy Hill Historic District. Project to include demolition of non-contributing structures at the rear of 19 and 21 Eastern Promenade.

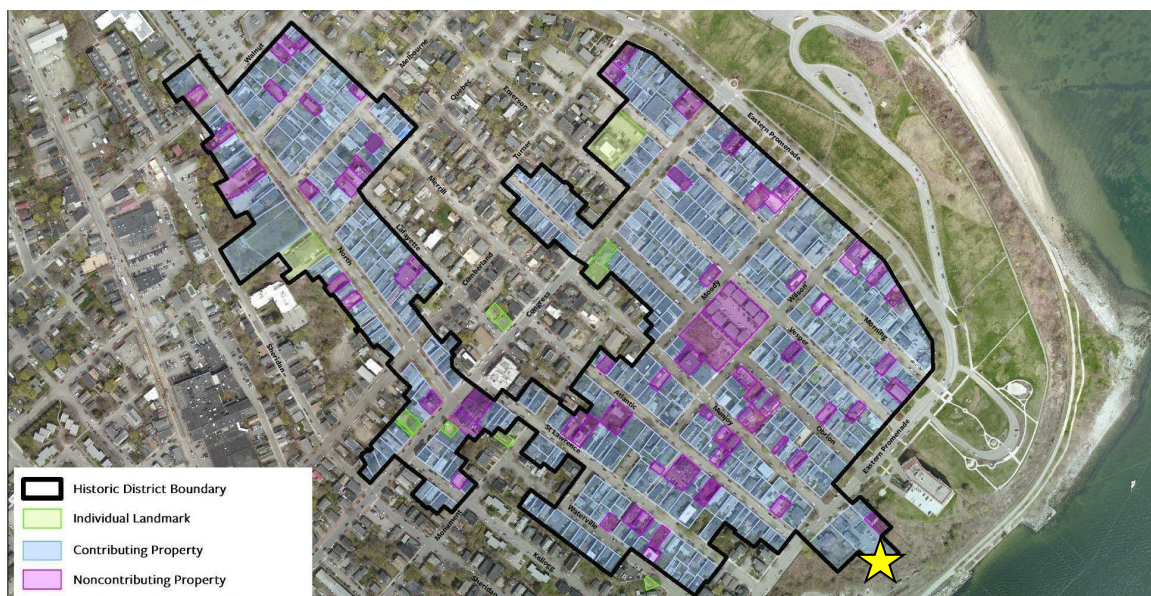


Figure 1: Map of the Munjoy Hill Historic District showing location of 58 Fore Street, Block 6 Development with

yellow star.

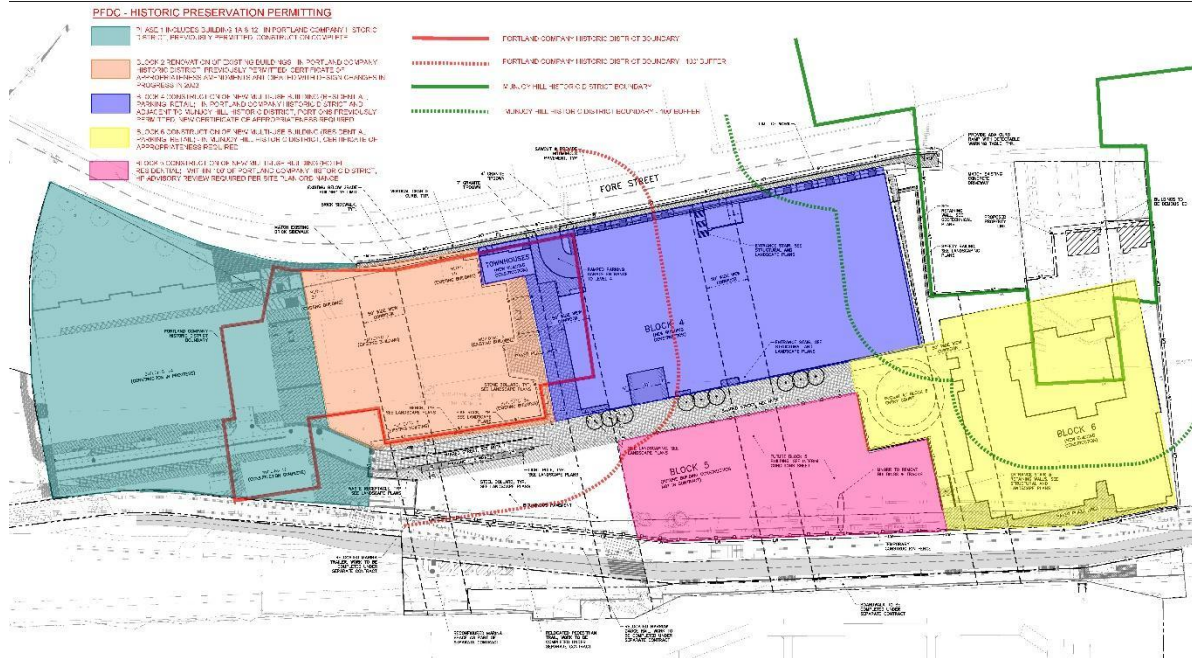


Figure 2: Map of 58 Fore Street site provided by applicant showing the Munjoy Hill Historic District boundary (solid green line), and the area of the proposed Block 6 Development (yellow shaded area) Block 1 (teal shaded area) was previously approved and is nearing completion. Block 2 (orange shaded area) contains the historic core of the Portland Company Historic District for which the Board previously reviewed a rehabilitation program. Block 4 (blue shaded area) has been submitted to the Board for review under a separate application. Block 5 (pink shaded area) will only be subject to advisory review by Historic Preservation Staff.

The proposed mixed-use building will range from a height of nine stories at the southern elevation to two stories above grade at the north elevation, with five stories extending below grade. The first floor will sit primarily below grade containing one level of parking, with retail facing along the Eastern Promenade Trail. The second level will contain some additional retail, resident common spaces, and a number of residential units. Floors three through nine will contain primarily residential units along with a few communal spaces. The whole structure is organized around an internal courtyard, the floor of which is at the second level. There will be two primary entrances for residents; one at the second level on the west elevation from within the development site, and another at the seventh level on the north elevation from between the historic structures.

Those portions of the structure that are within the boundaries of the Munjoy Hill Historic District require a Certificate of Appropriateness (COA) from Historic Preservation. In the case of Block 6, this is only the north elevation (see figures 1, 2, & 3). Some portions of the inner courtyard are also located within the Munjoy Hill Historic District; however, the courtyard will only be accessible from within the building, and therefore does not have public visibility. It should be noted that the area of development within the district is located to the rear of several Historic Structures and sits somewhat below them. The proposed structure does not front onto any streets within the Munjoy

Hill Historic District. The remainder of the structure will be subject to an advisory design review by Historic Preservation Staff in conjunction with Portland's Urban Designer as a part of the Site Plan Review. This review is ongoing and has had two workshops with the Planning Board.

It should be noted that any action by the Historic Preservation Board would be limited in authority to the design of those portions of the structure located within the Munjoy Hill Historic District. An approval would not constitute an approval or favorable view of any of the other elements of the project. The applicant is responsible for ensuring that the design they are proposing meets the requirements of Portland's zoning, site plan, and building codes. Should conflicts between the design and applicable codes arise and result in changes to a design approved by the Board, the applicant may need to return to the Board for review of the revised design to ensure that it still meets the Historic Preservation review standards.

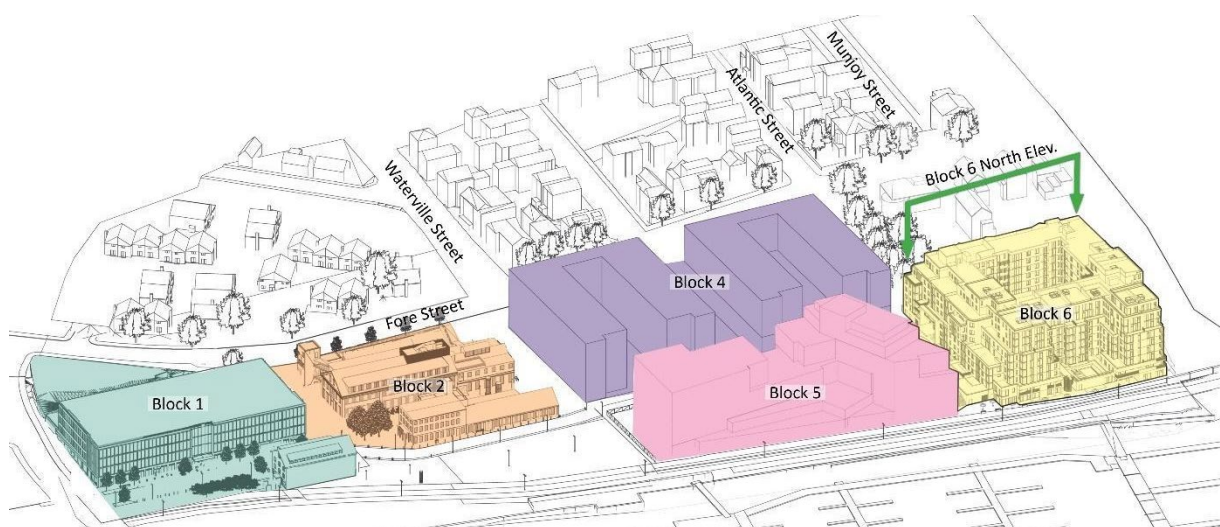


Figure 3: Axonometric view of proposed 58 Fore Street development provided by applicant showing the overall massing of the proposed Block 6 development (in yellow) adjacent to the southern edge of the Munjoy Hill Historic District. The north elevation of Block 6, indicated with the green arrows by Historic Preservation Staff and not visible from this view, falls within the boundaries of the Munjoy Hill Historic District.

BACKGROUND

In 2016, the applicant received approval for a Master Development Plan (MDP) for the 58 Fore Street site. MDPs are an optional regulatory tool that can be used to guide large, multi-structure development projects such as is proposed for the 58 Fore Street site. Although the MDP approval does not constitute an authorization for development, it does maintain the applicability of regulations in effect at the time of approval for as long as the MDP approval remains valid. If an MDP is proposed for a site in a Historic District or designated as a Landmark, or a site located within 100 feet of a local historic designation, the MDP is subject to an advisory review by Historic

Preservation. In 2016, when the 58 Fore Street MDP was undergoing review, the Historic Preservation Board participated in the advisory review. Individual development projects are then still required to go through Site Plan Review by the Planning Board, and attain other necessary approvals such as a COA from Historic Preservation when development occurs within a historic district or the boundaries of a landmark structure.

Work at Blocks 1 and 2 have already gone through these reviews. Blocks 4, 5, & 6 are undergoing a joint development review. Blocks 4 & 6 are being presented to the Historic Preservation Board as two separate applications given that the areas of each block requiring a COA are located in different historic districts.

SUMMARY OF HISTORIC CONTEXT

Munjoy Hill is a dense historic neighborhood with a blend of vernacular, working-class architecture and a number of grand, high-style houses which primarily face onto the Eastern Promenade. There are also a small number of commercial and institutional buildings scattered throughout.

Early in Portland's development, Munjoy Hill was sparsely populated with only a few houses located at the western base of the hill, closer to the waterfront. Other than the area occupied by the Portland Observatory and its attendant structures (constructed in 1807), the majority of the Hill was privately maintained as open-space for the pasturing of cows. The original Tukey's Bridge, constructed in 1796, connected the eastern end of the Portland peninsula to the mainland and prompted the laying out of Washington Avenue. Development on the hill remained slow-going early in the nineteenth century. Regardless, in 1836 the City of Portland purchased the lands along the edge of the peninsula that would eventually become the Eastern promenade in response to the increasing development. The earliest houses, of which only a few survive, were generally very modest one- to two-story wood-frame capes.



Figure 4: An example of an early, though somewhat altered, cape type house, which would have been common in the early- to mid-nineteenth century (7 Lafayette Street).

Development picked-up pace in the mid-nineteenth century with the founding of the Atlantic and St. Lawrence Railroad in 1845 and the Portland Company in 1847. Jobs at the Portland Company in particular, at the base of Munjoy Hill and along the waterfront, created the need for working-class housing in close proximity. The undeveloped tracts on Munjoy Hill provided ample space for that growth. Homes from the mid nineteenth century were often built in the vernacular Greek Revival style, featuring highly symmetrical façades and austere classically-inspired details.



Figure 5: An example of a more ornate asymmetrical gable-fronted Greek Revival (8 Sherbrook Street).

In the aftermath of the Great Fire of 1866, Portland found itself in dire need of additional housing and significant development occurred on Munjoy Hill. This was fueled by subdivision of the remaining large tracts of land and the arrival of horse-drawn (and later electric) streetcars, which made the easternmost ends of the peninsula easily accessible to downtown Portland. In this late-

nineteenth century era, the scale of buildings increased, with many two- to three-family Italianate and Second Empire structures being built. This dense mode of development was further fueled by an influx of immigrants in the early-twentieth century. The demand for housing led to the advent of the now ubiquitous triple-deckers which dominate the easternmost ends of Munjoy Hill. These large frame structures can be found dressed in various architectural styles that were popular from the 1880s into the 1910s.



Figure 6: A typical street showing examples of triple-deckers and Italianate duplexes (82, 84, 86, & 88 Beckett).

This same era also saw increased interest in the expansive views and beauty of the Eastern Promenade by Portland's wealthiest residents. A number of grand single-family homes were built along the Promenade in the Italianate, Second Empire, Shingle, and Queen Anne styles. This development in the very early-twentieth century solidified the Eastern Promenade streetscape as we know it today.



Figure 7: An example of grand Queen Anne style house facing onto the Eastern Promenade (140 Eastern Promenade).

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, as past owners tried to update Capes or Greek Revival houses with Italianate or Queen Anne details, creating varied and dynamic layers of history. Regardless of this diversity, there are a handful of unifying features within the district. Construction is primarily of wood frame over brick or stone foundations, with only a handful of primarily brick structures. Structures are typically independent, but constructed densely, with tight driveways and side yards. Front yards are typically extremely shallow, with proximity to the sidewalk being prioritized even on large lots. Projecting bay windows or entry porches are often used to create additional variety along the sidewalk. Windows are predominantly vertically oriented with varied placement on front and side elevations.

The immediate vicinity of the proposed development is highly eclectic, reflecting the overall diversity of the district's architecture. 5, 6, and 22 Eastern Promenade are excellent examples of high-style grand homes typical of the promenade, as identified by their unique designs and exceptional architectural details. Meanwhile, 17, and 19 Eastern Promenade are fair examples of Queen Anne multi-family homes found throughout the district with their large gable fronts and stacked bay windows. 13 Eastern Promenade is another fine example of this typology; however, it is setback significantly from the street, speaking to the density with which the whole neighborhood was developed over the decades. 21 Eastern Promenade is an example of an early Greek Revival structure as embodied by its more modest scale, symmetrical composition, and strong corner pilasters and cornice.

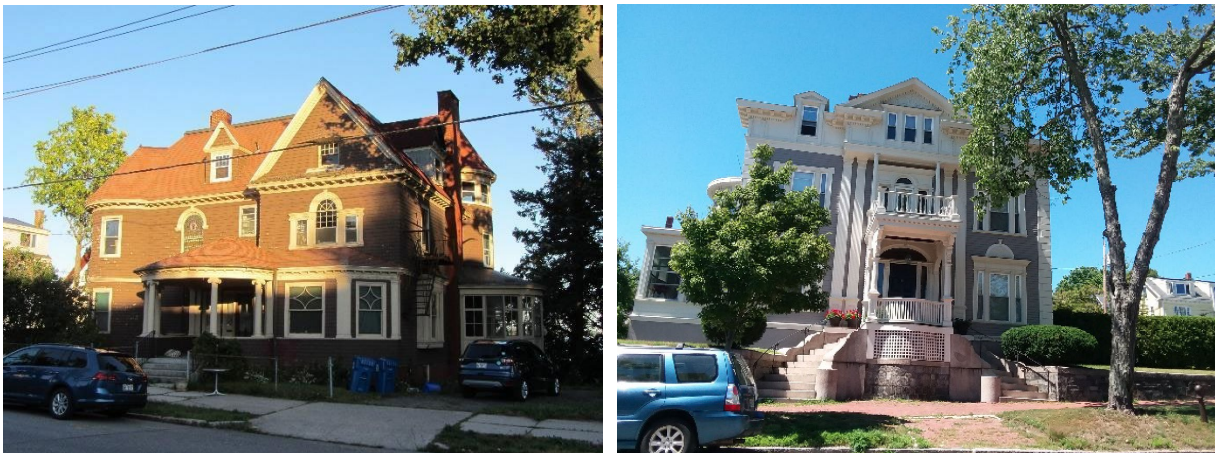


Figure 8: Examples of grand, high-style houses (5 Eastern Promenade, left and 6 Eastern Promenade, right) adjacent to the proposed development site.



Figure 9: Example of an early vernacular building (21 Eastern Promenade) and typical late-nineteenth century multi-family buildings (13 and 19 Eastern Promenade) adjacent to the proposed development site.

Additional information on the History of Munjoy Hill and each of the buildings in the Historic District can be found on the city website: <https://www.portlandmaine.gov/665/Historic-Districts>.

PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

June 7, 2023, Workshop:

During the June 7 workshop, the applicant presented additional information, including additional views of the building from Fore Street. However, the presentation did not include any significant updates in the design of Block 6. Board members reiterated their generally favorable views of the project given its minimal impact along the Eastern Promenade given the significant setback from the Promenade.

Board members did express that additional study should be made of the scale and configuration of cladding materials with the goal of ensuring a sufficiently broken-up and articulated elevation, while maintaining a degree of homogeneity and compatibility with the overall structure of Block 6. Generally, the Board recommended a simplification of some forms. Members also reiterated their view that the use of stone as a primary wall material at the north elevation was not in keeping with the character of Munjoy Hill, and recommended that an alternate cladding be proposed.

Board members also asked the applicant about the proposed treatment of the site between Block 6 and the existing buildings. The applicant responded that at present, they were only applying for approval of the small terrace north of the north elevation and that all other sitework would be submitted for review at a later date under a separate application.

It was also requested that additional information be provided on the proposed materials and that, if possible, physical samples be provided for the Board to review.

STAFF COMMENTS

Since the last workshop, the applicant has made several updates to the design of the north elevation, and has provided additional detail on construction and materials.

The primary changes at the north elevation are the replacement of the stone cladding with a grey fiber cement panel, and that the parapet has been simplified with a more unified height and only small changes in height at common and individual unit entrances. Related to the change in material, the applicant has provided updated elevation drawings that more clearly show the intended scales and configurations of the different siding materials across the façade in an effort to address Board comments about the composition of cladding materials. The applicant has also provided clarification on the materials proposed for the terraces to the north of Block 6.

Finally, the applicant has provided additional information on the proposed cladding materials including physical samples which will be available for examination by the Board during the meeting.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The north elevation will generally be two-stories tall; though at the western end, the overall height of the structure will be made more apparent as the grade drops away just outside the district.
2. Width The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	As proposed, Block 6 is a large building, stretching across four parcels of varying widths making the structure larger than typically found in the district. The north elevation is proposed to be visually broken up with changes in material, creating segments of the building with more compatible widths.
3. Proportion of principal facades The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	Staff Comments
Yes	Again, the north elevation of Block 6 is wider than it is tall; however, the height is not out of character, and the façade is broken up through changes in material.
4. Roof shapes The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	Staff Comments
Yes	Block 6 is proposed to have flat roofs at a variety of levels. Flat roofs are common throughout the Munjoy Hill Historic District.

<u>5. Scale of a structure</u> The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	Block 6 will be a larger building than typically found throughout the Historic District. However, the structure is set back significantly from the Eastern Promenade, being behind adjacent historic structures and set somewhat below them. The scale at the north elevation will be two-stories, with the majority of the building's mass located below the level of the street. The overall scale of the building will be readily apparent from public ways such as Thames Street or the Eastern Promenade Trail, which are located outside the Historic District.

Standard B. Composition of Principle Facades	
<u>1. Proportion of openings</u> The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	Staff Comments
Yes	Generally, the north elevation is proposed to have vertically oriented windows and doors.
<u>2. Rhythm of solids to voids in facades</u> The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	Staff Comments
Yes	The north elevation generally features an even distribution of fenestration; though the ends of the elevation feature some larger areas of solid wall.
<u>3. Rhythm of entrance porch and other projections</u> The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	While Block 6 is a large, multi-unit building, the north elevation is proposed to have several entrances to specific units on the north side of the building in addition to a shared entrance, which follows more the pattern of the individual historic building within the district. These entrances are set back significantly from the sidewalk given the placement of the proposed structure behind and down the slope from Eastern Promenade; however, there are several examples of structure being set back from the street throughout the district given the long and dense development history of the district.

4. Relationship of materials

The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.

Standard Met?	Staff Comments
For Board Discussion	The applicant is proposing to clad the structure in a mixture of vertically and horizontally oriented cementitious paneling, with accents of stone cladding closer to grade. The applicant has provided additional information on and samples of the proposed siding materials. Staff would encourage the board to examine the physical samples during the meeting to determine whether the proposed colors and textures are sufficiently compatible with the character of the Munjoy Hill Historic District.

Standard C. Relationship to Street

1. Walls of continuity

Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.

Standard Met?	Staff Comments
Yes	The proposed structure will be set-back significantly from the street and will not have a significant impact on the street wall immediately next to the sidewalk. Instead, the structure will likely create a sense of enclosure behind the buildings. While not historically present at this location given the significant grade change behind the existing structures, that type of enclosure is common at the rear of many historic structures given the density of development, with structures often backing very closely onto structures fronting adjacent streets.

2. Rhythm of spacing and structures on streets

The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related

Standard Met?	Staff Comments
Yes	The proposed structure will not affect the rhythm and spacing of structures on the street as it will be set back so significantly.

<u>3. Directional expression of principal elevation</u> A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
Yes	Generally, the structure has a horizontal expression, given its length, however, this is broken up by changes in material, and contrasted with areas of vertical cladding, and vertical windows. Generally, facades are more vertically oriented throughout the Historic District, but feature contrasting directionalities with horizontal siding and vertical windows.
<u>4. Streetscape, pedestrian improvements</u> Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	Staff Comments
Yes	The proposed terrace areas, which will utilize stone pavers, low stone-clad walls, and wooden fencing are in keeping with the norms of the district. Additionally, they are set back significantly from the street and will have only modest visibility from the Eastern Promenade. The applicant is not requesting approval for any work between the terraces and the existing buildings at this time, and will submit that work for review at a future date.

Standard D. Other Standards	
<u>1. Compatible use</u> Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	Generally, the proposed mixed use of the development is not incompatible with the site, in particular because the north elevation is proposed to contain exclusively residential uses adjacent to the residential historic district.
<u>2. Distinguishing original character</u> The distinguishing original qualities or character of a structure, object, or site and its environment shall not be destroyed. The alteration of any historic material or distinctive architectural features should be avoided when possible.	
Standard Met?	Staff Comments
Yes	The proposed development will not damage any significant historical material.

4. Contemporary design

Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, -2, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.

Standard Met?	Staff Comments
Yes	The applicant has taken a design approach that is leading towards an assemblage of clearly contemporary buildings while attempting to respond to the historic character of the district.

MOTION FOR CONSIDERATION

I move to APPROVE application HPBR-002391-2023 for new construction at 58 Fore Street, Block 6, within the Munjoy Hill Historic District on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the Historic Preservation Board that the project meets Standards for Review of New Construction 17.8.3- A.1-5, B.1-4, C.1-4, D.1-2, & D.4.

ATTACHMENTS

1. Summary of Design Updates
2. Presentation and Renderings
3. Plans, Elevations, and Details
4. Material Palette

July 14, 2023

Portland Foreside Block 6: The Channel Mark

Historic Preservation Application Revisions 2 Cover Letter

Evan Schueckler
Historic Preservation Program Manager
Planning & Urban Development Department
389 Congress Street, 4th Floor
Portland, ME 04101

Phone: 207.874.8726
Email: evans@portlandmaine.gov

Dear Mr. Schueckler,

Thank you for your July 7th email, the comments were very helpful for the team in preparing materials for review by the board. In addressing your comments, we hope that our design modifications have struck the right balance between the various viewpoints expressed by the board and the project's aesthetic goals.

The Channel Mark team's revisions refine the North elevation composition, and are described in more specific detail below. As part of this exercise the design team researched several stone selections and identified a stone which we believe strikes a balance between scale and constructability. Please reference the photo below which is intended to provide the scale of STN-01. This stone is meant to be in direct dialogue with the stone walls found adjacent to the site.



In addition, we have simplified the parapet heights for a more consistent line across the central portion of the elevation. Façade material representation has also been refined to better indicate panel and slat transitions in the overall elevations. The Channel Mark's exterior aesthetic refers to the landscape in which it sits and attempts to modulate between this, the historic contexts of the Munjoy Hill & the Portland Company, and the contemporary development of which it is a part. While the rainscreen façade materials are being used in a contemporary fashion, the size and finish of each were chosen to provide texture. We hope that the changes discussed here tell this story more clearly.

Document Revisions:

- **In Appendix A**

- Renderings on Pages 4, 7, 8 were updated to show the conceptual rendering changes indicated in Appendix B
- Rendered elevation on Page 4 was updated with material photos to help convey them more clearly
 - Please note that the Appendix B overall elevations are part of the project construction documents and tonality is provided more diagrammatically than what is shown in Appendix A and other rendered images which are intended to show tonality of materials, specifically the more variegated GFRC applications.

- **Appendix B**

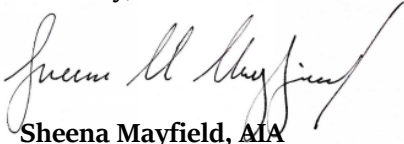
- The drawings were reprinted to coordinate with project progress and be consistent across city submissions, and for more accurate image processing
- Additional comments were added to Sheets L1.0 and A117 to indicate the paving material at the North Terrace, which is intended to be linear and rectangular stone paving to match STN-01
- Sheet A119 has some additional comments related primarily to the zoning/site plan application, but are included here for consistency
- Several Changes were made to A200:
 - The Exterior Finish Legend was updated to clarify/coordinate with information described in Appendix C and shown in new details
 - In 5A ELEVATION - NORTH, STN-2 was removed from the primary building façade and size, reveals, and panel patterning of the GFRC and FCP materials were updated
 - Design of reveals and panel patterning is intended to be generally consistent throughout the project, and other elevations will be updated as design progresses
- Details 6B and 6A were added to A201
 - 6A EXTERIOR MATERIAL APPLICATION RENDERING is provided to show a more photo realistic view of the primary façade materials adjacent to one another v. the “construction document hatching” as shown in the overall elevations on A200 & A201
 - 6B: ELEVATION – 7TH FLOOR TERRACE ENTRY is provided to show the elevation beyond the STN-01 terrace wall and show the unit terrace screening fence and planters along with associated materials at the unit entered directly from the North Terrace
- Sheet A301 was added to provide exterior envelop detailing
 - 2A EXTERIOR WALL TYPES shows each of the (3) primary finish materials STN, GFRC, & FCP and the rain screen attachment method and typical wall size at each. The below grade application of metal panel is also provided.
 - 4B EXTERIOR WALL TRANSITIONS show the primary transitions/reveals found at the North Elevation.
 - A vertical section between the STN-01 water table (to match height of the adjacent STN-01 wall) and the GFRC
 - Additionally, the horizontal and vertical reveals between the various panels is shown
 - Both the FCP and GFRC are open rainscreen materials and in the field of each application standard manufacturer recommended drainage gaps will be provided between slats/panels
 - 5A ROOF SYSTEMS indicate horizontal envelop conditions generally outside of the area of HP consideration
- Both Sheets A200 and A201 have additional comments related primarily to the zoning/site plan application, but are included here for consistency

- **Appendix C**

- Appendix C has been completely revised to represent design intent more clearly by simplifying information and providing design remarks & diagrams
- Physical samples of the three primary exterior façade materials were provided by the PFDC team

We believe that these changes and additions provide the additional context needed to more thoroughly convey the design intent. Please let know if you need us to provide additional information.

Sincerely,



Sheena Mayfield, AIA

Associate | Architect

Baskervill

Phone: 804.728.3049

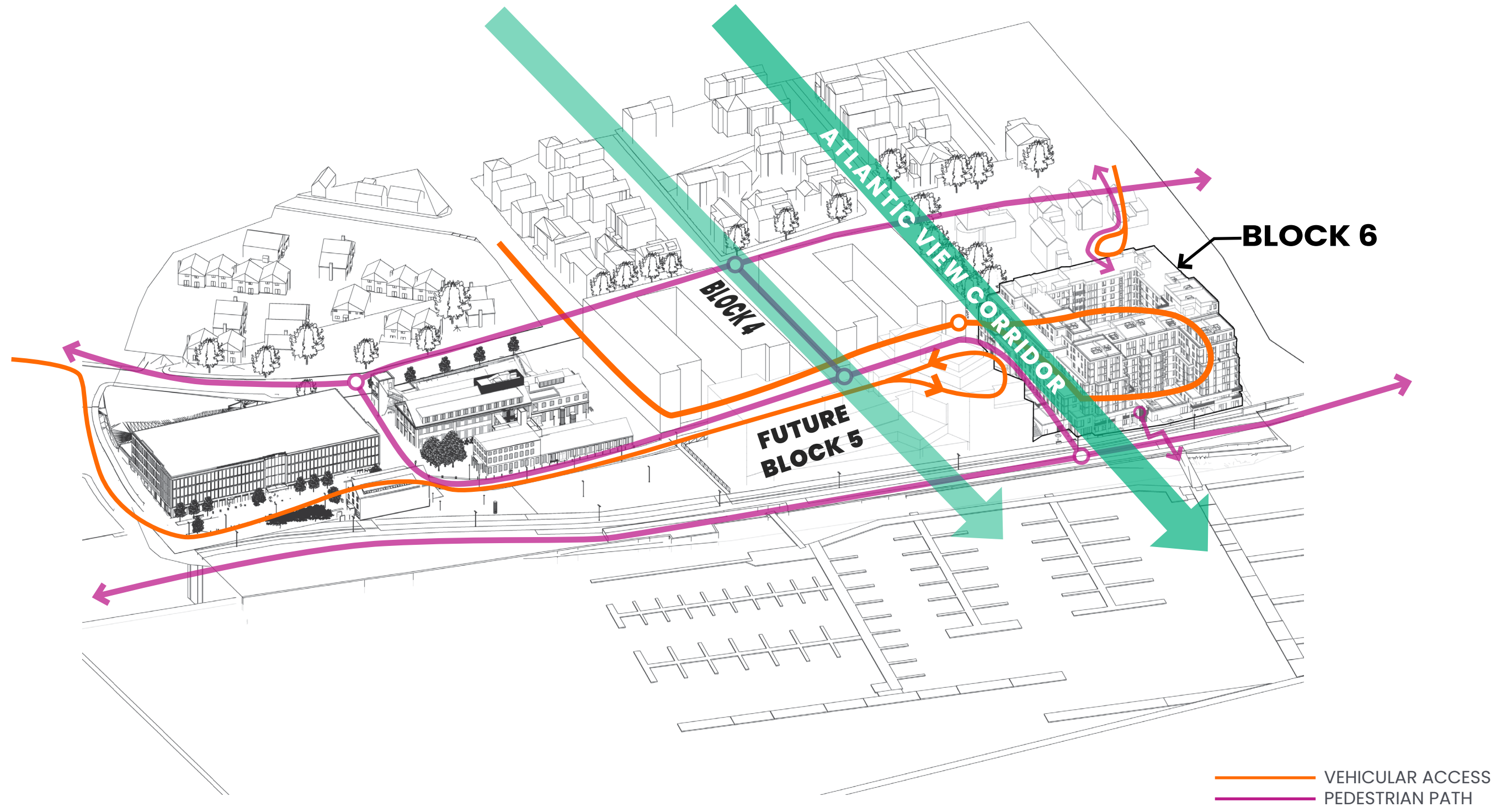
Email: smayfield@baskervill.com

Please find included as attachments or appendices to this letter the Portland Foreside Block 6 Historic Preservation Application supplemental documents listed below.

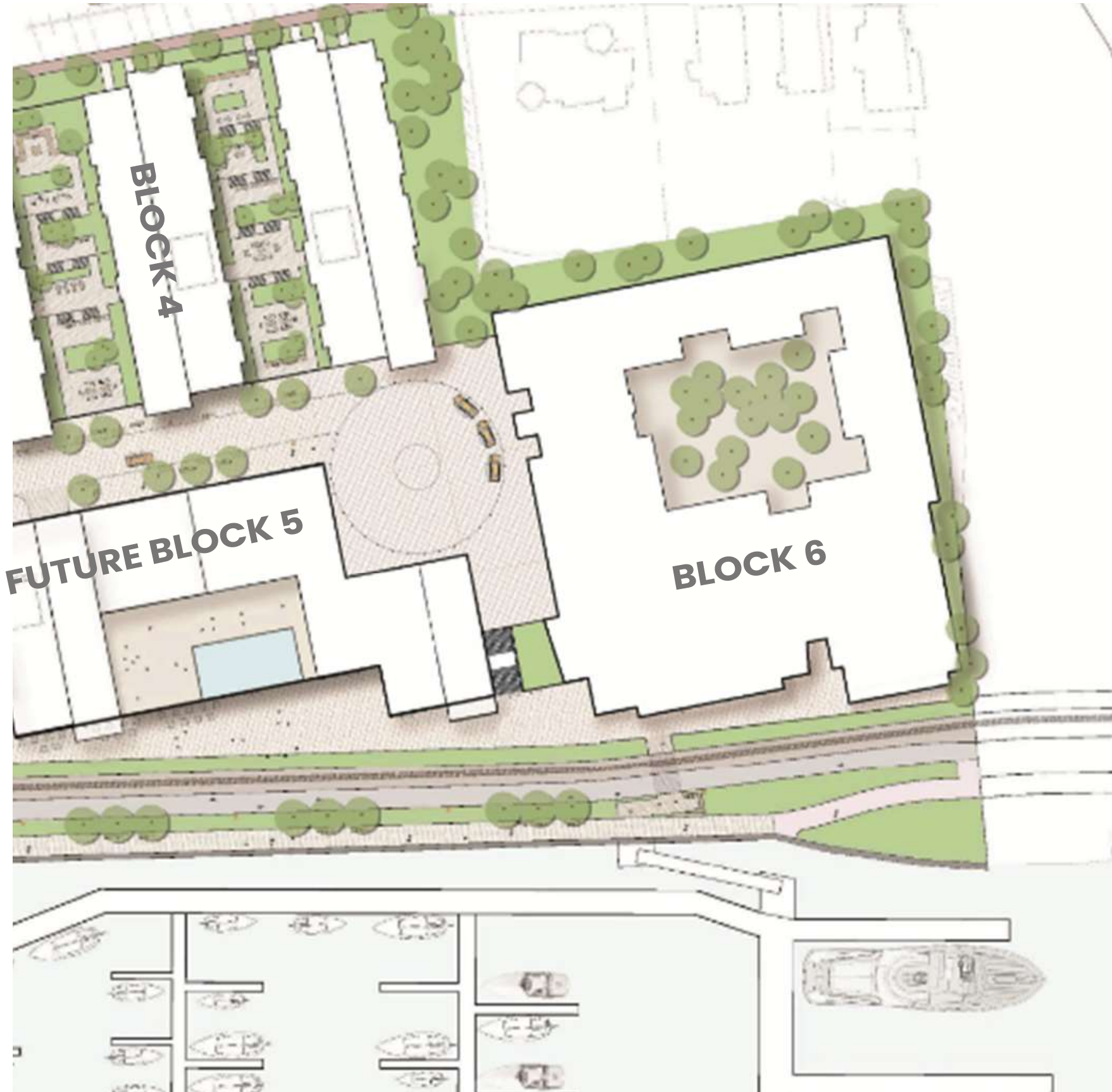
- City of Portland Planning & Urban Development Department, Historic Preservation Application Submission Checklist (*previously attached to original submission letter dated 230302, Page 3*)
- Evidence of right, title and interest for both Block 4 & Block 6 (*previously attached 3/2/23, Page 4*)
- Waterfront rendering update is included within [Appendix A (Rev3) - 230714_HP Presentation.pdf] an update to the presentation viewed June 7th, 2023 (*originally submitted 5/15/23*)
- Drawings including elevations, sections, and plans are included in [Appendix B (Rev2)- 230714_PFD Block 6_HP Drawing Submission.pdf] (*originally submitted 3/10/23*)
- An exterior materials list and catalog of product information is provided in [Appendix C (Rev1)- 230714_Exterior Facade Material Catalog.pdf] (*originally submitted 3/10/23*) Additionally, physical samples of the primary exterior façade material will be provided to the board for review.



THE CHANNEL MARK- BLOCK 6 – BUILDING LOCATION | JULY 14, 2023



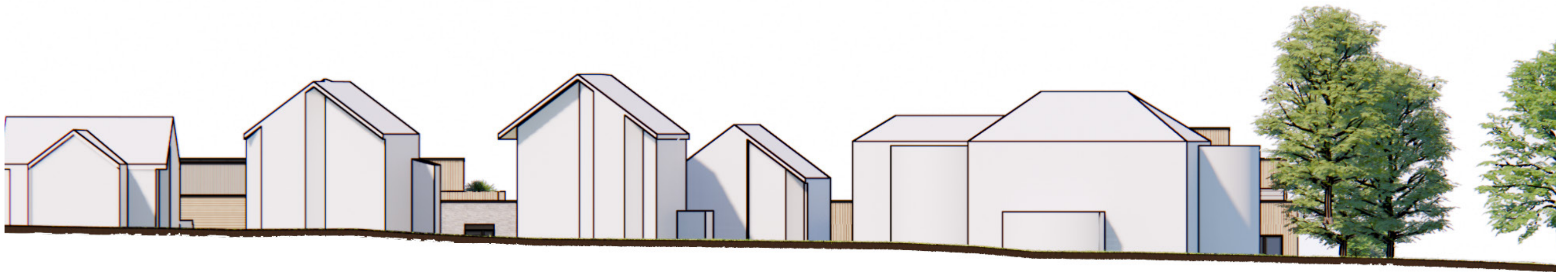
BLOCK 6 – CIRCULATION AND VIEW ANGLE DIAGRAM | JULY 14, 2023



BLOCK 6 – SITE PLAN | JULY 14, 2023

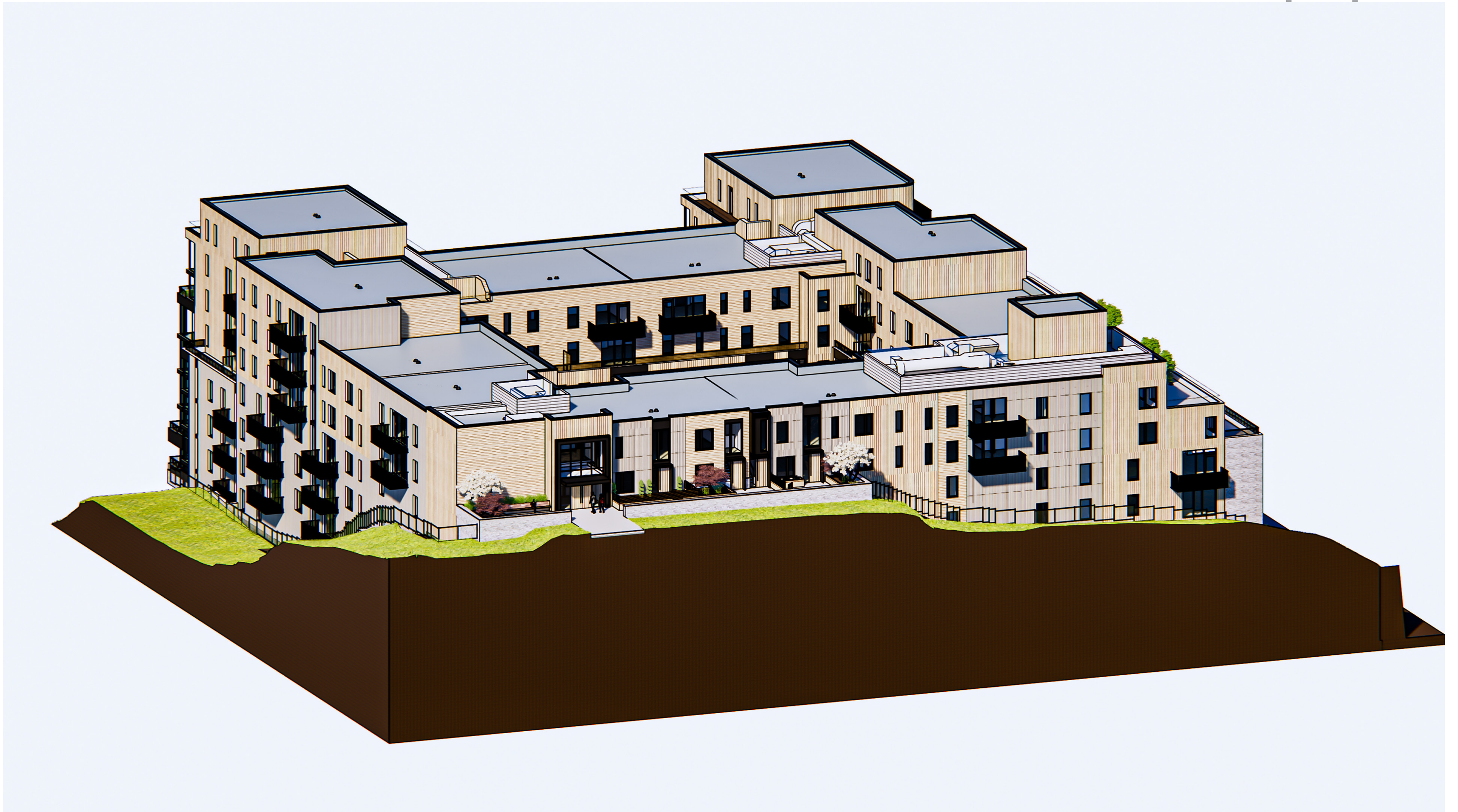


BLOCK 6 – NORTH ELEVATION | JULY 14, 2023





BLOCK 6 – EASTERN PROMENADE PHOTO MONTAGE / CONCEPTUAL VIEW | JULY 14, 2023



BLOCK 6 – EASTERN PROMENADE ISOMETRIC VIEW | JULY 14, 2023



BLOCK 6 – EASTERN PROMENADE CONCEPTUAL RENDERING | JULY 14, 2023



BLOCK 6 – WATERFRONT ISOMETRIC VIEW | JULY 14, 2023



View from within development property towards Munjoy Hill 7 Portland House Condominiums



View of Eastern Promenade Trail adjacent to development



View from within development property looking towards Waterfront and across development site



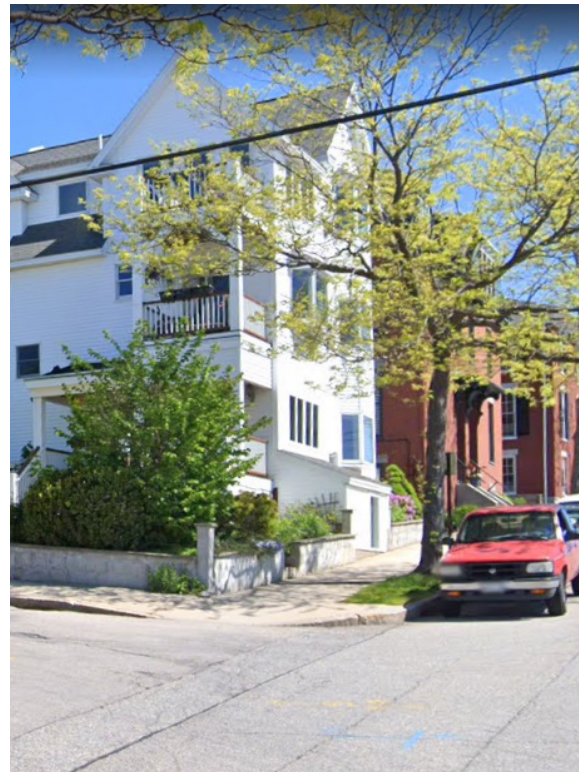
View of adjacent Portland House Condos & Historic Properties



View from Atlantic St towards Waterfront and across development site (Atlantic View Corridor)



