PLANNING BOARD

Tuesday, November 28, 2023 at 4:30 PM
Hybrid Meeting, Room 24 (Basement Level of City Hall) and Zoom

MEMBERS
Brandon Mazer, Chair
Justin Barker, Vice Chair
Marpheen Chann
Sean Murphy
David Silk
Austin Smith
Magie Stanley

The Planning Board invites the public to attend the meeting in person or Zoom pursuant to the Remote Meeting Policy adopted by the Planning 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 Planning Board meeting as well as start times for each item as placement on the agenda can change. To submit written public comment on an agenda item, email planningboard@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Planning 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).

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AGENDA:

WORKSHOP - 4:30 PM

i. Historic Preservation Designation; 142 Free Street; Portland Museum of Art, Applicant. The Planning Board will hold a hybrid workshop to consider a proposal by the Portland Museum of Art to reclassify the property located at 142 Free Street, located within the Congress Street Historic District, from a contributing structure to a non-contributing structure. The Historic Preservation Board voted unanimously to recommend against the reclassification at their November 1, 2023 public hearing, and the Planning Board will make a recommendation to the City Council regarding the property's designation. Application materials will be available on the City's Agenda Center for this meeting.

PUBLIC HEARING - 6:00 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON NOVEMBER 14, 2023

Workshop
19 West Street: Barker, Mazer, Murphy, Silk, and Stanley present. Chann and Smith absent.

Public Hearing
2 West Commercial Street: Mazer, Silk, Smith and Stanley present. Barker, Chann and Murphy absent.
246 Eastern Prom: Mazer, Murphy, Silk, Smith and Stanley present. Barker, Chann and Murphy absent.
19 Willis Street: Mazer, Murphy, Silk, Smith and Stanley present. Chann absent. Barker and Murphy recused.

4. REPORTS OF DECISIONS AT THE MEETING HELD ON NOVEMBER 14, 2023

i. Major Site Plan; 2 West Commercial Street; MDOT Port Authority, Applicant. Mazer motioned, and Silk seconded a motion to table the public hearing to November 28, 2023. Vote 4-0 (Barker, Chann and Murphy absent)

ii. Major Site Plan and Conditional Use; 246 Eastern Promenade; ECK Realty, LLC, Applicant. Mazer motioned, and Silk seconded a motion to table the public hearing indefinitely. Vote 4-0 (Barker, Chann and Murphy absent.

iii. Major Site Plan; 19 Willis Street (Formerly 33 Montreal Street); 37 Montreal Street, LLC, Applicant. Mazer motioned, and Silk seconded a motion to table the public hearing to November 28, 2023. Vote 4-0 (Chann absent. Barker and Murphy recused).

5. NEW BUSINESS

i. Major Site Plan; 19 Willis Street (Formerly 33 Montreal Street); 37 Montreal Street, LLC, Applicant. The Planning Board will hold a hybrid public hearing to make additional findings of fact pursuant to orders from the Maine Supreme Judicial Court and Maine Superior Court related to height, setback, and design review requirements in connection with the approved application for a four-story, 12-unit residential building at 19 Willis Street. The development site is located within an R-6 zone. The application associated with the remand order, PL-000807-2019, was originally approved by the Planning Board at its December 14, 2021 meeting. No public comment will be taken for this item.

ii. Major Site Plan; 2 West Commercial Street; MDOT Port Authority, Applicant. The Planning Board will hold a hybrid public hearing to consider a major site plan and 75 Oasite location of development application intended to facilitate the redevelopment of a portion of the International Marine Terminal site to allow for the installation of twelve, 50-foot tall, refrigerated container racking systems (reefer racks). The project will result in approximately five acres of site disturbance, which will involve removal of existing bituminous and pervious pavement, and resurfacing in a new heavy-duty pavement to accommodate heavier traffic volumes. The subject property totals 18.6 acres and is zoned Waterfront Port Development Zone (WPDZ) and is located within the Shoreland Zone. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number PL-002443-2023.

iii. Conditional Use; 75 Oak Street; Slab, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a conditional use application for the property at 75 Oak Street, which would permit the applicant to operate a small commercial kitchen for a frozen pizza

wholesale company. Commercial kitchens are considered a low-impact industrial use, which is identified as a conditional use in the B-3 Downtown Business zone. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number CU-002672-2023.

To:	Chair Mazer & Members of the Planning Board
From:	Kevin Kraft, AICP, Deputy Director
Date:	November 22, 2023
Re:	Proposed Historic District Amendment – Reclassification of 142 Free Street
CBL:	039 B003001
Address:	142 Free Street
Applicant:	Portland Museum of Art
Meeting Date:	November 28, 2023

I. INTRODUCTION

The Portland Museum of Art (PMA) has submitted a request to have their property at 142 Free Street reclassified from a contributing to a noncontributing structure within the Congress Street Historic District (Figure 1 and Figure 2). The proposed amendment would mean that building alterations would be reviewed under different standards within the Historic Preservation Ordinance, and would allow by-right demolition of the existing structure. The applicant is not proposing to change the boundaries of the Congress Street Historic District, meaning that any future alterations, or new construction on the site would still be subject to the applicable review standards of the Historic Preservation Ordinance.

On November 1, 2023, the Historic Preservation Board voted unanimously 5-0 (Paquin-Gould recused) to recommend that the Planning Board and City Council vote to retain the contributing classification for the former Chamber of Commerce Building at 142 Free Street within the Congress Street Historic District. The Board based its decision on the submitted documentation provided by the applicant (Attachment 7), staff report and findings by the Board pursuant to Section 17.4.2 (Attachment 6).

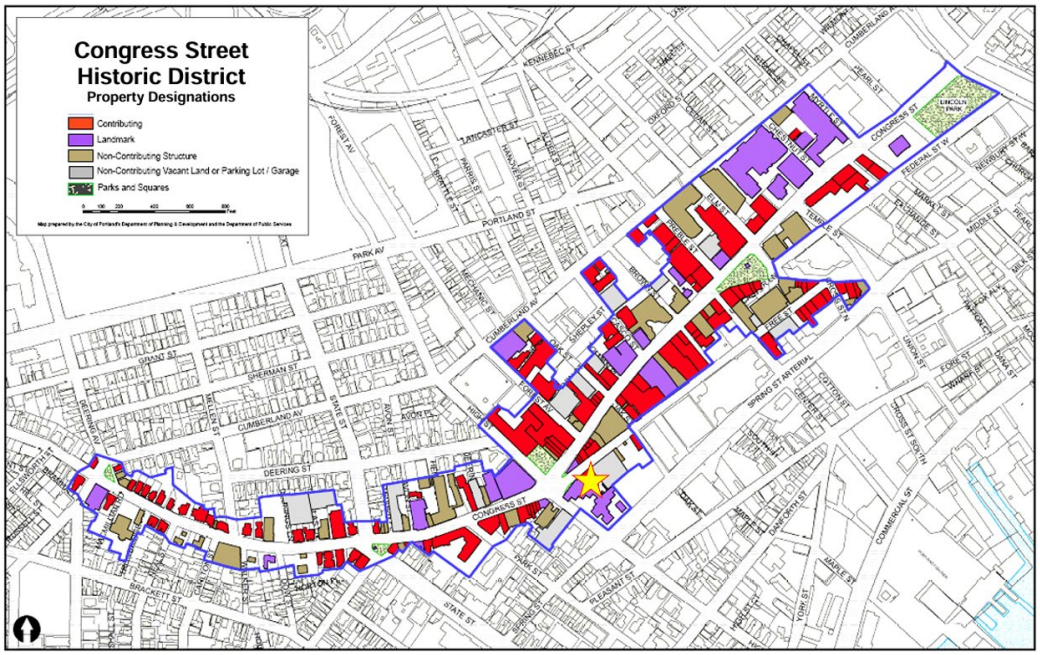


Figure 1: Map of Congress Street Historic District showing location of 142 Free Street (Contributing Structure) with star.

Figure 2: 142 Free Street (Former Children's Museum/Chamber of Commerce Building)

II. ROLE OF THE PLANNING BOARD

Under the provisions of Section 17.5.9 of the historic preservation ordinance, amendments or recessions of designations follow a three-step review process, with first the Historic Preservation Board, then the Planning Board making a recommendation to the City Council. Upon receipt of the Historic Preservation Board's recommendation, the Planning Board's role is to determine whether the materials and findings provided sufficiently address how the building does not meet the standards for designation. The criteria for amendment are limited to those provided in Section 17.4.1(A) and (B), Minimum criteria for designation, and Subsection 17.4.2, Integrity of Landmarks and Historic Districts. In addition, as outlined in Section 17.4.1(D) the Planning Board and City Council shall also consider historic preservation goals included in the Comprehensive Plan as well as the effect of such designation on other aspects of the Comprehensive Plan. Following deliberations, the Planning Board forwards its recommendation and report, together with the recommendation of the Historic Preservation Board, to the City Council for final consideration and a formal decision.

III. BACKGROUND

The building at 142 Free Street was originally constructed in 1830 as a theater building. No images of the structure exist from this period; however, descriptions suggest a late federal or Greek revival style. Shortly thereafter in 1836, the structure was renovated into a temple-fronted Greek revival church for the Free Street Baptist Church. Then, again in 1856, the church was renovated into an asymmetrical double-spired Italianate/Romanesque revival church. In 1876, after the taller of the church's spires was damaged in a storm, the steeple was redesigned. Throughout the Free Street Baptist Church's ownership of the structure, they made a series of other modest interior renovations in addition to the major redesigns.

In 1926, after a merger with another Baptist Church, the structure was sold to the Portland Chamber of Commerce. The Chamber retained architect John Calvin Stevens to complete renovations to the structure. It was at this time that the building was redesigned to its current Greek or colonial revival temple-fronted

form. The Chamber retained the building until 1991 when, after financial difficulties, it was sold to the Children's Museum of Maine. Under the ownership of the Children's Museum, the structure underwent further alterations including programs of window and door replacement, dormer additions, and the addition of the prominent octagonal cupola.

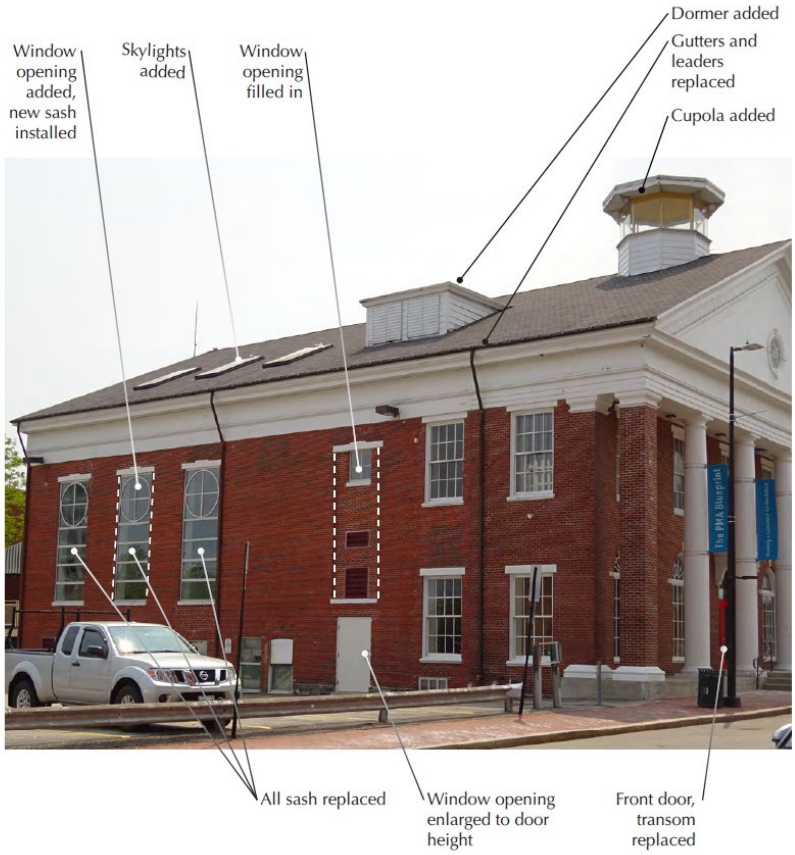


Figure 3: Exterior Alterations to 142 Free Street made for the Children's Museum in the early 1990s

The Spring Street Historic District was added to the National Register of Historic Places in 1976. In 2020 the National Register listing was updated with an expanded period of significance (1800-1943), at which point the Chamber of Commerce building was listed as a contributing resource within the National Register District. It was also listed as contributing to the local Congress Street Historic District in 2009. While the updated National Register nomination did include a period of significance for the Spring Street Historic District from 1800 to 1943, the local Congress Street Historic District did not include a specific period of significance. However, the period of significance can be presumed as extending from 1785 (the original date of construction for the Wadsworth-Longfellow House, the oldest contributing structure within the district) to 1959 (fifty years prior to the establishment of the local district). This would mean that the period of significance ended during the tenure of the Chamber of Commerce. While it also includes the eras of the theatre and the Free Street Baptist Church, those assorted renovations and redesigns would have attained historical significance in their own right, speaking to the history of the evolution of Congress Street over the nearly two-hundred years of history the district represents.

For a more thorough documentation of the history of the building at 142 Free Street, including extensive images and documentation of alterations, please see the report by Margaret Gaertner included in the

applicant's materials (Attachment 1). Additional information on the Congress Street Historic District can be found in the attachments (Attachments 2 and 3) and on the city website: https://www.portlandmaine.gov/665/Historic-Districts

IV. FINDINGS AND RECOMMENDATIONS OF THE HISTORIC PRESERVATION BOARD

At the September 6, 2023, Historic Preservation Board meeting, the Board received the request by the PMA to reclassify 142 Free Street as noncontributing within the Congress Street Historic District. In order for the amendment to progress through review, two members of the Historic Preservation Board needed to sponsor the request. Chair O'Brien and Vice Chair Miller voiced their sponsorship initiating review of the amendment.

The Historic Preservation Board held an initial workshop on October 4, 2023. During the workshop, the applicant presented background information on the proposed expansion of the PMA campus and preliminary information on their planned future development. Board members asked the applicant about whether consideration had been given to reusing the existing building or incorporating elements of it. The applicant stated that they had, but felt that the challenges were too great and that they had not received a positive reception by the public for those versions of their planned project. Board members also requested confirmation that the current application for reclassification was being limited to a question of the integrity of the existing structure. The applicant provided no other areas of consideration for the Board within the scope of the ordinance's minimum criteria for designation.

On November 1, 2023, the Historic Preservation Board held a Public Hearing and voted unanimously 5-0 (Paquin-Gould recused) to recommend that the Planning Board and City Council vote to retain the contributing classification for the former Chamber of Commerce Building at 142 Free Street within the Congress Street Historic District (Attachment 6).

Based on the materials supplied by the applicant (including the extensive report on the history of 142 Free Street) (Attachment 7) and the materials from the designation of the Congress Street Historic District in 2009, Board members agreed that the existing structure had been correctly deemed contributing when the District was established. Board members noted that while the building had a long history of alterations from its original construction in 1830, it still retained a high degree of integrity relative to the 1926 redesign by John Calvin Stevens. Alterations noted by the applicant in their materials were acknowledged by the Board, but members noted that window replacements and additions are regularly approved alterations to contributing structures. Several Board members praised the intentions behind the proposed expansion with several noting that they personally appreciated the design of the proposed new structure. One member of the Board expressed a desire to see the ordinance revised to allow the Historic Preservation Board to consider the effect of designations on Comprehensive Plan goals similar to the Planning Board and City Council but noted that the Board's purview was focused solely on the integrity of the building standards; however, there was general agreement that the applicant had not provided a basis by which the Board could recommend that the structure be reclassified as noncontributing.

Section 17.4.1 Minimum Criteria for Designation

The argument rests primarily on the question of whether the integrity of the structure at 142 Free Street was correctly determined as part of the designation process in 1976 for National Register listing, and in 2009 for local designation. The application does not include an interrogation or analysis of the Minimum Criteria for Designation outlined in Section 17.4.1; therefore, it is presumed that the applicant is not

questioning the historical association or significance of the site's development or architecture from prior to 1959. Based on that presumption, staff have not included an analysis of the significance of the history of the site, the Chamber of Commerce, or the structure's architecture.

Section 17.4.2. Integrity of Landmarks and Historic District

Any area, structure, or object that meets the criteria in Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration. An analysis performed by Historic Preservation Staff and adopted by the Historic Preservation Board can be found in the Historic Preservation Board report dated October 27, 2023 (Attachment 6).

V. PLANNING BOARD CONSIDERATIONS – COMPREHENSIVE PLAN GOALS

In addition to Section 17.4.1 Minimum Criteria for Designation and Section 17.4.2 Integrity of Landmarks and Historic Districts, Section 17.4.1(D) of the Land Use Code requires that when the Planning Board and City Council review a designation or reclassification, the effect such a designation may have on addressing historic preservation goals and other aspects of the Comprehensive Plan should also be considered. In the Comprehensive Plan, there is acknowledgment that policy makers have to balance a myriad of factors when making decisions, and that implementing regulatory changes requires balancing multiple concerns and policy objectives. For the purposes of this review, the Planning Board and City Council is evaluating whether the proposed reclassification of the building at 142 Free Street would advance Comprehensive Plan goals or strategies, as well as appraise the proposal for compatibility with the six elements of the City's Vision Statement. Given that either building classification, contributing or non-contributing, might accomplish multiple broad policy objectives outlined in the Comprehensive Plan, the decision as to whether the reclassification is better for this building is largely discretionary, and requires that the Board both consider and prioritize all relevant factors.

The applicant has submitted a letter dated November 8, 2023 that outlines their position on the proposal's alignment with City goals (refer to Attachment 1). The applicant argues that by re-classifying the structure at 142 Free Street to a non-contributing building they can create a "new" iconic building that exemplifies the shared values and goals expressed in *Portland's Plan 2030*, communicating to anyone who visits that all are welcome in Portland. According to the applicant, PMA's vision is in lockstep with the City Comprehensive Plan in a number of areas, including supporting a vibrant arts and cultural life, embracing innovation, welcoming diverse communities, and supporting economic development and sustainable construction methods. Please refer to Attachment 1 for the applicant's analysis and package of supporting materials, including report by Margaret Gaertner.

Portland's Plan 2030, has numerous goals and strategies to be considered in multiple sections, including but not limited to the City's Vision Statement (pg. 5), Historic Resources (pg. 23), Economic (pg. 39), Recreation and Open Space (pg. 54), and Future Land Use (pg. 78) for the proposed reclassification of the building at 142 Free Street. For the Planning Board to evaluate this proposal, the following goals and strategies, as well as other relevant sections of the Comprehensive Plan, should be considered:

Vision Statement:

At the heart of *Portland's Plan 2030,* are six interconnected themes which together, constitute a Vision Statement for the City. The linked structure of the Vision Statement conveys the connectedness of the themes and the subjects that comprise the Plan. Ultimately, the goals and implementation strategies described in the Comprehensive Plan are intended to support the Vision Statement. The Vision Statement outlines six interconnected themes: Equitable; Sustainable; Dynamic; Secure; Authentic; Connected.

Figure 4: Portland's Plan 2030 Vision Statement

The Vision Statement provides the foundation for focusing City policies and priorities for gauging success. In terms of Equity, the Vision Statement conveys the community's desire to be a state and national leader in achieving a more equitable city, and emphasizes the importance of remaining an open and inclusive city, that celebrates diversity, and provides a welcoming and safe place for residents and visitors alike (Equitable – pg. 6). The Vision Statement also highlights that Portland has been built and rebuilt to endure, and acknowledges that as a community, we will need to balance our historic fabric, sound infrastructure, and the best of new technology and design for the future. Further, Portland will need to grow in order to sustain our community, infrastructure, and economy (Sustainable – pg. 6).

Portland's Vision Statement places particular importance on supporting the community's authenticity, dynamism, and security. It highlights that vibrant arts and cultural life will continue to be central to Portland's identity. Furthermore, that Portland will embrace innovation in order for our community to thrive (Dynamic – pg. 6) and that through innovation, investment, and commitment to diversity we will create a resilient economy (Secure – pg. 6). Moreover, the Vision Statement notes that "*The uniqueness and integrity of our neighborhoods will be maintained and enhanced*" and that "*we will maintain our character through preservation, innovation, and excellence in design for the built environment*" while at the same time acknowledging that "*we will invest in and support our local economy*" (Authentic – pg. 6).

The Vision Statement demonstrates the areas of alignment and connectedness and also highlights the sometimes-conflicting objectives. For example, the Vision Statement highlights the importance of authenticity through preservation, while also noting the need to support innovation, excellence in design, and new development to support growth and bolster the local economy. Ultimately, the Planning Board will need to weigh and balance these objections and determine how the reclassification request is consistent with the Vision Statement.

Historic Preservation Goals:

Portland's Plan 2030, speaks to the significant role that Portland's historic buildings, streetscapes, neighborhoods, and parks play in establishing its unique and authentic sense of place. While Portland continues to grow and evolve, many of its historic assets have remained vital components of the City's urban fabric, and preservation of its historic resources will remain an integral part of Portland's future. While the Comprehensive Plan highlights the integral role preservation plays in Portland, the Plan also acknowledges that the intent of the historic preservation ordinance is not to prevent change. Furthermore, the Plan speaks to the need to seek a balance between preservation of the city's historic fabric while at the

same time meeting new or changing demands, such as building code and accessibility requirements, and evolving building technologies. The Historic Resources section also states the need to embrace and encourage quality contemporary architecture to contribute elements of our own time to Portland's continuing story (pg. 24).

For the Board's consideration, the Comprehensive Plan's chapter on historic resources includes the following goals and strategies:

Historic Resources	**Comprehensive Plan Goals**
State Goal	*To preserve the State's historic and archaeological resources.*
Local Goal	*Identify, document, designate and preserve Portland's historic resources, including individual structures, neighborhoods, parks, cemeteries and archaeological resources.*
Local Goal	*Educate and engage residents and visitors in appreciation of Portland's unique heritage.*
Local Goal	*Promote historic preservation as a key economic, sustainability, and community development strategy.*
Local Goal	*Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.*
Local Goal	*Ensure an appropriate balance of continuity and change as Portland grows and evolves.*

Economic Development Goals:

Portland's Plan 2030, highlights the City's economic development vision and speaks directly to the importance of supporting our cultural institutions. Two local goals that are directly relevant include "*supporting sustainable growth in our educational, medical, and cultural institutions"* (Pg. 43), and "*valuing innovation and creativity as cornerstones of the local economy and as central to Portland's uniqueness and diversity"* (pg. 43). The Plan specifically lays out several strategies to support institutional growth, including "*promoting the orderly expansion of institutional uses, such as educational cultural, and hospital campuses, which are central to workforce development, employment, and the health of the local and regional economies",* as well as "*ensuring that the Growth of Portland's cultural institutions is integrated into Portland's urban fabric through the use of high-quality design, management of impacts, community partnerships, and innovative planning*. Furthermore, the Plan emphasizes the need to "*support our cultural institutions and spaces for the arts*", "*leveraging arts and culture as a central element of Portland's distinct quality of place*" and "*supporting access to arts and culture for all residents*" (pg. 46).

Figure 5 Rendering of the proposed expansion at 142 Free Street by LEVER Architecture (Source: PMA)

The applicant's request to re-classify the building at 142 Free Street would facilitate the demolition of the existing building to allow for the construction of a new, state-of-the-art iconic building (see Figure 5) connected to the existing museum. According to the applicant, the Maine Center for Business and Economic Research at the University of Maine conducted an impact study that found that the proposed expansion would result in an annual economic contribution that would double the number of jobs supported to approximately 600, and generate more than $28 million in labor income, $65 million in sales, $4 million in state and local taxes, and a 120-percent increase in tourism spending, reaching nearly $30 million. The Planning Board's role in this review is to determine whether the building's current classification prevents the applicant from advancing these economic goals. To aid the Board's consideration, the Comprehensive Plan's chapter on the Economy includes the following relevant goals and strategies:

Economic	**Comprehensive Plan Goals**
State Goal	*Promote an economic climate that increases job opportunities and overall economic well-being.*
Local Goal	*Support sustainable growth in our educational, medical, and cultural institutions.*
Local Goal	*Value Innovation and creativity as cornerstones of the local economy and as central to Portland's uniqueness and diversity.*
Local Goal	*Respect that our unique quality of place is key to our current and future economic success.*
Local Goal	*Create economic prosperity by growing Portland's tax and employment base.*
Local Goal	*Invest in, attract, and retain human capital to support a growing economy.*
Local Goal	*Respect that our unique quality of place is key to our current and future economic success.*
Local Goal	*Value and nurture Portland-based businesses.*

Economic - Future Strategies
5. Target areas for job growth (pg. 44)
Ensure that new employment can be accommodated in priority growth areas across the city.
Modify ordinances and make strategic investments to better promote business development and job creation in priority areas.
6. Plan for institutional growth (pg. 45)

Promote the orderly expansions of institutional uses, such as educational, cultural, and hospital campuses, which are central to workforce development, employment, and the health of the local and regional economies.
Ensure the growth of Portland's educational, medical, and cultural institutions is integrated into Portland's urban fabric through the use of high-quality design, management of impacts, community partnerships, and innovative planning.
Sustain and strengthen relationships between local organizations and our anchor institutions to capitalize on their unique value to the well-being and future success of Portland and the region.
8. Emphasize arts and culture (pg. 46)
Leverage arts and culture as a central element of Portland's distinct quality of place.
Support our cultural institutions and spaces for the arts.
Support access to the arts and culture for all residents.

Recreation and Open Space

Portland's Plan 2030, also notes the importance of public spaces and how they are central to the City's ability to foster neighborhood vitality, sense of community, recreational opportunities, environmental health, arts and cultural programming, economic development, and local mobility. The Portland Museum of Art and the 142 Free Street site immediately abut Congress Square Park. Congress Square Park is a central public open space located in a mixed-use neighborhood of retail establishments, arts and educational organizations, and housing, and is an area that the City identified as a critical opportunity to reimagine as a high-quality, distinctive urban space that would be accessible to all. The Congress Square Redesign effort and Public Art Commission is a design project that is years in the making, and is intended to transform the space into the heart of the City's Arts District. This transformation will include creative placemaking, including new public artwork to transform this space from a neglected, inaccessible, car-dominated space into a vibrant gathering and arts place. The redesign effort, is being led by the City with phase I construction already underway. The applicant acknowledges that proposed vision for 142 Free Street would create an opportunity to ensure a vibrant future for Congress Square. PMA argues that Congress Square is currently failing, and that PMA's proposed vision will usher a future that brings energy back to this area of the city.

To aid the Board's consideration, the Comprehensive Plan's chapter on Recreation and Open Space includes the following relevant goals and strategies:

Recreation and Open Space	**Comprehensive Plan Goals**
Local Goal	Provide high-quality, well-designed, well-maintained, safe, and integrated parks, trails, public open spaces, and recreational opportunities accessible to all residents.

Recreation and Open Space - Future Strategies
5. Develop uniqueness (pg. 59)
Incorporate creative design, public art, and placemaking wherever possible to enhance aesthetic value.
Engage the community in bringing arts and culture to the open space network.

Future Land Use:

Portland's plan for future land use places emphasis on areas most important to its growth over the next decade. The Plan highlights that while Portland's commercial and entrepreneurial activity takes place

throughout the city, downtown Portland remains at the center of the region's arts and cultural, economic, and civic health, and Portland's Plan embraces the principle that downtown should continue to be a predominant locust of activity for the broader region.

In terms of design, Portland's Plan affirms the importance of design, particularly as it relates to change and the legacy of design, stating that, "*Portland's physical character is defined by a distinctive relationship between its topography, building character and fabric, and the natural landscape. The authentic, scenic, and historic nature of the built and natural environment provides the context for the city's current success and attractiveness. The city building taking place in this current period of change will be the legacy of this generation to the future Portland. The critical question is not "if" but "how" we should grow to maintain that authentic character while allowing our city to flourish. It is incumbent on city builders to provide excellence in architectural quality and urban design commensurate with the image of Portland in history and today. Thoughtful and high quality-design is achieved through attention to quality of space and placemaking, the relationship of buildings to the streets and built context, durability and integrity of materials, and a pleasing and timeless quality of architecture; these must be held to the highest possible standards. Practicing and incentivizing contextual principles of urban design are central to the health and well-being of the City of Portland"* (pg. 82).

The Planning Board's role in this review is to determine whether the building's current classification prevents the applicant from advancing the City's goals of supporting Downtown as a hub for arts and cultural and mixed-use development with quality design.

VI. PUBLIC COMMENT

As of the writing of this report the Planning and Urban Development Department has received no written public comment.

VII. NEXT STEPS

On Tuesday, Planning & Urban Development Staff will present the Historic Preservation Board's recommendation and provide an overview of comprehensive plan consideration. At this time, Staff seeks feedback from the Planning Board on the proposed reclassification, including requests for any additional information from the applicant. A public hearing and formal recommendation from the Planning Board will follow Tuesday's workshop.

VIII. ATTACHMENTS

Att. 1 – PMA Application to PB 11.8.23
Att. 2 – Congress Street Historic District Description
Att. 3 – 142 Free Street – Property Description
Att. 4 – Chapter 14, Article 17 Excerpts
Att. 5 – NR Bulletin-How to Apply NR Criteria
Att. 6 – 11-1-2023 142 Free HPB PH Report
Att. 7 – PMA Application to HPB
Att. 8 – Public Comment submitted to Historic Preservation Board

November 8, 2023

City of Portland Planning Division
c/o Christine Grimando, Director
c/o Kevin Kraft, City Planner
389 Congress Street, 4th Floor
Portland, ME 04101

Dear Planning Board,

We are honored to present *The PMA Blueprint* to you and ask for your partnership and support in bringing this transformational project to our city. *The PMA Blueprint* is a once-in-a-lifetime opportunity that ensures a vibrant future for Congress Square, anchors our communities in the arts, sparks dynamic economic benefits for our neighbors and downtown businesses, and engages the city's comprehensive plan in a transformative way. It has been shaped by the community at every step, and it is exactly the caliber and quality of urban revitalization the City of Portland needs.

Please accept this letter as an application from the Portland Museum of Art, Portland, Maine, to request that the Planning Board of the City of Portland re-classify the 142 Free Street property, currently a "contributing structure," to be "non-contributing." While the Historic Preservation Board, under the criteria for designation, voted to uphold the contributing status, we urge the Planning Board to vote to enable the museum to help spark the urban renewal necessary for our community and for our city.

The PMA stands ready to build a Portland landmark for the future, a building that will create a space where all can belong. We urge the Planning Board to vote that 142 Free Street be a "non-contributing structure."

The City of Portland is driven by a vision of "six interconnected themes," set forth in *Portland's Plan 2030,* of equity, connection, sustainability, dynamism, authenticity, security, and connectivity. The PMA is driven by the values of courage, equity, service, trust and sustainability, activating our *Art for All* mission. Together with our communities, we can create a landmark building that exemplifies these shared values and goals, communicating to anyone who visits that all are welcome in Portland. To do this, we must have the flexibility to develop our campus responsibly, with courage and care. *The PMA Blueprint* is in lockstep with the city's comprehensive plan for 2030. Released in 2017, the city's plan serves as a policy guide for the entire city and was the result of extensive public engagement. The Plan's Vision Statement acknowledges that a "vibrant arts and cultural life will be central to our city's identity." It calls for embracing innovation and welcoming new residents because they enhance and enrich our region. It champions equity and sustainability.

The PMA Blueprint embodies goal after goal of the city's vision, and its potential impacts are far reaching and incredibly significant. Last year, an impact study conducted by our colleagues at the Maine Center for Business and Economic Research at the University of Maine found that the

PORTLAND MUSEUM *of* ART Seven Congress Square, Portland, Maine 04101 PH: 207 / 775-6418 FAX: 207 / 773-7324 portlandmuseum.org

addition of our new wing will transform Portland's economy. The study projected that post-expansion, the PMA's annual economic contribution will include doubling the number of jobs supported (to 600) and generating more than $28 million in labor income, $65 million in sales, $4 million in state and local taxes, and a 120-percent increase in tourism spending, reaching nearly $30 million.

The new wing also will be sustainably constructed, primarily utilizing mass timber, making it one of the first sustainable public buildings in Portland as well as one of the first green museum buildings in the country. The sustainable construction will reference Maine's lumber industry while the building's curved roofline will frame the sun as it rises and sets, in honor of Maine's Wabanaki communities.

We have been here before. The Portland Museum of Art was founded 140 years ago by artists living here in Maine. It grew quickly, as community members donated their time, energy, and passion for the arts, enabling the PMA to establish a downtown Portland campus. For the next 100 years, that campus grew to include the McLellan House, L.D.M. Sweat Memorial Galleries, and the Charles Q. Clapp House. As art from donors throughout our communities began filling up the walls and spaces within the museum, our communities came together again in the late 1970s for what was, at the time, the largest major expansion in PMA history.

That expansion, a courageous and iconic design of the Charles Shipman Payson building by Harry Cobb of the I. M. Pei & Partners firm, was a result of collection growth, campus limitations, and community support. In the more than 40 years since construction began, the Payson building has anchored the dynamic and world-renowned arts district of Portland, Maine, and enabled millions of people to discover and connect with the transformative power of art.

But a lot has changed in 40 years.

Our collection has grown exponentially, and in the last decade alone has diversified deliberately and more quickly than at any point previously. Judy Glickman Lauder, Barbara Goodbody, Richard Estes, Bruce Brown, David and Eva Bradford, the Berger Collection Educational Trust, and Alex Katz Foundation have all made significant and transformative gifts to the PMA collection in recent years, expanding the narratives we can tell and connections we can make.

Our campus has changed, and we've restored the McLellan House, purchased, restored, and opened the Winslow Homer Studio, and reinstalled our collection multiple times to maximize our existing footprint. And yet our campus has reached its limit, with attendance already twice the planned capacity of the Payson building. In just five years, we will more than triple the planned capacity of our campus. We need to expand, as we are being forced to make tough choices around reducing exhibition size and restricting capacity due to the physical limitations of our campus.

Critically, we, as a community, have changed as well. Our needs and expectations from our institutions have changed, and nowhere is that clearer than for museums. We must do more to create opportunity—on our walls, in our galleries, through our programs, on our board, and within our staff—to ensure the PMA experience reflects your experience, lifestyle, and values. We must elevate individuals and communities that have been excluded from museums and "the art world," embodying our values through artwork, exhibitions, programs, and didactics by and in partnership with our BIPOC communities, immigrants and new Mainers, LGBTQIA2S+ neighbors, our elders, youth, and other communities across Maine. We must be at the center of our communities, which requires dialogue, trust, and transparency. And we must ensure we are championing a more diverse, inclusive, and sustainable region. We must become a community institution that is rooted in belonging.

142 Free Street is our catalyst for a brighter future, ensuring Congress Square is a sustainable center for arts and culture. In 2022 we launched our vision with *The Blueprint Project: Building a Landmark for the Future*. This case for development was supported by years of open-ended community building and research, including campus planning, listening sessions, focus groups, strategic plan development, equity strategic action plan development, a feasibility study, and an economic impact study. Through this work, we came to understand what our communities want from museums and their arts institutions. These needs, desires, and expectations are embedded in the project, our Strategic Plan, and our mission, *Art for All*. We are the first museum in the country to have a mission led by our values in this way.

The PMA sits in the heart of the arts district in Portland and the truth is, Congress Square is failing. Longtime community anchors have determined Congress Square no longer supports or sustains them and have left—such as Harmon's Floral Company, a Congress Square fixture since 1887. The Schwartz Building, once a vibrant mix of artist studios, has remained vacant for over 15 years. In the last month, Starbucks announced it is leaving the Hay Building, and just this week, Portland's original and pioneering coffee shop, Coffee By Design, announced the permanent closure of its Congress Square location as well. Workers are not coming back to commercial office space and pedestrian traffic is at an all-time low. The city's Congress Square redevelopment project is in disarray—years away and in perpetual limbo.

In the face of this, we come to you ready to act with our transformative project, eager to revitalize this critical region of our city, just as we did in 1982 with the Payson wing. As outlined in our historic report to this Board, in the years after WWII, the city razed much of Free Street to make way for development that never came. Eight decades later, we are prepared to deliver on the potential of this neighborhood, ushering in a future we can count on by bringing community, energy, and meaning back to Congress Square.

Our concept, developed with LEVER Architecture, is the result of years-long planning and partnering with our communities. It began nearly five years ago—with a process similar to the development of the city's comprehensive plan—as we hosted focus groups, held listening sessions, and sent surveys throughout our communities to learn about what they needed and wanted from their museum. That feedback informed an innovative, juried international design competition challenging architects from around the world to propose a vision for the museum grounded in our values, our *Art for All* mission, and belonging.

A total of 104 teams representing 20 countries submitted proposals for *The PMA Blueprint*, with 46 percent of all lead firm submissions owned or founded by people of color or women. Once we announced the finalists, we opened a gallery onsite and online where everyone could explore and interact with 3D models of the proposals and submit feedback. We received more than 2,000 responses about the designs, and LEVER was the clear standout among our communities, with 47 percent preferring LEVER's concept over the three other finalists. That concept has been overwhelmingly supported by our communities, with an astounding 93-percent positive feedback rate.

The competition and vision of LEVER's design is very much based on key principles of the Portland's Urban Planning Strategic Plan and, at the same time, this project is about so much more than the Portland Museum of Art. It is about Congress Square, the City of Portland, and the businesses that depend on our destination status.

This is a shared future, as evidenced by the thousands of public comments we have solicited informing the project and the unsolicited letters of support we've received in recent months. Lucas St. Clair shares, "While I support the understanding to protect our city's history, we should not let it define our future or prevent evolution. The expanded PMA campus will be a Greater

Portland Landmark of the future, one that takes into account 21st century needs and helps the city in advance in its vision." And architect Susan Faxon shares, "This is a decision that is hard to make, but as with all preservation decisions, the greater good needs to be given weight . . . I submit that the sacrifice of a rather stolid and unimaginative structure is a fair and necessary measure to allow a project that will enervate and enliven an important streetscape."

LEVER's concept has garnered support from Congress Square institutions such as Springers, Portland Flea-for-All, The State Theatre, and VIA. It is supported by arts organizations such as Indigo Arts Alliance and The Children's Museum and Theater of Maine—the former owner of 142 Free Street. It is worth noting that The Children's Museum sold the building and relocated away from downtown Portland because the site could not grow with them. The project is also supported across industries throughout Maine and the country, including the New England Forest Foundation, USDA, and Wood Products Council. We believe that this unified approval for a new, landmark arts building is a result of the collaborative and empathetic approach the PMA has taken to ensure our growth is sustainable and responsible.

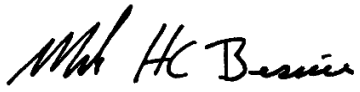
***The PMA Blueprint* embodies goal after goal of the city's vision.** And our plan for 142 Free Street is the only way to grow while maintaining a primary relationship with Congress Square, a place we've anchored since our Payson wing replaced the Libby building in 1983. The alternative is not an idyllic repurposing of 142 Free Street as some critics may suggest. The reality is the property can never adequately support the museum's collection, gallery, and public needs. In actuality, our only alternative would be a painful shift for our city—joining our neighbors in turning away from Congress Square—and reorienting the museum toward Spring Street. Simply put, there has never been a more important time to make the right choice for Congress Square's future.

Maine and Portland have changed. The ways we plan have become transparent, collaborative, and inclusive. Values and vision lead. That's why we are here now, backed by thousands of our citizens who have contributed to this vision—just as they did with *Portland's Plan*. *The PMA Blueprint* has been heralded nationally and internationally as one of the most innovative and game-changing urban projects possible. Why? Because projects like this don't happen in communities like ours. They happen in London, New York, Paris, and other leading cities that understand how to balance preservation with opportunity. We stand with a singular chance to cement Portland's identity to the world as a beacon of inclusion and diversity, and we need your support.

Through leadership and consensus, the PMA has proved its commitment to preserving the past, recognizes the opportunities of the present, and strives to provide a gathering space for future generations to grow. As deeply invested and thoughtful members of our community, I urge you to lean into the true issue at hand. This is about the very nature of the city of Portland, our values, and our future.

Please support the vibrant arts and cultural life envisioned by the city's comprehensive plan and empowered by equity and sustainability. Please help us save Congress Square and reestablish our neighborhood as the heart of the city. And please enable this generational opportunity for our communities and our future.

Thank you,



Mark H.C. Bessire
Judy and Leonard Lauder Director

August 31, 2023

City of Portland
Historic Preservation Board
c/o Evan Schueckler
Historic Preservation Program Manager
389 Congress Street
Portland, ME 04101

Dear Historic Preservation Board,

Please accept this letter as an application for the Portland Museum of Art, Portland, Maine, to request that the Historic Preservation Board of the City of Portland re-classify the 142 Free Street property, currently a "contributing structure," to be "non-contributing" on the basis that the building never should have been classified as contributing in 2009 and 2020. Please review the History of 142 Free Street report prepared by Margaret Gaertner, Historic Building Consultant, for the details on the history of this property as well as the memo attached analyzing the existing designation position.

Throughout its lifetime, 142 Free Street has been significantly altered, and is now virtually unrecognizable when compared to previous iterations of the building. As a result, and after much diligence and research, we have come to believe it does not contribute to the district historically, nor does it support our city's innovative vision for the future. When considered for its role in the Congress Street Historic District, and as part of the PMA's historic campus, 142 Free Street does not carry the same historical stature, architectural consistency, or community significance that the District's or the museum's other properties do.

In the case of a nominated historic district, the Historic Preservation Board shall also determine whether there is an interrelationship of resources within it that creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. To be clear, we believe:

- 142 Free Street should not be designated a contributing structure and doing so diminishes the credibility of the designation.
- Our values and interests are absolutely aligned with the city's and are in the best interests of its citizens, visitors, and future.
- The PMA has a long history of stewardship and preservation of historic buildings, understands their significance, and has a legacy of architecturally significant contributions to our community.

After World War II, Portland's leaders looked to urban renewal to draw businesses and development into the city. A series of "slum-clearing" and redevelopment projects demolished entire blocks to make room for widened streets and new buildings that would accommodate an automobile-focused culture. To this day, many of these blocks, including much of Free Street,

remain vacant and await redevelopment. Implementation is *long* overdue. We have completed a thorough search to identify a design team with a bold vision that is appropriate for Portland, Maine, and the 142 Free Street site. With your support, we stand ready to create a new landmark for Portland.

The City of Portland is driven by a vision of "six interconnected themes," set forth in *Portland's Plan 2030*, of equity, connection, sustainability, dynamism, authenticity, security, and connectivity. The PMA is driven by the values of courage, equity, service, trust and sustainability, activating our *Art for All* mission. Together, with our communities we can create a landmark building that exemplifies these shared values and goals, communicating to anyone who visits that all are welcome in Portland, Maine. To do this, we must have the flexibility to develop our campus responsibly, with courage and care.

The Portland Museum of Art was founded 140 years ago by artists living here in Maine. It grew quickly, as community members donated their time, energy, and passion for the arts, enabling the PMA to establish a downtown Portland campus. For the next 100 years, that campus grew to include the McLellan House, LDM Sweat galleries, and the Clapp House. As art from donors throughout our communities began filling up the walls and spaces within the museum, our communities came together again in the late 1970s for what was, at the time, the largest major expansion in PMA history.

That expansion, a courageous and iconic design of the Charles Shipman Payson building by Harry Cobb of the I. M. Pei & Partners firm, was a result of collection growth, campus limitations, and community support. In the more than 40 years since construction began, the Payson building has anchored the dynamic and world-renowned arts district of Portland, Maine, and enabled millions of people to discover and connect with the transformative power of art.

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Our campus has changed, and we've restored the McLellan House, purchased, restored, and opened the Winslow Homer Studio, and reinstalled our collection multiple times to maximize our existing footprint. And yet our campus has reached its limit, with attendance already at twice the planned capacity of the Payson building. In just five years, we will more than triple the planned capacity of our campus. We need to expand, as we are being forced to make tough choices around reducing exhibition size and restricting capacity due to the physical limitations of our campus.

Critically, we, as a community, have changed as well. Our needs and expectations from our institutions have changed, and nowhere is that clearer than for museums. We must do more to create opportunity—on our walls, in our galleries, through our programs, on our board, and within our staff—to ensure the PMA experience reflects *your* experience, lifestyle, and values. We must elevate individuals and communities that have been excluded from museums and "the art world," embodying our values through artwork, exhibitions, programs, and didactics by and in partnership with our BIPOC communities, immigrants and new Mainers, LGBTQIA2S+ neighbors, our elders, youth, and other communities across Maine. We must be at the center of our communities, which

requires dialogue, trust, and transparency. And we must ensure we are championing a more diverse, inclusive, and sustainable region. We must become a community institution that is rooted in *belonging*.

142 Free Street is our catalyst for a brighter future, ensuring Congress Square is a sustainable center for arts and culture.

In 2022 we launched our vision with *The Blueprint Project: Building a Landmark for the Future*. This case for development was supported by years of open-ended community building and research, including campus planning, listening sessions, focus groups, strategic plan development, equity strategic action plan development, a feasibility study, and an economic impact study. Through this work, we came to understand what our communities want from museums and their arts institutions. These needs, desires, and expectations are embedded in the project, our Strategic Plan, and our mission, *Art for All*. We are the first museum in the country to have a mission led by our values in this way.

The shared values of the PMA and city of Portland were centerstage as we put out a global open call for architects to assemble diverse teams of experts to imagine the future of 142 Free Street. Our International Design Competition attracted submissions from 104 teams representing 20 countries, including Australia, Belgium, China, Denmark, Finland, Japan, Mexico, Spain, South Korea, United Arab Emirates, the United Kingdom, and more. In total, more than 250 firms participated as part of the 104 submitting teams, with 46 percent of all lead architecture firms founded or owned by people of color or women.

After a rigorous selection process, Portland, Oregon's LEVER Architecture won the commission. LEVER stood out for numerous reasons, chief among them their commitment to sustainable design and building practices, and deeply rooted understanding of DEAI.

Their initial concept has been overwhelmingly supported by our communities, with an astounding 93% positive feedback rate for LEVER's concept.

Here are a few of the impacts we're looking forward to:

1. **Align with our *Art for All* mission**. The new PMA wing will be a lasting example of our communities' values and the PMA's commitment to diversity, equity, accessibility, and inclusion. In the words of the late artist David Driskell, "What we leave as proof of our being here will not necessarily be in the sciences, in politics in economics, but will manifest itself through the arts". ***This once-in-a-lifetime museum expansion and unification that will forever change Maine and New England.*** Through *The PMA Blueprint*, we will redefine our region, unite our communities, and sustain our economy for generations to come.

2. **Contribute significantly to Portland and Maine's economy**. A 2022 economic analysis commissioned by the PMA through the Center for Business and Economic Research at the University of Southern Maine concludes that post-expansion, ***the PMA's annual economic contribution will more than double to include more than 600 jobs, $28.1 million in labor income, $65.3 million in sales, and $4.2 million in local and state taxes.*** The expansion also will solidify the PMA's status as quintessential destination and defining experience in Maine.

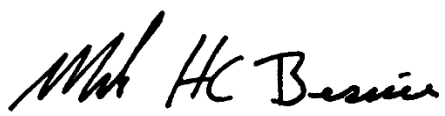
3. **Promote sustainability and spark revitalization across our state.** True to the spirit of the City of Portland's comprehensive plan and dedication to sustainability, our new building will showcase innovative construction materials and techniques that are on the forefront of sustainability. The building will be constructed primarily of mass timber, a remarkably strong, durable, and sustainable material with an ability to sequester carbon. When wood that is used for mass timber construction is obtained from sustainably managed forests, the resulting materials have a much lower life-cycle carbon footprint than steel and concrete, delivering a 26.5% reduction in global warming potential, according to University of Washington researchers. ***We're working to operationalize the shared desire for a mass timber plant in Maine and get it to the finish line with our policymakers at all levels, the University of Maine, Indigenous leaders, landowners, forestry advocates, businesses, and more.*** Why? Because mass timber in Maine just makes sense. We're the most forested state in the country—with nearly 90% of the land covered in forests, the potential to revitalize and reimagine our state through this innovative industry is real. This is a rare and unique opportunity to bring rural and urban communities, companies, and governments together through clean industries that make the world better and support Maine jobs.

4. **Expand inclusivity and belonging.** It is important to acknowledge and understand the potential interpretations of architectural styles, and when they are applied in different time periods, when considering what to champion for our city. Maine's marquee cultural institution must be a landmark designed with everyone in mind. 142 Free Street's current façade, however, was erected during the Jim Crow era. Our region is one that is striving to become more inclusive, dynamic, and diverse—a city where everyone belongs—and some architecture styles can carry unfortunate legacies of the past into the future that undermine these values and goals.

Without the removal of 2009's misclassified designation, we will not be able to realize this collective vision for our future and our city will be less dynamic, inclusive, equitable, and sustainable as a result.

We are aligned with the City of Portland's values and vision, and our drive to do right by our communities has been at the center of this project from day one. We believe that this project will spark our economies, spur urban development locally, and change the way our city and state are seen by visitors from around the world. We request that the City of Portland take the brave step forward to support our request to re-designate the 142 Free Street property to "non-Contributing" to enable our communities' vision for the City of Portland, our beautiful state, and the PMA.

Thank you for your consideration,



Mark H.C. Bessire
Judy and Leonard Lauder Director

Aspects of Integrity Evaluation for 142 Free Street

National Register and City of Portland

Please find the seven Aspects of Integrity and an assessment summarizing each aspect of 142 Free Street and the resulting impact on National Register (NR) eligibility for Individual Listing or as a contributing structure to a NR Historic District. Interior features and alterations are mentioned only in the context of NR eligibility for individual listing.

Per the 2020 district nomination update, the Period of Significance for the Spring Street National Register Historic District is 1800 through 1943, which includes the tenancy of the Chamber of Commerce. Other entities associated with the site—the Baptist Church, the Children's Museum—are not relevant to this evaluation as no physical fabric remains to represent the Church's ownership, and the Children's Museum's ownership post-dates the Period of Significance.

All historic interior elements are gone from 142 Free Street. This is more of an issue for individual eligibility—only the exterior is considered when evaluating if a building contributes or does not contribute to a National Register Historic District. The National Register Guidelines define the Aspects of Integrity as follows:

Location is the place where the historic property was constructed or the place where the historic event occurred.

Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Setting is the physical environment of a historic property.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.[1]

	Contributes to a District?	Eligibility for Individual Listing?	
Location	---	---	Building remains in original location. Integrity of location is uncompromised.
Design	The form of the building is compromised by the addition of the dormer and cupola.	Building would not be eligible for individual listing on the National Register due to the	Integrity of Design is compromised.

		alteration of the interior. The interior of the building has no integrity – plan is altered, all finishes removed, roof structure replaced.	
Setting	• The setting lacks any historic integrity – building is surrounded by parking lots and a ca. 1983 building (the Payson wing)	• The setting lacks any historic integrity. Historically, Free Street was a residential street (19th c.) and in the early 20th c. some commercial structures – the YMCA – replaced residences. 142 Free is now surrounded by surface parking lots and a ca. 1983 building (the Payson wing)	No Integrity of Setting remains.
Materials	• Large windows on the highly visible east facade are not wood. • Basement windows, east facade are not wood. • Front (main entry) doors, transom over same replaced with modern, metal doors.	• Large windows on the highly visible east facade are not wood. • Basement windows, east facade are not wood. • Front (main entry) doors, transom over same replaced with modern, metal doors	Integrity of Materials is compromised.
Workmanship		All elements of the 1927-43 interior are gone – no workmanship remains at interior.	For the interior, the Integrity of Workmanship is compromised.
Feeling	• Cupola changes the formal *feel* of the building. • The added dormer alters the roofline, a critical feature on this formal design.	• Cupola changes the formal *feel* of the building. • The added dormer alters the roofline, a critical feature on this formal design.	Integrity of Feeling is compromised.

		• The interior retains no feeling of its 1927-43 era.	
Association	Changes to the exterior – fenestration changes, replacement windows, dormers, cupola – have resulted in a stronger visual association with the Children's Museum's ownership.	• Interior retains no spaces or finishes to represent its association with the Chamber ca. 1927-43. • Changes to the exterior create a stronger association with the Children's Museum.	Integrity of Association is compromised.

City's Aspects of Integrity

The Designation Report does not assign/mention a Period of Significance.

The City's "Land Use Code" does not define Design, Condition, Materials, etc. (see "Definitions" on pages 17-1 through 17-3).

The City does not consider or review interiors, so the interior of the building is not discussed in the following list.

Location	---	Intact - building remains in original location.
Design	• Fenestration (window locations) altered – east facade. One opening added, one filled in at upper floor. Basement openings heavily altered – filled in, added, one opening enlarged to door. • Highly visible cupola added • Highly visible dormer added. • Highly visible skylights added.	Compromised.
Condition	---	Intact - building is generally in good condition.
Materials	• Large windows, east facade are not wood.	Compromised.

	• Basement windows, east facade are not wood. • Front (main entry) doors, transom over same replaced with modern, metal doors.	
Workmanship	• Windows replaced, the modern windows do not replicate the original design • Primary entry door, transom over same door replaced – door, transom are metal and do not replicate original design	Compromised.

[1] *National Register Bulletin How to Apply the National Register Criteria for Evaluation,* page 45. Available at https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

July 10, 2023

I am happy to submit this letter of support for the potential new museum wing of the Portland Museum of Art.

As the General Manager of Crobo LLC, owner and operator of the State Theatre and Summer Concert Series at Thompson's Point, I can speak first-hand how incredible it has been to be a neighbor of the Portland Museum of Art. The PMA and the State Theatre are two of the oldest arts-institutions in Portland as we have welcomed both locals and tourists into our venues for a century. I am thrilled for the museum's expansion and the economic growth and impact that this expansion would have not only in our neighborhood, but city and state wide. The potential for more programming, event space and community events is certainly an exciting and big part of it all, but so is the commitment the PMA has made to sustainable building practices with this project, which is crucial as we navigate climate change in a coastal city.

From the PMA, to Congress Square free events, to the lines going into the State Theatre for a concert, to the bustling restaurants around us and the amazing, local retail stores that have opened - watching this neighborhood and city grow and thrive both economically and culturally has been a thrill to watch over the years, and I firmly believe that the PMA expansion would further this excitement and the tangible energy you can actually feel on the street. We have been grateful to be one part of it all, and we wholeheartedly both support and are excited for the Portland Museum of Art's expansion project.

Thank you,

Lauren Wayne
GM – Crobo LLC
State Theatre

SPRINGER'S
TRUSTED JEWELERS 1870

To the Historic Preservation Board,

I am writing in support of the redesign of 142 Free Street. I am currently the President of Springer's Jewelers located at 580 Congress Street. Although we technically reside on Congress Street, our most commonly used entrance is Free St.
We have been honored to be neighbors of the Portland Museum of Art for over 50 years.
As a fourth-generation family-owned business Springer's Jewelers understands the delicate balance between upholding tradition and welcoming change to meet the needs and expectations of our clients and community. It is no secret that the residents of upper Congress and Free Street have struggled with the balance needed for the community and businesses to thrive. The introduction of the "Arts District" has been well accepted by businesses in our area. The Portland Museum of Art is the anchor of this area and community.
We are in full support the redesign of the 142 Free Street location as an opportunity to let the Art District shine and create new history, while the Museum continues to pay homage to the already existing and maintained historical buildings that are part of its campus. We hope this letter helps to encourage a dialogue with the goal of supporting the evolution of Portland in a way we can all be proud of and call ours.

Sincerely,

Lilly Mullen
President & Fourth-Generation Owner, Springer's Jewelers

July 8, 2023

Chair Schueckler and Members of the Historic Preservation Board
Portland City Hall
389 Congress Street, 3rd Floor
Portland, Maine 04101

Re: PMA Blueprint Project and Redesignating 142 Free Street as a "Non-Contributing" Property in Portland's Historic District

Dear Chair Schueckler and Members of Historic Preservation

This letter serves as an expression of our support for the Portland Museum of Art's Blueprint Project, and its petition to redesignate 142 Free Street as a non-contributing building in Portland's Historic District. As neighbors, community members, business owners and historic preservationists in our own right, we believe the Blueprint Project and redesignation are vital to the future of the Museum campus and our neighborhood.

PMA has been a touchstone of Portland's economic and cultural vitality since the Museum's inception. Lying squarely at the heart of Portland's geographic and artistic cores, PMA must be allowed to adapt to the growing demands of the city and its audiences. The community has watched the campus grow over the last 190 years, sometimes with great purpose, other times more organically. The current structure at 142 Free Street is more a pastiche than a relic. Historic preservation is best utilized when it preserves the quality and character of a place and time. 142 Free Street no longer reflects a single character or quality requiring protection. Its value rests in its use, not its facade.

The Museum leadership has invested tremendous thought, time and resources into making sure this development is executed with integrity. Over the last two years, we've been thrilled to see the care they've taken paying homage to Maine's local and regional histories in their process. Every step of the way they've asked how best to look forward without forgetting the past. PMA has a vision for a more inclusive, welcoming Museum - a Museum whose vibrancy ripples out into the community. They can only fulfill this vision with freedom and latitude to execute this world class design in a manner that feels cohesive to the rest of the campus. Tying that process to the Greco-Roman facade at 142 Free Street would place an undue stylistic and structural burden on the project. More importantly, it would be imposing a fight to preserve something that doesn't speak to Portland's best past or future.