View from corner of Atlantic St & Fore St/Eastern Promenade



View from corner of St Lawrence St & Fore St

BLOCK 6 – EXISTING CONDITIONS SITE PHOTOS | JULY 14, 2023



BUILDING SECTION – NORTH/SOUTH

NOT TO SCALE

BLOCK 6 – HEIGHT COMPARISON SECTION | JULY 14, 2023



WATERFRONT BUILDING SECTION

NOT TO SCALE

BLOCK 6 – HEIGHT COMPARISON SECTION | JULY 14, 2023



CONCEPTUAL VIEW FROM PORTLAND HOUSE: LOW VIEW (ON PARKING DECK)

NOT TO SCALE



CONCEPTUAL VIEW FROM PORTLAND HOUSE: MIDDLE VIEW

NOT TO SCALE

BLOCK 6 – CONCEPTUAL VIEW | JULY 14, 2023



CONCEPTUAL VIEW FROM PORTLAND HOUSE: HIGH VIEW

NOT TO SCALE

BLOCK 6 – CONCEPTUAL VIEW | JULY 14, 2023



BLOCK 6 – WATERFRONT CONCEPTUAL RENDERING | JULY 14, 2023



BLOCK 6 – WATERFRONT CONCEPTUAL RENDERING | JULY 14, 2023

PORTLAND FORESIDE DEVELOPMENT COMPANY LLC

PFDC – BLOCK 6: THE CHANNEL MARK

58 FORE ST
PORTLAND, ME 04101

OWNER / CLIENT

PORTLAND FORESIDE DEVELOPMENT
COMPANY LLC
245 COMMERCIAL STREET, SUITE 118
PORTLAND, ME 04101
+1 207 517 1100
WWW.PORTLANDFORESIDE.COM
CONTACT: TIM SCHNEIDER

ARCHITECTURE / INTERIORS / MEP

BASKERVILL
THREE JAMES CENTER;
1051 E. CARY, SUITE 200
RICHMOND, VA 23219
+1 804 343 1010
WWW.BASKERVILL.COM
CONTACT: ANGELO PHILLOS

LANDSCAPE

MICHAEL BOUCHER
LANDSCAPE ARCHITECTURE
457 US ROUTE 1, SUITE 2
FREEPORT, ME 04032
+1 207 865 1080
WWW.BOUCHERLANDSCAPE.COM
CONTACT: MICHAEL BOUCHER

CIVIL ENGINEER

WOODARD & CURRAN, INC
41 HUTCHINS DR
PORTLAND, ME 04102
+800 426 4262
WWW.WOODARDCURRAN.COM
CONTACT: DENISE CAMERON

STRUCTURAL ENGINEER

THORNTON TOMASETTI, INC
14 YORK ST, SUITE 2
PORTLAND, ME 04101
+1 207 879 1838
WWW.THORNTONTOMASETTI.COM
CONTACT: TODD NEAL

BUILDING ENCLOSURE

SIMPSON GUMPERTZ & HEGER, INC
1625 EYE STREET NW, SUITE 900
WASHINGTON, DC 20006
+1 202 239 4199
WWW.SGH.COM
CONTACT: BRADFORD CARPENTER

ACQUSTICS / AUDIO VISUAL / TELECOM / SECURITY

ACENTECH
33 MOULTON ST
CAMBRIDGE, MA 02138
+1 617 499 8000
WWW.ACENTECH.COM
CONTACT: JAY EPSTEIN

POOL CONSULTANT

MARTIN AQUATIC DESIGN &
ENGINEERING
189 S. ORANGE AVE, SUITE 1220
ORLANDO, FL 32801
+1 407 598 0550
WWW.MARTINAQUATIC.COM
CONTACT: JONATHAN TOAVS

CONCEPTUAL 3D VIEW



VICINITY MAP



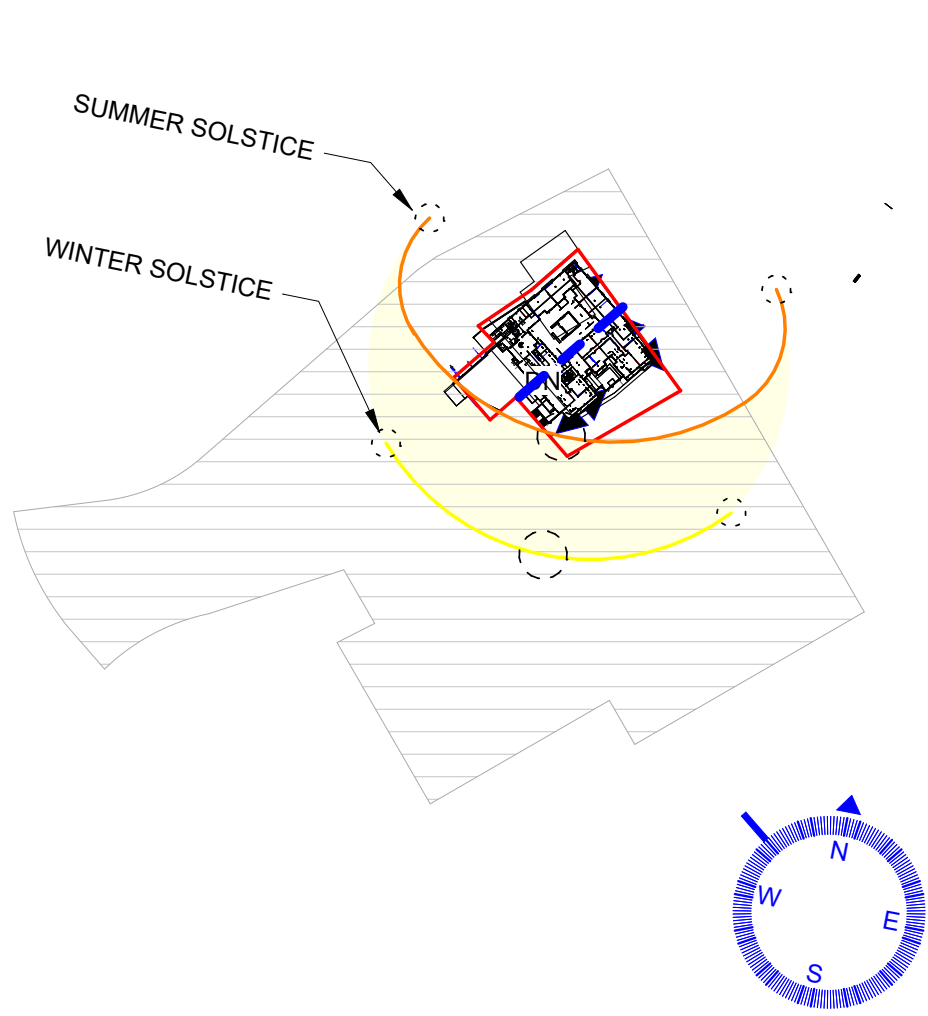
DESCRIPTION OF WORK

AN OCEANFRONT MIXED-USED DEVELOPMENT CUT INTO THE RIVERBANK, TO CONTAIN LUXURY CONDOS & ASSOCIATED AMENITIES ARRANGED AROUND A COURTYARD. BUILDING IS TO BE SITUATED ABOVE A COVERED PARKING DECK WHICH IS CONNECTED THROUGH TO ADJACENT PARCELS WITHIN A LARGER DEVELOPMENT AND FACED WITH RETAIL SPACE ALONG THE WATERFRONT AND PROMENADE.

LIGHTING DESIGN

FLUX STUDIO
1714 ST. PAUL ST
BALTIMORE, MARYLAND 21202
202 368 5186
WWW.FLUXSTUDIO.NET

KEY PLAN AND SOLAR DIAGRAM



CODE DATA SUMMARY

USE GROUP:	A-2, A-3, M, R-2, S-1, S-2
CONSTRUCTION TYPE (602):	1B (PROTECTED, NONCOMBUSTIBLE)
FULLY SPRINKLERED:	Yes
FIRE ALARM SYSTEM:	Yes
HEIGHT OF BUILDING:	99' - 0" (9 STORIES)
HIGH RISE:	Yes
AGENCY CODE:	MAINE UNIFORM BUILDING AND ENERGY CODE (MUBEC) WITH CITY OF PORTLAND AMENDMENTS
BUILDING CODE:	2015 INTERNATIONAL BUILDING CODE (IBC)
MECHANICAL CODE:	2015 INTERNATIONAL MECHANICAL CODE (IMC) +ASHRAE 62.1 & 62.2 (2013), 90.1 (2016), ASTM E-1465-2008
PLUMBING CODE:	2021 UNIFORM PLUMBING CODE (UPC)
ELECTRICAL CODE:	2020 NATIONAL ELECTRIC CODE (NEC)
FIRE CODE:	CITY OF PORTLAND MUNICIPAL CODE CH. 10 FIRE PREVENTION AND PROTECTION
NFPA:	2018 NFPA 1 & 101
ACCESSIBILITY CODE:	2009 ICC A117.1 & 2010 ADA STANDARDS FOR ACCESSIBLE DESIGN (ADA)
ENERGY CODE:	2021 INTERNATIONAL ENERGY AND CONSERVATION CODE (IECC)

UNCONDITIONED GROSS SF

ENCLOSED GARAGE UNDER BUILDING	34,170 SF
ENCLOSED GARAGE UNDER PODIUM	15,458 SF
GARAGE GSF: 2	49,628 SF

CONDITIONED GROSS SF

BUILDING AREA LESS PARKING	296,618 SF
----------------------------	------------

CONDITIONED BUILDING GROSS BY LEVEL

LEVEL 1	
BUILDING AREA LESS PARKING	14,909 SF
LEVEL 2	
BUILDING AREA LESS PARKING	42,421 SF
LEVEL 3	
BUILDING AREA LESS PARKING	41,072 SF
LEVEL 4	
BUILDING AREA LESS PARKING	42,229 SF
LEVEL 5	
BUILDING AREA LESS PARKING	40,100 SF
LEVEL 6	
BUILDING AREA LESS PARKING	39,465 SF
LEVEL 7	
BUILDING AREA LESS PARKING	35,371 SF
LEVEL 8	
BUILDING AREA LESS PARKING	31,812 SF
LEVEL 9	
BUILDING AREA LESS PARKING	9,239 SF
	296,618 SF

LEASABLE SPACE COUNT

LEVEL 1	
RETAIL A	1
RETAIL B	1
RETAIL C	1
RETAIL D	1
	4
LEVEL 2	
JAN	1
KITCHEN	1
RETAIL SUITE	1
WC	2
	5
	9

OVERALL UNIT COUNT

1BR	17
2BR	99
3BR	32
PENTHOUSE	8
UNIT BALCONY	118
UNIT TERRACE - LARGE	16
BUILDING TOTAL UNITS: 290	290

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PROJECT NUMBER

2.210338.0

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58 FORE ST
PORTLAND, ME 04101

ISSUE

07/14/2023 – APPENDIX B

HP PACKAGE REVISIONS

TITLE SHEET

T001



3A CONCEPTUAL EXTERIOR RENDERING

SCALE: 1/2" = 1'-0"

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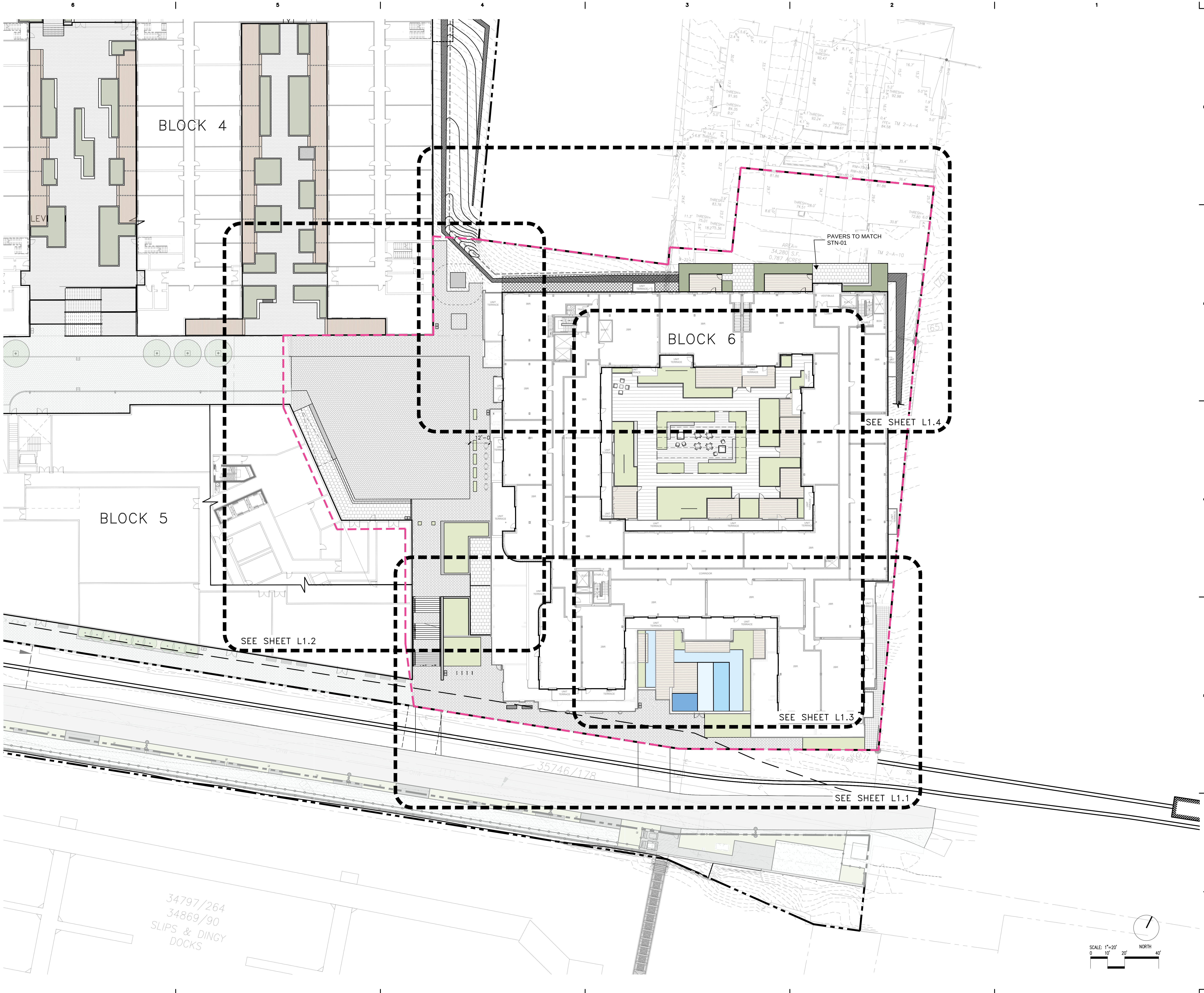
PROJECT NUMBER
2.210338.0

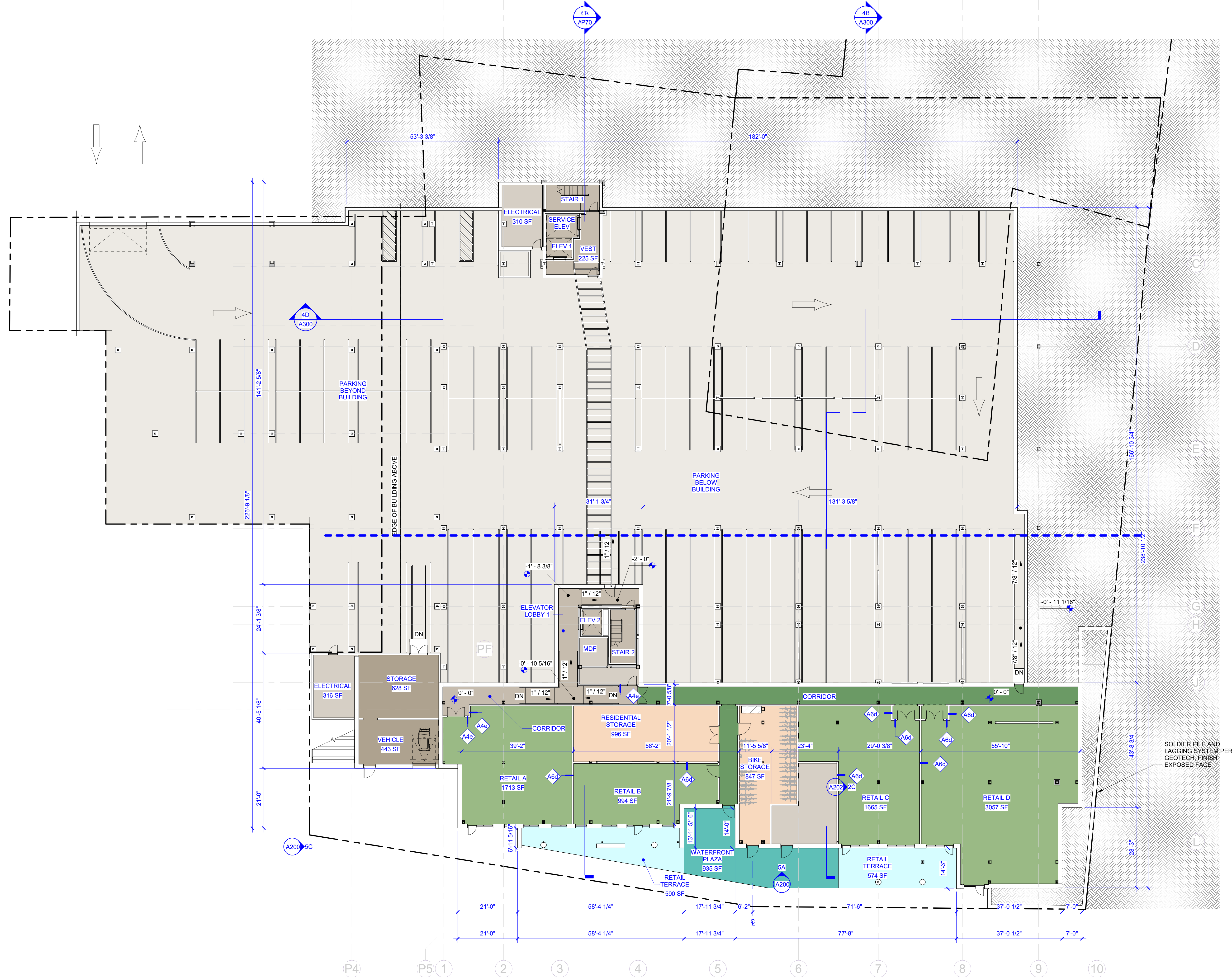
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07/14/2023 – APPENDIX B
HP PACKAGE REVISIONS

SHEET INDEX AND EXTERIOR
VIEWS
T002

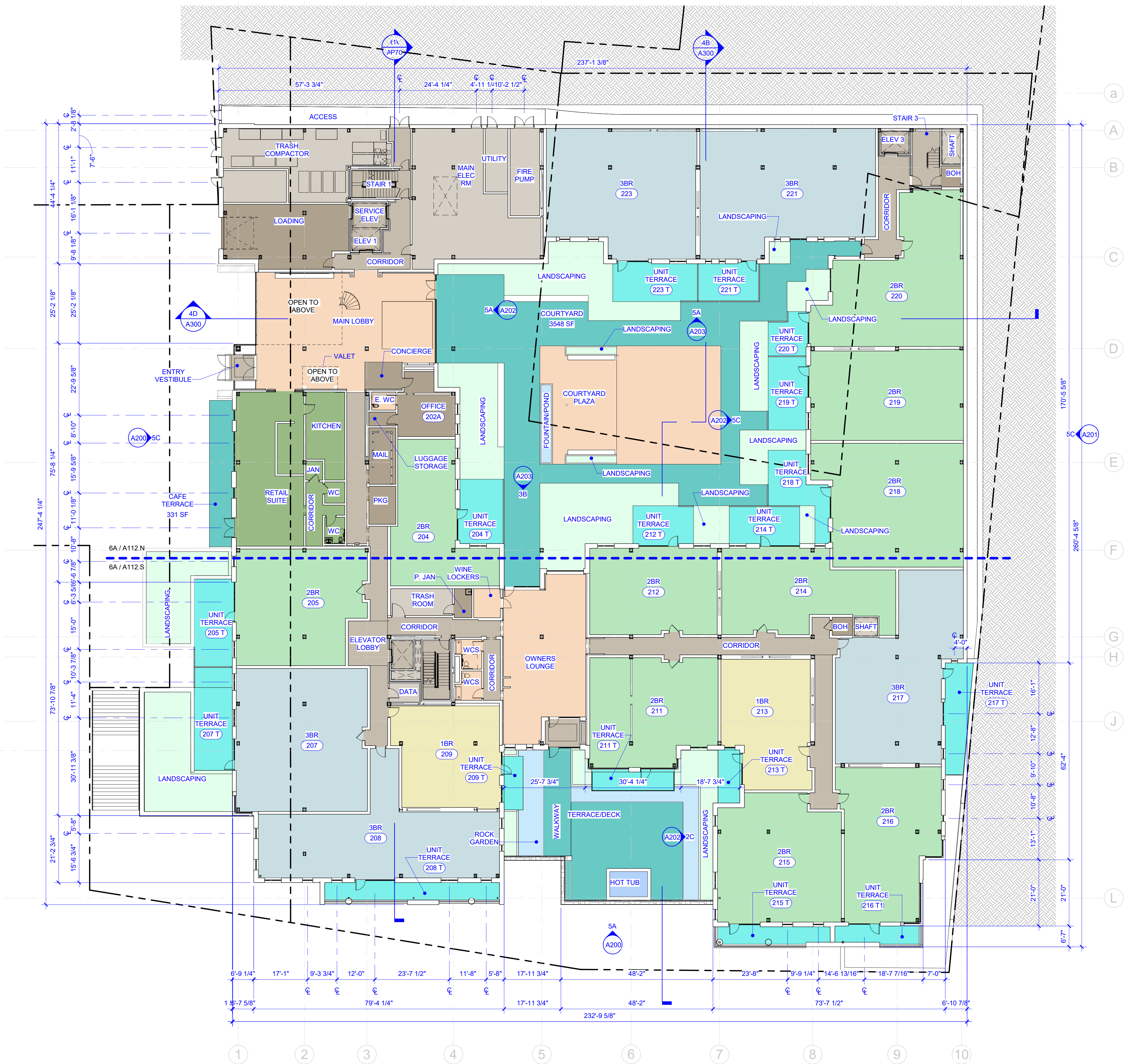




5A LEVEL 1 (MARINA/PROMENADE) - PLAN

AREA/UNIT TYPE

	SITE - LANDSCAPING		COMMON SPACE - UTILITIES (OUTDOOR)
	SITE - WATER POOL		COMMON SPACE - AMENITY
	SITE - WATER LOW		COMMON SPACE - OUTDOOR
	RETAIL		UNIT-ONE BEDROOM
	COMMON SPACE - BOH		UNIT - TWO BEDROOM
	COMMON SPACE - ACCESS		UNIT - THREE BEDROOM
	COMMON SPACE - UTILITIES		UNIT - OUTDOOR SPACE

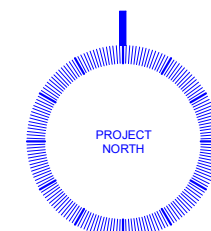


4A LEVEL 2 (STREET LEVEL) - PLAN

SCALE: 1/16" = 1'-0"

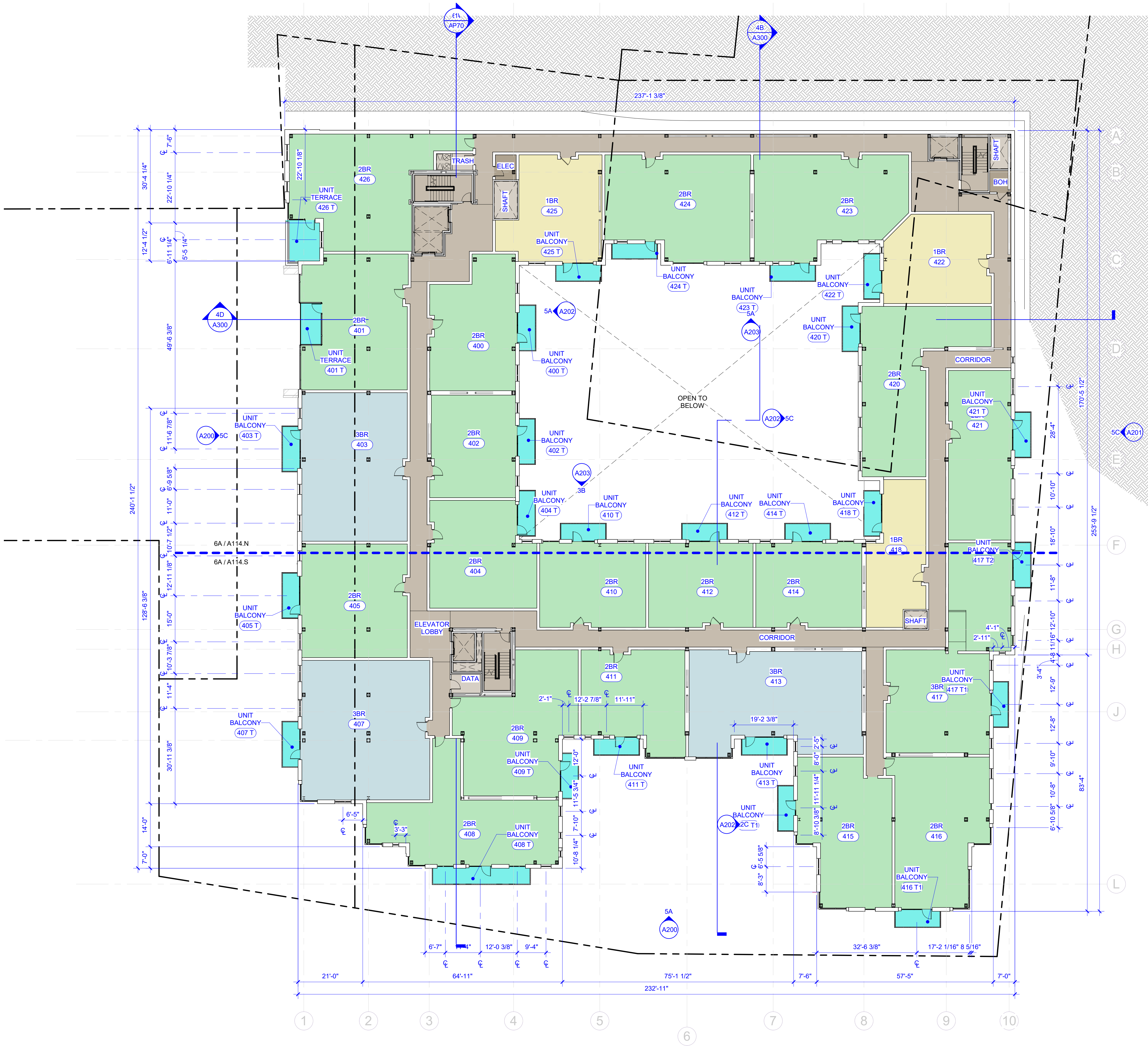
AREA/UNIT TYPE

- COMMON SPACE - BOH
- COMMON SPACE - ACCESS
- COMMON SPACE - UTILITIES
- COMMON SPACE - AMENITY
- UNIT-ONE BEDROOM
- UNIT - TWO BEDROOM
- UNIT - THREE BEDROOM
- UNIT - OUTDOOR SPACE



AREA/UNIT TYPE

- COMMON SPACE - BOH
- COMMON SPACE - ACCESS
- COMMON SPACE - UTILITIES
- UNIT - ONE BEDROOM
- UNIT - TWO BEDROOM
- UNIT - THREE BEDROOM
- UNIT - OUTDOOR SPACE



4A LEVEL 4 - PLAN

SCALE: 1/16" = 1'-0"

AREA/UNIT TYPE

- COMMON SPACE - BOH
- COMMON SPACE - ACCESS
- COMMON SPACE - UTILITIES
- COMMON SPACE - AMENITY
- COMMON SPACE - OUTDOOR
- UNIT - ONE BEDROOM
- UNIT - TWO BEDROOM
- UNIT - THREE BEDROOM
- UNIT - OUTDOOR SPACE



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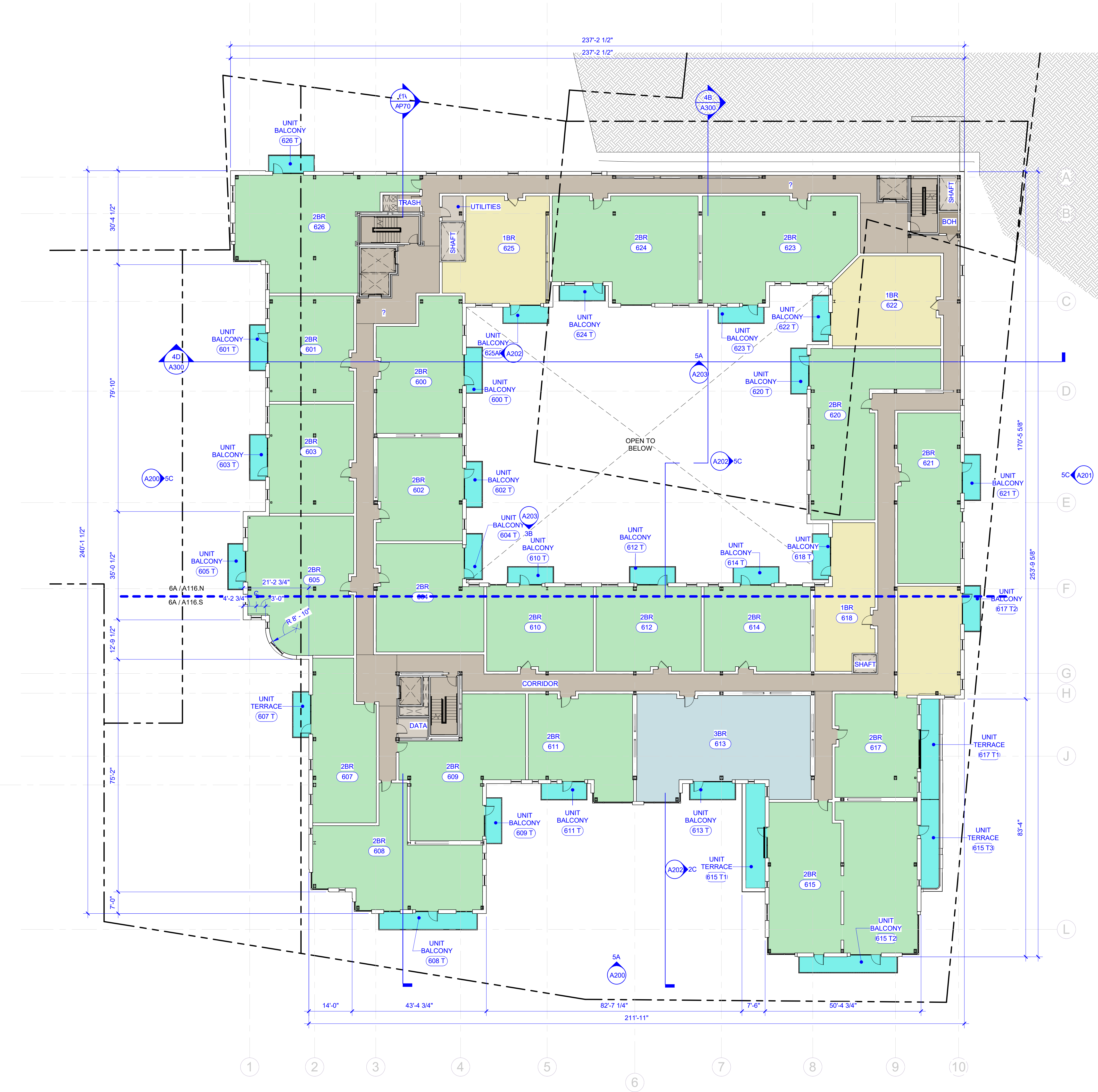
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PORTLAND, ME 04101

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07/14/2023 - APPENDIX B
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LEVEL 6 - OVERALL PLAN
A116

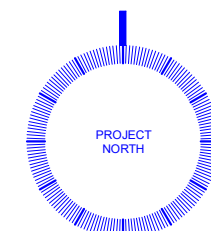
AREA/UNIT TYPE

- COMMON SPACE - BOH
- COMMON SPACE - ACCESS
- COMMON SPACE - UTILITIES
- UNIT-ONE BEDROOM
- UNIT - TWO BEDROOM
- UNIT - THREE BEDROOM
- UNIT - OUTDOOR SPACE



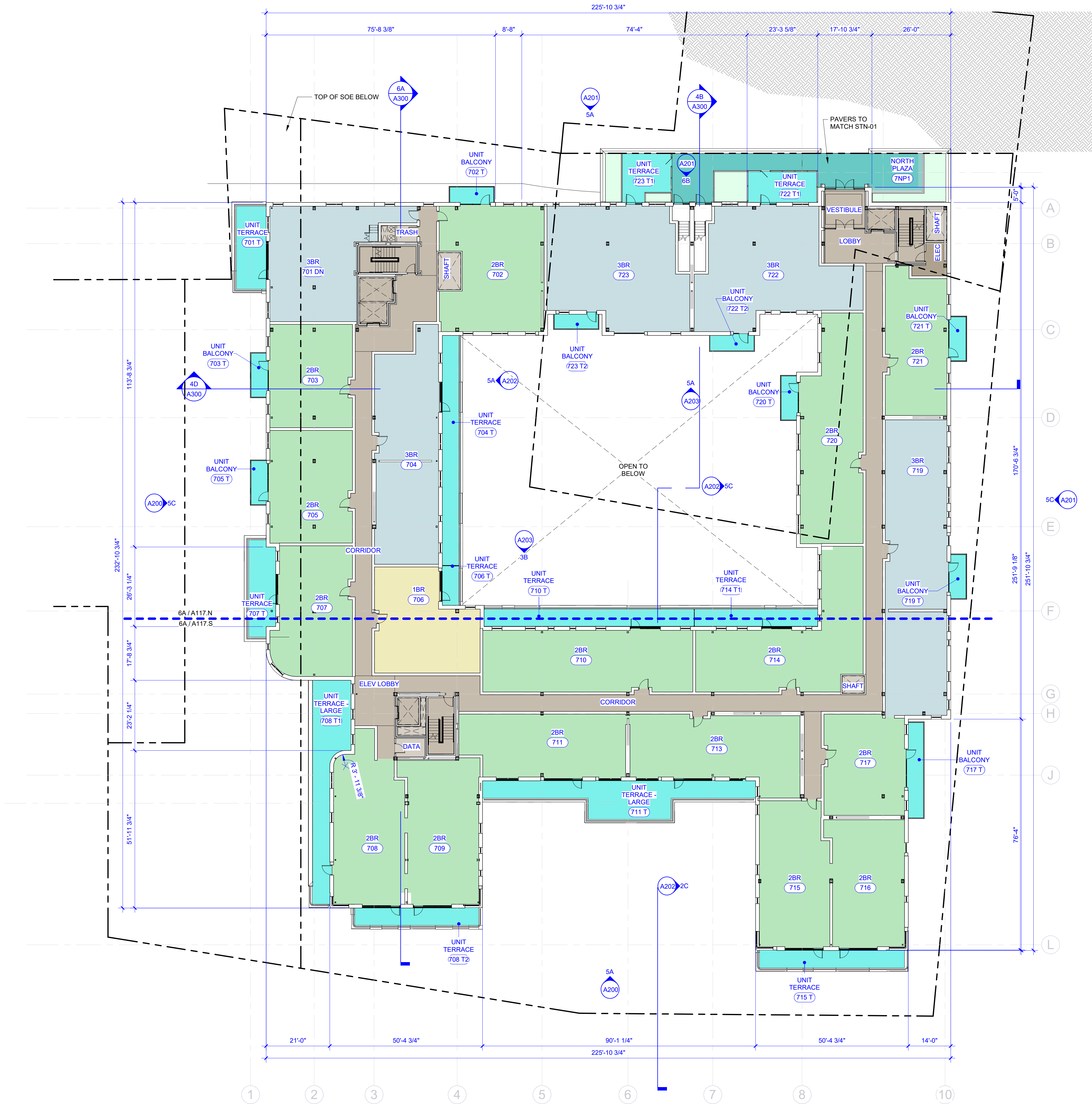
4A LEVEL 6 - PLAN

SCALE: 1/16" = 1'-0"



AREA/UNIT TYPE

- SITE - LANDSCAPING
- COMMON SPACE - BOH
- COMMON SPACE - ACCESS
- COMMON SPACE - UTILITIES
- COMMON SPACE - OUTDOOR
- UNIT - ONE BEDROOM
- UNIT - TWO BEDROOM
- UNIT - THREE BEDROOM
- UNIT - OUTDOOR SPACE

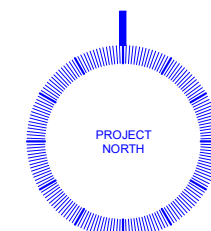
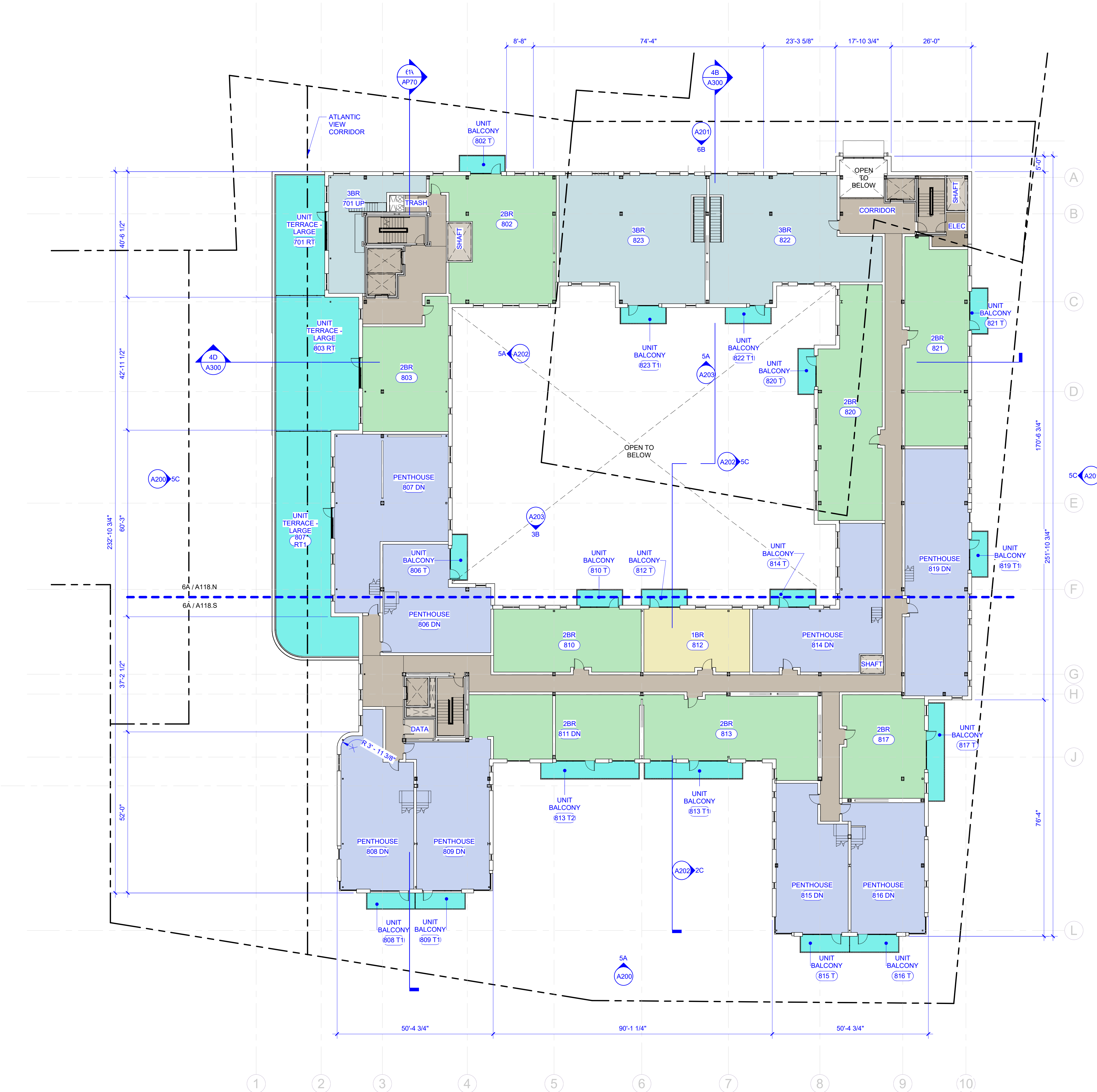


4A LEVEL 7 - PLAN

SCALE: 1/16" = 1'-0" DRAWING REF: A200

AREA/UNIT TYPE

- COMMON SPACE - BOH
- COMMON SPACE - ACCESS
- COMMON SPACE - UTILITIES
- UNIT-ONE BEDROOM
- UNIT - TWO BEDROOM
- UNIT - THREE BEDROOM
- UNIT - PENTHOUSE
- UNIT - OUTDOOR SPACE



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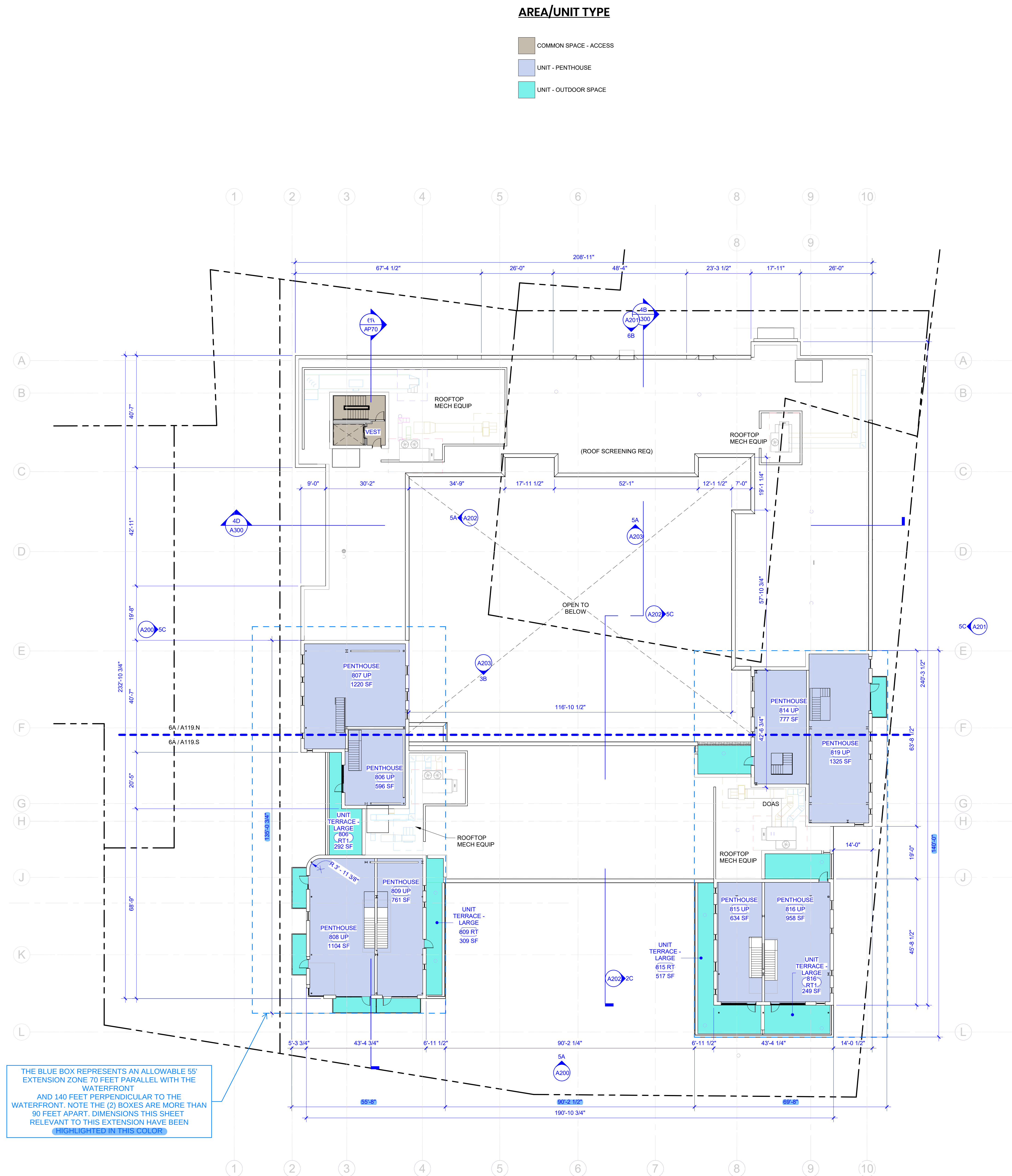
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LEVEL 9 – OVERALL PLAN

A119



4A LEVEL 9 (ROOF) - PLAN

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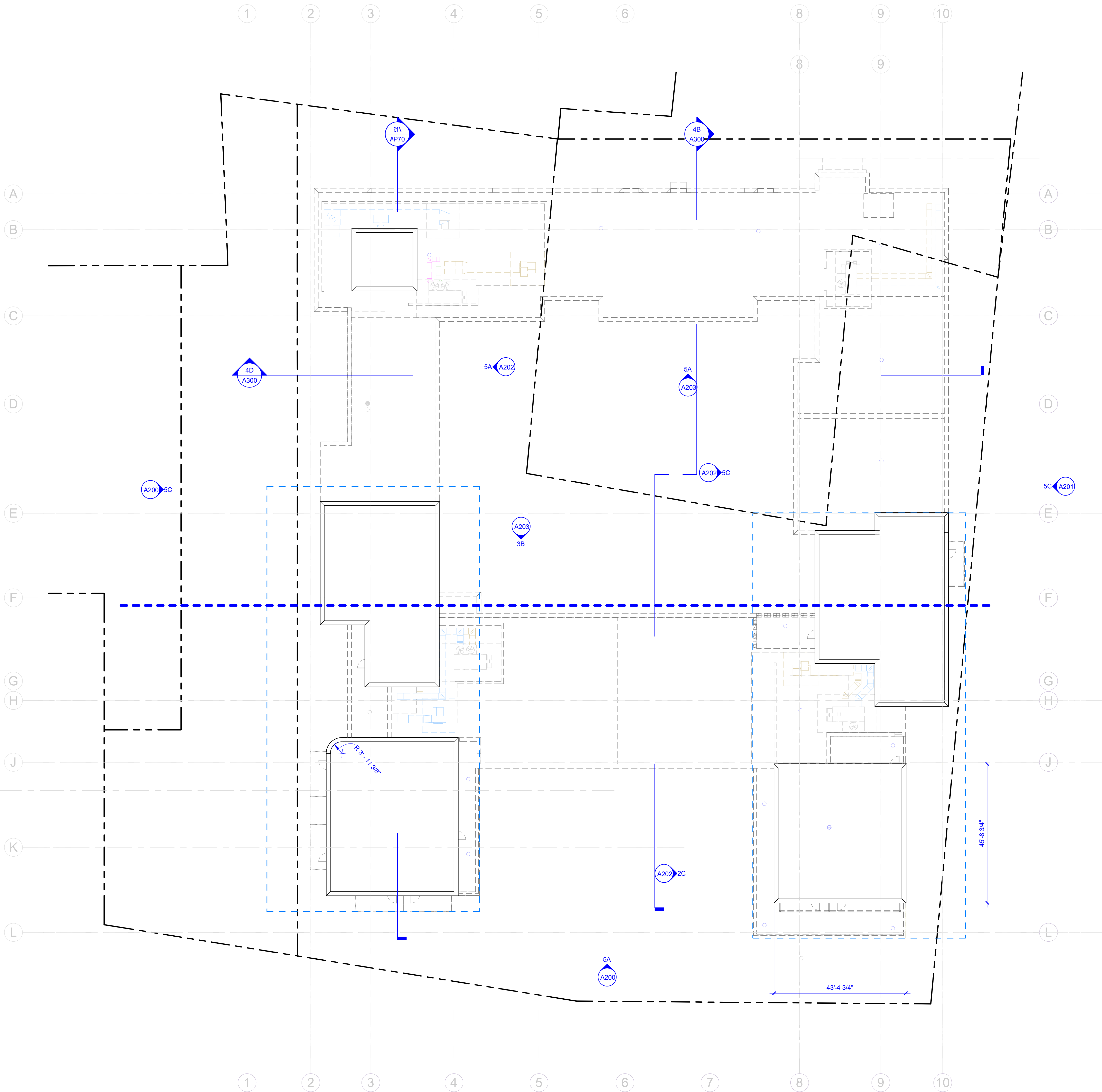
PROJECT NUMBER
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07/14/2023 – APPENDIX B
HP PACKAGE REVISIONS

LEVEL 10 – OVERALL PLAN
A120



4A LEVEL 10 - (ROOF) PLAN
SCALE: 1/8"=1'-0" DRAWING REF: A202

EXTERIOR FINISH LEGEND

FINISH NO.	MATERIAL	MANUFACTURER	STYLE NAME / NO.	COLOR	SIZE	DESCRIPTION / REMARKS
CONCRETE						
CONC-01	CONCRETE	TBD				EXPOSED POURED IN PLACE CONCRETE OR LIGHTWEIGHT WRAP ALTERNATIVE
CONC-02	CONCRETE	PER LANDSCAPE				BOARD FORMED CONCRETE AT LANDSCAPE PLANTERS
EXTERIOR FLOORING						
CMP-01	COMPOSITE	MYDECK	SLEEPER SYSTEM INSTALLATION			UNIT TERRACE AND BALCONY FLOORING
CT-01	PORCELAIN PAVER		WOOD LOOK		LARGE FORMAT - RECTILINEAR	AT LEVEL 2 TERRACES
CT-02	PORCELAIN PAVER		STONE LOOK		LARGE FORMAT - PLANK	AT LEVEL 2 TERRACES
PS-01	PAVERS	PER LANDSCAPE			VARIED	AT WATER FRONT, AT PODIUM, AT LEVEL 7 TERRACES/PLAZA
MASONRY						
STN-01	STONE		GRANITE		LARGE FORMAT	CAVITY WALL VENEER
STN-02	STONE		GRANITE		LEDGESTONE	CAVITY WALL VENEER
METAL						
MTL-01	ALUMINUM FRAMED DOOR / WINDOW SYSTEM	WASAU		DARK BRONZE		THERMALLY BROKEN
MTL-01A	ALUMINUM PANEL			TO MATCH MTL-01		COMPOSITE METAL PANEL AND BREAK METALS AT SLAB EDGE CLOSURE, CANOPIES, AND FLASHINGS
MTL-02	ALUMINUM PANEL	ATAS	BELEVIERE	FACTORY FINISHED		ROOF EQUIPMENT SCREEN AND BELOW GRADE FACADE
MTL-03	ALUMINUM RAILING AND MODULAR BALCONY SYSTEM	SAPPHIRE BALCONIES LIMITED	CUSTOM PREFABRICATED BALCONY	FACTORY FINISHED	REFERENCE PLANS	VERTICAL PICKET RAILING WITH NARROW PROFILE, THERMALLY BROKEN ATTACHMENT, RAILED ALLUM DECKING, AND EDGE DRAINAGE
MTL-04	GLASS GUARDRAIL	WESHAMPTON ARCHITECTURAL GLASS	BOTTOM SHOE	FINISH TO MATCH MTL-01	48" PANELS	GLASS PANEL RAILING WITH ALUMINUM MOUNT SYSTEM

EXTERIOR FINISH LEGEND

FINISH NO.	MATERIAL	MANUFACTURER	STYLE NAME / NO.	COLOR	SIZE	DESCRIPTION / REMARKS
PAINT						
PNT-01	ELASTOMERIC COATING			COLOR TO MATCH MTL-01		ALL EXPOSED STEEL
RAINSCREEN PANEL						
FCP-01	FIBER CEMENT PANEL	SWISS PEARL	GRAVIAL	GRANITE 624		CONCEALED ATTACHEMENT SYSTEM
GFRC-01	GLASSFIBER REINFORCED CONCRETE SLAT	RIEDER	OKO SKIN STRIPES	FINAL COLOR/FINISH MIX TO BE COORDINATED WITH MANUFACTURER FROM THE FOLLOWING COLOR SELECTIONS: VANILLA NS04, SAHARA NS01, SANDSTONE NS02, ALMOND NS05, & LARCH T102; & TEXTURE SELECTIONS: MATT, FERRO LIGHT, AND FERRO	302m	CONCEALED ATTACHEMENT SYSTEM: VERTICAL ORIENTATION; DESIGN INTENT IS 2-3 COLORS IN ALL 3 TEXTURES
GFRC-02	GLASSFIBER REINFORCED CONCRETE SLAT	RIEDER	OKO SKIN STRIPES	FINAL COLOR/FINISH MIX TO BE COORDINATED WITH MANUFACTURER FROM THE FOLLOWING COLOR SELECTIONS: VANILLA NS04, SAHARA NS01, SANDSTONE NS02, ALMOND NS05, & LARCH T102; & TEXTURE SELECTIONS: MATT, FERRO LIGHT, AND FERRO	147mm	CONCEALED ATTACHEMENT SYSTEM: HORIZONTAL ORIENTATION; DESIGN INTENT IS 2-3 DIFFERENT TEXTURES
WOOD						
WD-01	WOOD FENCING	PER LANDSCAPE				AT LEVEL 2 AND LEVEL 7 UNIT TERRACES

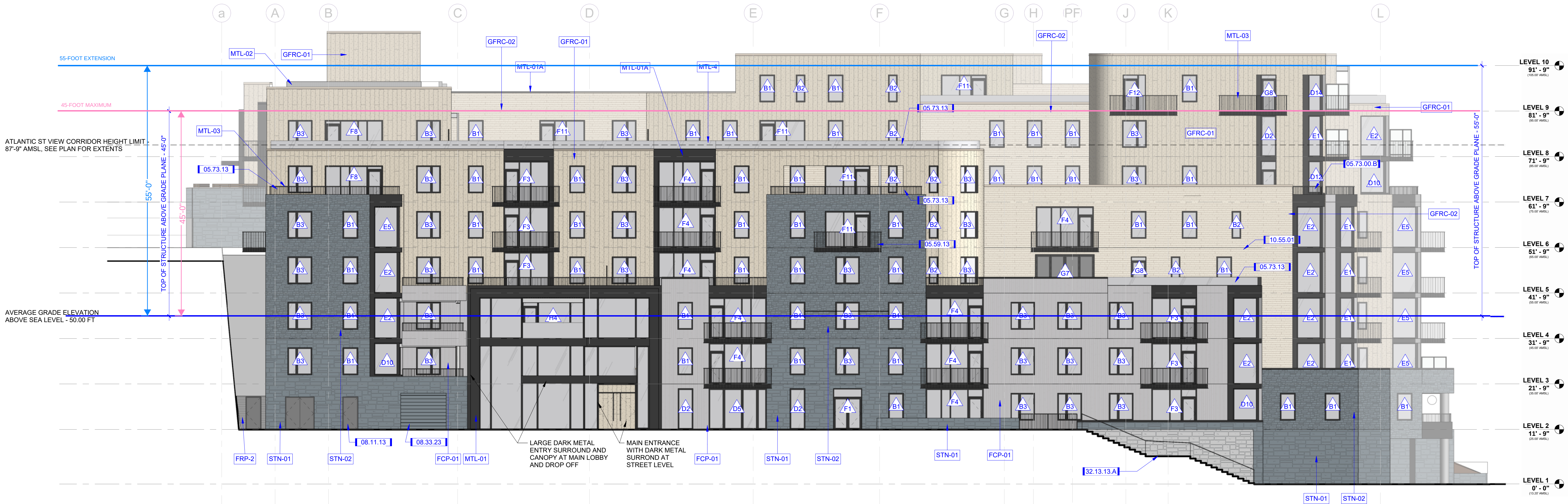
KEYNOTES

- 05.59.13 MODULAR ALUMINUM BALCONY, BOD: AS SHOWN IN SCHEDULE BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE DECKINGS, AND EDGE DRAINAGE
- 05.73.00.B PREFINISHED ALUMINUM GUARDRAIL TO MATCH MODULAR BALCONIES
- 05.73.13 GLASS GUARDRAIL IN ALUMINUM SHOE
- 07.44.53 FRP COLUMN WRAP, MOUNTED VERTICALLY
- 07.62.00.A ALUMINUM COPING WITH KYNAR FINISH SEE SECTION 07 6200
- 08.11.13 PAINTED HOLLOW METAL DOOR AND FRAME SEE SHEETS A8-01, A8-02, AND SECTION 08 1113
- 08.33.23 OVERHEAD COILING DOORS
- 10.55.01 ADAPTIVE OUTDOOR SHADE STRUCTURE, BOD: LANDSCAPE FORMS UPFIT
- 31.32.36 SOE PER CIVIL DRAWINGS
- 32.13.13.A GRAND EXTERIOR STAIR PER LANDSCAPE DRAWINGS

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5C ELEVATION - WEST

SCALE: 3/32" = 1'-0" DRAWING REF: A11



5A ELEVATION - SOUTH

SCALE: 3/32" = 1'-0" DRAWING REF: A11

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07/14/2023 - APPENDIX B

HP PACKAGE REVISIONS

EXTERIOR ELEVATIONS

A200

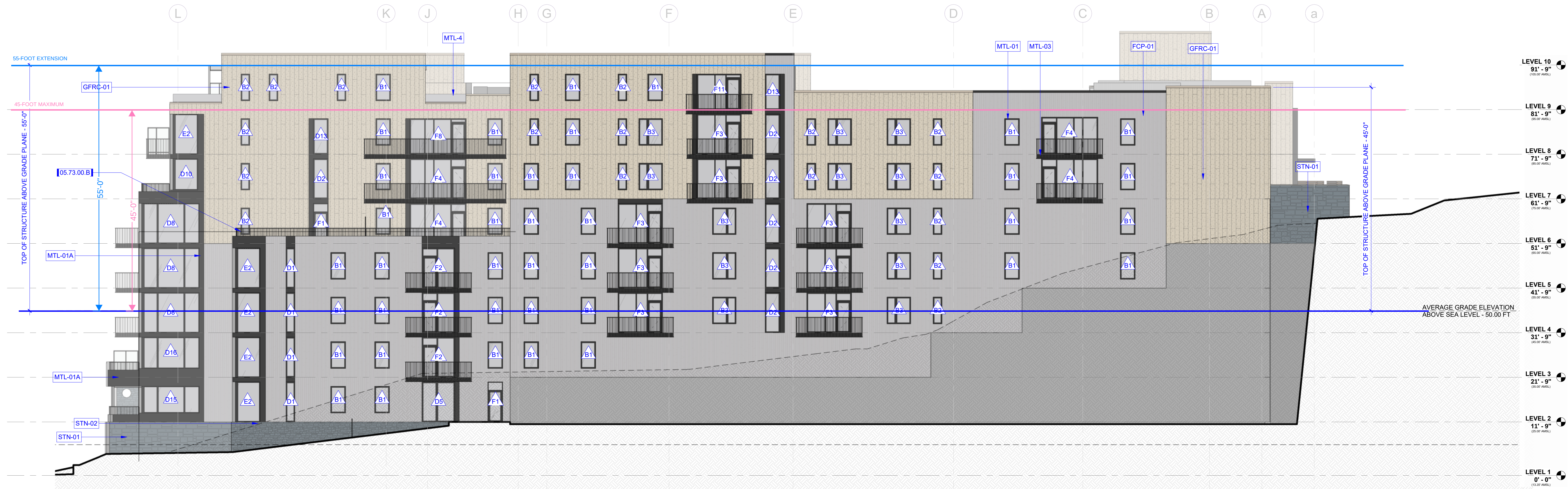
KEYNOTES

05.73.00.B PREFINISHED ALUMINUM GUARDRAIL TO MATCH MODULAR BALCONIES
05.73.13 GLASS GUARDRAIL IN ALUMINUM SHOE
07.62.00.A ALUMINUM COPING WITH KYNAR FINISH SEE SECTION 07.6200



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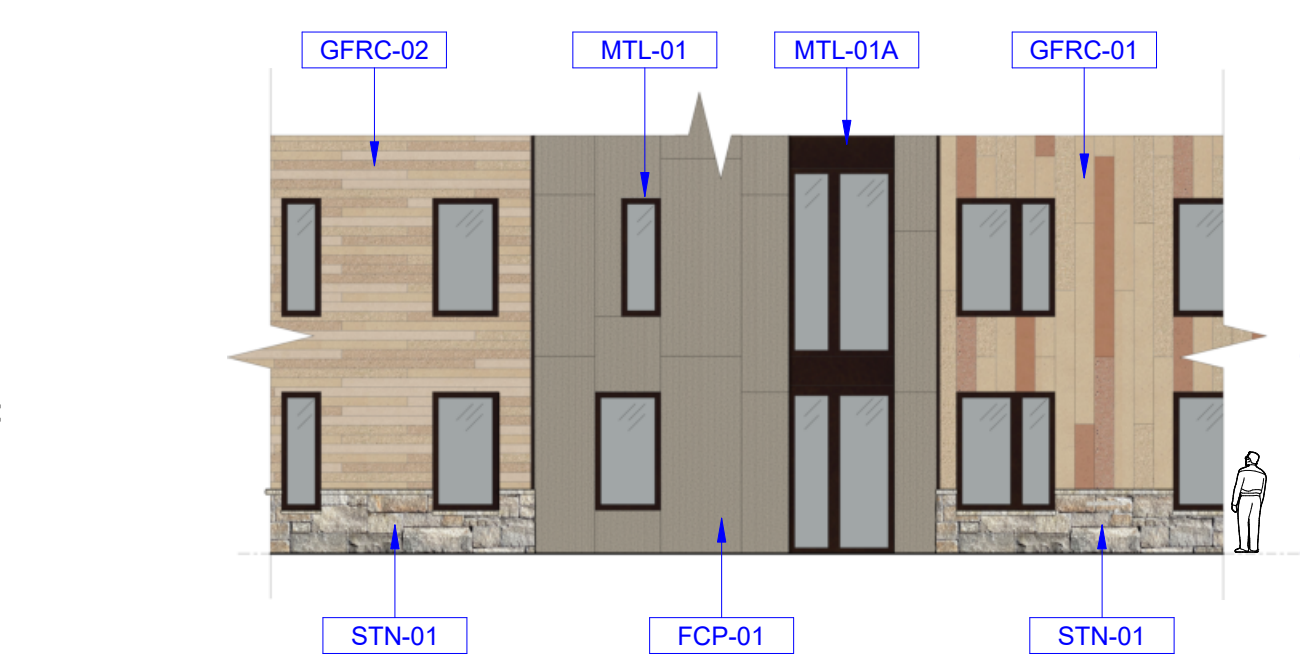
5C ELEVATION - EAST

SCALE: 3/32" = 1'-0" DRAWING REF: A112



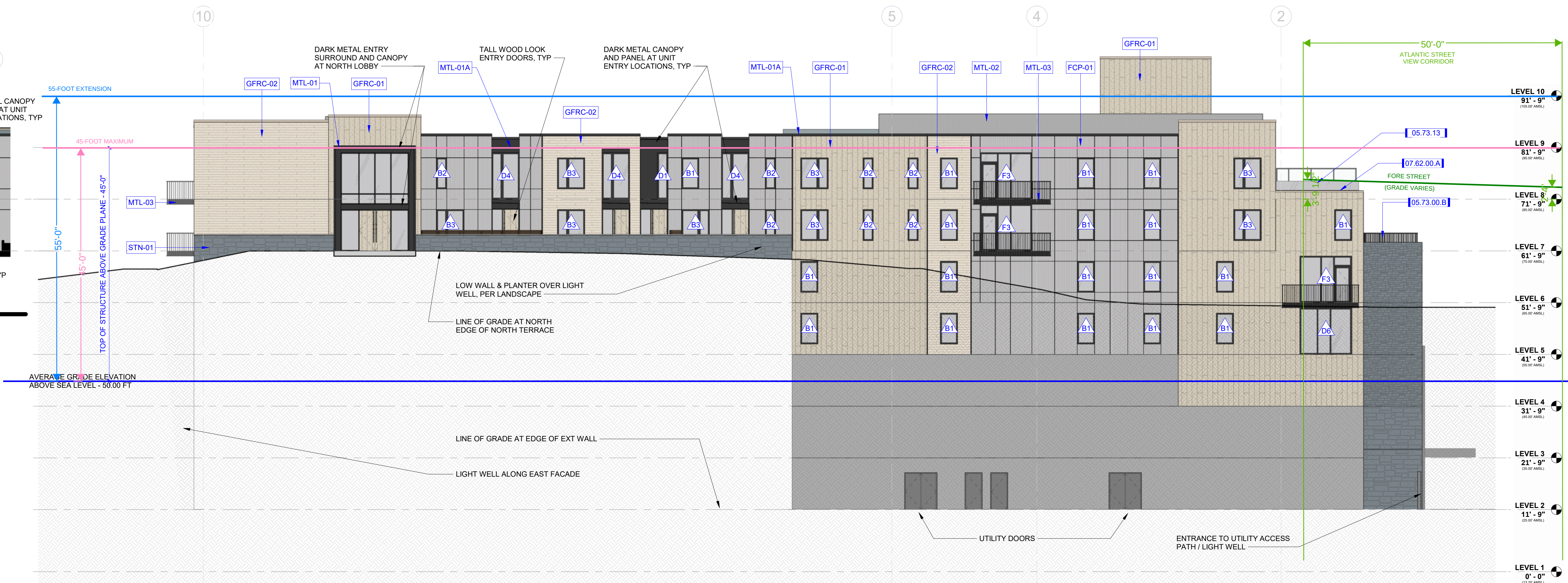
6B ELEVATION - 7TH FLOOR TERRACE ENTRY

SCALE: 3/32" = 1'-0" DRAWING REF: A117



6A EXTERIOR MATERIAL APPLICATION RENDERING

SCALE: 3/32" = 1'-0"



5A ELEVATION - NORTH

SCALE: 3/32" = 1'-0" DRAWING REF: A117

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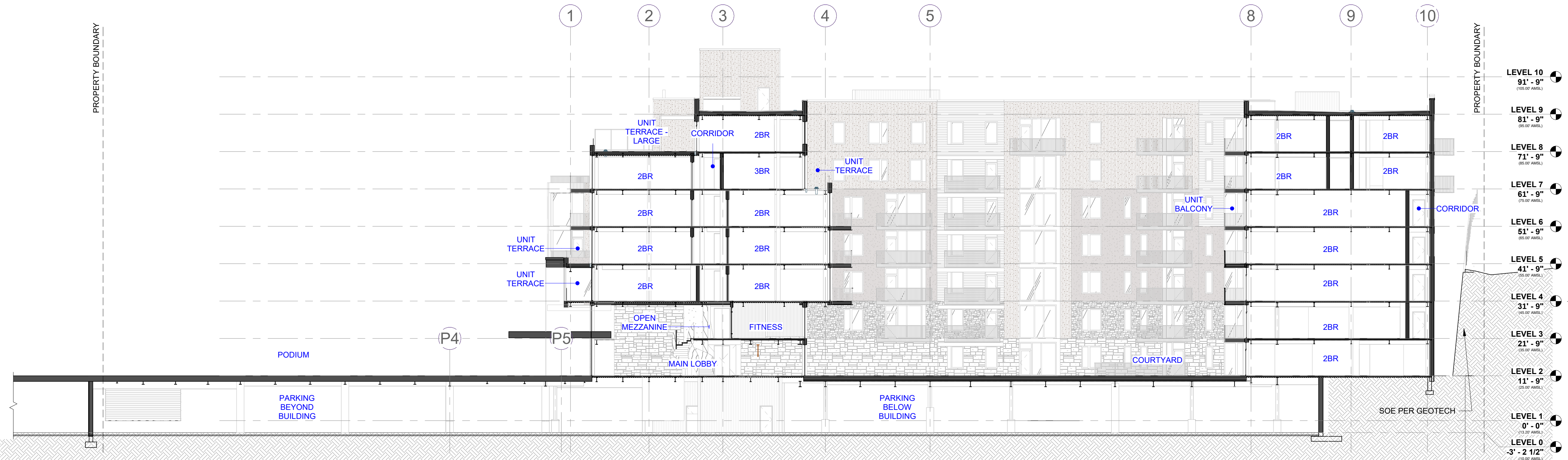
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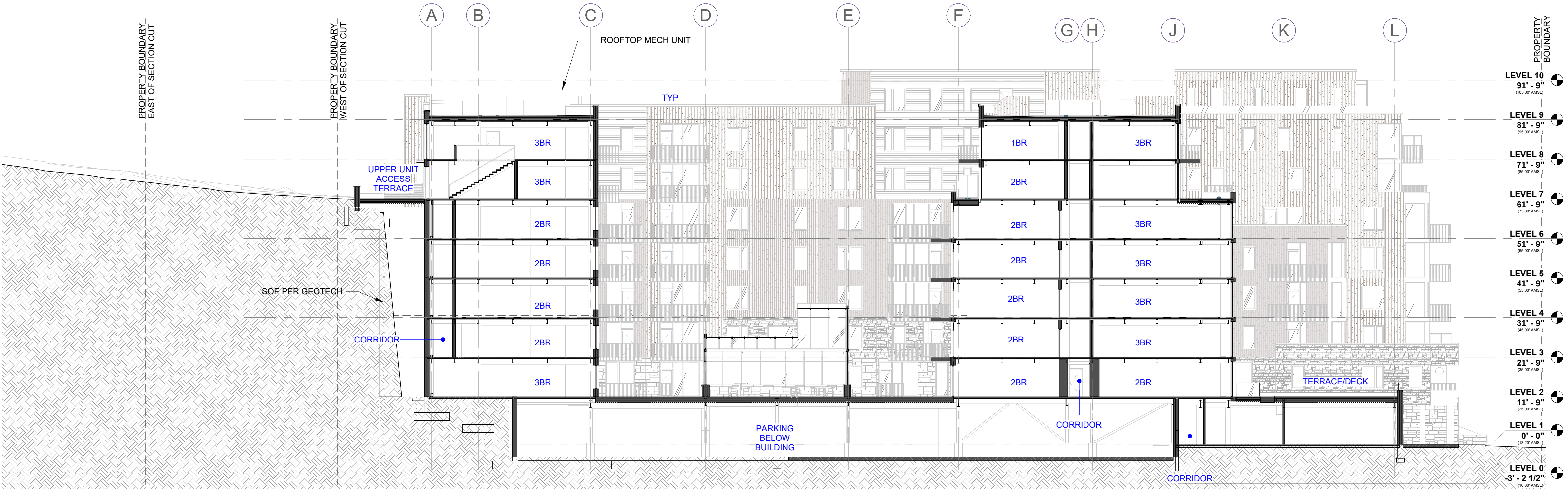
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EXTERIOR ELEVATIONS

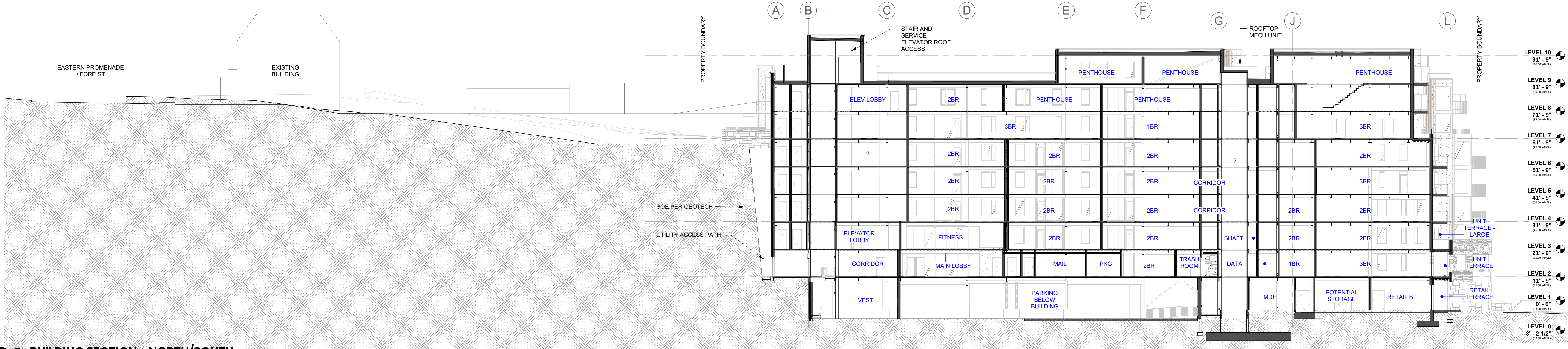
A201



4D BUILDING SECTION - EAST/WEST AT COURTYARD
SCALE: 1/16" = 1'-0" DRAWING REF: A111



4B BUILDING SECTION - NORTH/SOUTH AT COURTYARD
SCALE: 1/16" = 1'-0" DRAWING REF: A111



6A BUILDING SECTION - NORTH/SOUTH
SCALE: 1/16" = 1'-0" DRAWING REF: A111

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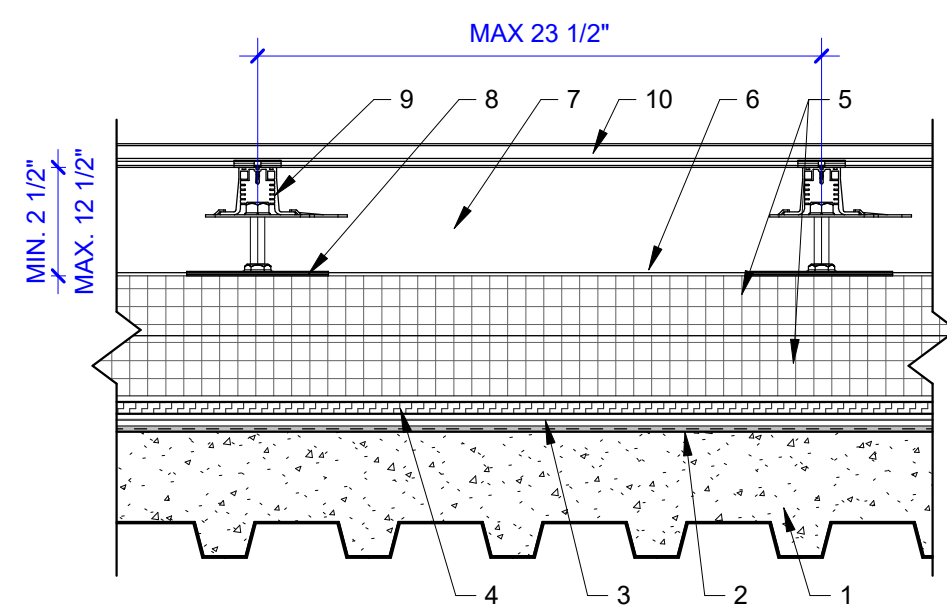
07/14/2023 - APPENDIX B JDIX E
HP PACKAGE REVISIONS

OVERALL BUILDING
SECTIONS
A300

5A ROOF SYSTEMS

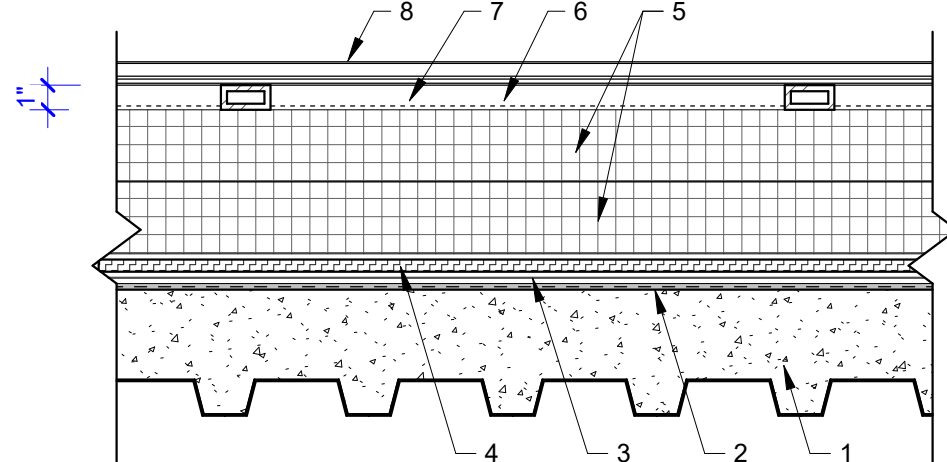
SCALE: 1 1/2" = 1'-0"

1. **CONCRETE COMPOSITE ROOF DECK**
PER STRUCT DRAWINGS
2. **HOT FLUID-APPLIED RUBBERIZED ASPHALT ROOFING**
MIN 215 MIL FABRIC-REINFORCED
3. **80 MIL PROTECTION BOARD**
SBS MODIFIED BITUMEN SHEET
4. **DRAINAGE COMPOSITE**
5. **2 LAYERS XPS RIGID INSULATION**
JOINTS STAGGERED, COMBINED MIN R-30
6. **FILTER FABRIC**
CONTINUOUS ACROSS INSULATION
7. **MYDEK PEDESTAL SYSTEM**
MIN 1/2" AIR GAP FOR DRAINAGE
8. **MYDEK PEDESTAL BASE PLATE**
STANDING ON NEOPRENE PROTECTION MAT
MAX SPACING 47"
9. **MYDEK ALUMINUM EXTRUDED SUPPORT PROFILE**
MOUNTED ON M16 STUD FOR ADJUSTABLE HEIGHT
(MIN. 2 1/2" MAX 12 1/2")
MAX SPACING 23 1/2"
10. **MYDEK LUXURA 200 DECKING BOARD**
CONNECTS TO SUPPORT PROFILE WITH FIXING CLIP
MIN 1/4" JOINTS FOR DRAINAGE



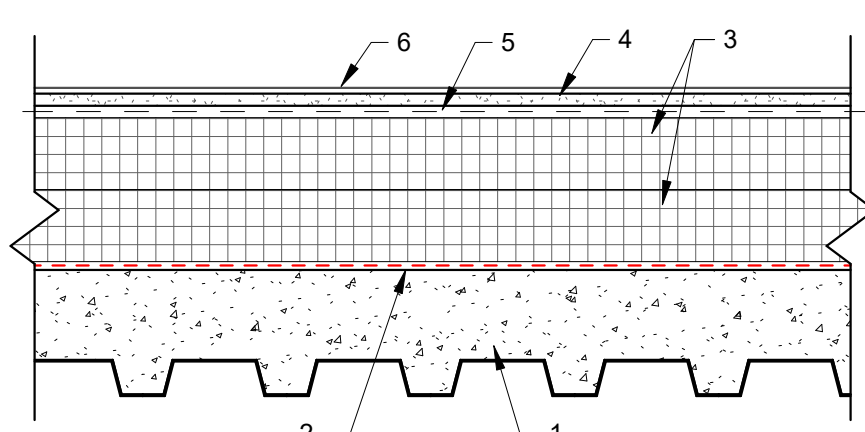
RS2 - HRA MEMBRANE WITH PAVERS
AT COURTYARD

1. **CONCRETE COMPOSITE ROOF DECK**
PER STRUCT DRAWINGS
 2. **HOT FLUID-APPLIED RUBBERIZED ASPHALT ROOFING**
MIN 215 MIL FABRIC-REINFORCED
 3. **80 MIL PROTECTION BOARD**
SBS MODIFIED BITUMEN SHEET
 4. **DRAINAGE COMPOSITE**
 5. **2 LAYERS XPS RIGID INSULATION**
JOINTS STAGGERED, COMBINED MIN R-30
 6. **FILTER FABRIC**
CONTINUOUS ACROSS INSULATION
 7. **PEDESTAL SYSTEM**
MIN 1/2" AIR GAP FOR DRAINAGE
NOTE: FOR CAVITY SMALLER THAN 2 1/2", A PEDESTAL
SYSTEM OTHER THAN MYDEK HAS TO BE USED
 8. **MYDEK LUXURA 200 DECKING BOARD**
FIXED DIRECTLY TO STEEL OR ALUMINUM SLEEPERS
MIN 1/4" JOINTS FOR DRAINAGE
- NOTE: SEE FLOOR SYSTEM TYPE 2 FOR CEILING
TREATMENT BELOW SLAB



RS2 - HRA MEMBRANE WITH DECKING
AT TERRACE

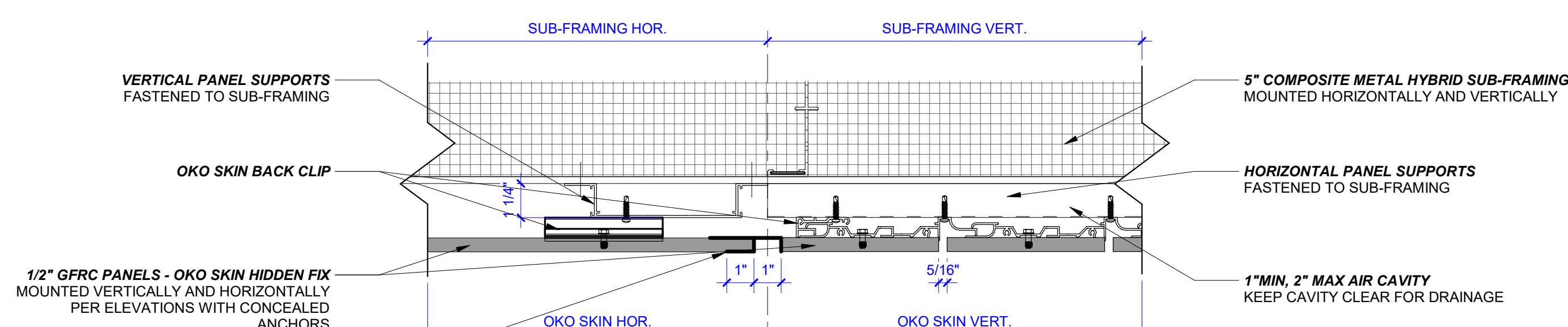
1. **CONCRETE COMPOSITE ROOF DECK**
PER STRUCT DRAWINGS
2. **BITUMINOUS VAPOR RETARDER**
CLASS I SELF ADHERED TO CONC DECK, TIE INTO WALL
AIR BARRIER
3. **2 LAYERS POLYISO RIGID INSULATION**
1ST LAYER - TAPERED MECHANICALLY ATTACHED
2ND LAYER - FULLY ADHERED
JOINTS STAGGERED, COMBINED MIN R-30
4. **1/2" HIGH-DENSITY POLYISO COVER BOARD**
FULLY ADHERED TO RIGID INSULATION
5. **ELD ROOF TESTING WIRES**
INSTALL BELOW COVERBOARD
6. **0.80 WHITE FLEECEBACK TPO ROOF MEMBRANE**
FULLY ADHERED TO POLYISO INSULATION



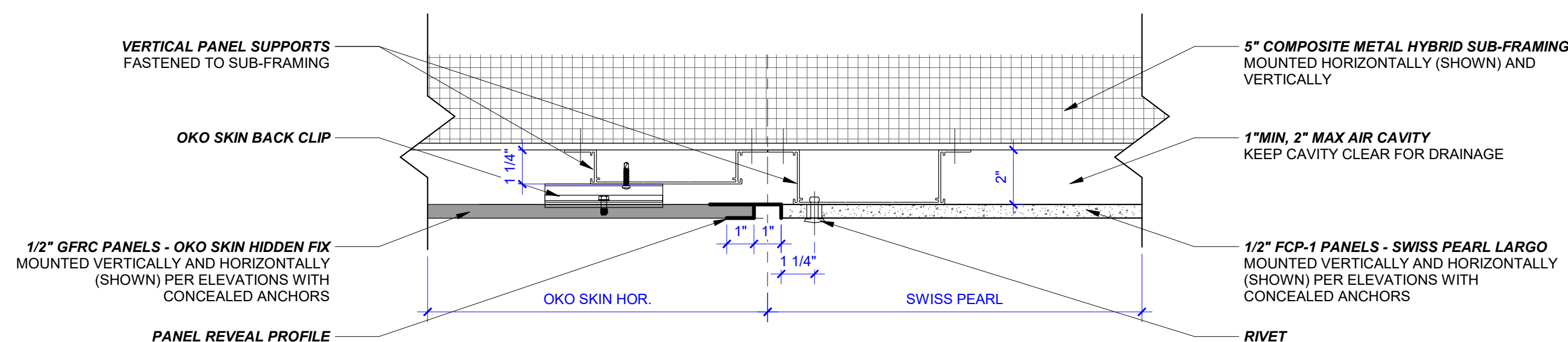
RS1 - TPO ON COMPOSITE ROOF DECK

4B EXTERIOR WALL TRANSITIONS

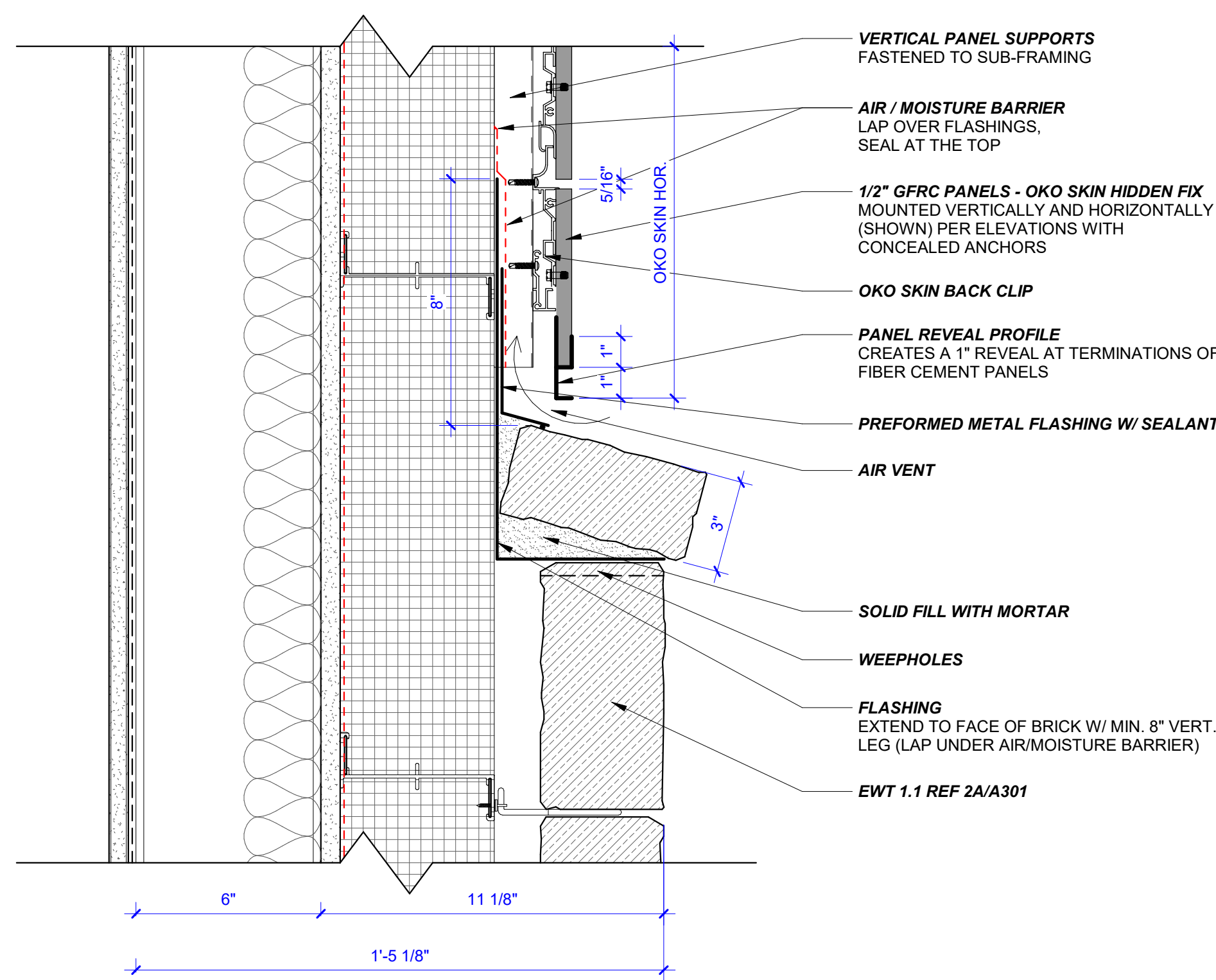
SCALE: 3" = 1'-0"