Thank you for your time and consideration. We look forward to the impact of the completed project, and working alongside PMA and City leadership to enhance the cultural and economic vitality of Portland.

Most sincerely,

Erin Kiley
Co-Owner, Portland Flea-for-All
Co-Owner, Hammond Heirs Block at 585-593 Congress Street
Portland Downtown Board of Directors

August 18, 2023

As an architect and lifelong Portland resident I am writing to support the Portland Museum of Art's proposal to expand their historic complex on Congress Square. The museum is the anchor for our Arts District and an important cultural asset for Portland and the wider Maine community.

I am pleased with the selection of LEVER Architecture's team for the design. I am confident that their design solution will respect the PMA's historic complex and be an important contribution to Congress Square and Portland's architectural fabric. Their sustainability goals for the project featuring engineered wood construction are exciting and forward thinking. It will be a bonus if the construction helps jumpstart the wood products industry in Maine.

It is obvious to me as a longtime PMA member that the museum has outgrown its current space and requires this expansion to provide flexible, non-traditional museum space to further their mission to serve a wider and more diverse arts community.

Sincerely,
Paul S Stevens Architect
37 Fessenden Avenue
Portland, Maine 04109

A History of 142 Free Street and Free Street at Congress Square

for the Portland Museum of Art Portland, Maine

July 5, 2023

Prepared by
Margaret Gaertner
M. Gaertner, Historic Building Consultant

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The Free Street Theater (1830-1835)

Free Street and 142 Free Street are slightly off axis. For the purposes of the following report the Free Street-facing facade of 142 Free Street is the north facade and Free Street runs east-west.

Sometime in 1830, a building was constructed at 142 Free Street in Portland, Maine.[1] Originally built as a theater, it may have been the first theater constructed in Maine.[2] Some accounts called it the Portland Theater while others referred to it as the Free Street Theater.[3] One newspaper noted the cost of the theater building was $10,000.[4] Surviving deeds indicate there were many investors involved in the theater enterprise – a January, 1831 mortgage on the property listed twenty-seven grantors, or titleholders, with ownership rights in the theater building and lot.[5]

No drawings or other images of the building have been located, and the written descriptions of the original theater building vary.[6] The theater was a hipped-roof building set several feet back from the street line. A broad flight of steps ran up to a portico, where three doors led to the vestibule. There were also doors to the basement on either side of the steps. The facade had a recess, and two, large Ionic columns that supported a "heavy" entablature. Above the entablature, there

Free Street Theatre.—The Boston Galaxy has been altogether too obliging to us 'down Easters.' Our theatre is not opened; no Poem has been recited, and we are wonder-struck at the marvellous events which, the editor says, have happened in our town. We don't know here, who is the successful competitor for the Prize Poem, much less that a Poem has been delivered. We learn, however, that the Theatre will be opened to-morrow evening. The *Corps Dramatique* have been here over a week waiting for the finishing of the building which "is being" erected in Free-street. We are told, and we are happy to give such information to our readers, that the reputation, habits, and morality of this company are such as entitle it to the confidence of the public. Such information will be doubly agreeable to the lovers of the Drama with us, for they have so often been visited by Thespian gipsies. The Manager promises in his advertisement to use his best exertions to give satisfaction to the public. We have no doubt he will be successful.

This notice ran in the Portland Advertiser *on September 9, 1830. It suggests construction of the Free Street Theater was nearing completion on that date.*

1. *Free Street Baptist Church Semi-Centennial 1836-1886*, 74. "Free Street Theater," *Portland Advertiser* (September 28, 1830) np.
2. Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
3. Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
4. "Edwin Forrest Played Here 83 Years Ago," *Portland Sunday Telegram* (6 February, 1914) 1, "The Saunterer," *Portland Sunday Telegram* (25 November 1917) 6, and Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
5. Cumberland County Registry of Deeds, Book 123, page 515.
6. For descriptions of the theater building, see: Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10 and "The Saunterer," *Portland Sunday Telegram* (25 November, 1917) 6.

was a balustrade, also described as "heavy". There were four chimneys, one at each corner. The side walls had two rows of windows, likely one row for the basement, and the second at the main floor. Each row had six windows.

The Free Street Theater operated for approximately five years. Portland's proximity to Boston provided access to quality performers. In July 1831, a young Edwin Forrest, who would later become one of the most noted stage actors of the early-nineteenth century, appeared in a series of plays at the Free Street Theater.[7] Junius Booth, patriarch of the noted family of stage actors, is also believed to have performed there.[8]

As a business enterprise, the Theater appears to have struggled. Various newspapers in the early 1830s noted the re-opening of the theater and the appointment of new managers.[9] By 1835, the ownership of the theater was divided among three investors: Solomon Mudge, Enoch Mudge, and Nathaniel Jewett.[10]

By 1835, the Theater was closed for good. In December, 1835 the theater building was sold to eight Portland residents who were members of the First Baptist Society for $5,000.[11] The men intended to use the theater building as a church.

7. "Edwin Forrest Played Here 83 Years Ago," *Portland Sunday Telegram* (6 February, 1914) 1.
8. Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
9. "Re-opening of the Portland Theatre," *Eastern Argus* (17 June, 1831) 2, *Daily Eastern Argus* (12 June, 1833) 2, and *Daily Eastern Argus* (8 July, 1833) 2.
10. Cumberland County Registry of Deeds, Book 142, Page 412.
11. Cumberland County Registry of Deeds, Book 146, page 14.

The Free Street Baptist Church (1836-1926)

The Free Street Baptist Society was incorporated in January 1836. A building committee was formed, and the building formerly known as the Portland Theater was purchased. The eight men who had bought the Theater in December, 1835 sold the property to the Free Street Baptist Society on January 18, 1836. The deed for the sale of the building to the Society specifically mentioned "…being the lot of land on which the Brick Building called the Theatre now stands..."[12]

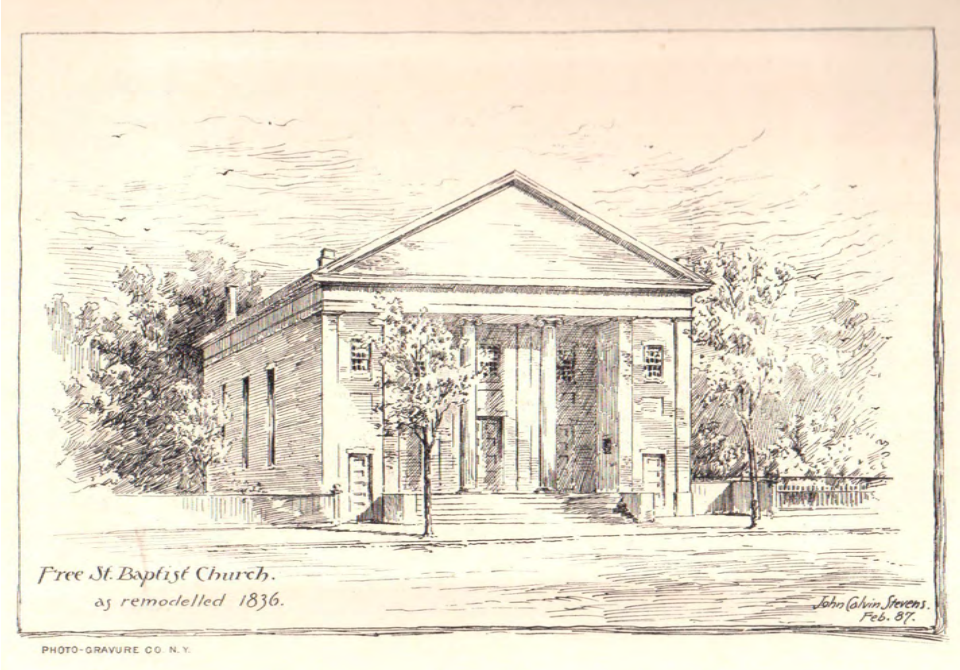
The Church made major alteration campaigns to its building every twenty years – in 1836, 1856, and 1876 – that resulted in significant changes to the appearance of the building. A final remodeling in 1926 by the subsequent owner erased all remnants of the earlier church building from the front facade and interior.

In 1836, the building was converted from a theater to the Free Street Baptist Church. Per non-contemporary written accounts, the former theater was altered as follows: the hipped roof was replaced with a gable roof, and the entablature was extended. The earlier windows in the side walls were replaced with taller windows, three openings in each wall. By August 11, 1836 the renovations were completed and the building was dedicated. A small line drawing on John Cullum's 1836 *Map of the City of Portland…* records the earliest appearance of the Church. John Calvin Stevens' conjectural sketch of the Free Street Baptist Church (following page), published in 1886, appears to be based on that small drawing.

In 1856 the church building was remodeled per the designs of architect Richard Bond (1798-1861). Bond was a Boston-based architect who had designed the Portland Merchant's Exchange (1835-9) prior to receiving the commission for the redesign of the Free Street Baptist Church.[13]

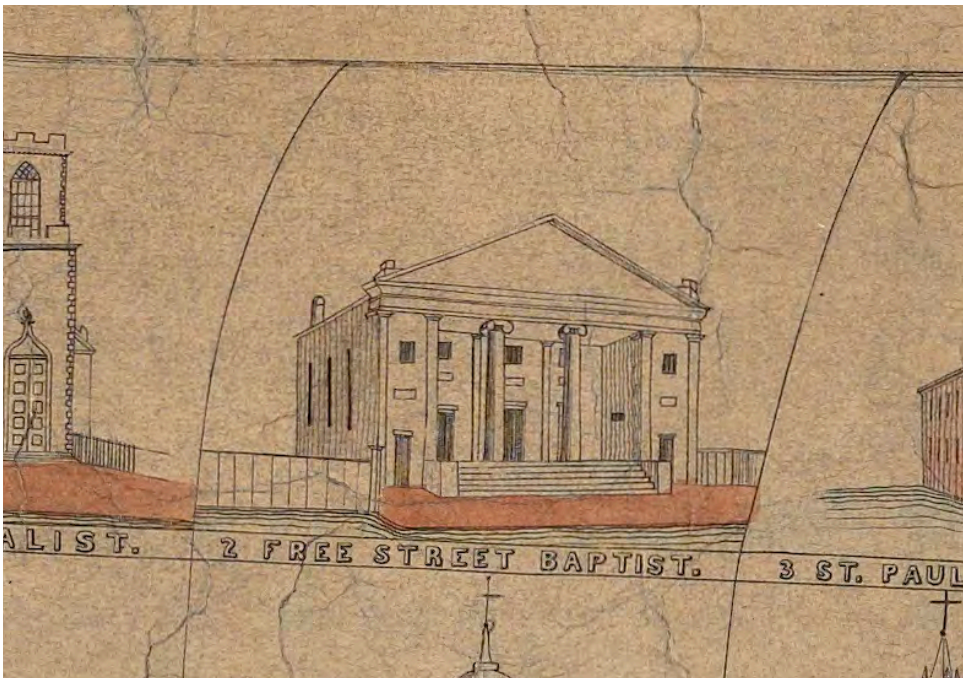
The alterations cost $15,000[14] and included adding a new "front" to the building which brought the primary facade out to the street line. This new facade was Italianate in style, and included two asymmetrical towers. The taller of the two towers was 185 feet tall and dominated the neighborhood around it. Surviving photographs show a light-colored building, lighter than the brick buildings adjacent to it, indicating the brick structure was painted, or more likely, stuccoed and scored, to imitate stone. Remnants of a stone-colored finish are still visible on the west facade of the building.

12. Cumberland County Registry of Deeds, Book 143, page 446.
13. Stephen Jerome, "Richard Bond," *Biographical Dictionary of Architects in Maine* (Volume V, No. 2) 1988.
14. William Willis, *The History of Portland* (Somersworth, NH: New Hampshire Publishing Company, 1972) 691.



In 1887, architect John Calvin Stevens made this sketch of the Free Street Baptist Church as he believed it would have appeared in 1836.

Source: *Free Street Baptist Church Semi-Centennial 1836-1886.*



This drawing of the Free Street Baptist Church was included on John Cullum's 1836 map of Portland. It likely was the source for John Calvin Stevens' 1887 sketch of the Church (above).

Source: John Cullum, *A Map of the City of Portland with its Latest Improvements...,* 1836.

These finish remnants found on the west facade record the stone color that was once found on the exterior of the Free Street Baptist Church.

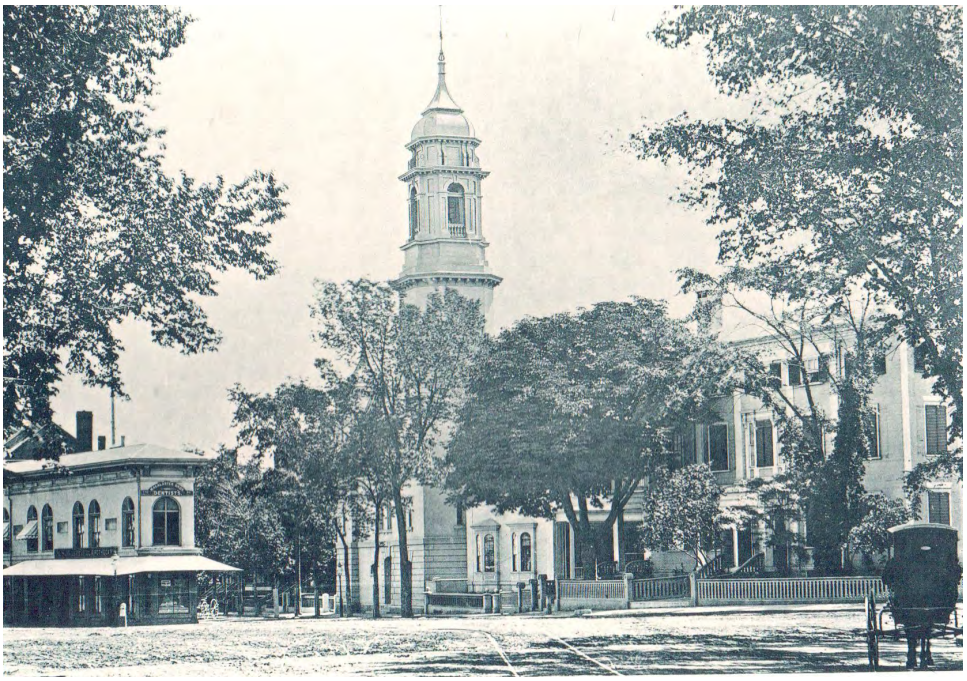
In March, 1876 a fierce gale damaged the original spire.[15] The spire and its base were removed and replaced with a shorter, eight-sided, curved dome roof on a new base (see photographs, next page).

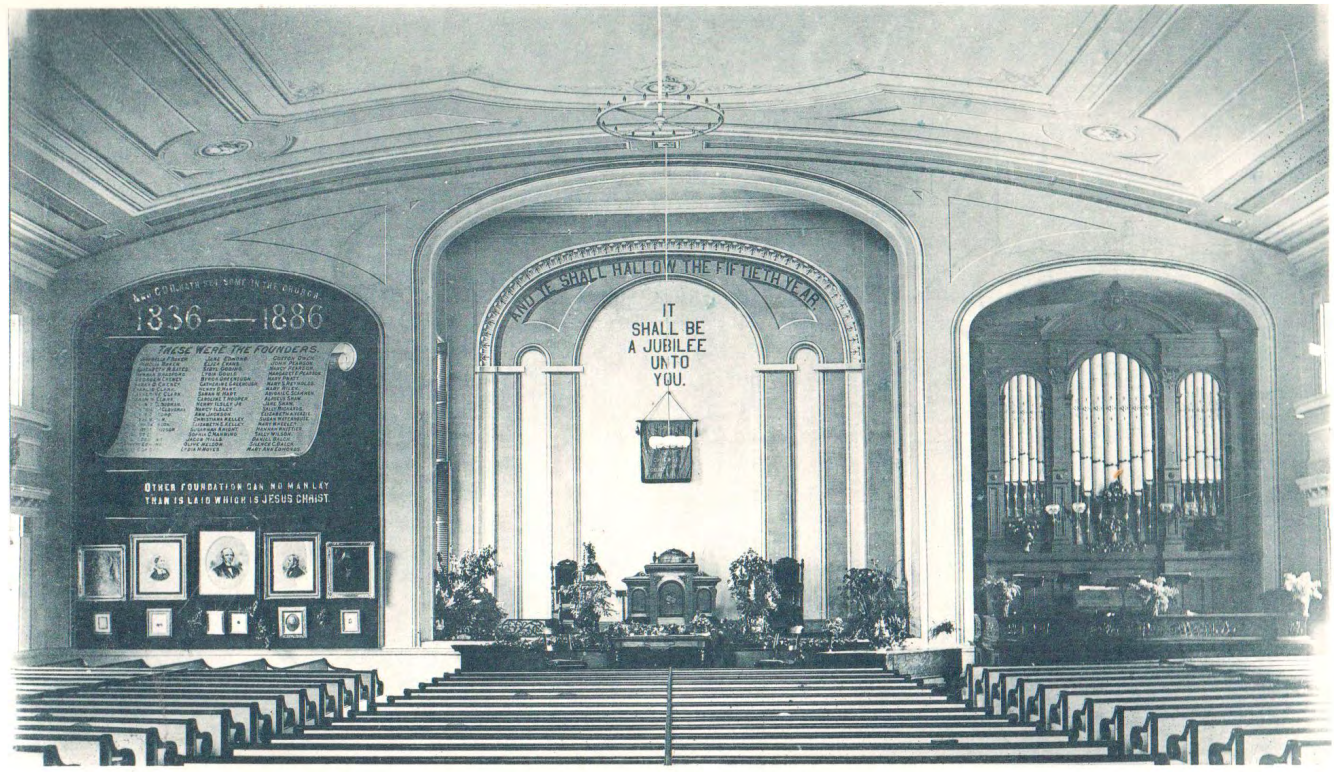
In 1887, the Free Street Baptist Church spent $6,500 on a "thorough improving" of the Church and a few years after that, stained glass windows were installed in the building.[16] In 1894, five-sixths of the lath-and-plaster ceiling fell down, including the furring, landing on and damaging some of the pews.[17]

In 1922, the Free Street Baptist Church and the First Free Baptist Church merged and formed the Immanuel Baptist Church. The newly formed congregation decided to build a new, shared church at the corner of Deering and High Streets. On October 15, 1926, the Immanuel Baptist Church sold its building at 142 Free Street to the Portland Chamber of Commerce ("the Chamber").[18] As part of the sale agreement, the Church retained ownership of the stained glass windows, organ, and pews that were then in the building.[19]

15. *Free Street Baptist Church Semi-Centennial 1836-1886*, 79.
16. "A Fall in Plaster," *The Portland Daily Press* (25 October, 1894) 8.
17. "A Fall in Plaster," *The Portland Daily Press* (25 October, 1894) 8.
18. The Chamber of Commerce has had several names over its existence including the Chamber of Commerce of Portland and the Chamber of Commerce of the Greater Portland Region. For the purposes of this report, "Chamber of Commerce" will be used.
19. Cumberland County Registry of Deeds, Deed dated October 31, 1991, Book 1246, page 482.

Right: The Free Street Baptist Church as it appeared after architect Richard Bond's 1856 redesign was complete. Below: The Free Street Baptist Church as it appeared after the spire was removed in 1876. In both images, the only building shown that still stands today is the Hay Building, the two-story "flat iron" building to the left of the Church.





This interior view of the Free Street Baptist Church was published in 1887.

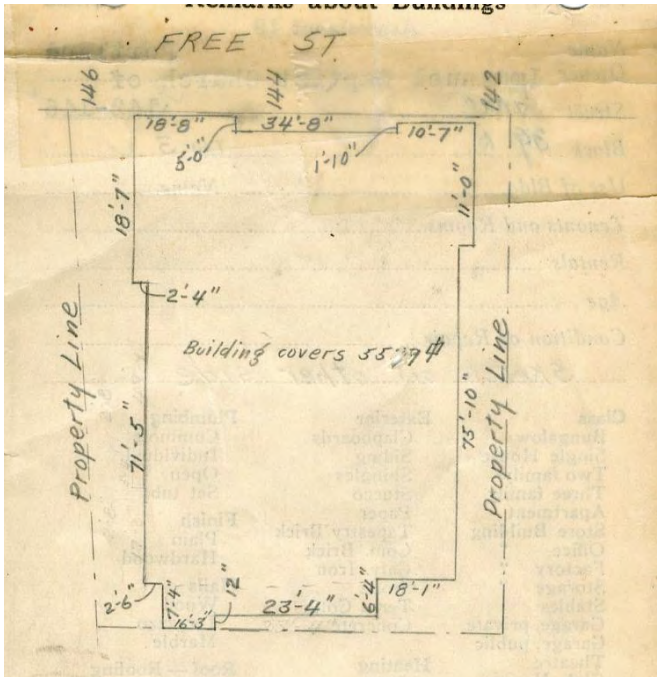
Source: *Free Street Baptist Church Semi-Centennial 1836-1886.*

Chamber of Commerce (1926-1991)

In 1926, the Chamber of Commerce bought 142 Free Street[20] and announced plans to renovate it for their new home. The Chamber retained architects John Calvin Stevens and John Howard Stevens to convert the former church into the Chamber's new headquarters.[21] The contractors for the work were W. W. Cunningham & Sons.

As noted by the press, the remodeled building retained little of its appearance from its days as a church. The two projecting towers on the Free Street facade were removed, and northernmost fifteen feet of the building (at Free Street) were rebuilt. The front facade of the building, likely stuccoed to resemble stone in its Church days, was completely removed and replaced with a new facade of exposed brick. The new facade had a portico supported on four concrete columns between two brick piers.

The extant building bears so little resemblance to the earlier Free Street Baptist Church that it is difficult to see how the Church was remodeled rather than completely replaced. Comparison of the building footprints as recorded in the 1924 assessor's sketch of the building footprint and the footprint in the current assessor's database show the basic dimensions are roughly the same. Photographs of the east facade from 1925 and 1958 (see photographs on following page) show the window openings on that wall were retained (new lintels were added in 1926) as was part of the cornice. Remnants of a stone-colored finish remain on the exterior face of the west wall (see photograph, page 7) but very little else of the building's past as a Church building appears to have survived.



This sketch floor plan was included in the City of Portland's 1924 assessment card for 142 Free Street.

Source: City of Portland - Planning & Development Department.

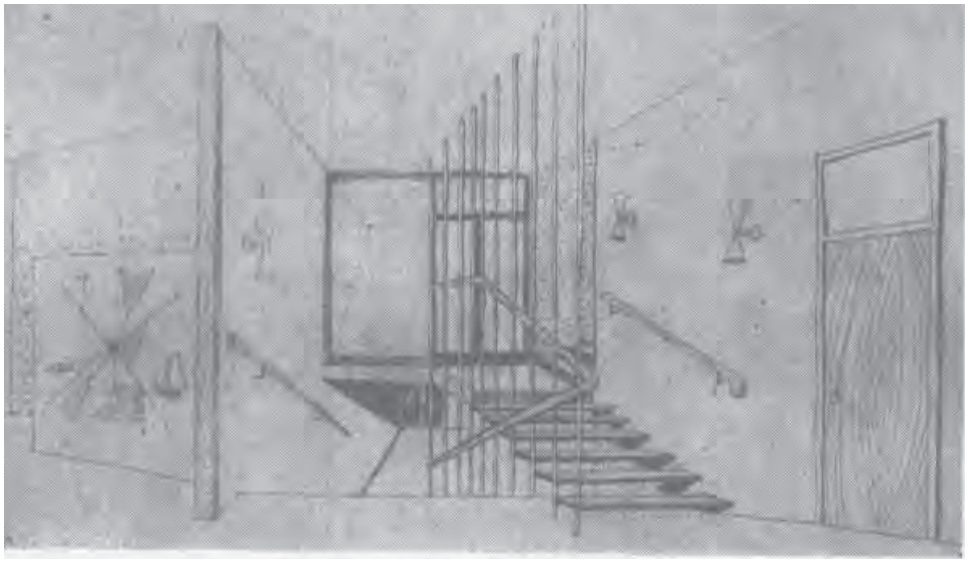
20. Cumberland County Registry of Deeds, Book 9779, page 254.
21. Drawings for the Stevens' alterations are not known to have survived. They are not in the collections of the Maine Historical Society. Requests to the Avery Library at Columbia University were not returned.

The Free Street Baptist Church in 1925 (above) and the Chamber of Commerce in 1958 (below). Without these two views to compare, it is difficult to see how the Church building was remodeled into the Chamber. The Free Street end of the building (at the right in these images) was completely replaced, and the brick walls are a different color.

Source: *Portland Evening Express,* May 31, 1958.

In addition to the exterior changes, the interior was remodeled. Although no architectural drawings have been located, the fenestration of the side walls suggests the north end of the building was divided into two floors, likely office space, while the south end was a double-height space. A "hard fuel" (coal) steam heating system was installed. During the sixty-five years the Chamber owned 142 Free Street, it continued to make small improvements and upgrades to the building. In 1941, an internal stair at the rear of the building that connected the first floor and basement was "floored over."[22]

In 1959, the Chamber remodeled the interior of the building.[23] In June of that year, the Chamber applied for a building permit to make $54,700 in alterations "as per plans." The contractor was Samuel Aceto & Co. Inc.[24] As part of the alterations, the coal-fired steam heating system was converted to oil.[25] In 1966, the Chamber completed a "brightening" of the exterior of 142 Free Street. The work included painting and repointing and cost $15,000.[26] In January, 1972 the Chamber applied for a building permit to complete $85,000 worth of renovation and alteration work "as per plan." The referenced plan has not survived.[27] The inspector noted steel beams were installed in the basement. As part of that project, the Chamber installed air-conditioning in the building.[28]



This rendering shows the interior design proposed for the Chamber of Commerce building in 1959. It is not known if the design was executed.

Source: *Portland Evening Express*, April 17, 1959.

22. Permitting and Inspections, Permit number 1919, dated December 9, 1941.
23. "Older than it Looks," *Evening Express* (14 January 1966) 7.
24. The referenced plans were not included with the building permit. Permitting and Inspections, Permit number 749, dated June 17, 1959.
25. Permitting and Inspections, Permit number 848, dated July 7, 1959.
26. "Older than it Looks," *Evening Express* (14 January 1966) 7.
27. Permitting and Inspections, Permit number 0112, dated January 21, 1972.
28. Permitting and Inspections, Permit number 0168, dated February 8, 1972.

142 Free Street (left) and the former WCTU building at 150 Free Street (right) on January 30, 1980. The WCTU building was torn down later that year.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

Throughout the 1980s, the Chamber reported financial difficulties. In October 1981, the Chamber of Commerce announced a "cash flow" problem of $100,000. Most of the shortfall was due to cuts in federal programs that had covered salaries for clerical staff.[29]

In June, 1982 the Chamber announced a deficit of $65,000. The shortage was to be covered by bank loans, with refinancing of the mortgage on 142 Free Street listed as a possible longer-term solution.[30] By 1990, the Chamber had decided to sell their building. Chamber President Bill Nugent said the building was too big for their needs, and had deteriorated over the years. He also noted that while the building had lowered ceilings, the original ceilings were about thirty feet high and "nicely decorated."[31] On October 31, 1991 the Chamber sold 142 Free Street to the Children's Museum of Maine.[32]

29. Frank Sleeper, "Chamber problem: $100,000," *Evening Express* (26 October, 1981) 1.
30. Frank Sleeper, "Chamber shows $65,000 Deficit," *Evening Express* 7 (May, 1982) 1
31. "Chamber Puts Building up for Sale," *Evening Express* (9 January, 1990) 16.
32. Cumberland County Registry of Deeds, Book 9770, page 254.

The Children's Museum of Maine (1991- 2019)

The next owner of 142 Free Street was The Children's Museum of Maine. As did prior owners, the Children's Museum made alterations to the building to accommodate their activities. The renovations were extensive and included complete demolition of the interior and alterations to the exterior.

The Children's Museum worked with architect Stephen Blatt, structural engineers Pinkham & Greer, and Wright-Ryan Construction to renovate the building. On his website, Stephen Blatt notes the Chamber of Commerce building was "…severely dilapidated…." prior to the renovations. The construction cost was 1.1 million.[33]

The primary, Free Street-facing facade saw few changes. The primary entry door and the transom over it were removed and replaced with a modern frame, transom, and door of metal. On the east facade, the fenestration was altered. During the Chamber of Commerce's ownership, the south end of the facade had three, double height window openings with wood sash. The northernmost window was removed, the opening was infilled with brick, and two, smaller windows

Left: Only one of the ca. 1926 double-height wood windows survives in the building. Below: the extant entry door and transom are late-twentieth century replacement.

33. City of Portland, Permitting and Inspections, Permit No. 923937, issued July 21, 1992.

installed in the infilled portion. A new, double-height window was installed between the surviving two windows at the south end.

An eight-sided cupola was placed on the ridge of the roof and a large, shed-roofed dormer and three skylights were installed on the east roof slope. The cornice south of the downspout was removed and replaced with a new cornice that was to match the existing (see diagram, following page).[34] Other changes to the exterior of the building included a new addition to the south facade for an egress stair.

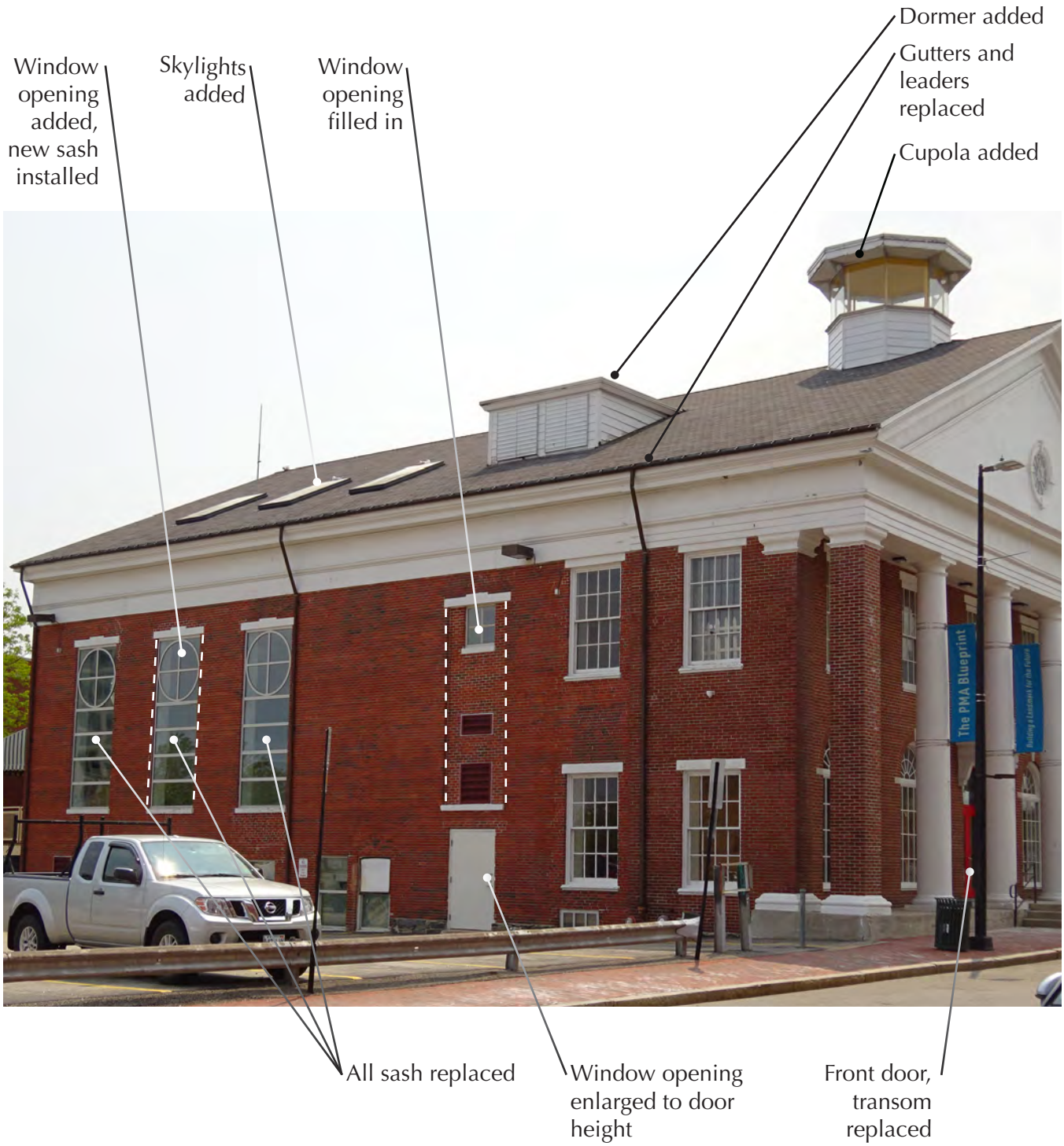
The renovations for the future Children's Museum occurred in 1992, two years after Portland enacted its historic preservation ordinance. A 1997 building permit noted the building was "Not in District or Landmark" and "Does not Require Review."[35] Had the alterations been reviewed for compliance with historic preservation standards, it is likely that most of the exterior alterations, including the addition of a large cupola and a large dormer in locations so highly visible from a public way (Free Street); alteration of the fenestration on the east facade; and replacement of the ca. 1926 windows would have been denied.

The interior of the building was completely gutted in 1992. The demolition work included removing the existing wood roof trusses and replacing them with a steel roof frame. A steel "superstructure" was also added to the building. A new, interior stair enclosed in modern masonry walls was constructed in the northwest corner of the building. An elevator was added as well.

No historic floor, wall, or ceiling finishes survive today. It is likely that any that had survived were removed as part of the 1990s work. Records in the City of Portland's building permit files indicate concrete slabs were poured for the basement, first, and second floors.[36] As seen from the interior of the building, the existing floors are poured in modern, corrugated pans, confirming that all of the floor framing and flooring was replaced as well. A sprinkler system was installed throughout the building.[37]

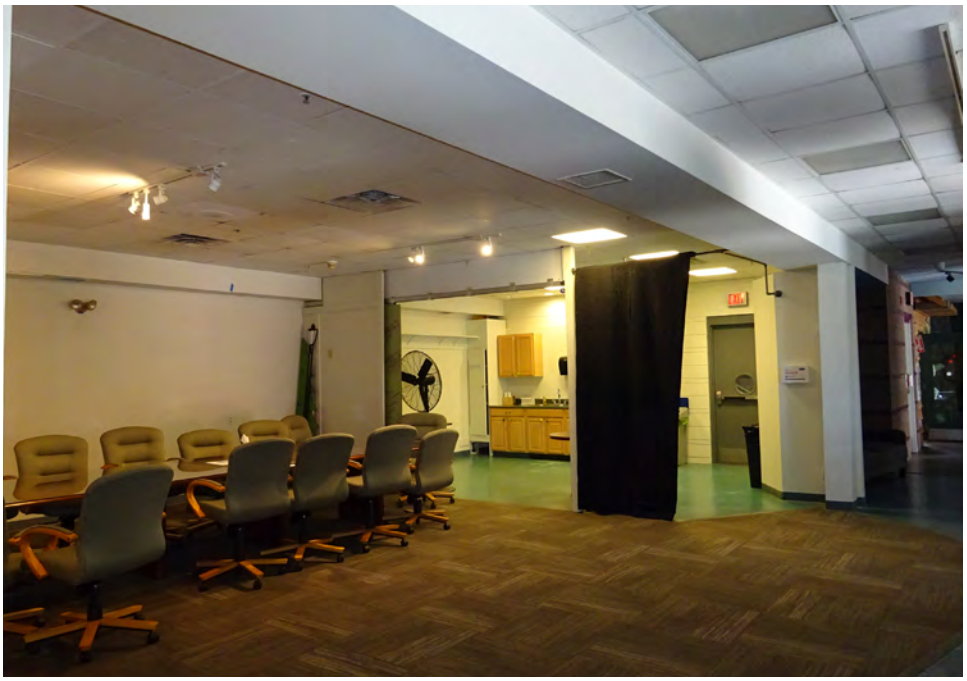
In 2017, the Children's Museum and Theater of Maine announced its plans to relocate to a new, larger building at Thompson's Point in Portland. The new building was to include 30,000 square feet of space, while the building at 142 Free Street had only 18,000. On October 15, 2019, the Children's Museum sold the building at 142 Free Street to its neighbor, the Portland Museum of Art.

34. City of Portland, Permitting and Inspections, 142 Free Street file, undated elevation drawing.
35. City of Portland, Permitting and Inspections, Permit No. 971138, issued October 20, 1997.
36. City of Portland, Permitting and Inspections, 142 Free Street file, Con Test Lab, Inc. "Report of Compressive Strength…"
37. City of Portland, Permitting and Inspections, Permit 924219, Issued October 8, 1992. Letter, P. Samuel Hoffses to Sprinkler Systems Inc., October 8, 1992. Inspections Department.



Exterior alterations to 142 Free Street made for the Children's Museum in the early 1990s.

Renovations made by the Children's Museum in the early 1990s included gutting the interior of the building. Today, no historic interior finishes remain. Note the modern steel framing and skylights in the image at right.



Free Street

The earliest section of Free Street, originally called Love Lane, was laid out in 1772. Initially, it extended only from Center Street to Middle Street – Free Street once ended where it now intersects Cross Street. In 1783, Free Street was extended westward to meet the intersection of Congress and High Streets, which became its western terminus. The newly built section, wider than the original part, was called Windmill Lane, after the windmill that once stood at the top of the hill. In 1788 the original portion of the road was widened to align with the newer section, and the entire street was renamed Free Street.[1] The intersection of Congress, High, and Free Streets is known as Congress Square.

By the early-nineteenth century, Congress Square was a wealthy residential neighborhood lined with some of Portland's finest homes. Noted residences here included the Cobb Mansion, a ca. 1801 Federal-style home designed by Alexander Parris at present-day 7 Congress Square. Further down High Street and on Spring Street were the twin mansions of Stephen McLellan (116 High Street, 1800) and Major Hugh McLellan (107 Spring Street, ca. 1801). The latter was designed by John Kimball, Sr. At the corner of High and Congress Streets was the ca. 1837 Nathaniel Warren mansion, a brick Greek Revival building with an angled facade and two-story porch on columns. As one moved eastward along Free Street, the houses were somewhat smaller, and typically built in a simpler versions of the Federal and Greek Revival styles. These residences were a mix of brick and frame construction, and some were freestanding, while others were duplexes or rowhouses. Both the north and south sides of Free Street were still largely residential as late as 1886 (see maps and images, following pages).

The south side of Free Street was once lined with brick homes such as this one that stood at 134 Free.

Source: Maine Historical Society. For study purposes only / not for publication.

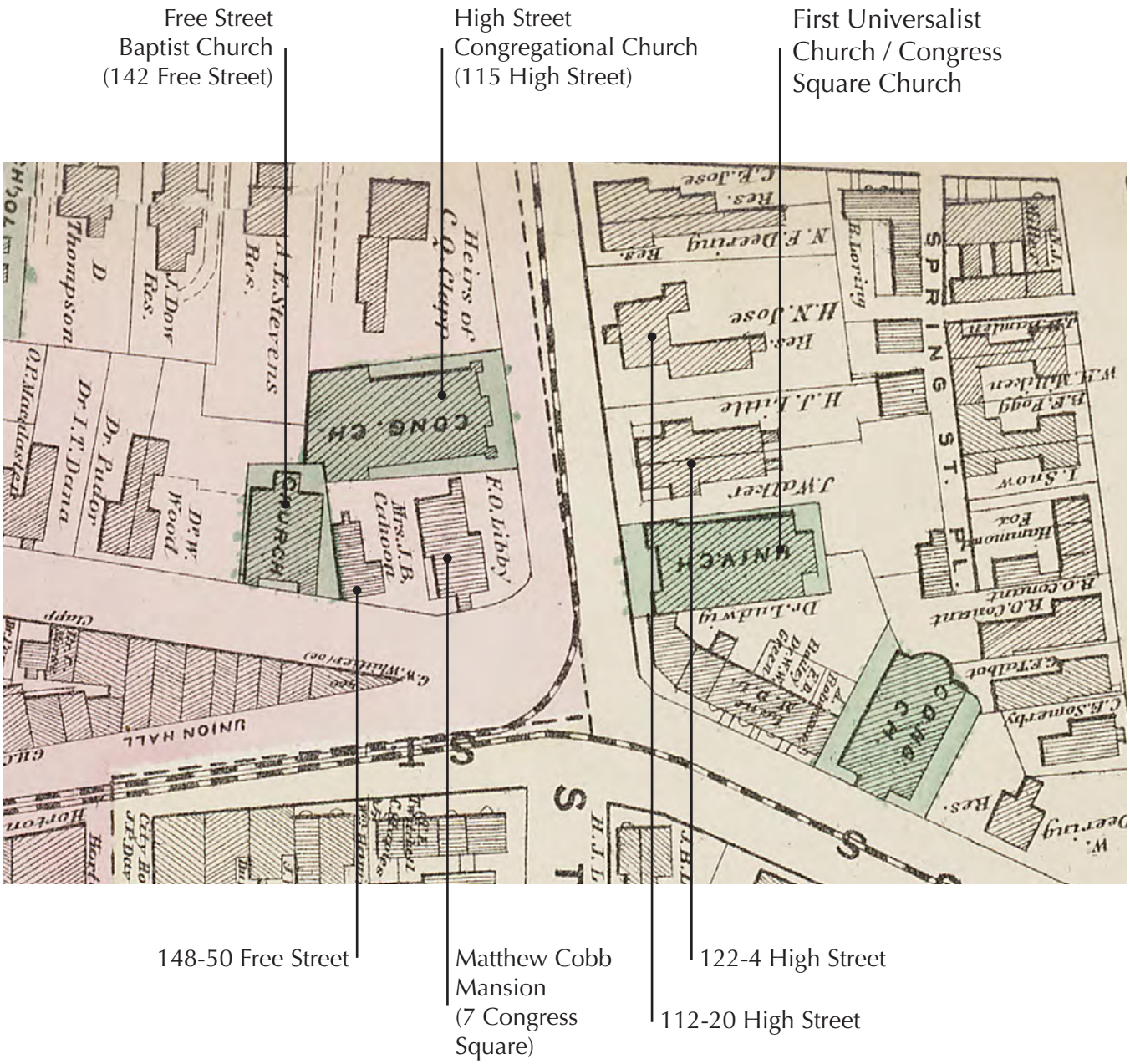
1. "Free Street Dates Back to Before Revolution," *Portland Sunday Telegram* (16 December, 1917) 5.

As seen in the Sanborn map of 1886, the north side of Free Street east of Congress Square was still largely residential as late as 1886. On the north side of the street (above) all of the structures east of the "Union Hall" were "dwellings" (labeled "D" on the map).

Source: *Sanborn Fire Insurance Map from Portland, Cumberland County, Maine,* Plate 12 (above) and Plate 24 (below). 1886.

Photograph of the area around Congress Square ca. 1885.

Source: Maine Historical Society. For study purposes only / not for publication.



Map showing the area around Congress Square in 1871. Please note the map has been flipped to align with photograph on the previous page.

Source: Beer's Atlas of Cumberland County.

The former First Universalist Church / Congress Square Church on High Street and the Nathaniel Warren mansion to its right. The Hay Building is visible in the foreground.

Source: Stereoview Photograph Collection, Maine State Archives.

Large churches were built between the residences, including the High Street Congregational Church at 115 High Street (ca. 1831) and the Free Street Baptist Church, which took over and remodeled a former theater at 142 Free Street in 1836. The streets were lined with trees, and the overall feeling was one of prosperity and elegance. Commercial activities were found on nearby Congress Street, in small-scale buildings. The Hay Building (ca. 1922, third story added 1922) at 594 Congress Street is typical of the retail buildings that lined Congress Street during the early- to mid-nineteenth century.

An early view of Congress Street, immediately east of Congress Square. The street is lined with small-scale, two- and three-story commercial buildings.

Source: Stereoview Photograph Collection, Maine State Archives.

The Libby Mansion in 1924.

Source: City of Portland - Planning & Development Department.

As the nineteenth century progressed, the area remained fashionable and more large residences were built, in the Italianate, Second Empire, and Queen Anne styles. The Libby Mansion, at the northwest corner of Congress and High, was among the grandest. Designed in 1853 by architect Charles Alexander, it was actually a double house. 126 High Street was another double residence, this one in the Greek Revival Style. The brick house had a hipped roof that extended over engaged side porches, and was supported on two-story tall columns.

Existing churches were remodeled, and new ones constructed. The Baptists remodeled their Free Street church in 1859, adding a tall spire and Italianate facade over their existing building. The Universalists constructed a large church, known as the Congress Square Church, in 1865 at 1 Congress Square. The Congregational Church on High Street was updated to a Gothic Revival style in 1869.

Most of Free Street was spared by Portland's Great Fire of 1866. Only the eastern-most end, the commercial area at Middle Street, was lost. This block was quickly rebuilt after the fire, and today remains a well-preserved block of commercial buildings built in a range of architectural styles popular in the 1870s.

The late-nineteenth and early-twentieth century saw extensive changes to the formerly genteel and largely residential neighborhood around Congress Square. As the neighborhood became less fashionable, many of the mansions that lined Congress and High Streets were divided into apartments or converted for civic and charitable uses. Some of the homes were demolished and replaced by larger, commercial structures.

Congress Square after 1897. The Cobb Mansion that stood at the corner has been demolished and the YMCA/Libby Building constructed in its place. The brick Nathaniel Warren Mansion still stands at the right.

Source: Collection of the author.

Congress Square after 1920. The Nathaniel Warren mansion that stood at the corner has been demolished and the Shwartz Building constructed in its place. The postmark on the rear of the card is May 6, 1926.

Source: Collection of the author.

As the neighborhood around Congress Square became less fashionable, the once-grand homes were re-purposed. By 1924, this large duplex home at 126 High Street had an addition for retail spaces at street level and was divided into apartments at the upper floors.

Source: City of Portland - Planning & Development Department.

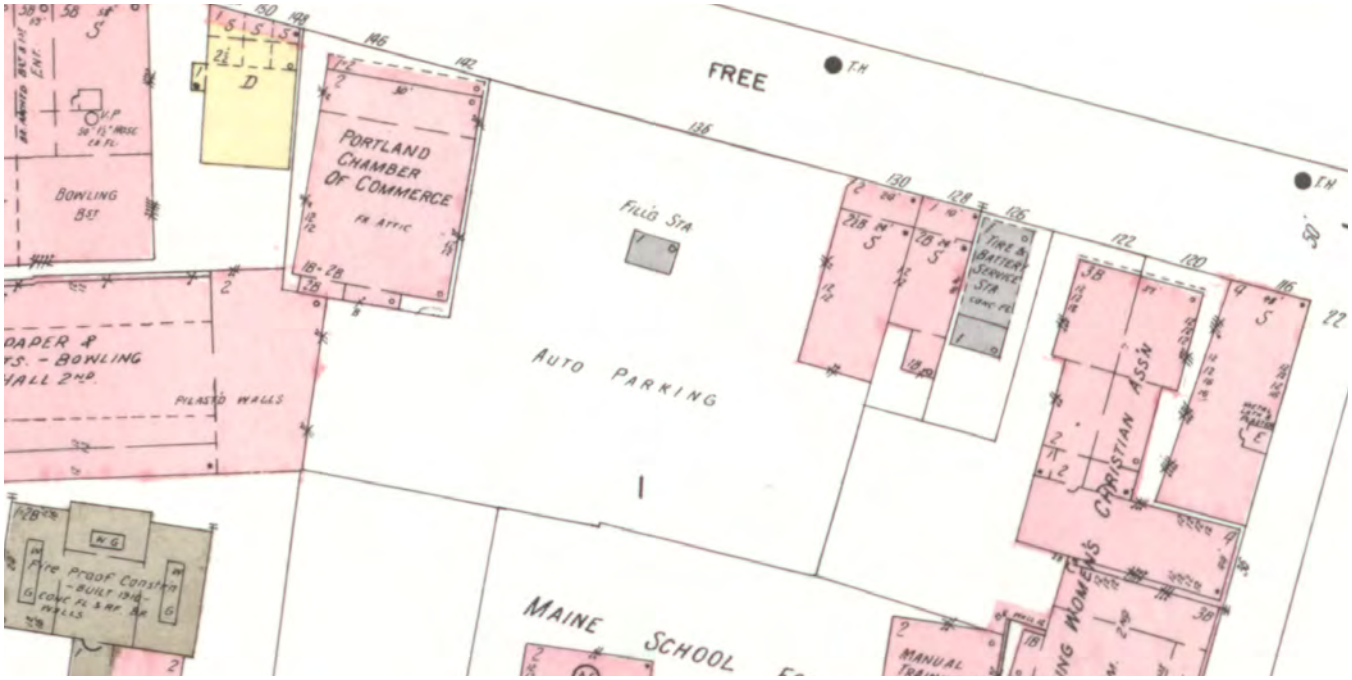
The 1886 Sanborn map recorded that the Cobb Mansion (7 Congress Square) was then home to the Cumberland Club. By 1890, the Cumberland Club had moved to the Stephen McLellan Mansion (116 High Street). The Cobb Mansion was demolished and replaced in 1897 by a five-story tall brick building for the Young Men's Christian Association (YMCA). In 1908, Margaret Mussey Sweat donated the Hugh McLellan Mansion (107 Spring Street) to the Portland Society of Art and it was converted into a museum. The Nathaniel Warren Mansion at 1 Congress Square was replaced by the Shwartz Building, a four-story brick commercial building with a round tower, in 1920. Across Congress Street, the Libby Mansion was demolished and replaced by the State Theater building.

While these changes marked a shift towards larger, commercial structures, the new buildings where typically executed in brick and granite with traditional styles and details. The area around Congress Square was no longer a wealthy residential neighborhood, and instead was transitioning into a vibrant, commercial area of hotels, theaters, restaurants, and shopping. This trend continued until the Great Depression halted nearly all development in Portland.

Congress Square Declines

After World War II, Portland, like many older cities, struggled to redefine itself and compete with suburban, automobile-based development. Civic leaders took on a number of efforts, including slum-clearing and redevelopment studies, plans, and projects intended to improve living conditions, modernize the city, and attract investment and redevelopment.

Among the most far reaching was "Patterns for Progress," an urban renewal plan written in 1967 that sought to create a ring of high-speed roads to move cars around the central core of the Portland peninsula. This resulted in the widening of Franklin and Spring Streets to create "arterials." Spring Street, which had previously ended at Center Street, was also extended to Middle Street. High and State Streets became one-way streets, increasing traffic speeds and affecting the character of these historic neighborhoods. Large areas on Cumberland Avenue and near Monument Square were razed to create open space for development. Some of these projects, such as One City Center, took decades to materialize. Others, such as the "Downtown Project No. 1," a proposed fifteen-story residential tower on Cumberland Avenue, never happened and that land is largely still a surface parking lot.



The south side of Free Street in 1954. Automobiles have arrived, and the residences at 126, 134, and 136 Free Street have been torn down for parking lots and auto-repair buildings. One-story additions for commercial uses have been added to the fronts of 128 and 130 Free Street and the former WCTU building at 150 Free Street.

Source: *Sanborn Fire Insurance Map from Portland, Cumberland County, Maine,* Plate 29. 1954.

Looking west on Free Street, 1924. The Jefferson Theater is in the foreground and the tower on the Free Street Baptist Church is visible in the background.

Source: City of Portland - Planning & Development Department.

Even before the official urban renewal efforts began, Free Street's streetscape near Congress Square was already being lost to modern development and the increased demand for parking. Portland's 1924 tax photographs record an intact streetscape along the south side of Free Street, from Oak Street to High Street. At the southeast corner of Free and Oak was the Jefferson Theater, a ca. 1897 five-story brick theater, while an early-twentieth century commercial building occupied the southwest corner (116 Free Street, extant). Between the commercial building and the Free Street Baptist Church was a row of seven two- and three-story tall brick residences dating to the mid-nineteenth century. An eighth house, a wood-framed building at 150 Free Street later owned by the Women' Christian Temperance Union (WCTU), stood between the Church and the YMCA.

The north side of Free Street, while more commercial, was also intact. This side was dominated by the elaborate brick and terracotta facade of the Baxter Memorial Building. Although this was actually the back of the building – the building's address was 562 Congress Street – the Free Street facade was nonetheless detailed with arches over the windows, belt courses, and swags, all of terracotta.

Shortly after 1924, Free Street began to change rapidly. In 1926, the Free Street Baptist Church was altered to its present, portico-front form. In 1933, the Jefferson Theater at the southeast corner of Free and Oak was torn down. In 1947, a modern, nearly windowless block of blonde brick – a Sears Roebuck store – was built on its site. Across the street, in 1954-5, all of the historic details were stripped off of the Congress Street and Free Street facades of the Baxter Memorial, and modern windows were installed.

The Jefferson Theater stood on the southeast corner of Free and Oak Streets. It was demolished in 1933.

Source: Collection of the author.

The south side of Free Street was also severely altered. The 1954 Sanborn map and an aerial photograph taken in 1960 (see photograph, page 30) records that only five of eight houses (120, 124, 128, 130, and 150 Free) remained on the south side of Free Street by that time. 126 Free Street had already been torn down and replaced with a concrete building used for "Tire and Battery" service. 130 Free and 150 Free were both heavily altered, with commercial additions on their primary facades. The rest of the block was an open parking lot with a filling station. Thus, much of this loss occurred prior to the implementation of official urban renewal projects in the area. Today, only a single, heavily altered former residence remains (128 Free Street).

Removal of historic buildings on Congress Square continued through the 1970s and 1980s. The former Universalist Church (128-32 High Street / 1 Congress Square) and the Greek Revival duplex next to it (126 High Street) were demolished to build a new studio building and parking lot for WCSH in 1977. In 1980, the former YMCA building at 7 Congress Square and the small, wood-framed building immediately east of the YMCA were torn down. In 1983, the Payson Wing of the Portland Museum of Art was built on those lots. On High Street, the former High Street Congregational Church appears to have been altered into a commercial building by 1924 before it was eventually demolished sometime before 1972. Today, none of the churches that once lined Congress Square remain.

This Sears Roebuck store was built on the site of the Jefferson Theater. This photograph was taken in 1947.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

The former Sears Roebuck store in 2023.

An aerial view of Congress Square taken in 1960. Much of the south side of Free Street is already a parking lot.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

An aerial view of Spring Street taken in 1972. Spring Street has been widened, and the Holiday Inn is visible. The rear walls of 142 Free Street and the Libby Building are visible at the left edge of the photograph. The building south of the Libby Building - originally a Congregational Church, later a recreation building - has been demolished. Much of the south side of Free Street remains an open parking lot.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

116 **128** **142**

Comparison of ca. 2022 aerial photograph of Free Street (middle image) with the 1914 Richards Standard Atlas of the City of Portland *reveals how few buildings remain on the south side (top image) of Free Street.*

South Side of Free Street in 1924

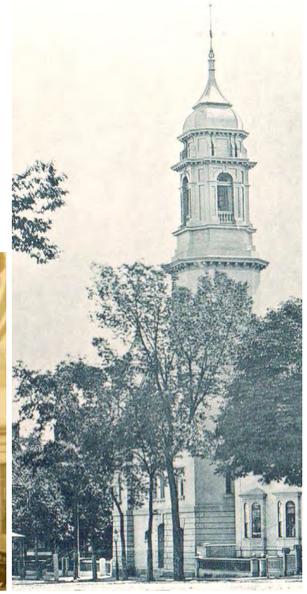
116 Free Street

120-24 Free Street
Demolished after 1960

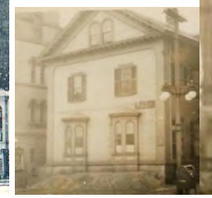
126 Free Street
Demolished before 1954
128 Free Street
Extant; altered and non-contributing
130 Free Street
Demolished after 1975

134-6 Free Street
Demolished before 1960

142 Free Street



150 Free Street



7 Congress Square

116 Free Street

120-24 Free Street
(parking lot)

126 Free Street
(parking lot)

128 Free Street
(extant; non-contributing)

134-6 Free Street
(parking lot)

142 Free Street

150 Free Street / 7 Congress Square

South Side of Free Street in 2023

This demolition did not occur without objection. The widening of Spring Street in 1970 and the loss of the historic houses on its south side were one of several events that led to the nomination of the Spring Street Historic District to the National Register in 1970 and passage of a Historic Preservation Ordinance by the City of Portland in 1990. Unfortunately, the damage to the portion of Free Street adjacent to Congress Square was already done. The Spring Street National Register District nomination acknowledged the loss in the Description section and noted "This is an active section of modern day Portland, yet this district retains the flavor and appearance of an older time. There are only a few modern structures and these front on streets such as Congress and Free which are commercial...an urban renewal project has leveled a section giving rise to the location of a new Sears-Roebuck store and parking area, on the eastern part of Spring Street. Some cleared land lies vacant. With the exceptions of the above the remaining district contains a great many old, but proud, structurally sound residences..."