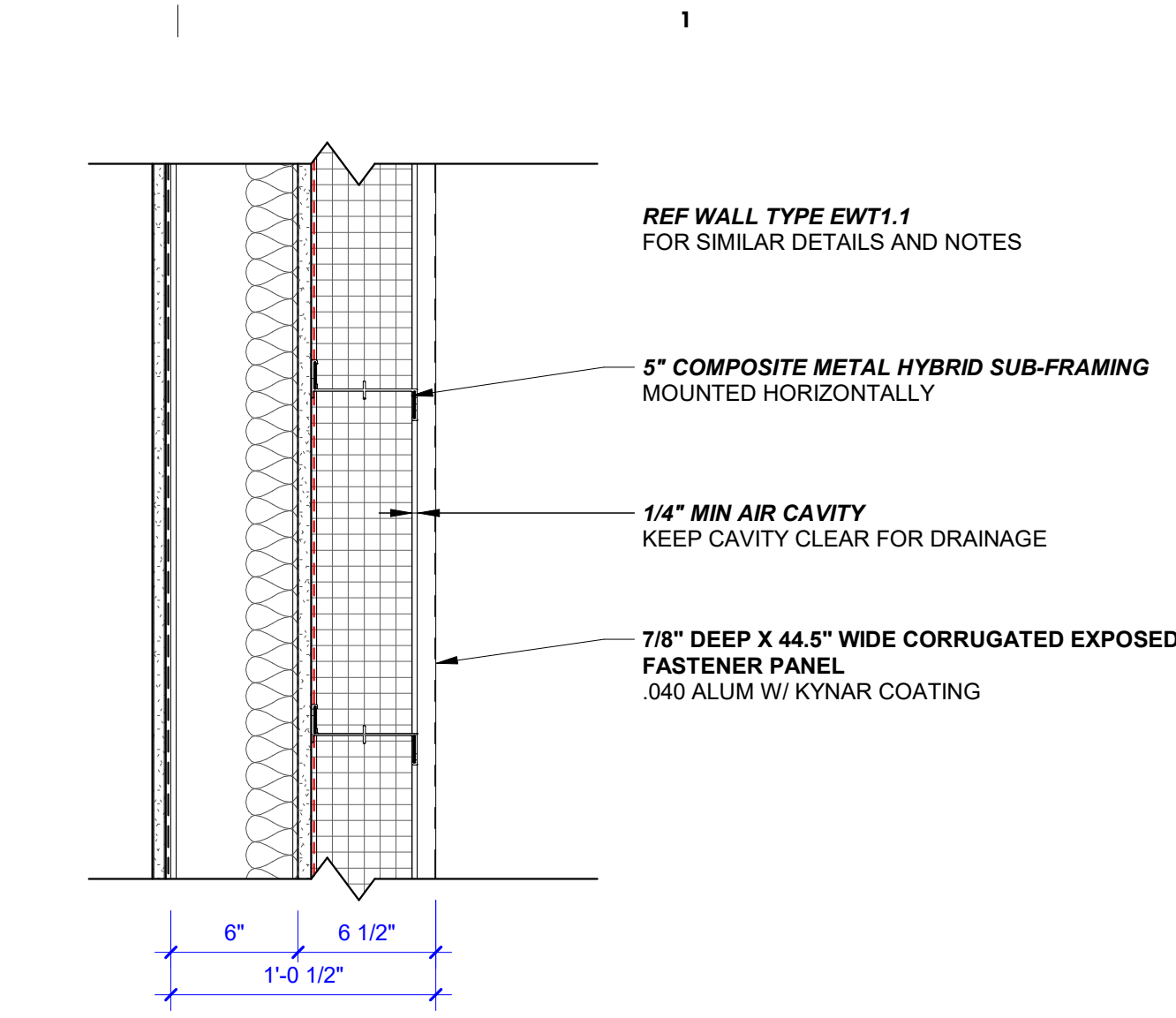
GFRC VERTICAL TO GFRC HORIZONTAL TRANSITION



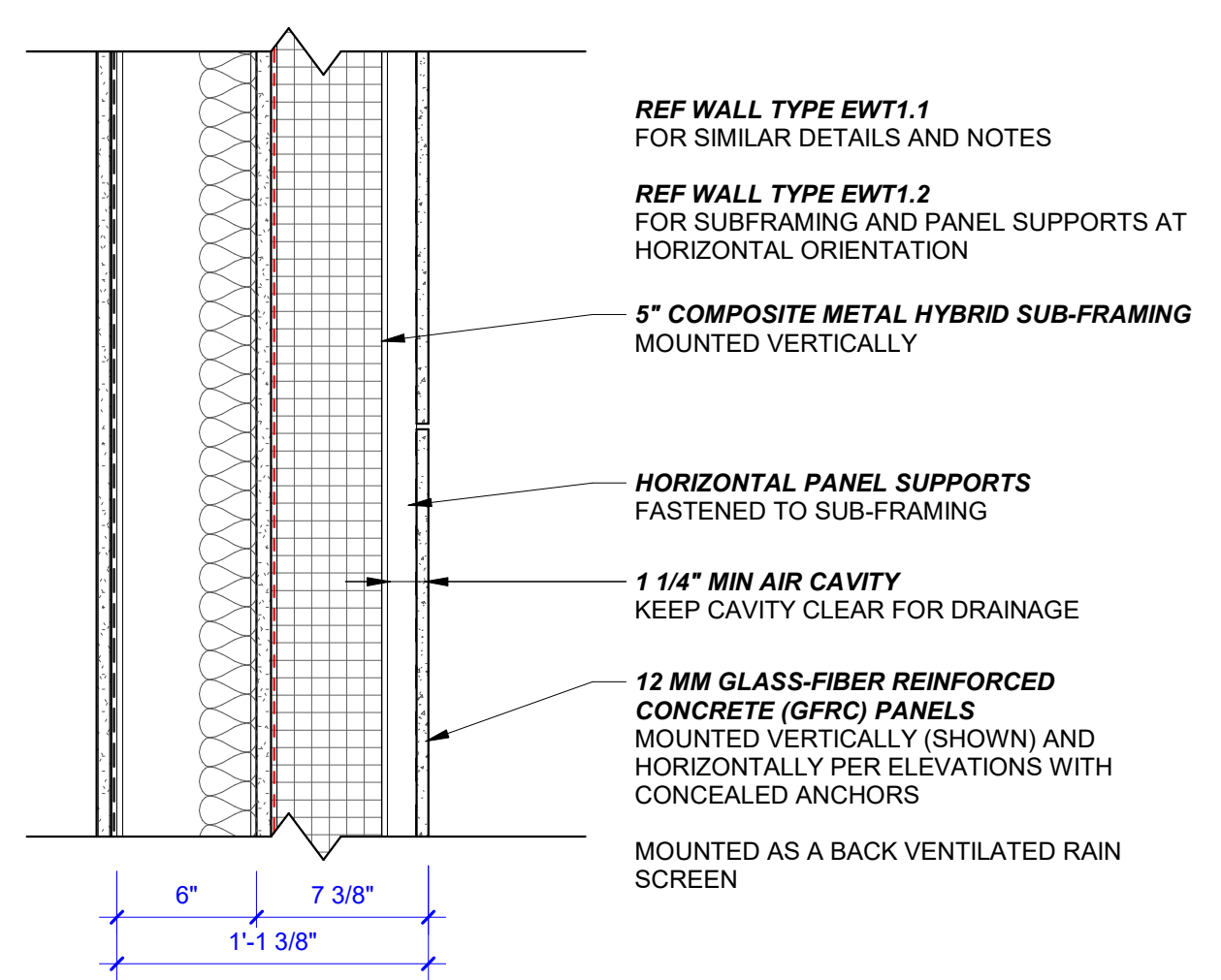
FCP TO GFRC TRANSITION



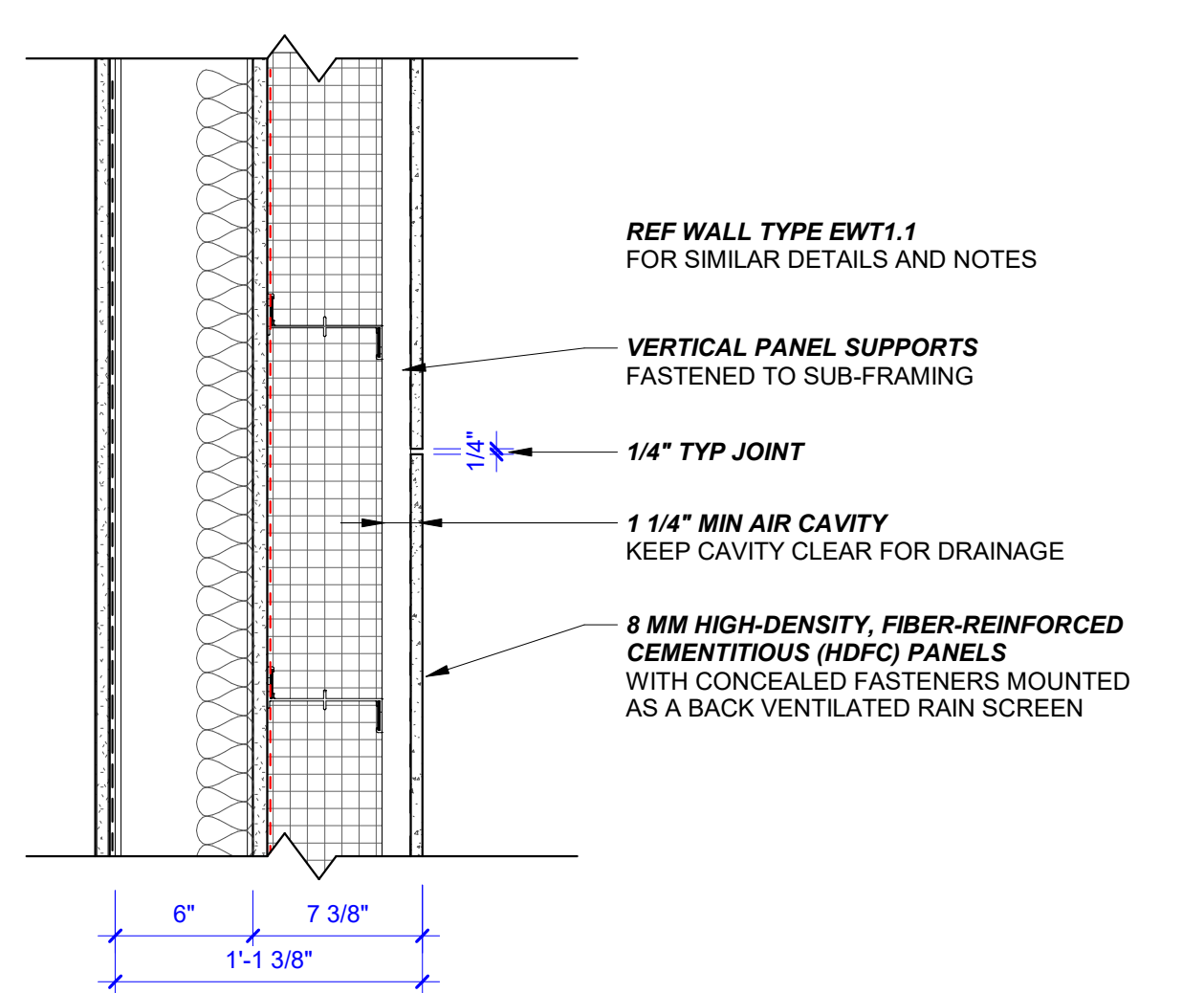
MASONRY TO GFRC TRANSITION



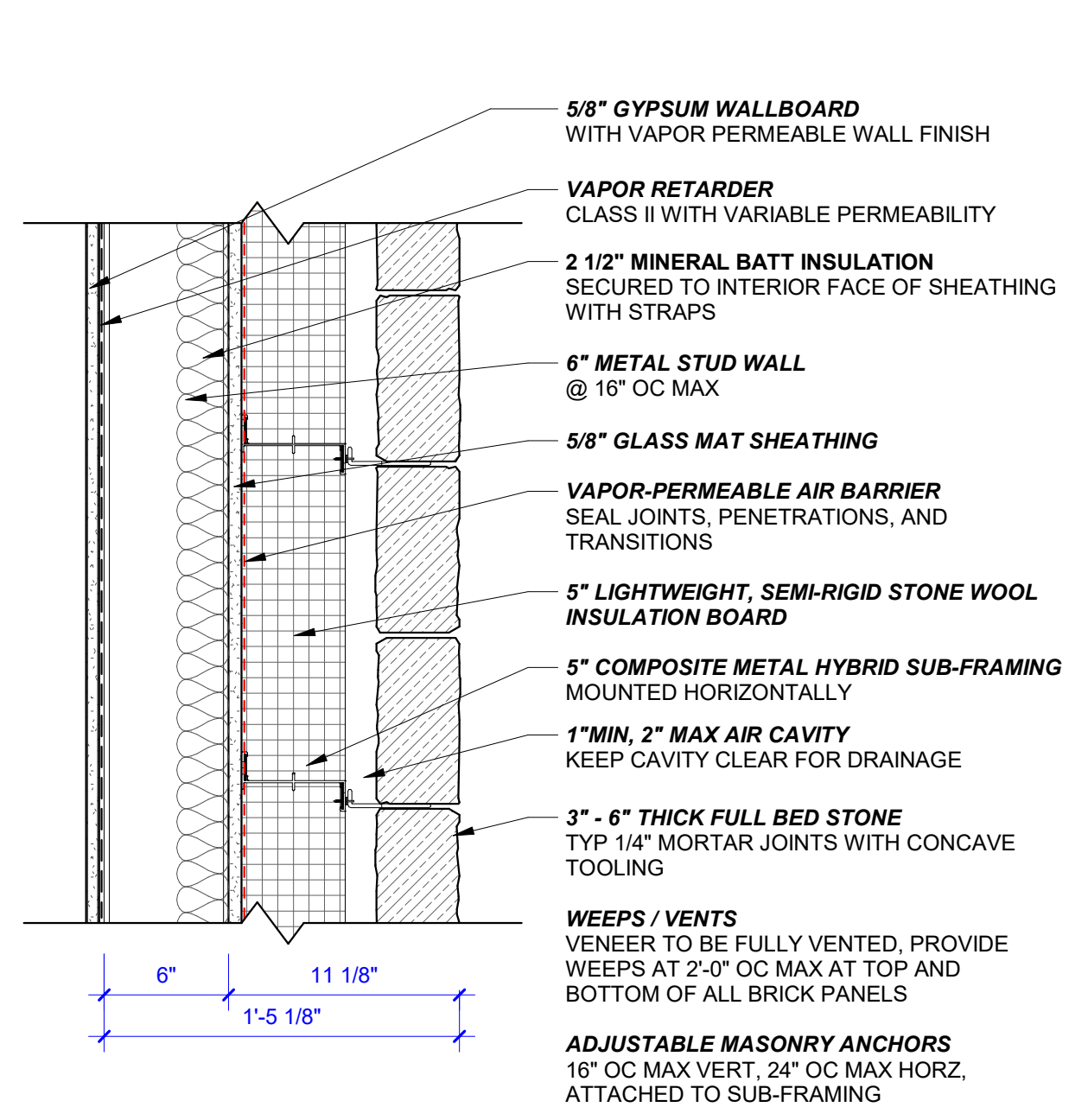
EWT1.4 - CORRUGATED MTL PANEL ON MTL STUD



EWT1.3 - GFRC PANEL ON MTL STUD



EWT1.2 - FCP PANEL ON MTL STUD



EWT1.1 - MASONRY ON MTL STUD

2A EXTERIOR WALL TYPES

SCALE: 1 1/2" = 1'-0"

Portland Foreside Development Company

Block 6



EXTERIOR FINISH LEGEND

STN-01, STN-02: WHITE/GREY GRANITE INSPIRED BY TRADITIONAL NEW ENGLAND GRANITE AT FAÇADE

MTL-01, MTL-01A: DARK BRONZE ALUMINUM WINDOW AND DOOR FRAMES, FLASHING AND REVEALS

MTL-02: GRAY METAL PANEL AT ROOF EQUIPMENT SCREENS AND BELOW GRADE FAÇADE

MTL-03: DARK BRONZE ALUMINUM RAILING AND MODULAR BALCONY SYSTEM

FCP-01: WARM GRAY STRIATED FIBER CEMENT PANELS AT FAÇADE

GFRC-01: EARTHY LIGHT BROWN VERTICAL GLASSFIBER REINFORCED CONCRETE SLATS AT FAÇADE

GFRC-02: EARTHY LIGHT BROWN HORIZONTAL GLASSFIBER REINFORCED CONCRETE SLATS AT FAÇADE

CONC-01: EXPOSED CAST-IN-PLACE CONCRETE OR CONCRETE LOOK AT EXTERIOR STAIR AND COLUMNS

CONC-02: BOARD-FORMED CONCRETE TO MATCH CONC-01 AT LANDSCAPE PLANTERS

WD-01: NATURAL WOOD FENCING AT GROUND LEVEL UNIT TERRACES

Note: Samples are intended to represent the material type and general gauge, texture, format, size to be applied per the finish schedule and details contained in the submittal package; however, actual manufacturer and/or product line may vary to an "or equal" product subject to material availability, installer/supplier agreements, and cost agreements as acceptable to Architect of Record. Any product changes that are materially different from those included in this application will be reviewed with City Historic Preservation staff prior to installation.

Ask.Listen.Create.

July 14, 2023 | baskervill.com

FAÇADE FINISH PALETTE

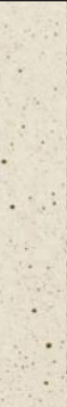
MTL-01



FCP-01



GFRC-01 & 02

														
M	LF	F	M	LF	F	M	LF	F	M	LF	F	M	LF	F
ALMOND			LARCH			SAHARA			VANILLA			SANDSTONE		

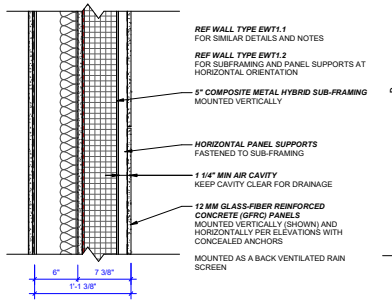
STN-01, STN-02



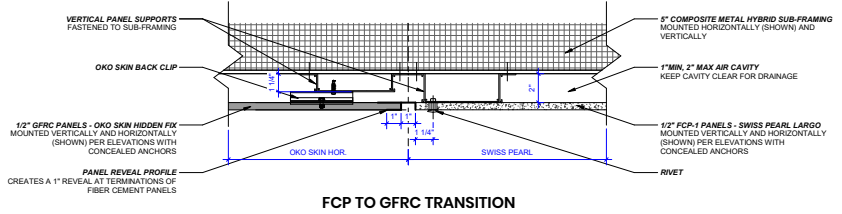
EXTERIOR MATERIAL APPLICATION RENDERING



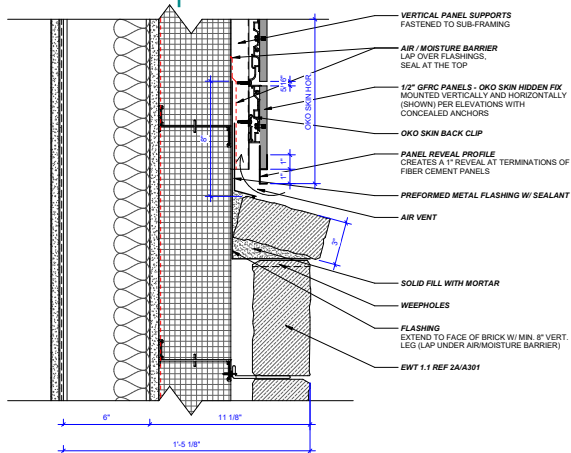
EXTERIOR MATERIAL APPLICATION DETAILS



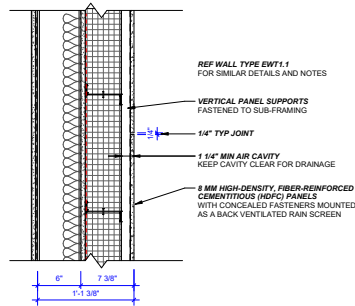
EW1.3 - GFRF PANEL ON MTL STUD



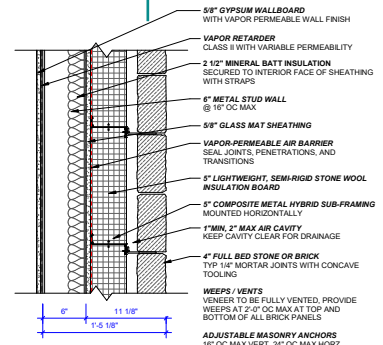
FCP TO GFRF TRANSITION



EW1.2 - FCP PANEL ON MTL STUD

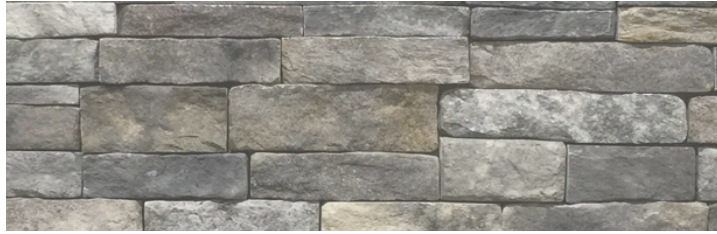


EW1.1 - MASONRY ON MTL STUD



MASONRY TO GFRF TRANSITION

STN-01
STN-02



STN-02



STN-01

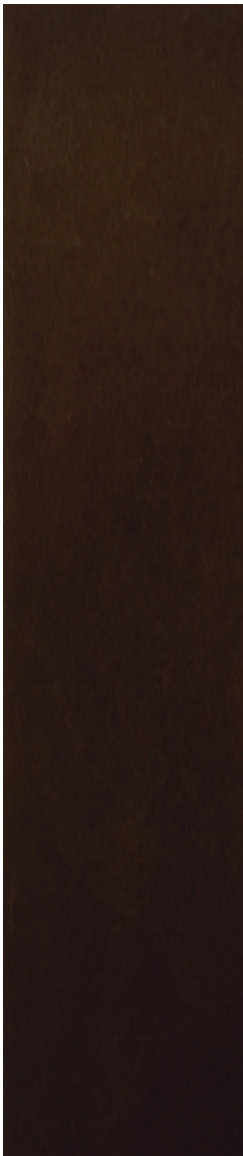
STONE CURATORS

In coordination with stone supplier the team will select a stone pallet from natural and reclaimed stone sources which reflect the character of traditional New England granite sea walls. Design intent is for full-bed veneer in 3"-6" depths and 2 scales.

Intent for STN-01 is to be a large format stone with the lengths 24"-40"+ and heights 12"-18" with smaller infill as shown above. This stone is used at the first 2 stories above grade and as the site wall and water table at Level 7.

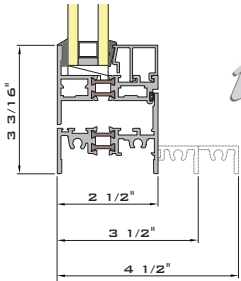
Intent for STN-02 is to be a smaller format stone with the lengths 12"-18" and heights 6"-12" in a more regular ledgerstone application. This stone is used at areas above STN-01 as shown in elevations.

MTL-01
MTL-01A



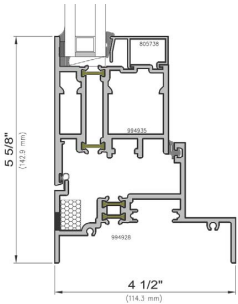
Architectural Windows

PROJECTED, CASEMENT and FIXED
2250i, 3250i and 4250i INvent™ Series

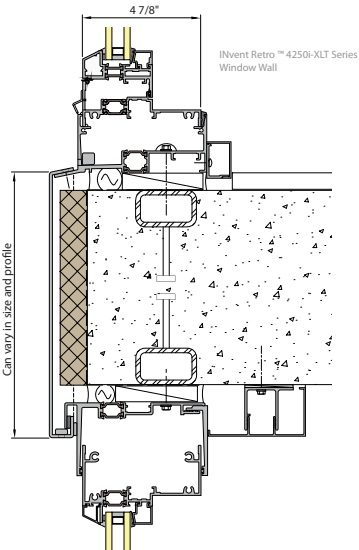


Architectural Terrace Doors

ARCHITECTURAL TERRACE DOORS
TD-4250i Series

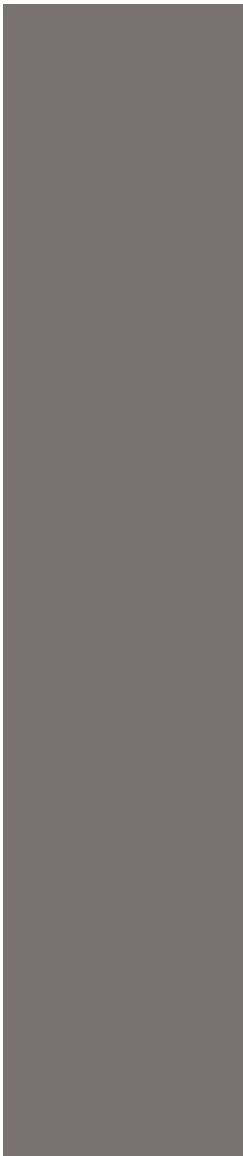


Visuline™ 4250i-V Series
Window Wall

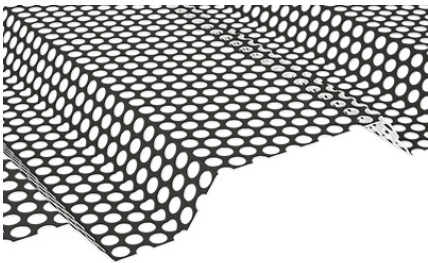
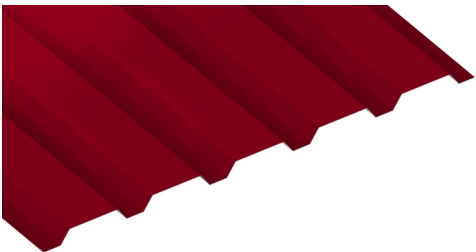
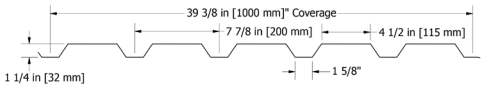


INvent Retro™ 4250i-XLT Series
Window Wall

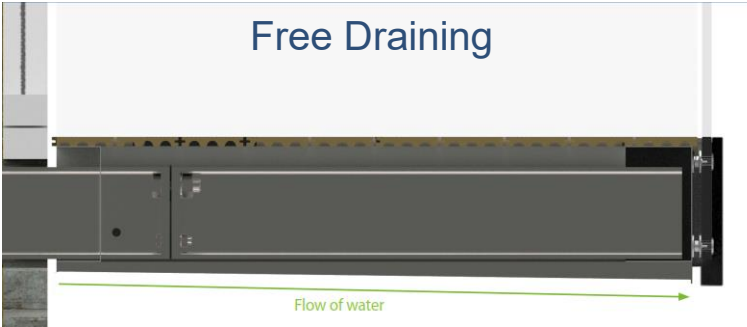
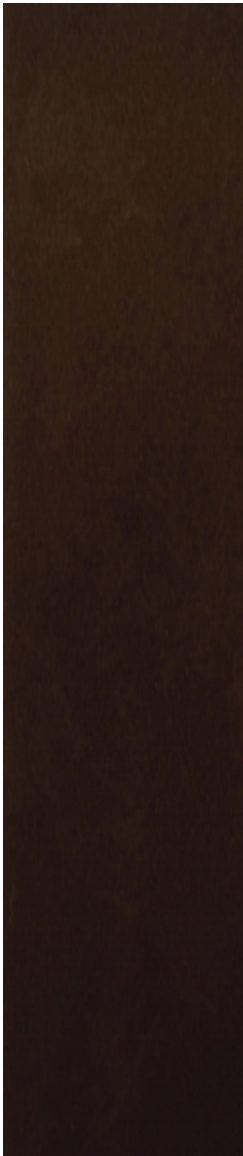
MTL-02



BELVEDERE™ PENUMWALL PANEL
BWS391



MTL-03



FCP-01



Technische Produktdaten / Technical product data /
Produits données techniques / Dati tecnici del prodotto

SWISSPEARL

Fassadenplatte / Flat sheet / Plaques de façade / Lamiera piana		EN 12467 EN 13501-1
Swisspearl® Largo Gravial		Stand: 01.04.2023 TDB 0114
Faserbewehrte Zementtafel / Fibre-cement flat sheets / Plaques planes en fibre-ciment / Lamiere piane del fibra-cemento		
Alterungsbeständigkeit und chemische Beständigkeit	Ähnlich wie unbewehrter Beton. Eine normale Salzlufumgebung (Küstenzonen) hat keinen Einfluss auf die funktionellen Eigenschaften der Platten.	
Resistance to ageing and to chemicals	Similar to unreinforced concrete. Normal salted air environment (coastal areas) does not affect the functional performances of the panels.	
Résistance au vieillissement et aux agents chimiques	Similaires au béton non renforcé. L'air salin d'un environnement maritime normal n'altère pas les propriétés fonctionnelles des panneaux.	
Resistenza al tempo e agli agenti atmosferici	Similare al calcestruzzo non armato. L'aria salina di un normale ambiente marittimo non altera la proprietà funzionale delle lastre.	
Beschichtung	Sichtseite Rückseite	Platte mit gefräster Oberflächenstruktur Spezialbeschichtung auf Acrylbasis Wasserfeste Imprägnierung
Coating	Visible face Back face	Panel with milled surface structure Pure acrylate coating Water-resisting (hydrophobic) coating
Révetement	Extérieur Intérieur	Plaque planes, surface avec structure en relief Surfaçage à base d'acrylique Imprégnation hydrofuge
Rivestimento	Lato anteriore Lato posterior	Lamiera piane, superficie con struttura a rilievo Copertura speciale con acrilico Impregnazione resistente all' acqua
Nutzformat (maximaler Wert) Länge und Breite (mm) Usable format (maximal value) length and width (mm) Format utilisable (valeur maximale) longueur et largeur (mm) Formato utilizzabile (valore massimo) lungo e larghezza (mm)	3050 1250	
Biagezugfestigkeit (MPa) Mindestwert parallel zur Faser (5 % Fraktilwert) Mindestwert senkrecht zur Faser (5 % Fraktilwert) Mindestwert (5 % Fraktilwert) längs und quer, 7 Tage trocken Bemessungswert		
Tensile bending (MPa) Minimum strength lengthwise to fibre (5 % fraction) Minimum strength crosswise to fibre (5 % fraction) Minimum (5 % fraction) lengthwise and crosswise 7 days dry Design value	18.3 26.5 22.4 9.4	
Résistance à la traction par flexion (MPa) Minimum parallèle à la fibre (fraction 5 %) Minimum perpendiculaire à la fibre (fraction 5 %) Minimum (frac. 5 %) longitudinal et transversale. sec de 7 jours Valeur pour calculer		
Resistenza di trazione alla flessione (MPa) Valore minimo parallelo alla lastra (frazione 5 %) Valore minimo perpendicolare alla lastra (frazione 5 %) Valore minimo (fraz. 5 %) longitudinal e trasversal. 7 giorni sec. Valore di calcolo		

GFRC-01

GFRC-02



DATA SHEET
öko skin stripes

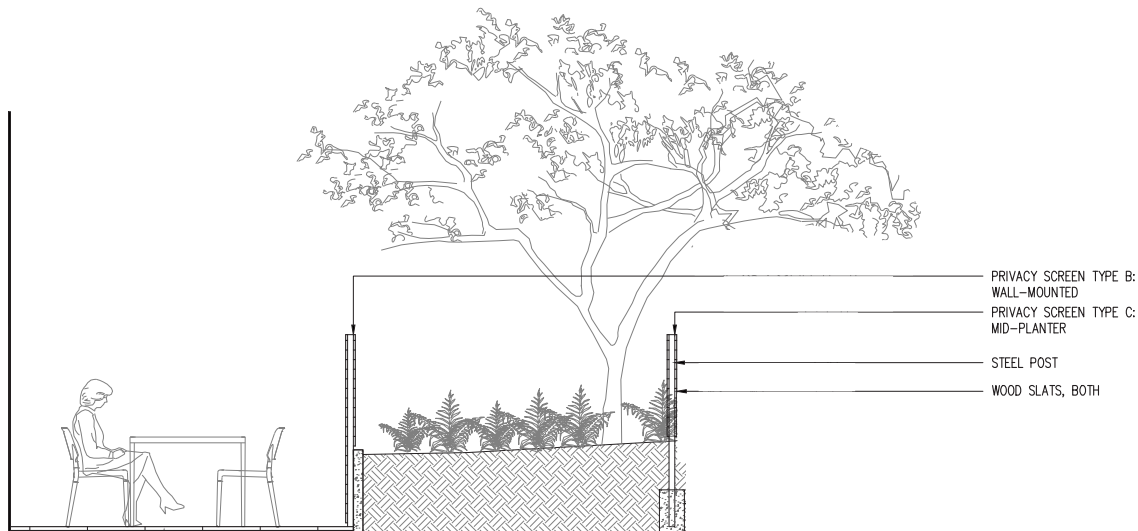


öko skin stripes easy		öko skin stripes bicolour	
			
Colours	1 colour	Colours	2 colours
Surfaces	Mix of ferro light + ferro	Surfaces	Mix of matt + ferro light + ferro (extra contrast)
Material			
Length	2500 mm, 3100 mm / 98.42", 122" (US)		
Width	70 mm, 147 mm and 302 mm / 2.76", 5.79" and 11.89" (US) sequencing of slats is pre-defined		
Thickness	13 mm / 0.5" (US)		
Colour collection	greyscale, pietra, timber, bricky		
Texture	standard		
Handling			
Mounting	Manually or with vacuum suction; slats must be handled with special care		
Fixing			
Visible: rivet, screw	Distance to slat edge at least 30 mm / 1.18" (US)		
Concealed:	Distance to slat edge (vertically) at least 100 mm / 3.93" (US)		
adhesive, undercut anchor (on request)	Distance to slat edge (horizontally): with 70 mm and 147 mm / 2.76" and 5.79" (US) once in the middle; with 302 mm / 11.89" (US) minimum distance to slat edge 60 mm / 2.36" (US) (with point attachment: 2 pieces) Maximum distance between two vertical attachment points: 600 mm / 23.62" (US) Additional supporting structure or bracing required depending on statics.		
Scope of delivery			
Palletisation	Mix of colours, surfaces and the sequencing used for the three slat-widths is pre-defined on the pallet. 8 slats per layer (4 x 70 mm, 2 x 147 mm, 2 x 302 mm / 4 x 2.76", 2 x 5.79" and 2 x 11.89" (US) in colour and surface mix (according to visualisation*). Modular pre-assembly on request. 16 layers per pallet (47 m² / 505.90 ft² (US) of 2500 mm length. 58 m² / 624.31 ft² (US) of 3100 mm length.		



In coordination with manufacturer, the team will select a final palette from the selections shown above for GFRC-01 and GFRC-02 which will be complementary and share one color between them, as shown in the “EXTERIOR MATERIAL APPLICATION RENDERING” pages 3&4 of this set. Design intent is for a more variegated look in GFRC-01 with a wider range of colors and textures, and for horizontally applied GFRC-02 to have a more narrow color/finish palette and thinner slat to reference clapboard siding.

CONC-02
WD-01





Sandra L. Guay
Partner
sguay@archipelagolaw.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

March 17, 2023

Via Email:

Portland Planning Board
Maggie Stanley, Chair
City of Portland Planning & Urban Development
389 Congress Street
Portland, ME 04101
planningboard@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4 and 6
Major Site Plan Review Application

Dear Madam Chair and Board Members:

As noted in my December 28, 2022 letter, this firm represents John Roger Trettel, an abutter to 58 Fore Street and the mixed-use development project that is the subject of the Portland Foreside Development Company (“Applicant”) site plan application currently pending before the Board (“Application”). As also noted in that letter, Mr. Trettel generally supports the mixed-use development project and the benefits that it will bring to the City’s Munjoy Hill and waterfront area.

As an abutter to the project however, Mr. Trettel has followed the development of this site closely and is aware of its long and complex history. Although he did not own the 5 Eastern Promenade property at the time, Mr. Trettel is aware of the community conversations that took place back in 2015 when the property was rezoned to accommodate this project, and in 2016 when the Master Development Plan and Phase I site plan were reviewed and approved. Like many of his neighbors and others in the City, he is aware of the controversy that has surrounded the development since 2016 – including the after-the-fact requests for approval by the Applicant and the enforcement action taken by the City in 2021 and 2022 after repeated violations.

Given the history and context of the development of 58 Fore Street, it is critically important that the Applicant’s proposal is compliant with all applicable standards and codes, and with the Planning Board and City Council’s vision for the growth and development of the City of Portland. Along these lines, Mr. Trettel has significant concerns about the Application and the next phases of development and trusts that a meaningful resolution of these concerns might serve to avoid still more controversy and conflict for the City and the Munjoy Hill Neighborhood.

Attorney Keith Richard and I recently met with Kevin Kraft to discuss some of these concerns. We appreciate Kevin taking the time to meet with us and understand that the Application will be undergoing a more rigorous review process over the coming weeks and months. It is in this light that we offer the following comments and would ask that the issues raised in this letter are carefully considered and addressed by the reviewers and by the Planning Board.

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 2 of 8

I. The 2016 Master Development Plan (MDP) Approval has Expired and is Therefore Void.

On December 20, 2016, the Planning Board approved a Master Development Plan (“MDP”) for the 58 Fore Street property (the “Property”). Both the City and the Applicant have since argued that the standards found in the Land Use Code in effect on December 20, 2016, apply to the current Mixed Use of Blocks 4 and 6 Major Site Plan Review Application and future development of the Property.

The 2016 MDP has only three “Standard Conditions of Approval & Requirements”. The third condition, located directly above the signature of then-Planning Board Chair, Elizabeth Boepple, is captioned “Master Development Plan Expiration”, and reads:

An approved master development plan shall expire six (6) years from the date of approval unless, prior to the expiration of the master development plan, a written request for an extension is submitted to the Planning Authority. Only two (2) such extensions may be granted by the Planning Authority, and each such extension shall be limited to two (2) years from the date of expiration of the master development plan. The Planning Authority may grant an extension provided there have not been substantial changes to the underlying zoning or site plan standards since the date of the master plan development plan approval that would have a substantial impact on approval. The Planning Authority may condition the extension on an amendment of the master development plan to comply with such applicable ordinance or site plan standard changes per section 14-532(d) of the city’s land use ordinance. Approved major or minor amendments to a master development plan do not alter the expiration date for the master development plan.

This very same Section 3 MDP Condition language is also found in Section 14-532(d) of the Portland Land Use Ordinance, Expiration of Master Development Plan, effective on the date of the 2016 MDP approval.

It is without question that Section 14-532(d) is the controlling language for the 2016 MDP approval, yet at the January 10, 2023 Planning Board Workshop, this Board was informed by Planning staff that the criteria for expiration of the MDP was:

Master development plans approved under this article shall expire six years from the date of approval if no site work or building construction has commenced.

This provision however is not from the MDP or even from the Land Use Code in effect in 2016, when the MDP was approved. Rather, this language is from Article 14.12.2 of the March 7, 2022 Land Use Code. It is therefore inapplicable to the 2016 MDP approval, and in fact in violation of the terms and conditions of that approval. It was additionally stated at the January 10 Workshop that only the standards of the 2016 Land Use Code apply to the Application, and that it is not subject to the new standards and requirements found in the 2022 Land Use Code; but, this then leads to an absurd result - the Applicant cannot reasonably argue on the one hand that the 2016 Code applies for *all* applicable regulations and standards, but that Article 14.12.2 from the 2022 Code applies with respect to expiration of the MDP. There is nothing in either the 2016 or the 2022 Code that would allow this, nothing in the 2016 MDP that allows

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 3 of 8

it, and there is no argument in law that would support this. The plain language of Section 14-532(d) in the 2016 Code, copied verbatim into the MDP approval, has no ambiguity as to its intent or meaning and it was the only mechanism available to the Applicant for obtaining a possible extension to the 2016 MDP.

The Maine Law Court has considered the finality of expiration language in land use approvals and ordinances, finding that “an Applicant must be diligent and request an extension within the [time] period for which the approval remains viable. Otherwise, the Ordinance would allow the Board to extend an approval that had become void.” *George D. Ballard, Builder, Inc. v. Westbrook*, 502 A.2d 476, 480 (Me. 1985). “Moreover, to construe the extension provision otherwise would allow a developer to be protected from zoning changes for an indefinite period greater than the [time period] provided in the Ordinance.” *Id.*

We have been provided with emails between Mary Costigan, Esq. on behalf of the Applicant, and Cristine Grimando, dated September 2022. On behalf of the City, Ms. Grimando opined that the MDP would not expire on December 22, 2022 because construction had commenced on the site. Ms. Grimando’s interpretation was based on the inapplicable Article 14.12.2 of the March 7, 2022 Land Use Code; the legislatively adopted Section 14-532(d) in the 2016 Code is, however, non-discretionary and the Planner had no authority under the Code to ignore, waive or otherwise provide a variance from that extension requirement. Furthermore, the email exchange between Attorney Costigan and Ms. Grimando had no impact upon the expiration of the MDP pursuant to the express terms of the MDP itself and the applicable Section 14-532(d) effective in 2016. First, Attorney Costigan’s email did not request an extension—it merely sought an opinion that the MDP would not expire. Second, there was no assessment by the City, as required by the Code, of whether there had “been substantial changes to the underlying zoning or site plan standards since the date of the master plan development plan approval that would have a substantial impact on approval....” Because there was no written request for an extension from the Applicant, nor the required process to determine whether to grant that extension by the City, the MDP expired.

Simply put - the Applicant failed to properly request an extension within requisite six years of the date of approval as clearly and unambiguously required by the 2016 MDP and in Section 14-532(d) of the 2016 Code. As a result, the 2016 MDP approval is void; there is no longer an approved or controlling MDP in place, and with all due respect to the Planning Board, it therefore lacks jurisdiction to continue to review the Application as though it were validly submitted.

II. Given the magnitude of this proposed project and its lasting impact on both the neighborhood and the character of Portland as viewed both to and from the water and Munjoy Hill, it is critical that the Planning Board understand the issue of grade and its relationship to building height.

A. The Project Violates Height Restrictions on Numerous Grounds.

“Average developed grade,” which is being applied by the City and Applicant, is not in the height definition or in any provisions addressing vertical dimensional standards. In fact, “finished grade” or

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 4 of 8

“developed grade” as the starting measuring point for structures has no express support anywhere in the Code, past or present.¹

Where a term, like “grade,” is undefined, Maine courts construe the term “reasonably with regard to both the objects sought to be obtained and to the general structure of the ordinance as a whole.” *Friends of Cong. Square Park v. City of Portland*, 2014 ME 63, ¶ 9, 91 A.3d 601 (citation omitted). Courts “give such terms their ‘common and generally accepted meaning’ and dictionaries are an established authority to identify definitions. *Id.*

Merriam-Webster Dictionary defines “grade” as “a datum or reference level . . . especially: GROUND LEVEL.” Merriam-Webster Dictionary Online, “grade” <https://www.merriam-webster.com/dictionary/grade>. Oxford Languages defines “datum” as “a fixed starting point of a scale or operation.” Dictionary definitions establish that “grade” has an objective, uniform starting point that bears a rational relationship to the conditions of the earth. The same conclusion follows applying the general rules of ordinance interpretation. *See Banks v. RSA #1*, 1998 ME 272, ¶ 4, 721 A.2d 655 (“A court’s interpretation of an ordinance must not create ‘absurd, inconsistent, unreasonable or illogical results.’”)

The City’s interpretation of “grade” will produce inconsistent, illogical, and absurd results. As a function of uniform height regulations, grade must consider the objective conditions of the site tethered to factual reality. Interpretation of “grade” as “post development grade” would mean height restrictions vary depending upon whatever a developer artificially creates or manipulates for conditions, divorced from what exists at the time of an application. For developers with the gumption, financial capacity, and engineering capability to reshape the earth, introduce creative structures, and pile fill, the sky is the limit. A developer can achieve whatever height they desire by creating a “developed grade” that games the height standard by anticipating when the City will begin measuring and adjusting their “developed grade” and proposed structures accordingly.