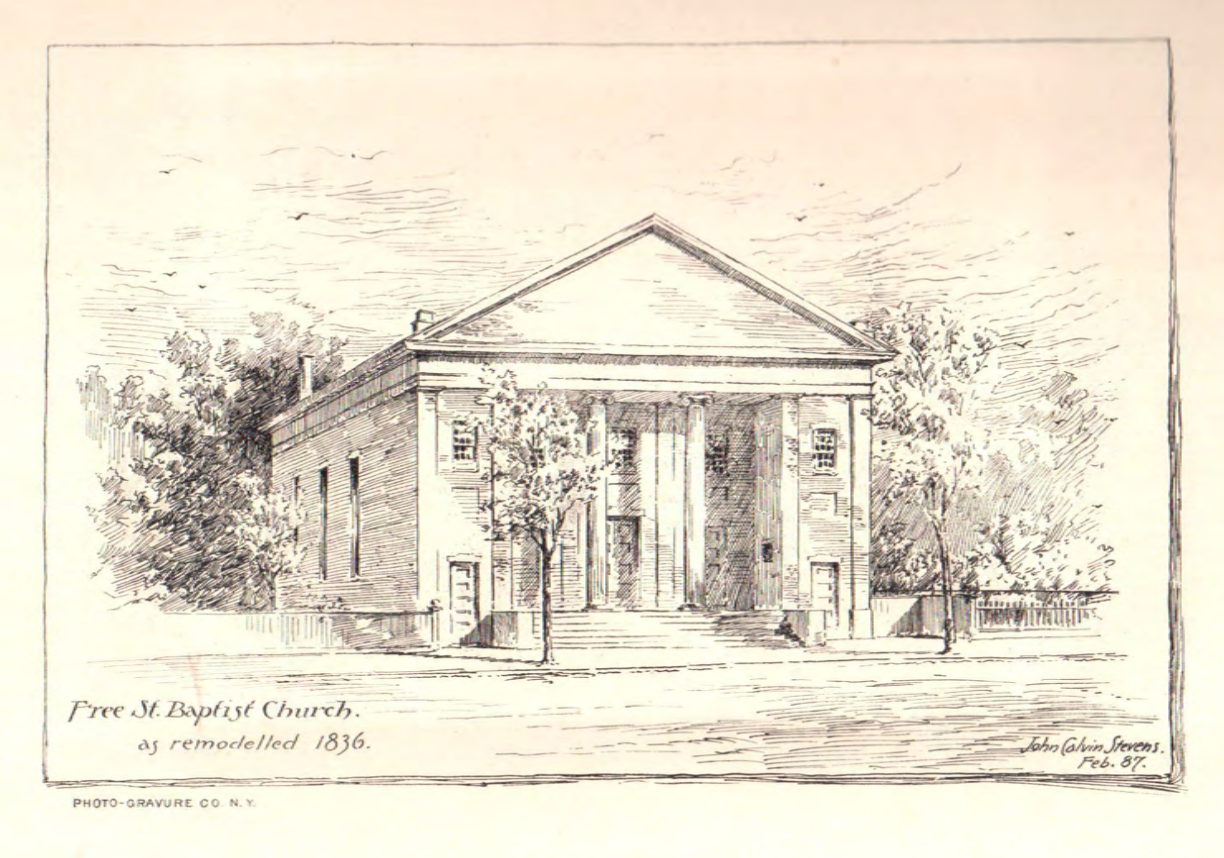
142 Free Street, the former WCTU building at 150 Free Street, and the YMCA / Libby Building in 1978. The Libby Building and WCTU building were torn down in 1980.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

Illustrations

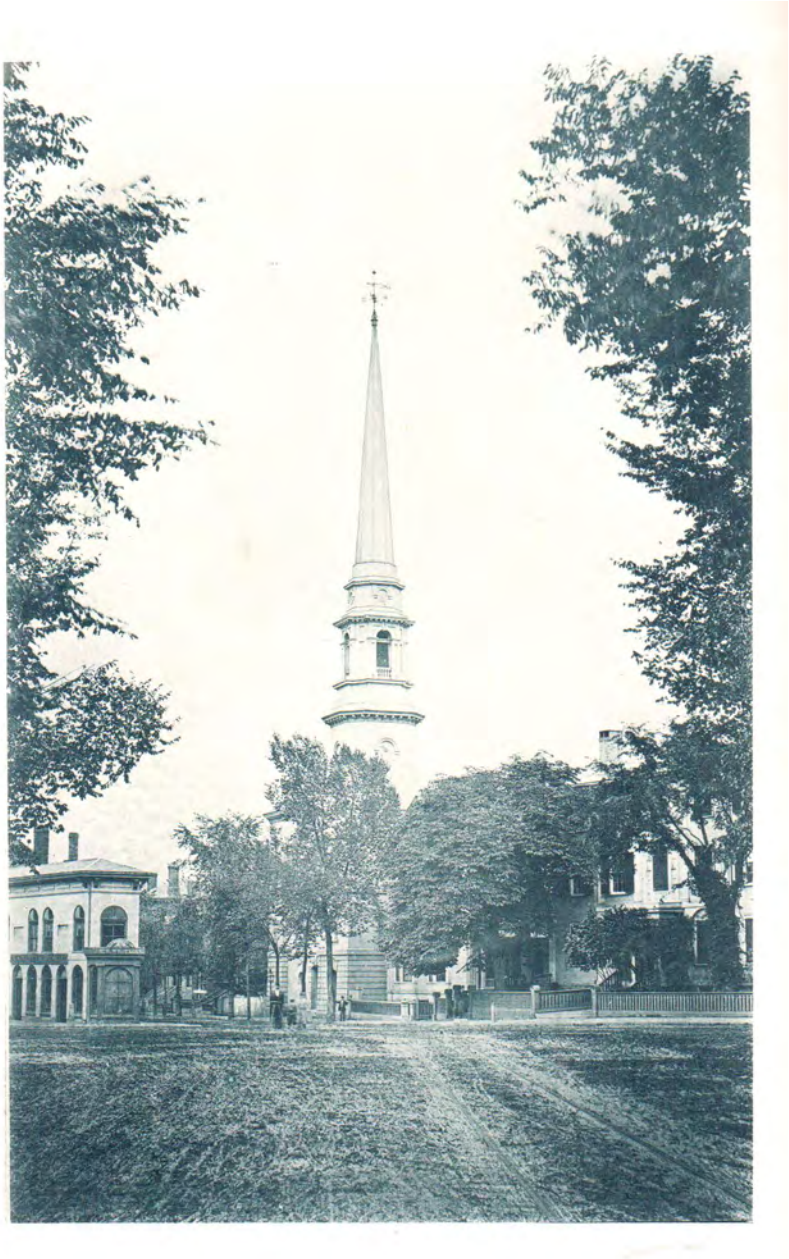
This 1836 map includes a line drawing showing the Free Street Baptist Church in 1836.

Source: "A Map of the City of Portland with its Latest Improvements including a view of the principal buildings engraved and published by John Cullum, Portland." Osher Map Library.



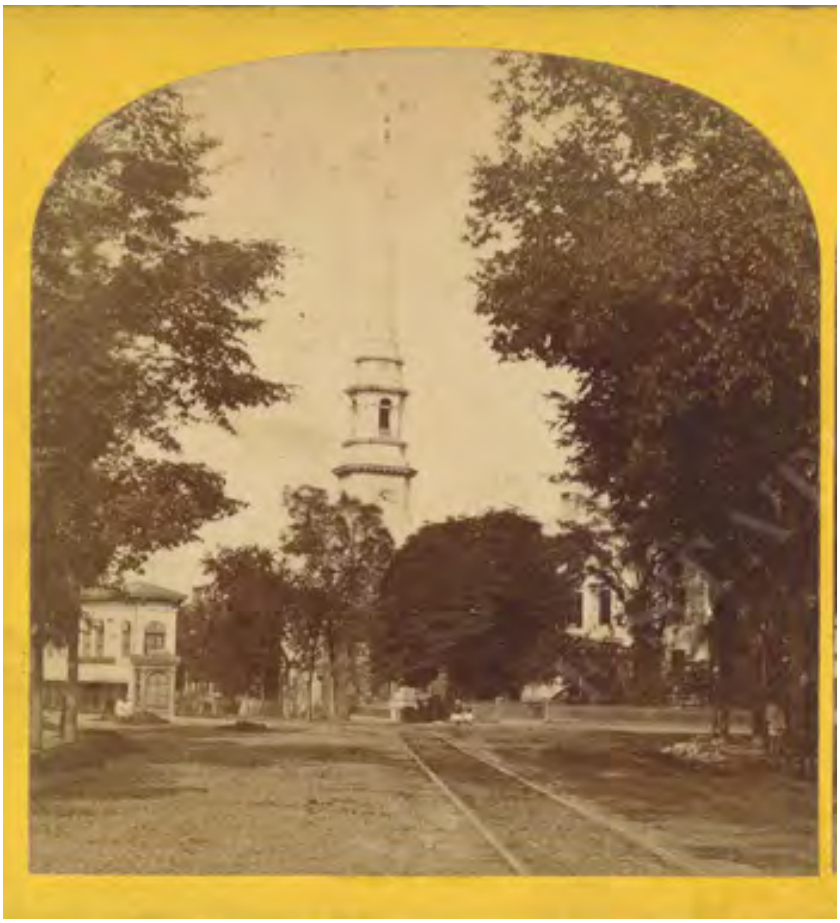
John Calvin Steven's sketch of the possible appearance of the Free Street Baptist Church prior to the 1856 remodeling campaign.

Source: *Free Street Baptist Church Semi-Centennial 1836-1886.* Collection of the author.



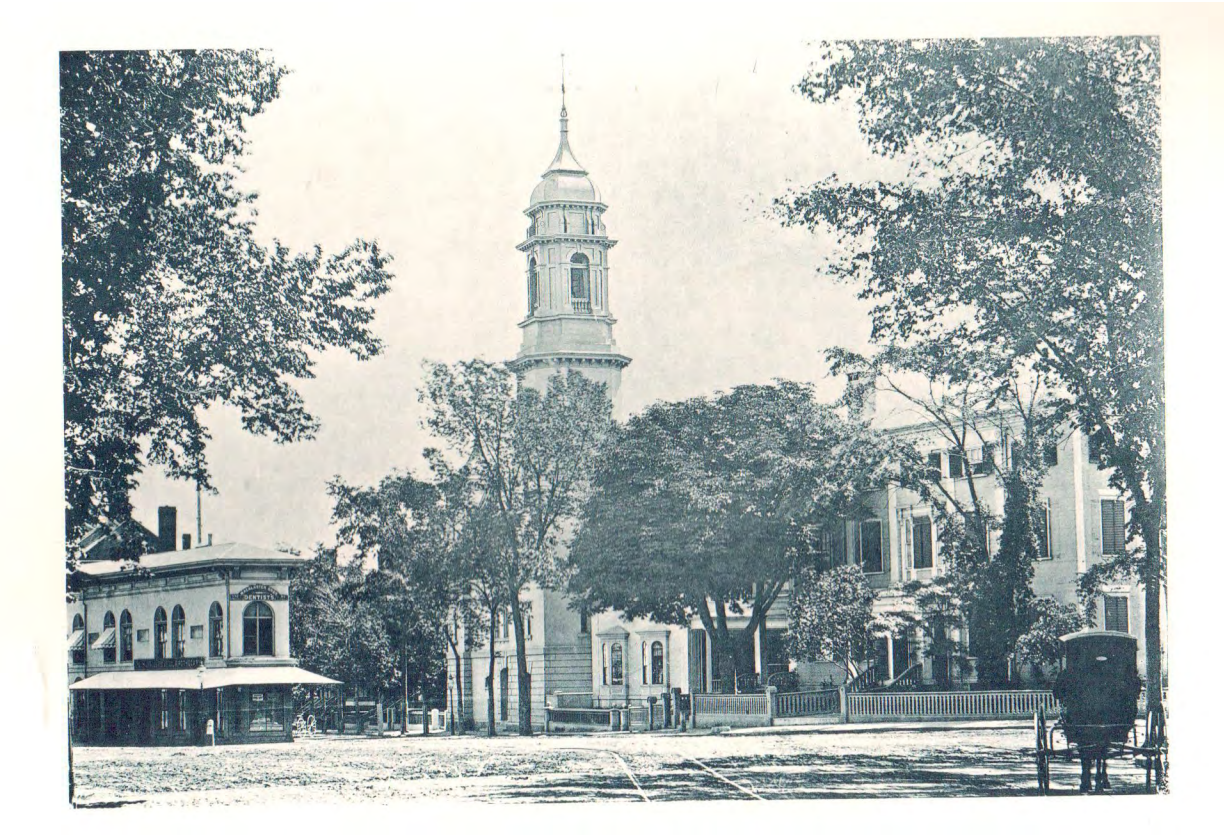
An early photograph of the Free Street Baptist Church - note the original, ca. 1856 steeple is still in place. The Hay Building is only two stories high.

Source: *Free Street Baptist Church Semi-Centennial 1836-1886.* Collection of the author.



An early stereoview photograph of the Free Street Baptist Church. The original, ca. 1856 steeple is still in place.

Source: Stereoview Photograph Collection, Maine State Archives.



The Free Street Baptist Church, sometime after 1876.

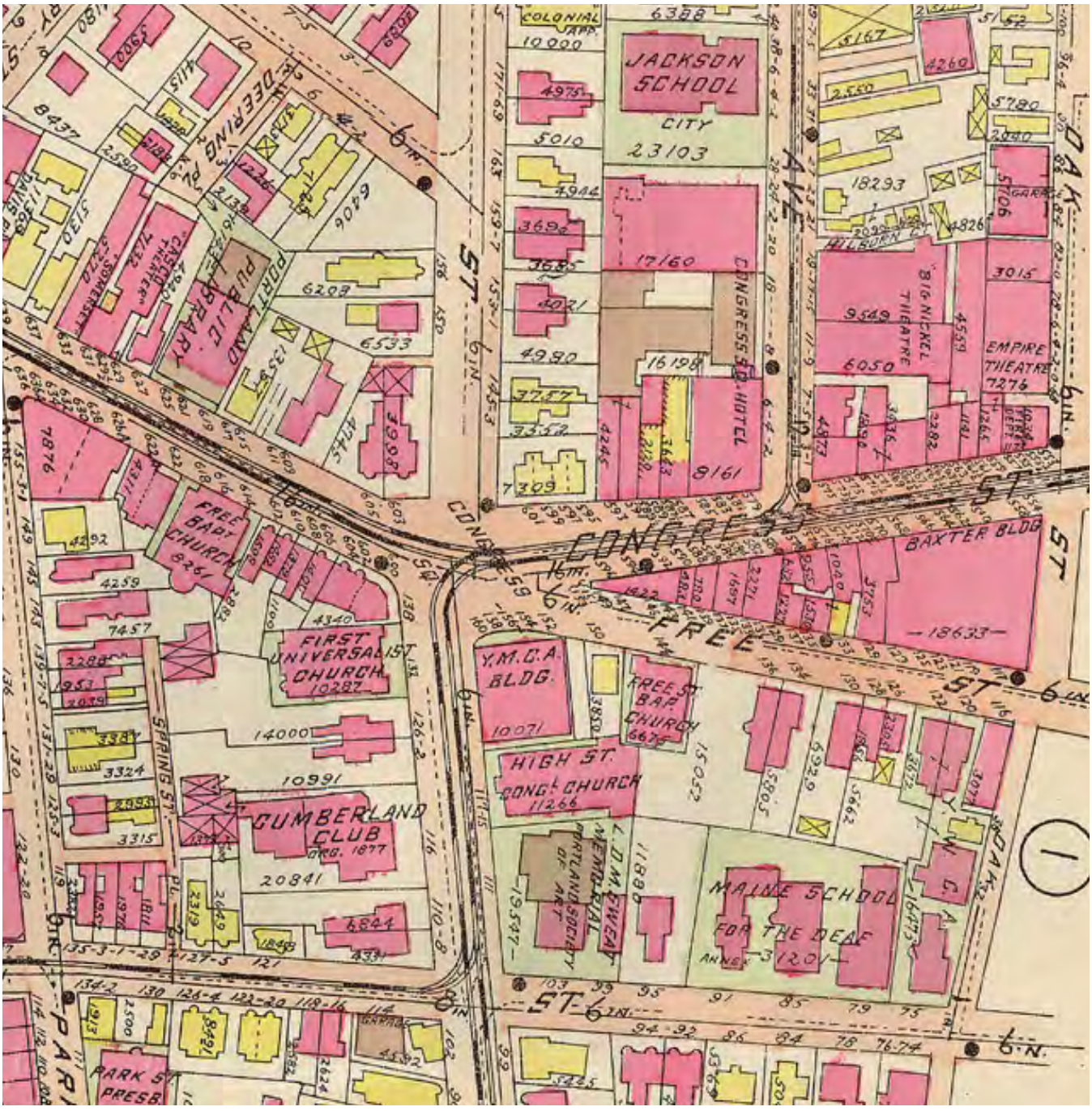
Source: *Free Street Baptist Church Semi-Centennial 1836-1886*. Collection of the author.

An 1882 map of Congress Square.

Source: *Revaluation Plans City of Portland, 1882*. Plate 39. Portland Public Library.

Congress Square in the early-twentieth century, showing the ca. 1897 YMCA/Libby Building at the center, and the Free Street Baptist Church at the left. The spire of the High Street Congregational Church is visible at the right, behind the Libby Building. This image was published in 1908.

Source: *In and About Portland,* 1908. Library of Congress.



Congress Square in 1914. The wood-framed Matthew Cobb Mansion has been replaced by the YMCA / Libby Building. The Free Street Baptist Church at 142 Free Street retains its towers.

Source: *Richards Standard Atlas of the City of Portland…,* 1914. Portland Public Library.

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The Economic Contribution and Impact of the Portland Museum of Art in Maine

A snapshot from a typical year before the PMA Blueprint facilities expansion and estimates post-expansion

Photo from the PMA website

Prepared for the Portland Museum Of Art

By the Maine Center for Business and Economic Research, University of Southern Maine

December 2022

PORTLAND MUSEUM of ART

MAINE CENTER FOR BUSINESS AND ECONOMIC RESEARCH
UNIVERSITY OF SOUTHERN MAINE

UNIVERSITY OF SOUTHERN MAINE

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Executive Summary

With a renewed commitment to diversity, equity, accessibility, and inclusion the Portland Museum of Art's (PMA) vision to become a central community gathering place and serve as a regional economic catalyst is being realized through its $100M multi-year redevelopment and construction project funded in part by an ongoing capital fundraising campaign. The following economic analysis – commissioned by the PMA and completed by the Center for Business and Economic Research (CBER) at the University of Southern Maine (USM) – quantifies the Museums ongoing contributions and impacts on the Maine economy in a typical year before the PMA Blueprint project (i.e., construction/expansion) and estimates the PMAs impact in a typical year after the expansion. Indirect and induced multiplier effects and some of the direct impacts are estimated by a Maine input-output model (IMPLAN, 2019 Data).

Pre-Expansion Snapshot, the PMA's annual economic contribution in 2019

The two major components of the PMA's economic contribution stem from museum spending and visitor spending. In 2019, the PMA welcomed over 170,000 patrons, an estimated 13% of which were from out of state and their trip to Maine was motivated by visiting the museum. These tourists spent an estimated $12.6 million directly on lodging, meals, shopping, transportation, etc. from outside of the museum. At the same time, the PMA paid $8M to maintain its ongoing operations, 69% of the direct operating costs were spent in Maine. Direct spending by out-of-state tourists supported an additional $8.1M in output (sales) – including both indirect and induced spending – and an additional 52 jobs. *For every $100 of tourists spending (sales), an additional $79 is generated elsewhere in the local economy.*

Including indirect and induced spending, the Museums direct operating activities supported an additional $5.7M in output (sales), and 37 jobs. *For every $100 of the PMA spending (sales), an additional $99 is generated elsewhere in the local economy.* Combine, in a typical year before the expansion the PMA supported:

- **Over 300 jobs.** Museum & visitor spending supported 309 jobs of which 220 were direct impacts and another 89 were supported through indirect and induced spending.
- **$12.9M labor income.** $8.7 million in direct labor income which supported an additional $4.2 million in indirect and induced impacts.
- **$29.8M output (sales).** Generated a total of $29.8 million in total output of which $16M were from the initial direct spending which supported another $13.8M in indirect and induced impacts.
- **$1.9 million in local and state taxes.** In 2019, $786,599 in local and $1.1 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of tourists.

Post-Expansion Snapshot, the PMA's annual economic contribution in 2027

The PMA Blueprint project is expected to be complete in 2027 and the new facilities open to the public. The PMA will have more space to host events, display more and higher quality exhibits, and in turn attract more visitors to the state. The increased capacity and diversity could allow the museum to welcome up to 300,000 annual visitors. An estimated 16% of visitors from out of state may take a trip to Maine motivated by visiting the PMA and could spend an estimated $28M on direct tourism-related expenditures.

To support the additional capacity, the PMA's annual operating budget will nearly double from the pre-expansion snapshot and a greater portion will be spent in Maine (81%) to purchase goods and services from local businesses and pay museum employees. In total, the estimated contribution for 2027, the year *after* the expansion, includes:

Executive Summary

Post-Expansion Snapshot, the PMA's annual economic contribution in 2027

- **Over 600 jobs.** Museum & visitor spending supported 621 jobs of which 426 were direct and another 195 were supported through indirect and induced spending.
- **$28.1M labor income.** $18.8 million in direct labor income which supported an additional $9.3 million in indirect and induced impacts.
- **$65.3M output (sales).** Generated a total of $65.3 million in total output of which $35M were from the initial direct spending which supported another $30.2M in indirect and induced impacts.
- **$4.2 million in local and state taxes in 2027.** In 2027, $1.7 million in local and $2.5 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of visitors.

Five-Year Construction Impacts in the Maine Economy

This analysis also estimated the economic impact from the capital expenditures on the proposed PMA Blueprint construction project under two local spending scenarios. In 2023 through 2027, the PMA estimates that it will cumulatively spend $52.1 million to construct the new 60,000 sq ft. building.

Under the first scenario, 50% of spending (i.e., $26.1M) is assumed to go to local construction companies. Including direct, indirect, and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 66 construction-related jobs per year (55 FTE)
- $17.4 million in associated labor income, and
- $49.5 million in total output (sales)

Under the second scenario, 60% of spending (i.e., $31.3M) is assumed to go to local construction companies. Including direct, indirect, and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 79 construction-related jobs per year (65 FTE)
- $20.8 million in associated labor income, and
- $59.4 million in total output (sales)

Importance of cultural amenities, community, and museum membership

Housing inventory – via the conversion of property from non-residential use to housing – is expanding in Southern Maine and downtown Portland, increasing residents and the pool of potential museum members.

The PMA's presence in downtown Portland in addition to the Blueprint project and other redevelopment and revitalization efforts underway improve the areas desirability and contribute to increased economic activity and population growth within the Portland and Greater Portland area.

Introduction & Methods

Introduction

Introduction & Methods

Situated near Congress Square in Portland Maine, the Portland Museum of Art (PMA) is part of the city's unique downtown Arts District that includes a mix of condos, apartment rentals, hotels, and local businesses. Not only does the PMA contribute to the local economy by generating sales and creating jobs, but it also contributes to the quality of life that Portland is known for as it serves the needs of residents, workers, and visitors, and invests money in redeveloping the area.

The PMA Blueprint is a $100M multi-year redevelopment and construction project funded in part under an ongoing capital fundraising campaign. Some of these investments will improve the existing structure and surrounding property and approximately $52M will be put towards the construction of a new 60,000 square foot building. By 2027, the PMA Blueprint project is expected to be complete, and the new facilities open to the public.

To quantify the Museums ongoing contributions and impacts resulting from its capital investments on new construction, the PMA commissioned the Center for Business and Economic Research (CBER) at the University of Southern Maine (USM) to conduct the following economic analysis.

The remaining section provides an overview of the economic trends shaping the region then describes estimation methods and data sources. The remaining report is structured into the following sections:

1) Pre-Expansion Snapshot (2019)
2) Post-Expansion Snapshot (2027)
3) Five-Year Construction Impacts in the Maine Economy
4) Technical Appendices

Map 1: The Portland Museum of Art located at 7 Congress Sq, Portland, ME

Image source: https://www.portlandmaine.com/explore-downtown/downtown-map/

Overview – *Economic and Demographic Trends*

Introduction & Methods

A general understanding of the underlying economic conditions and trends in a region provide important context when considering current and estimated impacts to the economy. Trends that impact consumer spending or influence a person's choice to visit or relocate to a city will have an impact on museum visitation and membership opportunities.

During the peak of the COVID-19 pandemic, stay at home orders and social distancing restrictions caused tourism-related spending to significantly drop. In 2020 and 2021, spending shifted from services to goods as travel, dining, and other indoor service activities halted. As of October 2022, expenditures on services have since increased to pre-pandemic levels. While this is good news, economic conditions in the short- and medium-term are highly uncertain, and there is an increased possibility of an economic slowdown in 2023.

Portland was listed as one of the 100 Best Places to Live in the US in 2022, based on a range of factors such as community amenities, education, sustainability, transportation, housing, and the economy. However, demographics and housing were among Portland's lowest ranking. Maine's aging demographic and resulting labor market conditions is a longstanding challenge, and the lack of housing stock and the high cost of existing housing is an ongoing concern.

Maine has the oldest population in the US by median age (44.7 years) and by percent of the population age 65+ (21.7%).[1] Over the next 10 years, the entire baby boomer cohort will surpass age 65 and reach retirement. It was typical for baby boomers to work beyond retirement age, but more have retired during the pandemic. At the same time there is a smaller population of youth and young adults in the state to replace them in the labor force and without higher rates of in-migration economic growth will be constrained. An older demographic will not negatively impact the number of people that visit the PMA, but labor force issues can impact both the museum and its local vender and supplier business operations. These issues can also impact the supply of local construction workers available to build the PMA's the new structure.

Recent population growth in Maine is ranked among the fastest in the nation. From 2020 to 2021 Maine's population increased by nearly 10,000 or 0.7%, for comparison, the US as a whole added around 400,000 people, an increase of 0.1%. Much of this growth was driven by in-migration that was strong enough to offset a natural decrease in population (i.e., when deaths outnumber births). In other words, more people moved to Maine during the pandemic. This was driven in part by an increase in remote work and people seeking locations that allow for work-life balance and access to outdoor recreation. The influx of people relocating to Maine is not a new trend but has increased since the pandemic. These trends are encouraging especially since the state needs more working-age people to sustain economic activity, but it is uncertain whether they will continue at the same rate in the future. There is opportunity for Maine to see continued increased in-migration in the coming years due to the latter trends, however housing – in addition to childcare and school availability for those with children – are possibly limiting factors.[2]

Housing costs have sharply increased over the past several years as demand far outpaced supply. Affordability is a particular concern as interest rates have spiked causing more potential buyers to be priced out of the market and make home mortgages more expensive. Higher home prices have contributed to higher rental prices; increases in the Portland and Greater Portland area have started to create a new 'high end' market especially in cities such as Westbrook, Biddeford, Gorham, Windham, Brunswick, and Lewiston. This trend was underway prior to the pandemic but demand has increased, and many higher end options are being purchased.

The need for more housing in general and more affordable options is a well-known issue in Portland and the Greater Portland area. From 2011 to 2020 the total number of housing units in Cumberland County increased by 5.7% (7,861) and in the Art District neighborhood where the PMA is located the number of housing units increased by 7% (142), but it is still not enough to keep up with demand.[3] The influx of people relocating to the state further constrains the housing supply and limits availability for ongoing migration.

[1] 2021 Population Estimates Program
[2] Maine State Economist
[3] Housing data from 2011-2015 American Community Survey (ACS) 5-Year and 2016-2020 ACS 5-Year Estimates.

Overview – *Downtown Redevelopment and Revitalization*

Introduction & Methods

Thriving and successful neighborhoods and downtowns provide a sense of place, a community. Cultivating community, as the PMA has done for over 140 years, impacts the economy as more people in the area results in improved business activity, increased property values, and expanded local tax base.

Think of quality of life as everything that makes a place worth calling home.

Within economic development, "quality of life" is measured with a complex balance of indicators such as infrastructure, jobs, education, healthcare, housing, and cultural amenities. A place, or a region with a high quality of life can provide its residents with everything they need and want to live and thrive. That is why improving quality of life increases desirability for a destination. It attracts and retains people, adds revenue, and boosts recognition and reputation.

Investments that contribute and improve quality of life and place can be more effective than traditional economic development tools such as business tax incentives to attract or retain employers or create a more "business-friendly" environment with lower taxes and labor costs. While traditional tools have value, community amenities such as recreational opportunities, cultural activities, and quality services may be larger contributors to a healthy local economy than traditional "business-friendly" measures.[4] Other quality of life factors such as good restaurants, access to open spaces and public spaces, good jobs, safety, and connection and mobility also attract (and retain) more people to an area to live, work, and play.

Housing & real estate development trends in Portland and the Greater Portland area

There are several housing developments and redevelopments currently under construction in Portland downtown, Bayside, and East Bayside neighborhoods in addition to revitalization projects. These projects will increase housing capacity and contribute to the quality of life the city has become known for, as well as have a positive impact on museum's membership opportunities.

Office building conversions in downtown Portland are bringing more housing inventory online as apartments, condos, and hotels. In 2021, at least two known buildings were sold in downtown Portland with plans to convert to residential, with two additional known for 2022, and more potential projects are under discussion.[5]

Housing-related redevelopment is underway in Portland to increase housing capacity, such as the updates to 50 Monument Square and the conversion of city's iconic Time & Temperature building to an 86-bed luxury hotel with a restaurant and rooftop bar, and meeting and retail spaces.

These are just a few examples of redevelopment projects in addition to the PMA Blueprint project and other revitalization efforts underway contributing to the areas increased desirability thus improving economic activity and population growth within the Portland and Greater Portland area.

[4] Ohio River Valley Institute. (2022) An Aggregate Approach to Estimating Quality of Life in Micropolitan Areas

[5] MEREDA 2022 Forecast Conference. Southern Maine Office Forecast, Nate Stevens, The Boulos Company

Estimation Methods & Data Sources

Introduction & Methods

The Portland Museum of Art (PMA) provided actual and projected annual operational data including payroll information and vendor/supplier spending, detailed visitation counts as well as portion of out-of-state visitors, and estimated construction spending for 2019 through to 2027. These data represent PMA's direct spending in the Maine economy and serve as inputs to estimate indirect and induced impacts statewide.

Data from the Maine Office of Tourism's (MOT) 2021 Economic Impact and Visitor Tracking Report and "Maine Museums: An Economic Impact Study, 2010" is used to develop trip assumptions, visitor segments, spending patterns, and estimate the portion of visitors that took a trip to Maine motivated by visiting the PMA. These data along with visitor counts provided by the PMA are used to estimate the total direct tourism-related expenditures (i.e., visitor purchases of goods and services including meals, hotels, transportation, etc. outside of the museum). Trip assumptions, visitor segments, and spending patterns for 2019 are used to estimate direct tourism-related expenditures for 2027. An estimated 25% of out-of-state museum visitors in 2019 took a trip to Maine motivated by visiting the PMA. In 2027, an estimated 35% of out-of-state museum visitors will take a trip to Maine motivated by visiting the PMA. These data reflect direct visitor spending and serve as inputs to estimate indirect, induced, and sometimes direct impacts (i.e., jobs and labor income) to the state.

The term "economic impact" and "economic contribution" are often used interchangeably but there are distinctions important for the reader to understand. The term "economic impact" of the PMA represents new spending in the economy, that is "but if not for" the PMA, the spending is assumed would not have occurred. On the other hand, "economic contribution" can be thought of as the entire footprint of the PMA to the Maine economy, it measures the support of the PMAs ongoing operations - that is money that is already circulating. The spending of tourists whose trip to Maine was motivated by visiting the PMA to browse its galleries, patronize a specific exhibition, or attend an event, and capital investments on new construction represent spending that would not have occurred but for the PMA.

Indirect and induced multiplier effects and some of the direct impacts are estimated by a Maine input-output model (IMPLAN, 2019 Data). IMPLAN is a regional economic analysis software application that is designed to estimate the impact or "ripple" effect of a given economic activity within a specific geographic area. For more information on the IMPLAN modeling process, visit IMPLAN.com. The impacts and contributions presented in this report are quantified and presented using common economic metrics including full-time equivalent employment (FTEs), workers, wages, total output (sales), and tax revenues. Only spending that takes place within Maine is included as stimulating the changes in economic activity. All economic impact and contribution figures are reported in current 2022 dollars.

A note on employment. Jobs or workers in IMPLAN represent average annual employment. To switch between FTE and IMPLAN jobs we use the 2020 546 FTE & Employee Compensation Conversion table. The factors used to switch between FTE to IMPLAN jobs and from IMPLAN jobs to FTE are as follows: 1 FTE is equal to 1.159 IMPLAN employees and 1 IMPLAN employee is equal to 0.831 FTE. Refer to the technical appendices for modeling output definitions and other key terminology used throughout the report.

Ongoing Museum Operations

Introduction & Methods

Since the onset of the COVID-19 pandemic in 2020, the PMA closed for several months due to emergency restrictions – involving state and local stay-at-home mandates coupled with physical distancing measures – enacted to limit the spread of the virus. In April and May of 2020 and January and February of 2021, the PMA was closed to visitors. During this time, the pandemic caused consumer spending to significantly contract as most people opted to stay home instead of going out and spending money on leisure activities. In particular, services that involved any kind face-to-face human interaction were affected the most. In 2019, over 170,000 individuals visited the PMA. When compared to visitation in 2019, levels were 67% lower in 2020 and 46% lower in 2021. The impacts of COVID-19 have lingered into 2022 but visitation has increased. As of September 2022, the PMA has welcomed over 97,000 visitors exceeding totals from 2020 and 2021. The number of museum visitors is expected to increase as more people continue to resume pre-pandemic activities. By 2027, the PMA estimates the number of museum visitors will nearly double from 2019 levels because of the increased capacity and attraction anticipated from its new facilities (Figure 1).

The COVID-related closures did not lead to a drop in the PMA operating expenses, in fact these costs slightly increased in 2020 and 2021 over 2019 levels. During this time, the Museum still needed to maintain its facilities and art collections and pay its employees. Many businesses had to layoff employees, but the PMA was able to retain and support its staff during these challenging times. Actual and projected operating costs, shown in Figure 2, include total personnel budget (with tax and benefits) and vendor/supplier spending. In 2019, approximately 69% of the operating budget was spent in Maine on local vender and supplier businesses and to pay workers' salaries, wages, and benefits. As the operating budget increases to support anticipated capacity so too will the PMA's share of local investments. By 2027, approximately 81% of the operating budget will be spent in Maine to purchase goods and services from local vendors/suppliers and pay employees.

Figure 1. Annual number of visitors (with future projections)

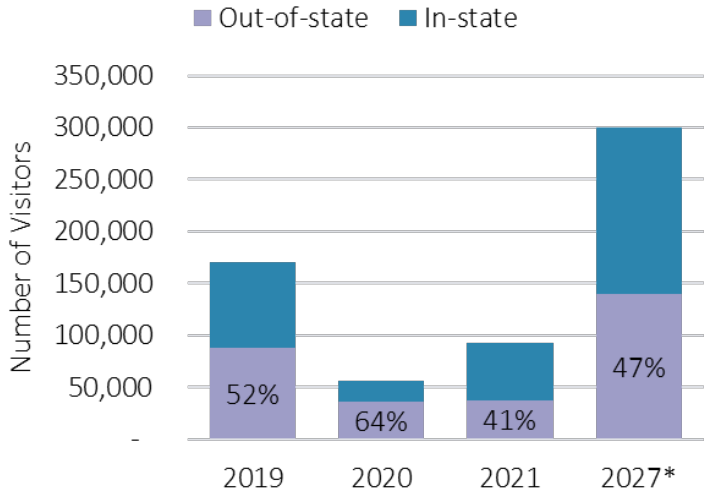
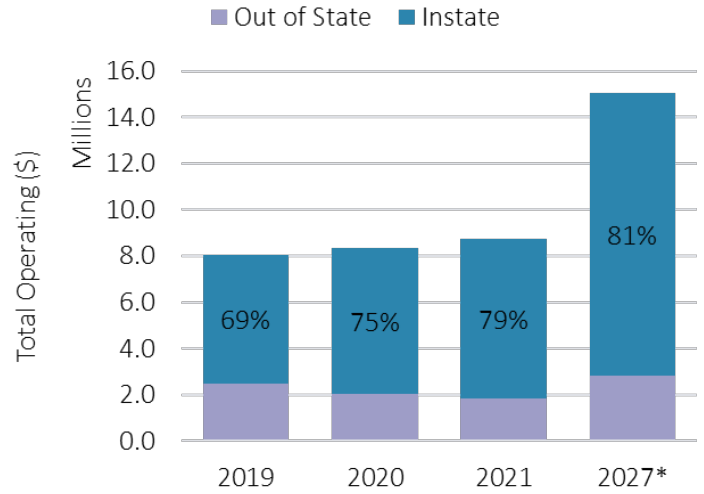


Figure 2. Annual operating costs (with future projections)



Note: Total operating cost includes personnel budget (with tax and benefits) and vendor/supplier spending.*Projections.

Visitor Estimates and Assumptions

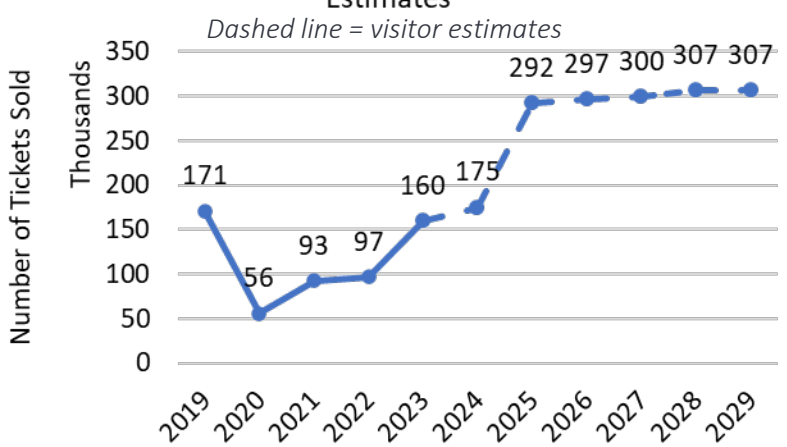
Introduction & Methods

Number of Visitors. In 2019, the PMA welcomed over 170,000 visitors, 88,000 or 52% came from outside of Maine. Not all visitors came to Maine to specifically visit the PMA. An estimated 25% or 22,020 out-of-state visitors are estimated as museum-specific tourists whose trip to Maine was motivated by visiting the PMA to browse its galleries, patronize a specific exhibition, or attend an event (Table 1). By 2027, the PMA expects the facilities expansion to be complete and anticipates up to 300,000 annual visitors, 47% or 140,153 would come from out-of-state. Because the new facilities are expected to increase the museums physical capacity and draw new art attractions that in turn attract more visitors to the state, an estimated 35% of out-of-state visitors (i.e., 49,053) are estimated to be museum-specific tourists in 2027.

Table 1. Museum Visitors

	2019	2027
Total museum visitors	170,831	300,000
Tourists - trip to Maine motivated by visiting the PMA	22,020	49,053

Figure 3. Annual Museum Visitor Totals & Estimates



Visitor segments and trip assumptions. Not all visitors have the same spending patterns, some come for the day while others, for example, stay with friends and family or at a hotel. To account for these differences, out-of-state museum visitors – or museum tourists – are segmented into three groups. Two are based on the type of overnight accommodations, that is paid lodging (45%) and unpaid lodging (27%), and the third is day-trippers (28%) (Table 2). The average trip length for paid lodging visitors is 4 nights and non-paid overnight visitors is 5.7 nights. Visitor segments and trip assumptions are applied to both 2019 and 2027 museum tourist counts.

Table 2. Visitor Segments & Trip Assumptions

	Visitor Segments		
	Paid Overnight	Unpaid Overnight	Day
Average length of stay (nights)	4	5.7	0
Visitor segment (% of total)	45%	27%	28%

Visitor Spending and Assumptions

Introduction & Methods

Spending Patterns. Daily per person spending by visitor segment, shown in Table 3, is estimated from daily travel party spending figures reported by the MOT, and adjusted by findings from the Maine Museums report and the authors assumptions. Spending patterns in 2019 are comparable to those in 2021. Average travel party size, reported as 2.7, is used to convert daily travel party spending to daily per person spending. The average cost to purchase a ticket to the museum is assumed to be captured in the spending patterns shown in Table 3.

Direct tourism-related expenditures reflect visitor purchases of goods and services on meals, hotels, shopping, transportation, etc. from outside of the museum. To estimate the direct tourism-related spending of museum tourists, the average spending patterns by visitor segment, illustrated in Table 4, are multiplied by the number of visitors in each respective segment. Annual ticket sales estimated from these visitors of $178,512 in 2019 and $397,368 in 2027 are removed from total direct spending because this spending is technically captured within the museum effects. Since the number of out-of-state visitors is expected to increase from 88,078 in 2019 to 140,153 in 2027, a 59% increase, the assumption is that ticket sales will increase by approximately the same percentage.

Table 3. Daily Per Person Spending Patterns

	Visitor Segments		
Category	Paid Overnight	Unpaid Overnight	Day
Accommodations	$106	$0	$0
Food & beverage	$52	$56	$31
Recreation	$11	$13	$7
Retail shopping	$21	$36	$20
Transportation	$31	$17	$9
Total	**$221**	**$121**	**$67**

Table 4. Direct Tourism Spending

Category	2019	2027
Accommodations	$4,188,202	$9,330,144
Food & beverage	$4,171,069	$9,291,949
Recreation	$551,314	$1,228,475
Retail shopping	$1,832,872	$4,083,112
Transportation	$1,838,789	$4,096,300
Total	**$12,582,246**	**$28,029,981**

The Portland Museum of Art's Economic Contribution & Impact in Maine

Pre-Expansion Snapshot, 2019

This section reports the PMA's statewide economic contribution in 2019, a typical year before construction. The two major components of the economic contribution and impact stem from museum spending and visitor spending. The PMA pays its employees and spends money at local vendor/supplier businesses to maintain its ongoing operations while people from out-of-state who come to Maine to visit the Museum spend money on retail goods, meals, hotels, and other items outside of the museum. This constitutes the initial or direct spending. The local businesses use a portion of their revenues to purchase supplies, equipment, and employ workers. Employees of the PMA and its vendors, in turn, spend their earnings in the local economy on household consumption goods including food, entertainment, housing and other goods and services adding value along the way. This results in recurring rounds of local economic spending, this is referred to as the indirect and induced economic impacts, which are estimated by a Maine economic model (IMPLAN) and presented in the following section.

Museum Spending Effects in the Maine Economy

Pre-Expansion Snapshot, 2019

The PMA contributes to the Maine economy through three types of impacts: direct (initial sale or spending) and indirect and induced, which account for the ripple effects of multiple rounds of spending in the economy. These contributions are quantified and presented, in Table 5, using common economic metrics including workers/FTE, labor earnings, and total output.

In 2019, approximately 69% of the PMA's direct operating costs were spent in Maine on local vender and supplier businesses ($1,156,000) and to pay museum employees ($4,379,035). These operating activities are estimated to support an additional 8 indirect workers, $335,983 (in 2022 dollars) in indirect labor income, and $1.4 million in indirect output.

Including direct, indirect, and induced spending, the total impacts of the PMA's ongoing operational spending, include an estimated 129 jobs (i.e., 107 FTE), $6.3 million in associated labor income, and $11.5 million in total output (sales).

Table 5. Contribution of the Operation of PMA to the Maine Economy, 2019

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	76	$ 4,559,603	$ 5,763,270	92
Indirect	7	$ 335,983	$ 1,408,376	8
Induced	24	$ 1,369,320	$ 4,291,359	29
Total Impact	**107**	**$ 6,264,905**	**$ 11,463,004**	**129**

Note: The Portland Museum of Art (PMA) provided actual and projected operational spending data, including employee compensation and local business vendor/supplier spending. Full-time equivalent (FTE) values provided by PMA are converted to IMPLAN employment prior to using it as an input to the model. Results do not include impacts of construction or visitor spending. Figures are reported in current 2022 dollars. The multiplier is 1.99.

Assumptions: In 2019, 32% of total local venders/suppliers spending (i.e., $1,156,000) went to Maine businesses. This figure along with total employee compensation ($4,379,035) and number of employees (92) are used to estimate indirect and induced spending.

Visitor Spending Effects

Pre-Expansion Snapshot, 2019

In 2019, an estimated 22,020 tourists took a trip to Maine motivated by visiting the PMA, these tourists spent an estimated $12.6 million on lodging, meals, shopping, transportation, etc. from outside of the museum. This direct spending supports indirect and induced effects generated by sales to tourism-related businesses in the hospitality sectors that in turn purchase goods and services from other Maine businesses and pay their employees who then spend their wages on household goods and services in Maine. Indirect and induced activity support an additional 52 jobs, $2.5 million (in 2022 dollars) in labor income, and $8.1 million in output.

Including direct, indirect and induced spending, the total impacts of visitor spending, include an estimated 180 jobs (i.e., 150 FTE), $6.3 million in associated labor income, and $18.3 million in total output (Table 6).

Table 6. Economic Impact of Visitor Spending to the Maine Economy, 2019

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	106	$ 4,095,696	$ 10,192,076	128
Indirect	18	$ 1,084,347	$ 3,536,575	22
Induced	25	$ 1,453,745	$ 4,553,370	30
Total Impact	**150**	**$ 6,633,789**	**$ 18,282,021**	**180**

Note: Results do not include impacts of construction or museum spending. Figures are reported in current 2022 dollars. Estimated direct spending in narrative does not equal direct spending reported in table due to leakages resulting from the difference in the prices paid by the consumer and the actual price of the product purchased. For more information refer to the technical appendices. The multiplier is 1.79.

The Economic Contribution & Impact of the PMA in Maine

Pre-Expansion Snapshot, 2019

The total economic contribution of the PMA in 2019 is the sum of the business activity directly associated with operations of the PMA and the spending of tourists whose trip to Maine was motivated by visiting the PMA.

In 2019, museum and tourism spending supported:

- Over 300 jobs of which 220 were direct impacts and another 89 were supported through indirect and induced spending.
- $8.7 million in direct labor income which supported an additional $4.2 million in indirect and induced impacts.
- Generated a total of $29.8 million in total output of which $16M were from the initial direct spending which supported another $13.8M in indirect and induced impacts.

Table 7. Contribution of Museum & Visitor Spending, 2019

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	183	$ 8,655,299	$ 15,955,346	220
Indirect	25	$ 1,420,330	$ 4,944,950	30
Induced	49	$ 2,823,065	$ 8,844,728	59
Total Impact	**257**	**12,898,693**	**29,745,025**	**309**

Notes: Results include the impacts and contribution of visitor or museum spending.

Tax Impacts

Pre-Expansion Snapshot, 2019

The economic activity generated by the PMA's ongoing museum operations and by spending of visitors on retail goods, meals, hotels, and other taxable items support fiscal impacts in the form of tax revenues from income, sales, and other tax collections. These result from taxes on wages and salaries paid by the PMA and by tourism-related businesses, in addition to taxes on wages and salaries from the indirect and induced jobs. In 2019, these economic activities generated an estimated $1.9 million in local and state tax revenue in the Maine economy (Table 8).

Table 8. Fiscal Contribution of Museum & Visitor Spending, 2019

in 2022 dollars

Impact	Local	State	Total
Direct	$ 422,580	$ 626,876	$ 1,049,456
Indirect	$ 98,310	$ 136,414	$ 234,724
Induced	$ 265,709	$ 322,930	$ 588,639
Total Impact	**$ 786,599**	**$ 1,086,219**	**$ 1,872,819**

Notes:
Assumptions:

$1.9 million in local and state taxes in 2019

In 2019, $786,599 in local and $1.1 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of visitors.

Five-Year Construction Impacts in the Maine Economy

The PMA Blueprint Project, 2023-2027

In 2023 through 2027, the PMA estimates that it will cumulatively spend $52.1 million on its new facilities expansion. This section reports the one-time economic impact from the PMA's capital expenditures on the proposed PMA Blueprint project in Maine under two local spending scenarios.

Five-Year Construction Impacts in the Maine Economy – 50/50

The PMA's Blueprint project, 2023-2027

In 2023 through 2027, the PMA estimates that it will cumulatively spend $52.1 million for (new) construction. Under the first scenario, 50% of spending (i.e., $26.1M) is assumed to go to local construction companies, construction activities for this period are estimated to support 37 total direct construction-related jobs per year (i.e., 31 FTEs) and $10 million (in 2022 dollars) in direct labor income.

Including direct, indirect and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 66 construction-related jobs per year (55 FTE)
- $17.4 million in associated labor income
- $49.5 million in total output (sales)

For every $100 of the PMA spends on new construction, an additional $90 is generated elsewhere in the local economy.

Labor income and output reported in Table 9 is the combination of the impacts across the five years, reported in 2022 dollars. The number of workers and FTEs is reported in terms of average annual jobs and FTEs (i.e., jobs/year and FTE/year) for the project. This is because the jobs on the construction site are not cumulative, in the same way that an employee working a job for 5 years is not viewed as 5 jobs.

Table 9. Economic Impact from New Construction Spending, 5-year period (50/50 Scenario)

in 2022 dollars

Impact	Average Annual FTE	Labor Income	Output / Sales	Average Annual Workers
Direct	**31**	**$ 9,998,223**	**$ 26,059,000**	**37**
Indirect & Induced	24	$ 7,351,350	$ 23,477,917	29
Total Impact	**55**	**$ 17,349,573**	**$ 49,536,917**	**66**

Notes: The Portland Museum of Art (PMA) provided construction cost estimates. Capital expenditures are analyzed independently from the PMA's business operations as these are one-time purchases. Results reflect total economic impact from spending on the one-time construction project that is expected to take place over a five-year period from 2023 to 2027. Figures reported in current 2022 dollars. The multiplier is 1.9.

Five-Year Construction Impacts in the Maine Economy – 60/40

The PMA's Blueprint project, 2023-2027

Under the second scenario, 60% of spending (i.e., $31.3M) is assumed to go to local construction companies, construction activities for this period are estimated to support 45 total direct construction-related jobs per year (i.e., 37 FTEs) and $12 million (in 2022 dollars) in direct labor income. Including direct, indirect and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 79 construction-related jobs per year (65 FTE)
- $20.8 million in associated labor income, and
- $59.4 million in total output (sales)

Labor income and output reported in Table 10 is the combination of the impacts across the five years, reported in 2022 dollars.

Table 10. Economic Impact from New Construction Spending, 5-year period (60/40 Scenario)

in 2022 dollars

Impact	Average Annual FTE	Labor Income	Output / Sales	Average Annual Workers
Direct	37	$ 11,997,868	$ 31,270,800	45
Indirect & Induced	28	$ 8,821,620	$ 28,173,500	34
Total Impact	**65**	**$ 20,819,487**	**$ 59,444,300**	**79**

Notes: The Portland Museum of Art (PMA) provided construction cost estimates and share of local spending estimates. Capital expenditures are analyzed independently from the PMA's business operations as these are one-time purchases. Results reflect total economic impact from spending on the one-time construction project that is expected to take place over a five-year period from 2023 to 2027. Figures reported in current 2022 dollars. The multiplier is 1.9

The Portland Museum of Art's Economic Contribution & Impact in Maine

Post Expansion Snapshot, 2027

By 2027, the multi-year redevelopment and construction project is expected to be complete, and the new facilities open to the public. The new facilities are anticipated to increase the PMAs physical capacity, it will have more space to host events, display more and higher quality exhibits and in turn attract more visitors. This section provides a snapshot of the PMA's economic contribution in 2027 as a result of the estimated increase in operational spending and increased visitor attraction and spending.

Museum Spending Effects in the Maine Economy

Post Expansion Snapshot, 2027

Approximately 81% of the PMA's direct operating costs will be spent in Maine on local vender and supplier businesses ($2,600,000) and to pay museum employees ($9,640,000), in 2027. These operating activities are estimated to support an additional 17 indirect jobs, $713,871 (in 2022 dollars) in indirect labor income, and $3.1 million (in 2022 dollars) in indirect output.

Including direct, indirect, and induced spending, the total impacts of the PMA's anticipated increase in operational spending, include an estimated 216 jobs (i.e., 180 FTE), $13.3 million in associated labor income, and $24.4 million in total output (sales).

Table 11. Contribution of the Operation of PMA to the Maine Economy, 2027

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	115	$ 9,640,000	$ 12,240,000	138
Indirect	14	$ 713,871	$ 3,051,006	17
Induced	51	$ 2,903,075	$ 9,098,032	61
Total Impact	**180**	**$ 13,256,946**	**$ 24,389,038**	**216**

Note: The Portland Museum of Art (PMA) provided actual and projected operational spending data, including employee compensation and local business vendor/supplier spending. Full-time equivalent (FTE) values provided by PMA are converted to IMPLAN employment prior to using it as an input to the model. Results do not include impacts of construction or visitor spending. Figures are reported in current 2022 dollars.

Assumptions: By 2027, the PMA estimates that 48% of total venders/suppliers spending (i.e., $2,600,000) will go to Maine businesses. This figure along with projected employee compensation ($9,640,000) and number of employees (138) are used as model indirect and induced spending.

Visitor Spending Effects

Post Expansion Snapshot, 2027

In 2027, an estimated 49,053 tourists will take a trip to Maine motivated by visiting the PMA. These visitors will spend an estimated $28 million for lodging, meals, shopping, transportation, etc. from outside of the museum. Indirect and induced impacts are estimated to support an additional 117 jobs, $5.7 million (in 2022 dollars) in labor income, and $18.1 million in output.

Including direct, indirect, and induced spending, the total impacts of visitor spending, include an estimated 405 jobs (i.e., 336 FTE), $14.9 million in associated labor income, and $40.9 million in total output (sales).

Table 12. Economic Impact of Visitor Spending to the Maine Economy, 2027

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	239	$ 9,174,087	$ 22,805,766	288
Indirect	40	$ 2,421,710	$ 7,898,630	48
Induced	57	$ 3,254,228	$ 10,192,750	68
Total Impact	**336**	**$ 14,850,025**	**$ 40,897,146**	**405**

Note: Estimated direct spending in narrative does not equal direct spending reported in table due to leakages resulting from the difference in the prices paid by the consumer and the actual price of the product purchased. For more information refer to the technical appendices. Results do not include impacts of construction or museum spending. Figures are reported in current 2022 dollars.

The Economic Contribution & Impact of the PMA in Maine

Post Expansion Snapshot, 2027

The total economic contribution is the sum of the museum spending effects and visitor spending effects previously reported. In 2027, the estimated museum and tourism spending will support:

- Over 600 jobs of which 426 were direct impacts and another 195 were supported through indirect and induced spending.
- $18.8 million in direct labor income which supported an additional $9.3 million in indirect and induced impacts.
- Generated a total of $65.3 million in total output of which $35M were from the initial direct spending which supported another $30.2M in indirect and induced impacts.

Table 13. Estimated Contribution of Museum & Visitor Spending, 2027

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	354	$ 18,814,087	$ 35,045,766	426
Indirect	55	$ 3,135,581	$ 10,949,636	66
Induced	107	$ 6,157,303	$ 19,290,782	129
Total Impact	**516**	**28,106,971**	**65,286,184**	**621**

Notes: Results include the impacts and contribution of visitor or museum spending.

Tax Impacts

Pre and post expansion

By 2027, the economic activity supported by the PMA's ongoing museum operations and by spending of museum tourists is estimated to generate $4.2 million in local and state tax revenues (Table 14).

Table 14. Fiscal Contribution of Museum & Visitor Spending, 2027

in 2022 dollars

Impact	Local	State	Total
Direct	$ 948,844	$ 1,423,457	$ 2,372,301
Indirect	$ 218,499	$ 325,349	$ 543,848
Induced	$ 579,512	$ 747,096	$ 1,326,607
Total Impact	**$ 1,746,855**	**$ 2,495,901**	**$ 4,242,757**

Notes:
Assumptions:

$4.2 million in local and state taxes in 2027

In 2027, $1.7 million in local and $2.5 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of visitors.

Technical Appendices

Definitions of Modeling Outputs & Other Key Terms

Technical Appendices

Key word	Definition
Direct effects	The expenditures or initial production changes associated with an industry or sector in the study area which are entered into the Input-Output analysis.
Economic contribution	Economic 'contribution' measures the support of an existing business, event or policy that is money that is already circulating, it is the gross change in economic activity associated with a business, event, or policy in an existing regional economy.
Economic impacts	Economic 'impacts' are to the local economy by exits or entry-related events, "but if not for", is the net changes in new economic activity associated with an industry, event, or policy in an existing regional economy.
Employee compensation	Total payroll cost of an employee, inclusive of wages, salaries, payroll taxes, and benefits such as health insurance and retirement.
Employment	The number of full-time, part-time, and seasonal jobs associated with a specific industry.
Full-time equivalent employment (FTEs)	Full-time equivalent employment (FTEs) is the number of full-time equivalent jobs, defined as total hours worked divided by average annual hours worked in full-time jobs.
Indirect effects	The economic impact of local industries purchasing goods and services from other industries along supply chains.
Induced effects	The economic impact of household spending of labor income following deductions from taxes, savings, and income for commuting.
Labor income	The sum of employee compensation and proprietor income.
Multipiliers	The measure of an industry's connection to the economy of Maine in terms of purchases, payments of wages and taxes, and other transactions.
Output	The value in dollars of production within Maine. It equates to the total of sales and net inventory change.
Total effects	The sum of direct, indirect, and induced effects.
Workers	Employment or workers is the total number of full-time, part-time, and seasonal jobs

END

The PMA Blueprint

Building a Landmark for the Future

A once-in-a-lifetime museum expansion and unification that will forever change Maine and New England. Through The PMA Blueprint, we will redefine our region, unite our communities, and sustain our economy for generations to come.

In a region traditionally renowned for its natural beauty and cuisine, the PMA has a new vision defined by arts, culture, belonging, and sustainability. To get there will require innovative thinking that goes "beyond the brick," and into the very nature of what a museum can be.

We believe the museum can transcend convention and redefine the quintessential Maine experience. **We understand** that the PMA, through investment in art and the facilities that bring that art to the public, can initiate a transformative new chapter for our region, one defined by growth and prosperity. **And we know** the time is now to embark on this profound and permanent shift forward.

THE CHALLENGE

For the last half decade, we've sustained double-digit increases in attendance, reaching a record high in 2019 with nearly 177,000 visitors. Our campus is at its limit, with attendance already at 2x the planned capacity of the Payson building. **In just 5 years, we will exceed 3x the planned capacity of our campus.** We need to build up, as we are being forced to make tough choices around reducing exhibition size, relocating programs, and restricting capacity due to the physical limitations of our campus.

Our collection has also grown exponentially, and **in the last decade alone has diversified deliberately and more quickly than at any point in our 140-year history**. Significant gifts from Judy Glickman Lauder, the Alex Katz Foundation, Barbara Goodbody, Richard Estes, Bruce Brown, David and Eva Bradford, the Berger Collection Educational Trust, and many more are transforming the PMA collection and expanding the narratives we can tell. Recently acquired works by Laura Aguilar, Rackstraw Downes, Nan Goldin, Philip Guston, Reggie Burrows Hodges, Carrie Mae Weems, Kara Walker, and others deserve space to store, care for, and present them–yet our existing facilities are insufficient and inadequate by modern standards.

And our communities have changed as well. We must do more to create opportunity–on our walls, in our galleries, through our programs, on our board, and within our staff–to ensure the PMA experience reflects the experiences, lifestyles, and values of the myriad people who call our region home and visit from around the world. We must platform individuals and communities that have been excluded from museums and "the art world". We must ensure our artwork, exhibitions, programs, and didactics are created by and in partnership with our BIPOC communities, immigrants and new Mainers, LGBTQIA2S+ neighbors, our elders, youth, and other communities across Maine. We must be at the center of our communities, which requires dialogue, trust, and transparency. And we must ensure we are championing a more diverse, inclusive, and sustainable region. **We must become a community institution that is rooted in *belonging*.**

A LEADER IN OUR REGION, KEYSTONE IN OUR COMMUNITIES, AND CATALYST FOR OUR ECONOMY

From the museum's founding in 1882 by artists and community leaders, to Charles Shipman Payson's gift of 17 works by Winslow Homer and the opening of our Payson building 40 years ago, to our present-day status as a cultural leader, the PMA's impact is greatest when we open doors for audience engagement, identify opportunities to grow our collection and unify our campus, and create space to come together.

Nearly a decade ago, the PMA prioritized diversity, equity, accessibility, and inclusion throughout our exhibitions, programs, events, and culture of philanthropy. In the years since, we have cultivated a broader, more detailed, and nuanced understanding of what these ideas mean, dedicating ourselves to the concepts of belonging, sustainability, our mission–*Art for All*–and values of courage, equity, service, sustainability, and trust.

In October 2019, the PMA took a big step toward a bold future, purchasing 142 Free Street, a building directly adjacent to the museum's Charles Shipman Payson Building. In a rapidly evolving city, this purchase provides the museum with a footprint for future opportunities and enables the PMA to define Portland as a national center for arts and culture.

With the opportunities of 142 Free Street, the development of Congress Square (a major, underdeveloped urban park at the main entrance of the museum) and the domino effects of renewal across our campus at sites like the Payson Building, Spring Street lot, and more, now is the time to unify the campus and thoughtfully plan the museum's future. We envision our campus as an environmentally sustainable gathering place where a strong artistic vision drives conversation, creativity, and cultural vibrancy.

This investment will embody our *Art for All* and sustainability values, with 142 Free Street being the first sustainable and green public building in Portland and just the fourth green public museum building in the country. The mass timber structure will include flexible and open-ended spaces, including classrooms to learn and get messy, workshops, artist residencies, performance spaces, and many more versatile areas for collaborations, partnerships, and connection. This is all in addition to innovative galleries and ways to present art that are at the heart of a museum.

This new, iconic, and architecturally significant center will be the hallmark of a unified and renewed campus–enhancing the PMA's mission, welcoming visitors from around the corner and across the world, and encouraging meaningful connections with artworks, programs, and events.

LEVER ARCHITECTURE & THE CONCEPT

In January, the Portland Museum of Art announced LEVER Architecture (Portland, OR and Los Angeles, CA) to lead the design team for ***The PMA Blueprint***. LEVER Architecture's winning concept imagines the PMA campus unified through a stunning and sustainable building that connects directly to the PMA's Postmodern-style Charles Shipman Payson Building (1983), Beaux-arts style Lorenzo De Medici Sweat Memorial Galleries (1911), Federalist-style McLellan House (1801), and Greek revival Clapp House (1832.) The design–proposed primarily from sustainable mass timber, one of LEVER's defining characteristics–reflects LEVER's understanding of the PMA's values and goals, as well as the history and future of Portland, of Maine, and of the region.

LEVER envisions a new building at the site of 142 Free Street made from mass timber, terracotta, and glass, and includes nods to Maine communities, history, and culture. The curved roofline is designed to frame the sun as it rises and sets, in honor of Maine's Wabanaki communities (Abenaki, Maliseet, Micmac, Passamaquoddy, and Penobscot Nations) and the land they call Wabanaki, or Dawnland. The timber used in LEVER's design speaks to the state's lumber industry heritage while reimagining its future as a hallmark of environmental stewardship, much in the same way the PMA's other buildings embody their time and place and reflect other aspects of Maine's history. Other sustainable building materials and practices, such as geothermal energy, will be explored as the project moves into future phases.

LEVER Architecture and their team of Simons Architects and Unknown Studio, Chris Newell-Akomawt Educational Initiative, Openbox, Once-Future Office, Atelier Ten, and Studio Pacifica were selected through a juried international design competition that attracted submissions from 104 teams representing 20 countries, including Australia, Belgium, China, Denmark, Finland, Japan, Mexico, Spain, South Korea, United Arab Emirates, the United Kingdom, and more. In total, more than 250 firms participated as part of the 104 submitting teams, with 46% of all lead firm submissions owned or founded by people of color or women.

Additionally, the Jury considered feedback from the public, who submitted more than 2,000 ideas, questions, and comments to the PMA during the concept gallery display November 18–December 31. Opportunities for community feedback have been critical to the PMA throughout its campus planning and ***The PMA Blueprint*** process, and in addition to the public comment period this winter have included focus groups, listening sessions, and surveys to ensure the future development of the museum's campus is defined by and rooted within the communities it serves.

In the months since the announcement, the LEVER team has frequently been to Maine to meet with, interview, and learn from our communities. These pre-planning moments with visitors, staff, and stakeholders are the initial steps to refine the concepts that will ultimately become the final design for the new PMA.

DOUBLING OUR ECONOMIC IMPACT

The Portland Museum of Art's contributions to Maine's economy are already significant, with $29.8 million in total output, $8.7 million in direct labor income supporting an additional $4.2 million in indirect and induced impacts, and $12 million in direct tourism-related expenditures. In 2022, The Maine Center for Business and Economic Research at The University of Southern Maine (USM) found that ***The PMA Blueprint*** could effectively double its impact at the completion of the project.

This is because investments that contribute to and improve quality of life can be more effective economic development tools than traditional strategies such as business tax incentives. Community amenities including recreational opportunities and cultural activities may be larger contributors to a healthy local economy than more narrowly focused "business-friendly" measures. A range of easily accessible open spaces and public gathering spots that promote community connections, restaurants, jobs, and safety have proven to attract–and retain–newcomers to an area to live, work, and play.

USM's analysis also estimated the economic impact from the capital expenditures on the proposed PMA Blueprint construction project. Between 2023 through 2027, the PMA estimates that it will cumulatively spend more than $60 million to construct the new building. Including direct, indirect, and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated: 66 - 79 construction-related jobs per year, $17.4 - $20.8 million in associated labor income, and $49.5 - $59.4 million in total output (sales).

MASS TIMBER'S POTENTIAL FOR MAINE

The Portland Museum of Art sees even more potential for economic development beyond Portland, extending throughout Maine's rural and urban communities, invigorating local economies, revitalizing communities, and sparking new industries and revenue streams.

This spring, the Portland Museum of Art was the sole arts institution at the International Mass Timber Conference in Portland, Oregon, among 3,000 attendees from 20 countries. Yet, we were welcomed with open arms and told time and again that ***The PMA Blueprint*** is the bellwether this emerging industry has been waiting for. That's because our project can demonstrate the benefits of mass timber beyond raw materials and processes.

One of the key benefits of mass timber construction is its ability to sequester carbon, retaining it in the building rather than being released back into the atmosphere through decomposition or burning. When wood that is used for mass timber construction is obtained from sustainably managed forests, the resulting materials have a much lower life-cycle carbon footprint than steel and concrete, delivering a 26.5% reduction in global warming potential, according to University of Washington researchers. That is incredibly significant, as the building sector produces an extraordinary 40% of global carbon emissions annually. The most common forms of mass timber include cross-laminated timber (CLT), Glue Laminated beams, Structural Round Timber (SRT), and laminated veneer lumber (LVL). No matter the type, all mass timber is incredibly strong, climate safe, and sustainable.

Maine almost had a CLT plant in 2018 but lost the bid to a site in the south that is now a profitable economic driver in Alabama. In our preplanning for our building, we're discovering a shared desire and drive for a CLT plant in Maine by our policymakers at all levels, the University of Maine, Indigenous leaders, landowners, forestry advocates, businesses, and more. Why? Because mass timber in Maine just makes sense. We're the most forested state in the country–with nearly 90% of the land covered in forests, the potential to revitalize and reimagine our state is real. This is a rare and unique opportunity to bring rural and urban communities, companies, and governments together through clean industries that make the world better and support Maine jobs.

The time is now to incentivize mass timber as a go-to building material to maximize long-lasting and positive outcomes for our economies and environment. We are excited to partner with LEVER Architecture and lead by example through our new, landmark building, but we need others to embrace regenerative, climate-safe wood products and processes as well. Together, we can support a better future, one that leads sustainably while fostering the people, communities, and industries that could revitalize and reimagine our state and New England as a whole.

JOIN US

Beginning today, we can renew, revitalize, and redefine a museum's role within our society.

With your partnership and support, we can manifest a model for all museums: one defined by leadership, courage, sustainability, and belonging.

The PMA you help to establish will strengthen our societal fabric and affirm that museums are critical to the health of our communities in all ways.

Together, we can realize the true potential of museums for all people.

MUSEUMS NEED A PARADIGM SHIFT THAT DELIVERS ON THE PROMISE OF *ART FOR ALL.*

Art reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. 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This paradigm shift enables the PMA to be a leader of our region, a keystone for our communities, and a catalyst for our economy.

Art reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks **imagination** spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks **imagination** spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination

BEYOND THE BRICK

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The PMA's impact is greatest when we open doors for audience engagement and identify opportunities to grow our collection and unify our campus.

The Portland Museum of Art is defined by three pillars: community, collection, and campus. Working in tandem, these pillars have been the foundation of every milestone of the museum's incredible history. From the museum's founding in 1882 by artists and community leaders, to Charles Shipman Payson's gift of 17 works by Winslow Homer, to the opening of its Payson building one hundred years later, and to its present-day status as a cultural leader, the PMA's success has been grounded by one of these three pillars.

Now, sparked by the current growth and diversification of the collection, record attendance and community feedback, and new opportunities to expand and unify its campus, the Portland Museum of Art stands ready to embark on what will be its most ambitious and pioneering era yet. ***This era will be defined by the additions of new, renowned collections, the development of iconic buildings in which to present them, and an innovative relationship with the communities we serve.***

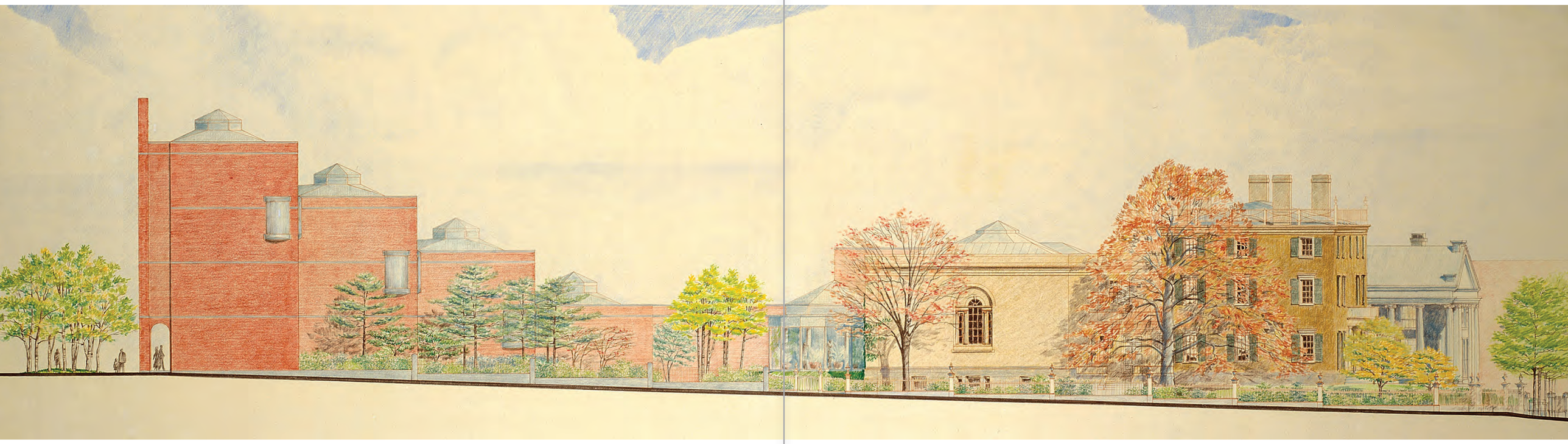
Mark H.C. Bessire
Judy and Leonard Lauder Director

COMMUNITY, COLLECTION, CAMPUS; UNIFIED

PORTLAND MUSEUM *of* ART Seven Congress Square, Portland, Maine 04101 PH: 207 / 775-6418 FAX: 207 / 773-7324 portlandmuseum.org

and prosperity. ***And we know*** the time is now to embark on this profound and permanent shift forward.

BEYOND THE BRICK



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The Portland Museum of Art is about to fundamentally change Maine. In a region traditionally renowned for its natural beauty and cuisine, the PMA has a new vision defined by arts, culture, equity, and sustainability. To get there will require innovative thinking that goes "beyond the brick," and into the very nature of what a museum can be.

We believe the museum can transcend convention and redefine the quintessential Maine experience. ***We understand*** that the PMA, through investment in art and the facilities that bring that art to the public, can initiate a transformative new chapter for our region, one defined by growth and prosperity. ***And we know*** the time is now to embark on this profound and permanent shift forward.

It's time to envision the next great era in PMA history, one sparked through new, world-famous collections and an architecturally innovative and unified campus that serves as an epicenter for conversation, connection, and community.

– MARK H.C. BESSIRE,
JUDY AND LEONARD
LAUDER DIRECTOR

OUR HISTORY

AT 140 YEARS OLD, THE PMA IS AMONG THE OLDEST ART MUSEUMS IN THE COUNTRY, AND PREDATES X-RAYS, THE EIFFEL TOWER, AND THE BOSTON RED SOX.

THE FIRST 100

Although the museum was founded in 1882, the PMA story really begins with the legacy of its first benefactor, Margaret Jane Mussey Sweat. In 1908, Sweat bequeathed the McLellan House and necessary funds to build the L. D. M. Sweat Memorial Galleries in memory of her late husband. Margaret Jane Mussey Sweat's belief in the museum would set the precedent for future generations of philanthropy and provide the visionary foundation of what the Portland Museum of Art could be.

1882
The Portland Society of Art is founded by artists.

1888
COLLECTION
Benjamin Paul Akers' *The Dead Pearl Diver* becomes the museum's very first acquisition, marked by a group donation model.

1908
CAMPUS
Sweat bequeaths the McLellan House, an 1801 federal-style three-story mansion designed by John Kimball, Sr., to found the museum. Sweat foresees the need for future growth, and includes the necessary funds to build the L. D. M. Sweat Memorial Galleries.

1911
CAMPUS
L.D.M. Sweat Memorial Galleries open in a Beaux-arts style building designed by John Calvin Stevens: 7,500 sq. ft., with 4,000 sq. ft. of exhibition space.

CREATING THE PMA, 1976–2006

When Charles Shipman Payson gave the museum 17 artworks by Winslow Homer in 1976, it served as a catalyst for a group of visionary leaders to expand the campus, attract the museum's first significant collections and long-term loans, and establish the downtown footprint that remains to this day.

1976
COLLECTION
Maine native Charles Shipman Payson promises the museum his collection of 17 paintings by Winslow Homer.

CAMPUS
Critically, Payson identifies the museum's physical limitations and generously gives $8 million toward the construction of a new building.

1979
COLLECTION
In direct response to the Payson gift, the Hamilton Easter Field Art Foundation Collection adds more than 50 paintings, sculptures, and works on paper by American modernists to the PMA collection.

1980
COLLECTION
Edward Hopper's *Pemaquid Light*, which continues to be the PMA's most requested artwork by visitors, joins the collection.

1981
CAMPUS
The museum breaks ground on the Charles Shipman Payson Building.

1983
CAMPUS
Designed by Henry Nichols Cobb of Pei Cobb Freed & Partners, the new heart of the PMA opens with 20,000 sq. ft. of exhibition space.

1983
COLLECTION
The Friends of the Collection is founded by a group of enterprising women to bring greater diversity and equity to the PMA through the acquisition, conservation, and care for the collection and related programming.

FUN FACT | Artworks by Ahmed Alsoudani, David C. Driskell, Edward Hopper, Louise Nevelson, Isamu Noguchi, Marguerite Zorach, and many more have been acquired by the Friends of the Collection.

1988
COLLECTION
Winslow Homer's masterpiece, *Weatherbeaten*, sparks a new era of major growth of the collection.

1991
COLLECTION
The Joan Whitney Payson Collection of 20 impressionist and post-impressionist works of art is given to the museum on permanent loan. Pierre-Auguste Renoir's *Confidences (Secrets)* is among the highlights of the collection.

1996
COLLECTION
Elizabeth B. Noyce bequeaths 66 works of American art, which at the time stands as the most extensive and diverse gift of American art ever given to the museum.

2002
CAMPUS
After a successful $12.3 million capital campaign, the PMA meticulously renovates the McLellan House, restoring it to its original condition and reopening it to the public in 2002.

For more than 40 years, there have been no increases in galleries, visitor amenities, or capacity.

ENSURING FLEXIBILITY, 2006 – 2016

The first 10 years of the 21st century proved to be a pivotal decade in Portland, and as its cultural renaissance took hold, the PMA moved to secure the museum's future flexibility by securing three strategic properties: 87 Spring Street, the Charles Quincy Clapp House, and the Winslow Homer Studio.

2006
CAMPUS
The PMA purchases the Winslow Homer Studio and begins restoration project.

2007
CAMPUS
The Charles Quincy Clapp House, one of Maine's important early examples of high style Greek Revival architecture built in 1832, is purchased.

FUN FACT | Acquired by the Portland Society of Art in 1914, with ownership transferring in 1982 to Maine College of Art when the Portland Society of Art separated into the PMA and MECA.

Board votes to purchase 87 Spring Street in 2007 for $2.35 million.

2012
COMMUNITY
The exhibition *Weatherbeaten* breaks attendance records and sets a new precedent as to what the museum could do if it unified exhibition strategy, audience development, and brand equity in the years to come.

CAMPUS
The Winslow Homer Studio opens to the public.

2013
COLLECTION
CAMPUS
COMMUNITY
The PMA begins planning a four year, cross-departmental accessibility initiative, *Your Museum, Reimagined,* to reinstall the collection, digitize the collection, improve physical accessibility, and create more ways to remove financial means as a barrier to the museum.

FUN FACT | Director Mark Bessire often said, "the PMA built a building without a building."

2014
CAMPUS
The museum purchases the land surrounding the Winslow Homer Studio to be preserved in perpetuity through an $11.8 million capital campaign for restorations, land, and building the endowment.

COLLECTION
Robert Indiana's *SEVEN* is installed in Congress Square, simultaneously adding an iconic public work of art in Portland while underscoring the PMA's physical address at 7 Congress Square.

2015
COLLECTION
Andrew Wyeth's *River Cove*, which the New York Times said, "may be Wyeth's best painting" and is regularly identified by art historians as among his most important and impressive artworks, joins the collection.

THE *ART FOR ALL* GENERATION, 2016 - PRESENT

The path the PMA is about to take was made possible through several successful projects and initiatives that ensured artworks and audiences came together to move the museum forward.

In 2015 the PMA announced its commitment to a multiyear, cross-departmental collections and accessibility initiative, *Your Museum, Reimagined*. By its completion in 2017, the PMA had reinstalled the collection, digitized the collection, improved physical accessibility, and created more ways to remove financial barriers to the museum.

2016
COMMUNITY
A sustained multiyear increase in attendance begins, growing beyond the previous five-year average of 130,000, jumping 7%.

2017
COMMUNITY
The PMA launches *Your Museum, Reimagined*, immediately attracting 20,000 more visitors than the year before while establishing a new baseline for annual attendance.

The David E. Shaw Family Sculpture Park opens as a free space to the public for the first time in nearly 35 years.

Recent additions by John Bisbee, Jonathan Borofsky, Isamu Noguchi, and William Zorach have joined works by Anthony Caro and Celeste Roberge.

20,000 more visitors come to the museum.

COLLECTION
A substantial collection of photographs by Nan Goldin joins the collection.

2018
COMMUNITY
11% increase in attendance over 2016.

Through the generosity of Susie Konkel, the PMA introduces free admission for everyone ages 21 and under.

The museum launches multivocal didactic materials in exhibitions, which–alongside community advisory committees–improve the range of perspectives and educational opportunities available in the galleries.

Since that time, the PMA has aimed to build on the new wave of energy and support at the museum. This has been marked by a deep commitment to Diversity, Equity, Accessibility, and Inclusivity [DEAI] through exhibitions and programs that reflect the region's diverse communities and experiences with art that brings people together. We call it *Art for All*.

2019
COMMUNITY
Record Attendance: 176,464 visitors to the museum with a 10% increase over 2018 plus a 16% over previous half decade.

COLLECTION
Kara Walker's *Occupation of Alexandria*, David C. Driskell's *Ghetto Wall #2*, and Jeffrey Gibson's *PEOPLE LIKE US* immediately become collection highlights.

FUN FACT | 290 artworks added to the collection since 2016.

CAMPUS
The museum purchases 142 Free Street building, directly adjacent to the museum's Charles Shipman Payson Building. The purchase provides the museum with flexibility for future opportunities and enables the PMA to secure the area around Congress Square as a center for arts and culture.

2020
COMMUNITY
Attendance goal is set for 220,000.

As the pandemic takes hold, the PMA pivots to a digital-first museum, creating hundreds of types of content across all departments, and sets new record with 3.53 million people engaging with the museum online.

369% increase in web traffic from previous year.

Throughout the PMA's history, there have been flash points where circumstance, positioning, and support have come together to move the museum forward. Reflecting on these cycles is critical to understanding the unique and promising moment the PMA is embracing.

IT'S TIME

to envision the next great era in PMA history, one sparked through new, world-famous collections and an architecturally innovative and unified campus that serves as an epicenter for conversation, connection, and community.

ATTRACTING COLLECTIONS

Our dedication to the collection has never been stronger. We're committed to highlighting the strengths of our existing collection and the long-term loans that have attracted local and global audiences for decades. Simultaneously, we're expanding the collection dramatically through additions by artists such as Jeffrey Gibson, Daniel Minter, Tim Rollins & K.O.S., Clifford Ross, Theresa Secord, and Kara Walker. Lastly, we're reinforcing holdings of landmark works by Maine artists, including Lois Dodd, David Driskell, Winslow Homer, John Marin, and Andrew Wyeth.

The museum is now about to move light-years forward, with the addition of several major, internationally renowned and incredibly valuable collections that will transform everything. This expansion of the collection is the most extensive and diverse in the institution's history, and immediately centers the PMA as one of the most important museums in the Northeast.

But the opportunity and challenge ahead is clear: to present these collections at all, let alone meaningfully and in line with our values, we need to increase capacity to provide welcoming spaces for all through the growth and unification of our campus.

GROWING OUR COLLECTION

Beginning with our first acquisition in 1888 of Benjamin Paul Akers' *The Dead Pearl Diver*, the PMA has amassed a permanent collection of morethan 18,000 objects, with roughly 75 percent arriving as gifts from more than 10,000 donors.

ALEX KATZ FOUNDATION GIFTS

Over the last decade, the Alex Katz Foundation has generously provided the PMA with a collection of nationally and internationally renowned artworks by Katherine Bradford, Emily Brown, Lois Dodd, Misaki Kawai, Chris Martin, Julian Opie, and more. The foundation has contributed more than 45 artworks to the PMA collection since 2011.

JUDY GLICKMAN LAUDER PHOTOGRAPHY COLLECTION

Anchored by works from some of the most beloved and influential photographers of the 20th century, including Berenice Abbott, Diane Arbus, Richard Avedon, Margaret Bourke-White, Danny Lyon, Sally Mann, Gordon Parks, and James Van Der Zee, the collection will become the center of a photographic collection at the Portland Museum of Art that will thrill audiences from around the world. The collection also includes photographs by critical contributors to the medium's history, such as Irving Bennett Ellis, Lotte Jacobi, Alma Lavenson, Ben Shahn, Graciela Iturbide, and Glickman Lauder, the collector herself.

BARBARA GOODBODY COLLECTION

Over the last half decade, the PMA has worked to prioritize artworks and perspectives from our Wabanaki communities, presenting contemporary artworks in our Biennial series, featuring leaders in our marquee public programs, and partnering with artists and community members on inclusive, direct, and honest didactic materials in order to dismantle systemic racism and art historical blind spots. Wabanaki baskets, given generously by Barbara Goodbody in 2021, include stunning works by David Moses Bridges, Martin Dana, Jeremy Frey, Theresa Secord, Sarah Sockbeson, Geo Soctomah Neptune, and more.

WALTER B. AND MARCIA F. GOLDFARB COLLECTION

Assembled by PMA Trustee and patron Dr. Walter Goldfarb and his wife, Marcia, the Goldfarb collection focuses on three primary categories of painting: ship portraits, landscapes in the tradition of the Hudson River School, and trompe l'oeil still life. Featured artists include Sanford R. Gifford, John Haberle, William Michael Harnett, and John Frederick Peto. The Goldfarb Collection offers strong resonance with existing PMA works by Charles Codman, Fitz Henry Lane, Eastman Johnson, and others, providing visitors a coherent narrative of 19th-century American art.

RICHARD ESTES COLLECTION

The Richard Estes Collection and Archive has been promised to the Portland Museum of Art. This transformational collection contains paintings and extensive archival material, forming a significant body of work that will provide breadth to the museum's collection of American art. The Richard Estes Collection will help chart the reinvigoration of realist and figurative American painting in the decades after World War II, when numerous artists of Estes' generation were seeking a fresh approach to painting. Many of these artists eventually found Maine, or places like Maine–rural environments where their interest in the natural world became intertwined with their artistic visions.

BERGER COLLECTION EDUCATIONAL TRUST

A major gift of works by American icon Winslow Homer strengthens the Portland Museum of Art's position as one of the leading institutions in the world to experience the art and legacy of Winslow Homer. Highlights of the gift from the Berger Collection Educational Trust include paintings *Returning from the Spring,* 1874, and *Young Farmers (Study for Weaning the Calf),* 1873-1874, as well as nearly a dozen other works made by Homer during his career.

DAVID AND EVA BRADFORD COLLECTION

German expressionist works that powerfully blend issues of history, politics, art, and national identity, provoking questions about who we are and what we value in ways that are as pertinent today as they were a century ago. The works, gifts to the PMA from David and Eva Bradford, add context to the social and artistic expression of the era and are equally probing in their evaluation of German society and national identity. Highlights include works by Max Beckmann, Otto Dix, and Käthe Kollwitz.

THE PMA'S SUCCESS IS NOW OUR BIGGEST CHALLENGE

In the last two years, our audiences have made it clear that they have big expectations, and we do too. **We've sustained double-digit increases in attendance for the last half decade, reaching a record high in 2019 with more than 175,494 visitors.** As we look to the future, it's easy to see how the constraints of our campus will soon hinder our goals and our communities' needs.

We already welcome nearly

2x

the planned capacity of the Payson building.

In just five years of our current pace of growth, we will exceed

3x

the planned capacity of our campus.

4x

as many visitors than peer museums with similar exhibition square footage.

WE NEED TO BUILD UP

We are being forced to reduce exhibition size, relocate marquee programs and events, and restrict capacity due to limits of our campus.

OUR NEEDS IN CONTEXT

Compared to peer institutions*, the PMA...

has

170-515%

MORE VISITORS

than similar sized campuses.

has

130-370%

MORE VISITORS

than equivalent member households.

has

140-585%

MORE VISITORS

than comparable collection sizes.

is

one of only 13

MUSEUMS IN THE UNITED STATES

with 100% of its collection online and accessible digitally.

has the

4th most open hours

IN THE ENTIRE COUNTRY.

leads

every other museum but one

IN FREE ADMISSION

by age.

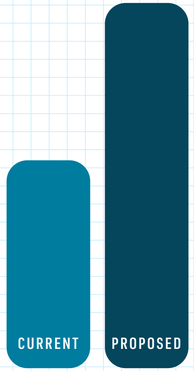
serves

more school districts

THAN BROOKLYN MUSEUM AND NATIONAL GALLERY OF ART.

* According to the American Association of Museum Directors (AAMD) 2019 report, which represents the most recent data. AAMD did not conduct reports for 2020. Data rounded to nearest fifth.

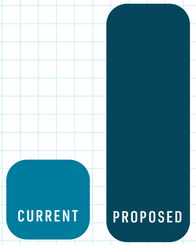
OUR PARADIGM SHIFT IS DEFINED BY EQUITY, SUSTAINABILITY, AND FLEXIBILITY.



21,556 SF 38,070 SF

+ 77%

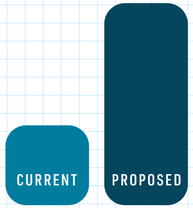
Space for Art



8,276 SF 25,214 SF

+ 205%

Space for Community



8,478 SF 21,163 SF

+ 150%

Space for Operations

By adding

60,000 SF

we can easily welcome

300,000-500,000

visitors per year.

In October 2019, the PMA took a big step toward a bold future, purchasing 142 Free Street building directly adjacent to the museum's Charles Shipman Payson Building. In a rapidly evolving city, this purchase provides the museum with a footprint for future opportunities and enables the PMA to define Portland as a national center for arts and culture.

With the opportunities of 142 Free Street, the development of Congress Square (a major, underdeveloped urban park at the main entrance of the museum) and the domino effects of renewal across our campus at sites like the Payson Building, Spring Street lot, and more, **now is the time to unify the campus and thoughtfully plan the museum's future.** We envision our campus as an environmentally sustainable gathering place where a strong artistic vision drives conversation, creativity, and cultural vibrancy.

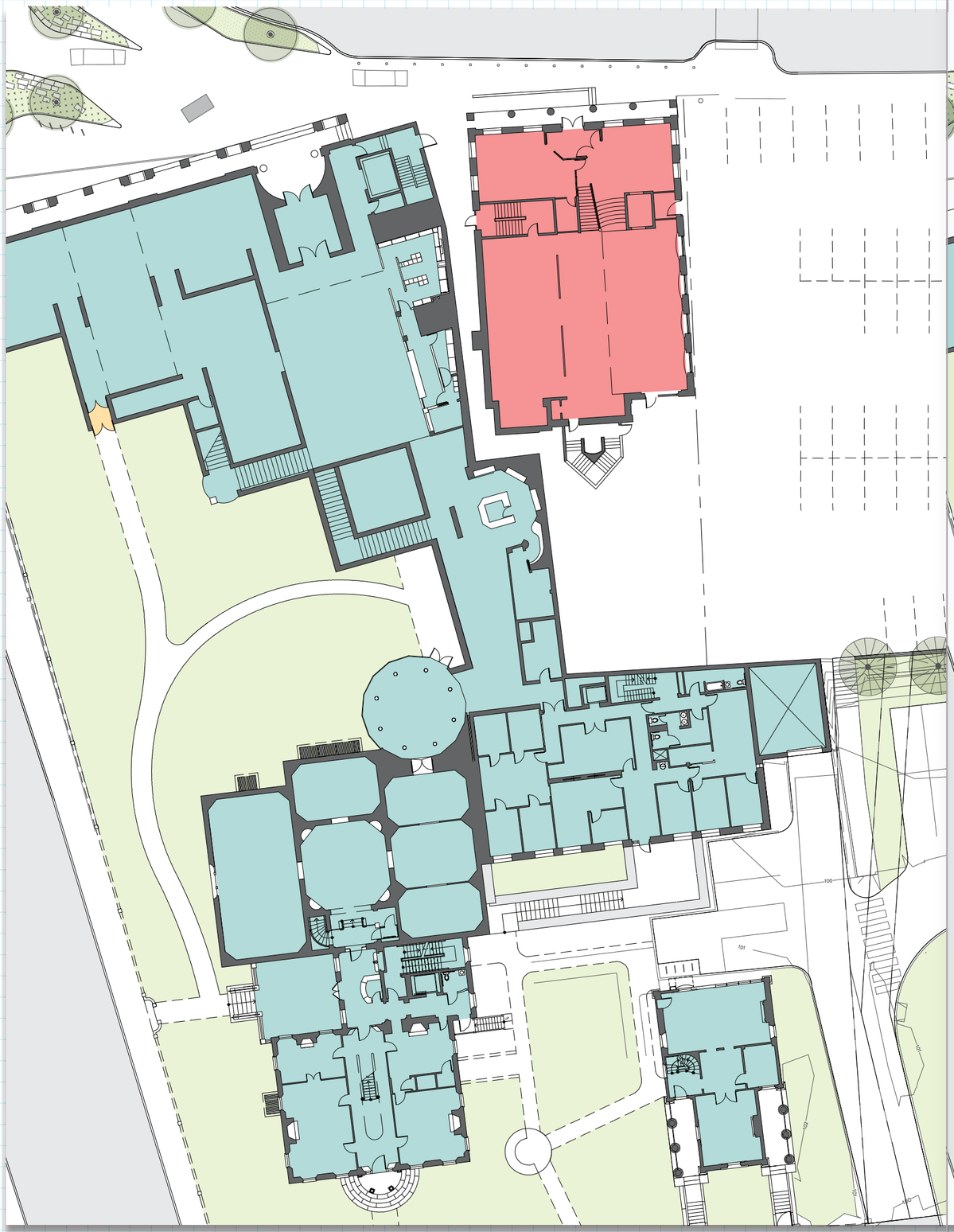
This investment will embody our *Art for All* and Sustainability values, with 142 Free Street being the first sustainable and green public building in Portland and just the fourth green public museum building in the country. Planned across a six- or seven-story building, the ground floor is a **community gathering space** with a gallery, classrooms, and versatile areas for collaborations, partnerships, and communal food sharing. The lower level is a large **flexible auditorium**, and one floor would be **dedicated to housing local nonprofit organizations,** which would operate in the building and become crucial to the **education and outreach** programs of the PMA. One floor would include an all ages Makers Space, classrooms, and a Photography Center. One floor would be dedicated to **traveling exhibitions** as our current space of 4,500 square feet is too small for us to collaborate with our peer museums; another floor would hold offices. The rooftop would provide a **meeting area, restaurant, and a sculpture park as well as an opportunity for earned revenue.**

A key component of the new PMA building at 142 Free Street will be **home to a photography study center** that teaches and inspires our youth, partners with seasoned photographers, and analyzes the historical and contemporary fields of photography. This dedicated space could fully support the field of photography for all generations by creating a new model that is so needed today, as museums struggle with their past. It could be housed on a floor that provides full-service photography, from darkrooms, classrooms, and galleries, to a study center in partnership with other cultural organizations, making it an active and accessible space for all. It could also include a dedicated permanent gallery, with exhibitions changing annually so that visitors to the PMA can build over time their knowledge of the art of photography.

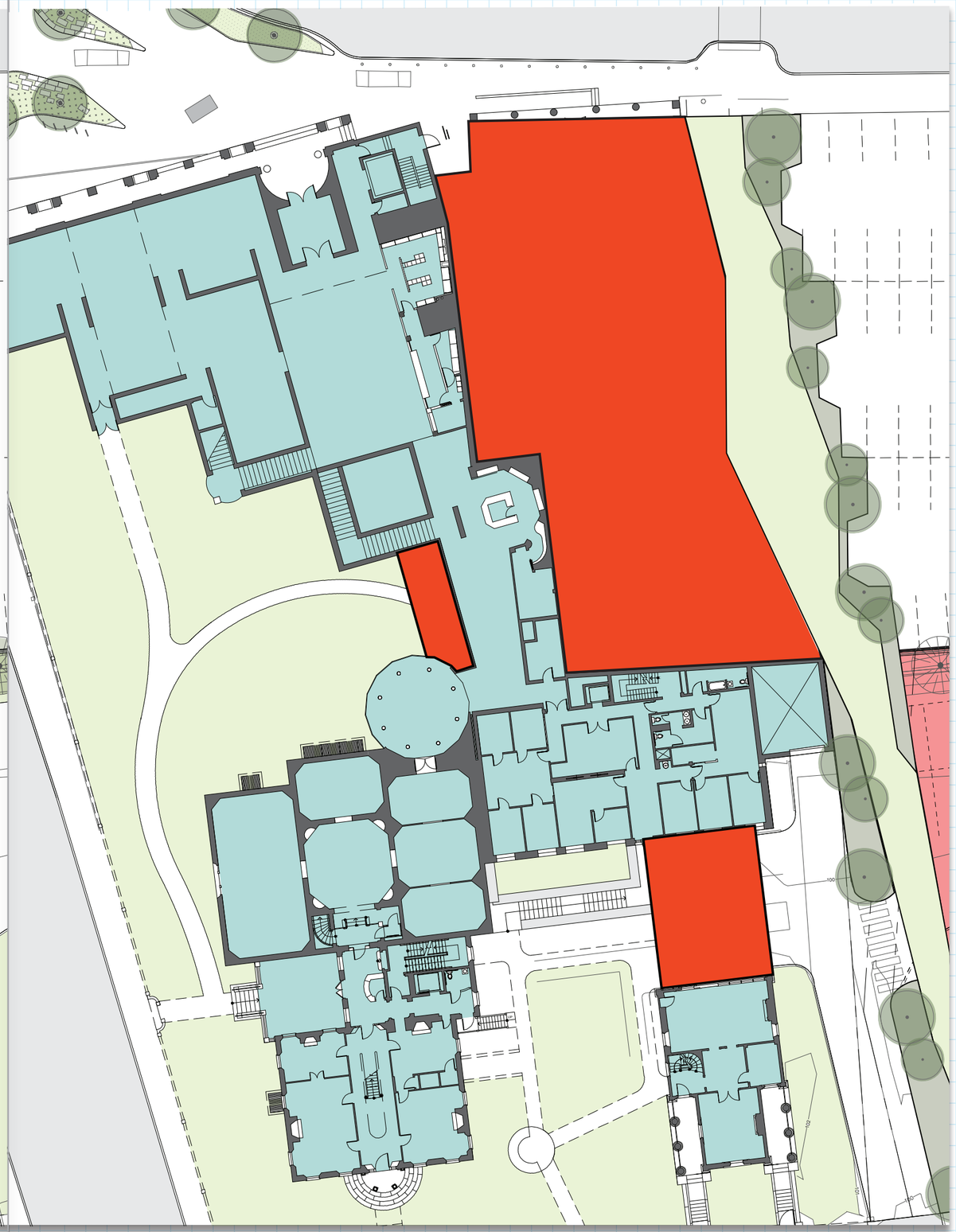
It's time to create the next great PMA experience, adding a new, iconic, and architecturally significant center to our historic campus. A unified and renewed campus will enhance the mission, welcome visitors from around the corner and across the world, and encourage meaningful connections with artworks, programs, and events.

IT'S TIME.

EXISTING SITE PLAN



POTENTIAL DEVELOPABLE SPACE PLAN



ART IS THE HEART

At every step along our 140-year history, we have been supported, guided, and sustained by our visionary partners who understand art's unique capacity to connect, inspire, and transform.

Beginning today, we can renew, revitalize, and redefine a museum's role within our society–but we can't do it alone.

With your partnership and support, we can manifest a model for all museums: one defined by leadership, courage, sustainability, and inclusivity. The PMA that you will help establish will strengthen our societal fabric and affirm that museums are critical to the health of our communities.

Together, we can realize the true potential of museums for all people.

What we leave as proof of our being here will not necessarily be in the sciences, in politics, in economics, but will manifest itself through the arts.

– DAVID C. DRISKELL

We're committed to connecting the art and ideas inside our walls with the world and people outside of them, and our vision for the museum will demonstrate that **the PMA is a different kind of arts institution:** one that platforms its communities, promotes its region, and elevates our shared future.

...Museums have an opportunity to not become community centers, but to ***be at the center of their community...***

– LONNIE G. BUNCH III, 14TH SECRETARY
OF THE SMITHSONIAN AND PMA'S 2018
NELSON SOCIAL JUSTICE KEYNOTE SPEAKER

Page 3: Jeffrey Gibson (United States, born 1972), *PEOPLE LIKE US*, 2018, glass and plastic beads, tin, copper and gold-finished jingles, artificial sinew, quartz crystal, silver-coated copper wire, druzy crystal, nylon thread, nylon fringe, acrylic felt, acrylic paint, repurposed wool blanket, recycled jersey stuffing, rawhide, 60 1/2 x 24 1/2 x 14 inches. Gift of Crewe Foundation and Family, 2019.13. © Courtesy of the artist and Robert Projects, Los Angeles, California; Photo Peter Mauney

Page 4: Architectural rendering of the Payson Building by I. M. Pei & Partners.

Page 12: Winslow Homer (United States, 1836–1910), *Weatherbeaten*, 1894, oil on canvas, 28 1/2 x 48 3/8 inches. Bequest of Charles Shipman Payson, 1988.55.1. Image courtesy of Luc Demers

Page 13: Katherine Bradford (United States, born 1942), *Woman Flying*, 1999, oil on canvas dropcloth, 84 x 72 inches. Museum purchase with support from the Friends of the Collection, 2012.14. Image courtesy of Pillar Digital Imaging. © Katherine Bradford

Page 17: Pierre-Auguste Renoir (France, 1841–1919), *Confidences (Secrets)*, circa 1874, oil on canvas, 32 x 23 3/4 inches. The Joan Whitney Payson Collection at the Portland Museum of Art, Maine. Gift of John Whitney Payson, 1991.62. Image courtesy of Pillar Digital Imaging

Pages 18 / 19, left to right: Elizabeth Hazan (United States, born 1965), *The Forest at 2:00am*, 2019, oil on linen, 50 x 47 inches. Gift of the Alex Katz Foundation, 2019.26.2. Image courtesy of Cary Whittier. © Elizabeth Hazan. Gordon Parks (United States, 1912–2006), *American Gothic, Washington, DC*, 1942, gelatin silver print, 13 x 10 1/4 inches. Promised Gift from the Judy Glickman Lauder Collection. Image courtesy of Luc Demers. Courtesy of and copyright The Gordon Parks Foundation. Theresa Secord (Penobscot, born 1958), *Trinket basket*, 2014, birch bark, spruce rooblack ash, sweetgrass, cedar bark, dye, 5 1/2 x 4 1/2 x 4 1/2 inches. Gift of Barbara M. Goodbody, 2021.19.12a,b. Image courtesy of Luc Demers. © Theresa Secord. John Frederick Peto (United States, 1854-1907), *Office Board for Christian Faser*, 1881, oil on canvas, 20 x 16 inches. Collection of Walter B. and Marcia F. Goldfarb. Richard Estes (United States, born 1932), *Kentucky Fried Chicken*, 2007, screenprint, 24 x 16 inches. Private collection. Image courtesy of Luc Demers. © Richard Estes. Winslow Homer (United States, 1836–1910), *Returning from the Spring*, 1874,oil on panel, 7 7/8 x 5 3/4 inches, Gift from the Berger Collection Educational Trust in honor of the preservation of the Winslow Homer Studio, 2018.9.1. Image courtesy of Luc Demers. Ernst Ludwig Kirchner (Germany, 1880-1938), *Striding Bathers in the Woods (In der Walde Schreitende Badens)*, 1910, etching on wove paper, 9 3/4 x 7 3/4 inches. Gift of David and Eva Bradford, 2003.34.2. Image courtesy of Luc Demers

Page 28: David C. Driskell (United States, 1931–2020), *Ghetto Wall #2*, 1970, oil, acrylic, and collage on linen, 60 x 50 inches. Museum purchase with support from the Friends of the Collection, including Anonymous (2), Charlton and Eleanor Ames, Eileen Gillespie and Timothy Fahey, Cyrus Hagge, Patricia Hille Dodd Hagge, Alison and Horace Hildreth, Douglas and Sharyn Howell, Harry W. Konkel, Judy and Leonard Lauder, Marian Hoyt Morgan and Christopher Hawley Corbett, Anne and Vince Oliviero, D. Suzi Osher, Christina F. Petra, Karen and Stuart Watson, Michael and Nina Zilkha, and with support from the Freddie and Regina Homburger Endowment for Acquisitions, and the Emily Eaton Moore and Family Fund for the Collection, 2019.16. © Estate of David C. Driskell. Courtesy DC Moore Gallery, New York

HOW WE GOT HERE:

Diversity, Equity, Accessibility, and Inclusion (DEAI) Roadmap

Equity Strategic Action Plan (ESAP)

Listening Sessions

Staff Workshops

Community Focus Group

Feasability Study

Strategic Plan

WHAT'S NEXT:

PHASE 1 | 142 Free Street Development
Begins with an *Architect Selection Process* and culminates with breaking ground on a new building.

Phase 2 | Further Campus Unification
Optimize and integrate existing facilities.

Phase 3 | Land Investment
Spring Street property transformation to serve the future of the PMA and our communities.

JOIN US

Mark H.C. Bessire
Judy and Leonard Lauder Director
Direct: (207) 699-4061
mbessire@portlandmuseum.org

Elizabeth Jones
Senior Deputy Director
Advancement and Sustainability
Direct: (207) 699-4543
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Lane Brenner
Director of Major Gifts
Cell: (315) 243-3379
lbrenner@portlandmuseum.org

Alicia Coll
Philanthropy and Campaign Administrator
Direct: (207) 699-4065
acoll@portlandmuseum.org

...Museums have an opportunity to not become community centers, but to ***be at the center of their community...***

– LONNIE G. BUNCH III, 14TH SECRETARY OF THE SMITHSONIAN AND PMA'S 2018 NELSON SOCIAL JUSTICE KEYNOTE SPEAKER

The PMA Blueprint

Building a Landmark for the Future

The Portland Museum of Art is defined by three pillars: community, collection, and campus.

...Museums have an opportunity to not become community centers, but to ***be at the center of their community...***

– LONNIE G. BUNCH III, 14TH SECRETARY OF THE SMITHSONIAN AND PMA'S 2018 NELSON SOCIAL JUSTICE KEYNOTE SPEAKER

ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display **beauty** sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision **inspires** giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects **culture** defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display **beauty** sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects **art. The Portland Museum of Art is defined by three pillars: community, collection, and campus.**

j.e.paterak

City of Portland
Historic Preservation Board
c/o Evan Schueckler
Historic Preservation Manager
389 Congress Street
Portland, ME 04101

September 28, 2023

Dear Historic Preservation Board,

I am writing today in support of the Portland Museum of Art to have the City remove the unfortunate misclassification of 142 Free Street as a historically significant or "contributing" building.

I moved to Portland in 1989, and lived at 612 Congress Street, within one block of the PMA and what was at that time the Chamber of Commerce. From my living room I could see the Henry Cobb facade of the museum and the Hay Building. So for me, these structures are embedded in my psyche as home. That said, as an artist and former board member of Architalx, I have never felt the building at 142 Free Street has provided any significant contributing value to Portland's varied (and at times struggling) cityscape. If anything, it is part of the residue of multiple failures and fires which have left enduring scars on the peninsula.

Without reiterating what has been clearly outlined in the supporting document *A History of 142 Free Street* prepared by Historic Building Consultant Margaret Gaertner, I would simply like to add a few additional comments.

In my opinion, Free Street has been a significant lost opportunity for the fabric of Portland city life for the past three decades. This one-way street has prioritized cars and sporadic events at the Civic Center, with little consideration given to the day-to-day life of the people that live and work on the peninsula. I feel this contributes to a down-trodden and at times barren feeling of this part of the city.

For eight years (1996-2004), my studio was in the State Theatre Building (aka The Congress Building), and my home was on Park Street. Before the *Arts District* was even established, I had a small gallery in the The Congress Building. At that time, visitors from out of state would comment on the abundance of *For Rent* signs, signifying a struggling Congress Street economy.

| 95 jeanne street portland, me 04102 | 207.450.3628 |

jepaterak@gmail.com

While we continue to live with the events at the Civic Center creating occasional traffic, we also continue to endure the loss of true livable urban space due to the poor planning of the 1970s. This should have been remedied long ago. The Spring Street urban renewal project is one of those enduring scars which tore through the fabric of city-life, removing beautiful homes and quality pedestrian and business friendly street life. Free Street connects the cultural hub that the PMA is central to, with the Old Port, home to the touristed and working waterfront. This street has been waiting to be designated a pedestrian powerhouse and cultural hub which could provide a vibrant consumer audience, day and night, for the businesses that might choose to locate there. I believe the architecturally significant planned addition, newly designed by LEVER, will largely strengthen a robust economic future for downtown and a renewed life for Free Street.

It is unfortunate that the singular "architecturally significant" feature of 142 Free St is its *Greek Revival* facade. While there are examples of historically significant buildings in Maine with *Greek Revival* architecture worth saving, this is definitely not one. Stylistically, *Greek Revival* may have served the purpose of upholding certain ideals, architecturally and otherwise, in the 19th Century when the term was first used. However, it now only serves as a harmful reminder of exclusion and elitism, which is not in alignment with either the city's or the musuem's identified ideals for the present and future of our city life.

This facade was added to an existing building in 1958, for the simplistic fantasy reasoning of what "good architecture" is. As built, it was hardly given more consideration than a temporary theatre set. When this addition to the structure was built, the considerations of a handicap access (not legally required until 1990) and adequate pedestrian space were clearly not considered. If anything, to correct these wrongs, the footprint of the facade of the building should be brought back the 30 or so feet or so it was moved forward in 1856, which would allow for more comfortable street facing life at the museum entrance.

In closing, I am reminded that in 1983, when I was a 19 year old art student at the Worcester Art Museum & Clark University, I wrote an impassioned letter to save Union Station in Worcester, MA. I am not accustomed to wanting to remove a structurally sound building, as I think many structures are worth saving and/or re-purposing, especially in light of a fast-paced developing and resource-hungry world. In this case, however, the compromising changes made to the structure, the lack of any real historic or design significance of the building warrant its removal. In short, the building is not well designed, well placed, or of any use to the museum as it stands. I support the PMA's goals in a better future, a better museum and indeed I wholeheatedly support the ideals of *Art for All*. Art is what makes us better understand our humanity and citizenship, and that is precisely what the world needs more of and what I want for Portland's future.

Sincerely,

Jeanne Paterak

jepaterak@gmail.com

PC6

To Whom it May Concern:

It is my great pleasure to write a letter in support of the Portland Museum of Art's application to request that the Historic Preservation Board of the City of Portland re-classify the 142 Free Street property, currently a "contributing structure," to be "non-contributing" on the basis that the building never should have been classified as contributing in 2009 and 2020.

The inclusion of 142 Free Street is critical to the PMA's expansion project, as the space will enable the incredible work the museum does for our community to expand, while engaging the many communities that PMA works alongside.

Research is showing us that 142 Free Street does not contribute to the city historically in any way that should present as a barrier to the PMA's innovative vision for the future. Importantly, the PMA has a long history of stewardship and preservation of historic buildings and respects their significance. Architectural leadership was a key aspect in the selected design concept for the expanded PMA. The PMA's actions in engaging the citizens of Maine in the process of selection demonstrates their values and commitment to our community.

The Indigo Arts Alliance (IAA) has been fortunate to be in deep partnership with the Portland Museum of Art for many years and in many forms. We look forward to our continued collaborations in the future inside and outside of the walls of the new museum they have imagined.

We sincerely hope you will support this important museum expansion project.

In Solidarity,
Márçia Minter, PhD hc | She, Her
Chief Officer of Strategic Growth and Innovation
Indigo Arts Alliance
60 Cove St. Portland, ME 04101
(207) 272-3113

Unceded Wabanaki Territory.

142 Free St. 0 views

Edgar Beem <beem@gwi.net>
to hp@portlandmaine.gov

10:10 AM (12 minutes ago)

Dear Portland Historic Preservation Board,

I am writing in support of the Portland Museum of Art's application to have 142 Free St. exempted from the historic district in order that the museum be able expand its facility by adding a landmark new structure to the existing campus. While I appreciate that some in Portland are very sensitive to any changes to the built environment, I do not believe 142 Free St. is a building of any great architectural merit. It is altogether fitting and proper that it should be razed to make way for a great new future.

As a Portland native and a writer who has written about the cultural life of Portland and Maine since 1978, I recall the howls of protest that went up in 1983 when the old Libby Building was razed to make way for the Charles Shipman Payson Building. When the new museum opened, I remember some boo birds complaining about the distinctive arches and suggesting that the building designed by Henry Cobb of the I.E. Pei firm looked like a shopping mall. Many people experience the shock of the new when familiar landmarks are changed to accommodate growth.

I keep hearing that the fact that architect John Calvin Stevens did some renovation work on the old theater-church-chamber building gives it special historical significance. I do not believe this is so. 142 Free St. is a utilitarian structure that has served many purposes is many different forms. It is time for it to go. I very much hope that the commission, planning board and council will not stand in the way of the Portland Museum of Art's $100 million improvement to the City of Portland.

I am sorry I could not attend the10/4 meeting to speak in favor of the museum's request, but as a trustee of the $20 million Dorothea and Leo Rabkin Foundation, another cultural treasure in the new Portland, I was busy with board business.

Thank you for your time and consideration.

Sincerely,

Edgar Allen Beem

83 McKeen St.

Brunswick, Maine 04011

HP Public Comment - 142 Free Street: Haven't we venerated John Calvin Stevens ENOUGH?

0 views

Assigned to me

George Rheault <george.rheault@gmail.com>
to HIstoric Preservation

11:07 AM (24 minutes ago)

See attachment.

I am pretty sure that the legacy of John Calvin Stevens and his contributions to Portland's physical development (as well as his much more checkered involvement in its social and political evolution) will not rise or fall based on the continuing existence of 142 Free Street.

How many totems from this one man does the City of Portland need to tell his story?

Why should the dead hand of the past once again serve to suffocate the energy and creativity of our community's present and future?

PMA new design 0 views

Rob Neal <rtneal@gmail.com> 11:35 AM (3 minutes ago)
to hp@portlandmaine.gov

The issue is really very simple. Does Portland want to be a city that focuses on the past or on what's best for the future and coming generations?

Historic preservation is certainly important, but not in all cases of potential preservation.

It comes down to this choice: What is more important, being able to say "see how we once looked.... in the past", or "this is how we want the city to look now and in the future".....

Portland is a unique and vibrant small city. We have lots of historic preservation and most of that is good for us. The potential for the new PMA, however, is enormous and would be even more of a cornerstone / foundation of what Portland is about both literally (the physical structure), and symbolically in what statement as a city we are making about our city with the PMA.

I live in Yarmouth, but have lived and worked in the greater Portland area since 1988 when I moved here with my family from Atlanta. The greater Portland region and community is a wonderful place to live, work, and raise children. We are world class in many areas and still evolving in others.

Let's not make a backwards statement about Portland by preserving an antiquated structure that is actually not visually appealing anyway, but more importantly represents a more narrow minded past than the more open and progressive minded direction Portland and the surrounding region has been headed for many years.

Let's move forward!!

--
Best Regards,

Rob Neal
www.robnealconsulting.com
207-838-4645

October 4, 2023

To Whom it May Concern:

I'm writing to express my confidence in the leadership at the Portland Museum of Art (PMA) as they work to significantly expand the organization's reach and offerings in the form of an expanded home on Free Street.