That is precisely the scenario here. The Applicant has artificially elevated their proposed buildings on a “pedestal” with the absurd and illogical result that buildings can exceed 110’ in a zone that restricts buildings to half as tall. For those without the same resources (everyone else), the regular height standards of 45’ up to 65’ apply. That is the type of inconsistent result produced by a “grade” interpretation and height standard that does not have any objective regulatory limit. Measuring height from the perimeter of

¹ A review of the Code as a whole reveals that such an interpretation is foreclosed by express provisions. *See, e.g.,* Portland, Me., Code § 14-755 (amended 2016) (defining height of wind energy system as “vertical distance *as measured from the average elevation of the finished grade*” (emphasis added)); § 14-369(d) (establishing height computations for signs as “normal grade” defined as “the lower of either existing grade prior to construction or the newly established grade after construction excluding any filling, berming, mounding or excavating accomplished solely for the purpose of locating the sign”). Thus, in creating height and grade standards for wind energy systems and signs, the drafters of Portland’s Code knew and understood how to clearly delineate between “existing” or “predevelopment grade” and “newly established” or “post development grade.” If “grade” for purposes of structure height was intended to be broadly interpreted to mean “post development grade,” this would have been stated explicitly. It was not, we must presume with intent. *See, e.g., Fuhrmann v. Staples the Office Superstore E., Inc.*, 2012 ME 135, ¶ 34, 58 A.3d 1083 (“If the Legislature had intended to create individual supervisor liability it would have done so explicitly in much clearer terms.”).

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 5 of 8

buildings, artificially elevated by new structures and fill, is a textbook example of stretching a definition to a logical extreme that violates core tenets of ordinance interpretation. *See, e.g., Banks*, 1998 ME 272, ¶ 4, 721 A.2d 655 (rejecting illogical interpretation of ordinance to construe tower as exempt from height restrictions as rendering height restriction meaningless).

The fact that the Code distinguishes “pre-development grade” on the islands does not mean that “grade” on mainland Portland has no objective definition. It is a logical fallacy to infer that because “pre-development grade” applies on the Islands, that “grade” for purposes of Mainland Portland therefore means “post-development grade,” with no objective definition of grade tied to a specific moment in time prior to development. Rather, “grade” must mean conditions of a site which logically, like any land use standard, would be determined *at the time of an application*. This is *not* an argument for applying the Islands standard to the Mainland because “pre-development grade” already has a specific meaning that is fixed in time: “‘Pre-development grade’ is defined as average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure.”

What about grade on October 2, 2000; on October 2, 2022; the date an application is filed; or the present date? None of the foregoing points in time constitute “predevelopment grade” because they all post-date October 1, 2000. Not only is the City implying “post development grade” without support in the Code—but the City is also failing to consistently interpret “predevelopment grade.” On the Mainland, the City appears to consider “predevelopment grade” to mean conditions of the site from the beginning of time until the moment before the developer has moved earth, built up, and filled the site. The Code definition of “predevelopment grade,” fixed in time as of 2000, contradicts that interpretation.

Moreover, the City’s interpretation is arbitrary. Starting tomorrow, the City could interpret “grade” on the Mainland to be the conditions at the time of an application, which would be consistent with the Code. If the City wants to adopt a standard with material regulatory consequence, that policy must be enacted by legislation, not unwritten longstanding internal deference to “the way we have always done it.” Unlike state agencies, municipalities do not receive deference in their interpretations of law, including ordinances. *Compare Rudolph v. Golick*, 2010 ME 106, ¶ 8, 8 A.3d 684 (“The interpretation of a local ordinance is a question of law, and we review that determination de novo.”), *with Guilford Transp. Indus. v. PUC*, 2000 ME 31, ¶ 11, 746 A.2d 910 (court defers to agency interpretations of ambiguous statute the agency administers). Regardless of whether this is a longstanding interpretation of the Code is immaterial to whether it is correct as a matter of law.²

² At the January workshop it was stated that the Maine courts have upheld the City’s interpretation. This is technically true but requires some important qualification. A single Superior Court case has affirmed the City’s height interpretation and site plan approval for an apartment building development in East Bayside, but that decision is currently on appeal at the Maine Supreme Court. *See Murray v. City of Portland*, AP-22-03 (Me. Sup. Ct. Aug. 5., 2022). The City’s height and grade interpretation is directly at issue in the appeal as a matter of first impression. Because trial court decisions are not binding on other courts (only Supreme Court decisions are), another Superior Court justice in a subsequent appeal could lawfully reach the opposite conclusion and we believe likely would on the facts presented by this application. Until that appeal is decided, there are no *binding* Maine court decisions.

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 6 of 8

Even applying post-development grade to this application, the Portland Co. site *is* developed and has an existing post-development grade. If a site can be “developed” over and over again without limit, the standard truly has no objective meaning.

Finally, with respect to the portions of the proposed site that are within the Shoreland Overlay Zone, the City’s grade interpretation and height calculation is inconsistent with and therefore preempted by the Mandatory Shoreland Zoning Act, 38 M.R.S. §§ 435-448.³ *See Sawyer Env’tl. Recovery Facilities, Inc. v. Town of Hampden*, 2000 ME 179, ¶ 27, 760 A.2d 257. For new structures in the shoreland, “height” is defined as “the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure” 38 M.R.S. § 436-A(7-A). This definition preempts the City’s interpretation of “grade” on two grounds: first, the height calculation standards apply to “average grade” *before* construction, rather than post development; and second, the property owner must calculate from the downhill side of the structure. The statutory standard preempts the City’s inconsistent unwritten interpretation for portions of the site subject to shoreland zoning.

B. Even if the Lawfulness Were Assumed, the City’s Traditional Methodology for Determining Grade is Simplistic, Flawed, and Results in Errors and is being Improperly Employed by the Applicant here.

The City’s 2015 and 2022 code utilizes a simplistic methodology for determining the average grade of a site that is easily manipulated and can generate dramatically inconsistent results. The methodology involves calculating a simple average of the grade elevation at the primary corners of the building foundation. This methodology is most applicable if the site is small and generally uniform; it is not appropriate for a large, irregularly shaped and undulating site as that proposed for the 58 Fore St. project. This methodology was utilized during the original Master Development Plan review phase when it was applied to a large parking podium that would be constructed across Blocks 4, 5, and 6. By heavily weighing the high sides of the site, the Applicant (and apparently the City) erroneously determined that the average grade of the site was 50.1 feet.

Engineering consultant, Tetra Tech, performed a more accurate assessment of the site utilizing more applicable industry standard methods (see Attachment A). This easily reproduceable analysis determines that the average grade of the Block 4, 5, and 6 area is in reality approximately 29 feet—a *difference of over 20 feet*. Given the importance of the site in terms of its impact on the overall character of Portland and surrounding Munjoy Hill historic community, it is extremely important for the City to get the issue of grade and subsequent building height correct. It is not acceptable to use and manipulate a simplistic and flawed methodology to establish an incorrect starting grade that enables buildings that far exceed the maximum heights (45 to 65 feet) and number of floors (max 4-6) envisioned in the adopted height study plans⁴ and in the Code.

³ “In accordance with a schedule adopted by the board and acting in accordance with a local comprehensive plan, municipalities shall prepare and submit to the commissioner zoning and land use ordinances that are *consistent with or are no less stringent than the minimum guidelines adopted by the board* and, for coastal communities, that address the coastal management policies cited in section 1801.” 38 M.R.S.A. § 438-A.2 (emphasis added).

⁴ As noted, the Eastern Waterfront Building Height Study (September 2004) (“Study”), adopted into the E. Waterfront Master Plan and the City’s Comprehensive Plan as it existed in 2015, formed foundation and basis for the B-6 Height Overlay. In the area of the proposed new development, any building over four stories (one story is defined

In the application for the individual buildings proposed on Block 4 and Block 6, this methodology has been improperly used to establish base grades far beyond the factual conditions of the site. Using the methodology as intended, the average grades for the Block 4 and Block 6 buildings are approximately 39 feet and 36 feet, respectively (see expert statement Attachment B). While not presented in the current filing as it will be a separate building, the average grade for Block 5 is approximately 14 feet.

Reviewing the numbers presented in the filing, it is easy to see how the Applicant has weighted the high side of the site by utilizing approximately three times the data points, thereby dramatically skewing the purported “average.” This blatantly and inaccurately skews the average starting grade 30-40% higher than it actually is, with dramatic consequences for how height restrictions will be applied. More importantly, it flies in the face of the intent of the code and various height studies and overlays, to promote responsible development consistent with the character and scale of Portland’s eastern waterfront and the Munjoy Hill neighborhood.

III. The Applicant Cannot Unilaterally Include New Lots in an Entirely Different Zone Within the Boundary of the 2016 MDP.

As discussed in the December 28, 2022 letter and as further discussed by Board members at the January 10, 2023 Planning Board Workshop, the proposed site plan for Block 6 includes portions of three parcels of land, identified as 13-23 Eastern Promenade, which were never a part of the now void 2016 MDP, but rather separately purchased by the developer in 2021. The Applicant has now included portions of these parcels in the Application as though they were within and a part of the 2016 MDP project. Significantly, these appended properties are not located in the B-6 zone, but rather in the R-6 zone and in the Munjoy Hill Historic District and in addition to being inappropriately included in the present Application, are therefore subject to different and enhanced ordinance standards and regulations.

At the November 23, 2021 workshop for an amendment to the 2016 MDP⁵ the Planning Board opined as whether the Board had any control over the design of the project if the Level II site plan application pending at that time was subject only to staff review. The Board was informed that the MDP section of the 2016 Code had a provision for a major MDP amendment determination. In fact however, as noted in our December 28, 2022 letter, the 2016 Land Use Ordinance only provides a methodology for the Planning Authority to permit *minor* amendments to still effective Master Development Plans. Neither the 2016 Land Use Ordinance, nor the 2016 MDP, provide *any* avenue for a major, substantive amendment to an MDP (such as expansion of the boundaries of the original MDP by the addition of new land located in a different zone).

The inclusion of additional land, especially land that is in a different zone, is not a decision that can be made by staff. The addition of land in a residential zone has far reaching impacts upon those already residing in that zone, on the Comprehensive Plan and on the City’s and neighborhood’s vision for that residential neighborhood. It must be subject to the same rigorous review process that the initial MDP went

as 11 feet) has “has a maximum 70’ width parallel with the shore and a maximum 140’ length perpendicular to the shore.” Per the Study, the maximum total number of stories permitted in this area of the B-6 Overlay is 5 to 6 floors.

⁵ The purpose of the November 23, 2021 Planning Board Workshop was to amend the MDP in such a way non-permitted structures and uses at the 58 Fore Street project, then subject to Notices of Violation and a Consent Agreement with the City, would become compliant.

ARCHIPELAGO

Portland Planning Board
March 17, 2023
Page 8 of 8

through – and in this case, as the MDP is void, there needs to be a substantial review as an entirely new project under the Site Plan Review section of the Code.

IV. The Applicant Has Failed to Establish Sufficient Right, Title, and Interest to Warrant Review by the Board.

As this Board well knows, to have sufficient standing to pursue an application for land use development, an Applicant must demonstrate that they have a reasonable expectation that they will be able to develop the property as they have proposed. In the absence of that interest, Maine courts have explained that an Applicant lacks sufficient right, title, and interest (RTI) to pursue an application before a municipal board. Ultimately, the standing/RTI requirement is aimed at ensuring that the Planning Board's (and Planning staff's) time is not wasted reviewing applications for projects that may never get built. Therefore, under state law as well as the express language of the City's Code, all applications for permission to develop land must include evidence of sufficient RTI to develop the property *before* review of the proposal is undertaken. As noted in my December 28, 2022 letter, the 2016 Master Development Plan for the 58 Fore Street property is also express on this point.

The now void MDP and the proposed Site Plan clearly contemplate improvements to the site that are located on property outside the Applicant's ownership and control, including City and private property. Easements allowing those improvements are therefore needed and required. The Applicant however has failed to provide copies of executed easements – likely because they have not yet been obtained. Nevertheless, the Applicant is treating the application as if it is complete and entitled to review by staff and this Board. It is not. Given the history of development of this property and before any further staff or board time is taken up reviewing this development, the Applicant should be required to go to the effort of securing the easements and any other permissions needed to build out the project *before* the Board reviews it. Otherwise, it is entirely possible that necessary easements will not be given causing the plans to later be amended with additional rounds of review and Board meetings required.

Rather than invite multiple hearings and amended approvals, the Applicant can and should be made to wait to present its proposals until such time as it actually has the permissions needed to build it. Without those permissions, review of this application is a waste of staff and board time. More fundamentally, the Applicant lacks standing to seek site plan approval at all.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:
John Roger Trettel
Portland Historic Preservation Board
c/o Evan R. Schueckler, Program Manager

ATTACHMENT A
Grade Elevation Study

Project: 58 Fore St. Project Area Elevation Review

Tetra Tech, Inc. is a global engineering, design, and consulting firm with over 50 years of experience performing complex engineering, design and construction services on 1000's of projects worldwide.

Tetra Tech performed a desktop investigation of the 58 Fore St. Project development area in the City of Portland, Maine to establish the estimated average grade across the site above mean sea level. The study area is located in the eastern waterfront area of Portland and consists of approximately 5 acres of commercial, past industrial, and vacant land uses. Approximately two-thirds of the study site is marked by a large low-lying level area slightly above sea level supporting parking areas, a commercial building slab, and a rail yard; while about one third of the site consists of undeveloped, fragmented scrub forest on steeply sloping to almost vertical terrain along its northern and eastern boundaries. The vertical portion of the site is a narrow strip along the north boundary where a stone retaining wall supports Fore Street.

The industry standard method for calculating average elevation of an irregularly shaped and undulating parcel of land involves the use on-site topographic land surveying or contouring. If time, budget, or access prohibit collecting of field data, a site can be studied remotely using Digital Elevation Models (DEMs) and Geographical Information Systems (GIS). The DEMs provide a three-dimensional representation of the topography of the parcel, while the GIS is used to process and analyze the DEM data. The first step in this process is to obtain the DEM data, either by using aerial LiDAR (Light Detection and Ranging) technology or by interpolating spot elevation data using techniques such as kriging (ESRI, 2018). Once the DEM data are obtained, it is processed to create a raster layer, which is a grid of cells with equal dimensions that represent the elevation of the parcel at each cell location. The average elevation of the parcel is then calculated by summing the elevation values of all the cells in the raster layer and dividing by the total number of cells (Lidén et al., 2003). This process is often performed using GIS software, such as ArcGIS or QGIS.

Such data were not readily available for this study, and as such, Tetra Tech utilized Google Earth's elevation profile functionality as the DEM to find the elevation across the site using a 10-foot by 10-foot raster grid. Elevation profiles were obtained by casting the raster grid across the irregular site polygon using the southern corner as an anchor point (see attached figure). Elevation profiles along grid lines were examined at 10 foot intervals and the elevation at each point was recorded and rounded to nearest whole number (data attached).

A total of 2406 data points were recorded across the polygon, totaling to 69,647 feet of total elevation. The average elevation across the site was determined to be 29 feet (total elevation / total number of data points), which is approximately 15 feet above the existing level grade elevation.

While Google Earth data are generally regarded as quite accurate and reliable in urban areas, the best measurement of average elevation/grade of an irregularly shaped and uneven site would be determined by an on-site topographic land survey using total station or global positioning system (GPS) equipment. Upon completion of a land survey, there are numerous industry standard DEM engineering models available that would use these data to quickly and precisely measure the average elevation/grade across the site.

In performing this desktop analysis, Tetra Tech performed a QA/QC check of the Google Earth data by doing a representative spot check of points across the site and comparing them to the topographic survey map provided in the 58 Fore Street project's original 2016 application. This review determined the Google Earth data to be close to the applicant's field surveyed measurements with only minor deviations observed. As such, the average calculated elevation across the site of 29 feet is expected to be accurate within a small margin of error.

Discussion on Perimeter Measure Methodology

The average grade of the site was previously determined by others using a perimeter elevation measure methodology. Using elevation measurements taken around the perimeter of an undulating site to determine the average elevation is not appropriate, as it does not accurately reflect the complex topography of the interior of the site. This method provides only a rough estimate of the average elevation and is likely to be significantly different from an average elevation calculated from more comprehensive elevation data. Using only perimeter measurements is likely to give a biased estimate of the average elevation and may result in errors, especially if the site has steep or complex topography (Lidén et al., 2003). In this case, a difference of 21 feet (50.1ft vs. 29 ft) between the perimeter measure approach and the grid overlay/topographic approach is a dramatic deviation and indicates that the perimeter measure approach is not providing an accurate assessment of the average grade of the site.

The level of measurement error that is acceptable for a project site is dependent upon the ultimate use of the site. However, in general, such a large deviation between two methods of measurement is not considered to be an acceptable level of error to enable accurate and responsible decision making and design. Tetra Tech recommends a more comprehensive method, such as a topographic land survey or a DEM analysis, to obtain a more accurate average elevation of an undulating site with extreme topography changes such as the 58 Fore St. project area.

References:

ESRI (2018). Understanding Raster Elevation Data. Environmental Systems Research Institute, Redlands, CA, USA.

American Society of Civil Engineers. (2017). Surveying Fundamentals. <https://asce.org/continuing-education/courses/surveying-fundamentals/>

Lidén, K., Jonsson, P., and Löfgren, S. (2003). Average elevation and other terrain attributes from digital elevation models: a comparison of methods. *Geomorphology*, 55(1-2), 89-104.

58 Fore Block 4, 5 & 6 Area

58 Fore Project Area
10'x10' Grade Grid

Legend

-  58 fore area
-  Feature 1



58 Fore Street Site Elevation Study - 10x10 Foot Grid Data																						
GE Paths	0	10	20	30	40	50	60	70	80	90	100	110	120	130	140	150	160	170	180	190	200	210
Path1	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11	11	11	11
Path2	12	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11	11	11
Path3	12	12	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11	11
Path4	12	12	12	12	12	12	12	12	12	12	12	12	12	11	11	11	11	11	11	11	11	11
Path5	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	11	11
Path6	12	13	13	13	13	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12	12
Path7	13	13	13	13	13	13	13	13	13	13	13	13	13	12	12	12	12	12	12	12	12	12
Path8	13	13	14	14	14	14	14	13	13	13	13	13	13	13	13	13	13	12	12	12	12	12
Path9	13	14	14	15	14	15	15	15	15	14	14	14	14	13	13	13	13	13	13	13	13	13
Path10	13	14	14	15	15	15	15	15	15	15	15	15	14	14	13	14	14	13	13	13	13	13
Path11	13	14	14	15	15	15	15	15	15	15	15	15	14	14	13	13	14	14	14	14	13	13
Path12	14	14	14	15	15	15	15	15	15	15	15	15	15	14	14	13	13	14	14	14	14	14
Path13	14	14	15	15	15	15	15	15	15	15	15	15	15	14	14	14	13	14	14	14	14	14
Path14	14	14	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14	14	14
Path15	14	14	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14	14
Path16	14	14	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14	14
Path17	15	14	14	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14	14
Path18	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14	14	14
Path19	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	15	14	14	14
Path20	15	15	15	15	15	15	15	15	15	15	15	15	16	16	15	15	15	15	15	15	15	15
Path21	15	15	15	15	15	15	15	15	15	15	15	16	16	16	16	15	15	15	15	15	15	15
Path22	15	15	15	15	15	15	15	15	15	15	15	16	16	16	16	15	15	15	15	15	15	15
Path23	15	15	16	16	16	16	15	15	15	15	16	16	16	16	16	16	15	15	15	15	15	15
Path24	15	15	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	15	15	15	15
Path25	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	15	15
Path26	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16
Path27	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16
Path28	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	16	17
Path29	17	17	18	17	17	17	17	17	17	17	16	17	17	17	17	17	17	17	17	17	17	18
Path30	23	23	22	23	22	22	21	20	20	19	19	18	19	19	19	20	20	21	19	19	19	19
Path31	33	31	32	30	29	28	27	27	26	25	25	23	24	24	24	26	26	26	26	25	24	23
Path32	42	40	39	40	38	36	35	33	33	32	31	31	30	30	31	31	32	31	31	31	30	29
Path33	50	50	49	48	49	47	45	45	43	41	42	41	40	41	49	38	39	37	37	38	37	36
Path34	50	51	52	50	51	49	48	48	47	46	48	46	45	47	47	46	48	47	47	49	50	51
Path35	57	56	58	57	56	57	56	59	60	61	64	66	69	71	71	73	71	72	72	71	72	72
Path36	75	76	76	75	76	76	76	76	77	78	78	78	78	78	78	80	80	80	80	79	79	81
Path37	81	83	83	83	83	84	83	84	82	83	83	84	87	88								
Path38	87	88	88																			
Path39	71	69	66	64	61	60	58	57														
Path40	72	71	69	67	65	62	61	60														
Path41	73	72	70	69	67	65	63															
Path42	73	72	71	70	69	67	65															
Path43	74	72	72	71	70	69	67															
Path44	74	73	72	71	71	70	68															
Path45	74	74	72	72	71	71	70															
Path46	75	74	73	72	72	72	72															
	Total Count	2406																				
	Total Elevation	69647	feet																			
	Average Elevation	28.95																				

220	230	240	250	260	270	280	290	300	310	320	330	340	350	360	370	380	390	400	410	420	430	440	450
12	12	11	11	12	12	11	11	12	12	12	12	12	12	12	12	12	12	12	12	12	13	13	13
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14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	14	15	16	17	18	20
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16	16	17	17	15	15	15	14	15	16	16	17	20	22	26	31	32	35	39	44	45	49	53	55
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19	20	22	22	24	24	26	27	29	30	31	35	36	38	38	38	40	41	43	44	48	49	50	55
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37	36	36	38	38	38	40	41	41	45	46	46	51	53	56	57	58	60	60	60	62	62	63	63
55	56	57	61	63	64	66	66	66	68	68	68	69	69	69	71	71	71	72	72	73	74	74	75
72	73	73	74	74	74	75	76	77	77	77	77	77	78	78	78	81	83	85	86				
82	86	87	88																				

[illegible]

ATTACHMENT B
Expert Opinion

February 24, 2023

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

Attn: Planning Board

Re: Miscalculation of Average Grade
Level III Site Plan and Subdivision – 58 Fore Street
Portland Foreside Development Company

Dear Planning Board Members:

Based on our review of the above-referenced submission, it appears the Applicant has either miscalculated or misrepresented average grade for proposed structures on Parcel 4 (“Harbor Hill”) and Parcel 6 (“The Channel Mark”). The proposed building elevations note average grade *singularly* as **elevation 50.1** despite there effectively being two buildings on separate parcels of land with substantially different surrounding grades. The average grade noted has no discernible relevance to the buildings proposed and no reasonably justifiable supporting calculations were found for the value. Furthermore, the calculations provided are clearly and unjustifiably skewed to result in a higher elevation than would otherwise reasonably be determined. This is particularly egregious as it pertains to the Harbor Hill structure.

The City of Portland Land Use Code (March 2022) clearly and logically specifies average grade as being calculated at the corners of the foundation of the proposed structure. Common practice for determining average grade requires weighting selected foundation corners relative to the length of building foundation. The attached figures show how applying common practice and using existing elevations at the principal foundation corners results in the substantially different average grade calculation of **elevation 39.5** for the Harbor Hill structure and **elevation 36.3** for The Channel Mark structure. A substantially different average grade calculation would be the result whether calculated using the four principal foundation corners or equidistant points along the foundation.

Any building height measured from the average grade of elevation 50.1 is simply unsupportable and inconsistent with the relatively clear intent expressed in the City of Portland Land Use Code (March 2022).

Very truly yours,



Sean P. Reardon, PE
Vice President



Matthew W. Moyan, PE
Senior Project Manager

Attachments: Figure 1 – Civil Building Height Calculation Figure Markup

Cc: Roger Trettel

this is absurd



Source: Civil Building Height Calculation
Figure prepared by Woodard &
Curran dated November 2022

Figure 1
02-16-23

TETRA TECH, INC.

Tetra Tech has been a world class provider of consulting and engineering services for over 50 years. We support global commercial and governmental clients focused on sustainable infrastructure, water, environment, energy, and international development. With over 27,000 associates worldwide, Tetra Tech provides clear solutions to complex problems.

In a complex world with competing demands for limited resources, Tetra Tech offers clear solutions made possible with sound science, understanding, innovation, and industry-leading approaches.

PERSONNEL EXPERIENCE SUMMARY**Sean P. Reardon, PE**

Mr. Reardon is a Vice President at Tetra Tech who specializes in guiding site/civil engineering and land development programs to successful completion. He has 30 years of experience in the planning, permitting, design and construction of a wide range of facilities and infrastructure. His broad background encompasses all service sectors: municipal, institutional, private land developers and public/private partnerships. He is particularly skilled in managing multidisciplinary services under aggressive timeframes, as well as design/build and on-call engineering contracts. Mr. Reardon prides himself on building long-term, collaborative client relationships and overcoming technical and regulatory challenges with creative solutions that optimize project objectives. In addition to his leadership on residential, institutional, commercial and mixed-use development programs, Mr. Reardon is regularly called upon to provide expert witness testimony and litigation support. Mr. Reardon is a licensed Professional Engineer in Maine, Massachusetts, Rhode Island, New Hampshire, Connecticut, and Vermont.

Matthew W. Moyen, PE

Mr. Moyen is a Senior Project Manager at Tetra Tech with 16 years of experience in planning, civil engineering design, permitting, and construction as part of multidiscipline and multi-firm project teams. He leverages his diverse skill set and technical background to lead a range of commercial, industrial and residential land development projects, renewable energy projects, and stormwater programs to successful completion for public agencies and private clients. Mr. Moyen also provides peer review services of complex projects for municipal boards and state agencies. Mr. Moyen is a licensed Professional Engineer in New Hampshire, with reciprocity underway in several states including Maine.

58 Fore Street 0 views



Barbara Vestal <vestal@chesterandvestal.c... Mar 29, 2023, 6:26:52 PM (17 hours ago)
to hp@portlandmaine.gov



Hello Chair O'Brien and Historic Preservation Board Members,

I write to you as an abutter to the proposed project. I reside directly across the street at 7 Fore Street. As you begin to review proposed Block 6, I would like to call your attention to a few threshold issues that I believe you need to be aware of as you begin your review:

- 1) it appears that the 2016 Master Development Plan approval has expired;
- 2) the proposed plan appears to violate the building height restrictions,
- 3) new lots have been included in proposed Block 6 which were not part of the original Master Development Plan application, and
- 4) it appears that the project is not ripe for review because it has not obtained all of the rights necessary to develop as proposed.

Rather than repeating all of its contents, let me just say that I wholeheartedly endorse the letter from Attorney Sandra Guay dated March 17, 2023 which was submitted to the Portland Planning Board with a copy to the Historic Preservation Board. In that letter she documents in great detail the fact that the Master Development Plan approval expired on December 20, 2022 by its own terms, without a timely request for any extension. That means that this project needs to be reviewed as an entirely new project under the currently applicable site plan and historic preservation standards.

Attorney Guay also outlines multiple bases to challenge the extreme building heights currently proposed by the applicant, including:

- the fact that they are using an absurd and illogical interpretation of the grade language in the ordinance to inflate proposed heights,
- that they are ignoring the statutory requirements for grade calculation in the shoreland zone, and
- that they seem to be using a single (inflated, improperly calculated) average grade for the entire site despite the fact that blocks 4, 5 and 6 each have different site and grade characteristics.

Attorney Guay also raises the issue that the plan contemplates improvements to the site that would be located upon land outside the current control of the applicant. I would add to Atty. Guay's discussion of missing rights that there is an 1876 agreement between the City and Portland Company recorded in Book 434, Page 368 (copy attached) which was made as the seawall along Fore Street was being constructed. It says that up to 4 feet of the embankment under the base of the seawall/retaining wall may be upon land owned by the Portland Company, with the rest to be constructed upon land of the City. The Portland Company, its successors and assigns are not to disturb the embankment which sustains the wall except if they substitute permanent support at their own cost. Further, the Portland Company is given the right to construct upon the top of the wall, but only within the line of Portland Company land, any wall of brick or stone which it might desire to erect on the retaining wall, consistent with the safety and stability of the wall. The applicant appears to be proposing to build an access ramp to the parking garage across City-owned land, and appears to be proposing to construct at least a portion of the parking garage driveway podium structure (not just a "wall of brick or stone") on top of the historic retaining wall. It seems like the City would need to grant an additional easement for that to be permissible.

I would think that these fundamental Master Development Plan expiration issues, grade and building height issues, and development rights issues need to be resolved before the Historic Preservation Board will be in a position to meaningfully undertake its review. I realize that your direct review applies primarily to portions of Block 4, but your comments on the remainder of Block 4 and Block 6 may also be relevant to HP staff advisory design review of the remainder of the proposed project.

I anticipate that you will proceed with due caution as this massive project will significantly affect what is left of the historic Portland Company structures, the historic seawall, and the adjacent Munjoy Hill Historic District.

Regards,
Barbara Vestal



PC3

Sandra L. Guay
Partner
sguay@archipelagolaw.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

March 31, 2023

Via Email:

Portland Historic Preservation Board
Robert O'Brien, Chair
c/o Evan Schuekler, Program Manager
City of Portland
389 Congress Street
Portland, ME 04101
evans@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4 and 6
Historic Preservation Board Review Workshop
HPBR-002380-2023

Dear Chair O'Brien and Board Members:

This firm represents John Roger Trettel, the owner of property located at 5 Eastern Promenade, and a direct abutter to the proposed new construction and development at 58 Fore Street as presented in the Historic Preservation Board ("HPB") Review application ("Application") submitted by Portland Foreside Development Company ("Applicant"). This letter is submitted to voice Mr. Trettel's concerns about the proposed development's impact on his property and on the Munjoy Hill Historic District. Mr. Trettel makes these informed observations as the recent recipient of the 2023 Preservation Buffalo award for his work in the renovation of historic structures in Buffalo, New York.

The HPB is also in receipt of Mr. Trettel's March 17, 2023 letter to the Planning Board, which is incorporated into this letter and included in the record to this Board. The March 17 letter lays out in detail: (a) that the 2016 Master Development Plan ("MDP") for this project expired in December of 2022 and was never extended as required by both the City Code in effect in 2016 and as explicitly conditioned in the MDP itself, and is therefore void; (b) that the proposed new development violates the City's height restrictions on numerous grounds; (c) that even if it didn't violate the City Code on height restrictions, the methodology used by the Applicant to calculate height for the new structures is flawed, leading to significant errors in the height calculation (by more than 20 feet); (d) that the Applicant is including land that is not included in the 2016 MDP and is in fact located in an entirely different zone (the R-6 zone, which is in the Munjoy Hill

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Portland Planning Board
March 31, 2023
Page 2 of 5

Historic District); and, (d) that that Applicant has failed to submit sufficient right, title or interest for areas of the proposed new construction that are outside of the Applicant's control, including both private and City property.

While each of these issues, well supported in the March 17 letter, are important to this Board in its review of the Application, the purpose of this letter is to focus on the additional review criteria subject to HPB review. In addition, this letter suggests that in light of the void MDP, the incomplete Application and the unresolved height calculation issues, the HPB should table the review of this Application until such time as a new and complete non-MDP application is submitted, and the height questions resolved.

I. The Application is Not Complete

The purpose of having a complete application prior to acceptance and initial review by any administrative board is to avoid waste of the board's time in the event that an applicant is either unable to provide what is needed in the application, and/or the applicant needs to significantly alter the application after review has already commenced, public comment has been received, and time has been expended. In this case, the City Code *requires* that an application submitted for review to the HPB must be deemed complete *before* that application is placed on a HPB meeting agenda. (Sec. 17.7.4.A). In addition to insufficient evidence of right, title or interest and insufficient evidence of adequate financial security, as noted in the March 15, 2023 Staff Memorandum to the HPB from Evan R. Schuekler, there is "significant amounts" of information that is lacking from the Application. The Application, as submitted, therefore lacks sufficient and required substantive information for the Applicant to have standing for even a workshop review by this Board, and review of the Application should therefore be tabled.

II. The Project is Not in Compliance with the Character and Form of the Historic District

In part, the stated purpose of the City's Historic Preservation Code is to "prevent the unnecessary loss of the community's historical features and to ensure compatible new construction." (Sect. 17.1.C). By manipulating the otherwise allowed height for structures in the B-6 zone, the massing of the proposed townhouses is significantly out of scale with the existing historic structures, leaving these historic structures shaded and dwarfed in comparison. This oversized scaling fails to meet the stated purpose of the Code, and additionally fails to protect and enhance neighborhood character (Sect. 17.1.E), fails to stabilize and improve the value of the designated properties and area (Sect. 17.1.F), fails to protect and enhance the attractiveness of the City (Sect. 17.1.G), and fails to foster and encourage preservation, restoration, and rehabilitation that respects the historic, cultural, architectural and archeological significance of the distinctive Munjoy Hill historic area and the historic structures (see discussion about the historic seawall in an email addressed to this Board from Barbara Vestal, dated March 29, 2023).

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Portland Planning Board
March 31, 2023
Page 3 of 5

The original seawall structure is a significant archeological resource in the City of Portland. (Sec. 14.6.4.3.i). As such, it is subject to the requirements of that Section of the Code, including “leaving archeological resources untouched beneath a new development through adaptation of foundation design or architectural layout”. (Sec. 14.6.4.3.a). The Applicant is required to provide evidence if complete protection is not feasible. (Sec. 14.6.4.3.b). Further, the need to impact the City’s historic seawall in any way does not appear to be supported by evidence right, title or interest to do so. In addition, old maps of the area encompassing Block 4/Block 6, indicate that a fort was at one time located in that area. An archeological study should be required to identify whether the fort is located within the proposed development area, and if so, to make certain that any further development at the very least documents and where feasible, preserves, that important piece of Portland history.

The Munjoy Hill Architectural Development & Context Statement (April 2019) also illustrates how the proposed new structures fail to comply with the standards for the Munjoy Hill Historic District. For example, in the ‘Visual Character of the Hill’ section of the Context Statement, the scale of the existing houses is described as “generally modest” with most buildings ranging from 1½ to 3 stories in height. The Statement points out that this is the reason why some of the later developments “do not feel sufficiently integrated with the neighborhood.” This statement easily applies to the tall, narrow structures proposed in the Application.

In addition, the review standards provided in Section 17.8.3.A of the City Code require that new construction in a Historic District must be visually compatible with surrounding structures “when viewed from any street or open space” with respect to height, width, proportion and scale. Section 17.8.3.B requires that the composition of the principal facades be visually compatible with structures, public ways and places to which the building is visually related. Section 17.8.3.C requires such compatibility with relation to the street. Section 17.8.3.D. requires that “the distinguishing original qualities or character of a structure, object, *or site and its environment*, not be destroyed” (emphasis added). There is no amount of wordsmithing by the Applicant that can make the proposed new structures meet these mandatory standards.

Furthermore, one critical “open space” from which these structures can be viewed is the water. For centuries, boaters have enjoyed the view of Fore Street and Munjoy Hill as seen over the top of the Portland Company buildings. The proposed structures will block and destroy this historic view forever. Likewise, because the proposed structures do not “step down” toward the water, they will forever block the view to the water from Fore Street and other locations on Munjoy Hill.

III. The Height Issue Must be Resolved Prior to Review by this Board

As fully illustrated in the March 17, 2023 letter to the Planning Board, on which this Board was copied, there are numerous issues with the way height has been calculated for the proposed new structures. In part, the Applicant (and previously, the City) has been applying an “average

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 4 of 5

developed grade” from which to begin to calculate height. Not only is this term not defined in the Code, it makes no logical sense. As used, it would mean that a developer can bring as much fill onto a property as it wants to raise the pre-measurement height to any level it desires (in this case even using another structure, the parking structure to establish “average developed grade”). In effect, this means that the City has *no enforceable maximum height restrictions*, as the starting point from which to start calculating height can be artificially manipulated to whatever the developer desires and can afford. Here the existing Portland Company site has a historically established grade – the parking lot – and it is from here that the height of the structures should be measured.

In the MDP, despite the radically elevated rear portion of the property along Fore Street, the City’s Planning Office permitted the Applicant to use a method of calculating the “average developed grade” by allowing the developer to calculate an average at the corners of the building foundation. In the application to the Planning Board, it was however readily apparent that rather than use the industry standard for determining an average grade, the Applicant had taken numerous measurements from the highest side of the property, and very few measurements from the lower elevation of the property. In doing so, the supposed “average grade” was manipulated to look significantly greater than it actually is; a difference of *over 20 feet*.

Until the issue of height calculation is resolved, it is a waste of this Board’s valuable time reviewing an application for structures that have been designed around these miscalculations.

IV. Summary

The Historic Preservation Board has always played a critical role in the review of applications before it and, in keeping with the legislative wishes of the City and of the surrounding community, works diligently to ensure that new development in Portland’s historic districts meet the letter of the Code. The Board often gets only one shot to reshape a proposed development – or to disapprove of a proposed design in its entirety when, as proposed, the project fails to comply with the Code.

There is of course great significance to all applications that come before the HPB, from the perspective of the Board, the applicant, and the community. The size and scope of the 58 Fore Street project is however unique in many respects. The all-encompassing, view blocking scale of the proposed structures now before this Board would forever alter and destroy the historic nature of Munjoy Hill, as viewed both from the streets of the City and from the water.

The 2016 Master Development Plan has expired and is now void. The Application as submitted is woefully incomplete, in part lacking necessary evidence of right, title or interest. The height calculations proposed by the Applicant are artificially manipulated and otherwise fail to comply with the Code. The project area includes land in the R-6 zone and outside of the scope of

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Portland Planning Board
March 31, 2023
Page 5 of 5

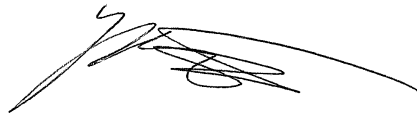
even the now void 2016 MDP. Lastly, the Application fails to meet even the most basic requirements of the Historic Preservation portion of the Code.

On behalf of abutter John Roger Trettel, we ask that the Historic Preservation Board find the application to be incomplete and/or otherwise not in compliance with the required review standards of the City Code.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:

John Roger Trettel



Evan Schueckler <evans@portlandmaine.gov>

Fwd: Historic images showing scale

Roger Trettel <roberttrettel@gmail.com>

Fri, Mar 31, 2023 at 11:26 AM

To: Evan Schueckler <evans@portlandmaine.gov>, Robert Wiener <rwiener@portlandmaine.gov>

I'm sure you have probably seen this map, but it definitely illustrates the historic scale of the area and how the Portland Company Historic District property was tucked in beneath the hill. Anything bigger than this would be contrary to the scale of the Munjoy Hill Historic District which is largely reflected here.

Best regards,

Roger Trettel

2 attachments

**Portland historic birds eye view showing scale.jpg**

681K

**Portland historic birds eye view showing scale zoom in.jpg**

251K



J. J. STONER, PUBLISHER, MADISON, N.J.

REFERENCES.

1. City Hall.
2. Jail.
3. Post Office.
4. U. S. Custom House.
5. North School.
6. High.
7. Central St. Grammar School.
8. Brackett St.
9. Park St.
10. State Hospital.
11. Alms House.
12. St. Alay's School.

HOTELS.

13. Palmetto Hotel, L. Stevens, Proprietor.
14. Parker House, M. S. Gilman & Co.
15. United States Hotel, T. Watson.
16. U. S. Custom House.
17. St. Julian Hotel, R. Ward.
18. Perry's Hotel, J. G. Perry.
19. American House, Ezra Gray.
20. Commercial House, Patrick O'Malley, Prop.
21. Adams House.
22. City Hotel.
23. Grand Trunk Hotel.

WHARVES, PIERS, RAILROADS &c.

24. Eastern & Maine Central Rail Road Depot.
25. Boston & Maine.
26. Portland & Rochester.
27. Portland & Ogdensburg.
28. Union.
29. Atlantic & St. Lawrence R. R. Wharf.
30. Atlantic or G. T. R. R.
31. Cady's.
32. Franklin.
33. Burban's.
34. Randall & McAllister's Coal.
35. Custom House.
36. Portland Pier.

37. Commercial Wharf.
38. Long.
39. Central.
40. Widgery's.
41. Union.
42. Merrill's.
43. Richardson's.
44. Marchant's.
45. Brown's.
46. Berlin Hill's.
47. N. & W. R. R.
48. Hudson's.
49. High St.

50. Perley's Wharf.
51. Standish's.
52. Danks's.
53. International Steam Ship Co's Wharf.
54. Portland, Bangor & Machias Co's.
55. B. R.
56. Geo. Co's.

MANUFACTORIES.

57. Portland Co's Machine Shop.
58. J. B. Brown & Sons' Sugar Refinery.
59. Finest City Sugar Ref'g. Co.
60. Eagle Sugar Ref'g. Co.
61. Brunswick and Portland Ware, R. Dunham, Prop.

BIRD'S EYE VIEW OF THE CITY OF PORTLAND MAINE 1876.

THIS ENGRAVING IS THE PROPERTY OF J. J. STONER, PUBLISHER, MADISON, N.J.

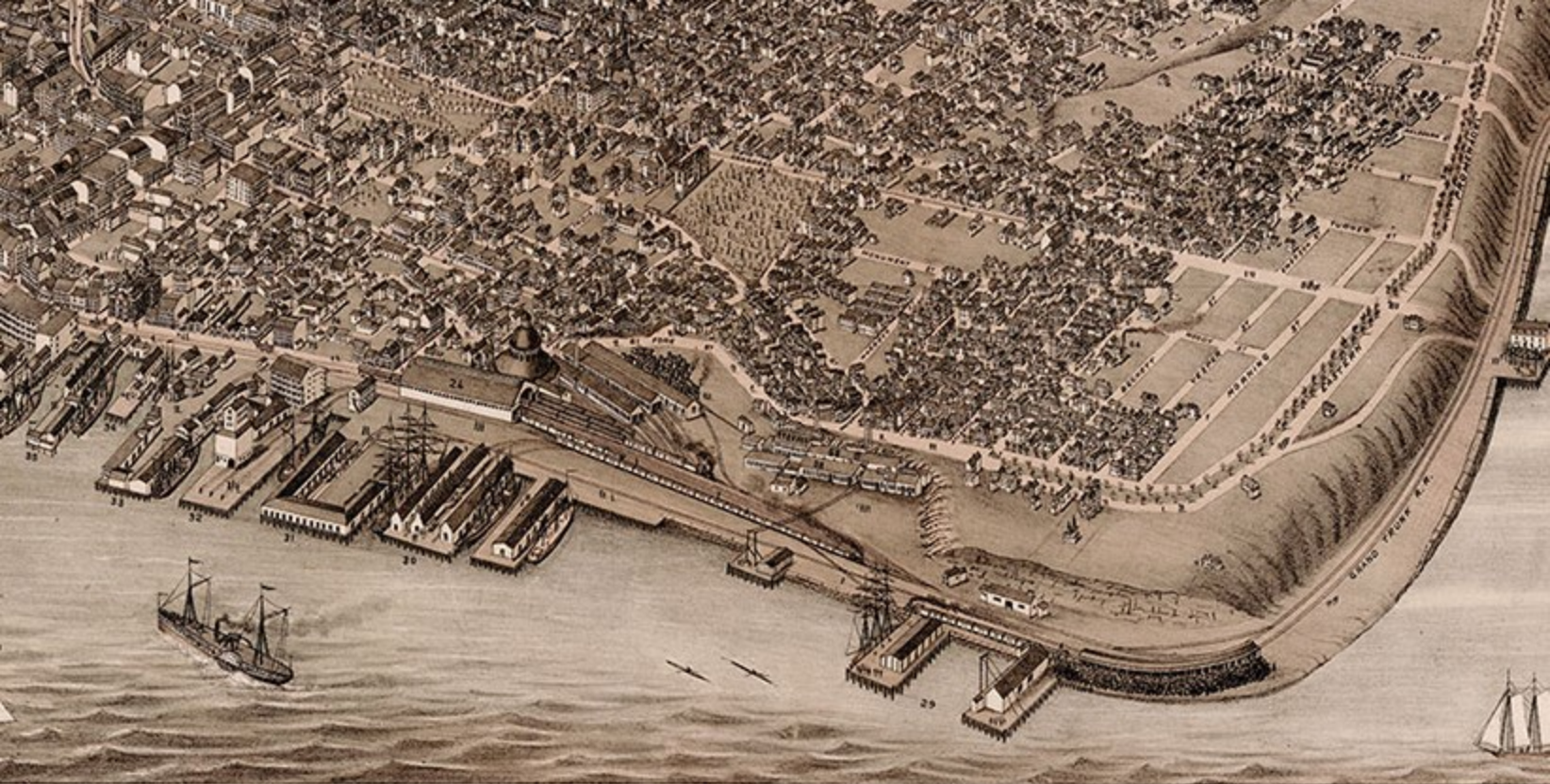
62. Portland Packing Co. of Horwath's & Sons' Bristol, W. G. Davis and J. P. Baxter.
63. Burgess, Follen & Co's White Lead Works.
64. Portland Star Match Co's Works.
65. S. H. B. A. R. T. Co's Planing & Moulding Mills.
66. J. J. Perry's Pine Factory.
67. F. O. Bailey & Co's Dock and Shoe Case Factory.
68. Hunt, Knight & Co's Cabinet Organ.
69. Leavitt & Co's Railroad Shop.
70. C. N. Deane & Co's Planing & Moulding Mills.
71. Star & Stevens, Cutler and Spig.
72. Twichell, Chapman & Co's Coffee & Spice.
73. Burdett & Merrill, Packers of Canned Goods.
74. George H. Wain's Soda Factory.