In late 2019, the PMA purchased 142 Free Street from the Children's Museum & Theatre of Maine (CMTM), our home for nearly three decades. The sale of the building enabled us to break ground on our new state-of-the-art facility at Thompson's Point. It was also the culmination of years of work by the board and staff at CMTM at the time to identify a larger location for our organization, as we grew rapidly.

In early research, CMTM strongly considered remaining at 142 Free Street and adding to the existing structure. However, studies and financial models showed that it was not a viable option given the significant updates needed to the building in both operating systems and physical accessibility, as well as a lack of opportunity to greatly expand our footprint. I should note that when CMTM moved locations, we donated, sold or took with us the majority of the beloved exhibits that were housed inside. The few relics that remain in the building were not salvageable. As a result of our move, we now attract over 200,000 visitors a year to our new space - double the visitation we were ever able to host at Free Street.

The PMA has played a significant role in creating the vibrant arts and culture community that exists in Portland today. They are the anchor of the Arts District, and their expansion will undoubtedly bring significantly more visitors from near and far to enjoy all the amenities our city has to offer. I am fully in support of the PMA's decision making and look forward to spending time in their new facility when it is complete.

Sincerely,

Julie Butcher Pezzino
Executive Director
207.828.1234 x223
julie@kitetails.org

RE: Reclassification of 142 Free Street

0 views

Assigned to me

Susan Faxon <sfaxon1122@gmail.com>
to hp@portlandmaine.gov, officeofthedirector@portlandmuseum.org

Oct 28, 2023, 6:22:43 PM (yesterday)

Dear Historic Preservation Board,

I write to enthusiastically support the Portland Museum of Art's petition to your board to reclassify 142 Free Street in order to allow the museum to move forward with their innovative and necessary expansion program.

Let me explain what I bring to this conclusion.

I retired to Portland in 2017 after nearly 50 years of experience with issues of historic preservation, including a graduate degree in the topic from Columbia, and over twenty years serving as a founding member of the Design Review Committee, reviewing restorations, adaptive reuse, expansion, and removal of buildings on the 500 acre campus of Phillips Academy, Andover MA. Concurrently I have extensive experience in the museum field, having served as both an administrator and as senior curator of American Art before 1950 at the Addison Gallery of American Art at Phillips. I know first hand the difficult compromises and challenges of deciding the fate of historic structures as well as the caretaking obligations and educational opportunities demanded of the modern museum.

In my opinion the Portland Museum's visionary architectural expansion plan gives tangible evidence of the institution's commitment to serving a wider Portland community and will allow the museum to more easily and creatively share our common artistic heritage with both present and future audiences. Additionally the expansion offers significant improvements to the streetscapes of Free Street and Spring Street. The open character of the museum's new addition on Free Street will provide a counterpoint to the uninviting and off-putting blank brick wall of the Payson Building. It will offer visual access to art both while open and when closed through its pedestrian passage between Free and Spring Street. It unifies and clarifies the museum campus at the same time that it mitigates against the dreary and hodge-podge streetscape that presently exists along Free Street.

Of course the difficulty with the expansion plan is the necessity of either relocating (a proposal worth considering, by the way) or demolishing the Chamber of Commerce building. This is a decision that is hard to make, but as with all preservation decisions, the greater good needs to be given weight (and I believe that in this case the expansion of the museum is the greater good in the ways I have articulated above). I submit that the sacrifice of a rather stolid and unimaginative structure is a fair and necessary measure to allow a project that will enervate and enliven an important streetscape. Finally, I come to this decision with the knowledge that the museum's plans will allow the far more important Greek Revival building on Spring Street, the Charles Quincy Clapp House, to shine. This is a fair trade to my mind.

Sincerely,

Susan Faxon
20 West Street,Apt 21
Portland Maine 04102

PMA development Plans

0 views

Assigned to me

Lucas St.Clair <lucasstclair12@gmail.com> 11:59 AM (1 hour ago)

to hp@portlandmaine.gov

Dear HP Board,

Thank you for allowing written comments to voice opinion on the plans that the Portland Museum of Art is working on.

I recently have received two emails from the Greater Portland Landmarks about supporting the blockage of the reclassification of the structure of the former Chamber of Commerce building. I do not support that Greater Portland Landmarks in this case. While the building may meet the criteria to be a contributing building to the Congress St. historic district, it is my belief that a more comprehensive way of approaching this decision should be taken.

While the building that is being considered meets the criteria of the historic district, what the PMA plans to do is far superior for the whole of our city, community, and state. Adding a building that takes into account a 21st vision for construction, energy use, and inclusivity is what our city needs. While I support the understanding and protect our city's history, we should not let it define our future or prevent evolution. The expanded PMA campus will be a Greater Portland Landmark of the future, one that takes into account 21st century needs and helps the city in advance in its vision.

I also must add that the editorializing in their advocacy emails, the Great Portland Landmarks, stands in the face of uniting our great community. The choice of language that they use, including "setting a dangerous precedent" and "jeopardizing the integrity of the historic districts" is hyperbolic at best and at worst undermines their ability to be a partner to a growing city. While I support the historic districts and own a historic building in Portland, I find their perspective on this issue not unifying or helpful.

Thank you so much for your reading this email and considering my point of view when making your decision.

All my best,

Lucas

142 Free Street

0 views

Assigned to me

Jack Griswold <JackGriswold@outlook.com>
to hp@portlandmaine.gov

Oct 30, 2023, 5:35:58 PM (17 hours ago)

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

I am writing to support the PMA's request to reclassify the Childrens Museum as a non-contributing structure.

1. 1. To my layman's eye, this Greek Temple-ish building has always seemed an odd duck. It just doesn't fit in. Further, it appears cheaply built from the poured concrete columns with the seams showing, to the square brick end-columns and the window treatments. It is not a particularly appealing or pretty building.

2. 2. Why would we want to preserve this building and prevent something truly transformative and inspiring to be built in its place? That would be a massive loss for Portland and a real abuse of common sense and the intent of historical preservation.

3. 3. I saw that one of the architectural models for the new museum addition proposed to build around the Childrens Museum and encase it in glass. Frankly, that would be ridiculous, and I hope that Greater Portland Landmarks, or other supporters of the current structure, are not pushing to go back to something like that.

4. 4. Why is this just coming up now? Shouldn't this have been dealt with much earlier in the process?

Thank you –

Jack Griswold

38 Deering St.

Portland, ME 04101

CONGRESS STREET HISTORIC DISTRICT

Historic and Architectural Significance

Congress Street is Portland's "Main Street", the peninsula's primary east-west commercial and transportation axis. The richness and diversity of its architecture and public spaces, particularly along the section extending from Franklin Arterial to Bramhall Square, constitutes a unique record of Portland's residential and commercial development history.

Over the years Congress Street has been the location of choice for many of the city's most important business, religious, residential, civic and cultural buildings. For most of the past two centuries it has been seen as Maine's most sophisticated urban area, where one could witness what was new and most exciting. Although Congress Street has always welcomed change, it has also retained key reminders of earlier chapters in its history. For example, the Wadsworth-Longfellow House, one of the nation's oldest historic house museums, continues to stand alongside the newer department stores and office towers of subsequent eras. This eclecticism and layering of historical periods is the essence of the district's character and what makes it unique among Portland's historic districts, which generally have a more limited "period of significance." In the Congress Street district it is possible to read the long history of the Portland's development in the buildings that line the street.

Boundaries

The Congress Street Historic District is focused on Congress Street itself, between Bramhall Square and Franklin Street, but also includes abutting streets that collectively make up Portland's traditional "downtown." At its western end, beyond High Street, the district is bordered on the north and south by the Deering Street Historic District and the West Ed Historic District. East of High Street the northerly boundary of the district is the south side of Cumberland Avenue. The southern boundary runs from High Street along Spring Street to Temple Street. It turns northerly along Temple, and then easterly along Federal Street to Franklin.

History

If there is one word that characterizes the history and development of Congress Street, it is *change*. From the street's beginnings as an access road for farmers bringing their goods to market, to its development first into a prestigious residential neighborhood and then into Portland's commercial and cultural center, the character and role of Congress Street have changed repeatedly.

Colonial Falmouth Neck ("Portland" after 1786) began as a series of wharves connected by muddy lanes. Most travel and transport to and from the town was by sea and the principal street, India Street (originally called Broad Street, then King Street), stretching back from the waterfront, was lined with clusters of homes and businesses. Eventually an access road

intersecting the top of India Street was extended to reach the mainland at the west end of the peninsula, and the agricultural towns developing inland. Originally called Back Street or Queen Street, it was known as congress Street by 1823. Most people probably knew it simply as "the road that leads out of town." Its most prominent early structures were the First Parish Meeting House (1740, replaced by the current structure in 1825-26) and the hay scales at Market Square (renamed Monument Square in 1892). Up through the Revolutionary War period, Back Street was considered the edge of town.

In the reconstruction of the town following Independence (it had been burned by British naval forces in 1775), Congress Street began to be more actively developed. Market Square was a commercial hub where farm products destined for residents of the booming port were bought and sold. Residential fashion, however, triggered Congress Street's development to the west, a movement that continued until the 20th century. One of the first private homes to rise after the Revolution was the elegant Wadsworth-Longfellow House (1785-85), now the only remaining example of a single-family residence on this downtown section of Congress Street. By 1800, leading merchants, ship's captains and other business leaders had begun to commission Federal style homes in the area of Congress Square, High and State Streets. This area continued as the city's fashionable residential neighborhood up to the time of statehood (1820) and beyond.

After the War of 1812, as Portland began to recover commercial vitality, it sought political power as well. From 1820 to 1832 Portland served as the capital of the new State of Maine. The State House and County Court House were located on the site of the current City Hall, lending new importance to Congress Street. In 1825 a Town Hall with Market House on the lower level was built in Market Square. It was renovated in the Greek Revival style, with columned portico, in 1833, after Portland was incorporated as a city. It served as City Hall until 1858 and continued as a public market until being removed for the Civil War memorial statue in the late 19the century. Its neighbors included a museum of curiosities, a tavern, a hotel and numerous stores.

Stores moved westward more slowly than did fashionable homes. The Charles Q. Clapp Block (H.H. Hay Building) appeared on Congress Square in 1826, but stores and shops were still outnumbered by churches in the vicinity of the Square. Historian Edward H. Elwell, in the 19th century, called the Square a "sort of Zion's Hill," being surrounded by nearly a half-dozen churches built between 1831 and the Civil War.

Up through the 1860s "mixed-use" characterized most of the area, except around Monument Square with its large commercial properties. The Great Fire of 1866 did not touch Congress Street west of Temple Street, although City Hall and the eastern reaches of the street to the base of Munjoy Hill were destroyed. In 1866 a hotel was built near the head of Forest Avenue, the first of many built in the area over the following century, moving away from the location of earlier hotels near Market Square. During the next three decades, the area between Market (Monument) Square and Congress Square began to fill in with notable buildings, such as the

lavish Queen Anne style J.B. Brown Memorial Block, the Baxter Building, and the congress Square Hotel. After the Great Fire the lower blocks of Free Street were rebuilt in Victorian styles consistent with the new buildings in the adjoining Exchange Street area. At the intersection of Free and Middle Streets the Lower H.H. Hay Building was built as a "flatiron" building like the Upper H.H. Hay Building at congress Square, creating unique "bookends" for the blocks between.

Street cars ran throughout the city, extending the size and capabilities of the downtown (which still very much included the Exchange Street and waterfront areas.) The intersection of Middle, Federal, and Congress Streets at Market Square made the square a pivotal location where traffic flowed to and from the Exchange Street area and the waterfront (this dynamic connection was lost when the 1970's Maine Way project redesigned Monument Square as a pedestrian only space and eliminated the upper section of Middle Street). East of Market Square, the Victorian style City hall occupied a block of Congress Street and was rebuilt on the same site after the 1866 fire. At the same time, the burned-over block b9und by Congress, Franklin, Pearl and Federal Streets became Portland's first downtown public green space, Lincoln Park. Over time, it came to be faced with imposing public buildings and churches.

From the 1880s, the section west of Congress Square began to change with the construction of ambitious new civic and commercial structures, often replacing earlier residences. A number of residences which had been built back from the street had new commercial storefronts added up to the sidewalk, the upper floors typically converted to apartments. The elegant Romanesque Revival Portland Public Library was built in 1888, followed by the 1895 Columbia Hotel and the Lafayette Hotel of 1903. Continuing the trend begun in the early 19th century, residential development continued west as it was replaced with commercial development in the expanding downtown. West of Longfellow Square, blocks of substantial single-family residences were constructed along Congress Street, many designed by the city's leading architects.

At the turn of the century, Portland was a prosperous commercial city with a growing tourist trade. Congress Street reflected what was new in the world and, after yet another fire, in 1909, the City hired one of the nation's leading architectural firms to design a new City Hall in the fashionable Beaux Arts style. The stretch of Congress Street between Monument and Congress Squares became noted for its fashionable shops and large department stores. In 1910, a new era arrived when the Fidelity Trust Company erected the city's first skyscraper at Monument Square. The 1920s roared up Congress Street as electric trolleys and increasing number of automobiles brought visitors to the compact downtown that included restaurants, theaters, department stores, movie houses, an historical society and an art museum. Art Deco style arrived in downtown with the construction of the second AT & T Building on Forest Avenue and several smaller structures in the style. Large multi-story apartment buildings were constructed on many of the side streets off Congress Street, reflecting a new style of urban living. By then the Exchange Street area was eclipsed by Congress Street as the business center of the city and what is now known as the Old Port began to decline. By 1930, new downtown structures like the

Schwartz, congress (State Theater) and Chapman (Time and Temperature) Buildings – as well as the new Eastland Hotel – had established the shape of the street for the next forty years.

The Great Depression largely halted new construction and the following economic boom of World War II concentrated resources on the construction of ships and war materials rather than buildings. After the war, two new five-and-dime stores appeared, on in Colonial Revival style and the other Art Deco, but, in the face of developing suburban shopping centers, the downtown began to languish. When attempts were made to retain or attract business, money was spent on renovating and revamping storefronts to appear "modern" with new materials, many of which did not match the quality of the original construction and have not aged well. Most businesses renovated only the first floor, the area most readily seen by the passing pedestrian or motorist. Reflecting the post-war embrace of "the latest thing" a delayed reaction to the economic constraints of the Depression, and clearly feeling the competition from the new suburban shopping centers, businesses attempted to replace the "dowdy" image of the traditional "Main Street" with the image of the suburban shopping center itself. It ws during this period that the upper story space along much of Congress Street became vacant or underutilized. A number of the large homes between Longfellow Square and Bramhall Square were raised and replaced with gas stations, others were converted to commercial uses or divided into apartments.

It was not until the 1970's that Portland's economic stagnation began a long slow path to recovery. With the availability of Federal "Urban Renewal" money, the ambitious Maine Way public infrastructure program signaled a new interest in and concern about downtown by city leaders. In 1969, Casco Bank constructed a new skyscraper for its headquarters at Monument Square, soon to be a newly redesigned public space. This ushered in a phase of dramatic large scale new construction, not seen since the 1920s. It came to include such structures as Maine Savings Plaza (1974), the Cumberland County Civic Center (1977), the international style Portland Public Library (1979), and the new Post Modern style wing of the Portland Museum of Art (1982-83). At the same time historic commercial buildings such as the Congress Square Hotel and the Upper H.H. Hay Building were rehabilitated for new uses. A "notorious" donut shop at congress Square was cleared to make way for a new public plaza.
A primary focus of "Urban Renewal" projects nationwide was to increase the accessibility of older city centers to automobiles. Unfortunately, this often involved the wholesale clearance of built up historic areas for new arterials and surface parking areas. Portland did not escape these negative effects of this infusion of federal money. While Congress Street itself was largely spared, many of the surrounding blocks were cleared. Oak Street, Shepley Street, Preble Street, Cumberland Avenue, Brown Street and Free Street all saw large blocks of buildings cleared for parking, often leaving large paved open spaces surrounded by significant Landmark structures.

Through the 1980s the growth of the Maine Mall area in South Portland and the revival of the Old Port district contributed to the continued decline of Congress Street as a shopping destination. By the early 1990s the last downtown department store, Porteous, Mitchell &

Braun, closed and much of the storefront space along Congress Street was vacant. The development of suburban office space had also had a negative effect on downtown by this point, with increasing vacancy rates in office buildings on Congress Street. This was probably the lowest point for downtown Congress Street in terms of economic viability.

As the national economy improved in the 1990s, downtown Portland turned a corner and began to recover. Previous economic recovery of the Old Port district, based largely on its historic character, and the "rediscovery" of Portland's wealth of wonderful historic homes had stabilized the population and created an atmosphere encouraging investment in Portland. As property prices reached record level in the Old Port investors began to look toward downtown. The J.B. Brown Memorial Block and the Lafayette Hotel, two large and highly visible historic structures, were rehabilitated under the federal historic tax credit program. The State Theater, the last of what was once a long list of downtown "Movie palaces," was reclaimed from its use as a pornographic theater and restored. The Maine College of Art purchased the Porteous department store building and began rehabilitation of it as a new main building for the school, continuing a move to congress Street they had begun with the purchase of the former Portland Public Library in 1979. The Children's Museum of Maine moved next to the new wing of the Portland Museum of Art at Congress Square, into a building that had once been one of Elwell's "Zion's Hill" churches.

A significant contributor to the recovery was philanthropist Elizabeth Noyce, who purchased and renovated a number of large downtown properties. Her investments lead to increased office building occupancy, the opening of a new L.L. Bean store as a retail anchor on Congress Street, and the creation of the Portland Public Market. The City of Portland addressed issues of damaged and dated street lighting and street furniture with the phased installation of attractive new fixtures and worked proactively to attract businesses to Congress Street.

In the early years of the 21st century, congress Street and downtown Portland entered into a new period of prosperity, with the first significant new development pressures since the 1970s. For the first time since World War II, the upper floors of Congress Street buildings began to be renovated, particularly for residential use. West of Longfellow Square, a large new multi-story residential building, Walker Terrace, replaced one of the gas stations, restoring the street wall and residential usage to that block. The "Bernie's Fashion" building at the heart of downtown with an undistinguished and deteriorated post-war façade was replaced with a striking contemporary structure. Using the federal tax credit program for rehabilitation of historic structures, the Maine College of Art converted the former Everett Hotel on Oak Street into student housing.

Today the Congress Street area is still evolving, with many underutilized sites available for it to continue its historic role as a showplace for new and exciting architecture. The lessons of the past 40 years – the negative consequences of "Urban Renewal" as well as the positive

consequences of historic preservation efforts in other sections of the city – strongly suggest that the district's important historic resources, something the competing suburban shopping and office developments can never offer, be protected with review of exterior alterations to historic buildings and review of new construction for compatibility with its surrounding context. This is the only way to ensure that future generations will experience the many layers and periods of development in Maine's most urban area.

Visual Character

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.

Represented in the district are the works of many prominent architects from the early 19th through the 20th centuries. Maine architects and architectural firms that have contributed to the street include Charles Quincy Clapp, Francis H. Fassett, Frederick A. Thompson, John Calvin Stevens, George Burnham, John P. Thomas, Miller & Mayo and Orcutt Associates. Noteworthy regional and national firms whose work is represented on the street include Densmore, LeClear & Robbins and Shepley, Bulfinch, Richardson & Abbott of Boston and Richard Morris Hunt, Carrere & Hastings and I.M. Pei & Partners of New York.

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.

Today, a number of the commercial structures within the district exhibit a rather schizophrenic appearance. Although the upper facades on these buildings remain in remarkably original condition, the storefronts are the produce of numerous layers of "modernization." All too often the storefront remodeling did not take into account the materials, architectural proportions or basic organization of the upper floors and, as a result, any architectural relationship that once existed between the two zones has become severed. Because the ground floor is what attracts most attention from the casual observer, it is often difficult to see beyond the unfortunate remuddling and appreciate the beauty or value of the building. Through the historic preservation review process, there is an opportunity to restore lost stylistic relationships and character by returning to the original design formula and vocabulary of these compromised structure.

While most of the commercial buildings within the district boundaries are architecturally notable, and therefore worthy of preservation, a few structures could be candidates for future remodeling or replacement. These are ranked as "Non-Contributing" buildings in the Historic Resources Inventory. "Non-Contributing" buildings generally fall into three categories: a) structures that clearly have no architectural merit; or b) once-notable historic structures that have been so fundamentally altered to make restoration infeasible (The Baxter Memorial Building at 562 Congress is one example), or buildings less than fifty years old (with a few notable exceptions whose architectural and cultural importance is widely recognized.)

Civic and institutional buildings also contribute to the character of the district. Although only one of the nearly dozen church buildings which have existed in the districts is still in use as a church, two others remain in altered form and one is intact, awaiting a new use. Numerous nearby church steeples are visible from within the district, as reminders of a time when steeples were the highest structures in the city. Municipal buildings include the Beaux Arts style City Hall and Merrill Auditorium, Portland High School, Portland Public Library and fire stations from several periods. Across Lincoln Park from Congress Street, the Cumberland County and Federal Courthouses contribute to the character of the Congress Street Historic District although they are just outside it, in the Portland Waterfront Historic District. Institutional structures include the several buildings at the Portland Museum of Art, the Wadsworth-Longfellow House and Maine Historical Society, the Neal Dow House Museum, the Masonic Temple, Hold Hall/Maine Eye and Ear Infirmary, and the original Mercy Hospital at Longfellow Square (the last two converted to residential use).

Also contributing greatly to the visual character of the district are the public squares and parks that are spaced along the length of Congress Street. These include Lincoln Park, Monument

Square, Congress Square and Bramhall Square. These parks and plazas are intentional breaks in the prevailing streetwall and provide welcome breathing room within the otherwise densely developed downtown area. Important pieces of public art within the district include the Firemen Statue (Central Fire Station). The Soldier and Sailors Monument/Or Lady of Victories statue (Monument Square), The Little Water Girl statue (Portland Public Library), Henry Wadsworth Longfellow statue (Longfellow Square), "Michael" sculpture (City Center), the Stanley Pullen Memorial Fountain (Federal Street) and the Lincoln Park fountain.

Less apparent to the casual viewer, but crucial to understanding the development of the downtown district, is the residential character along sections of Congress Street within the district. A wide range of residential p5roperties are located within the district. The single-family Wadsworth-Longfellow House, just west of Monument Square, represents a once common form of residential development now otherwise completely replaced with later development in the heart of downtown. In several locations, on Free Street and Congress Street, early 19th century Federal and Greek Revival row houses are still visible, with later commercial storefront additions or alterations at the street level. Between Congress Square and Longfellow Square the same pattern is seen with Italianate houses from the middle of the 19th century. Closer to, and beyond, Longfellow Square residences in Second Empire, Queen Anne, Romanesque Revival and other styles of the late 19th' century are apparent with later alterations to convert them to commercial or institutional use. Another development in the evolution of the district and urban residential living is represented by the large early 20th century apartment buildings on Congress Street and on side streets between Congress and Cumberland Avenue. Several large late-Victorian era hotels have also been converted to residential apartments.

The Congress Street Historic District was locally designated in 2009 and received National Park Service certification of 2019.

Portland Historic Resources Inventory

Property Address: 142 Free Street – Children's Museum of Maine

CSHD Map Key #119

District: Congress Street

Local Rating: Contributing

National Register: Contributing – Spring Street Historic District

Date of Placement: Local 4/15/09 National 04/03/70

Architectural Description/Historic Significance:

Free Street Baptist Church (1830-1926)
Portland Chamber of Commerce Building (1926 – 1993)

1830 (theater), 1836 (renovated as church), 1926 (renovated to present form)

Originally built as a theater in 1830 and remodeled into a Romanesque style church in 1836, the Free Street Baptist Church was substantially renovated in 1926 by John Calvin Stevens and John Howard Stevens for the Chamber of Commerce and became an essentially Colonial Revival style building. The building is a dignified two-story structure with four monumental concrete columns of the Doric order and 2 brick piers and 2 pilasters. There is a symmetrical façade under the full-width two-story porch. The upper windows have 8/8 sash capped by flush stone lintels. The ground floor has a doorway surmounted by a balcony on brackets with a replaced doorway of glass and aluminum. It is flanked by 10/10 sash topped by semi-circular windows in elliptical keystone arches. In the flush board pediment is a bull's eye window. The frieze and cornice are boldly delineated. The roofline was free of any dormers, thus maintaining its temple shape, until renovated for the Children's Museum of Maine in the 1990s. The octagonal cupola and dormers were added at that time.

CHILDREN'S MUSEUM OF MAINE

17 HISTORIC PRESERVATION

17.1 PURPOSE

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the City of Portland by:

A. Creating a mechanism to identify, preserve and enhance distinctive areas, sites, structures, and objects that have historic, cultural, architectural, and archaeological significance.

B. Providing a resource of information and expertise to help those interested in rehabilitation or new construction in a district or restoring a landmark.

C. Applying review standards in a reasonable and flexible manner to prevent the unnecessary loss of the community's historical features and to ensure compatible new construction and rehabilitation in historic districts while not stifling change and development or forcing modern recreations of historic styles.

D. Fostering civic pride in the city's history and development patterns as represented in such distinctive areas, sites, structures, and objects.

E. Protecting and enhancing neighborhood character.

F. Stabilizing and improving the values of designated properties and areas.

G. Protecting and enhancing the attractiveness of the city to its home buyers, home owners, residents, tourists, visitors, businesses and shoppers.

H. Fostering and encouraging preservation, restoration, and rehabilitation that respects the historic, cultural, architectural, and archaeological significance of distinctive areas, sites, structures, and objects.

17.2 DEFINITIONS

Alteration. Any act or process requiring a building permit and any other act or process not requiring a building permit but specifically listed in this article as a reviewable action, including without limitation the repair, reconstruction, demolition, or relocation of any structure or object, or any part of a structure or object.

Certificate of Appropriateness. A certificate issued by the Planning Authority evidencing approval of specific plans for alteration of a structure, site, or designated historic landscape or new construction on a site in accordance with this article.

Certificate of Economic Hardship. A certificate issued by the Planning Authority evidencing a hardship variance approved by the Zoning Board of Appeals in accordance with Article 2.

Certificate of Non-Applicability. A certificate issued by the Planning Authority evidencing a determination that specific plans for alteration of a structure, site, or designated historic landscape or new construction on a site do not require approval under this Article.

Contributing. A classification applied to a site, structure, or object within a historic district signifying that it contributes generally to the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district.

Demolition. Any act or process that partially or totally destroys a structure or object.

District. A historic district or historic landscape district.

Historic district. A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

Historic landscape district. A geographically definable area possessing a significant concentration, linkage, or continuity of landscape components which are united by human use and past events or aesthetically by design, plan or physical development.

Historic Resources Design Manual. A manual including guidelines for meeting historic preservation ordinance review standards and other information.

Landmark. Any property, site, structure, or object of particular historic, architectural, or archaeological significance to Portland, the State of Maine and/or the United States relating to its cultural, social, economic, political, or architectural heritage, or which is associated with historic persons, important events or themes in local, state, or national history.

New construction. The adding to a structure by an addition, the erection or placement of any new structure on a lot or property, or the comprehensive redesign/renovation of an existing structure.

Noncontributing. A classification applied to a site, structure, object, or portion thereof, within a historic district signifying that: 1) it does not contribute generally to the qualities that give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district; 2) was built within 50 years of the date of district designation unless otherwise designated in the historic resources inventory; or 3) where the location, design, setting, materials, workmanship, and association have been so altered or have so deteriorated that the overall integrity of the site, structure, or object has been irretrievably lost. A portion of an otherwise contributing or landmark structure may be determined by the Historic Preservation Board to be non-contributing if it meets one or more of the above conditions.

Object. Anything constructed, fabricated, or created, the use of which does not require permanent or semi-permanent location on or in the ground.

Ordinary maintenance. Acts of maintenance or repair which do not include a change in the design, material, or outer appearance of a structure, including without limitation repainting, replacement of materials or windows of the same scale, texture and color, and landscaping other than within an historic landscape district.

Preservation. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic

materials and features rather than the extensive replacement and new construction.

Rehabilitation. The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural value.

Relocation. Any removal or relocation of a structure on its site or to another site.

Restoration. The act or process of accurately depicting the form, features, and character of the property as it appeared at a particular period of time by means of the removal of features from other period in its history and reconstruction of missing features from the restoration period.

Site. The location of a significant event, an archaeological site, a landscape or traditional cultural property, or a building or structure, whether standing, ruined or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

17.3 ADMINISTRATIVE PROCEDURES

17.3.1 Costs

A. Any project may be subject to fees as established by the City Council to cover administrative costs and the costs of Historic Preservation Board review. Applicants shall also pay a fee to cover the professional and administrative costs for analysis associated with project review, including but not limited to planning, legal, or other services. The fee shall be based on the hours of review and processing time and prevailing hourly rate for reimbursement of City costs. The City shall periodically invoice the applicant for such costs incurred by the City, which invoice shall be paid promptly by the applicant.

B. Every applicant shall bear the entire expense of giving notice by mail and publication in accordance with this article.

C. No Certificate of Appropriateness, building, demolition, or other permit shall issue until all current charges due under this article have been paid. The balance of any remaining review and administrative costs invoiced or incurred after a permit has been issued shall be paid in full by the developer prior the issuance of any temporary or permanent certificate of occupancy.

17.3.2 Notice of public meeting

A. For all Certificate of Appropriateness applications that are subject to Historic Preservation Board review, the applicant shall be responsible for posting a notice of public meeting sign on the property where the development is to occur. The dimensions, construction, and content of the sign shall be in accordance with standards established by the Planning Authority.

B. The sign shall be posted at least 10 days prior to the public workshop or hearing date, and shall be removed from the site no more than three days following the date of the meeting.

C. Once the required notice of public meeting signage is posted, the applicant shall submit a completed certification of posting form to the Planning Authority.

D. In the event that a required notice of public meeting sign is knocked over or made illegible, it shall be the responsibility of the applicant to promptly reset or replace the sign, though failure to do so shall not invalidate the review.

17.3.3 Notices and public comment

A. Except as provided in Subsection 17.7.5, notice of proceedings upon any application for a Certificate of Appropriateness shall be given only when the proposed activity otherwise constitutes major site plan. Notice of such proceedings also shall be furnished to any persons interested in historic preservation who have registered with the Planning Authority, and to the Historic Preservation Board and/or the Planning Board when the proceeding is pending before a different body. The failure to give any notice required by this article shall not affect the validity of any action taken.

B. The Historic Preservation Board, the Planning Board, the Board of Appeals, and the City Council shall each invite public comment at a public meeting in accordance with their respective rules, prior to any final action being taken under this article.

C. The Planning Authority shall advise the Historic Preservation Board and the Planning Board of any demolition permit application received by the Planning Authority as to structures or objects that have been classified as noncontributing within nominated or designated districts, but there shall be no Historic Preservation Board review of such permit applications.

17.4 CATEGORIES AND CRITERIA FOR DESIGNATION

17.4.1 Minimum criteria for designation

A. The Historic Preservation Board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure, or object for designation by ordinance as a landmark or district:

1. Its value as a significant example of the cultural, historic, architectural, archaeological, or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States.
2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property.
3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological, or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States.
4. Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.
5. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States.

6. Its representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous.

B. In the case of a nominated historic district, the Historic Preservation Board shall also determine whether there is an interrelationship of resources within it which creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. A historic district can comprise both individually distinctive historic resources and historic resources that may lack individual distinction but which contribute to the significance and visual character of the district as a whole.

C. In the case of a nominated historic landscape district, the Historic Preservation Board shall also consider its significance as a geological, natural, or designed landscape associated with the development, heritage, or culture of the City of Portland, State of Maine, New England region, or the United States.

D. The Planning Board and City Council shall apply the criteria of (A), (B), and (C) above as well as historic preservation goals included in the Comprehensive Plan, but shall also consider the effect of such designation on other aspects of the Comprehensive Plan of the City.

17.4.2 Integrity of landmarks and historic districts

Any area, structure, or object that meets the criteria in Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration.

17.4.3 Designation of historic landscape districts

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state, or local government, or any combination of such ownership.

17.5 NOMINATION, CONSIDERATION AND DESIGNATION

17.5.1 Procedure

The provisions of this section shall govern the nomination, consideration, and designation of landmarks and districts.

17.5.2 Initiation of nomination

A. Nomination of an area, site, structure, or object for consideration of designation as a landmark, historic district, or historic landscape district shall be submitted to the Planning Authority by the following:

1. Any two members of the Historic Preservation Board on their own initiative, by written notice to the Planning Authority, or
2. By written petition of any owner, in the case of a landmark, or
3. By written petition of one or more owners of affected property in the case of a district, provided two members of the Historic Preservation Board must sponsor the petition.

B. A nomination shall be completed and filed with the Planning Authority with all required signatures for the nomination to be pending.

C. Upon nomination, the Planning Authority shall notify the owner or owners of the nomination and shall transmit the nomination to the Historic Preservation Board for its preliminary consideration at a scheduled meeting, which in no event shall be held later than 60 days following nomination.

D. If documentation and analysis that is necessary for the consideration of a given designation has not been provided at the time of nomination, such documentation shall be completed prior to further consideration by the Historic Preservation Board of the nominated landmark, district, or historic landscape.

E. At any time after a complete nomination is filed for an historic district, the owner of a structure who seeks a permit for demolition may apply to the Historic Preservation Board for a determination that the structure to be demolished is noncontributing and eligible for a demolition permit. The determination of the Historic Preservation Board that the structure is eligible for a permit shall be conclusive.

17.5.3 Notification of nomination and public hearing

A. A public hearing on the nomination shall be held by the Historic Preservation Board following one or more preliminary workshops of the Historic Preservation Board.

B. The hearing shall be conducted in accordance with procedures adopted by the Historic Preservation Board. The Historic Preservation Board shall consider all testimony or evidence relating to the designation criteria in Section 17.4 from any person who makes written submissions or appears at the public hearing. The owner of a nominated landmark or of property within a nominated district shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the designation criteria in Section 17.4.

17.5.4 Recommendation by Historic Preservation Board

A. Within 45 days following the close of the public hearing, the Historic Preservation Board shall make recommendation to the City Council in the case of a landmark, or to the Planning Board in the case of a district, upon the evidence as to whether the nominated landmark or district meets the criteria for designation in Section 17.4. Such recommendation shall be approved by at least four members of the Historic Preservation Board and shall be accompanied by a report to the City Council and/or Planning Board containing the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or district as it relates to the criteria for designation.
2. Explanation of the integrity or lack of integrity of a nominated landmark or historic district.
3. Proposed design guidelines for review of alteration or construction may be recommended. The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of complying with Section 17.8.
4. Relationship of the nominated landmark or district to the ongoing effort by the Historic Preservation Board to identify and

nominate areas, sites, structures, and objects that meet the criteria for designation.

5. A map showing the location of the nominated landmark and/or the boundaries of the nominated district.
6. A list, including the address, of every site, structure, and object in each nominated historic district indicating their degree of cultural, historic, architectural, or archaeological significance by classification as a landmark, contributing, or noncontributing,

B. Where a motion either in favor of a recommendation or in opposition to a recommendation results in a vote of fewer than four members, the item shall automatically be tabled to the next regularly scheduled meeting.

17.5.5 Notification of Historic Preservation Board recommendation

A. The recommendation of the Historic Preservation Board, including a copy of the report, shall be transmitted to the City Council in the case of a landmark and to the Planning Board in the case of a district. Notice of the recommendation shall be sent by mail to the owner of a nominated landmark and to all owners within a nominated district within 14 days following adoption of the recommendation and report.

B. If the recommendation of the Historic Preservation Board is that the property or district not be designated, the nomination process shall terminate and no new nomination shall be submitted for the identical property or area for a period of one year from the date of termination, except upon a showing of substantial and material newly discovered information.

17.5.6 Determination by Planning Board

A. The Planning Board, upon receipt of a recommendation and a report from the Historic Preservation Board concerning nomination of a district, may hold one or more workshops pursuant to the provisions of Article 2. After review of the Historic Preservation Board recommendation and report, the Planning Board shall hold a public hearing.

B. All meetings, hearings, and deliberations of the Planning Board to consider the recommendation and report of the Historic Preservation Board shall be held in conformity with Article 2.

C. The Planning Board may request the chair of the Historic Preservation Board, or a member designated by the chair, to appear at any meeting, hearing or deliberation to explain any recommendation or report.

D. A public hearing shall be scheduled within 30 days of the Planning Board's final workshop. At the conclusion of the public hearing, the Planning Board shall make its final determination including written findings as to whether the nominated district meets the criteria for designation in Section 17.4. A copy of the determination of the Planning Board shall be sent by regular mail to all owners within a nominated district within 14 days following the determination.

17.5.7 Planning Board recommendation to City Council

The recommendation of the Planning Board regarding a nominated district shall be filed with the

City Clerk within 14 days. It shall be accompanied by a copy of the report and recommendation of the Historic Preservation Board, including any specific proposed design guidelines applicable to the nominated landmark or district. The recommendation of the Planning Board may include proposed changes in other City ordinances, policies, infrastructure, or recommendations with respect to the Comprehensive Plan of the City relating to the proposed designation.

17.5.8 Action by City Council

A. Within 60 days after the filing of a Planning Board recommendation, or Historic Preservation Board recommendation in the case of a landmark, on the nomination with the City Clerk pursuant to Section 17.5.6, the City Council shall designate the landmark or district or reject designation. Any designation may include specific design guidelines for the designated landmark or district.

B. Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district. Every site, structure, or object shall be assigned a classification of landmark, contributing, or noncontributing, indicating their degree of cultural, historic, architectural, or archaeological significance. This list may be amended thereafter by the City Council upon recommendation from the Historic Preservation Board and Planning Board under the same procedures as set forth above. Where there are no express findings by the City Council in the designation ordinance, there shall be a presumption that the City Council found that all requirements of Section 17.4 were met.

C. Notice of the proposed action of the City Council shall be provided by mail to the nominator and the owner of the nominated landmark and/or of all properties adjacent thereto prior to City Council action.

D. Notice of City Council action to the same persons shall be sent within 14 days following the City Council action. A copy of each designation and any design guidelines shall be sent to the Planning Board, the Historic Preservation Board, and the Planning Authority.

E. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the Planning Authority and shall be available online or for public inspection and copying during ordinary business hours.

17.5.9 Amendment or rescission of designation

Amendment or rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the City Council, and shall follow the procedure set forth in Section 17.5 for designation. The City Council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the Historic Preservation Board, Planning Board, and City Council shall be limited to those provided in Subsections 17.4.1(A) and (B) and Subsection 17.4.2. Amendments may include reclassification of a portion of a contributing property to noncontributing status, refinement or correction of design guidelines, maps, and other parts of any designation.

NATIONAL REGISTER BULLETIN

Technical information on the the National Register of Historic Places:
survey, evaluation, registration, and preservation of cultural resources

U.S. Department of the Interior
National Park Service
Cultural Resources
National Register, History and Education

How to Apply the National Register Criteria for Evaluation

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to tribes.

The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

This material is partially based upon work conducted under a cooperative agreement with the National Conference of State Historic Preservation Officers and the U.S. Department of the Interior.

Date of publication: 1990; revised 1991, 1995, 1997. Revised for Internet 1995.

Cover

(Top Left) ***Criterion B - Frederick Douglass Home,*** *Washington, D.C. From 1877-1899, this was the home of Frederick Douglass, the former slave who rose to become a prominent author, abolitionist, editor, orator, and diplomat. (Walter Smalling, Jr.)*

(Top Right) ***Criterion D - Francis Canyon Ruin,*** *Blanco vicinity, Rio Arriba County, New Mexico. A fortified village site composed of 40 masonry-walled rooms arranged in a cluster of four house blocks. Constructed ca. 1716-1742 for protection against raiding Utes and Comanches, the site has information potential related to Navajo, Pueblo, and Spanish cultures. (Jon Samuelson)*

(Bottom Left) ***Criterion C - Bridge in Cherrytree Township,*** *Venago County, Pennsylvania. Built in 1882, this Pratt through truss bridge is significant for engineering as a well preserved example of a type of bridge frequently used in northwestern Pennsylvania in the late 19th century. (Pennsylvania Department of Transportation)*

(Bottom Right) ***Criterion A - Main Street/Market Square Historic District,*** *Houston, Harris County, Texas. Until well into the 20th century this district marked the bounds of public and business life in Houston. Constructed between the 1870s and 1920s, the district includes Houston's municipal and county buildings, and served as the city's wholesale, retail, and financial center. (Paul Hester)*

PREFACE

Preserving historic properties as important reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966, as amended. The Historic Sites Act authorized the Secretary of the Interior to identify and recognize properties of national significance (National Historic Landmarks) in United States history and archeology. The National Historic Preservation Act of 1966 authorized the Secretary to expand this recognition to properties of local and State significance in American history, architecture, archeology, engineering, and culture, and worthy of preservation. The National Register of Historic Places is the official list of these recognized properties, and is maintained and expanded by the National Park Service on behalf of the Secretary of the Interior.[1]

The National Register of Historic Places documents the appearance and importance of districts, sites, buildings, structures, and objects significant in our prehistory and history. These properties represent the major patterns of our shared local, State, and national experience. To guide the selection of properties included in the National Register, the National Park Service has developed the National Register Criteria for Evaluation. These criteria are standards by which every property that is nominated to the National Register is judged. In addition, the National Park Service has developed criteria for the recognition of nationally significant properties, which are designated National Historic Landmarks and prehistoric and historic units of the National Park System. Both these sets of criteria were developed to be consistent with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, which are uniform, national standards for preservation activities.[2]

This publication explains how the National Park Service applies these criteria in evaluating the wide range of properties that may be significant in local, State, and national history.

It should be used by anyone who must decide if a particular property qualifies for the National Register of Historic Places.

Listing properties in the National Register is an important step in a nationwide preservation process. The responsibility for the identification, initial evaluation, nomination, and treatment of historic resources lies with private individuals, State historic preservation offices, and Federal preservation offices, local governments, and Indian tribes. The final evaluation and listing of properties in the National Register is the responsibility of the Keeper of the National Register.

This bulletin was prepared by staff of the National Register Branch, Interagency Resources Division, National Park Service, with the assistance of the History Division. It was originally issued in draft form in 1982. The draft was revised into final form by Patrick W. Andrus, Historian, National Register, and edited by Rebecca H. Shrimpton, Consulting Historian.

Beth L. Savage, National Register and Sarah Dillard Pope, National Register, NCSHPO coordinated the latest revision of this bulletin. Antionette J. Lee, Tanya Gossett, and Kira Badamo coordinated earlier revisions.

[1]Properties listed in the National Register receive limited Federal protection and certain benefits. For more information concerning the effects of listing, and how the National Register may be used by the general public and Certified Local Governments, as well as by local, State, and Federal agencies, and for copies of National Register Bulletins, contact the National Park Service, National Register, 1849 C Street, NW, NC400, Washington, D.C., 20240. Information may also be obtained by visiting the National Register Web site at **www.cr.nps.gov/nr** or by contacting any of the historic preservation offices in the States and territories.

[2]The *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* are found in the *Federal Register*, Vol. 48, No. 190 (Thursday, September 29, 1983). A copy can be obtained by writing the National Park Service, Heritage Preservation Services (at the address above).

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I. INTRODUCTION

The National Register is the nation's inventory of historic places and the national repository of documentation on the variety of historic property types, significance, abundance, condition, ownership, needs, and other information. It is the beginning of a national census of historic properties. The National Register Criteria for Evaluation define the scope of the National Register of Historic Places; they identify the range of resources and kinds of significance that will qualify properties for listing in the National Register. The Criteria are written broadly to recognize the wide variety of historic properties associated with our prehistory and history.

Decisions concerning the significance, historic integrity, documentation, and treatment of properties can be made reliably only when the resource is evaluated within its historic context. The historic context serves as the framework within which the National Register Criteria are applied to specific properties or property types. (See *Part V* for a brief discussion of historic contexts. Detailed guidance for developing and applying historic contexts is contained in *National Register Bulletin: How to Complete the National Register Registration Form* and *National Register Bulletin: How to Complete the National Register Multiple Property Documentation Form*)

The guidelines provided here are intended to help you understand the National Park Service's use of the Criteria for Evaluation, historic contexts, integrity, and Criteria Considerations, and how they apply to properties under consideration for listing in the National Register. Examples are provided throughout, illustrating specific circumstances in which properties are and are not eligible for the National Register. This bulletin should be used by anyone who is:

- Preparing to nominate a property to the National Register,
- Seeking a determination of a property's eligibility,
- Evaluating the comparable significance of a property to those listed in the National Register, or
- Expecting to nominate a property as a National Historic Landmark in addition to nominating it to the National Register.

This bulletin also contains a summary of the National Historic Landmarks Criteria for Evaluation (see *Part IX*). National Historic Landmarks are those districts, sites, buildings, structures, and objects designated by the Secretary of the Interior as possessing national significance in American history, architecture, archeology, engineering, and culture. Although National Register documentation includes a recommendation about whether a property is significant at the local, State, or national level, the only official designation of national significance is as a result of National Historic Landmark designation by the Secretary of the Interior, National Monument designation by the President of the United States, or establishment as a unit of the National Park System by Congress. These properties are automatically listed in the National Register.

II. THE NATIONAL REGISTER CRITERIA FOR EVALUATION

CRITERIA FOR EVALUATION:[3]

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

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

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

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

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

CRITERIA CONSIDERATIONS:

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

b. A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or

d. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

g. A property achieving significance within the past 50 years if it is of exceptional importance.

[3]The Criteria for Evaluation are found in the *Code of Federal Regulations, Title 36, Part 60,* and are reprinted here in full.

III. HOW TO USE THIS BULLETIN TO EVALUATE A PROPERTY

For a property to qualify for the National Register it must meet one of the National Register Criteria for Evaluation by:

- **Being associated with an important historic context** *and*
- **Retaining historic integrity of those features necessary to convey its significance.**

Information about the property based on physical examination and documentary research is necessary to evaluate a property's eligibility for the National Register. Evaluation of a property is most efficiently made when following this sequence:

1. Categorize the property (Part IV). A property must be classified as a district, site, building, structure, or object for inclusion in the National Register.
2. **Determine which prehistoric or historic context(s) the property represents** (Part V). A property must possess significance in American history, architecture, archeology, engineering, or culture when evaluated within the historic context of a relevant geographic area.
3. Determine whether the property is significant under the National Register Criteria (Part VI). This is done by identifying the links to important events or persons, design or construction features, or information potential that make the property important.
4. Determine if the property represents a type usually excluded from the National Register (Part VII). If so, determine if it meets any of the Criteria Considerations.
5. Determine whether the property retains integrity (Part VIII). Evaluate the aspects of location, design, setting, workmanship, materials, feeling, and association that the property must retain to convey its historic significance.

If, after completing these steps, the property appears to qualify for the National Register, the next step is to prepare a written nomination. (Refer to *National Register Bulletin: How to Complete the National Register Registration Form.*)

IV. HOW TO DEFINE CATEGORIES OF HISTORIC PROPERTIES

The National Register of Historic Places includes significant properties, classified as buildings, sites, districts, structures, or objects. It is not used to list intangible values, except in so far as they are associated with or reflected by historic properties. The National Register does not list cultural events, or skilled or talented individuals, as is done in some countries. Rather, the National Register is oriented to recognizing physically concrete properties that are relatively fixed in location.

For purposes of National Register nominations, small groups of properties are listed under a single category, using the primary resource. For example, a city hall and fountain would be categorized by the city hall (building), a farmhouse with two outbuildings would be categorized by the farmhouse (building), and a city park with a gazebo would be categorized by the park (site). Properties with large acreage or a number of resources are usually considered districts. Common sense and reason should dictate the selection of categories.

BUILDING

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Buildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered, and its significant features must be identified.

If a building has lost any of its basic structural elements, it is usually considered a "ruin" and is categorized as a site.

Examples of buildings include:

administration building
carriage house
church
city or town hall
courthouse
detached kitchen, barn, and privy
dormitory
fort
garage
hotel
house
library
mill building
office building
post office
school
social hall
shed
stable
store
theater
train station

STRUCTURE

The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.

Structures nominated to the National Register must include all of the extant basic structural elements. Parts of structures can not be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility.

If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is usually considered a "ruin" and is categorized as a site.

Examples of structures include:

aircraft
apiary
automobile
bandstand
boats and ships
bridge
cairn
canal
carousel
corncrib
dam
earthwork
fence
gazebo
grain elevator
highway
irrigation system
kiln
lighthouse
railroad grade
silo
trolley car
tunnel
windmill

OBJECT

The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

Small objects not designed for a specific location are normally not eligible. Such works include transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place.

Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for listing in the National Register.

Examples of objects include:

boundary marker
fountain
milepost
monument
scupture
statuary

SITE

A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure.

A site can possess associative significance or information potential or both, and can be significant under any or all of the four criteria. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate.

A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well documented through scholarly research. Generally, though, the National Register excludes from the definition of "site" natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways.

Examples of sites include:

battlefield
campsite
cemeteries significant for information potential or historic association
ceremonial site
designed landscape
habitation site
natural feature (such as a rock formation) having cultural significance
petroglyph
rock carving
rock shelter
ruins of a building or structure
shipwreck
trail
village site

DISTRICT

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

CONCENTRATION, LINKAGE, & CONTINUITY OF FEATURES

A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

SIGNIFICANCE

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

TYPES OF FEATURES

A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

GEOGRAPHICAL BOUNDARIES

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

DISCONTIGUOUS DISTRICTS

A district is usually a single geographic area of contiguous historic properties; however, a district can also be composed of two or more definable significant areas separated by nonsignificant areas. A discontiguous district is most appropriate where:

- Elements are spatially discrete;
- Space between the elements is not related to the significance of the district; and
- Visual continuity is not a factor in the significance.

In addition, a canal can be treated as a discontiguous district when the system consists of man-made sections of canal interspersed with sections of river navigation. For scattered archeological properties, a discontiguous district is appropriate when the deposits are related to each other through cultural affiliation, period of use, or site type.

It is not appropriate to use the discontiguous district format to include an isolated resource or small group of resources which were once connected to the district, but have since been separated either through demolition or new construction. For example, do not use the discontiguous district format to nominate individual buildings of a downtown commerical district that have become isolated through demolition.

Examples of districts iE,[;lude:

business districts
canal systems
groups of habitation sites
college campuses
estates and farms with large acreage/ numerous properties
industrial complexes
irrigation systems
residential areas
rural villages
transportation networks
rural historic districts

Ordeman-Shaw Historic District, *Montgomery, Montgomery County, Alabama. Historic districts derive their identity from the interrationship of their resources. Part of the defining characteristics of this 19th century residential district in Montgomery, Alabama, is found in the rhythmic pattern of the rows of decorative porches. (Frank L. Thiermonge, III)*

V. HOWTOEVALUATEA PROPERTY WITHIN ITS HISTORIC CONTEXT

UNDERSTANDING HISTORIC CONTEXTS

To qualify for the National Register, a property must be significant; that is, it must represent a significant part of the history, architecture, archeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past. This section explains how to evaluate a property within its historic context.

The significance of a historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear. Historians, architectural historians, folklorists, archeologists, and anthropologists use different words to describe this phenomena such as trend, pattern, theme, or cultural affiliation, but ultimately the concept is the same.

The concept of historic context is not a new one; it has been fundamental to the study of history since the 18th century and, arguably, earlier than that. Its core premise is that resources, properties, or happenings in history do not occur in a vacuum but rather are part of larger trends or patterns.

In order to decide whether a property is significant within its historic context, the following five things must be determined:

- The facet of prehistory or history of the local area, State, or the nation that the property represents;
- Whether that facet of prehistory or history is significant;
- Whether it is a type of property that has relevance and importance in illustrating the historic context;
- How the property illustrates that history; and finally
- Whether the property possesses the physical features necessary to convey the aspect of prehistory or history with which it is associated.

These five steps are discussed in detail below. If the property being evaluated does represent an important aspect of the area's history or prehistory *and* possesses the requisite quality of integrity, then it qualifies for the National Register.

HOW TO EVALUATE APROPERTY WITHIN ITS HISTORIC CONTEXT

Identify what the property represents: the theme(s), geographical limits, and chronological period that provide a perspective from which to evaluate the property's significance.

Historic contexts are historical patterns that can be identified through consideration of the history of the property and the history of the surrounding area. Historic contexts may have already been defined in your area by the State historic preservation office, Federal agencies, or local governments. In accordance with the National Register Criteria, the historic context may relate to one of the following:

- An event, a series of events or activities, or patterns of an area's development (Criterion A);
- Association with the life of an important person (Criterion B);
- A building form, architectural style, engineering technique, or artistic values, based on a stage of physical development, or the use of a material or method of construction that shaped the historic identity of an area (Criterion C); or
- A research topic (Criterion D).

[4] For a complete discussion of historic contexts, see *National Register Bulletin: Guidelines for Completing National Register of Historic Places Registration Forms.*

Determine how the theme of the context is significant in the history of the local area, the State, or the nation.

A theme is a means of organizing properties into coherent patterns based on elements such as environment, social/ethnic groups, transportation networks, technology, or political developments that have influenced the development of an area during one or more periods of prehistory or history. A theme is considered significant if it can be demonstrated, through scholarly research, to be important in American history. Many significant themes can be found in the following list of Areas of Significance used by the National Register.

AREAS OF SIGNIFICANCE

Agriculture
Architecture
Archeology
  Prehistoric
  Historic—Aboriginal
  Historic—Non-Aboriginal
Art
Commerce
Communications
Community Planning and Development
Conservation
Economics
Education
Engineering
Entertainment/Recreation
Ethnic Heritage
  Asian
  Black
  European
  Hispanic
  Native American
  Pacific Islander
  Other
Exploration/Settlement
Health/Medicine
Industry
Invention
Landscape Architecture
Law
Literature
Maritime History
Military
Performing Arts
Philosophy
Politics/Government
Religion
Science
Social History
Transportation
Other

Determine what the property type is and whether it is important in illustrating the historic context.

A context may be represented by a variety of important property types. For example, the context of "Civil War Military Activity in Northern Virginia" might be represented by such properties as: a group of mid-19th century fortification structures; an open field where a battle occurred; a knoll from which a general directed troop movements; a sunken transport ship; the residences or public buildings that served as company headquarters; a railroad bridge that served as a focal point for a battle; and earthworks exhibiting particular construction techniques.

Because a historic context for a community can be based on a distinct period of development, it might include numerous property types. For example, the context "Era of Industrialization in Grand Bay, Michigan, 1875 - 1900" could be represented by important property types as diverse as sawmills, paper mill sites, salt refining plants, flour mills, grain elevators, furniture factories, workers housing, commercial buildings, social halls, schools, churches, and transportation facilities.

A historic context can also be based on a single important type of property. The context "Development of County Government in Georgia, 1777 - 1861" might be represented solely by courthouses. Similarly, "Bridge Construction in Pittsburgh, 1870 - 1920" would probably only have one property type.

Determine how the property represents the context through specific historic associations, architectural or engineering values, or information potential (the Criteria for Evaluation).

For example, the context of county government expansion is represented under Criterion A by historic districts or buildings that reflect population growth, development patterns, the role of government in that society, and political events in the history of the State, as well as the impact of county government on the physical development of county seats. Under Criterion C, the context is represented by properties whose architectural treatments reflect their governmental functions, both practically and symbolically. (See *Part VI: How to Identify the Type of Significance of a Property.*)

Determine what physical features the property must possess in order for it to reflect the significance of the historic context.

These physical features can be determined after identifying the following:

- Which types of properties are associated with the historic context,
- The ways in which properties can represent the theme, and
- The applicable aspects of integrity.

Properties that have the defined characteristics are eligible for listing. (See *Part VIII: How to Evaluate the Integrity of a Property.*)

PROPERTIES SIGNIFICANT WITHIN MORE THAN ONE HISTORIC CONTEXT

A specific property can be significant within one or more historic contexts, and, if possible, all of these should be identified. For example, a public building constructed in the 1830s that is related to the historic context of Civil War campaigns in the area might also be related to the theme of political developments in the community during the 1880s. A property is only required, however, to be documented as significant in one context.

COMPARING RELATED PROPERTIES

Properties listed in the National Register must possess significance when evaluated in the perspective of their historic context. Once the historic context is established and the property type is determined, it is not necessary to evaluate the property in question against other properties *if*:

- It is the sole example of a property type that is important in illustrating the historic context or
- It clearly possesses the defined characteristics required to strongly represent the context.

If these two conditions do not apply, then the property will have to be evaluated against other examples of the property type to determine its eligibility. The geographic level (local, State, or national) at which this evaluation is made is the same as the level of the historic context. (See *Part V: How to Evaluate a Property Within Its Historic Context.*)

LOCAL, STATE, AND NATIONAL HISTORIC CONTEXTS

Historic contexts are found at a variety of geographical levels or scales. The geographic scale selected may relate to a pattern of historical development, a political division, or a cultural area. Regardless of the scale, the historic context establishes the framework from which decisions about the significance of related properties can be made.

LOCAL HISTORIC CONTEXTS

A local historic context represents an aspect of the history of a town, city, county, cultural area, or region, or any portions thereof. It is defined by the importance of the property, not necessarily the physical location of the property. For instance, if a property is of a type found throughout a State, or its boundaries extend over two States, but its importance relates only to a particular county, the property would be considered of local significance.