75. Casson Tanning Co.
76. Hayes & Britton's Morocco Factory.
77. E. Newman & Co's Gutter and Casement Moulds.
78. C. M. & H. T. Pomeroy, Gas & Water Pipe.
79. Whitney & Thomas, Boot and Shoe.
80. Swaney, Webb & Co.
81. C. W. Thomas.
82. Wm. H. H. Merrill's Marble Works.
83. E. M. Long's Saddle and Trap Works.
84. J. H. Merrill's Carriage and Sleigh Factory.
85. Carriage Factory.
86. Lane, Cook & Co's Works.
87. Portland Stone Works Co's Works.
88. Portland Suspender Co's.

89. Geo. Hudson's Candy Works.
90. Churches.
91. First Baptist.
92. First St. Baptist.
93. First Will.
94. High Street.
95. Park Street.
96. State Street.
97. Plymouth.
98. H. St. Lawrence.
99. Bethel.
100. W. H. Church.
101. St. Luke's Cathedral, Episcopal.
102. St. Stephen's.

103. St. Paul's Episcopal.
104. N. Church St. Methodist.
105. O. Pine St.
106. P. Congress St.
107. Q. Mount Zion.
108. R. Roman Catholic Cathedral.
109. S. St. Daniel.
110. T. Friends' Chapel.
111. U. First Parish Unitarian.
112. V. Park St.
113. W. First Unitarian.
114. X. Second.
115. Y. New Jerusalem.
116. Z. Park St. Chapel.
117. A. Allen Chapel.

THE WARREN, ARTIST.



BIRD'S EYE VIEW OF THE CITY OF

PORTLAND

MAINE,
1876.

Wm. Fisher & Co. Prop. CHAS. L. LORAN, LITHO. CO.

55. Portland Packing Co. of Harbormerchants' Island
Provisions, W. G. Davis and J. P. Baxter.
56. Burgess, Faxon & Co's White Lead Works.
57. Portland Iron Match Co's Works.
58. S. H. & A. R. O'Brien's Planing & Moulding Mills.
59. J. J. Fry's Pine Factory.
60. F. O. Bailey & Co's Dock and Shoe Case Factory.
61. Smith, Knight & Co's Cabinet Organ.
62. Leather & Gove's Refining Shop.
63. C. N. Deane & Co's Planing & Moulding Mills.
64. Slat & Nevins, Coffee and Spice.
65. Twitchell, Champin & Co's Coffee & Spice.
66. Burdick & Merrill, Packagers of Canned Goods.
67. George H. Wain's Soda Factory.

68. Casson Tanning Co.
69. Hayes & Britton's Mosaic Factory.
70. E. Newman & Co's Gutter and Casement Moulds.
71. C. M. & H. T. Plummer, Gas and Water Pipe.
72. Whitney & Thomas, Boat and Shoe.
73. Sawyer, Webb & Co.
74. C. W. Thurston.
75. Wm. H. H. Merrill's Marble Works.
76. Gas Works.
77. E. M. Lacey's Sill and Tie Works.
78. J. Russell's Carriage and Sleigh Factory.
79. Carriage Factory.
80. J. M. Cook's Tannery.
81. Portland Stoneware Co's Works.
82. Portland Suspender Co's.

83. Geo. Hudson's Candy Works.

CHURCHES.

- A. First Baptist.
- B. Free St. Baptist.
- C. Free Will.
- D. Payson Memorial Congregational.
- E. High Street.
- F. State Street.
- G. Plymouth.
- H. St. Lawrence.
- I. Bethel.
- J. Wesleyan Chapel.
- K. St. Luke's Cathedral, Episcopal.
- L. St. Stephen's.

- M. St. Paul's Episcopal.
- N. Church St. Methodist.
- O. Pine St.
- P. Congress St.
- Q. Mount Zion.
- R. Russian Catholic Cathedral.
- S. St. Dominic.
- T. Friends' Chapel.
- U. First Parish Unitarian.
- V. Park St.
- W. First Universalist.
- X. Second.
- Y. New Jerusalem.
- Z. Frothingham St. Chapel.
- * Allen Chapel.

Comment on 58 Fore St. Block 4 & 6 Historic Review, Apr. 19 or later workshop External Inbox

**Roger Trettel** <roberttettel@gmail.com>

to Evan, Robert, me, Sandra

Dear Mr. Schueckler,

As we have noted in several filings and in comments made at the April 5 Historic Preservation Board workshop for the 58 Fore St. project, the heights of the proposed buildings on the site illustrate this, the attached markups of the applicant's elevations depict the approximate maximum building heights and ancillary extensions allowable based on the actual unbiased applicant by heavily overweighting the narrow high side of the site and applying that across the entire area to be occupied by the three buildings in Blocks 4, 5 and 6 (50.1 ft).

This should be of concern to the Historic Board and their review as it dramatically and profoundly changes what would be visible in relation to the Portland Company Historic District Code. In short, the the majority of the townhouses along Fore St. would not be possible/visible and thus review of them by the Historic Board is moot; and, the upper floors of the buildings would be much of Munjoy Hill. It similarly would have less of a negative effect on the views toward the Hill from the public way of the Eastern Prom trail and the water.

Thank you for the opportunity to comment.

Sincerely,

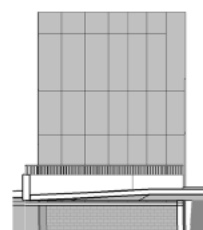
Roger Trettel

Owner, 5 Eastern Promenade, Portland

BLOCK 4 BUILDING



5 OVERALL ELEVATION - EAST
1" = 20'-0"



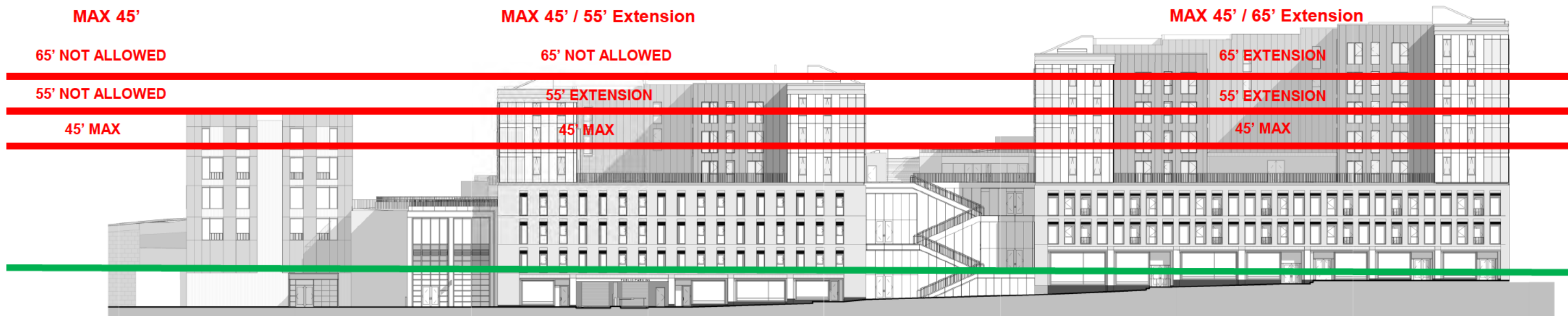
4 OVERALL ELEVATION - B2 EAST
1" = 20'-0"



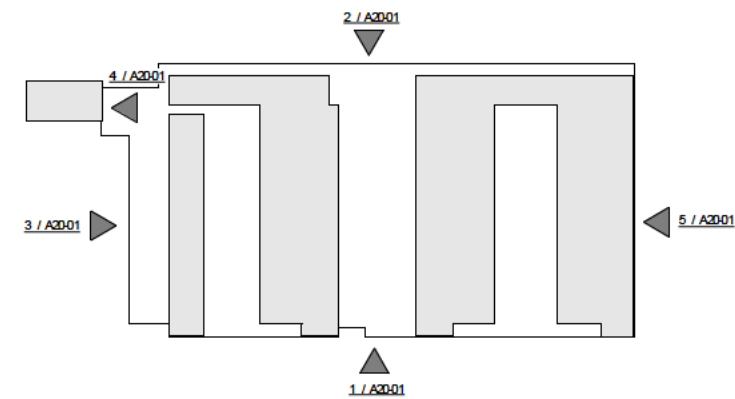
3 OVERALL ELEVATION - WEST
1" = 20'-0"



2 OVERALL ELEVATION - NORTH
1" = 20'-0"



1 OVERALL ELEVATION - SOUTH
1" = 20'-0"



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1.207.865.1080

PROJECT

FORESIDE
LIVING ELEMENT

PFDC HARBOR HILL

254 COMMERCIAL ST
SUITE 118
PORTLAND, ME 04101

KEYPLAN



DATE: 02/03/2023

DESIGN DEVELOPMENT

FEBRUARY 03, 2023

Job Number 157111
Drawn Author
Checked Checker
Approved Approver

TITLE

OVERALL
ELEVATIONS

SHEET NUMBER

A20-01

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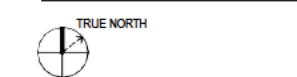
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1 207 865 1080

PROJECT

FORESIDE
COMMERCIAL DEVELOPMENT

PFDC HARBOR HILL
254 COMMERCIAL ST
SUITE 118
PORTLAND, ME 04101

KEYPLAN



DESIGN DEVELOPMENT
FEBRUARY 03, 2023

Job Number	157111
Drawn	Author
Checked	Checker
Approved	Approver

TITLE

OVERALL SOUTH
ELEVATION

SHEET NUMBER

A20-02

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2012/03/11 10:46 Autodesk Docs/PFDH Block Four/ARCH-PFDH_Bldg_Reg_INT.dwg



EXTERIOR ELEVATION
GENERAL NOTES

1.

MATERIAL SYMBOLS ON ELEVATIONS ARE TO DISPLAY THE EXTENT OF THE MATERIAL ONLY. THEY ARE NOT TO SCALE.

2.

REFER TO ENLARGED ELEVATIONS FOR DESCRIPTION OF FACE BRICK TYPES.

EXTERIOR GLAZING SYSTEM TAG REFER TO A30-00 FOR PUNCHED OPENING SCHEDULE

EXTERIOR ELEVATION
LEGEND

EXTERIOR GLAZING SYSTEM TAG REFER TO A33 SERIES FOR SCHEDULE

TEMPERED GLAZING

BUILDING EXPANSION JOINT

MASONRY EXPANSION JOINT: MATCH MORTAR COLOR

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PROJECT

FORESIDE
LUXURY CONDOMINIUM

PFDH HARBOR HILL

254 COMMERCIAL ST
SUITE 118
PORTLAND, ME 04101

KEYPLAN

TRUE NORTH

DESIGN DEVELOPMENT

FEBRUARY 03, 2023

Job Number

157111

Drawn

Author

Checked

Checker

Approved

Approver

TITLE

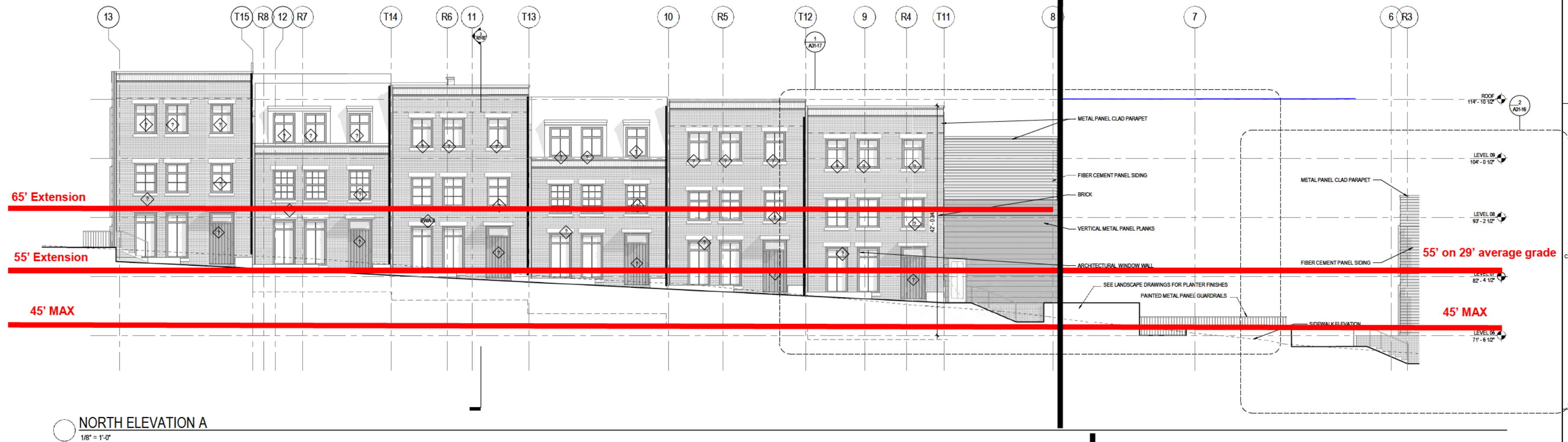
OVERALL EAST
ELEVATION

SHEET NUMBER

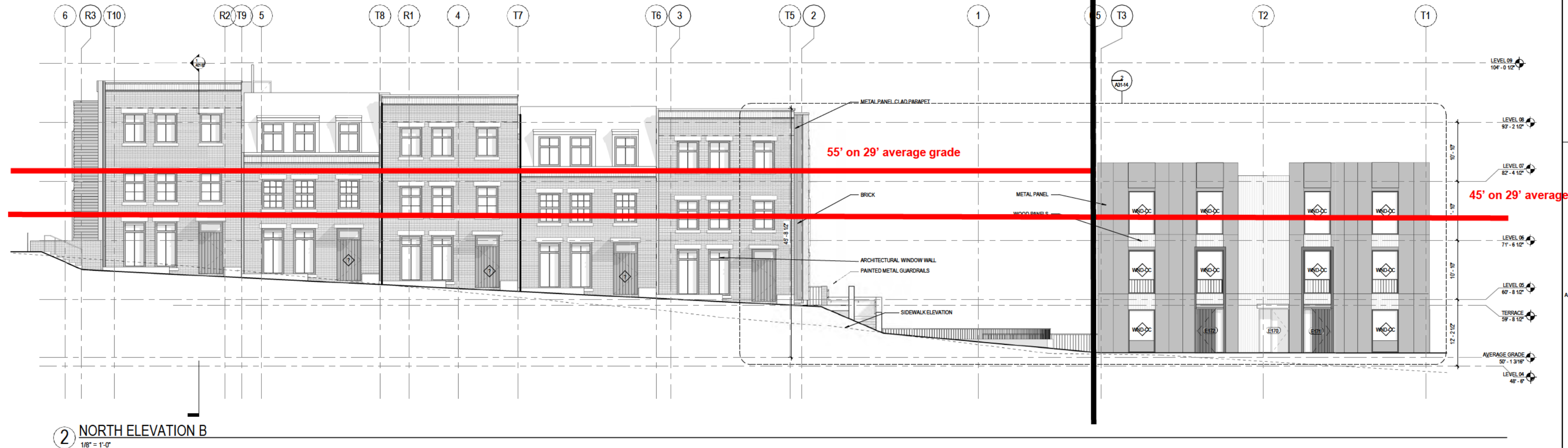
A20-03

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Height Overlay Section MAX 45' with 65' Extensions



Height Overlay Section MAX 45' with 55' Extensions



EXTERIOR FINISH LEGEND

FINISH NO.	MATERIAL	MANUFACTURER	STYLE NAME / NO.	COLOR	SIZE	DESCRIPTION / REMARKS
CONC-01	CONCRETE					EXPOSED POURED IN PLACE CONCRETE
EXTERIOR FLOORING						
CT-01	PORCELAIN PAVER		WOOD LOOK		LARGE FORMAT - RECTILINEAR	AT POOL AND ROOF TERRACES
CT-02	PORCELAIN PAVER		STONE LOOK		LARGE FORMAT - PLANK	AT POOL AND ROOF TERRACES
PS-01	PEDASTAL PAVER SYSTEM	HANOVER PAVERS	GRIDLOC ON PEDASTAL PAVERS			WEIGHTED
PS-02	PAVERS	PER LANDSCAPE			VARIED	ABOVE PODIUM
MASONRY						
STN-01	STONE		GRANITE		LARGE FORMAT	CAVITY WALL VENEER
STN-02	STONE		GRANITE		LEDGESTONE	CAVITY WALL VENEER
METAL						
MTL-01	ALUMINUM FRAMED DOOR / WINDOW SYSTEM	WASAU		DARK BRONZE		THERMALLY BROKEN
MTL-02	ALUMINUM COMPOSITE PANEL	FAIRVIEW ARCHITECTURAL	VITRPLATE		FACTORY FINISHED TO MATCH WINDOW SYSTEM	ROOF EQUIPMENT SCREEN
MTL-03	ALUMINUM RAILING SYSTEM	LEVOLUX	SERENITI BALUSTADE		FACTORY FINISHED TO MATCH WINDOW SYSTEM	VERTICAL PICKET RAILING WITH NARROW PROFILE

EXTERIOR FINISH LEGEND

FINISH NO.	MATERIAL	MANUFACTURER	STYLE NAME / NO.	COLOR	SIZE	DESCRIPTION / REMARKS
MTL-04	GLASS GUARDRAIL	WESHAMPTON ARCHITECTURAL	BOTTOM SHOE		48" PANELS	GLASS PANEL RAILING WITH ALUMINUM MOUNT SYSTEM
MTL-05	MODULAR BALCONY	LEVOLUX	SERENITI BALCONY		15' X 9'	THERMALLY BROKEN ATTACHMENT, RAILED ALLUM DECKING, AND EDGE DRAINAGE
PAINT						
PNT-01	ELASTOMERIC COATING			COLOR TO MATCH MTL-01		ALL EXPOSED STEEL
RAINSCREEN PANEL						
FCP-1	FIBER CEMENT PANEL	SWISS PEARL	GRAVIAL	GRANITE 024		CONCEALED ATTACHEMENT SYSTEM
FCP-2	FIBER CEMENT PANEL	TBD	CLAPBOARD	WHITE		CONCEALED ATTACHEMENT SYSTEM
GFRC-1	GLASSFIBER REINFORCED CONCRETE SLAT	RIEDER	OKO SKIN STRIPES	COLOR/FINISH MIX TBD	70mm, 147mm, 302m	CONCEALED ATTACHEMENT SYSTEM: VERTICAL ORIENTATION
GFRC-2	GLASSFIBER REINFORCED CONCRETE SLAT	RIEDER	OKO SKIN STRIPES	COLOR/FINISH MIX TBD	70mm, 147mm, 302m	CONCEALED ATTACHEMENT SYSTEM: HORIZONTAL ORIENTATION

KEYNOTES

- 05.51.14 DECORATIVE ALUMINUM SPIRAL STAIRCASE
- 05.50.13 MODULAR ALUMINUM BALCONY, BOD: LEVOLUX SERENITI MODULAR BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE DECKING, AND EDGE DRAINAGE
- 05.73.00.B PREFINISHED ALUMINUM GUARDRAIL TO MATCH MODULAR BALCONIES
- 05.73.13 GLASS GUARDRAIL IN ALUMINUM SHOE
- 07.44.53 FRP COLUMN WRAP, MOUNTED VERTICALLY
- 07.42.00.A ALUMINUM COPING WITH KYNAR FINISH - SEE SECTION 07.6200
- 08.11.13 PAINTED HOLLOW METAL DOOR AND FRAME - SEE SHEETS A8-01, A8-02, AND SECTION 08.1113
- 08.33.23 OVERHEAD COILING DOORS
- 10.55.01 ADAPTIVE OUTDOOR SHADE STRUCTURE, BOD: LANDSCAPE FORMS UPFIT
- 31.32.36 SOE PER CIVIL DRAWINGS
- 32.13.13.A GRAND EXTERIOR STAIR PER LANDSCAPE DRAWINGS

Baskervill

FORESIDE/

THE CHANNEL MARK®

55' Extensions
45' MAX
above correct average
grade

Actual average grade
elevation above sea level 29 ft

5C ELEVATION - WEST

SCALE: 3/32"=1'-0" DRAWING REF: A111

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PROJECT NUMBER
2.210338.0

PFDC - BLOCK 6: THE
CHANNEL MARK

58 FOREST
PORTLAND, ME 04101

ISSUE
03/09/23 - HISTORIC
PRESERVATION PACKAGE

EXTERIOR ELEVATIONS
A200

55' Extensions
45' MAX
above correct average
grade

Actual average grade
elevation above sea level
29 ft

5A ELEVATION - SOUTH

SCALE: 3/32"=1'-0" DRAWING REF: A111

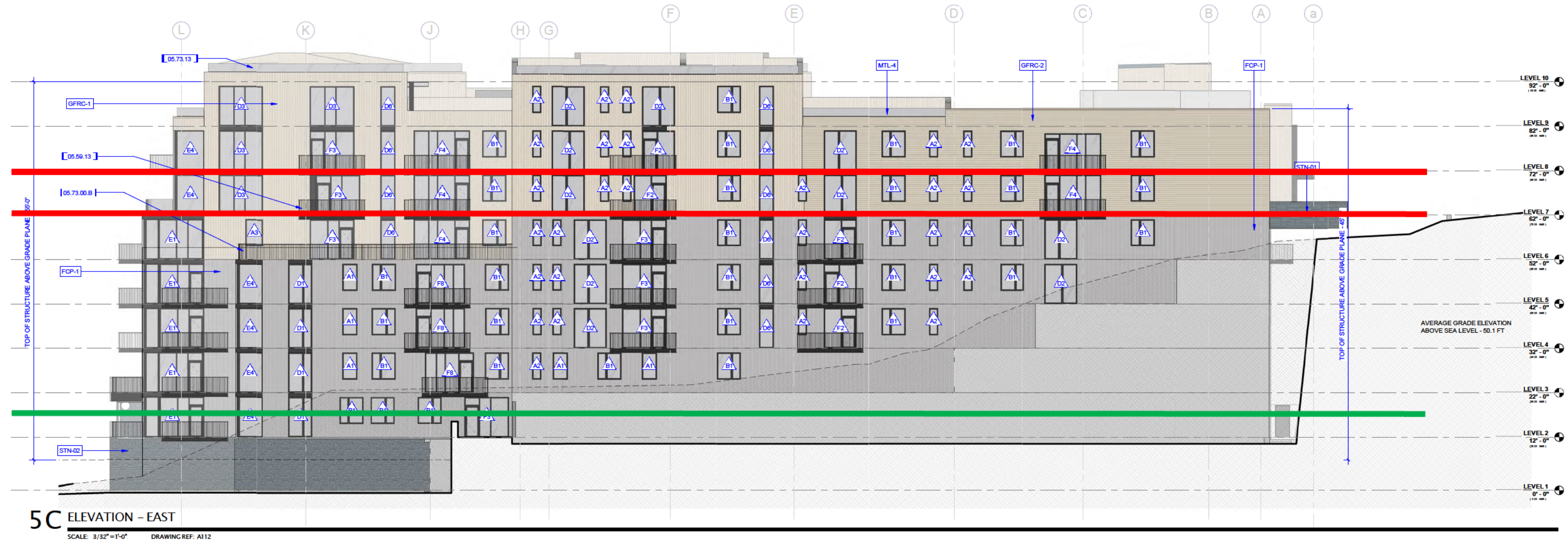
KEYNOTES

05.59.13 MODULAR ALUMINUM BALCONY, BOO-LEVOLUX SERENITI MODULAR
BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE
05.73.00.B BALCONY WITH RAILED ALUMINUM BALUSTRADE, NON COMBUSTIBLE
05.73.13 DECKING, AND EDGE DRAINAGE
05.73.13 PREFINISHED ALUMINUM GUARDRAIL TO MATCH MODULAR BALCONIES
07.62.00.A GLASS GUARDRAIL IN ALUMINUM SHOE
ALUMINUM COPING WITH KYNAR FINISH SEE SECTION 07 6200

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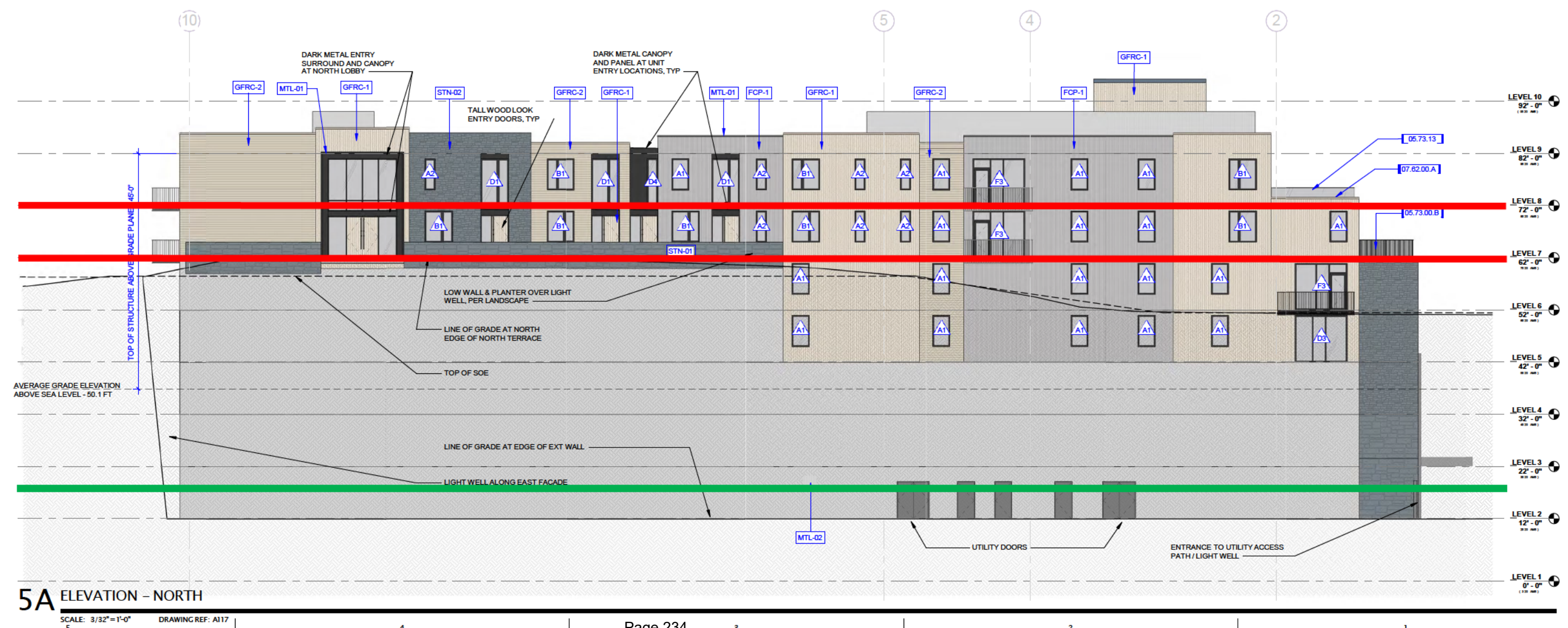
PROJECT NUMBER
2.210338.0

**PFDC - BLOCK 6: THE
CHANNEL MARK**

58 FOREST
PORTLAND, ME 04101

ISSUE
03/09/23 - HISTORIC
PRESERVATION PACKAGE

EXTERIOR ELEVATIONS
A201



58 Fore St Project 0 views



Kelly Walker <kellytwalker47@gmail.com>

11:22 AM (1 hour ago)



to hp@portlandmaine.gov

I believe this is the correct way to make a comment on the 58 Fore St project. The 58 Fore St project as proposed will have a significant negative impact on several buildings within the historic district. Additionally, when looking at the zoning ordinance it appears to me as though the proposed buildings do not follow the ordinance as pertains to height and potentially other zoning restrictions as well. As such I am reaching out with my concerns.

If this is not the correct format to make a comment please let me know.

All the best,
Kelly Walker

58 Fore Street, Block 4 0 views

 Assigned to me

Barbara Vestal <vestal@chesterandvestal.com>

9:55 AM (2 hours ago)



to hp@portlandmaine.gov, Evan Schueckler

Hello Chair O'Brien and Historic Preservation Board members,

As I was unable to get my audio to work for the public comment portion of the workshop yesterday, I am submitting the following comments that I intended to make on 6/7/23:

I reside at 7 Fore Street, Portland, Maine.

I would just like to note that there are two elephants in the room: 1) whether the applicant's master development plan expired in December 2022; and 2) whether their extreme height calculations are legally defensible. I want to note my continuing assertion that the Master Development Plan has expired, and my objection to the manner in which heights have been calculated. But for the purposes of this workshop, I will address other matters.

What you have before you are very conceptual drawings and renderings for only selected portions of the site. The fact that this is a massive site with multiple components should not be used by the applicant as an excuse to lower the bar on the level of detail submitted for review. I trust you will require fully developed and documented plans before you decide whether to issue a certificate of appropriateness.

I have specific questions about the rendering of **Fore Street at Waterville Street (p. 22)**. At the last workshop, you briefly commented on the townhouses on Fore St in Block 4, because they are within 100 feet of an historic district. The applicant doesn't squarely address those townhouses in this workshop submission. But in this Fore St. at Waterville St rendering, you can just see a small corner. The color of those townhouses seems to have changed. I am wondering whether that is the only change and what the materials are now.

This rendering includes the entrance to the parking garage. I assume some signage for the parking is anticipated, but I do not see it shown on this rendering. I am wondering what signage is being proposed, and

where? If signage for the parking garage will appear on Fore Street, is that within historic preservation board review?

This Fore St at Waterville Street rendering shows a point of critical interaction between the development and the public. As you review this, I ask you to be particularly mindful of the **relationship of the development to the street**, particularly the relationship of the proposed development to **all of the public ways to which it is visually related – Atlantic Street, St. Lawrence Street, and Waterville Street**. In the B6 rezoning, the City dictated so-called “view corridors” as a way to preserve public views of the historic core and the harbor. While these view corridors are deeply flawed, they establish one important determinant of the relationship of this development to the street.

Each view corridor is required to be a 50 foot wide extension of the street end. No development within this 50- foot extension is allowed to exceed the grade of Fore Street. It is hard to tell from this rendering, but it looks like the landscaping, the railings, benches and the viewing platform might exceed the grade of Fore Street in this location. Signage and awnings might encroach as well. It is unclear whether the roof of the western wrapper is intended to be a public space. Is the public only allowed to access the elevator and stairs, or is it public for the full depth of the western wrapper? I hope you will pay particular attention to these important considerations in the relationship of the development to the street and public realm.

Thank you for considering these remarks.

Regards,

Barbara Vestal



PC8

Sandra L. Guay
Principal
sguay@archipelagona.com

1 Dana Street
Portland, Maine 04101
(207) 558-0102

Keith P. Richard
Principal
krichard@archipelagona.com

June 16, 2023

Via Email:

Portland Planning Board
Maggie Stanley, Chair
City of Portland Planning & Urban Development
389 Congress Street
Portland, ME 04101
planningboard@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4, 5 and 6
Major Site Plan Review Application

Dear Madam Chair and Board Members:

As previously noted, this firm represents John Roger Trettel. As the owner of property located at 5 Eastern Promenade, Mr. Trettel is a direct abutter to 58 Fore Street and the mixed-use development project that is the subject of the Portland Foreside Development Company (“Applicant”) site plan Application currently pending before the Board (“Application”). While supportive of the general concept of the development, Mr. Trettel remains concerned about the serious and repeated deficiencies put forward by the Applicant in the Application.

As also put forth in Mr. Trettel’s prior submissions, the Master Development Plan (“MDP”) under which the Application has been submitted, has expired. There was only one way for an extension to have been granted under the express terms of the MDP and the 2016 Ordinance which governed that approval, and that was a written request by the applicant prior to December 22, 2022, followed by a determination by the Planning Authority that there had not been any changes to the underlying zoning or site plan standards that could substantially impact the project since the date of the MDP approval. At the very least, the critical amendment to the Inclusionary Zoning requirements should have been reviewed at that time. There is no evidence in the record that either a written request was made or that zoning amendments were ever considered.

While maintaining that the review of the Application should not proceed under the 2016 MDP, and without waiving that argument, Mr. Trettel provides the following comments to the Applicant’s Block 5 submission.

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 2 of 8

I. The Applicant has not provided information or a narrative sufficient for the Board to make the required findings on applicable Code standards.

The latest amended Application submission purports to set forth consistency with various site design standards (the Applicant cites 2022 Code site design standards). Describing the content of the narrative on those standards as “sparse” would be generous. For example, regarding massing, ventilation, and wind impact, as well as shadows, the narrative contends compliance is met:

7.1 Massing, ventilation, and wind impact

Buildings have been designed within a context of similarly scaled new and existing buildings. All primary mechanical equipment is housed either within buildings, or within a fully screened extent of roof located to minimize disruption to abutting properties. HVAC venting is directed away from adjacent public areas.

7.2 Shadows

Buildings have been designed to minimize impacts of shadows on open space and public areas that would affect the viability of the public use and existing vegetation. Over the course of the day, direct sunlight will be provided to adjacent areas to promote the use and growth of vegetation.

Major Site Plan submission at 7-1 (Nov. 2022). It is not clear what “similarly scaled new and existing buildings” are being referenced, but the only comparable high-rise building in the area is the Portland House, which few would cite as a model of massing or indicative of any other buildings in the entire Munjoy Hill area. There is no detail or narrative that connects the various architectural components of the proposed development to the longstanding or new development in the area. The proximity to the waterfront means that there will be high wind conditions on the site, enhanced by the high-rise buildings and narrow corridors that break up the buildings, yet there are no wind studies illustrating the scope of that impact. As to shadows, anyone familiar with the progression of the sun as it passes over the Portland peninsula to the west, knows that the promenade experiences premature shadow caused by the hill in mid- to late afternoon. One can anticipate that buildings of this scale and mass will create an even more substantial and earlier shadow over one of most utilized public trails used by walkers, joggers, bikers, and others year-round. A shadow study should be commissioned to analyze these impacts.

It is unclear how, without significant additional information, the Board can find these standards have been met.

II. There are multiple flaws in how “grade” is being calculated, primarily related to the parking pedestal “structure” that purportedly straddles Blocks 4, 5, and 6.

We have previously addressed the miscalculation of grade and the misinterpretation of the height standard in prior letters and incorporate those comments by reference. Now that Blocks 4, 5, and

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Portland Planning Board
June 16, 2023
Page 3 of 8

6 are fully before the Planning Board, the entirety of the so-called “parking pedestal” structure is under review for the first time.¹ Because “grade” and “height” are keyed to a structure, and the Applicant needs to leverage the extreme elevation gain up to Fore Street to elevate building heights across the site, the Applicant must convince this Board of the fiction that the parking pedestal is one single structure. The proposed parking pedestal² is, as a matter of fact, more than one structure and the 2016 “Overall Site Master Plan” requires that they be kept as separate structures with individualized height calculations.³

III. Height restrictions vary across the combined development site and thus grade must be evaluated segment-by-segment.

Block 4 (“Harbor Hill”) and Block 6 (“The Channel Mark”) are separate buildings on separate parcels that must be evaluated for height compliance as such. The Applicant, in its March 2, 2023 letter to Planning calls out Block 5 as proposed was, in the Applicant’s own words in the original submissions, a separate building.⁴ (Woodard & Curran Letter Mar. 2, 2023.) Although stating Blocks 4+6 and Block 5 will be *separate* construction, the Applicant characterizes Block 5 as a “phased addition” to the “single building structure.” As Maine courts have stated dryly, “Painting a pumpkin green and calling it a watermelon will not render its contents sweet and juicy.” *Sacred Feather v. Merrill*, No. 07-18-B, 2008 U.S. Dist. LEXIS 47543, at *9 (D. Me. June 19, 2008).

Furthermore, the plans submitted clearly depict separate buildings and any reasonable observer of the site will see a group of free-standing separate buildings, despite whatever integrated infrastructure may link them. An example illustrates the absurdity of the argument: As applied to the new Townhouse buildings that are proposed to line Fore Street, this would be equivalent to considering the buildings across the street as one structure if there was a subterranean parking

¹ As was noted in the Planning Board’s December 2016 decision on the Master Development Plan, “if the parking base is built in phases, the average grade for each phase will need to be evaluated for consistency with the B-6 Height Overlay. There are no final building designs in a MDP plan Application, so this review addresses the feasibility of the site design concept as proposed.” (PB 12/20/16 decision at 12.)

² With only approximately 30 parking spaces within Block 5, it is unclear how much, if any significant actual parking connected with Block 5 is located there.

³ The Applicant includes the Development Block Layout Plan from the 2016 MDP, but conspicuously omits the Overall Site Master Plan – the plan that shows the approved layout of structures within those Blocks.

⁴ The Applicant states “Block 4 and Block 6 are considered one building. The building has pedestal parking at the base, with connected and architecturally varied residential uses above. This approach was presented and agreed to in the MDP approval and was documented in the Staff memos to the Planning Board as part of that process. Block 5 will be a phased addition to this single building structure. We will address Block 5 as part of the site plan application to be submitted separately.” (Woodard & Curran Letter Mar. 2, 2023.)

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 4 of 8

garage under Fore Street that linked them. No rational interpretation of code standards or development norms would support such an assertion.

For the height standards to have any rational relationship to the structures that are being regulated (which is required by how grade and height is defined in the Code), the height standard cannot be applied as proposed but rather must be applied in segments, either by (1) each building; or (2) each parcel of the 10-parcel subdivision that comprises the site; or (3) each Block. Any of those three methodologies follow from the Code, the B-6 Height overlay, and the objective factual circumstances presented by the site.

The “parking pedestal” as a “single” massive structure is a tool of manipulation that is more fiction than fact. The manipulation is particularly obvious and consequential when one considers the average grade of Block 5, which is approximately 14’ above MS. Even using the 2016 MDP version of the B-6 Height Overlay, the building envelopes that Block 5 straddles restrict heights to 45’ and 45’ with extensions to 55’, meaning that no structure within the Block 5 building envelope should exceed 69 feet in total height. Block 5 proposes an eight-story building “comprised of a hotel, residential condominiums ground-level retail and restaurant, and below-grade parking.” The structure(s) will clearly exceed 69 feet.

IV. Even assessing the site as a whole, the “average” as calculated is not an accurate average.

Even if the site is evaluated as a whole in calculating grade, the “average” is not a true average. A middle schooler with a rudimentary grasp of calculating averages could tell you that concentrating 75% of your data points in one limited area, rather than evenly distributing the points and collecting data at consistent intervals, will skew your results and will not produce an average of the whole. Polling a political issue by querying 75 Portland peninsula residents and 25 residents from the farthest rural corners of the State will not produce survey results that could be fairly presented as the opinion of “the average Mainer.”

In our March 17 submission, we described two methods of determining average grade of the site using the City’s grade and height methodology.⁵ The first involved applying the industry standard topographic method across the entire Block 4, 5, and 6 “superblock” as was shown by the Applicant in 2016 that they improperly utilized to establish an estimated average grade of 50.1 feet. The true average grade is approximately 29 feet when calculated accurately, scientifically, and objectively without skewing the data points to the highest elevation corners of the site to “gain” more height. (Trettel Letter, March 17, 2023, Attach. A.)

⁵ For the reasons stated herein and in prior submissions to this Board, we maintain that the City’s interpretation of “grade” is arbitrary, unlawful, preempted, unconstitutional, and void.

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 5 of 8

The second method utilized the City's method of measuring grade from the primary foundation corners of each building (generally assumed to be four corners). Using this methodology, we demonstrated the average grade of the buildings on Block 4 and Block 6 is approximately 39 feet and 36 feet, respectively. Using this methodology, the average grade of the site of the Block 5 building would be approximately 14 feet. (Trettel Letter, March 17, 2023, Attach. B.)

If we apply the above "superblock" methodology to the new Block 5 building, the average starting grade would be 29 feet, thus resulting in a maximum allowable building height of $29+55 = 84$ feet. Applying the City's "corners" methodology, the maximum allowable building height would be $14+55 = 69$ feet. In either case, the 125 feet proposed by the Applicant far exceeds the maximum heights permitted in the B6 overlay zone. If the "corners" methodology is used on the superblock area, given the numerous "corners" (of what are really at least three separate buildings), the Board should be drawing an average from more than the six selective and highly subjective points that the Applicant has presented in its most recent average grade drawing. Of the six points the Applicant strategically placed on the drawing to achieve its target 50-foot average grade, four of them are concentrated on the highest edge of the site along Fore Street, with only two elevation points representing the low side of the parcel which comprises roughly 75% of the land area.

No advanced degree in engineering or mathematics is required to recognize that the grade calculations are not lawful or rationally supported by or connected to the available evidence and data.

V. The water views that the view corridors were intended to protect appear to have been eliminated.

The current proposed plans appear to eliminate a view of the water down the designated view corridors from Munjoy Hill. Notwithstanding the dimensional requirements stated in the B-6 Height Overlay notes, the clear intent of the view corridors and the spacing, massing, and building break around them was to preserve a view of Casco Bay from Kellogg, Waterville, St. Lawrence and Atlantic Streets. This intent was confirmed by renderings submitted in 2016 that show clear unobstructed sight lines down the view corridor to the water from the perspectives depicted. Those prior renderings with ocean blue are conspicuously absent from the present filings by the Applicant, which suggests that those views will be eliminated. It is not entirely clear what purpose the view corridors will now serve other than to present a horizontal view of new building rooftops.

The water views were not merely in the 2016 renderings; the approved MDP Application in numerous places spoke of the water views in connection with the view corridors, so it appears the Applicant is departing from a fundamental premise of their original proposals and prior MDP approval. *See, e.g.*, MDP Application (Sept. 2016) at 3-7 ("On the hill side, housing and planted courtyards step down the hill providing residents active and passive landscaped courts and mews to soften and enliven the architecture and to provide a lush ground plane which serves to maximize the view corridors"); 4-2 (celebrating the "preservation of significant view corridors to the water

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 6 of 8

and along the waterfront”); 4-3 (“View Corridors - Street corridor placement and design should provide for views to and from the water . . .”).

If the City Council and Planning Board thought that the corridors would protect the water views, there has been a bait and switch.

VI. The submission does not even meet the layout that had been approved in the 2016 MDP.

The Applicant claims that the 2016 MDP approval is still valid and applicable when it works to its favor, for instance when relying on the 2016 Inclusionary Zoning requirement, but ignores the MDP when its provisions do not work in the Applicant’s favor. In addition to the several ways this is illustrated in the discussion above, in its Permitting and Zoning Section. 2.3.4., the Applicant states that the *“the proposed development of Blocks 4, 5 and 6 is consistent with the general layout of the site on the Master Development Plan.”* In fact, however, the proposed development of Blocks 4, 5 and 6 is not consistent with the general layout of the site on the Master Development Plan (MDP). For one thing, the design, separation and layout of structures are not as depicted in the 2016 MDP Overall Site Master Plan that, as noted above, has been excluded from the recent Application. Furthermore, the Applicant appears to simply take for granted that the newly acquired R-6 Zone property has been subsumed into the 2016 MDP approval. The R-6 Zone land that has been added to the new Application is not a part of the “second phase of development” of the 2016 MDP, as stated by the Applicant. Block 6 cannot be arbitrarily expanded beyond the MDP district in whatever way the Applicant schemes or desires, or what then is the purpose of defining the MDP district in the first place.

The dimensional requirements for the development were all based on the B-6 standards, there was never any consideration given to the separate R-6 requirements and any impact on the R-6 neighborhood, which would then have been factors in the original MDP review. Inclusion of this newly acquired property into the development plan is not *“consistent with the general layout of the site on the Master Development Plan.”*

VII. The project is not in compliance with the character and form of the historic district.

For the reasons set forth in a March 31, 2023 letter to the Historic Preservation Board, attached to this letter for brevity and the Planning Board’s information, the project as proposed does not meet the Munjoy Hill Historic District preservation standards.

VIII. Portland’s lack of objective “grade” standards is an impermissible delegation of legislative authority to the Planning Board, would allow the Board to unlawfully grant variances, and violates constitutional due process and equal protection protections.