The level of context of archeological sites significant for their information potential depends on the scope of the applicable research design. For example, a Late Mississippian village site may yield information in a research design concerning one settlement system on a regional scale, while in another research design it may reveal information of local importance concerning a single group's stone tool manufacturing techniques or house forms. It is a question of how the available information potential is likely to be used.

STATE HISTORIC CONTEXTS

Properties are evaluated in a State context when they represent an aspect of the history of the State as a whole (or American Samoa, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the Virgin Islands). These properties do not necessarily have to belong to property types found throughout the entire State: they can be located in only a portion of the State's present political boundary. It is the property's historic context that must be important statewide. For example, the "cotton belt" extends through only a portion of Georgia, yet its historical development in the antebellum period affected the entire State. These State historic contexts may have associated properties that are statewide or locally significant representations. A cotton gin in a small town might be a locally significant representation of this context, while one of the largest cotton producing plantations might be of State significance.

A property whose historic associations or information potential appears to extend beyond a single local area might be significant at the State level. A property can be significant to more than one community or local area, however, without having achieved State significance.

A property that overlaps several State boundaries can possibly be significant to the State or local history of each of the States. Such a property is not necessarily of national significance, however, nor is it necessarily significant to all of the States in which it is located.

Prehistoric sites are not often considered to have "State" significance, per se, largely because States are relatively recent political entities and usually do not correspond closely to Native American political territories or cultural areas. Numerous sites, however, may be of significance to a large region that might geographically encompass parts of one, or usually several, States. Prehistoric resources that might be of State significance include regional sites that provide a diagnostic assemblage of artifacts for a particular cultural group or time period or that provide chronological control (specific dates or relative order in time) for a series of cultural groups.

NATIONAL HISTORIC CONTEXTS

Properties are evaluated in a national context when they represent an aspect of the history of the United States and its territories as a whole. These national historic contexts may have associated properties that are locally or statewide significant representations, as well as those of national significance.

Properties designated as nationally significant and listed in the National Register are the prehistoric and historic units of the National Park System and those properties that have been designated National Historic Landmarks. The National Historic Landmark criteria are the standards for nationally significant properties; they are found in the *Code of Federal Regulations, Title 36, Part 65* and are summarized in this bulletin in *Part IX: Summary of National Historic Landmarks Criteria for Evaluation.*

A property with national significance helps us understand the history of the nation by illustrating the nationwide impact of events or persons associated with the property, its architectural type or style, or information potential. It must be of exceptional value in representing or illustrating an important theme in the history of the nation.

Nationally significant properties do not necessarily have to belong to a property type found throughout the entire country: they can be located in only a portion of the present political boundaries. It is their historic context that must be important nationwide. For example, the American Civil War was fought in only a portion of the United States, yet its impact was nationwide. The site of a small military skirmish might be a locally significant representation of this national context, while the capture of the State's largest city might be a statewide significant representation of the national context.

When evaluating properties at the national level for designation as a National Historic Landmark, please refer to the National Historic Landmarks outline, *History and Prehistory in the National Park System and the National Historic Landmarks Program 1987.* (For more information about the National Historic Landmarks program, please write to the Department of the Interior, National Park Service, National Historic Landmarks, 1849 C Street, NW, NC400, Washington, DC 20240.)

VI. HOW TO IDENTIFY THE TYPE OF SIGNIFICANCE OF A PROPERTY

INTRODUCTION

When evaluated within its historic context, a property must be shown to be significant for *one or more of the four Criteria for Evaluation - A, B, C, or D* (listed earlier in *Part II*). The Criteria describe how properties are significant for their association with important events or persons, for their importance in design or construction, or for their information potential.

The basis for judging a property's significance and, ultimately, its eligibility under the Criteria is *historic context*. The use of historic context allows a property to be properly evaluated in a nearly infinite number of capacities. For instance, Criterion C: Design/Construction can accommodate properties representing construction types that are unusual or widely practiced, that are innovative or traditional, that are "high style" or vernacular, that are the work of a famous architect or an unknown master craftsman. *The key to determining whether the characteristics or associations of a particular property are significant is to consider the property within its historic context.*

After identifying the relevant historic context(s) with which the property is associated, the four Criteria are applied to the property. Within the scope of the historic context, the National Register Criteria define the kind of significance that the properties represent.

For example, within the context of "19th Century Gunpowder Production in the Brandywine Valley," Criterion A would apply to those properties associated with important events in the founding and development of the industry. Criterion B would apply to those properties associated with persons who are significant in the founding of the industry or associated with important inventions related to gunpowder manufacturing. Criterion C would apply to those buildings, structures, or objects whose architectural form or style reflect important design qualities integral to the industry. And Criterion D would apply to properties that can convey information important in our understanding of this industrial process. If a property qualifies under more than one of the Criteria, its significance under each should be considered, if possible, in order to identify all aspects of its historical value.

NATIONAL REGISTER CRITERIA FOR EVALUATION*

The National Register Criteria recognize different types of values embodied in districts, sites, buildings, structures, and objects. These values fall into the following categories:

Associative value (Criteria A and B): Properties significant for their association or linkage to events (Criterion A) or persons (Criterion B) important in the past.

Design or Construction value (Criterion C): Properties significant as representatives of the manmade expression of culture or technology.

Information value (Criterion D): Properties significant for their ability to yield important information about prehistory or history.

*For a complete listing of the Criteria for Evaluation, refer to Part II of this bulletin.

CRITERION A: EVENT

Properties can be eligible for the National Register if they are associated with events that have made a significant contribution to the broad patterns of our history.

UNDERSTANDING CRITERION A: EVENT

To be considered for listing under Criterion A, a property must be associated with one or more events important in the defined historic context. Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities, or historic trends, such as the gradual rise of a port city's prominence in trade and commerce. The event or trends, however, must clearly be important within the associated context: settlement, in the case of the town, or development of a maritime economy, in the case of the port city. Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity. (See *Part V: How to Evaluate a Property Within its Historic Context.)*

Several steps are involved in determining whether a property is significant for its associative values:

- Determine the nature and origin of the property,
- Identify the historic context with which it is associated, and
- Evaluate the property's history to determine whether it is associated with the historic context in any important way.

APPLYING CRITERION A: EVENT

TYPES OF EVENTS

A property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.

Refer to the sidebar on the right for a list of specific examples.

ASSOCIATION OF THE PROPERTY WITH THE EVENTS

The property you are evaluating must be documented, through accepted means of historical or archeological research (including oral history), to have existed at the time of the event or pattern of events *and* to have been associated with those events. A property is *not* eligible if its associations are speculative. For archeological sites, well reasoned inferences drawn from data recovered at the site can be used to establish the association between the site and the events.

SIGNIFICANCE OF THE ASSOCIATION

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.

EXAMPLES OF PROPERTIES ASSOCIATED WITH EVENTS

Properties associated with specific events:

- *The site of a battle.*
- *The building in which an important invention was developed.*
- *A factory district where a significant strike occurred.*
- *An archeological site at which a major new aspect of prehistory was discovered, such as the first evidence of man and extinct Pleistocene animals being contemporaneous.*
- *A site where an important facet of European exploration occurred.*

Properties associated with a pattern of events:

- *A trail associated with western migration.*
- *A railroad station that served as the focus of a community's transportation system and commerce.*
- *A mill district reflecting the importance of textile manufacturing during a given period.*
- *A building used by an important local social organization.*
- *A site where prehistoric Native Americans annually gathered for seasonally available resources and for social interaction.*
- *A downtown district representing a town's growth as the commercial focus of the surrounding agricultural area.*

TRADITIONAL CULTURAL VALUES

Traditional cultural significance is derived from the role a property plays in a community's historically rooted beliefs, customs, and practices. Properties may have significance under Criterion A if they are associated with events, or series of events, significant to the cultural traditions of a community.[5]

Eligible

- A hilltop associated in oral historical accounts with the founding of an Indian tribe or society is eligible.
- A rural community can be eligible whose organization, buildings, or patterns of land use reflect the cultural traditions valued by its long-term residents.
- An urban neighborhood can be eligible as the traditional home of a particular cultural group and as a reflection of its beliefs and practices.

Not Eligible

- A site viewed as sacred by a recently established utopian or religious community does not have traditional cultural value and is not eligible.

Criterion A - The Old Brulay Plantation, *Brownsville vicinity, Cameron county, Texas. Historically significant for its association with the development of agriculture in southeast Texas, this complex of 10 brick buildings was constructed by George N. Brulay, a French immigrant who introduced commercial sugar production and irrigation to the Rio Grande Valley. (Photo by Texas Historical Commission).*

[5] For more information, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

CRITERION B: PERSON

Properties may be eligible for the National Register if they are associated with the lives of persons significant in our past.

UNDERSTANDING CRITERION B: PERSON[6]

Criterion B applies to properties associated with individuals whose specific contributions to history can be identified and documented. Persons "significant in our past" refers to individuals whose activities are demonstrably important within a local, State, or national historic context. The criterion is generally restricted to those properties that illustrate (rather than commemorate) a person's important achievements. (The policy regarding commemorative properties, birthplaces, and graves is explained further in *Part VIII: How to Apply the Criteria Considerations.)*

Several steps are involved in determining whether a property is significant for its associative values under Criterion B. First, determine the importance of the individual. Second, ascertain the length and nature of his/her association with the property under study and identify the other properties associated with the individual. Third, consider the property under Criterion B, as outlined below.

EXAMPLES OF PROPERTIES ASSOCIATED WITH PERSONS

Properties associated with a Significant Person:

- *The home of an important merchant or labor leader.*
- *The studio of a significant artist.*
- *The business headquarters of an important industrialist.*

Criterion B - The William Whitney House, *Hinsdale, DuPage County, Illinois. This building is locally significant for its historical association with William Whitney, the founder of the town of Hinsdale, Illinois. Whitney, a citizen of New York State, moved to Illinois, established the town, and while living here between 1870 and 1879 was a prominent local businessman and politician. (Photo by Frederick C. Cue).*

[6] For further information on properties eligible under Criterion B, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Properties Associated with Significant Persons.*

APPLYING CRITERION B: PERSON

SIGNIFICANCE OF THE INDIVIDUAL

The persons associated with the property must be *individually* significant within a historic context. A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group.

Eligible

- The residence of a doctor, a mayor, or a merchant is eligible under Criterion B if the person was significant in the field of medicine, politics, or commerce, respectively.

Not Eligible

- A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact, or there is insufficient perspective to determine whether those activities or contributions were historically important.

ASSOCIATION WITH THE PROPERTY

Properties eligible under Criterion B are usually those associated with a person's *productive* life, reflecting the time period when he or she achieved significance. In some instances this may be the person's home; in other cases, a person's business, office, laboratory, or studio may best represent his or her contribution. Properties that pre- or post-date an individual's significant accomplishments are usually not eligible. (See *Comparison to Related Properties*, below, for exceptions to this rule.)

The individual's association with the property must be documented by accepted methods of historical or archeological research, including written or oral history. Speculative associations are not acceptable. For archeological sites, well reasoned inferences drawn from data recovered at the site are acceptable.

COMPARISON TO RELATED PROPERTIES

Each property associated with an important individual should be compared to other associated properties to identify those that best represent the person's historic contributions. The best representatives usually are properties associated with the person's adult or *productive* life. Properties associated with an individual's formative or later years may also qualify if it can be demonstrated that the person's activities during this period were historically significant *or* if no properties from the person's productive years survives. Length of association is an important factor when assessing several properties with similar associations.

A community or State may contain several properties eligible for associations with the same important person, if each represents a different aspect of the person's productive life. A property can also be eligible if it has brief but consequential associations with an important individual. (Such associations are often related to specific events that occurred at the property and, therefore, it may also be eligible under Criterion A.)

ASSOCIATION WITH GROUPS

For properties associated with several community leaders or with a prominent family, it is necessary to identify specific individuals and to explain their significant accomplishments.

Eligible

- A residential district in which a large number of prominent or influential merchants, professionals, civic leaders, politicians, etc., lived will be eligible under Criterion B if the significance of one or more specific individual residents is explicitly justified.
- A building that served as the seat of an important family is eligible under Criterion B if the significant accomplishments of one or more individual family members is explicitly justified.

Not Eligible

- A residential district in which a large number of influential persons lived is not eligible under Criterion B if the accomplishments of a specific individual(s) cannot be documented. If the significance of the district rests in the cumulative importance of prominent residents, however, then the district might still be eligible under Criterion A. Eligibility, in this case, would be based on the broad pattern of community development, through which the neighborhood evolved into the primary residential area for this class of citizens.
- A building that served as the seat of an important family will not be eligible under Criterion B if the significant accomplishments of individual family members cannot be documented. In cases where a succession of family members have lived in a house and collectively have had a demonstrably significant impact on the community, as a family, the house is more likely to be significant under Criterion A for association with a pattern of events.

ASSOCIATION WITH LIVING PERSONS

Properties associated with living persons are usually not eligible for inclusion in the National Register. Sufficient time must have elapsed to assess both the person's field of endeavor and his/her contribution to that field. Generally, the person's active participation in the endeavor must be finished for this historic perspective to emerge. (See Criteria Considerations C and G in *Part VII: How to Apply the Criteria Considerations.)*

ASSOCIATION WITH ARCHITECTS/ARTISANS

Architects, artisans, artists, and engineers are often represented by their works, which are eligible under Criterion C. Their homes and studios, however, can be eligible for consideration under Criterion B, because these usually are the properties with which they are most personally associated.

NATIVE AMERICAN SITES

The known major villages of individual Native Americans who were important during the contact period or later can qualify under Criterion B. As with all Criterion B properties, the individual associated with the property must have made some specific important contribution to history. Examples include sites significantly associated with Chief Joseph and Geronimo.[7]

[7] For more information, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

CRITERION C: DESIGN/CONSTRUCTION

Properties may be eligible for the National Register if they embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

Richland Plantation, *East Feliciana Parish, Louisiana. Properties can qualify under Criterion C as examples of high style architecture. Built in the 1830s, Richland is a fine example of a Federal style residence with a Greek Revival style portico. (Photo by Dave Gleason).*

UNDERSTANDING CRITERION C: DESIGN/ CONSTRUCTION

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. To be eligible under Criterion C, a property must meet *at least one* of the following requirements:

- Embody distinctive characteristics of a type, period, or method of construction.
- Represent the work of a master.
- Possess high artistic value.
- Represent a significant and distinguishable entity whose components may lack individual distinction.

The first requirement, that properties "embody the distinctive characteristics of a type, period, or method of construction," refers to the way in which a property was conceived, designed, or fabricated by a people or culture in past periods of history. "The work of a master" refers to the technical or aesthetic achievements of an architect or craftsman. "High artistic values" concerns the expression of aesthetic ideals or preferences and applies to aesthetic achievement.

Resources "that represent a significant and distinguishable entity whose components may lack individual distinction" are called "districts." In the Criteria for Evaluation (as published in the *Code of Federal Regulations* and reprinted here in Part II), districts are defined within the context of Criterion C. *Districts, however, can be considered for eligibility under all the Criteria,* individually or in any combination, as is appropriate. For this reason, the full discussion of districts is contained in *Part IV: How to Define Categories of Historic Properties.* Throughout the bulletin, however, districts are mentioned within the context of a specific subject, such as an individual Criterion.

Grant Family House*, Saco vicinity, York County, Maine. Properties possessing high artistic value meet Criterion C through the expression of aesthetic ideals or preferences. The Grant Family House, a modest Federal style residence, is significant for its remarkably well-preserved stenciled wall decorative treatment in the entry hall and parlor. Painted by an unknown artist ca. 1825, this is a fine example of 19th century New England regional artistic expression. (Photo by Kirk F. Mohney).*

EXAMPLES OF PROPERTIES ASSOCIATED WITH DESIGN/ CONSTRUCTION

Properties associated with design and construction:

- *A house or commercial building representing a significant style of architecture.*
- *A designed park or garden associated with a particular landscape design philosophy.*
- *A movie theater embodying high artistic value in its decorative features.*
- *A bridge or dam representing technological advances.*

APPLYING CRITERION C: DESIGN/ CONSTRUCTION

DISTINCTIVE CHARACTERISTICS OF TYPE, PERIOD, AND METHOD OF CONSTRUCTION

This is the portion of Criterion C under which most properties are eligible, for it encompasses all architectural styles and construction practices. To be eligible under this portion of the Criterion, a property must clearly illustrate, through "distinctive characteristics," the following:

- The pattern of features common to a particular class of resources,
- The individuality or variation of features that occurs within the class,
- The evolution of that class, or
- The transition between classes of resources.

Distinctive Characteristics: "Distinctive characteristics" are the physical features or traits that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction.

Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials. They can be general, referring to ideas of design and construction such as basic plan or form, or they can be specific, referring to precise ways of combining particular kinds of materials.

Eligible

- A building eligible under the theme of Gothic Revival architecture must have the distinctive characteristics that make up the vertical and picturesque qualities of the style, such as pointed gables, steep roof pitch, board and batten siding, and ornamental bargeboard and veranda trim.
- A late Mississippian village that illustrates the important concepts in prehistoric community design and planning will qualify.
- A designed historic landscape will qualify if it reflects a historic trend or school of theory and practice, such as the City Beautiful Movement, evidencingdistinguished design, layout, and the work of skilled craftsmanship.

Not Eligible

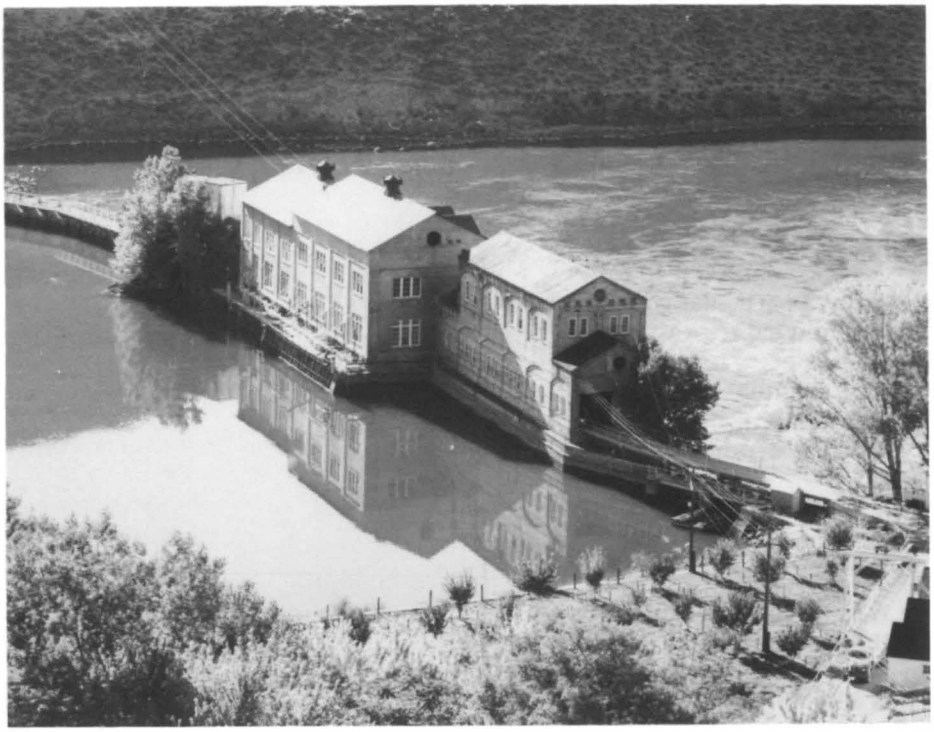
- A commercial building with some Art Deco detailing is not eligible under Criterion C if the detailing was added merely as an afterthought, rather than fully integrated with overall lines and massing typical of the Art Deco style or the transition between that and another style.
- A designed landscape that has had major changes to its historic design, vegetation, original boundary, topography/ grading, architectural features, and circulation system will not qualify.

Type, Period, and Method of Construction: "Type, period, or method of construction" refers to the way certain properties are related to one another by cultural tradition or function, by dates of construction or style, or by choice or availability of materials and technology.

A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history. For properties that represent the variation, evolution, or transition of construction types, it must be demonstrated that the variation, etc., was an important phase of the architectural development of the area or community in that it had an impact as evidenced by later buildings. A property is not eligible, however, simply because it has been identified as the only such property ever fabricated; it must be demonstrated to be significant as well.

Eligible

- A building that has some characteristics of the Romanesque Revival style and some characteristics of the Commercial style can qualify if it illustrates the transition of architectural design and the transition itself is considered an important architectural development.
- A Hopewellian mound, if it is an important example of mound building construction techniques, would qualify as a method or type of construction.
- A building which illustrates the early or the developing technology of particular structural systems, such as skeletal steel framing, is eligible as an example of a particular method of construction.



Swan Falls Dam and Power Plant, *Murphy vicinity, Ada County, Idaho. Significant works of engineering can qualify under Criterion C. Built between 1900-1907 the Swan Falls Dam and Power Plant across the Snake River is one of the early hydroelectric plants in the State of Idaho. (Photo by H.L. Hough).*

Looney House, *Asheville vicinity, St. Clair County, Alabama. Examples of vernacular styles of architecture can qualify under Criterion C. Built ca. 1818, the Looney House is significant as possibly the State's oldest extant two-story dogtrot type of dwelling. The defining open center passage of the dogtrot was a regional building response to the southern climate. (Photo by Carolyn Scott).*

HISTORIC ADAPTATION OF THE ORIGINAL PROPERTY

A property can be significant not only for the way it was originally constructed or crafted, but also for the way it was adapted at a later period, or for the way it illustrates changing tastes, attitudes, and uses over a period of time.

A district is eligible under this guideline if it illustrates the evolution of historic character of a place over a particular span of time.

Eligible

- A Native American irrigation system modified for use by Europeans could be eligible if it illustrates the technology of either or both periods of construction.
- An early 19th century farmhouse modified in the 1880s with Queen Anne style ornamentation could be significant for the modification itself, if it represented a local variation or significant trend in building construction or remodelling, was the work of a local master (see *Works of a Master* on page 20), or reflected the tastes of an important person associated with the property at the time of its alteration.
- A district encompassing the commercial development of a town between 1820 and 1910, characterized by buildings of various styles and eras, can be eligible.

WORKS OF A MASTER

A master is a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality. The property must express a particular phase in the development of the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft.

A property is not eligible as the work of a master, however, simply because it was designed by a prominent architect. For example, not every building designed by Frank Lloyd Wright is eligible under this portion of Criterion C, although it might meet other portions of the Criterion, for instance as a representative of the Prairie style.

The work of an unidentified craftsman is eligible if it rises above the level of workmanship of the other properties encompassed by the historic context.

PROPERTIES POSSESSING HIGH ARTISTIC VALUES

High artistic values may be expressed in many ways, including areas as diverse as community design or planning, engineering, and sculpture. A property is eligible for its high artistic values if it so fully articulates a particular concept of design that it expresses an aesthetic ideal. A property is not eligible, however, if it does not express aesthetic ideals or design concepts more fully than other properties of its type.

Eligible

- A sculpture in a town square that epitomizes the design principles of the Art Deco style is eligible.
- A building that is a classic expression of the design theories of the Craftsman Style, such as carefully detailed handwork, is eligible.
- A landscaped park that synthesizes early 20th century principles of landscape architecture and expresses an aesthetic ideal of environment can be eligible.
- Properties that are important representatives of the aesthetic values of a cultural group, such as petroglyphs and ground drawings by Native Americans, are eligible.

Not Eligible

- A sculpture in a town square that is a typical example of sculpture design during its period would not qualify for high artistic value, although it might be eligible if it were significant for other reasons.
- A building that is a modest example (within its historic context) of the Craftsman Style of architecture, or a landscaped park that is characteristic of turn of the century landscape design would not qualify for high artistic value.

A Significant and Distinguishable Entity Whose Components May Lack Individual Distinction. This portion of Criterion C refers to districts. For detailed information on districts, refer to *Part IV* of this bulletin.

CRITERION D: INFORMATION POTENTIAL

Properties may be eligible for the National Register if they have yielded, or may be likely to yield, information important in prehistory or history.

UNDERSTANDING CRITERION D: INFORMATION POTENTIAL

Certain important research questions about human history can only be answered by the actual physical material of cultural resources. Criterion D encompasses the properties that have the potential to answer, in whole or in part, those types of research questions. The most common type of property nominated under this Criterion is the archeological site (or a district comprised of archeological sites). Buildings, objects, and structures (or districts comprised of these property types), however, can also be eligible for their information potential.

Criterion D has two requirements, which must *both* be met for a property to qualify:

- The property must have, or have had, information to contribute to our understanding of human history or prehistory, and
- The information must be considered important.

Under the first of these requirements, a property is eligible if it has been used as a source of data and contains more, as yet unretrieved data. A property is also eligible if it has not yet yielded information but, through testing or research, is determined a likely source of data.

Under the second requirement, the information must be carefully evaluated within an appropriate context to determine its importance. Information is considered "important" when it is shown to have a significant bearing on a research design that addresses such areas as: 1) current data gaps or alternative theories that challenge existing ones or 2) priority areas identified under a State or Federal agency management plan.

APPLYING CRITERION D: INFORMATION POTENTIAL

ARCHEOLOGICAL SITES

Criterion D most commonly applies to properties that contain or are likely to contain information bearing on an important archeological research question. The property must have characteristics suggesting the likelihood that it possesses configurations of artifacts, soil strata, structural remains, or other natural or cultural features that make it possible to do the following:

- Test a hypothesis or hypotheses about events, groups, or processes in the past that bear on important research questions in the social or natural sciences or the humanities; or
- Corroborate or amplify currently available information suggesting that a hypothesis is either true or false; or
- Reconstruct the sequence of archeological cultures for the purpose of identifying and explaining continuities and discontinuities in the archeological record for a particular area.

BUILDINGS, STRUCTURES, AND OBJECTS

While most often applied to archeological districts and sites, Criterion D can also apply to buildings, structures, and objects that contain important information. In order for these types of properties to be eligible under Criterion D, they themselves must be, or must have been, the principal source of the important information.

Eligible

- A building exhibiting a local variation on a standard design or construction technique can be eligible if study could yield important information, such as how local availability of materials or construction expertise affected the evolution of local building development.

Not Eligible

- The ruins of a hacienda once contained murals that have since been destroyed. Historical documentation, however, indicates that the murals were significant for their highly unusual design. The ruins can not be eligible under Criterion D for the importance of the destroyed murals if the information is contained only in the documentation.

Criterion D - Champe-Fremont 1 Archeological Site, *Omaha vicinity, Douglas County, Nebraska. This archeological site, dating from ca. 1100-1450 A.D., consists of pit houses and storage pits which have the potential to yield important information concerning the subsistence patterns, religious and mortuary practices, and social organization of the prehistoric residents of eastern Nebraska. (Nebraska State Historical Society)*

ASSOCIATION WITH HUMAN ACTIVITY

A property must be associated with *human activity* and be critical for understanding a site's historic environment in order to be eligible under Criterion D. A property can be linked to human activity through events, processes, institutions, design, construction, settlement, migration, ideals, beliefs, lifeways, and other facets of the development or maintenance of cultural systems.

The natural environment associated with the properties was often very different from that of the present and strongly influenced cultural development. Aspects of the environment that are pertinent to human activities should be considered when evaluating properties under Criterion D.

Natural features and paleontological (floral and faunal) sites are not usually eligible under Criterion D in and of themselves. They can be eligible, however, if they are either directly related to human activity or critical to understanding a site's historic environment. In a few cases, a natural feature or site unmarked by cultural materials, that is primarily eligible under Criterion A, may also be eligible under Criterion D, *if* study of the feature, or its location, setting, etc. (usually in the context of data gained from other sources), will yield important information about the event or period with which it is associated.

ESTABLISHING A HISTORIC CONTEXT

The information that a property yields, or will yield, must be evaluated within an appropriate historic context. This will entail consulting the body of information already collected from similar properties or other pertinent sources, including modern and historic written records. The researcher must be able to anticipate if and how the potential information will affect the definition of the context. The information likely to be obtained from a particular property must confirm, refute, or supplement in an important way existing information.

A property is *not* eligible if it cannot be related to a particular time period or cultural group and, as a result, lacks any historic context within which to evaluate the importance of the information to be gained.

DEVELOPING RESEARCH QUESTIONS

Having established the importance of the information that may be recovered, it is necessary to be explicit in demonstrating the connection between the important information and a specific property. One approach is to determine if specific important research questions can be answered by the data contained in the property. Research questions can be related to property-specific issues, to broader questions about a large geographic area, or to theoretical issues independent of any particular geographic location. These questions may be derived from the academic community or from preservation programs at the local, regional, State, or national level. Research questions are usually developed as part of a "research design," which specifies not only the questions to be asked, but also the types of data needed to supply the answers, and often the techniques needed to recover the data.

Eligible

- When a site consisting of a village occupation with midden deposits, hearths, ceramics, and stratified evidence of several occupations is being evaluated, three possible research topics could be: 1) the question of whether the site occupants were indigenous to the area prior to the time of occupation or recent arrivals, 2) the investigation of the settlement-subsistence pattern of the occupants, 3) the question of whether the region was a center for the domestication of plants. Specific questions could include: A) Do the deposits show a sequential development or sudden introduction of Ceramic Type X? B) Do the dates of the occupations fit our expectations based on the current model for the reoccupation behavior of slash-and-burn agriculturalists? C) Can any genetic changes in the food plant remains be detected?

Not Eligible

- A property is not eligible if so little can be understood about it that it is not possible to determine if specific important research questions can be answered by data contained in the property.

ESTABLISHING THE PRESENCE OF ADEQUATE DATA

To support the assertion that a property has the data necessary to provide the important information, the property should be investigated with techniques sufficient to establish the presence of relevant data categories. What constitutes appropriate investigation techniques would depend upon specific circumstances including the property's location, condition, and the research questions being addressed, and could range from surface survey (or photographic survey for buildings), to the application of remote sensing techniques or intensive subsurface testing. Justification of the research potential of a property may be based on analogy to another better known property if sufficient similarities exist to establish the appropriateness of the analogy.

Eligible

- Data requirements depend on the specific research topics and questions to be addressed. To continue the example in "Developing Research Questions" above, we might want to ascertain the following with reference to questions A, B, and C: A) The site contains Ceramic Type X in one or more occupation levels and we expect to be able to document the local evaluation of the type or its intrusive nature. B) The hearths contain datable carbon deposits and are associated with more than one occupation. C) The midden deposits show good floral/faunal preservation, and we know enough about the physical evolution of food plants to interpret signs that suggest domestication.

Not Eligible

- Generally, if the applicable research design requires clearly stratified deposits, then subsurface investigation techniques must be applied. A site composed only of surface materials can not be eligible for its potential to yield information that could only be found in stratified deposits.

INTEGRITY

The assessment of integrity for properties considered for information potential depends on the data requirements of the applicable research design. A property possessing information potential does not need to recall *visually* an event, person, process, or construction technique. It is important that the significant data contained in the property remain sufficiently intact to yield the expected important information, if the appropriate study techniques are employed.

Eligible

- An irrigation system significant for the information it will yield on early engineering practices can still be eligible even though it is now filled in and no longer retains the appearance of an open canal.

Not Eligible

- A plowed archeological site contains several superimposed components that have been mixed to the extent that artifact assemblages cannot be reconstructed. The site cannot be eligible if the data requirements of the research design call for the study of artifacts specific to one component.

PARTLY EXCAVATED OR DISTURBED PROPERTIES

The current existence of appropriate physical remains must be ascertained in considering a property's ability to yield important information. Properties that have been partly excavated or otherwise disturbed and that are being considered for their potential to yield additional important information must be shown to retain that potential in their remaining portions.

Eligible

- A site that has been partially excavated but still retains substantial intact deposits (or a site in which the remaining deposits are small but contain critical information on a topic that is not well known) is eligible.

Not Eligible

- A totally collected surface site or a completely excavated buried site is not eligible since the physical remains capable of yielding important information no longer exist at the site. (See *Completely Excavated Sites*, on page 24, for exception.) Likewise, a site that has been looted or otherwise disturbed to the extent that the remaining cultural materials have lost their important depositional context (horizontal or vertical location of deposits) is not eligible.
- A reconstructed mound or other reconstructed site will generally not be considered eligible, because original cultural materials or context or both have been lost.

COMPLETELY EXCAVATED SITES

Properties that have yielded important information in the past and that no longer retain additional research potential (such as completely excavated archeological sites) must be assessed essentially as historic sites under Criterion A. Such sites must be significant for associative values related to: 1) the importance of the data gained or 2) the impact of the property's role in the history of the development of anthropology/archeology or other relevant disciplines. Like other historic properties, the site must retain the ability to convey its association as the former repository of important information, the location of historic events, or the representative of important trends.

Eligible

- A property that has been excavated is eligible if the data recovered was of such importance that it influenced the direction of research in the discipline, as in a site that clearly established the antiquity of the human occupation of the New World. (See Criterion A in *Part VI: How to Identify the Type of Significance of a Property* and Criteria Consideration G in *Part VII: How to Apply the Criteria Considerations.*)

Not Eligible

- A totally excavated site that at one time yielded important information but that no longer can convey either its historic/prehistoric utilization or significant modern investigation is not eligible.

VII. HOW TO APPLY THE CRITERIA CONSIDERATIONS

INTRODUCTION

Certain kinds of properties are not usually considered for listing in the National Register: religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past fifty years. These properties *can* be eligible for listing, however, if they meet special requirements, called Criteria Considerations, in addition to meeting the regular requirements (that is, being eligible under one or more of the four Criteria and possessing integrity). *Part VII* provides guidelines for determining which properties must meet these special requirements and for applying each Criteria Consideration.

The Criteria Considerations need to be applied only to *individual* properties. Components of eligible districts do not have to meet the special requirements unless they make up the majority of the district or are the focal point of the district. These are the general steps to follow when applying the Criteria Considerations to your property:

- Before looking at the Criteria Considerations, make sure your property meets one or more of the four Criteria for Evaluation and possesses integrity.
- If it does, check the Criteria Considerations (next column) to see if the property is of a type that is usually excluded from the National Register. The sections that follow also list specific examples of properties of each type. If your property clearly *does not* fit one of these types, then it does not need to meet any special requirements.
- If your property *does* fit one of these types, then it must meet the special requirements stipulated for that type in the Criteria Considerations.

CRITERIA CONSIDERATIONS*

Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past fifty years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

a. a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

b. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

c. a birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or

d. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, from association with historic events; or

e. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

f. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,

g. a property achieving significance within the past 50 years if it is of exceptional importance.

*The Criteria Considerations are taken from the Criteria for Evaluation, found in the *Code of Federal Regulations, Title 36, Part 60.*

CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES

A religious property is eligible if it derives its primary significance from architectural or artistic distinction or historical importance.

UNDERSTANDING CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES

A religious property requires justification on architectural, artistic, or historic grounds to avoid any appearance of judgment by government about the validity of any religion or belief. Historic significance for a religious property cannot be established on the merits of a religious doctrine, but rather, for architectural or artistic values or for important historic or cultural forces that the property represents. A religious property's significance under Criterion A, B, C, or D must be judged in purely secular terms. A religious group may, in some cases, be considered a cultural group whose activities are significant in areas broader than religious history.

Criteria Consideration for Religious Properties applies:

- If the resource was constructed by a religious institution.
- If the resource is presently owned by a religious institution or is used for religious purposes.
- If the resource was owned by a religious institution or used for religious purposes during its Period of Significance.
- If Religion is selected as an Area of Significance.

Examples of Properties that MUST Meet Criteria Consideration A: Religious Properties

- *A historic church where an important non-religious event occurred, such as a speech by Patrick Henry.*
- *A historic synagogue that is significant for architecture.*
- *A private residence is the site of a meeting important to religious history.*
- *A commercial block that is currently owned as an investment property by a religious institution.*
- *A historic district in which religion was either a predominant or significant function during the period of significance.*

Example of Properties that DO NOT Need to Meet Criteria Consideration A: Religious Properties

- *A residential or commercial district that currently contains a small number of churches that are not a predominant feature of the district.*
- *A town meeting hall that serves as the center of community activity and houses a wide variety of public and private meetings, including religious service. The resource is significant for architecture and politics, and the religious function is incidental.*
- *A town hall, significant for politics from 1875 to 1925, that housed religious services during the 1950s. Since the religious function occurred after the Period of Significance, the Criteria Consideration does not apply.*

APPLYING CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES

ELIGIBILITY FOR HISTORIC EVENTS

A religious property can be eligible under Criterion A for any of three reasons:

- It is significant under a theme in the history of religion having secular scholarly recognition; or
- It is significant under another historical theme, such as exploration, settlement, social philanthropy, or education; or
- It is significantly associated with traditional cultural values.

RELIGIOUS HISTORY

A religious property can be eligible if it is directly associated with either a specific event or a broad pattern in the history of religion.

Eligible

- The site of a convention at which a significant denominational split occurred meets the requirements of Criteria Consideration A. Also eligible is a property that illustrates the broad impact of a religious institution on the history of a local area.

Not Eligible

- A religious property cannot be eligible simply because was the place of religious services for a community, or was the oldest structure used by a religious group in a local area.

OTHER HISTORICAL THEMES

A religious property can be eligible if it is directly associated with either a specific event or a broad pattern that is significant in another historic context. A religious property would also qualify if it were significant for its associations that illustrate the importance of a particular religious group in the social, cultural, economic, or political history of the area. Eligibility depends on the importance of the event or broad pattern and the role of the specific property.

Eligible

- A religious property can qualify for its important role as a temporary hospital during the Revolutionary War, or if its school was significant in the history of education in the community.

Not Eligible

- A religious property is not significant in the history of education in a community simply because it had occasionally served as a school.

TRADITIONAL CULTURAL VALUES

When evaluating properties associated with traditional cultures, it is important to recognize that often these cultures do not make clear distinctions between what is secular and what is sacred. Criteria Consideration A is not intended to exclude traditional cultural resources merely because they have religious uses or are considered sacred. A property or natural feature important to a traditional culture's religion and mythology is eligible if its importance has been ethnohistorically documented and if the site can be clearly defined. It is critical, however, that the activities be documented and that the associations not be so diffuse that the physical resource cannot be adequately defined.[8]

Eligible

- A specific location or natural feature that an Indian tribe believes to be its place of origin and that is adequately documented qualifies under Criteria Consideration A.

ELIGIBILITY FOR HISTORIC PERSONS

A religious property can be eligible for association with a person important in religious history, if that significance has scholarly, secular recognition or is important in other historic contexts. Individuals who would likely be considered significant are those who formed or significantly influenced an important religious institution or movement, or who were important in the social, economic, or political history of the area. Properties associated with individuals important only within the context of a single congregation and lacking importance in any other historic context would not be eligible under Criterion B.

Eligible

- A religious property strongly associated with a religious leader, such as George Whitefield or Joseph Smith, is eligible.

[8] For more information on applying Criteria Consideration A to traditional cultural properties, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

ELIGIBILITY FOR ARCHITECTURAL OR ARTISTIC DISTINCTION

A religious property significant for its architectural design or construction should be evaluated as are other properties under Criterion C; that is, it should be evaluated within an established architectural context and, if necessary, compared to other properties of its type, period, or method of construction. (See "Comparing Related Properties" in *Part V: How to Evaluate a Property Within Its Historic Context.)*

Eligible

- A historic camp meeting district that meets the requirements of Criterion C for its significance as a type of construction is eligible.

ELIGIBILITY FOR INFORMATION POTENTIAL

A religious property, whether a district, site, building, structure, or object, is eligible if it can yield important information about the religious practices of a cultural group or other historic themes. This kind of property should be evaluated as are other properties under Criterion D, in relation to similar properties, other information sources, and existing data gaps.

Eligible

- A 19th century camp meeting site that could provide information about the length and intensity of site use during revivals of the Second Great Awakening is eligible.
- Rock cairns or medicine wheels that had a historic religious mythological function and can provide information about specific cultural beliefs are eligible.

ABILITY TO REFLECT HISTORIC ASSOCIATIONS

As with all eligible properties, religious properties must physically represent the period of time for which they are significance. For instance, a recent building that houses an older congregation cannot qualify based on the historic activities of the group because the current building does not convey the earlier history. Likewise, an older building that housed the historic activities of the congregation is eligible if it still physically represents the period of the congregation's significance. However, if an older building has been remodeled to the extent that its appearance dates from the time of the remodeling, it can only be eligible if the period of significance corresponds with the period of the alterations.

Eligible

- A church built in the 18th century and altered beyond recognition in the 19th century is eligible only if the additions are important in themselves as an example of late 19th century architecture or as a reflection of an important period of the congregation's growth.

Not Eligible

- A synagogue built in the 1920s cannot be eligible for the important activities of its congregation in the 18th and 19th centuries. It can only be eligible for significance obtained after its construction date.
- A rural 19th century frame church recently sheathed in brick is not eligible because it has lost its characteristic appearance and therefore can no longer convey its 19th century significance, either for architectural value or historic association.

Criteria Consideration A - Religious Properties. *A religious property can qualify as an exception to the Criteria if it is architecturally significant.* ***The Church of the Navity*** *in Rosedale, Iberville Parish, Louisiana, qualified as a rare example in the State of a 19th century small frame Gothic Revival style chapel. (Robert Obier)*

CRITERIA CONSIDERATION B: MOVED PROPERTIES

A property removed from its original or historically significant location can be eligible if it is significant primarily for architectural value or it is the surviving property most importantly associated with a historic person or event.

UNDERSTANDING CRITERIA CONSIDERATION B: MOVED PROPERTIES

The National Register criteria limit the consideration of moved properties because significance is embodied in locations and settings as well as in the properties themselves. Moving a property destroys the relationships between the property and its surroundings and destroys associations with historic events and persons. A move may also cause the loss of historic features such as landscaping, foundations, and chimneys, as well as loss of the potential for associated archeological deposits. Properties that were moved *before* their period of significance do not need to meet the special requirements of Criteria Consideration B.

One of the basic purposes of the National Register is to encourage the preservation of historic properties as living parts of their communities. In keeping with this purpose, it is not usual to list artificial groupings of buildings that have been created for purposes of interpretation, protection, or maintenance. Moving buildings to such a grouping destroys the integrity of location and setting, and can create a false sense of historic development.

APPLYING CRITERIA CONSIDERATION B: MOVED PROPERTIES

ELIGIBILITY FOR ARCHITECTURAL VALUE

A moved property significant under Criterion C must retain enough historic features to convey its architectural values and retain integrity of design, materials, workmanship, feeling, and association.

Examples of Properties that MUST Meet Criteria Consideration B: Moved Properties

- *A resource moved from one location on its original site to another location on the property, during or after its Period of Significance.*
- *A district in which a significant number of resources have been moved from their original location.*
- *A district which has one moved building that makes an especially significant contribution to the district.*
- *A portable resource, such as a ship or railroad car, that is relocated to a place incompatible with its original function.*
- *A portable resource, such as a ship or railroad car, whose importance is critically linked to its historic location or route and that is moved.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration B: Moved Properties

- *A property that is moved prior to its Period of Significance.*
- *A district in which only a small percentage of typical buildings in a district are moved.*
- *A moved building that is part of a complex but is of less significance than the remaining (unmoved) buildings.*
- *A portable resource, such as a ship or railroad car, that is eligible under Criterion C and is moved within its natural setting (water, rails, etc.).*
- *A property that is raised or lowered on its foundations.*

ELIGIBILITY FOR HISTORIC ASSOCIATIONS

A moved property significant under Criteria A or B must be demonstrated to be the surviving property most importantly associated with a particular historic event or an important aspect of a historic person's life. The phrase "most importantly associated" means that it must be the single surviving property that is most closely associated with the event or with the part of the person's life for which he or she is significant.

Eligible

- A moved building occupied by an business woman during the majority of her productive career would be eligible if the other extant properties are a house she briefly inhabited prior to her period of significance and a commercial building she owned after her retirement.

Not Eligible

- A moved building associated with the beginning of rail transportation in a community is not eligible if the original railroad station and warehouse remained intact on their original sites.

SETTING AND ENVIRONMENT

In addition to the requirements above, moved properties must still have an orientation, setting, and general environment that are comparable to those of the historic location and that are compatible with the property's significance.

Eligible

- A property significant as an example of mid-19th century rural house type can be eligible after a move, provided that it is placed on a lot that is sufficient in size and character to recall the basic qualities of the historic environment and setting, and provided that the building is sited appropriately in relation to natural and manmade surroundings.

Not Eligible

- A rural house that is moved into an urban area and a bridge that is no longer situated over a waterway are not eligible.

ASSOCIATION DEPENDENT ON THE SITE

For a property whose design values or historical associations are directly dependent on its location, any move will cause the property to lose its integrity and prevent it from conveying its significance.

Eligible

- A farm structure significant only as an example of a method of construction peculiar to the local area is still eligible if it is moved within that local area and the new setting is similar to that of the original location.

Not Eligible

- A 19th century rural residence that was designed around particular topographic features, reflecting that time period's ideals of environment, is not eligible if moved.

PROPERTIES DESIGNED TO BE MOVED

A property designed to move or a property frequently moved during its historic use must be located in a historically appropriate setting in order to qualify, retaining its integrity of setting, design, feeling, and association. Such properties include automobiles, railroad cars and engines, and ships.

Eligible

- A ship docked in a harbor, a locomotive on tracks or in a railyard, and a bridge relocated from one body of water to another are eligible.

Not Eligible

- A ship on land in a park, a bridge placed in a pasture, or a locomotive displayed in an indoor museum are not eligible.

ARTIFICIALLY CREATED GROUPINGS

An artificially created grouping of buildings, structures, or objects is not eligible unless it has achieved significance since the time of its assemblage. It cannot be considered as a reflection of the time period when the individual buildings were constructed.

Eligible

- A grouping of moved historic buildings whose creation marked the beginning of a major concern with past lifestyles can qualify as an early attempt at historic preservation and as an illustration of that generation's values.

Not Eligible

- A rural district composed of a farmhouse on its original site and a grouping of historic barns recently moved onto the property is not eligible.

PORTIONS OF PROPERTIES

A moved *portion* of a building, structure, or object is not eligible because, as a fragment of a larger resource, it has lost integrity of design, setting, materials, workmanship, and location.

CRITERIA CONSIDERATION C: BIRTHPLACES OR GRAVES

A birthplace or grave of a historical figure is eligible if the person is of outstanding importance and if there is no other appropriate site or building directly associated with his or her productive life.

UNDERSTANDING CRITERIA CONSIDERATION C: BIRTHPLACES AND GRAVES

Birthplaces and graves often attain importance as reflections of the origins of important persons or as lasting memorials to them. The lives of persons significant in our past normally are recognized by the National Register through listing of properties illustrative of or associated with that person's productive life's work. Birthplaces and graves, as properties that represent the beginning and the end of the life of distinguished individuals, may be temporally and geographically far removed from the person's significant activities, and therefore are not usually considered eligible.

Examples of Properties that MUST Meet Criteria Consideration C: Birthplaces and Graves

- *The birthplace of a significant person who lived elsewhere during his or her Period of Significance.*
- *A grave that is nominated for its association with the significant person buried in it.*
- *A grave that is nominated for information potential.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration C: Birthplaces and Graves

- *A house that was inhabited by a significant person for his or her entire lifetime.*
- *A grave located on the grounds of the house where a significant person spent his or her productive years.*

APPLYING CRITERIA CONSIDERATION C: BIRTHPLACES AND GRAVES

PERSONS OF OUTSTANDING IMPORTANCE

The phrase "a historical figure of outstanding importance" means that in order for a birthplace or grave to qualify, it cannot be simply the birthplace or grave of a person significant in our past (Criterion B). It must be the birthplace or grave of an individual who was of outstanding importance in the history of the local area, State, or nation. The birthplace or grave of an individual who was one of several people active in some aspect of the history of a community, a state, or the Nation would not be eligible.

LAST SURVIVING PROPERTY ASSOCIATED WITH A PERSON

When an geographical area strongly associated with a person of outstanding importance has lost all other properties directly associated with his or her formative years or productive life, a birthplace or grave may be eligible.

ELIGIBILITY FOR OTHER ASSOCIATIONS

A birthplace or grave can also be eligible if it is significant for reasons other than association with the productive life of the person in question. It can be eligible for significance under Criterion A for association with important events, under Criterion B for association with the productive lives of *other* important persons, or under Criterion C for architectural significance. A birthplace or grave can also be eligible in rare cases if, after the passage of time, it is significant for its commemorative value. (See Criteria Consideration F for a discussion of commemorative properties.) A birthplace or grave can also be eligible under Criterion D if it contains important information on research, *e.g.*, demography, pathology, mortuary practices, socioeconomic status differentiation.

***Criteria Consideration** C - **Birthplaces.** A birthplace of a historical figure is eligible if the person is of outstanding importance and there is no other appropriate site or building associated with his or her productive life. The **Walter Reed Birthplace,** Gloucester vicinity, Gloucester County, Virginia is the most appropriate remaining building associated with the life of the man who, in* 1900, *discovered the cause and mode of transmission of the great scourge of the tropics, yellow fever. (Virginia Historic Landmarks Commission)*

CRITERIA CONSIDERATION D: CEMETERIES

A cemetery is eligible if it derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

UNDERSTANDING CRITERIA CONSIDERATION D: CEMETERIES

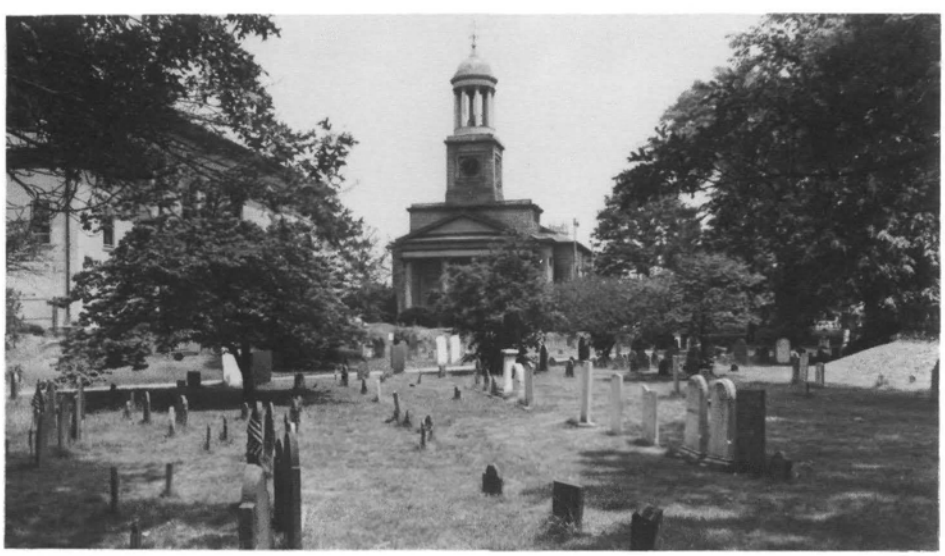
A cemetery is a collection of graves that is marked by stones or other artifacts or that is unmarked but recognizable by features such as fencing or depressions, or through maps, or by means of testing. Cemeteries serve as a primary means of an individual's recognition of family history and as expressions of collective religious and/or ethnic identity. Because cemeteries may embody values beyond personal or family-specific emotions, the National Register criteria allow for listing of cemeteries under certain conditions.

Examples of Properties that MUST Meet Criteria Consideration D: Cemeteries

- *A cemetery that is nominated individually for Criterion A, B, or C.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration D: Cemeteries

- *A cemetery that is nominated along with its associated church, but the church is the main resource nominated.*
- *A cemetery that is nominated under Criterion D for information potential.*
- *A cemetery that is nominated as part of a district but is not the focal point of the district.*



Criteria Consideration D - Cemeteries. *The* ***Hancock Cemetery,*** *Quincy, Norfolk County, Massachusetts meets the exception to the Criteria because it derives its primary significance from its great age (the earliest burials date from 1640) and from the distinctive design features found in its rich collection of late 17th and early 18th century funerary art. (N. Hobart Holly)*

APPLYING CRITERIA CONSIDERATION D: CEMETERIES

PERSONS OF TRANSCENDENT IMPORTANCE

A cemetery containing the graves of persons of transcendent importance may be eligible. To be of transcendent importance the persons must have been of great eminence in their fields of endeavor or had a great impact upon the history of their community, State, or nation. (A single grave that is the burial place of an important person and is located in a larger cemetery that does not qualify under this Criteria Consideration should be treated under Criteria Consideration C: Birthplaces and Graves.)

Eligible

- A historic cemetery containing the graves of a number of persons who were exceptionally significant in determining the course of a State's political or economic history during a particular period is eligible.

Not Eligible

- A cemetery containing graves of State legislators is not eligible if they simply performed the daily business of State government and did not have an outstanding impact upon the nature and direction of the State's history.

ELIGIBILITY ON THE BASIS OF AGE

Cemeteries can be eligible if they have achieved historic significance for their relative great age in a particular geographic or cultural context.

Eligible

- A cemetery dating from a community's original 1830s settlement can attain significance from its association with that very early period.

ELIGIBILITY FOR DESIGN

Cemeteries can qualify on the basis of distinctive design values. These values refer to the same design values addressed in Criterion C and can include aesthetic or technological achievement in the fields of city planning, architecture, landscape architecture, engineering, mortuary art, and sculpture. As for all other nominated properties, a cemetery must clearly express its design values and be able to convey its historic appearance.

Eligible

- A Victorian cemetery is eligible if it clearly expresses the aesthetic principles related to funerary design for that period, through such features as the overall plan, landscaping, statuary, sculpture, fencing, buildings, and grave markers.

Not Eligible

- A cemetery cannot be eligible for design values if it no longer conveys its historic appearance because of the introduction of new grave markers.

ELIGIBILITY FOR ASSOCIATION WITH EVENTS

Cemeteries may be associated with historic events including specific important events or general events that illustrate broad patterns.

Eligible

- A cemetery associated with an important Civil War battle is eligible.
- A cemetery associated with the settlement of an area by an ethnic or cultural group is eligible if the movement of the group into the area had an important impact, if other properties associated with that group are rare, and if few documentary sources have survived to provide information about the group's history.

Not Eligible

- A cemetery associated with a battle in the Civil War does not qualify if the battle was not important in the history of the war.
- A cemetery associated with an area's settlement by an ethnic or cultural group is not eligible if the impact of the group on the area cannot be established, if other extant historic properties better convey association with the group, or if the information that the cemetery can impart is available in documentary sources.

ELIGIBILITY FOR INFORMATION POTENTIAL

Cemeteries, both historic and prehistoric, can be eligible if they have the potential to yield important information. The information must be important within a specific context and the potential to yield information must be demonstrated.

A cemetery can qualify if it has potential to yield important information provided that the information it contains is not available in extant documentary evidence.

Eligible

- A cemetery associated with the settlement of a particular cultural group will qualify if it has the potential to yield important information about subjects such as demography, variations in mortuary practices, or the study of the cause of death correlated with nutrition or other variables.

INTEGRITY

Assessing the integrity of a historic cemetery entails evaluating principal design features such as plan, grave markers, and any related elements (such as fencing). Only that portion of a historic cemetery that retains its historic integrity can be eligible. If the overall integrity has been lost because of the number and size of recent grave markers, some features such as buildings, structures, or objects that retain integrity may be considered as individual properties if they are of such historic or artistic importance that they individually meet one or more of the requirements listed above.

NATIONAL CEMETERIES

National Cemeteries administered by the Veterans Administration are eligible because they have been designated by Congress as primary memorials to the military history of the United States. Those areas within a designated national cemetery that have been used or prepared for the reception of the remains of veterans and their dependents, as well as any landscaped areas that immediately surround the graves may qualify. Because these cemeteries draw their significance from the presence of the remains of military personnel who have served the country throughout its history, the age of the cemetery is not a factor in judging eligibility, although integrity must be present.

A national cemetery or a portion of a national cemetery that has only been set aside for use in the future is not eligible.

CRITERIA CONSIDERATION E: RECONTRUCTED PROPERTIES

A reconstructed property is eligible when it is accurately executed in a suitable environment *and* presented in a dignified manner as part of a restoration master plan *and* when no other building or structure with the same associations has survived. All three of these requirements must be met.

UNDERSTANDING CRITERIA CONSIDERATION E: RECONSTRUCTED PROPERTIES

"Reconstruction" is defined as the reproduction of the exact form and detail of a vanished building, structure, object, or a part thereof, as it appeared at a specific period of time. Reconstructed buildings fall into two categories: buildings wholly constructed of new materials and buildings reassembled from some historic and some new materials. Both categories of properties present problems in meeting the integrity requirements of the National Register criteria.

Examples of Properties that MUST Meet Criteria Consideration E: Reconstructed Properties

- *A property in which most or all of the fabric is not original.*
- *A district in which an important resource or a significant number of resources are reconstructions.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration E: Reconstructed Properties

- *A property that is remodeled or renovated and still has the majority of its original fabric.*

APPLYING CRITERIA CONSIDERATION E: RECONSTRUCTED PROPERTIES

ACCURACY OF THE RECONSTRUCTION

The phrase "accurately executed" means that the reconstruction must be based upon sound archeological, architectural, and historic data concerning the historic construction and appearance of the resource. That documentation should include both analysis of any above or below ground material and research in written and other records.

SUITABLE ENVIRONMENT

The phrase "suitable environment" refers to: 1) the physical context provided by the historic district and 2) any interpretive scheme, if the historic district is used for interpretive purposes. This means that the reconstructed property must be located at the same site as the original. It must also be situated in its original grouping of buildings, structures, and objects (as many as are extant), and that grouping must retain integrity. In addition, the reconstruction must not be misrepresented as an authentic historic property.

Eligible

- A reconstructed plantation manager's office building is considered eligible because it is located at its historic site, grouped with the remaining historic plantation buildings and structures, and the plantation as a whole retains integrity. Interpretation of the plantation district includes an explanation that the manager's office is not the original building, but a reconstruction.

Not Eligible

- The same reconstructed plantation manager's office building would not qualify if it were rebuilt at a location different from that of the original building, or if the district as a whole no longer reflected the period for which it is significant, or if a misleading interpretive scheme were used for the district or for the reconstruction itself.

RESTORATION MASTER PLANS

Being presented "as part of a restoration master plan" means that: 1) a reconstructed property is an essential component in a historic district and 2) the reconstruction is part of an overall restoration plan for an entire district. "Restoration" is defined as accurately recovering the form and details of a property and its setting as it appeared at a particular period by removing later work or by replacing missing earlier work (as opposed to completely rebuilding the property). The master plan for the entire property must emphasize restoration, not reconstruction. In other words, the master plan for the entire resource would not be acceptable under this consideration if it called for reconstruction of a majority of the resource.

Eligible

- A reconstructed plantation manager's office is eligible if the office were an important component of the plantation *and* if the reconstruction is one element in an overall plan for restoring the plantation *and* if no other building or structure with the same associations has survived.
- The reconstruction of the plantation manager's office building can be eligible only if the majority of buildings, structures, and objects that comprised the plantation are extant and are being restored. For guidance regarding restoration see the *Secretary of the Interior's Standards for Historic Preservation Projects.*

LAST SURVIVING PROPERTY OF A TYPE

This consideration also stipulates that a reconstruction can qualify if, in addition to the other requirements, no other building, object, or structure with the same association has survived. A reconstruction that is part of a restoration master plan is appropriate only if: 1) the property is the only one in the district with which a particular important activity or event has been historically associated or 2) no other property with the same associative values has survived.

RECONSTRUCTIONS OLDER THAN FIFTY YEARS

After the passage of fifty years, a reconstruction may attain its own significance for what it reveals about the period in which it was built, rather than the historic period it was intended to depict. On that basis, a reconstruction can possibly qualify under any of the Criteria.

CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES

A property primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historical significance.

UNDERSTANDING CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES

Commemorative properties are designed or constructed after the occurrence of an important historic event or after the life of an important person. They are not directly associated with the event or with the person's productive life, but serve as evidence of a later generation's assessment of the past. Their significance comes from their value as cultural expressions at the date of their creation. Therefore, a commemorative property generally must be over fifty years old and must possess significance based on its own value, not on the value of the event or person being memorialized.

Examples of Properties that MUST Meet Criteria Consideration F: Commemorative Properties

- *A property whose sole or primary function is commemorative or in which the commemorative function is of primary significance.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration F: Commemorative Properties

- *A resource that has a non-commemorative primary function or significance.*
- *A single marker that is a component of a district (whether contributing or non-contributing).*

APPLYING CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES

ELIGIBILITY FOR DESIGN

A commemorative property derives its design from the aesthetic values of the period of its creation. A commemorative property, therefore, may be significant for the architectural, artistic, or other design qualities of its own period in prehistory or history.

Eligible

- A commemorative statue situated in a park or square is eligible if it expresses the aesthetics or craftsmanship of the period when it was made, meeting Criterion C.
- A late 19th century statue erected on a courthouse square to commemorate Civil War veterans would qualify if it reflects that era's shared perception of the noble character and valor of the veterans and their cause. This was commonly conveyed by portraying idealized soldiers or allegorical figures of battle, victory, or sacrifice.

ELIGIBILITY FOR AGE, TRADITION, OR SYMBOLIC VALUE

A commemorative property cannot qualify for association with the event or person it memorializes. A commemorative property may, however, acquire significance after the time of its creation through *age, tradition,* or *symbolic* value. This significance must be documented by accepted methods of historical research, including written or oral history, and must meet one or more of the Criteria.

Eligible

- A commemorative marker erected by a cultural group that believed the place was the site of its origins is eligible if, for subsequent generations of the group, the marker itself became the focus of traditional association with the group's historic identity.
- A building erected as a monument to an important historical figure will qualify if through the passage of time the property itself has come to symbolize the value placed upon the individual and is widely recognized as a reminder of enduring principles or contributions valued by the generation that erected the monument.
- A commemorative marker erected early in the settlement or development of an area will qualify if it is demonstrated that, because of its relative great age, the property has long been a part of the historic identity of the area.

Not Eligible

- A commemorative marker erected in the past by a cultural group at the site of an event in its history would not be eligible if the marker were significant only for association with the event, and it had not become significant itself through tradition.
- A building erected as a monument to an important historical figure would not be eligible if its only value lay in its association with the individual, and it has not come to symbolize values, ideas, or contributions valued by the generation that erected the monument.
- A commemorative marker erected to memorialize an event in the community's history would not qualify simply for its association with the event it memorialized.

INELIGIBILITY AS THE LAST REPRESENTATIVE OF AN EVENT OR PERSON

The loss of properties directly associated with a significant event or person does not strengthen the case for consideration of a commemorative property. Unlike birthplaces and graves, a commemorative property usually has no direct historic association. The commemorative property can qualify for historic association only if it is clearly significant in its own right, as stipulated above.

CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE LAST FIFTY YEARS[9]

A property achieving significance within the last fifty years is eligible if it is of exceptional importance.

UNDERSTANDING CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE LAST FIFTY YEARS

The National Register Criteria for Evaluation exclude properties that achieved significance within the last fifty years unless they are of exceptional importance. Fifty years is a general estimate of the time needed to develop historical perspective and to evaluate significance. This consideration guards against the listing of properties of passing contemporary interest and ensures that the National Register is a list of truly historic places.

Examples of Properties that MUST Meet Criteria Consideration G: Properties that Have Achieved Significance Within the Last Fifty Years

- *A property that is less than fifty years old.*
- *A property that continues to achieve significance into a period less than fifty years before the nomination.*
- *A property that has non-contiguous Periods of Significance, one of which is less than fifty years before the nomination.*
- *A property that is more than fifty years old and had no significance until a period less than fifty years before the nomination.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration G: Properties that Have Achieved Significance Within the Last Fifty Years

- *A resource whose construction began over fifty years ago, but the completion overlaps the fifty year period by a few years or less.*
- *A resource that is significant for its plan or design, which is over fifty years old, but the actual completion of the project overlaps the fifty year period by a few years.*
- *A historic district in which a few properties are newer than fifty years old, but the majority of properties and the most important Period of Significance are greater than fifty years old.*

[9] For more information on Criteria Consideration G, refer to *National Register Bulletin: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Last Fifty Years.*

APPLYING CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE PAST FIFTY YEARS

ELIGIBILITY FOR EXCEPTIONAL IMPORTANCE

The phrase "exceptional importance" may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any age are unusual. Properties listed that had attained significance in less than fifty years include: the launch pad at Cape Canaveral from which men first traveled to the moon, the home of nationally prominent playwright Eugene O'Neill, and the Chrysler Building (New York) significant as the epitome of the "Style Moderne" architecture.

Properties less than fifty years old that qualify as exceptional because the entire category of resources is fragile include a recent example of a traditional sailing canoe in the Trust Territory of the Pacific Islands, where because of rapid deterioration of materials, no working Micronesian canoes exist that are more than twenty years old. Properties that by their nature can last more than fifty years cannot be considered exceptionally important because of the fragility of the class of resources.

The phrase "exceptional importance" does not require that the property be of national significance. It is a measure of a property's importance within the appropriate historic context, whether the scale of that context is local, State, or national.

Eligible

- The General Laundry Building in New Orleans, one of the few remaining Art Deco Style buildings in that city, was listed in the National Register when it was forty years old because of its exceptional importance as an example of that architectural style.

HISTORICAL PERSPECTIVE

A property that has achieved significance within the past fifty years can be evaluated only when sufficient historical perspective exists to determine that the property is exceptionally important. The necessary perspective can be provided by scholarly research and evaluation, and must consider both the historic context and the specific property's role in that context.

In many communities, properties such as apartment buildings built in the 1950s cannot be evaluated because there is no scholarly research available to provide an overview of the nature, role, and impact of that building type within the context of historical and architectural developments of the 1950s.

NATIONAL PARK SERVICE RUSTIC ARCHITECTURE

Properties such as structures built in a rustic style by the National Park Service during the 1930s and 1940s can be evaluated because a broad study, *National Park Service Rustic Architecture* (1977), provides the context for evaluating properties of this type and style. Specific examples were listed in the National Register prior to reaching fifty years of age when documentation concerning the individual properties established their significance within the historical and architectural context of the type and style.

VETERANS ADMINISTRATION HOSPITALS

Hospitals less than fifty years old that were constructed by the Veterans Bureau and Veterans Administration can be evaluated because the collection of forty-eight facilities built between 1920 and 1946 has been analyzed in a study prepared by the agency. The study provided a historic and architectural context for development of veteran's care within which hospitals could be evaluated. The exceptional importance of specific individual facilities constructed within the past fifty years could therefore be determined based on their role and their present integrity.

COMPARISON WITH RELATED PROPERTIES

In justifying exceptional importance, it is necessary to identify other properties within the geographical area that reflect the same significance or historic associations and to determine which properties *best* represent the historic context in question. Several properties in the area could become eligible with the passage of time, but few will qualify now as exceptionally important.

POST-WORLD WAR II PROPERTIES

Properties associated with the post-World War II era must be identified and evaluated to determine which ones in an area could be judged exceptionally important. For example, a public housing complex may be eligible as an outstanding expression of the nation's post-war urban policy. A military installation could be judged exceptionally important because of its contribution to the Cold War arms race. A church building in a Southern city may have served as the pivotal rallying point for the city's most famous civil rights protest. A post-war suburban subdivision may be the best reflection of contemporary siting and design tenets in a metropolitan area. In each case, the nomination preparer must justify the *exceptional* importance of the property relative to similar properties in the community, State, or nation.

ELIGIBILITY FOR INFORMATION POTENTIAL

A property that has achieved significance within the past fifty years can qualify under Criterion D only if it can be demonstrated that the information is of exceptional importance within the appropriate context and that the property contains data superior to or different from those obtainable from other sources, including other culturally related sites. An archeological site less than fifty years old may be eligible if the former inhabitants are so poorly documented that information about their lifeways is best obtained from examination of the material remains.

Eligible

- Data such as the rate of adoption of modern technological innovations by rural tenant farmers in the 1950s may not be obtainable through interviews with living persons but could be gained by examination of homesites.

Not Eligible

- A recent archeological site such as the remains of a Navajo sheep corral used in the 1950s would not be considered exceptionally significant for its information potential on animal husbandry if better information on the same topic is available through ethnographic studies or living informants.

HISTORIC DISTRICTS

Properties which have achieved significance within the past fifty years can be eligible for the National Register if they are an integral part of a district which qualifies for National Register listing. This is demonstrated by documenting that the property dates from within the district's defined Period of Significance and that it is associated with one or more of the district's defined Areas of Significance.

Properties less than fifty years old may be an integral part of a district when there is sufficient perspective to consider the properties as historic. This is accomplished by demonstrating that: 1) the district's Period of Significance is justified as a discrete period with a defined beginning and end, 2) the character of the district's historic resources is clearly defined and assessed, 3) specific resources in the district are demonstrated to date from that discrete era, and 4) the majority of district properties are over fifty years old. In these instances, it is not necessary to prove exceptional importance of either the district itself or the less-than-fifty-year-old properties. Exceptional importance still must be demonstrated for district where the majority of properties or the major Period of Significance is less than fifty years old, and for less-than-fifty-year-old properties which are nominated individually.

PROPERTIES MORE THAN FIFTY YEARS IN AGE, LESS THAN FIFTY YEARS IN SIGNIFICANCE

Properties that are more than fifty years old, but whose significant associations or qualities are less than fifty years old, must be treated under the fifty year consideration.

Eligible

- A building constructed early in the twentieth century (and having no architectural importance), but that was associated with an important person during the 1950s, must be evaluated under Criteria Consideration G because the Period of Significance is within the past fifty years. Such a property would qualify if the person was of exceptional importance.

REQUIREMENT TO MEET THE CRITERIA, REGARDLESS OF AGE

Properties that are less than fifty years old and are not exceptionally important will *not* automatically qualify for the National Register once they are fifty years old. In order to be listed in the National Register, all properties, regardless of age, must be demonstrated to meet the Criteria for Evaluation.

VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

INTRODUCTION

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining *which* of these aspects are most important to a particular property requires knowing why, where, and when the property is significant. The following sections define the seven aspects and explain how they combine to produce integrity.

SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

UNDERSTANDING THE ASPECTS OF INTEGRITY

LOCATION

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved. (See Criteria Consideration B in *Part VII: How to Apply the Criteria Considerations*, for the conditions under which a moved property can be eligible.)

DESIGN

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

SETTING

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.

MATERIALS

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a recreation; a recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible. (See Criteria Consideration E in *Part VII: How to Apply the Criteria Considerations* for the conditions under which a reconstructed property can be eligible.)

WORKMANSHIP

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in prehistoric contexts include Paleo-Indian clovis projectile points; Archaic period beveled adzes; Hopewellian birdstone pipes; copper earspools and worked bone pendants; and Iroquoian effigy pipes.

FEELING

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

ASSOCIATION

Association is the direct link between an important historic event or person and a historic property. A property retains association if it *is* the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

Because feeling and association depend on individual perceptions, their retention *alone* is never sufficient to support eligibility of a property for the National Register.

ASSESSING INTEGRITY IN PROPERTIES

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity.

The steps in assessing integrity are:

- Define the **essential physical features** that must be present for a property to represent its significance.
- Determine whether the **essential physical features are visible** enough to convey their significance.
- Determine whether the property needs to be **compared with similar properties.** And,
- Determine, based on the significance and essential physical features, **which aspects of integrity** are particularly vital to the property being nominated and if they are present.

Ultimately, the question of integrity is answered by whether or not the property retains the **identity** for which it is significant.

DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

CRITERIA A AND B

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact.

Archeological sites eligible under Criteria A and B must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to convey important associations with events or persons.

CRITERION C

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible *if* it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Archeological sites eligible under Criterion C must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to illustrate a site type, time period, method of construction, or work of a master.

CRITERION D

For properties eligible under Criterion D, including archeological sites and standing structures studied for their information potential, less attention is given to their overall condition, than it they were being considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly as they were formed. There are always cultural and natural processes that alter the deposited materials and their spatial relationships.

For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions, such as those identified in the historic context documentation in the Statewide Comprehensive Preservation Plan or in the research design for projects meeting the *Secretary of the Interior's Standards for Archeological Documentation.*

INTERIORS

Some historic buildings are virtually defined by their exteriors, and their contribution to the built environment can be appreciated even if their interiors are not accessible. Examples of this would include early examples of steel-framed skyscraper construction. The great advance in American technology and engineering made by these buildings can be read from the outside. The change in American popular taste during the 19th century, from the symmetry and simplicity of architectural styles based on classical precedents, to the expressions of High Victorian styles, with their combination of textures, colors, and asymmetrical forms, is readily apparent from the exteriors of these buildings.

Other buildings "are" interiors. The Cleveland Arcade, that soaring 19th century glass-covered shopping area, can only be appreciated from the inside. Other buildings in this category would be the great covered train sheds of the 19th century.

In some cases the loss of an interior will disqualify properties from listing in the National Register—a historic concert hall noted for the beauty of its auditorium and its fine acoustic qualities would be the type of property that if it were to lose its interior, it would lose its value as a historic resource. In other cases, the overarching significance of a property's exterior can overcome the adverse effect of the loss of an interior.

In borderline cases particular attention is paid to the significance of the property and the remaining historic features.

HISTORIC DISTRICTS

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance *or*
- it does not share the historic associations of the district.

VISIBILITY OF PHYSICAL FEATURES

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.

NON-HISTORIC EXTERIORS

If the historic *exterior* building material is covered by non-historic material (such as modern siding), the property can still be eligible *if* the significant form, features, and detailing are not obscured. If a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place. If the false front, curtain wall, or non-historic siding is removed and the original building materials are intact, then the property's integrity can be re-evaluated.

PROPERTY CONTAINED WITHIN ANOTHER PROPERTY

Some properties contain an earlier structure that formed the nucleus for later construction. The exterior property, if not eligible in its own right, can qualify on the basis of the interior property *only if* the interior property can yield significant information about a specific construction technique or material, such as rammed earth or tabby. The interior property *cannot* be used as the basis for eligibility if it has been so altered that it no longer contains the features that could provide important information, or if the presence of important information cannot be demonstrated.

SUNKEN VESSELS

A sunken vessel can be eligible under Criterion C as embodying the distinctive characteristics of a method of construction if it is structurally intact. A *deteriorated* sunken vessel, no longer structurally intact, can be eligible under Criterion D if the remains of either the vessel or its contents is capable of yielding significant information. For further information, refer to *National Register Bulletin: Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places.*

Natural Features

A natural feature that is associated with a historic event or trend, such as a rock formation that served as a trail marker during westward expansion, must retain its historic appearance, unobscured by modern construction or landfill. Otherwise it is not eligible, even though it remains intact.

COMPARING SIMILAR PROPERTIES

For some properties, comparison with similar properties should be considered during the evaluation of integrity. Such comparison may be important in deciding what physical features are essential to properties of that type. In instances where it has not been determined what physical features a property must possess in order for it to reflect the significance of a historic context, comparison with similar properties should be undertaken during the evaluation of integrity. This situation arises when scholarly work has not been done on a particular property type or when surviving examples of a property type are extremely rare. (See **Comparing Related Properties** in *Part V: How to Evaluate a Property within its Historic Context.)*

RARE EXAMPLES OF A PROPERTY TYPE

Comparative information is particularly important to consider when evaluating the integrity of a property that is a rare surviving example of its type. The property must have the essential physical features that enable it to convey its historic character or information. The rarity and poor condition, however, of other extant examples of the type may justify accepting a greater degree of alteration or fewer features, provided that enough of the property survives for it to be a significant resource.

Eligible

- A one-room schoolhouse that has had all original exterior siding replaced and a replacement roof that does not exactly replicate the original roof profile can be eligible if the other extant rare examples have received an even greater degree of alteration, such as the subdivision of the original one-room plan.

Not Eligible

- A mill site contains information on how site patterning reflects historic functional requirements, but parts of the site have been destroyed. The site is not eligible for its information potential if a comparison of other mill sites reveals more intact properties with complete information.

DETERMINING THE RELEVANT ASPECTS OF INTEGRITY

Each type of property depends on certain aspects of integrity, more than others, to express its historic significance. Determining which of the aspects is most important to a particular property requires an understanding of the property's significance and its essential physical features.

CRITERIA A AND B

A property important for association with an event, historical pattern, or person(s) ideally might retain *some* features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.

For archeological sites that are eligible under Criteria A and B, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the potential to yield information is required.

Eligible

A mid-19th century waterpowered mill important for its association with an area's industrial development is eligible if:

- it is still on its original site (**Location**), and
- the important features of its setting are intact (**Setting**), and
- it retains most of its historic materials (**Materials**), and
- it has the basic features expressive of its design and function, such as configuration, proportions, and window pattern (**Design**).

Not Eligible

A mid-19th century waterpowered mill important for its association with an area's industrial development is not eligible if:

- it has been moved (**Location, Setting, Feeling**, and **Association**), or
- substantial amounts of new materials have been incorporated (**Materials, Workmanship,** and **Feeling**), or
- it no longer retains basic design features that convey its historic appearance or function (**Design, Workmanship,** and **Feeling**).

CRITERION C

A property significant under Criterion C must retain those physical features that characterize the type, period, or method of construction that the property represents. Retention of design, workmanship, and materials will usually be more important than location, setting, feeling, and association. Location and setting will be important, however, for those properties whose design is a reflection of their immediate environment (such as designed landscapes and bridges).

For archeological sites that are eligible under Criterion C, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the *potential* to yield information is required.

Eligible

A 19th century wooden covered bridge, important for illustrating a construction type, is eligible if:

- the essential features of its design are intact, such as abutments, piers, roof configuration, and trusses (**Design, Workmanship,** and **Feeling**), and
- most of the historic materials are present (**Materials, Workmanship**, and **Feeling**), and
- evidence of the craft of wooden bridge technology remains, such as the form and assembly technique of the trusses (**Workmanship**).
- Since the design of a bridge relates directly to its function as a transportation crossing, it is also important that the bridge still be situated over a waterway (**Setting, Location, Feeling,** and **Association**).

Not Eligible

For a 19th century wooden covered bridge, important for its construction type, replacement of some materials of the flooring, siding, and roofing would not necessarily damage its integrity. Integrity would be lost, however, if:

- the abutments, piers, or trusses were substantially altered (**Design, Workmanship,** and **Feeling**) or
- considerable amounts of new materials were incorporated (**Materials, Workmanship,** and **Feeling**).
- Because environment is a strong factor in the design of this property type, the bridge would also be ineligible if it no longer stood in a place that conveyed its function as a crossing (**Setting, Location, Feeling,** and **Association**).

CRITERION D

For properties eligible under Criterion D, setting and feeling may not have direct bearing on the property's ability to yield important information. Evaluation of integrity probably will focus primarily on the location, design, materials, and perhaps workmanship.

Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns can be eligible if:

- floral or faunal remains are found in clear association with cultural material (**Materials** and **Association**) and
- the site exhibits stratigraphic separation of cultural components (**Location**).

Not Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns would not be eligible if:

- floral or faunal remains were so badly decomposed as to make identification impossible (**Materials**), or
- floral or faunal remains were disturbed in such a manner as to make their association with cultural remains ambiguous (**Association**), or
- the site has lost its stratigraphic context due to subsequent land alterations (**Location**).

Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period can be eligible if:

- the site contains lithic debitage, finished stone tools, hammerstones, or antler flakers (**Material** and **Design**), and
- the site contains datable material (**Association**).

Not Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period would not be eligible if:

- the site contains natural deposits of lithic materials that are impossible to distinguish from culturally modified lithic material (**Design**) or
- the site does not contain any temporal diagnostic evidence that could link the site to the Late Archaic period (**Association**).

IX. SUMMARY OF THE NATIONAL HISTORIC LANDMARKS CRITERIA FOR EVALUATION

A property being nominated to the National Register may also merit consideration for potential designation as a National Historic Landmark. Such consideration is dependent upon the stringent application of the following distinct set of criteria (found in the *Code of Federal Regulations, Title 36, Part 65*).

NATIONAL HISTORIC LANDMARKS CRITERIA

The quality of national significance is ascribed to districts, sites, buildings, structures, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
2. That are associated importantly with the lives of persons nationally significant in the history of the United States; or
3. That represent some great idea or ideal of the American people; or
4. That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or
5. That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
6. That have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

NATIONAL HISTORIC LANDMARK EXCLUSIONS

Ordinarily, cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings and properties that have achieved significance within the past fifty years are not eligible for designation. If such properties fall within the following categories they may, nevertheless, be found to qualify:

1. A religious property deriving its primary national significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is nationally significant primarily for its architectural merit, or for association with persons or events of transcendent importance in the nation's history and the association consequential; or
3. A site of a building or structure no longer standing but the person or event associated with it is of transcendent importance in the nations's history and the association consequential; or

4. A birthplace, grave or burial if it is of a historical figure of transcendent national significance and no other appropriate site, building, or structure directly associated with the productive life of that person exists; or

5. A cemetery that derives its primary national significance from graves of persons of transcendent importance, or from an exceptionally distinctive design or an exceptionally significant event; or

6. A reconstructed building or ensemble of buildings of extraordinary national significance when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other buildings or structures with the same association have survived; or

7. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own national historical significance; or

8. A property achieving national significance within the past 50 years if it is of extraordinary national importance.

COMPARING THE NATIONAL HISTORIC LANDMARKS CRITERIA AND THE NATIONAL REGISTER CRITERIA

In general, the instructions for preparing a National Register nomination and the guidelines stated in this bulletin for applying the National Register Criteria also apply to Landmark nominations and the use of the Landmark criteria. While there are specific distinctions discussed below, *Parts IV and V* of this bulletin apply equally to National Register listings and Landmark nominations. That is, the categories of historic properties are defined the same way; historic contexts are identified similarly; and comparative evaluation is carried out on the same principles enumerated in *Part V*.

There are some differences between National Register and National Historic Landmarks Criteria. The following is an explanation of how each Landmark Criterion compares with its National Register Criteria counterpart:

CRITERION 1

This Criterion relates to National Register Criterion A. Both cover properties associated with events. The Landmark Criterion, however, requires that the events associated with the property be *outstandingly* represented by that property and that the property be related to the broad national patterns of U.S. history. Thus, the quality of the property to convey and interpret its meaning must be of a higher order and must relate to national themes rather than the narrower context of State or local themes.

CRITERION 2

This Criterion relates to National Register Criterion B. Both cover properties associated with significant people. The Landmark Criterion differs in that it specifies that the association of a person to the property in question be an important one and that the person associated with the property be of *national* significance.

CRITERION 3

This Criterion has no counterpart among the National Register Criteria. It is rarely, if ever, used alone. While not a landmark at present, the Liberty Bell is an object that might be considered under this Criterion. The application of this Criterion obviously requires the most careful scrutiny and would apply only in rare instances involving ideas and ideals of the highest order.

CRITERION 4

This Criterion relates to National Register Criterion C. Its intent is to qualify exceptionally important works of architecture or collective elements of architecture extraordinarily significant as an ensemble, such as a historic district. Note that the language is more restrictive than that of the National Register Criterion in requiring that a candidate in architecture be "a specimen exceptionally valuable for the study of a period, style, or method of construction" rather than simply embodying distinctive characteristics of a type, period, or method of construction. With regard to historic districts, the Landmarks Criterion requires an entity that is distinctive and exceptional. Unlike National Register Criterion C, this Criterion will not qualify the works of a master, per se, but only such works which are exceptional or extraordinary. Artistic value is considered only in the context of history's judgement in order to avoid current conflicts of taste.

CRITERION 5

This Criterion does not have a strict counterpart among the National Register Criteria. It may seem redundant of the latter part of Landmark Criterion 4. It is meant to cover collective entities such as Greenfield Village and historic districts like New Bedford, Massachusetts, which qualify for their collective association with a nationally significant event, movement, or broad pattern of national development.

CRITERION 6

The National Register counterpart of this is Criterion D. Criterion 6 was developed specifically to recognize archeological sites. All such sites must address this Criterion. The following are the qualifications that distinguish this Criterion from its National Register counterpart: the information yielded or likely to be yielded must be of *major* scientific importance by revealing new cultures, or by shedding light upon periods of occupation *over large areas* of the United States. Such sites should be expected to yield data affecting *theories, concepts, and ideas* to a *major degree.*

The data recovered or expected to be recovered must make a major contribution to the existing corpus of information. Potentially recoverable data must be likely to revolutionize or substantially modify a major theme in history or prehistory, resolve a substantial historical or anthropological debate, or close a serious gap in a major theme of U. S. history or prehistory.

EXCLUSIONS AND EXCEPTIONS TO THE EXCLUSIONS

This section of the National Historic Landmarks Criteria has its counterpart in the National Register's "Criteria Considerations." The most abundant difference between them is the addition of the qualifiers "national," "exceptional," or "extraordinary" before the word significance. Other than this, the following are the most notable distinctions:

EXCLUSION 2

Buildings moved from their original location, qualify only if one of two conditions are met: 1) the building is nationally significant for architecture, *or* 2) the persons or events with which they are associated are of *transcendent* national significance and the association is consequential.

Transcendent significance means an order of importance higher than that which would ordinarily qualify a person or event to be nationally significant. A consequential association is a relationship to a building that had an evident impact on events, rather than a connection that was incidental and passing.

EXCLUSION 3

This pertains to the site of a structure no longer standing. There is no counterpart to this exclusion in the National Register Criteria. In order for such a property to qualify for Landmark designation it must meet the second condition cited for Exclusion 2.

EXCLUSION 4

This exclusion relates to Criteria Consideration C of the National Register Criteria. The only difference is that a burial place qualifies for Landmark designation only if, in addition to other factors, the person buried is of *transcendent* national importance.

When evaluating properties at the national level for designation as a National Historic Landmark, please refer to the National Historic Landmarks outline, *History and Prehistory in the National Park System and the National Historic Landmarks Program, 1987*. (For more information about the National Historic Landmarks program, please write to Department of the Interior, National Park Service, National Historic Landmarks, 1849 C Street, NW, NC400, Washington, DC 20240.)

X. GLOSSARY

Associative Qualities - An aspect of a property's history that links it with historic events, activities, or persons.

Code of Federal Regulations - Commonly referred to as "CFR." The part containing the National Register Criteria is usually referred to as 36 CFR 60, and is available from the National Park Service.

CLG - Certified Local Government.

Culture - A group of people linked together by shared values, beliefs, and historical associations, together with the group's social institutions and physical objects necessary to the operation of the institution.

Cultural Resource - See Historic Resource.

Evaluation - Process by which the significance and integrity of a historic property are judged and eligibility for National Register listing is determined.

Historic Context - An organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical area, and a common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based upon comparative historic significance.

Historic Integrity - The unimpaired ability of a property to convey its historical significance.

Historic Property - See Historic Resource.

Historic Resource - Building, site, district, object, or structure evaluated as historically significant.

Identification - Process through which information is gathered about historic properties.

Listing - The formal entry of a property in the National Register of Historic Places. See also, Registration.

Nomination - Official recommendation for listing a property in the National Register of Historic Places.

Property Type - A grouping of properties defined by common physical and associative attributes.

Registration - Process by which a historic property is documented and nominated or determined eligible for listing in the National Register.

Research Design - A statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project's goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments.

XI. LIST OF NATIONAL REGISTER BULLETINS

The Basics
How to Apply National Register Criteria for Evaluation *

Guidelines for Completing National Register of Historic Places Form
Part A: How to Complete the National Register Form *
Part B: How to Complete the National Register Multiple Property Documentation Form *

Researching a Historic Property *

Property Types
Guidelines for Evaluating and Documenting Historic **Aids to Navigation** *

Guidelines for Identifying, Evaluating and Registering **America's Historic Battlefields**

Guidelines for Evaluating and Registering Historical **Archeological Sites**

Guidelines for Evaluating and Documenting Historic **Aviation Properties**

Guidelines for Evaluating and Registering **Cemeteries and Burial Places**

How to Evaluate and Nominate **Designed Historic Landscapes** *

Guidelines for Identifying, Evaluating and Registering Historic **Mining Sites**

How to Apply National Register Criteria to **Post Offices** *

Guidelines for Evaluating and Documenting **Properties Associated with Significant Persons**

Guidelines for Evaluating and Documenting **Properties That Have Achieved Significance Within the Last Fifty Years** *

Guidelines for Evaluating and Documenting **Rural Historic Landscapes** *

Guidelines for Evaluating and Documenting **Traditional Cultural Properties** *

Nominating Historic **Vessels and Shipwrecks** to the National Register of Historic Places

Technical Assistance
Defining Boundaries for National Register Properties*

Guidelines for Local Surveys: A Basis for Preservation Planning *

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U.S. GOVERNMENT PRINTING OFFICE: 2005—717-788

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: October 27, 2023
RE: Proposed Historic District Amendment – PUBLIC HEARING - CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING
PROJECT ID: Not Applicable
MEETING: November 1, 2023

Owner: Portland Museum of Art

A legal ad announcing the Historic Preservation Board's meeting on November 1, 2023 was published in the Portland Press Herald on October 20, 2023 and October 21, 2023, and 169 notices were sent to property owners within the Congress Street Historic District.

PROJECT SCOPE

The applicant is proposing that the Congress Street Historic District be amended to reclassify 142 Free Street as non-contributing to the district. The proposed amendment would mean that alterations would be reviewed under different standards within the Historic Preservation Ordinance, and would allow by-right demolition of the structure. The applicant is not proposing to change the boundaries of the Congress Street Historic District, meaning that any future alterations, additions, or new construction on the site would still be subject to the applicable review standards of the Historic Preservation Ordinance.

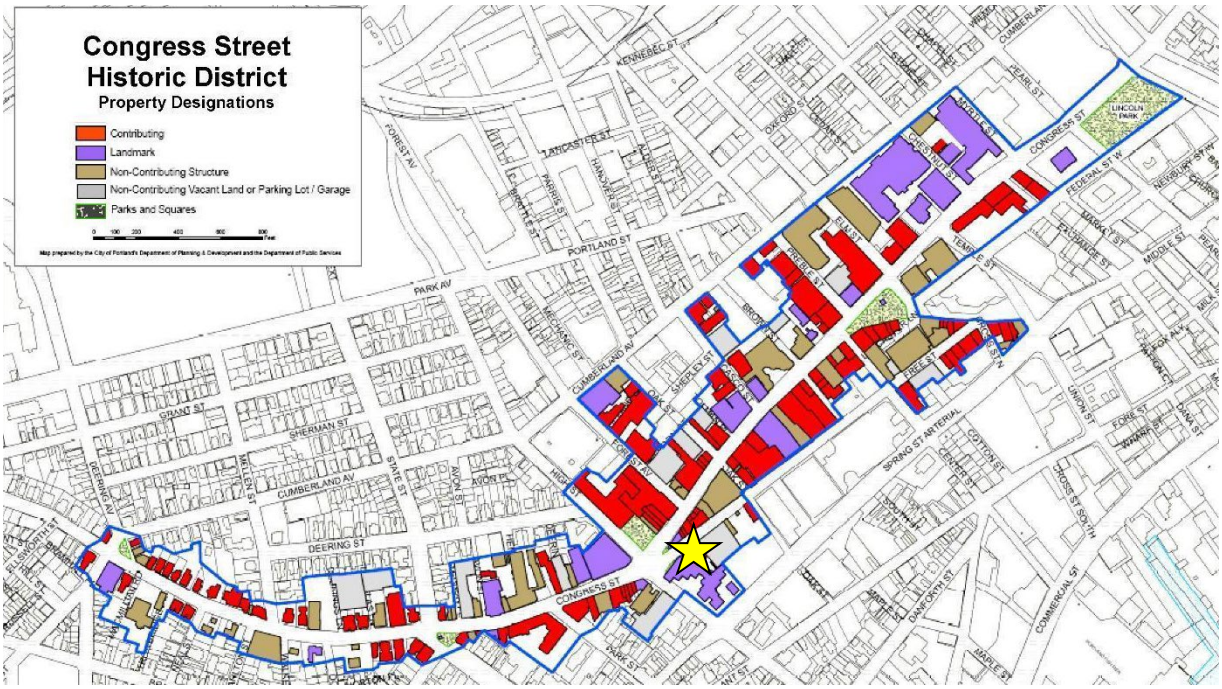

Figure 1: Map of Congress Street Historic District showing location of 142 Free Street with a star.

SUMMARY OF HISTORIC CONTEXT

142 Free Street was originally constructed in 1830 as a theater building. No images of the structure exist from this period; however, descriptions suggest a late federal or Greek revival style. Shortly thereafter in 1836, the structure was renovated into a temple-fronted Greek revival church for the Free Street Baptist Church. Then, again in 1856, the church was renovated into an asymmetrical double-spired Italianate/Romanesque revival church. In 1876, after the taller of the church's spires was damaged in a storm, the steeple was redesigned. Throughout the Free Street Baptist Church's ownership of the structure, they made a series of other modest and interior renovations in addition to the major redesigns.

In 1926, after a merger with another Baptist Church, the structure was sold to the Portland Chamber of Commerce. The Chamber retained architect John Calvin Stevens to complete renovations to the structure. It was at this time that the building was redesigned to its current Greek or colonial revival temple-fronted form. The Chamber retained the building until 1991 when, after financial difficulties, it was sold to the Children's Museum of Maine. Under the ownership of the Children's Museum, the structure underwent further alterations including programs of window and door replacement, dormer additions, and addition of the prominent octagonal cupola.

The Spring Street Historic District was added to the National Register of Historic Places in 1976. In 2020 the National Register listing was updated with an expanded period of significance (1800-1943), at which point the Chamber of Commerce building was listed as a contributing resource

within the National Register District. It was also listed as contributing to the local Congress Street Historic District in 2009. While the updated National Register nomination did include a period of significance for the Spring Street Historic District from 1800 to 1943, the local Congress Street Historic District did not include a specific period of significance. However, the period of significance can be presumed as extending from 1785 (the original date of construction for the Wadsworth-Longfellow House, the oldest contributing structure within the district) to 1959 (fifty years prior to the establishment of the local district). This would mean that the period of significance ended during the tenure of the Chamber of Commerce. While it also includes the eras of the theatre and the Free Street Baptist Church, those assorted renovations and redesigns would have attained historical significance in their own right, speaking to the history of the evolution of Congress Street over the nearly two-hundred years of history the district represents.

For a more thorough documentation of the history of 142 Free Street, including extensive images and documentation of alterations, please see the report by Margaret Gaertner included in the applicant's materials (Attachment 1). Additional information on the Congress Street Historic District can be found in the attachments (Attachments 2 & 3) and on the city website: https://www.portlandmaine.gov/665/Historic-Districts

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PREVIOUS REVIEW BY HISTORIC PRESERVATION BOARD

October 4, 2023, Workshop:

During the October 4 workshop, the applicant presented background information on the proposed expansion of the Portland Museum of Art campus and preliminary information on their planned future development. Board members asked the applicant about whether consideration had been given to reusing the existing building or incorporating elements of it. The applicant stated that they had, but felt that the challenges were too great and that they had not received a positive reception by the public of those versions of their planned project. Board members also requested confirmation on the basis for the current application for reclassification being limited to a question of the integrity of the existing structure. The applicant provided no other areas of consideration for the Board within the scope of the ordinance's minimum criteria for designation.

Based on the materials supplied by the applicant (including the extensive report on the history of 142 Free Street) and the materials from the designation of the Congress Street Historic District in 2009, Board members agreed that the existing structure had been correctly deemed contributing when the District was established. Board members noted that while the building had a long history of alterations from its original construction in 1830, it still retained a high degree of integrity relative to the 1926 redesign by John Calvin Stevens. Alterations noted by the applicant in their materials were acknowledged by the Board, but members noted that window replacements and additions are regularly approved alterations to contributing structures. Several Board members praised the intentions behind the proposed expansion with several noting that they personally

appreciated the design of the proposed new structure; however, there was general agreement that the applicant had not provided a basis by which the Board could recommend that the structure be reclassified as noncontributing.

STAFF COMMENTS

The application is being brought forward for a public hearing. For the Board's consideration, the applicant has provided the same materials as were reviewed at the October 4 workshop. The Board will vote on a recommendation to the Planning Board and City Council. Staff have revised the analysis of the applicable review standards and provided a motion for consideration based on the Board's discussion at the October 4 workshop. The below assessment is informed by Board deliberations at the workshop.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Integrity of Landmarks and Historic Districts, 17.4.2:

Any area, structure, or object that meets the criteria in Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration.
Location
Staff Comments
The building remains in its historic location and therefore retains integrity of location.
Design
Staff Comments
At the Oct. 4th workshop, Board members concurred that while the structure has experienced alterations prior to the designation of the Congress Street Historic District, including replacement windows and doors, and additions, the essential character of the Chamber of Commerce building as designed by John Calvin Stevens (in particular at the Free Street elevation) has not been irretrievably destroyed, and the structure therefore retains integrity of design.
Condition
Staff Comments
The applicant had noted that the building is generally in good structural condition, though they had previously noted to staff that the building would require extensive interior upgrades and improvements in order to be usable and accessible. Based on the information presented, the Board agreed that the structure retains integrity of condition.

Materials
Staff Comments
Board members concurred that while some historic materials have been lost through the replacement of windows and doors, the structure still retains significant amounts of historic materials including the masonry walls and extensive decorative trim and details at the Free Street elevation, and therefore retains integrity of materials.
Workmanship
Staff Comments
Board members concurred that while some evidence of historic workmanship has been lost through the replacement of windows and doors, the structure still retains significant evidence of historic workmanship, in particular at the decorative trim and details at the Free Street elevation, and therefore retains integrity of workmanship.

MOTION FOR CONSIDERATION

I move to recommend that the Planning Board and City Council vote to retain the contributing classification for the former Chamber of Commerce Building at 142 Free Street within the Congress Street Historic District on the basis of submitted documentation; information provided in the staff memo; and findings by the Historic Preservation Board pursuant to 17.4.2 that 142 Free Street retains sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration. Pursuant to 17.5.4-A, the staff memorandum from this hearing and the attachments shall serve as the report of these findings to the Planning Board and City Council.

ATTACHMENTS

1. Portland Museum of Art Application
2. Congress Street Historic District Description
3. 142 Free Street – Property Description from Congress Street Historic District Designation Materials
4. Chapter 14, Article 17 Excerpts
5. National Register Bulletin - How to Apply the National Register Criteria

August 31, 2023

City of Portland
Historic Preservation Board
c/o Evan Schueckler
Historic Preservation Program Manager
389 Congress Street
Portland, ME 04101

Dear Historic Preservation Board,

Please accept this letter as an application for the Portland Museum of Art, Portland, Maine, to request that the Historic Preservation Board of the City of Portland re-classify the 142 Free Street property, currently a "contributing structure," to be "non-contributing" on the basis that the building never should have been classified as contributing in 2009 and 2020. Please review the History of 142 Free Street report prepared by Margaret Gaertner, Historic Building Consultant, for the details on the history of this property as well as the memo attached analyzing the existing designation position.

Throughout its lifetime, 142 Free Street has been significantly altered, and is now virtually unrecognizable when compared to previous iterations of the building. As a result, and after much diligence and research, we have come to believe it does not contribute to the district historically, nor does it support our city's innovative vision for the future. When considered for its role in the Congress Street Historic District, and as part of the PMA's historic campus, 142 Free Street does not carry the same historical stature, architectural consistency, or community significance that the District's or the museum's other properties do.

In the case of a nominated historic district, the Historic Preservation Board shall also determine whether there is an interrelationship of resources within it that creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. To be clear, we believe:

- 142 Free Street should not be designated a contributing structure and doing so diminishes the credibility of the designation.
- Our values and interests are absolutely aligned with the city's and are in the best interests of its citizens, visitors, and future.
- The PMA has a long history of stewardship and preservation of historic buildings, understands their significance, and has a legacy of architecturally significant contributions to our community.

After World War II, Portland's leaders looked to urban renewal to draw businesses and development into the city. A series of "slum-clearing" and redevelopment projects demolished entire blocks to make room for widened streets and new buildings that would accommodate an automobile-focused culture. To this day, many of these blocks, including much of Free Street,

remain vacant and await redevelopment. Implementation is *long* overdue. We have completed a thorough search to identify a design team with a bold vision that is appropriate for Portland, Maine, and the 142 Free Street site. With your support, we stand ready to create a new landmark for Portland.

The City of Portland is driven by a vision of "six interconnected themes," set forth in *Portland's Plan 2030*, of equity, connection, sustainability, dynamism, authenticity, security, and connectivity. The PMA is driven by the values of courage, equity, service, trust and sustainability, activating our *Art for All* mission. Together, with our communities we can create a landmark building that exemplifies these shared values and goals, communicating to anyone who visits that all are welcome in Portland, Maine. To do this, we must have the flexibility to develop our campus responsibly, with courage and care.

The Portland Museum of Art was founded 140 years ago by artists living here in Maine. It grew quickly, as community members donated their time, energy, and passion for the arts, enabling the PMA to establish a downtown Portland campus. For the next 100 years, that campus grew to include the McLellan House, LDM Sweat galleries, and the Clapp House. As art from donors throughout our communities began filling up the walls and spaces within the museum, our communities came together again in the late 1970s for what was, at the time, the largest major expansion in PMA history.

That expansion, a courageous and iconic design of the Charles Shipman Payson building by Harry Cobb of the I. M. Pei & Partners firm, was a result of collection growth, campus limitations, and community support. In the more than 40 years since construction began, the Payson building has anchored the dynamic and world-renowned arts district of Portland, Maine, and enabled millions of people to discover and connect with the transformative power of art.

But a lot has changed in 40 years.

Our collection has grown exponentially, and in the last decade alone has diversified deliberately and more quickly than at any point previously. Judy Glickman Lauder, Barbara Goodbody, Richard Estes, Bruce Brown, David and Eva Bradford, the Berger Collection Educational Trust, and Alex Katz Foundation have all made significant and transformative gifts to the PMA collection in recent years, expanding the narratives we can tell and connections we can make.

Our campus has changed, and we've restored the McLellan House, purchased, restored, and opened the Winslow Homer Studio, and reinstalled our collection multiple times to maximize our existing footprint. And yet our campus has reached its limit, with attendance already at twice the planned capacity of the Payson building. In just five years, we will more than triple the planned capacity of our campus. We need to expand, as we are being forced to make tough choices around reducing exhibition size and restricting capacity due to the physical limitations of our campus.

Critically, we, as a community, have changed as well. Our needs and expectations from our institutions have changed, and nowhere is that clearer than for museums. We must do more to create opportunity—on our walls, in our galleries, through our programs, on our board, and within our staff—to ensure the PMA experience reflects *your* experience, lifestyle, and values. We must elevate individuals and communities that have been excluded from museums and "the art world," embodying our values through artwork, exhibitions, programs, and didactics by and in partnership with our BIPOC communities, immigrants and new Mainers, LGBTQIA2S+ neighbors, our elders, youth, and other communities across Maine. We must be at the center of our communities, which

requires dialogue, trust, and transparency. And we must ensure we are championing a more diverse, inclusive, and sustainable region. We must become a community institution that is rooted in *belonging*.

142 Free Street is our catalyst for a brighter future, ensuring Congress Square is a sustainable center for arts and culture.

In 2022 we launched our vision with *The Blueprint Project: Building a Landmark for the Future*. This case for development was supported by years of open-ended community building and research, including campus planning, listening sessions, focus groups, strategic plan development, equity strategic action plan development, a feasibility study, and an economic impact study. Through this work, we came to understand what our communities want from museums and their arts institutions. These needs, desires, and expectations are embedded in the project, our Strategic Plan, and our mission, *Art for All*. We are the first museum in the country to have a mission led by our values in this way.

The shared values of the PMA and city of Portland were centerstage as we put out a global open call for architects to assemble diverse teams of experts to imagine the future of 142 Free Street. Our International Design Competition attracted submissions from 104 teams representing 20 countries, including Australia, Belgium, China, Denmark, Finland, Japan, Mexico, Spain, South Korea, United Arab Emirates, the United Kingdom, and more. In total, more than 250 firms participated as part of the 104 submitting teams, with 46 percent of all lead architecture firms founded or owned by people of color or women.

After a rigorous selection process, Portland, Oregon's LEVER Architecture won the commission. LEVER stood out for numerous reasons, chief among them their commitment to sustainable design and building practices, and deeply rooted understanding of DEAI.

Their initial concept has been overwhelmingly supported by our communities, with an astounding 93% positive feedback rate for LEVER's concept.

Here are a few of the impacts we're looking forward to:

1. **Align with our *Art for All* mission**. The new PMA wing will be a lasting example of our communities' values and the PMA's commitment to diversity, equity, accessibility, and inclusion. In the words of the late artist David Driskell, "What we leave as proof of our being here will not necessarily be in the sciences, in politics in economics, but will manifest itself through the arts". ***This once-in-a-lifetime museum expansion and unification that will forever change Maine and New England.*** Through *The PMA Blueprint*, we will redefine our region, unite our communities, and sustain our economy for generations to come.

2. **Contribute significantly to Portland and Maine's economy**. A 2022 economic analysis commissioned by the PMA through the Center for Business and Economic Research at the University of Southern Maine concludes that post-expansion, ***the PMA's annual economic contribution will more than double to include more than 600 jobs, $28.1 million in labor income, $65.3 million in sales, and $4.2 million in local and state taxes.*** The expansion also will solidify the PMA's status as quintessential destination and defining experience in Maine.

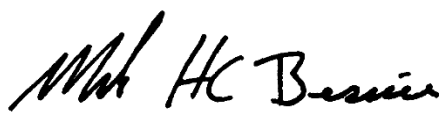
3. **Promote sustainability and spark revitalization across our state.** True to the spirit of the City of Portland's comprehensive plan and dedication to sustainability, our new building will showcase innovative construction materials and techniques that are on the forefront of sustainability. The building will be constructed primarily of mass timber, a remarkably strong, durable, and sustainable material with an ability to sequester carbon. When wood that is used for mass timber construction is obtained from sustainably managed forests, the resulting materials have a much lower life-cycle carbon footprint than steel and concrete, delivering a 26.5% reduction in global warming potential, according to University of Washington researchers. ***We're working to operationalize the shared desire for a mass timber plant in Maine and get it to the finish line with our policymakers at all levels, the University of Maine, Indigenous leaders, landowners, forestry advocates, businesses, and more.*** Why? Because mass timber in Maine just makes sense. We're the most forested state in the country—with nearly 90% of the land covered in forests, the potential to revitalize and reimagine our state through this innovative industry is real. This is a rare and unique opportunity to bring rural and urban communities, companies, and governments together through clean industries that make the world better and support Maine jobs.

4. **Expand inclusivity and belonging.** It is important to acknowledge and understand the potential interpretations of architectural styles, and when they are applied in different time periods, when considering what to champion for our city. Maine's marquee cultural institution must be a landmark designed with everyone in mind. 142 Free Street's current façade, however, was erected during the Jim Crow era. Our region is one that is striving to become more inclusive, dynamic, and diverse—a city where everyone belongs—and some architecture styles can carry unfortunate legacies of the past into the future that undermine these values and goals.

Without the removal of 2009's misclassified designation, we will not be able to realize this collective vision for our future and our city will be less dynamic, inclusive, equitable, and sustainable as a result.

We are aligned with the City of Portland's values and vision, and our drive to do right by our communities has been at the center of this project from day one. We believe that this project will spark our economies, spur urban development locally, and change the way our city and state are seen by visitors from around the world. We request that the City of Portland take the brave step forward to support our request to re-designate the 142 Free Street property to "non-Contributing" to enable our communities' vision for the City of Portland, our beautiful state, and the PMA.

Thank you for your consideration,



Mark H.C. Bessire
Judy and Leonard Lauder Director

PORTLAND MUSEUM *of* ART Seven Congress Square, Portland, ME 04101 PH: (207) 775-6148 FAX: (207) 773-7324 *portlandmuseum.org*

Aspects of Integrity Evaluation for 142 Free Street

National Register and City of Portland

Please find the seven Aspects of Integrity and an assessment summarizing each aspect of 142 Free Street and the resulting impact on National Register (NR) eligibility for Individual Listing or as a contributing structure to a NR Historic District. Interior features and alterations are mentioned only in the context of NR eligibility for individual listing.

Per the 2020 district nomination update, the Period of Significance for the Spring Street National Register Historic District is 1800 through 1943, which includes the tenancy of the Chamber of Commerce. Other entities associated with the site—the Baptist Church, the Children's Museum—are not relevant to this evaluation as no physical fabric remains to represent the Church's ownership, and the Children's Museum's ownership post-dates the Period of Significance.

All historic interior elements are gone from 142 Free Street. This is more of an issue for individual eligibility—only the exterior is considered when evaluating if a building contributes or does not contribute to a National Register Historic District. The National Register Guidelines define the Aspects of Integrity as follows:

Location is the place where the historic property was constructed or the place where the historic event occurred.

Design is the combination of elements that create the form, plan, space, structure, and style of a property.

Setting is the physical environment of a historic property.

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time.

Association is the direct link between an important historic event or person and a historic property.[1]

	Contributes to a District?	Eligibility for Individual Listing?	
Location	---	---	Building remains in original location. Integrity of location is uncompromised.
Design	The form of the building is compromised by the addition of the dormer and cupola.	Building would not be eligible for individual listing on the National Register due to the	Integrity of Design is compromised.

		alteration of the interior. The interior of the building has no integrity – plan is altered, all finishes removed, roof structure replaced.	
Setting	• The setting lacks any historic integrity – building is surrounded by parking lots and a ca. 1983 building (the Payson wing)	• The setting lacks any historic integrity. Historically, Free Street was a residential street (19th c.) and in the early 20th c. some commercial structures – the YMCA – replaced residences. 142 Free is now surrounded by surface parking lots and a ca. 1983 building (the Payson wing)	No Integrity of Setting remains.
Materials	• Large windows on the highly visible east facade are not wood. • Basement windows, east facade are not wood. • Front (main entry) doors, transom over same replaced with modern, metal doors.	• Large windows on the highly visible east facade are not wood. • Basement windows, east facade are not wood. • Front (main entry) doors, transom over same replaced with modern, metal doors	Integrity of Materials is compromised.
Workmanship		All elements of the 1927-43 interior are gone – no workmanship remains at interior.	For the interior, the Integrity of Workmanship is compromised.
Feeling	• Cupola changes the formal *feel* of the building. • The added dormer alters the roofline, a critical feature on this formal design.	• Cupola changes the formal *feel* of the building. • The added dormer alters the roofline, a critical feature on this formal design.	Integrity of Feeling is compromised.

		• The interior retains no feeling of its 1927-43 era.	
Association	Changes to the exterior – fenestration changes, replacement windows, dormers, cupola – have resulted in a stronger visual association with the Children's Museum's ownership.	• Interior retains no spaces or finishes to represent its association with the Chamber ca. 1927-43. • Changes to the exterior create a stronger association with the Children's Museum.	Integrity of Association is compromised.

City's Aspects of Integrity

The Designation Report does not assign/mention a Period of Significance.

The City's "Land Use Code" does not define Design, Condition, Materials, etc. (see "Definitions" on pages 17-1 through 17-3).

The City does not consider or review interiors, so the interior of the building is not discussed in the following list.

Location	---	Intact - building remains in original location.
Design	• Fenestration (window locations) altered – east facade. One opening added, one filled in at upper floor. Basement openings heavily altered – filled in, added, one opening enlarged to door. • Highly visible cupola added • Highly visible dormer added. • Highly visible skylights added.	Compromised.
Condition	---	Intact - building is generally in good condition.
Materials	• Large windows, east facade are not wood.	Compromised.

	• Basement windows, east facade are not wood. • Front (main entry) doors, transom over same replaced with modern, metal doors.	
Workmanship	• Windows replaced, the modern windows do not replicate the original design • Primary entry door, transom over same door replaced – door, transom are metal and do not replicate original design	Compromised.

[1] *National Register Bulletin How to Apply the National Register Criteria for Evaluation,* page 45. Available at https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf

July 10, 2023

I am happy to submit this letter of support for the potential new museum wing of the Portland Museum of Art.

As the General Manager of Crobo LLC, owner and operator of the State Theatre and Summer Concert Series at Thompson's Point, I can speak first-hand how incredible it has been to be a neighbor of the Portland Museum of Art. The PMA and the State Theatre are two of the oldest arts-institutions in Portland as we have welcomed both locals and tourists into our venues for a century. I am thrilled for the museum's expansion and the economic growth and impact that this expansion would have not only in our neighborhood, but city and state wide. The potential for more programming, event space and community events is certainly an exciting and big part of it all, but so is the commitment the PMA has made to sustainable building practices with this project, which is crucial as we navigate climate change in a coastal city.

From the PMA, to Congress Square free events, to the lines going into the State Theatre for a concert, to the bustling restaurants around us and the amazing, local retail stores that have opened - watching this neighborhood and city grow and thrive both economically and culturally has been a thrill to watch over the years, and I firmly believe that the PMA expansion would further this excitement and the tangible energy you can actually feel on the street. We have been grateful to be one part of it all, and we wholeheartedly both support and are excited for the Portland Museum of Art's expansion project.

Thank you,

Lauren Wayne
GM – Crobo LLC
State Theatre

SPRINGER'S
TRUSTED JEWELERS 1870

To the Historic Preservation Board,

I am writing in support of the redesign of 142 Free Street. I am currently the President of Springer's Jewelers located at 580 Congress Street. Although we technically reside on Congress Street, our most commonly used entrance is Free St.
We have been honored to be neighbors of the Portland Museum of Art for over 50 years.
As a fourth-generation family-owned business Springer's Jewelers understands the delicate balance between upholding tradition and welcoming change to meet the needs and expectations of our clients and community. It is no secret that the residents of upper Congress and Free Street have struggled with the balance needed for the community and businesses to thrive. The introduction of the "Arts District" has been well accepted by businesses in our area. The Portland Museum of Art is the anchor of this area and community.
We are in full support the redesign of the 142 Free Street location as an opportunity to let the Art District shine and create new history, while the Museum continues to pay homage to the already existing and maintained historical buildings that are part of its campus. We hope this letter helps to encourage a dialogue with the goal of supporting the evolution of Portland in a way we can all be proud of and call ours.

Sincerely,

Lilly Mullen
President & Fourth-Generation Owner, Springer's Jewelers

July 8, 2023

Chair Schueckler and Members of the Historic Preservation Board
Portland City Hall
389 Congress Street, 3rd Floor
Portland, Maine 04101

Re: PMA Blueprint Project and Redesignating 142 Free Street as a "Non-Contributing" Property in Portland's Historic District

Dear Chair Schueckler and Members of Historic Preservation

This letter serves as an expression of our support for the Portland Museum of Art's Blueprint Project, and its petition to redesignate 142 Free Street as a non-contributing building in Portland's Historic District. As neighbors, community members, business owners and historic preservationists in our own right, we believe the Blueprint Project and redesignation are vital to the future of the Museum campus and our neighborhood.