A decision left in the hands of the unfettered discretion of an adjudicator lacking objective standards is arbitrary and violates constitutional protections of due process and equal protection. These principles are well established in Maine law. *See, e.g., Stucki v. Plavin*, 291 A.2d 508, 510 (Me. 1972) (“The governing rule, constitutionally mandated, may be simply stated as that in delegating power to an administrative agency, the legislative body must spell out its policies in sufficient detail to furnish a guide which will enable those to whom the law is to be applied to reasonably determine their rights thereunder, and so that the determination of those rights will not be left to the purely arbitrary discretion of the administrator.”); *Wakelin v. Yarmouth*, 523 A.2d 575, 577 (Me. 1987) (“the absence of specific standards in zoning ordinances results in a denial of equal protection of the laws . . . The ordinance opens the door wide to favoritism and discrimination by permitting the Board to grant or deny special exceptions for reasons that are unconnected to the ordinance but that masquerade as quasi-judicial findings of fact.”); *Perkins v. Town of Ogunquit*, 1998 ME 42, ¶ 9, 709 A.2d 106 (“Such a scheme would permit a town to circumvent the Legislature’s express and implicitly exclusive grant of variance-granting authority to boards of appeals. . . . The statutory language is clear that allowing planning boards variance-granting powers would frustrate the purpose of the statute.”); *Kosalka v. Town of Georgetown*, 2000 ME 106, ¶ 17, 752 A.2d 183 (“Because the condition that all proposed developments ‘conserve natural beauty’ is an unmeasurable quality, totally lacking in cognizable, quantitative standards, this condition is an unconstitutional delegation of legislative authority and violative of the due process clause.”).

The City’s proposed interpretation of “grade” as “average developed grade” would allow heights that are limited only by whatever the Applicant introduces for fill or creative parking pedestals or retaining walls—a regulatory gap, that on its face and as applied to the present Application, renders height restrictions objectively meaningless. Leaving the Planning Board discretion to determine “grade” as “average developed grade” results in a Code height standard that violates at least three core tenets of constitutional and administrative law: (1) the standard is an impermissible delegation of legislative authority to an adjudicatory decision maker, the Planning Board, which is a function that is expressly and solely the power of the legislative arm of government, the City Council; (2) the standard, which can essentially be relaxed, amended, or suspended to suit the application, would allow ad hoc variances from height restrictions, a function that is similarly outside the Planning Board’s powers, but rather committed to the Zoning Board of Appeals; and (3) the height standard, as interpreted, is unconstitutional and void because the public and property owners to whom the standards apply cannot discern a consistent, objective standard that they or their neighbor may be held to. The lack of definition of “grade” and thereby an objective measure of how height restrictions are calculated is unlawful and unconstitutional.

ARCHIPELAGO

Portland Planning Board
June 16, 2023
Page 8 of 8

In summary, the Application fails in the most significant ways to meet the standards and requirements of the City Code, or even of the now expired 2016 MDP. Mr. Trettel appreciates the Planning Board's continued examination of the Application.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:
John Roger Trettel



Sandra L. Guay
Partner
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1 Dana Street
Portland, Maine 04101
(207) 558-0102

March 31, 2023

Via Email:

Portland Historic Preservation Board
Robert O'Brien, Chair
c/o Evan Schuekler, Program Manager
City of Portland
389 Congress Street
Portland, ME 04101
evans@portlandmaine.gov

Re: Portland Foreside Development Company
58 Fore Street/Mixed Use of Blocks 4 and 6
Historic Preservation Board Review Workshop
HPBR-002380-2023

Dear Chair O'Brien and Board Members:

This firm represents John Roger Trettel, the owner of property located at 5 Eastern Promenade, and a direct abutter to the proposed new construction and development at 58 Fore Street as presented in the Historic Preservation Board ("HPB") Review application ("Application") submitted by Portland Foreside Development Company ("Applicant"). This letter is submitted to voice Mr. Trettel's concerns about the proposed development's impact on his property and on the Munjoy Hill Historic District. Mr. Trettel makes these informed observations as the recent recipient of the 2023 Preservation Buffalo award for his work in the renovation of historic structures in Buffalo, New York.

The HPB is also in receipt of Mr. Trettel's March 17, 2023 letter to the Planning Board, which is incorporated into this letter and included in the record to this Board. The March 17 letter lays out in detail: (a) that the 2016 Master Development Plan ("MDP") for this project expired in December of 2022 and was never extended as required by both the City Code in effect in 2016 and as explicitly conditioned in the MDP itself, and is therefore void; (b) that the proposed new development violates the City's height restrictions on numerous grounds; (c) that even if it didn't violate the City Code on height restrictions, the methodology used by the Applicant to calculate height for the new structures is flawed, leading to significant errors in the height calculation (by more than 20 feet); (d) that the Applicant is including land that is not included in the 2016 MDP and is in fact located in an entirely different zone (the R-6 zone, which is in the Munjoy Hill

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 2 of 5

Historic District); and, (d) that that Applicant has failed to submit sufficient right, title or interest for areas of the proposed new construction that are outside of the Applicant's control, including both private and City property.

While each of these issues, well supported in the March 17 letter, are important to this Board in its review of the Application, the purpose of this letter is to focus on the additional review criteria subject to HPB review. In addition, this letter suggests that in light of the void MDP, the incomplete Application and the unresolved height calculation issues, the HPB should table the review of this Application until such time as a new and complete non-MDP application is submitted, and the height questions resolved.

I. The Application is Not Complete

The purpose of having a complete application prior to acceptance and initial review by any administrative board is to avoid waste of the board's time in the event that an applicant is either unable to provide what is needed in the application, and/or the applicant needs to significantly alter the application after review has already commenced, public comment has been received, and time has been expended. In this case, the City Code *requires* that an application submitted for review to the HPB must be deemed complete *before* that application is placed on a HPB meeting agenda. (Sec. 17.7.4.A). In addition to insufficient evidence of right, title or interest and insufficient evidence of adequate financial security, as noted in the March 15, 2023 Staff Memorandum to the HPB from Evan R. Schuekler, there is "significant amounts" of information that is lacking from the Application. The Application, as submitted, therefore lacks sufficient and required substantive information for the Applicant to have standing for even a workshop review by this Board, and review of the Application should therefore be tabled.

II. The Project is Not in Compliance with the Character and Form of the Historic District

In part, the stated purpose of the City's Historic Preservation Code is to "prevent the unnecessary loss of the community's historical features and to ensure compatible new construction." (Sect. 17.1.C). By manipulating the otherwise allowed height for structures in the B-6 zone, the massing of the proposed townhouses is significantly out of scale with the existing historic structures, leaving these historic structures shaded and dwarfed in comparison. This oversized scaling fails to meet the stated purpose of the Code, and additionally fails to protect and enhance neighborhood character (Sect. 17.1.E), fails to stabilize and improve the value of the designated properties and area (Sect. 17.1.F), fails to protect and enhance the attractiveness of the City (Sect. 17.1.G), and fails to foster and encourage preservation, restoration, and rehabilitation that respects the historic, cultural, architectural and archeological significance of the distinctive Munjoy Hill historic area and the historic structures (see discussion about the historic seawall in an email addressed to this Board from Barbara Vestal, dated March 29, 2023).

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 3 of 5

The original seawall structure is a significant archeological resource in the City of Portland. (Sec. 14.6.4.3.i). As such, it is subject to the requirements of that Section of the Code, including “leaving archeological resources untouched beneath a new development through adaptation of foundation design or architectural layout”. (Sec. 14.6.4.3.a). The Applicant is required to provide evidence if complete protection is not feasible. (Sec. 14.6.4.3.b). Further, the need to impact the City’s historic seawall in any way does not appear to be supported by evidence right, title or interest to do so. In addition, old maps of the area encompassing Block 4/Block 6, indicate that a fort was at one time located in that area. An archeological study should be required to identify whether the fort is located within the proposed development area, and if so, to make certain that any further development at the very least documents and where feasible, preserves, that important piece of Portland history.

The Munjoy Hill Architectural Development & Context Statement (April 2019) also illustrates how the proposed new structures fail to comply with the standards for the Munjoy Hill Historic District. For example, in the ‘Visual Character of the Hill’ section of the Context Statement, the scale of the existing houses is described as “generally modest” with most buildings ranging from 1½ to 3 stories in height. The Statement points out that this is the reason why some of the later developments “do not feel sufficiently integrated with the neighborhood.” This statement easily applies to the tall, narrow structures proposed in the Application.

In addition, the review standards provided in Section 17.8.3.A of the City Code require that new construction in a Historic District must be visually compatible with surrounding structures “when viewed from any street or open space” with respect to height, width, proportion and scale. Section 17.8.3.B requires that the composition of the principal facades be visually compatible with structures, public ways and places to which the building is visually related. Section 17.8.3.C requires such compatibility with relation to the street. Section 17.8.3.D. requires that “the distinguishing original qualities or character of a structure, object, *or site and its environment*, not be destroyed” (emphasis added). There is no amount of wordsmithing by the Applicant that can make the proposed new structures meet these mandatory standards.

Furthermore, one critical “open space” from which these structures can be viewed is the water. For centuries, boaters have enjoyed the view of Fore Street and Munjoy Hill as seen over the top of the Portland Company buildings. The proposed structures will block and destroy this historic view forever. Likewise, because the proposed structures do not “step down” toward the water, they will forever block the view to the water from Fore Street and other locations on Munjoy Hill.

III. The Height Issue Must be Resolved Prior to Review by this Board

As fully illustrated in the March 17, 2023 letter to the Planning Board, on which this Board was copied, there are numerous issues with the way height has been calculated for the proposed new structures. In part, the Applicant (and previously, the City) has been applying an “average

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 4 of 5

developed grade” from which to begin to calculate height. Not only is this term not defined in the Code, it makes no logical sense. As used, it would mean that a developer can bring as much fill onto a property as it wants to raise the pre-measurement height to any level it desires (in this case even using another structure, the parking structure to establish “average developed grade”). In effect, this means that the City has *no enforceable maximum height restrictions*, as the starting point from which to start calculating height can be artificially manipulated to whatever the developer desires and can afford. Here the existing Portland Company site has a historically established grade – the parking lot – and it is from here that the height of the structures should be measured.

In the MDP, despite the radically elevated rear portion of the property along Fore Street, the City’s Planning Office permitted the Applicant to use a method of calculating the “average developed grade” by allowing the developer to calculate an average at the corners of the building foundation. In the application to the Planning Board, it was however readily apparent that rather than use the industry standard for determining an average grade, the Applicant had taken numerous measurements from the highest side of the property, and very few measurements from the lower elevation of the property. In doing so, the supposed “average grade” was manipulated to look significantly greater than it actually is; a difference of *over 20 feet*.

Until the issue of height calculation is resolved, it is a waste of this Board’s valuable time reviewing an application for structures that have been designed around these miscalculations.

IV. Summary

The Historic Preservation Board has always played a critical role in the review of applications before it and, in keeping with the legislative wishes of the City and of the surrounding community, works diligently to ensure that new development in Portland’s historic districts meet the letter of the Code. The Board often gets only one shot to reshape a proposed development – or to disapprove of a proposed design in its entirety when, as proposed, the project fails to comply with the Code.

There is of course great significance to all applications that come before the HPB, from the perspective of the Board, the applicant, and the community. The size and scope of the 58 Fore Street project is however unique in many respects. The all-encompassing, view blocking scale of the proposed structures now before this Board would forever alter and destroy the historic nature of Munjoy Hill, as viewed both from the streets of the City and from the water.

The 2016 Master Development Plan has expired and is now void. The Application as submitted is woefully incomplete, in part lacking necessary evidence of right, title or interest. The height calculations proposed by the Applicant are artificially manipulated and otherwise fail to comply with the Code. The project area includes land in the R-6 zone and outside of the scope of

ARCHIPELAGO

Portland Planning Board
March 31, 2023
Page 5 of 5

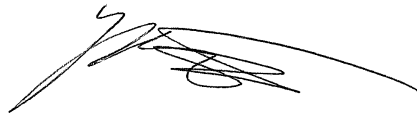
even the now void 2016 MDP. Lastly, the Application fails to meet even the most basic requirements of the Historic Preservation portion of the Code.

On behalf of abutter John Roger Trettel, we ask that the Historic Preservation Board find the application to be incomplete and/or otherwise not in compliance with the required review standards of the City Code.

Very Truly Yours,



SANDRA L. GUAY



KEITH P. RICHARD

Copy to:

John Roger Trettel

**STAFF MEMORANDUM
HISTORIC PRESERVATION PROGRAM
PLANNING AND URBAN DEVELOPMENT**



TO: Chair O'Brien and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: July 28, 2023
RE: 48 Brown Street – Public Hearing – New Construction
PROJECT ID: HPBR-002541-2023
MEETING: August 2, 2023

Owner: Ocean Gate, LLC
Architect: Ryan Senator, Ryan Senator Architecture

A sign announcing the Historic Preservation Board's meeting on August 2, 2023 was posted at the property on July 26, 2023. A legal ad was published in the Portland Press Herald on July 21, 2023 and July 22, 2023, and 158 notices were sent to neighboring property owners within 500 feet of the subject property.

PROJECT SCOPE

Construct new 54 unit, 5-story building along Casco Street. The proposed area of development is currently a surface parking lot on the same parcel as an existing 5-level parking garage facing Brown Street which is outside of the Congress Street Historic District. The parking garage is partially accessed across the parking lot on Casco Street with two directions of traffic. Access is proposed to be maintained via a driveway at the southern end of the building. The applicant is proposing a primary resident entrance toward the middle of the building and the north end will be occupied by a community room and a small commercial suite set-back from the street by a small arcaded plaza.

The applicant is proposing to clad the structure in buff-colored pre-cast concrete at the first floor and fiber-cement paneling in several colors at the upper levels.

SUMMARY OF HISTORIC CONTEXT

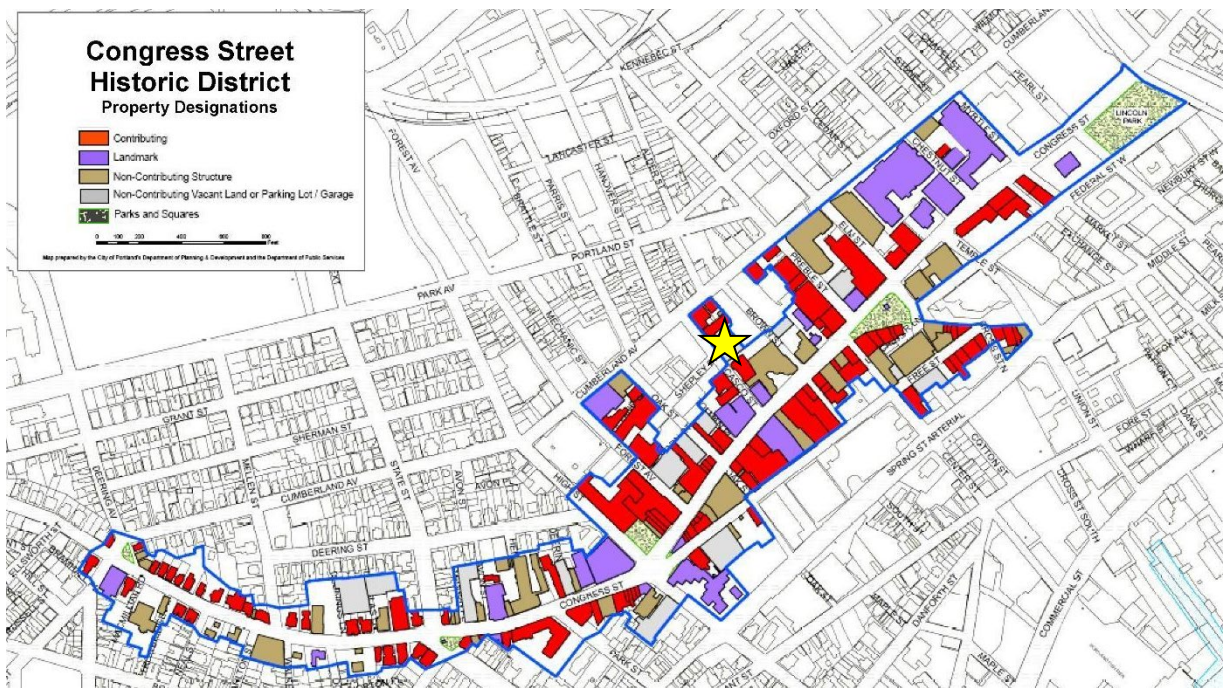


Figure 1: Map of Congress Street Historic District showing location of proposed development associated with 48 Brown Street with a star.



Figure 2: 2022 Aerial view of 48 Brown Street, looking north.

From the Congress Street Historic District Historic and Architectural Significance:

“The visual character of the district is rich and varied. Unlike several other historic districts in Portland, which were largely constructed within a limited “period of significance,” the

character of the Congress Street District is one of layered historical development over time. This results in an area with a delightful mix of historical architectural styles from 18th century Colonial and 19th century Federal to 20th century international and 21st century Post Modern styles, with examples of nearly every significant style of residential, commercial and civic architecture in between. This diversity of styles has been part of the area's visual character since early in its history and (with a number of large underutilized lots within its boundaries) its continuation into the future is likely.

....

In addition to the wide variety of styles found within the district, the scale of development varies significantly as well, from the three-story Wadsworth Longfellow House to the ten story Fidelity Building only a few yards away. Generally, however, the Congress Street Historic District exhibits a greater concentration of tall buildings than the Portland Waterfront Historic District, creating an urban environment reminiscent of much larger cities and almost unique in the State of Maine.

Within the variety of styles and periods of architecture represented with the district, there are several common urban design characteristics that serve to unify the area. First, with few exceptions, the structures that line Congress are built up to the street, creating a strong street wall and sense of enclosure. Second, the best buildings on the street – those identified as landmarks and contributing structures – all exhibit high quality materials and a high level of craftsmanship. Third, the majority of the commercial structures, particularly those built during the 19th and early 20th century, share a basic visual organization with an identifiable base (storefront level), middle (upper façade) and top (terminating cornice.) Within the storefront zone itself, there is also a typical design formula with low bulkheads, large display windows, transom windows, and recessed entries. The beauty of this design formula is that it is flexible enough to accommodate a wide variety of architectural styles, materials and details while at the same time providing a level of consistency that unifies the streetscape.”



Figure 3: 2017 general view of Congress Street looking east from Congress Square showing the variety of scale and architecture found within the historic district.

The immediate context of the proposed development reflects the diversity of the overall district with a mix of residential, commercial, and institutional buildings of varying scales. The intersection of Casco and Congress Streets is grounded by three impressive buildings, all individually designated Landmark structures:

- The Porteous Building (522-528 Congress): an impressive example of a Beaux Arts commercial building;
- The J. B. Brown Memorial Block (537 Congress): a very large and ornate example of Queen Anne style commercial architecture; and
- Mechanic's Hall (519 Congress): a monumental specimen of institutional Italianate design.



Figure 4: 2006 views of the intersection of Congress and Casco Streets showing from left to right, the Porteous Building, J. B. Brown Memorial Block, and Mechanic's Hall.

Along Casco Street, the district extends to just shy of Shepley Street on the west side, and to Cumberland Avenue and around the corner on the east side. All of these structures are contributing to the district including:

- The Maine Savings Building (15 Casco): a late example of colonial revival design, the building is among the shorter in the district only being two stories tall. It features a prominent recessed entrance with small areas of planting incorporated at the front of the building;
- The Portland Water District Office Building (16 Casco): a simple, three-story colonial revival office building with over-height floors, and a prominent recessed entrance;
- The Shepley (18-20 Casco): a six-story colonial revival apartment building;
- The Ambassador Apartments (37 Casco): a six-story classically detailed apartment building with a recessed entrance between mirrored full-height curved bays; and
- Walker Manual Training School (45 Casco): a classically inspired single-story structure on a raised foundation with a deeply recessed entrance.



Figure 5: 2006 views of the east side of Casco Street showing from left to right, Walker Manual Training School, The Ambassador Apartments, and The Maine Savings Building.



Figure 6: 2006 views of the west side of Casco Street showing from left to right, The Portland Water District Office Building and The Shepley.

Additional information on the History of Congress Street and each of the buildings in the Historic District can be found on the city website: <https://www.portlandmaine.gov/665/Historic-Districts>.

PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

July 5, 2023, Workshop:

During the July 5 workshop, the applicant team presented this project for a first workshop, and while the overall scale and form of the project was received favorably, Board members provided a number of comments on the treatment of the base of the building, treatment of the driveway access and pedestrian entrance, treatment of the street wall, and façade materials and color.

Regarding the building base, Board members recommended that a stronger base be studied, finding that the cantilevers originally proposed, while a contemporary design feature, had the effect of diminishing the building base. Members expressed that the proposed vehicle entrance did somewhat detract from the design; however, they understood and acknowledged that the driveway is an existing condition which cannot be adjusted at this time. Therefore, discussion focused on how to treat it most appropriately. Several members of the Board recommended that the driveway and parking portions of the base be differentiated from the storefront system used at the retail and community spaces at the north end of the building, giving the structure a more honest expression.

Board members also recommended that the primary residential pedestrian entrance be made more prominent so that it could compete with the large driveway entrance. Relatedly, while members understood the desire for the proposed plaza from a programmatic perspective, they expressed concern about how the recessed building façade diminished the relatively continuous street wall of the district. While members did not outright call for elimination of the plaza and bringing the building façade forward, they did encourage the applicant to explore whether there were ways in which a more solid and built street wall could be established while allowing for the outdoor amenity space. Some members suggested incorporating a colonnade or operable exterior wall.

Board members also discussed the proposed exterior cladding materials, and expressed some reservations about the corrugated metal cladding and the varied use of color, noting that those elements were somewhat out of character with the district. Board members recommended that the applicant further study the exterior materials with the goal of creating a cohesive design. These comments also extended to the arrangement of windows and the use of projecting bays. Board members recommended exploring a more regular fenestration pattern and use of projecting bays, including adding windows on some blank areas of the façade.



Figure 7: Rendered view of proposed new construction as presented at the July 5 meeting.

STAFF COMMENTS

Since the July 5 workshop, the applicant has made significant modifications to the design of the proposed structure. Updates to the design include a more prominent pedestrian entrance, a differentiated treatment at the driveway and parking openings, introduction of an arcade at the outdoor amenity area, and substantial changes in cladding materials and fenestration.

At the primary residential entrance, the design has been adjusted by incorporating pilasters to either side of the door creating a deeper recess at the entrance and giving it a stronger presence along the sidewalk. This is further reinforced by the full-height projecting bay above the entrance which also marks it from a greater distance, as was part of the original design. At the driveway and parking entrance, the placement and configuration remain the same; however, now the openings looking onto the parking spaces under the building are proposed to be filled with a large-format metal screen to differentiate it from the glazed storefront used where the first floor has enclosed and occupied spaces.

Addressing Board comments on the need for a stronger street wall, the applicant has proposed a masonry arcade to be built along the perimeter of the outdoor amenity area. The arcade will extend the plane of the southern part of the west façade along the entire frontage of the building at the first floor while still allowing for plantings and outdoor seating at the plaza. This is an entirely new feature for the design of the project, but staff found that it was a reasonable compromise on the desire for this amenity space and the need for a more solid street wall.

The other significant changes have been in materials and composition of the façade at the upper stories. The base of the building has been changed from gray brick to a buff-colored precast concrete, while the upper portions have been changed from gray corrugated metal with colored-fiber cement panels to being entirely fiber cement panels in a primarily “terracotta” color with accents in greenish-tan hues and gray. Windows have also been arranged in a much more regular pattern, with only one large projecting bay at the center over the primary residential entrance. The accent colors are also being utilized to reinforce the more regular fenestration with gray demarcating the cornice, the light accent marking the central bay, and the darker accent serving as a spandrel panels connecting columns of windows at the second through fourth floors. The applicant has also incorporated small projecting frames around alternating stacks of window adding an additional rhythm and layer of texture to the highly regimented façade. Overall, the changes in material and fenestration have yielded a more unified design that exhibits much of the texture and interest found throughout the district along with the more colorful and engaging façade desired by the applicant team.

The application is being brought forward for a public hearing at the request of the applicant due to an upcoming funding deadline, though they acknowledge that this will be the Board’s first time seeing the revised design and members may have additional questions and comments.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Standards for Review of New Construction, 17.8.3:

Standard A. Scale and Form	
1. Height	
The proposed height shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The proposed structure would be five stories tall, which is in-keeping with the range of heights found through the district (ranging from one to fourteen stories), and with structures found along Casco Street (ranging from one to six stories).
2. Width	
The width of a building shall be visually compatible with surrounding structures when viewed from any street or open space and in compliance with any design guidelines.	
Standard Met?	Staff Comments
Yes	The width of the proposed structure would be in keeping with the range of widths found through the district.

<u>3. Proportion of principal facades</u> The relationship of the width to the height of the principal elevations shall be visually compatible with structures, public ways, and open spaces to which it is visually related.	
Standard Met?	Staff Comments
Yes	Given the variety of widths and heights found throughout the district, there is equivalent diversity of principal façade proportions. Generally, the proposed proportions are in keeping with nearby buildings such as the Shepley or Mechanics Hall.
<u>4. Roof shapes</u> The roof shape of a structure shall be visually compatible with the structures to which it is visually related.	
Standard Met?	Staff Comments
Yes	The structure is proposed to have a flat roof, which is a common roof form found throughout the Congress Street Historic District, including a number of structures in the immediate vicinity.
<u>5. Scale of a structure</u> The size and mass of structures in relation to open spaces, windows, door openings, porches, and balconies shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	The scale of the proposed building is generally in keeping with the scale of nearby historic structures.
<u>6. Applicability to Congress Street Historic District</u> In the Congress Street Historic District, for new construction within the B3 zone, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.	
Standard Met?	Staff Comments
Yes	The Board shall not impose conditions more restrictive than the dimensional requirements of the B-3 zone.

Standard B. Composition of Principle Facades	
<u>1. Proportion of openings</u> The relationship of the width to height of windows and doors shall be visually compatible with structures, public ways, and places to which the building is visually related.	
Standard Met?	Staff Comments
Yes	The upper-story windows and doors on the structure are proposed to have a generally vertical proportion and arranged individually or in pairs This pattern is typical of adjacent buildings. At the first floor, the openings have a more horizontal orientation which is also typical of storefronts throughout the district.

<u>2. Rhythm of solids to voids in facades</u> The relationship of solids to voids in the façade of a structure shall be visually compatible with structures, public ways, and places to which it is visually related.	
Standard Met?	Staff Comments
Yes	The district contains a variety of ratios of solid to void, though historic structures tend to favor solid. The proposed structure is in keeping with that pattern. The proposed driveway entrance introduced a very large void in the first floor of the building which is not typical of historic structures throughout the district; however, the applicant has endeavored to differentiate this as a modern feature while making it recessive to the pedestrian entrance.
<u>3. Rhythm of entrance porch and other projections</u> The relationship of entrances and other projections to sidewalks shall be visually compatible with the structures, public ways, and places to which they are visually related.	
Standard Met?	Staff Comments
Yes	The applicant is proposing to create a central resident entrance which will be emphasized by a full-height projecting bay and a recessed opening, flanked by pilasters supporting the bay above.
<u>4. Relationship of materials</u> The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in the structures to which they are visually related.	
Standard Met?	Staff Comments
Yes	The applicant is proposing to clad the upper stories of the building in fiber-cement panels. The fiber-cement panels, installed in a rainscreen system will have a similar quality to the typical masonry found throughout the district. The applicant is still proposing to use several colors across the façade, but now they are being utilized in a consistent manner across the façade, helping to organize it.

Standard C. Relationship to Street	
<u>1. Walls of continuity</u> Facades and site structures, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street to ensure visual compatibility with the structures, public ways, and places to which such elements are visually related.	
Standard Met?	Staff Comments
For Board Discussion	The project is proposed to have a significant area of stepped back outdoor space at the north end of the lot which will interrupt the wall of continuity along Casco Street. The intention is to create an outdoor amenity space for the building's community room and commercial suite. The applicant has revised the design to include an arcade which seeks to strike a balance between maintaining a built street wall, while still allowing for the outdoor amenity space. Narrow recesses between buildings forming small alleys are common, especially on side streets such as Casco Street.
<u>2. Rhythm of spacing and structures on streets</u> The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways, and places to which it is visually related	
Standard Met?	Staff Comments
Yes	The proposed structure will have small side yards/alleys on both sides. Along Congress Street most structures are developed with party walls; however, alongside streets such as Casco Street small alleys are common.
<u>3. Directional expression of principal elevation</u> A structure shall be visually compatible with the structures, public ways, and places to which it is visually related in its directional character, whether this be vertical character, horizontal character, or nondirectional character.	
Standard Met?	Staff Comments
Yes	The proposed structure has a generally horizontal expression, though this is broken up by the vertically oriented projecting bays. Buildings in the district express a variety of orientations, and a layering of horizontal and vertical elements is common.

<u>4. Streetscape, pedestrian improvements</u> Streetscape and pedestrian improvements and any change in the appearance thereof located adjacent to or on a landmark, within a historic district, or within a historic landscape district which is readily visible from any street or open space shall not be incongruous to the historic character of the landmark or district and shall comply with the criteria and guidelines specified in the Historic Resources Design Manual.	
Standard Met?	Staff Comments
For Board Discussion	The applicant is proposing to include a paved outdoor amenity space set behind an arcade along Casco Street, and incorporating a small planted buffer. While somewhat atypical of the historic context, there are some precedents for small planted buffers along the sidewalk, such as the Maine Savings Building. Additionally, the outdoor amenity space will be set behind the arcade which will maintain the street wall.

Standard D. Other Standards	
<u>1. Compatible use</u> Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration to the character defining features of the structure, object, or site and its environment or to use a property for its originally intended purpose.	
Standard Met?	Staff Comments
Yes	The proposed residential use is generally compatible with the context and will not require alterations to character defining features.
<u>4. Contemporary design</u> Contemporary design for additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural, or archaeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, material, and character of the property, neighborhood and environment.	
Standard Met?	Staff Comments
Yes	The proposed structure will be clearly differentiated from adjacent historic structures through its materials and composition.

MOTION FOR CONSIDERATION

I move to APPROVE application HPBR-002541-2023 for new construction at 48 Brown Street, fronting onto Casco Street on the basis of submitted documentation, plans, and specifications; information provided in the staff memo; and findings by the Historic Preservation Board that the project meets Standards for Review of New Construction 17.8.3- A.1-6, B.1-4, C.1-4, D.1, & D.4.

ATTACHMENTS

1. Summary of Design Updates
2. Drawings

July 13, 2023

Evan Schueckler
Historic Preservation Program Manager
City of Portland Maine
389 Congress Street
Portland, Maine 04101

Re: Casco Street Apartments - Design Narrative

Evan,

Please see the attached revised design for the Casco Street Apartments based on our workshop with the Historic Preservation Board. We feel that the discussion at the workshop was very productive and that the revised design reflects the comments from the board. Below is a description of the comments and how we have addressed them with this attached design.

1.) Comment: The building should have a more cohesive design

Response: We have revised the window pattern and facade rhythm to have a more regular spacing similar to the surrounding neighborhood vernacular. We have also simplified the material color pallet with distinct parts, base, body, cap and secondary body siding.

2.) Comment: The building should create a stronger street wall

Response: We have added a colonnade along the street edge that defines a continuous building line. This colonnade is a precast material with a limestone coloring which will provide a durable base similar to the durable base materials found throughout the district.

3.) Comment: Further Study of exterior materials should occur

Response: We have studied the exterior material pallet further and have revised the materials as follows. The body of the building has been revised to a fibercement rain screen facade panel with an 18"

207-747-5159

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ryan@senatorearchitecture.com

500 Congress Street, Suite 2
Portland, Maine 04101

height and terra-cotta color, we felt this material was a more appropriate scale and texture for this building and neighborhood context. We have introduced a secondary fiber cement cladding color which is a green hue that is used to group windows together to recall window grouping that occurs on many other buildings in the district.

4.) Comment: Stronger Cornice Line

Response: We have added a stronger cornice line at the first floor base, and a cornice at the building cap, the cornice projects 24" and has a tapered bottom edge and dark siding panel on the facade below it, which is a more contemporary treatment of a cornice but does emphasize the building cap and provide a nice shadow line.

5.) Comment: Unify and tone down siding colors

Response: We have toned down the building colors utilizing a terra-cotta boded and highlight green panel. The colors are used in a more unified way, body and highlight color versus the 3 highlight colors previously

6.) Comment: The Apartment entry needs more prominence on the facade

Response: We have provided precast piers at the entry tower that frame the entrance and ground the entry at street level. A projecting entry canopy has been added at the entry. We have added sidelights at the entry to further emphasize it.

7.) Comment: Provide more traditional retail fenestration with large pane transom and base

Response: We have revised the retail fenestration to a more regular rhythm that relates to the windows above. The fenestration has a large primary pane with smaller side panels and a transom. A base has been added below the retail fenestration.

8.) Comment: The garage glazing should be more honest and not be similar to the retail glazing

Response: We have revised the garage parking fenestration to a screen that has some openness and differentiates it from the other fenestration on the ground level

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9.) Comment: Provide a more significant building base

Response: We revise the base to be a precast pier and lintel design that extends with a colonnade along the building length, this provide a more dominant building base at the pedestrian level.

We feel that all of the above design revisions do provide a more successful building that is much more contextually compatible with the surrounding neighborhood.

We look forward to discussing the project at the upcoming Historic Preservation Board Public Hearing.

Sincerely,



Ryan Senatore, AIA LEED AP

Principal

207-747-5159

senatorearchitecture.com

ryan@senatorearchitecture.com

500 Congress Street, Suite 2
Portland, Maine 04101

AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE

JULY 17, 2023

54 UNITS

- 12 STUDIO
- 34 ONE BED
- 8 TWO BED

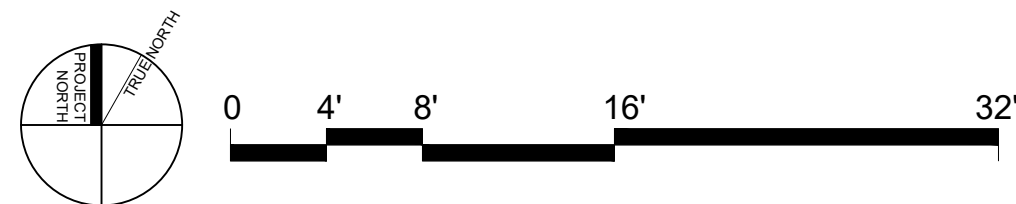
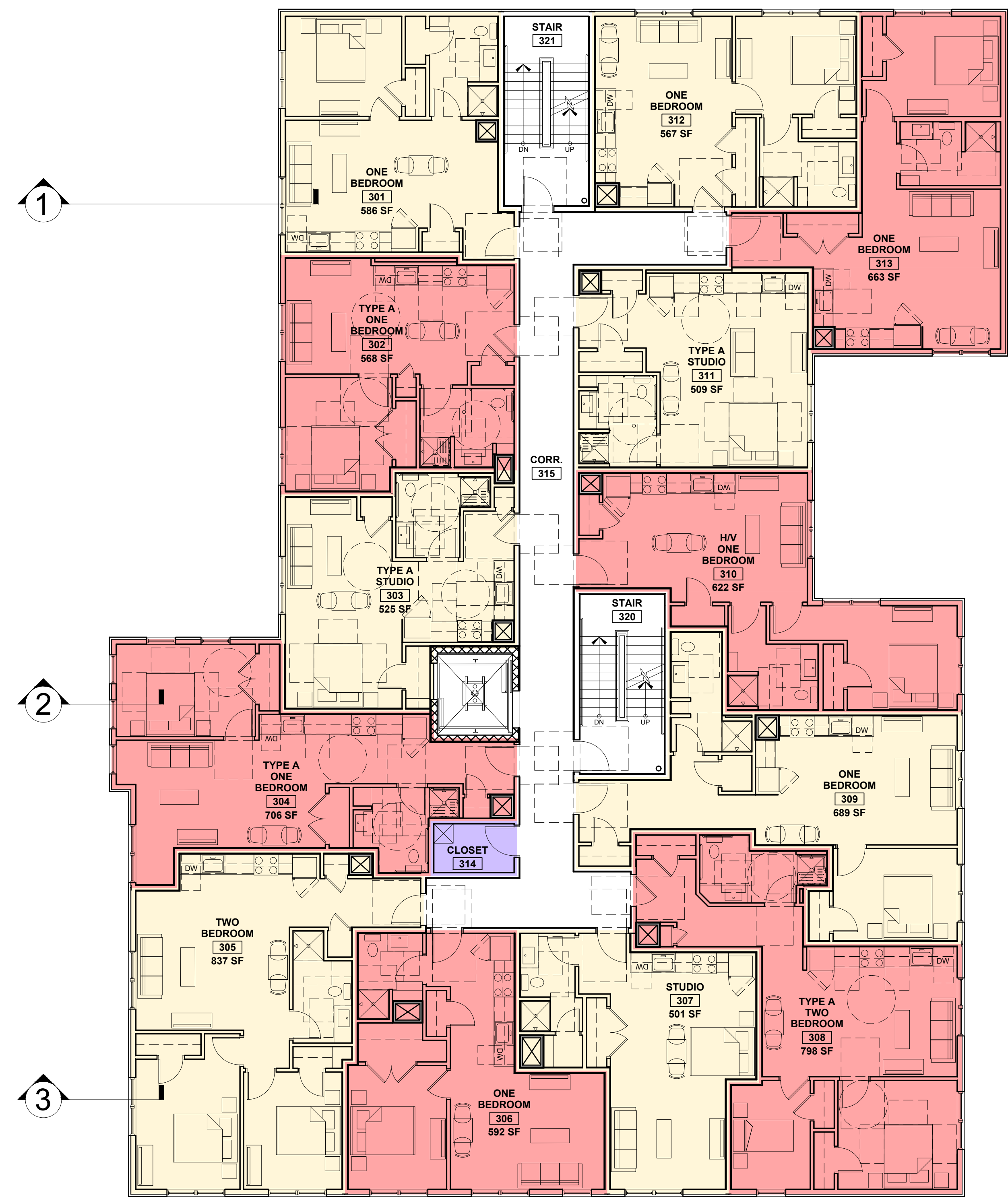


AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE

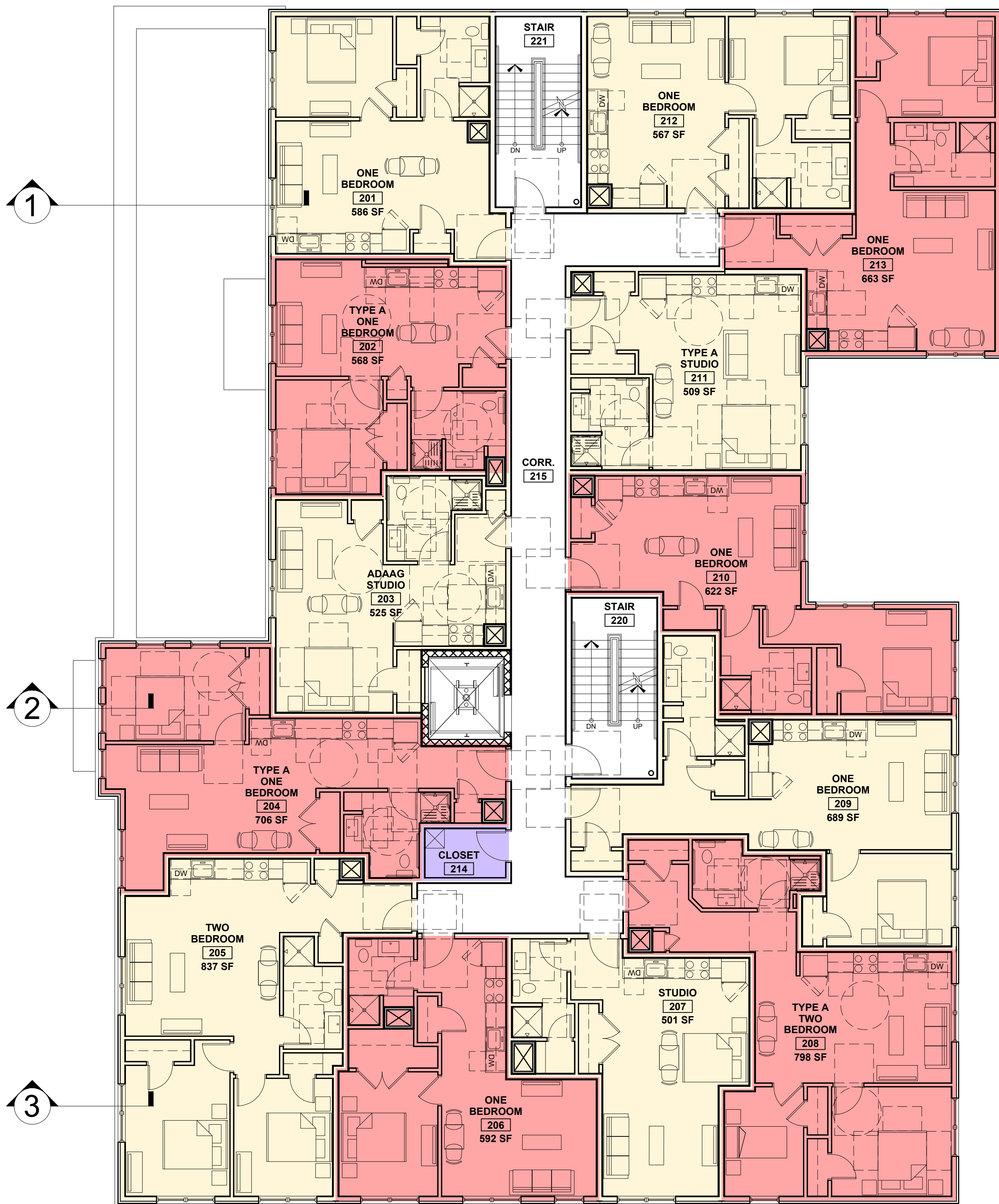
JULY 17, 2023

THIRD FLOOR



1 THIRD FLOOR PLAN
1/8" = 1'-0"

SECOND FLOOR



1 SECOND FLOOR PLAN
1/8" = 1'-0"

RYAN SENATORE ARCHITECTURE

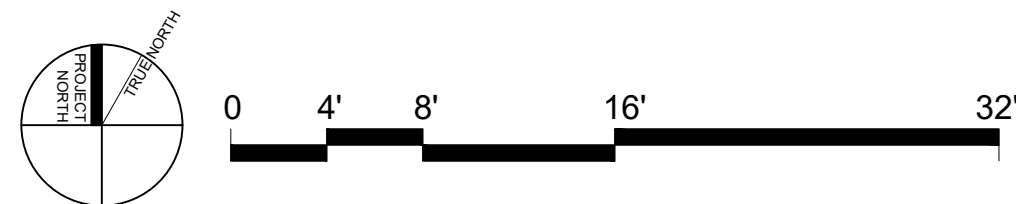
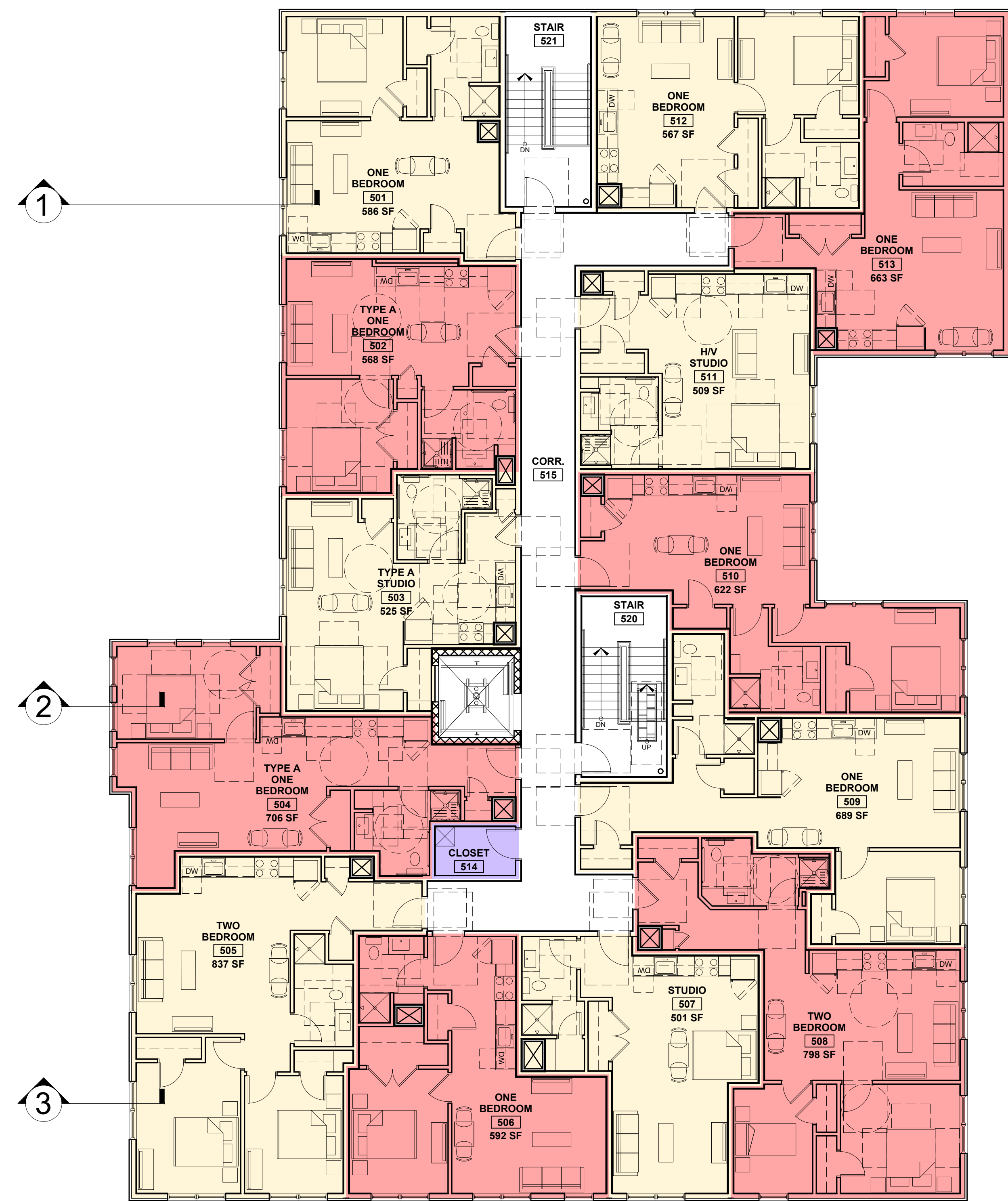
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CASCO STREET, PORTLAND, MAINE

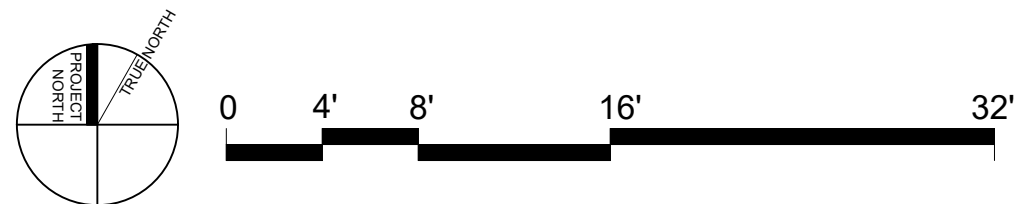
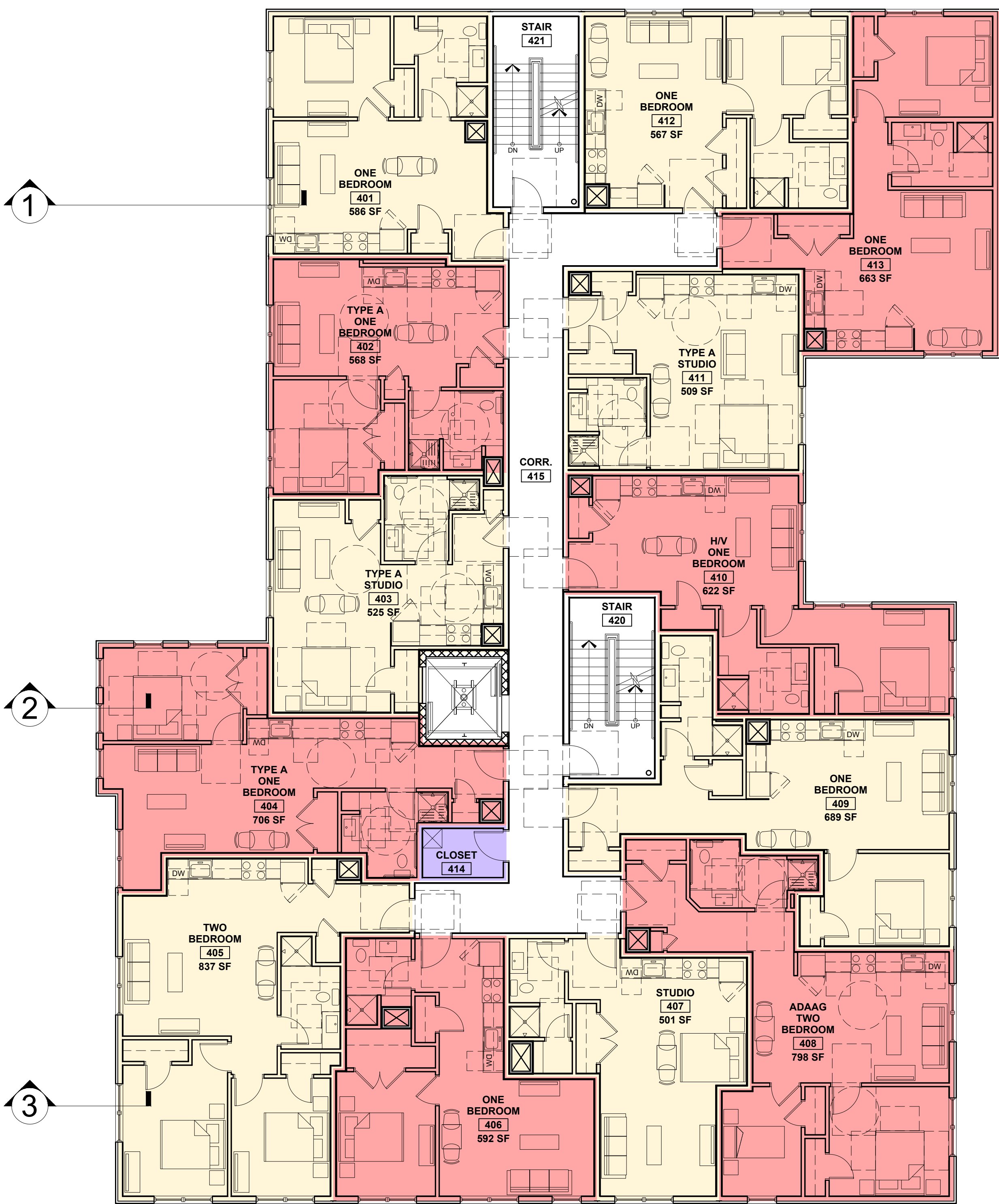
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FIFTH FLOOR



1 FIFTH FLOOR PLAN
1/8" = 1'-0"

FOURTH FLOOR



1 FOURTH FLOOR PLAN
1/8" = 1'-0"

RYAN SENATORE ARCHITECTURE

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CASCO STREET, PORTLAND, MAINE

JULY 17, 2023

MATERIALS KEY		
ITEM	INFORMATION	COLOR
FIBERCEMENT PANEL SIDING - COLOR #1	MAIN BODY	SAFFRON
FIBERCEMENT PANEL SIDING - COLOR #2	PANEL ACCENT COLOR	SW #164
FIBERCEMENT PANEL SIDING - COLOR #3	ENTRY TOWER ACCENT COLOR	SW #169
FIBERCEMENT PANEL SIDING - COLOR #4	CORNICE ACCENT COLOR	IRON GRAY
PRE-CAST - COLOR #5		LIGHT LIMESTONE
WINDOW - COLOR #6		BLACK

MATERIALS NOTE:

1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION



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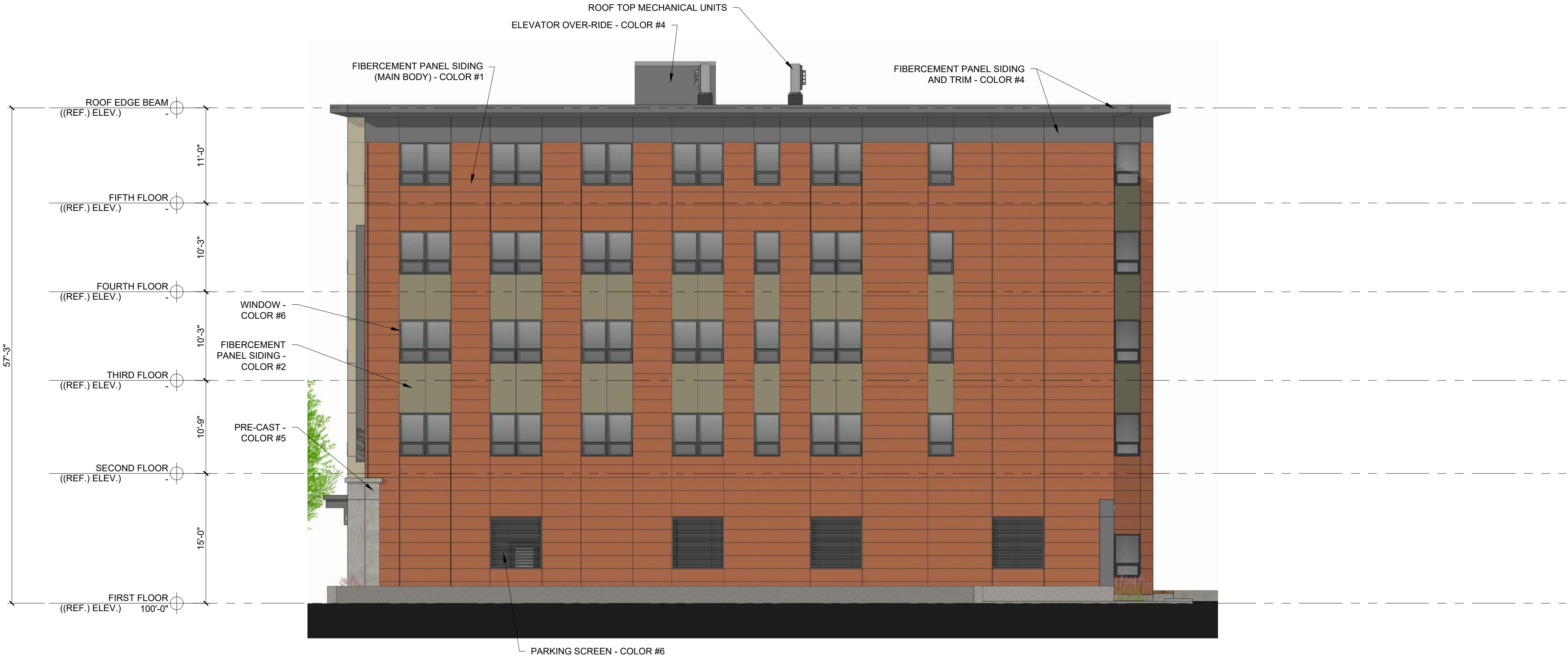
RYAN SENATORE **ARCHITECTURE**

AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE

JULY 17, 2023

MATERIALS KEY		
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FIBERCEMENT PANEL SIDING - COLOR #3	ENTRY TOWER ACCENT COLOR	SW 6169
FIBERCEMENT PANEL SIDING - COLOR #4	CORNICE ACCENT COLOR	IRON GRAY
PRE-CAST - COLOR #5		LIGHT LIMESTONE
WINDOW - COLOR #6		BLACK
MATERIALS NOTE:		
1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



1 SOUTH ELEVATION COLOR RENDERING

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CASCO STREET, PORTLAND, MAINE

JULY 17, 2023

MATERIALS KEY		
ITEM	INFORMATION	COLOR
FIBERCEMENT PANEL SIDING - COLOR #1	MAIN BODY	SAFFRON
FIBERCEMENT PANEL SIDING - COLOR #2	PANEL ACCENT COLOR	SW 6164
FIBERCEMENT PANEL SIDING - COLOR #3	ENTRY TOWER ACCENT COLOR	SW 6169
FIBERCEMENT PANEL SIDING - COLOR #4	CORNICE ACCENT COLOR	IRON GRAY
PRE-CAST - COLOR #5		LIGHT LIMESTONE
WINDOW - COLOR #6		BLACK
MATERIALS NOTE:		
1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



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AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE

JULY 17, 2023

MATERIALS KEY		
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FIBERCEMENT PANEL SIDING - COLOR #1	MAIN BODY	SAFFRON
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FIBERCEMENT PANEL SIDING - COLOR #3	ENTRY TOWER ACCENT COLOR	SW 6169
FIBERCEMENT PANEL SIDING - COLOR #4	CORNICE ACCENT COLOR	IRON GRAY
PRE-CAST - COLOR #5		LIGHT LIMESTONE
WINDOW - COLOR #6		BLACK
MATERIALS NOTE:		
1.) ALL DIS-SIMILAR METALS TO BE ISOLATED FROM ONE ANOTHER WITH ADHERED STRIPS OR SEALANTS TO PREVENT GALVANIC ACTION		



1 NORTH ELEVATION COLOR RENDERING
NTS

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#1



FIBERCEMENT PANEL SIDING - "SAFFRON"
(MAIN BODY - 10' LONG X 18" TALL)

#5



PRE-CAST - "LIGHT LIMESTONE"

#2



SW 6164
FIBERCEMENT PANEL SIDING
(PANEL ACCENT COLOR)

#3



SW 6169
FIBERCEMENT PANEL SIDING
(ENTRY TOWER ACCENT COLOR)

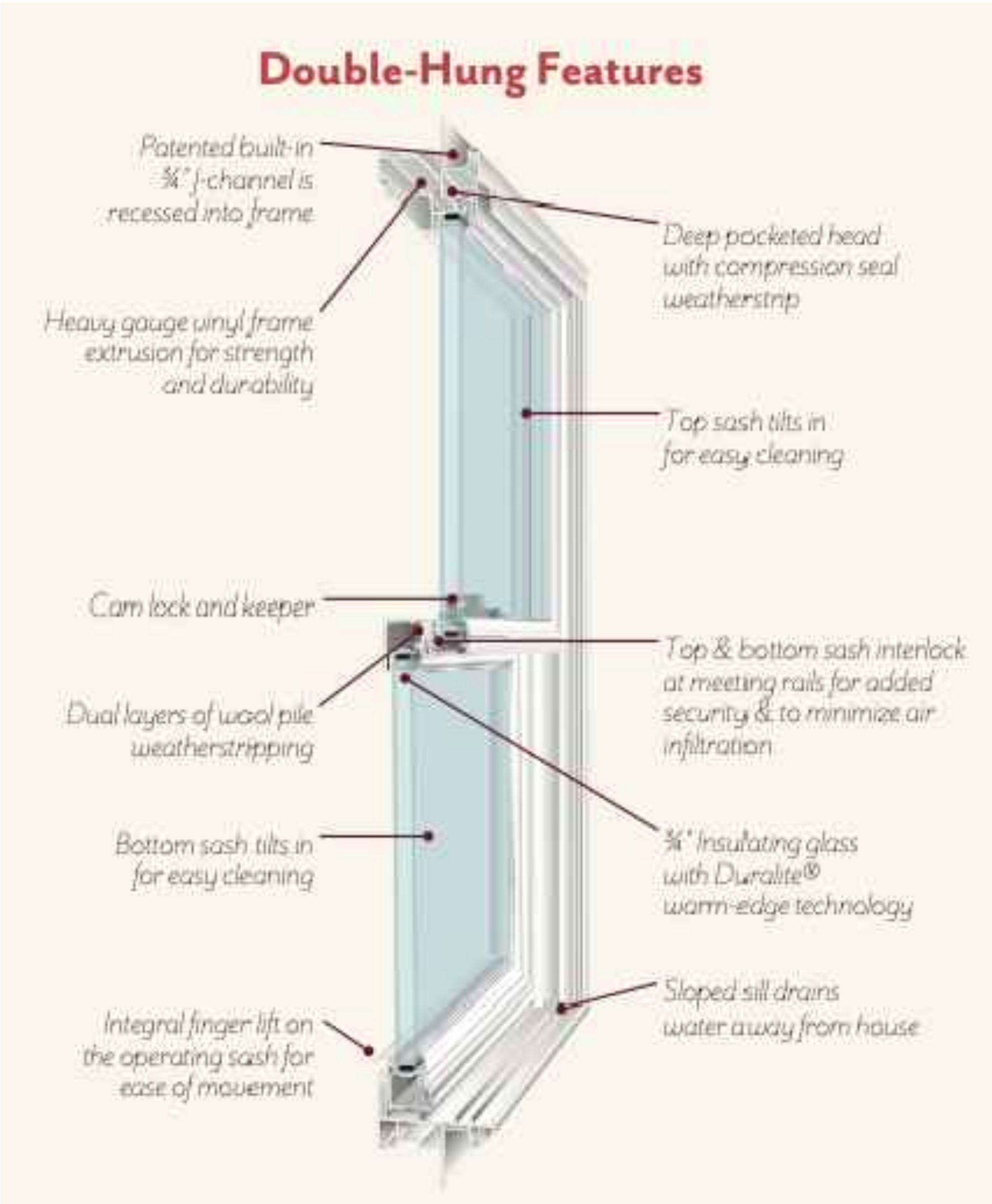
#4



FIBERCEMENT PANEL SIDING
(CORNICE ACCENT COLOR)

AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE



VINYL DOUBLE HUNG WINDOWS
(BLACK COLOR)

JULY 17, 2023

- ECONOMY**
- Trifab® VersaGlaze® 450/451T/451UT Framing Systems offer a variety of fabrication choices to suit your project:
- **Screw Spline** – for economical continuous runs utilizing two-piece vertical members that provide the option to pre-assemble units with controlled shop labor costs and smaller field crews for handling and installation. (available for all systems)
 - **Shear Block** – for punched openings or continuous runs using tubular moldings with shear block clips that provide tight joints for transporting large pre-assembled multi-lite units. (available for 450/451/451T systems)
 - **Stick** – for fast, easy field fabrication. Field measurements and material cuts can be done when metal is on the jobsite. (available for 450/451/451T systems)
 - **Pre-glazed** – The combination of screw spline construction with pre-glazing in the shop accelerates installation and reduces field labor time while minimizing disruption to the surrounding area or existing tenants. Making it an exceptional choice for new or retrofit applications, particularly in urban areas or where space is limited. (available for 451/451T/451UT framing)

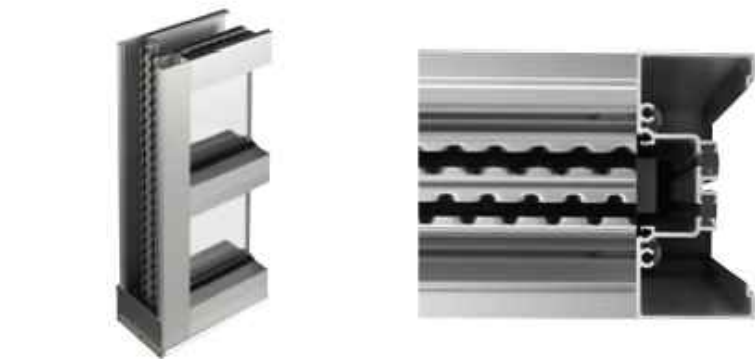


Brighton Landing
Cambridge, Massachusetts
ARCHITECT
ADD Inc., Cambridge, Massachusetts
GLAZING CONTRACTOR
Ipswich Bay Glass Company, Inc., Rowley, Massachusetts
PHOTOGRAPHER
© Gordon Schenk, Jr.

All systems can be flush glazed from either the inside or outside. The weatherseal option provides an alternative to SSG vertical mullions for Trifab® VersaGlaze® 450/451/451 T. This ABS/ASA rigid polymer extrusion allows complete inside glazing and creates a flush glass appearance on the building exterior without the added labor of scaffolding or swing stages. Additionally, high-performance **flashing** options are engineered to eliminate perimeter sill fasteners and associated blind seals.

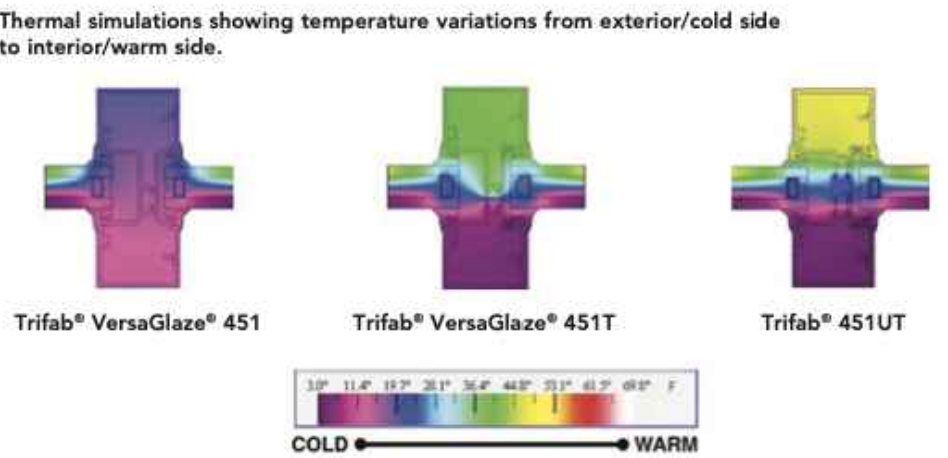
FOR THE FINISHING TOUCH
Architectural Class I anodized aluminum and painted finishes in fluoropolymer (AAMA 2605) and solvent-free powder coatings (AAMA 2604) offer a variety of color choices.

PERFORMANCE
Kawneer's Isolock® thermal break technology creates a composite section, prevents dry shrinkage and is available on Trifab® VersaGlaze® 451T. For even greater thermal performance, a dual Isolock® thermal break is used on Trifab® 451UT.

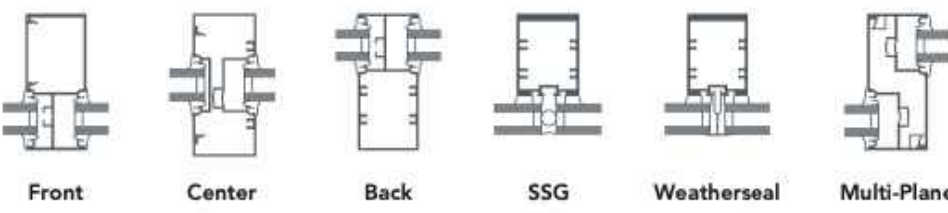


Trifab® 451UT uses a dual Isolock® thermal break (right) and features a new high-performance sill design, which incorporates a screw-applied end dam (left), ensuring positive engagement and tight joints between the sill flashing and end dam.

U-factor, CRF values and STC ratings for Trifab® framing systems vary depending upon the glass plane application. Project-specific U-factors can be determined for each individual project. (See the Kawneer Architectural Manual or Kawneer.com for additional information.)



PERFORMANCE TEST STANDARDS	
Air Infiltration	ASTM E283
Water	AAMA 501, ASTM E331
Structural	ASTM E330
Thermal	AAMA 1503
Thermal Break	AAMA 505, AAMA TIR-A8
Acoustical	AAMA 1801, ASTM E1425



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Technology Park / Atlanta
555 Guthridge Court
Norcross, GA 30092
770.449.5555
kawneer.com



ARCHITECTURAL SYSTEMS | ENTRANCES + FRAMING | CURTAIN WALLS | WINDOWS



STOREFRONT
WINDOWS
(BLACK COLOR)

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JULY 17, 2023



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CASCO STREET, PORTLAND, MAINE

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1 VIEW NORTH DOWN CASCO STREET
NTS

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CASCO STREET, PORTLAND, MAINE

JULY 17, 2023



1 VIEW EAST DOWN SHEPLEY STREET
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JULY 17, 2023

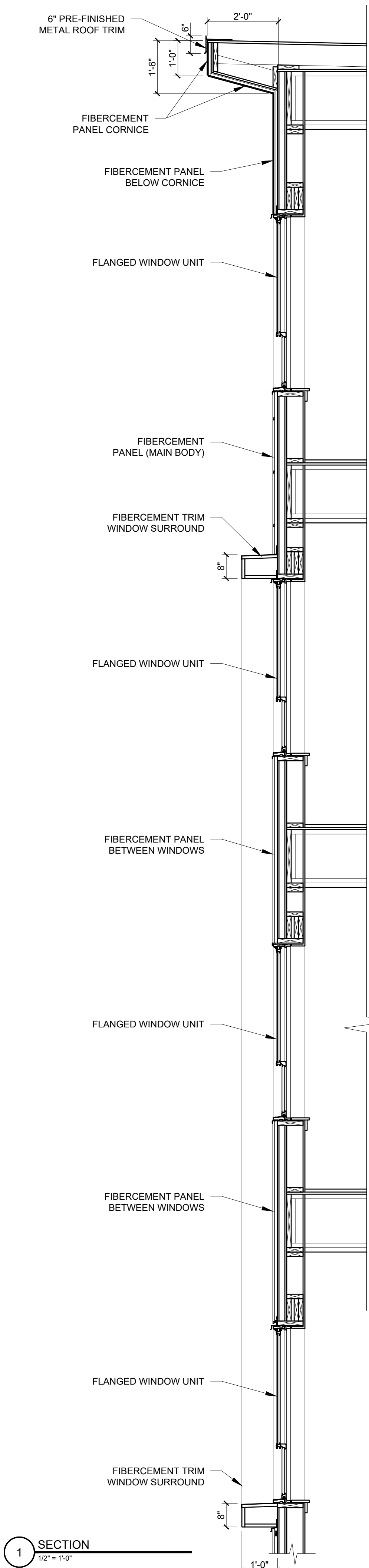
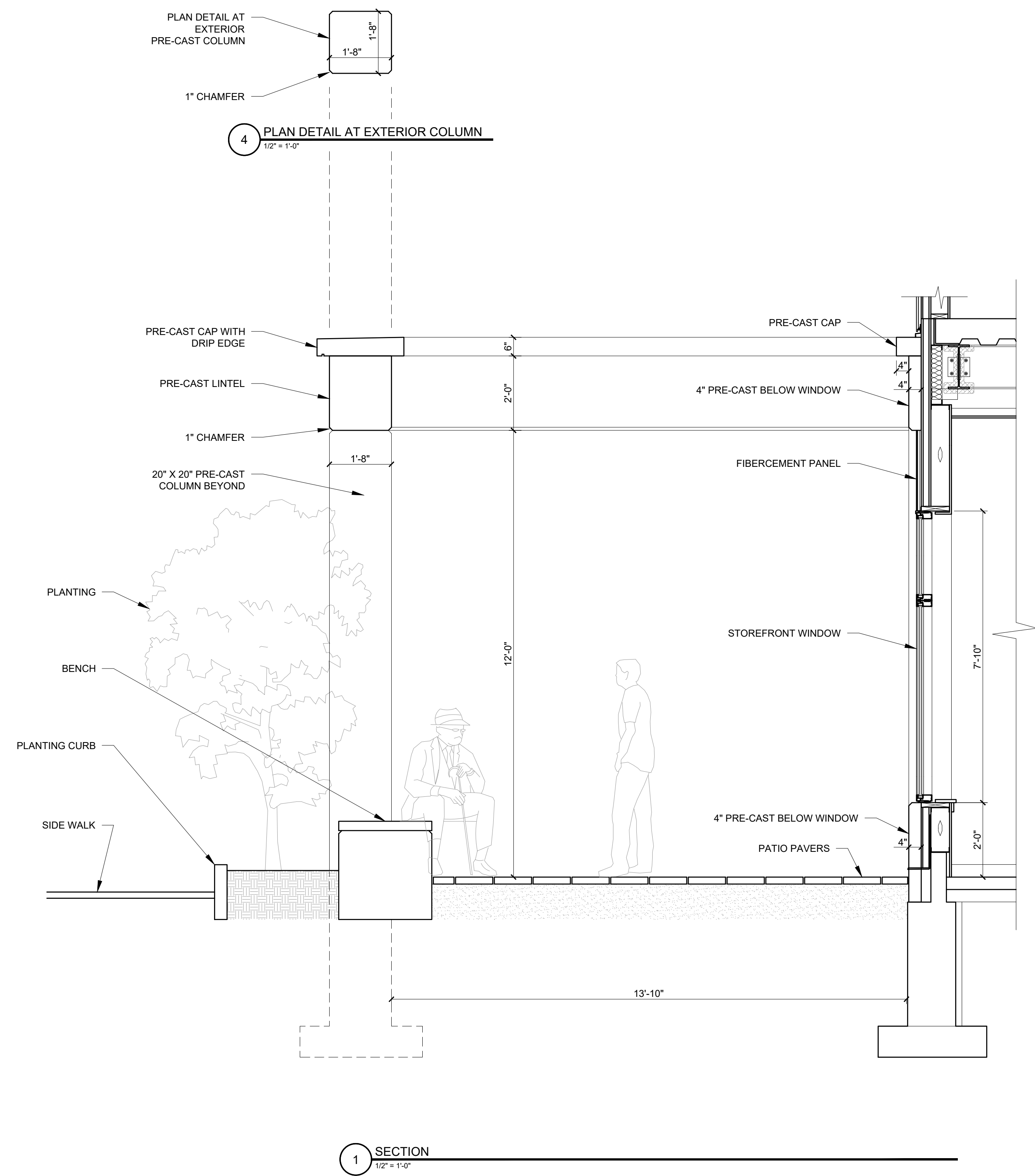


1 VIEW SOUTH DOWN CASCO STREET
NTS

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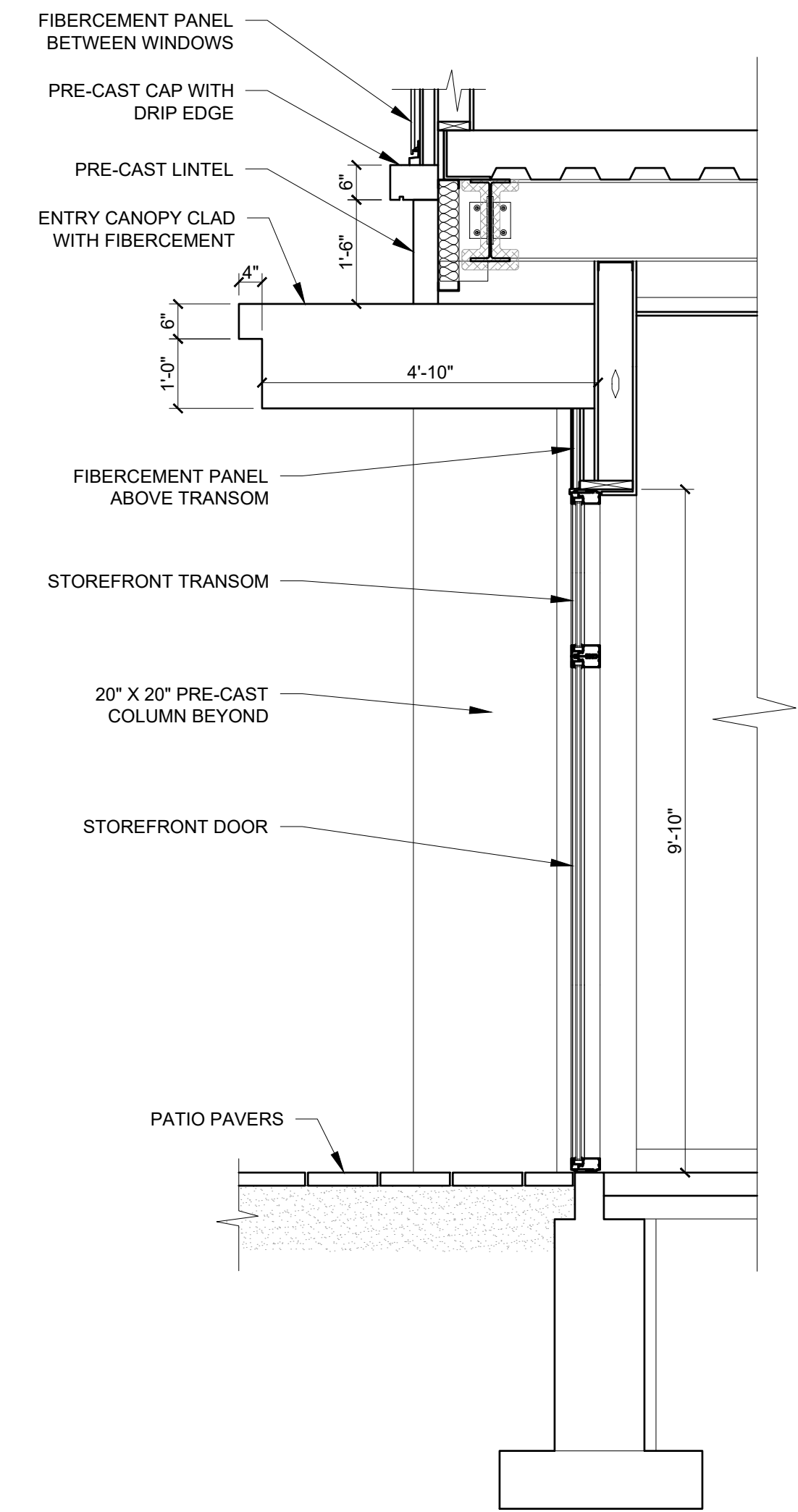
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CASCO STREET, PORTLAND, MAINE

JULY 17, 2023

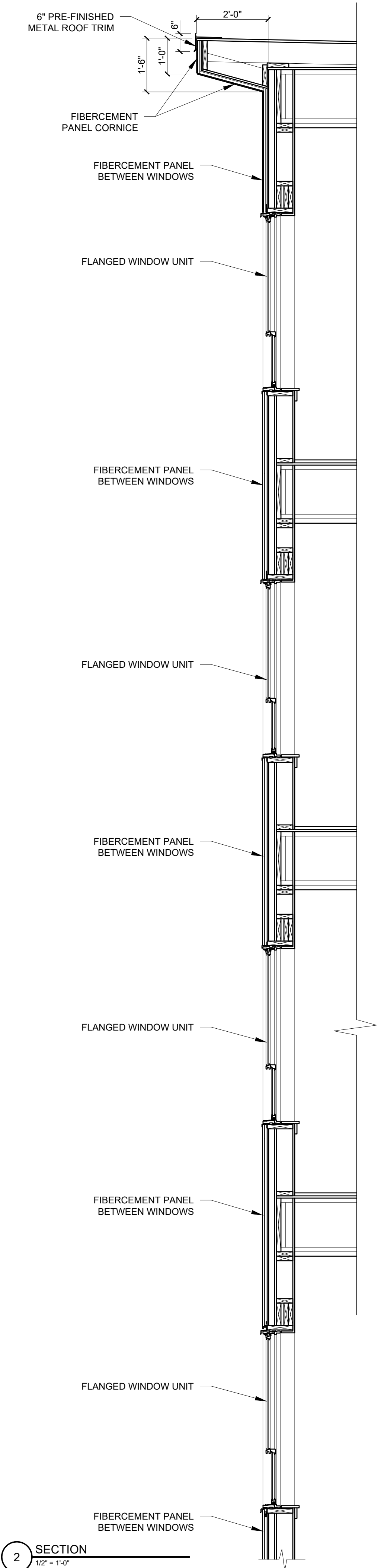


AFFORDABLE APARTMENTS
CASCO STREET, PORTLAND, MAINE

JULY 17, 2023



2 SECTION
1/2" = 1'-0"



2 SECTION
1/2" = 1'-0"

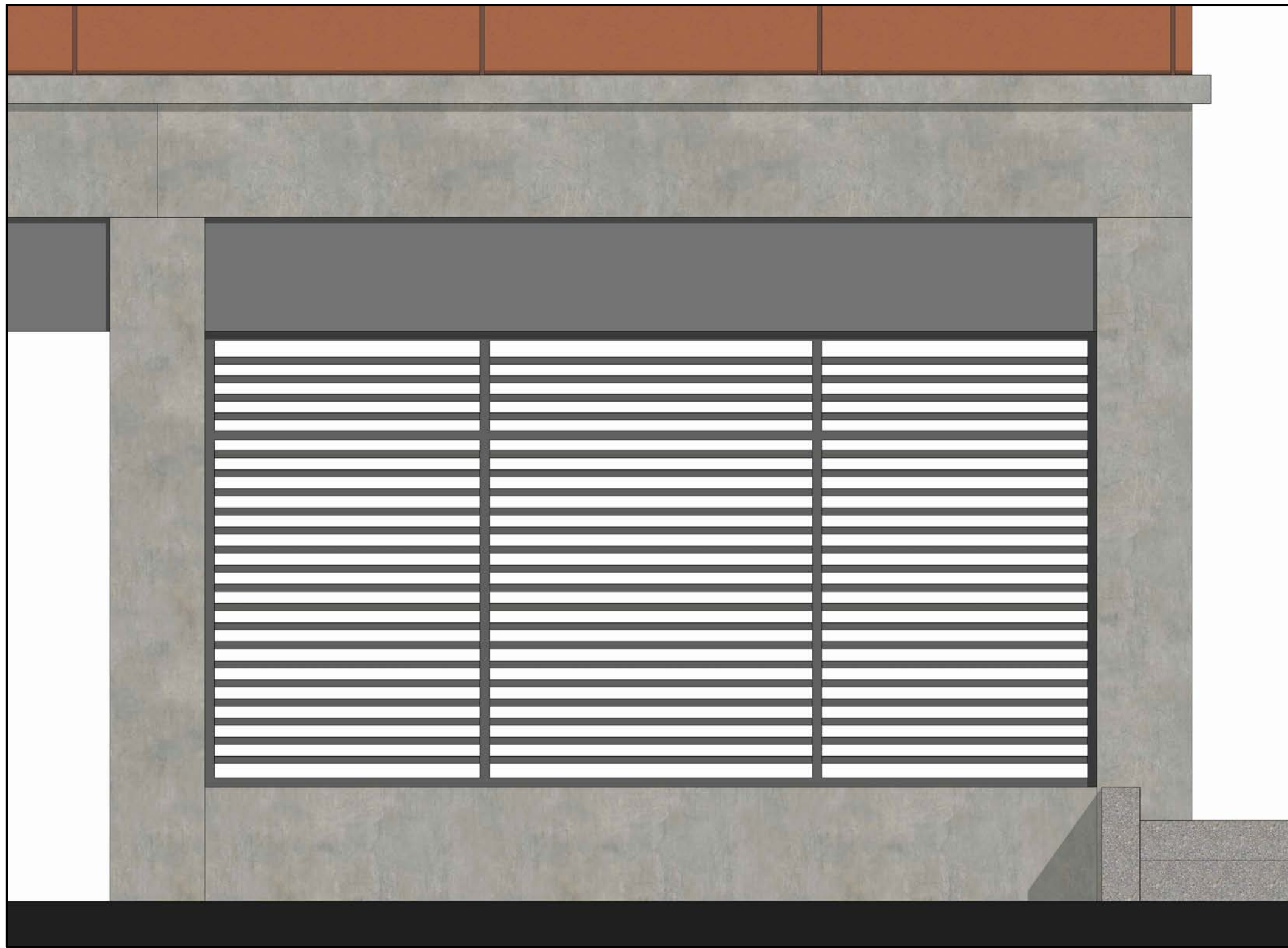
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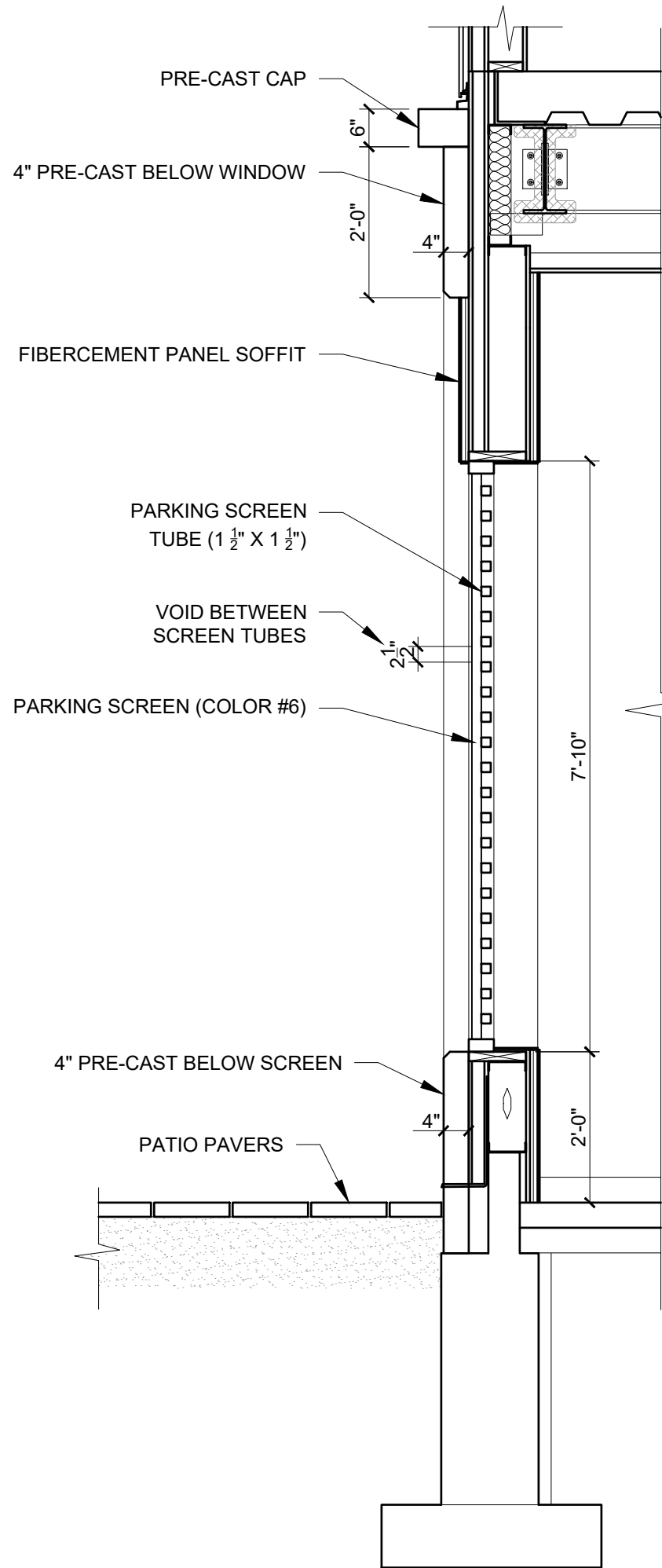
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CASCO STREET, PORTLAND, MAINE

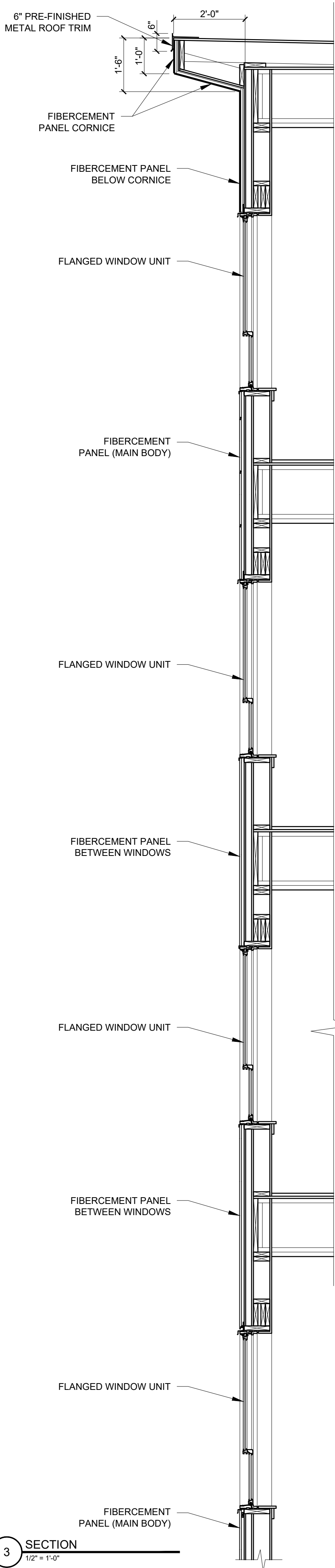
JULY 17, 2023



5 PARKING SCREEN ELEVATION
1/2" = 1'-0"



3 SECTION
1/2" = 1'-0"



3 SECTION
1/2" = 1'-0"

AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE

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PRECEDENT IMAGES

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AFFORDABLE APARTMENTS

CASCO STREET, PORTLAND, MAINE

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PRECEDENT IMAGES

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