PMA has been a touchstone of Portland's economic and cultural vitality since the Museum's inception. Lying squarely at the heart of Portland's geographic and artistic cores, PMA must be allowed to adapt to the growing demands of the city and its audiences. The community has watched the campus grow over the last 190 years, sometimes with great purpose, other times more organically. The current structure at 142 Free Street is more a pastiche than a relic. Historic preservation is best utilized when it preserves the quality and character of a place and time. 142 Free Street no longer reflects a single character or quality requiring protection. Its value rests in its use, not its facade.

The Museum leadership has invested tremendous thought, time and resources into making sure this development is executed with integrity. Over the last two years, we've been thrilled to see the care they've taken paying homage to Maine's local and regional histories in their process. Every step of the way they've asked how best to look forward without forgetting the past. PMA has a vision for a more inclusive, welcoming Museum - a Museum whose vibrancy ripples out into the community. They can only fulfill this vision with freedom and latitude to execute this world class design in a manner that feels cohesive to the rest of the campus. Tying that process to the Greco-Roman facade at 142 Free Street would place an undue stylistic and structural burden on the project. More importantly, it would be imposing a fight to preserve something that doesn't speak to Portland's best past or future.

Thank you for your time and consideration. We look forward to the impact of the completed project, and working alongside PMA and City leadership to enhance the cultural and economic vitality of Portland.

Most sincerely,

Erin Kiley
Co-Owner, Portland Flea-for-All
Co-Owner, Hammond Heirs Block at 585-593 Congress Street
Portland Downtown Board of Directors

August 18, 2023

As an architect and lifelong Portland resident I am writing to support the Portland Museum of Art's proposal to expand their historic complex on Congress Square. The museum is the anchor for our Arts District and an important cultural asset for Portland and the wider Maine community.

I am pleased with the selection of LEVER Architecture's team for the design. I am confident that their design solution will respect the PMA's historic complex and be an important contribution to Congress Square and Portland's architectural fabric. Their sustainability goals for the project featuring engineered wood construction are exciting and forward thinking. It will be a bonus if the construction helps jumpstart the wood products industry in Maine.

It is obvious to me as a longtime PMA member that the museum has outgrown its current space and requires this expansion to provide flexible, non-traditional museum space to further their mission to serve a wider and more diverse arts community.

Sincerely,
Paul S Stevens Architect
37 Fessenden Avenue
Portland, Maine 04109

A History of 142 Free Street and Free Street at Congress Square

for the Portland Museum of Art Portland, Maine

July 5, 2023

Prepared by
Margaret Gaertner
M. Gaertner, Historic Building Consultant

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The Free Street Theater (1830-1835)

Free Street and 142 Free Street are slightly off axis. For the purposes of the following report the Free Street-facing facade of 142 Free Street is the north facade and Free Street runs east-west.

Sometime in 1830, a building was constructed at 142 Free Street in Portland, Maine.[1] Originally built as a theater, it may have been the first theater constructed in Maine.[2] Some accounts called it the Portland Theater while others referred to it as the Free Street Theater.[3] One newspaper noted the cost of the theater building was $10,000.[4] Surviving deeds indicate there were many investors involved in the theater enterprise – a January, 1831 mortgage on the property listed twenty-seven grantors, or titleholders, with ownership rights in the theater building and lot.[5]

No drawings or other images of the building have been located, and the written descriptions of the original theater building vary.[6] The theater was a hipped-roof building set several feet back from the street line. A broad flight of steps ran up to a portico, where three doors led to the vestibule. There were also doors to the basement on either side of the steps. The facade had a recess, and two, large Ionic columns that supported a "heavy" entablature. Above the entablature, there

> ***Free Street Theatre.***—The Boston Galaxy has been altogether too obliging to us 'down Easters.' Our theatre is not opened; no Poem has been recited, and we are wonder-struck at the marvellous events which, the editor says, have happened in our town. We don't know here, who is the successful competitor for the Prize Poem, much less that a Poem has been delivered. We learn, however, that the Theatre will be opened to-morrow evening. The *Corps Dramatique* have been here over a week waiting for the finishing of the building which "is being" erected in Free-street. We are told, and we are happy to give such information to our readers, that the reputation, habits, and morality of this company are such as entitle it to the confidence of the public. Such information will be doubly agreeable to the lovers of the Drama with us, for they have so often been visited by Thespian gipsies. The Manager promises in his advertisement to use his best exertions to give satisfaction to the public. We have no doubt he will be successful.

This notice ran in the Portland Advertiser *on September 9, 1830. It suggests construction of the Free Street Theater was nearing completion on that date.*

1. *Free Street Baptist Church Semi-Centennial 1836-1886*, 74. "Free Street Theater," *Portland Advertiser* (September 28, 1830) np.
2. Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
3. Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
4. "Edwin Forrest Played Here 83 Years Ago," *Portland Sunday Telegram* (6 February, 1914) 1, "The Saunterer," *Portland Sunday Telegram* (25 November 1917) 6, and Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
5. Cumberland County Registry of Deeds, Book 123, page 515.
6. For descriptions of the theater building, see: Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10 and "The Saunterer," *Portland Sunday Telegram* (25 November, 1917) 6.

was a balustrade, also described as "heavy". There were four chimneys, one at each corner. The side walls had two rows of windows, likely one row for the basement, and the second at the main floor. Each row had six windows.

The Free Street Theater operated for approximately five years. Portland's proximity to Boston provided access to quality performers. In July 1831, a young Edwin Forrest, who would later become one of the most noted stage actors of the early-nineteenth century, appeared in a series of plays at the Free Street Theater.[7] Junius Booth, patriarch of the noted family of stage actors, is also believed to have performed there.[8]

As a business enterprise, the Theater appears to have struggled. Various newspapers in the early 1830s noted the re-opening of the theater and the appointment of new managers.[9] By 1835, the ownership of the theater was divided among three investors: Solomon Mudge, Enoch Mudge, and Nathaniel Jewett.[10]

By 1835, the Theater was closed for good. In December, 1835 the theater building was sold to eight Portland residents who were members of the First Baptist Society for $5,000.[11] The men intended to use the theater building as a church.

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7. "Edwin Forrest Played Here 83 Years Ago," *Portland Sunday Telegram* (6 February, 1914) 1.
8. Herbert G. Jones, "Nothing Remains on Free Street…" *Portland Press Herald* (26 November, 1939) Section C, 10.
9. "Re-opening of the Portland Theatre," *Eastern Argus* (17 June, 1831) 2, *Daily Eastern Argus* (12 June, 1833) 2, and *Daily Eastern Argus* (8 July, 1833) 2.
10. Cumberland County Registry of Deeds, Book 142, Page 412.
11. Cumberland County Registry of Deeds, Book 146, page 14.

The Free Street Baptist Church (1836-1926)

The Free Street Baptist Society was incorporated in January 1836. A building committee was formed, and the building formerly known as the Portland Theater was purchased. The eight men who had bought the Theater in December, 1835 sold the property to the Free Street Baptist Society on January 18, 1836. The deed for the sale of the building to the Society specifically mentioned "…being the lot of land on which the Brick Building called the Theatre now stands..."[12]

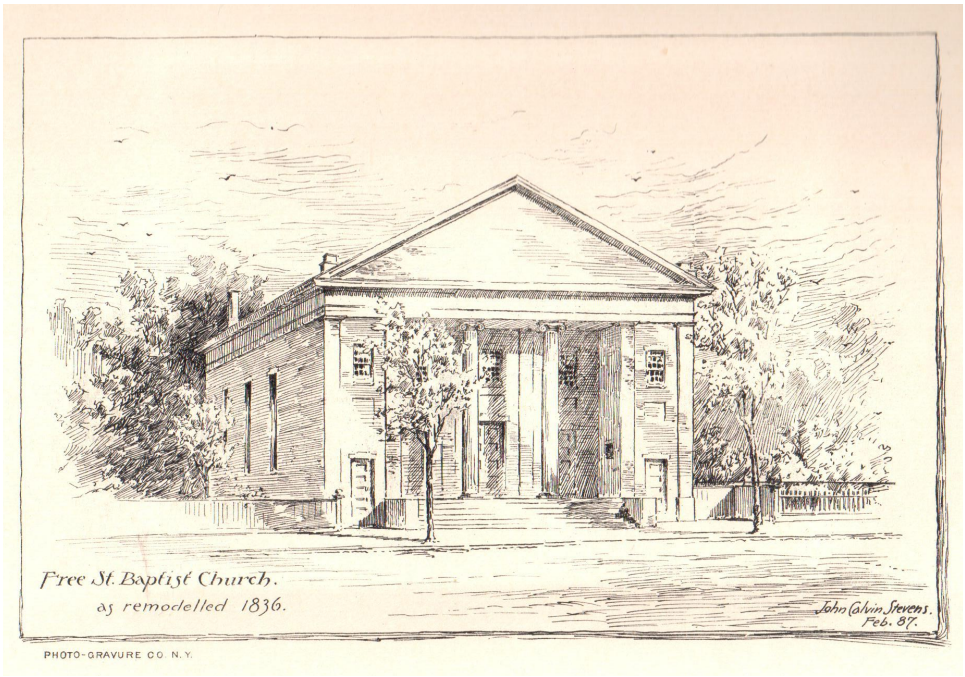
The Church made major alteration campaigns to its building every twenty years – in 1836, 1856, and 1876 – that resulted in significant changes to the appearance of the building. A final remodeling in 1926 by the subsequent owner erased all remnants of the earlier church building from the front facade and interior.

In 1836, the building was converted from a theater to the Free Street Baptist Church. Per non-contemporary written accounts, the former theater was altered as follows: the hipped roof was replaced with a gable roof, and the entablature was extended. The earlier windows in the side walls were replaced with taller windows, three openings in each wall. By August 11, 1836 the renovations were completed and the building was dedicated. A small line drawing on John Cullum's 1836 *Map of the City of Portland…* records the earliest appearance of the Church. John Calvin Stevens' conjectural sketch of the Free Street Baptist Church (following page), published in 1886, appears to be based on that small drawing.

In 1856 the church building was remodeled per the designs of architect Richard Bond (1798-1861). Bond was a Boston-based architect who had designed the Portland Merchant's Exchange (1835-9) prior to receiving the commission for the redesign of the Free Street Baptist Church.[13]

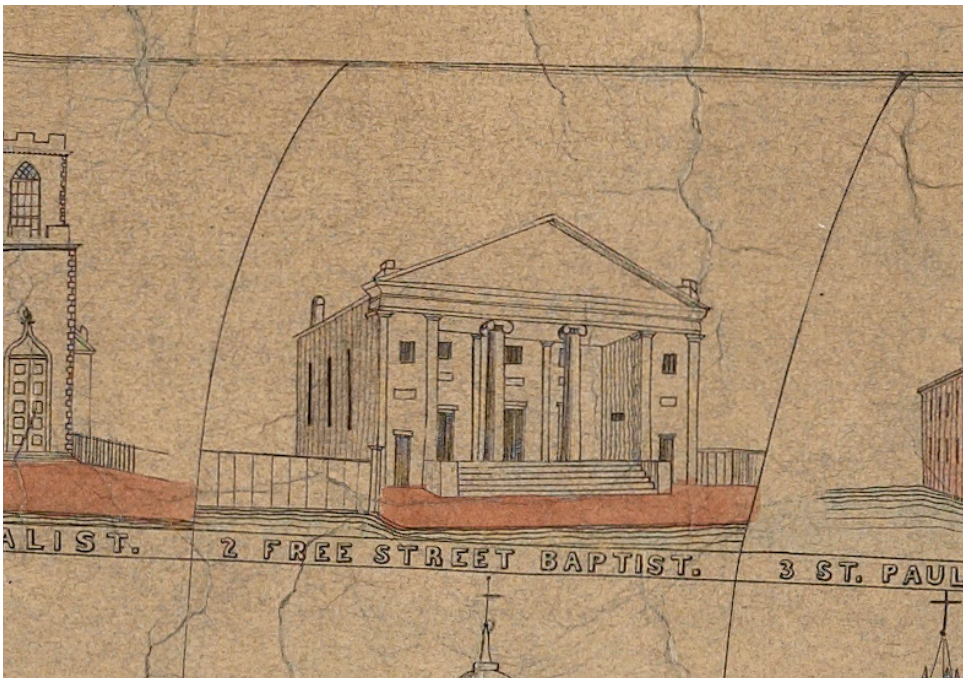
The alterations cost $15,000[14] and included adding a new "front" to the building which brought the primary facade out to the street line. This new facade was Italianate in style, and included two asymmetrical towers. The taller of the two towers was 185 feet tall and dominated the neighborhood around it. Surviving photographs show a light-colored building, lighter than the brick buildings adjacent to it, indicating the brick structure was painted, or more likely, stuccoed and scored, to imitate stone. Remnants of a stone-colored finish are still visible on the west facade of the building.

12. Cumberland County Registry of Deeds, Book 143, page 446.
13. Stephen Jerome, "Richard Bond," *Biographical Dictionary of Architects in Maine* (Volume V, No. 2) 1988.
14. William Willis, *The History of Portland* (Somersworth, NH: New Hampshire Publishing Company, 1972) 691.



In 1887, architect John Calvin Stevens made this sketch of the Free Street Baptist Church as he believed it would have appeared in 1836.

Source: *Free Street Baptist Church Semi-Centennial 1836-1886.*



This drawing of the Free Street Baptist Church was included on John Cullum's 1836 map of Portland. It likely was the source for John Calvin Stevens' 1887 sketch of the Church (above).

Source: John Cullum, *A Map of the City of Portland with its Latest Improvements...,* 1836.

These finish remnants found on the west facade record the stone color that was once found on the exterior of the Free Street Baptist Church.

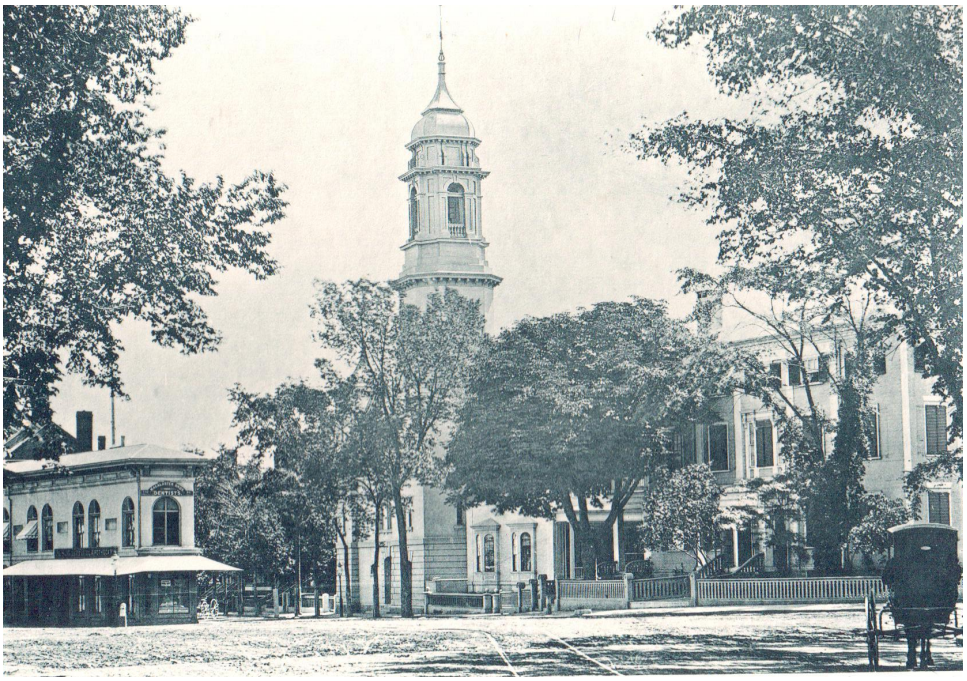
In March, 1876 a fierce gale damaged the original spire.[15] The spire and its base were removed and replaced with a shorter, eight-sided, curved dome roof on a new base (see photographs, next page).

In 1887, the Free Street Baptist Church spent $6,500 on a "thorough improving" of the Church and a few years after that, stained glass windows were installed in the building.[16] In 1894, five-sixths of the lath-and-plaster ceiling fell down, including the furring, landing on and damaging some of the pews.[17]

In 1922, the Free Street Baptist Church and the First Free Baptist Church merged and formed the Immanuel Baptist Church. The newly formed congregation decided to build a new, shared church at the corner of Deering and High Streets. On October 15, 1926, the Immanuel Baptist Church sold its building at 142 Free Street to the Portland Chamber of Commerce ("the Chamber").[18] As part of the sale agreement, the Church retained ownership of the stained glass windows, organ, and pews that were then in the building.[19]

15. *Free Street Baptist Church Semi-Centennial 1836-1886*, 79.
16. "A Fall in Plaster," *The Portland Daily Press* (25 October, 1894) 8.
17. "A Fall in Plaster," *The Portland Daily Press* (25 October, 1894) 8.
18. The Chamber of Commerce has had several names over its existence including the Chamber of Commerce of Portland and the Chamber of Commerce of the Greater Portland Region. For the purposes of this report, "Chamber of Commerce" will be used.
19. Cumberland County Registry of Deeds, Deed dated October 31, 1991, Book 1246, page 482.

Right: The Free Street Baptist Church as it appeared after architect Richard Bond's 1856 redesign was complete. Below: The Free Street Baptist Church as it appeared after the spire was removed in 1876. In both images, the only building shown that still stands today is the Hay Building, the two-story "flat iron" building to the left of the Church.



This interior view of the Free Street Baptist Church was published in 1887.

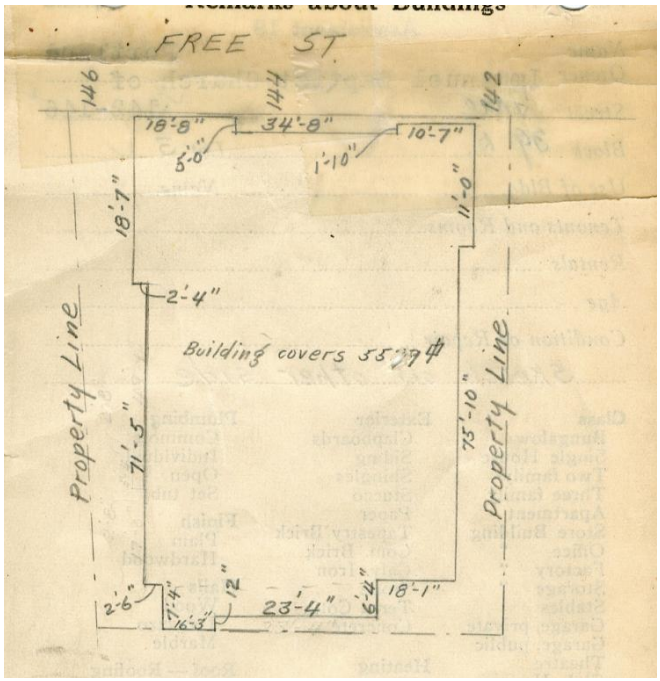
Source: *Free Street Baptist Church Semi-Centennial 1836-1886.*

Chamber of Commerce (1926-1991)

In 1926, the Chamber of Commerce bought 142 Free Street[20] and announced plans to renovate it for their new home. The Chamber retained architects John Calvin Stevens and John Howard Stevens to convert the former church into the Chamber's new headquarters.[21] The contractors for the work were W. W. Cunningham & Sons.

As noted by the press, the remodeled building retained little of its appearance from its days as a church. The two projecting towers on the Free Street facade were removed, and northernmost fifteen feet of the building (at Free Street) were rebuilt. The front facade of the building, likely stuccoed to resemble stone in its Church days, was completely removed and replaced with a new facade of exposed brick. The new facade had a portico supported on four concrete columns between two brick piers.

The extant building bears so little resemblance to the earlier Free Street Baptist Church that it is difficult to see how the Church was remodeled rather than completely replaced. Comparison of the building footprints as recorded in the 1924 assessor's sketch of the building footprint and the footprint in the current assessor's database show the basic dimensions are roughly the same. Photographs of the east facade from 1925 and 1958 (see photographs on following page) show the window openings on that wall were retained (new lintels were added in 1926) as was part of the cornice. Remnants of a stone-colored finish remain on the exterior face of the west wall (see photograph, page 7) but very little else of the building's past as a Church building appears to have survived.



This sketch floor plan was included in the City of Portland's 1924 assessment card for 142 Free Street.

Source: City of Portland - Planning & Development Department.

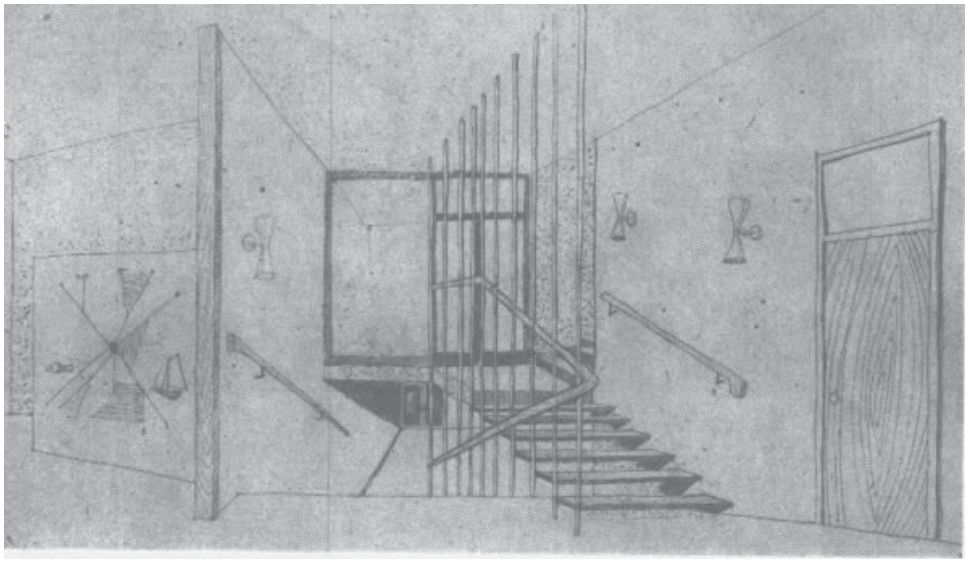
20. Cumberland County Registry of Deeds, Book 9779, page 254.
21. Drawings for the Stevens' alterations are not known to have survived. They are not in the collections of the Maine Historical Society. Requests to the Avery Library at Columbia University were not returned.

The Free Street Baptist Church in 1925 (above) and the Chamber of Commerce in 1958 (below). Without these two views to compare, it is difficult to see how the Church building was remodeled into the Chamber. The Free Street end of the building (at the right in these images) was completely replaced, and the brick walls are a different color.

Source: *Portland Evening Express,* May 31, 1958.

In addition to the exterior changes, the interior was remodeled. Although no architectural drawings have been located, the fenestration of the side walls suggests the north end of the building was divided into two floors, likely office space, while the south end was a double-height space. A "hard fuel" (coal) steam heating system was installed. During the sixty-five years the Chamber owned 142 Free Street, it continued to make small improvements and upgrades to the building. In 1941, an internal stair at the rear of the building that connected the first floor and basement was "floored over."[22]

In 1959, the Chamber remodeled the interior of the building.[23] In June of that year, the Chamber applied for a building permit to make $54,700 in alterations "as per plans." The contractor was Samuel Aceto & Co. Inc.[24] As part of the alterations, the coal-fired steam heating system was converted to oil.[25] In 1966, the Chamber completed a "brightening" of the exterior of 142 Free Street. The work included painting and repointing and cost $15,000.[26] In January, 1972 the Chamber applied for a building permit to complete $85,000 worth of renovation and alteration work "as per plan." The referenced plan has not survived.[27] The inspector noted steel beams were installed in the basement. As part of that project, the Chamber installed air-conditioning in the building.[28]



This rendering shows the interior design proposed for the Chamber of Commerce building in 1959. It is not known if the design was executed.

Source: *Portland Evening Express*, April 17, 1959.

22. Permitting and Inspections, Permit number 1919, dated December 9, 1941.
23. "Older than it Looks," *Evening Express* (14 January 1966) 7.
24. The referenced plans were not included with the building permit. Permitting and Inspections, Permit number 749, dated June 17, 1959.
25. Permitting and Inspections, Permit number 848, dated July 7, 1959.
26. "Older than it Looks," *Evening Express* (14 January 1966) 7.
27. Permitting and Inspections, Permit number 0112, dated January 21, 1972.
28. Permitting and Inspections, Permit number 0168, dated February 8, 1972.

142 Free Street (left) and the former WCTU building at 150 Free Street (right) on January 30, 1980. The WCTU building was torn down later that year.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

Throughout the 1980s, the Chamber reported financial difficulties. In October 1981, the Chamber of Commerce announced a "cash flow" problem of $100,000. Most of the shortfall was due to cuts in federal programs that had covered salaries for clerical staff.[29]

In June, 1982 the Chamber announced a deficit of $65,000. The shortage was to be covered by bank loans, with refinancing of the mortgage on 142 Free Street listed as a possible longer-term solution.[30] By 1990, the Chamber had decided to sell their building. Chamber President Bill Nugent said the building was too big for their needs, and had deteriorated over the years. He also noted that while the building had lowered ceilings, the original ceilings were about thirty feet high and "nicely decorated."[31] On October 31, 1991 the Chamber sold 142 Free Street to the Children's Museum of Maine.[32]

29. Frank Sleeper, "Chamber problem: $100,000," *Evening Express* (26 October, 1981) 1.
30. Frank Sleeper, "Chamber shows $65,000 Deficit," *Evening Express* 7 (May, 1982) 1
31. "Chamber Puts Building up for Sale," *Evening Express* (9 January, 1990) 16.
32. Cumberland County Registry of Deeds, Book 9770, page 254.

The Children's Museum of Maine (1991- 2019)

The next owner of 142 Free Street was The Children's Museum of Maine. As did prior owners, the Children's Museum made alterations to the building to accommodate their activities. The renovations were extensive and included complete demolition of the interior and alterations to the exterior.

The Children's Museum worked with architect Stephen Blatt, structural engineers Pinkham & Greer, and Wright-Ryan Construction to renovate the building. On his website, Stephen Blatt notes the Chamber of Commerce building was "…severely dilapidated…." prior to the renovations. The construction cost was 1.1 million.[33]

The primary, Free Street-facing facade saw few changes. The primary entry door and the transom over it were removed and replaced with a modern frame, transom, and door of metal. On the east facade, the fenestration was altered. During the Chamber of Commerce's ownership, the south end of the facade had three, double height window openings with wood sash. The northernmost window was removed, the opening was infilled with brick, and two, smaller windows

Left: Only one of the ca. 1926 double-height wood windows survives in the building. Below: the extant entry door and transom are late-twentieth century replacement.

33. City of Portland, Permitting and Inspections, Permit No. 923937, issued July 21, 1992.

installed in the infilled portion. A new, double-height window was installed between the surviving two windows at the south end.

An eight-sided cupola was placed on the ridge of the roof and a large, shed-roofed dormer and three skylights were installed on the east roof slope. The cornice south of the downspout was removed and replaced with a new cornice that was to match the existing (see diagram, following page).[34] Other changes to the exterior of the building included a new addition to the south facade for an egress stair.

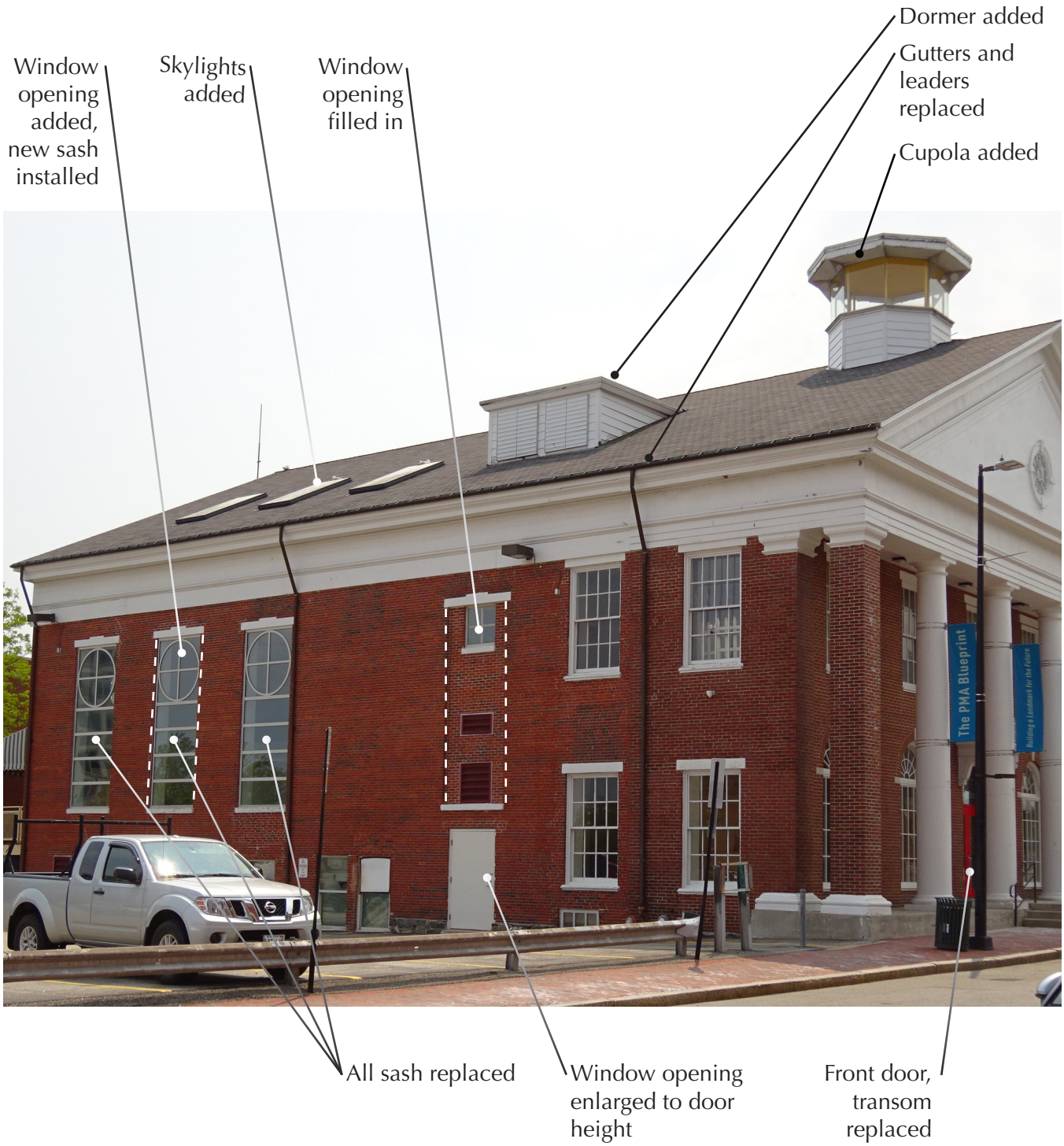
The renovations for the future Children's Museum occurred in 1992, two years after Portland enacted its historic preservation ordinance. A 1997 building permit noted the building was "Not in District or Landmark" and "Does not Require Review."[35] Had the alterations been reviewed for compliance with historic preservation standards, it is likely that most of the exterior alterations, including the addition of a large cupola and a large dormer in locations so highly visible from a public way (Free Street); alteration of the fenestration on the east facade; and replacement of the ca. 1926 windows would have been denied.

The interior of the building was completely gutted in 1992. The demolition work included removing the existing wood roof trusses and replacing them with a steel roof frame. A steel "superstructure" was also added to the building. A new, interior stair enclosed in modern masonry walls was constructed in the northwest corner of the building. An elevator was added as well.

No historic floor, wall, or ceiling finishes survive today. It is likely that any that had survived were removed as part of the 1990s work. Records in the City of Portland's building permit files indicate concrete slabs were poured for the basement, first, and second floors.[36] As seen from the interior of the building, the existing floors are poured in modern, corrugated pans, confirming that all of the floor framing and flooring was replaced as well. A sprinkler system was installed throughout the building.[37]

In 2017, the Children's Museum and Theater of Maine announced its plans to relocate to a new, larger building at Thompson's Point in Portland. The new building was to include 30,000 square feet of space, while the building at 142 Free Street had only 18,000. On October 15, 2019, the Children's Museum sold the building at 142 Free Street to its neighbor, the Portland Museum of Art.

34. City of Portland, Permitting and Inspections, 142 Free Street file, undated elevation drawing.
35. City of Portland, Permitting and Inspections, Permit No. 971138, issued October 20, 1997.
36. City of Portland, Permitting and Inspections, 142 Free Street file, Con Test Lab, Inc. "Report of Compressive Strength…"
37. City of Portland, Permitting and Inspections, Permit 924219, Issued October 8, 1992. Letter, P. Samuel Hoffses to Sprinkler Systems Inc., October 8, 1992. Inspections Department.



Exterior alterations to 142 Free Street made for the Children's Museum in the early 1990s.

Renovations made by the Children's Museum in the early 1990s included gutting the interior of the building. Today, no historic interior finishes remain. Note the modern steel framing and skylights in the image at right.

Free Street

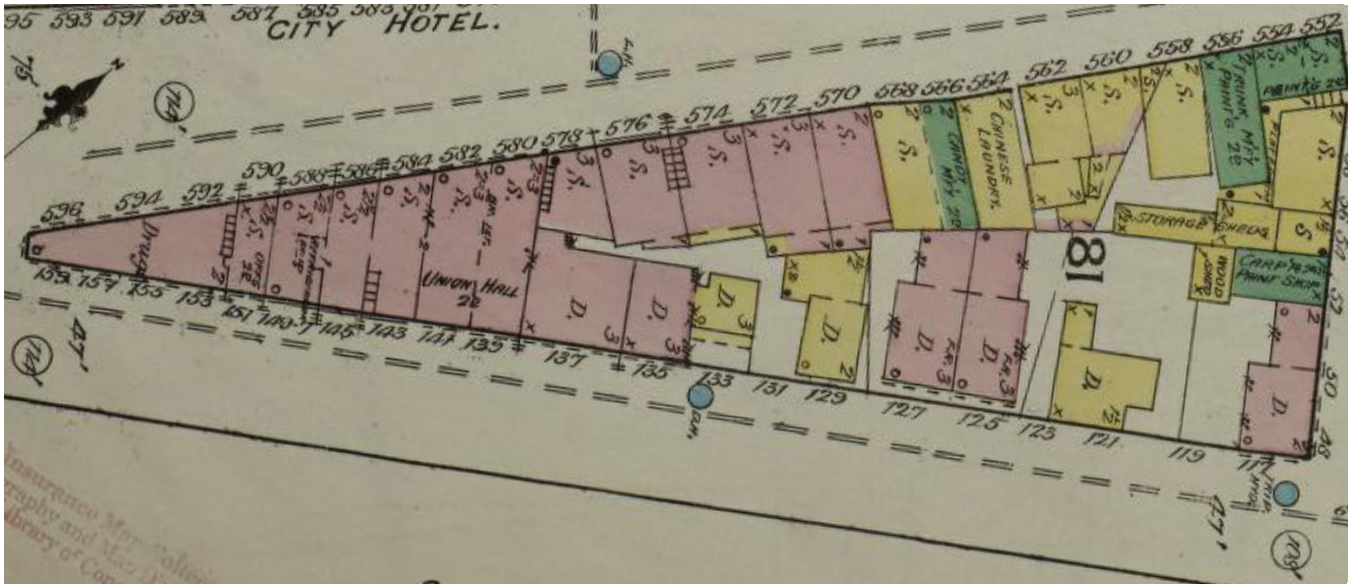
The earliest section of Free Street, originally called Love Lane, was laid out in 1772. Initially, it extended only from Center Street to Middle Street – Free Street once ended where it now intersects Cross Street. In 1783, Free Street was extended westward to meet the intersection of Congress and High Streets, which became its western terminus. The newly built section, wider than the original part, was called Windmill Lane, after the windmill that once stood at the top of the hill. In 1788 the original portion of the road was widened to align with the newer section, and the entire street was renamed Free Street.[1] The intersection of Congress, High, and Free Streets is known as Congress Square.

By the early-nineteenth century, Congress Square was a wealthy residential neighborhood lined with some of Portland's finest homes. Noted residences here included the Cobb Mansion, a ca. 1801 Federal-style home designed by Alexander Parris at present-day 7 Congress Square. Further down High Street and on Spring Street were the twin mansions of Stephen McLellan (116 High Street, 1800) and Major Hugh McLellan (107 Spring Street, ca. 1801). The latter was designed by John Kimball, Sr. At the corner of High and Congress Streets was the ca. 1837 Nathaniel Warren mansion, a brick Greek Revival building with an angled facade and two-story porch on columns. As one moved eastward along Free Street, the houses were somewhat smaller, and typically built in a simpler versions of the Federal and Greek Revival styles. These residences were a mix of brick and frame construction, and some were freestanding, while others were duplexes or rowhouses. Both the north and south sides of Free Street were still largely residential as late as 1886 (see maps and images, following pages).

The south side of Free Street was once lined with brick homes such as this one that stood at 134 Free.

Source: Maine Historical Society. For study purposes only / not for publication.

1. "Free Street Dates Back to Before Revolution," *Portland Sunday Telegram* (16 December, 1917) 5.

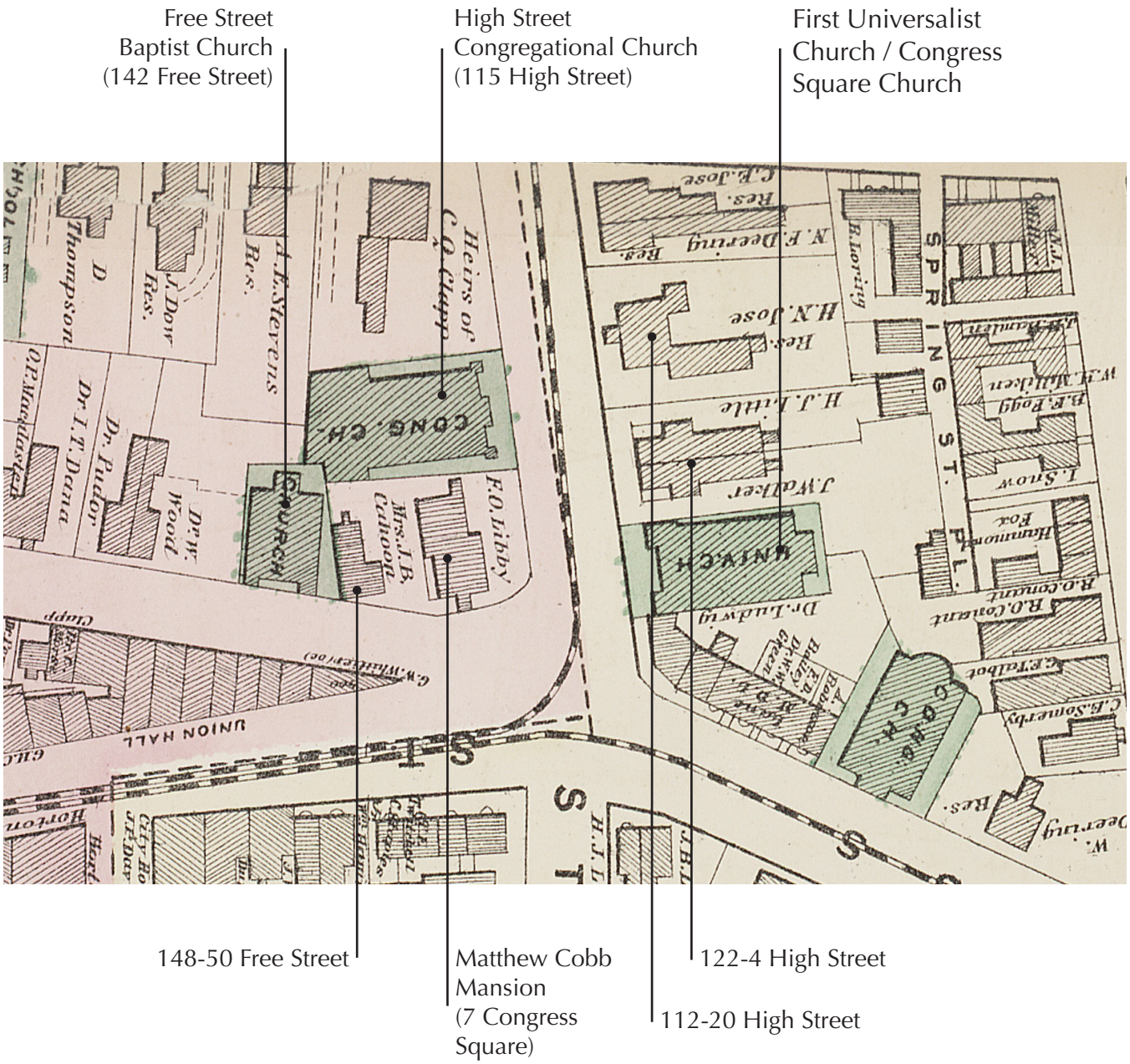


As seen in the Sanborn map of 1886, the north side of Free Street east of Congress Square was still largely residential as late as 1886. On the north side of the street (above) all of the structures east of the "Union Hall" were "dwellings" (labeled "D" on the map).

Source: *Sanborn Fire Insurance Map from Portland, Cumberland County, Maine,* Plate 12 (above) and Plate 24 (below). 1886.

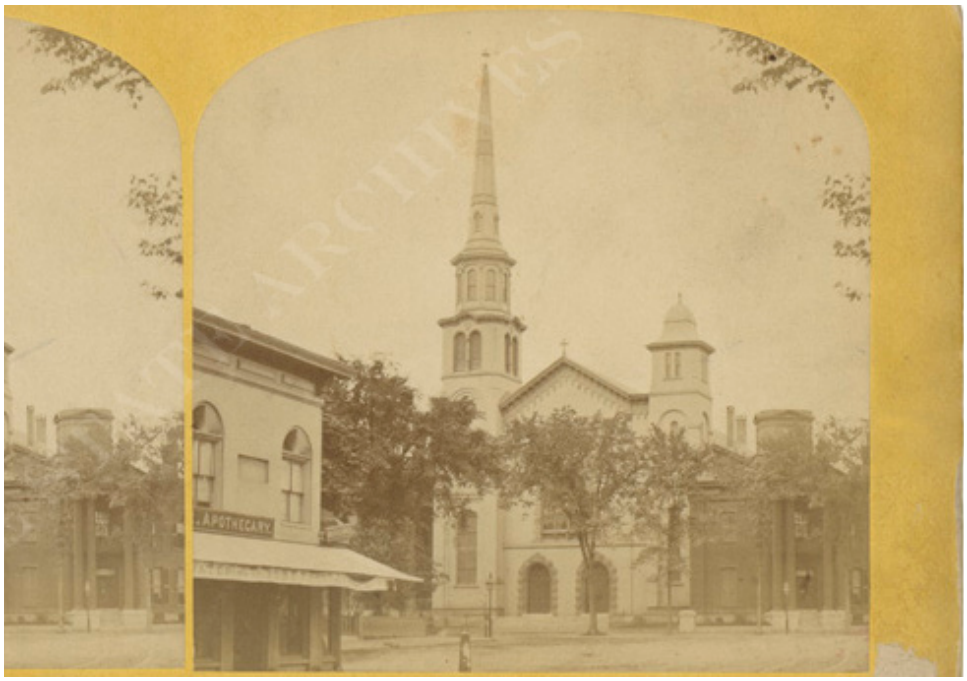
Photograph of the area around Congress Square ca. 1885.

Source: Maine Historical Society. For study purposes only / not for publication.



Map showing the area around Congress Square in 1871. Please note the map has been flipped to align with photograph on the previous page.

Source: Beer's Atlas of Cumberland County.



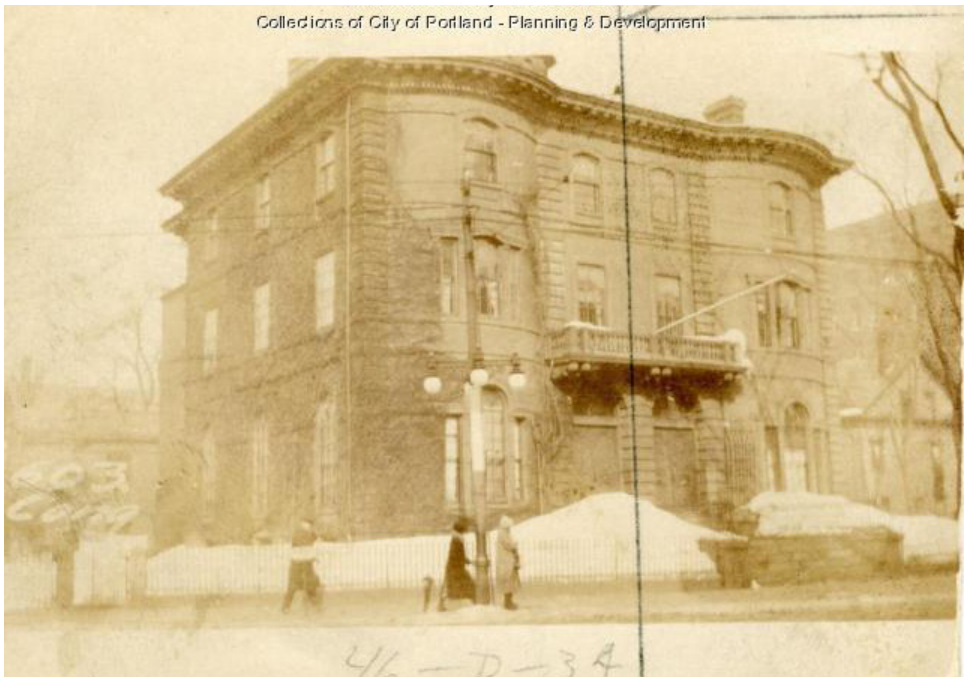
The former First Universalist Church / Congress Square Church on High Street and the Nathaniel Warren mansion to its right. The Hay Building is visible in the foreground.

Source: Stereoview Photograph Collection, Maine State Archives.

Large churches were built between the residences, including the High Street Congregational Church at 115 High Street (ca. 1831) and the Free Street Baptist Church, which took over and remodeled a former theater at 142 Free Street in 1836. The streets were lined with trees, and the overall feeling was one of prosperity and elegance. Commercial activities were found on nearby Congress Street, in small-scale buildings. The Hay Building (ca. 1922, third story added 1922) at 594 Congress Street is typical of the retail buildings that lined Congress Street during the early- to mid-nineteenth century.

An early view of Congress Street, immediately east of Congress Square. The street is lined with small-scale, two- and three-story commercial buildings.

Source: Stereoview Photograph Collection, Maine State Archives.



The Libby Mansion in 1924.

Source: City of Portland - Planning & Development Department.

As the nineteenth century progressed, the area remained fashionable and more large residences were built, in the Italianate, Second Empire, and Queen Anne styles. The Libby Mansion, at the northwest corner of Congress and High, was among the grandest. Designed in 1853 by architect Charles Alexander, it was actually a double house. 126 High Street was another double residence, this one in the Greek Revival Style. The brick house had a hipped roof that extended over engaged side porches, and was supported on two-story tall columns.

Existing churches were remodeled, and new ones constructed. The Baptists remodeled their Free Street church in 1859, adding a tall spire and Italianate facade over their existing building. The Universalists constructed a large church, known as the Congress Square Church, in 1865 at 1 Congress Square. The Congregational Church on High Street was updated to a Gothic Revival style in 1869.

Most of Free Street was spared by Portland's Great Fire of 1866. Only the eastern-most end, the commercial area at Middle Street, was lost. This block was quickly rebuilt after the fire, and today remains a well-preserved block of commercial buildings built in a range of architectural styles popular in the 1870s.

The late-nineteenth and early-twentieth century saw extensive changes to the formerly genteel and largely residential neighborhood around Congress Square. As the neighborhood became less fashionable, many of the mansions that lined Congress and High Streets were divided into apartments or converted for civic and charitable uses. Some of the homes were demolished and replaced by larger, commercial structures.

Congress Square after 1897. The Cobb Mansion that stood at the corner has been demolished and the YMCA/Libby Building constructed in its place. The brick Nathaniel Warren Mansion still stands at the right.

Source: Collection of the author.

Congress Square after 1920. The Nathaniel Warren mansion that stood at the corner has been demolished and the Shwartz Building constructed in its place. The postmark on the rear of the card is May 6, 1926.

Source: Collection of the author.

As the neighborhood around Congress Square became less fashionable, the once-grand homes were re-purposed. By 1924, this large duplex home at 126 High Street had an addition for retail spaces at street level and was divided into apartments at the upper floors.

Source: City of Portland - Planning & Development Department.

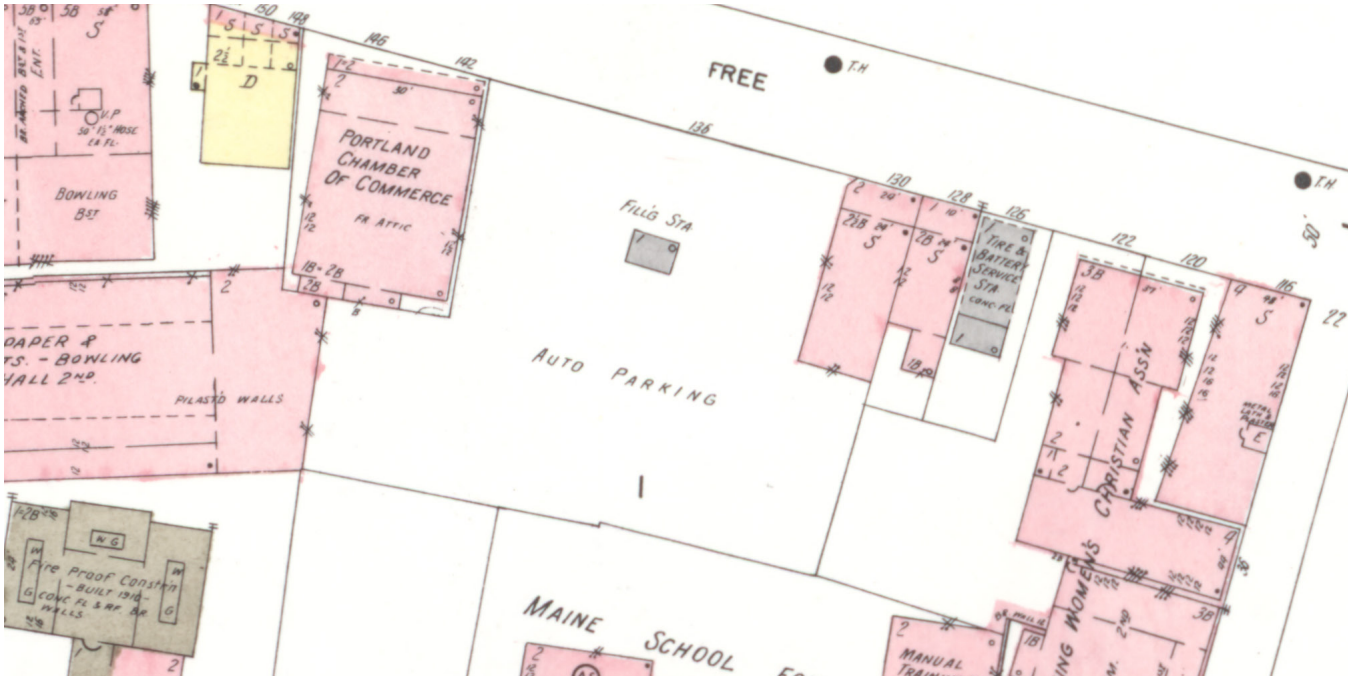
The 1886 Sanborn map recorded that the Cobb Mansion (7 Congress Square) was then home to the Cumberland Club. By 1890, the Cumberland Club had moved to the Stephen McLellan Mansion (116 High Street). The Cobb Mansion was demolished and replaced in 1897 by a five-story tall brick building for the Young Men's Christian Association (YMCA). In 1908, Margaret Mussey Sweat donated the Hugh McLellan Mansion (107 Spring Street) to the Portland Society of Art and it was converted into a museum. The Nathaniel Warren Mansion at 1 Congress Square was replaced by the Shwartz Building, a four-story brick commercial building with a round tower, in 1920. Across Congress Street, the Libby Mansion was demolished and replaced by the State Theater building.

While these changes marked a shift towards larger, commercial structures, the new buildings where typically executed in brick and granite with traditional styles and details. The area around Congress Square was no longer a wealthy residential neighborhood, and instead was transitioning into a vibrant, commercial area of hotels, theaters, restaurants, and shopping. This trend continued until the Great Depression halted nearly all development in Portland.

Congress Square Declines

After World War II, Portland, like many older cities, struggled to redefine itself and compete with suburban, automobile-based development. Civic leaders took on a number of efforts, including slum-clearing and redevelopment studies, plans, and projects intended to improve living conditions, modernize the city, and attract investment and redevelopment.

Among the most far reaching was "Patterns for Progress," an urban renewal plan written in 1967 that sought to create a ring of high-speed roads to move cars around the central core of the Portland peninsula. This resulted in the widening of Franklin and Spring Streets to create "arterials." Spring Street, which had previously ended at Center Street, was also extended to Middle Street. High and State Streets became one-way streets, increasing traffic speeds and affecting the character of these historic neighborhoods. Large areas on Cumberland Avenue and near Monument Square were razed to create open space for development. Some of these projects, such as One City Center, took decades to materialize. Others, such as the "Downtown Project No. 1," a proposed fifteen-story residential tower on Cumberland Avenue, never happened and that land is largely still a surface parking lot.



The south side of Free Street in 1954. Automobiles have arrived, and the residences at 126, 134, and 136 Free Street have been torn down for parking lots and auto-repair buildings. One-story additions for commercial uses have been added to the fronts of 128 and 130 Free Street and the former WCTU building at 150 Free Street.

Source: *Sanborn Fire Insurance Map from Portland, Cumberland County, Maine,* Plate 29. 1954.

Looking west on Free Street, 1924. The Jefferson Theater is in the foreground and the tower on the Free Street Baptist Church is visible in the background.

Source: City of Portland - Planning & Development Department.

Even before the official urban renewal efforts began, Free Street's streetscape near Congress Square was already being lost to modern development and the increased demand for parking. Portland's 1924 tax photographs record an intact streetscape along the south side of Free Street, from Oak Street to High Street. At the southeast corner of Free and Oak was the Jefferson Theater, a ca. 1897 five-story brick theater, while an early-twentieth century commercial building occupied the southwest corner (116 Free Street, extant). Between the commercial building and the Free Street Baptist Church was a row of seven two- and three-story tall brick residences dating to the mid-nineteenth century. An eighth house, a wood-framed building at 150 Free Street later owned by the Women' Christian Temperance Union (WCTU), stood between the Church and the YMCA.

The north side of Free Street, while more commercial, was also intact. This side was dominated by the elaborate brick and terracotta facade of the Baxter Memorial Building. Although this was actually the back of the building – the building's address was 562 Congress Street – the Free Street facade was nonetheless detailed with arches over the windows, belt courses, and swags, all of terracotta.

Shortly after 1924, Free Street began to change rapidly. In 1926, the Free Street Baptist Church was altered to its present, portico-front form. In 1933, the Jefferson Theater at the southeast corner of Free and Oak was torn down. In 1947, a modern, nearly windowless block of blonde brick – a Sears Roebuck store – was built on its site. Across the street, in 1954-5, all of the historic details were stripped off of the Congress Street and Free Street facades of the Baxter Memorial, and modern windows were installed.

The Jefferson Theater stood on the southeast corner of Free and Oak Streets. It was demolished in 1933.

Source: Collection of the author.

The south side of Free Street was also severely altered. The 1954 Sanborn map and an aerial photograph taken in 1960 (see photograph, page 30) records that only five of eight houses (120, 124, 128, 130, and 150 Free) remained on the south side of Free Street by that time. 126 Free Street had already been torn down and replaced with a concrete building used for "Tire and Battery" service. 130 Free and 150 Free were both heavily altered, with commercial additions on their primary facades. The rest of the block was an open parking lot with a filling station. Thus, much of this loss occurred prior to the implementation of official urban renewal projects in the area. Today, only a single, heavily altered former residence remains (128 Free Street).

Removal of historic buildings on Congress Square continued through the 1970s and 1980s. The former Universalist Church (128-32 High Street / 1 Congress Square) and the Greek Revival duplex next to it (126 High Street) were demolished to build a new studio building and parking lot for WCSH in 1977. In 1980, the former YMCA building at 7 Congress Square and the small, wood-framed building immediately east of the YMCA were torn down. In 1983, the Payson Wing of the Portland Museum of Art was built on those lots. On High Street, the former High Street Congregational Church appears to have been altered into a commercial building by 1924 before it was eventually demolished sometime before 1972. Today, none of the churches that once lined Congress Square remain.

This Sears Roebuck store was built on the site of the Jefferson Theater. This photograph was taken in 1947.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

The former Sears Roebuck store in 2023.

An aerial view of Congress Square taken in 1960. Much of the south side of Free Street is already a parking lot.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

An aerial view of Spring Street taken in 1972. Spring Street has been widened, and the Holiday Inn is visible. The rear walls of 142 Free Street and the Libby Building are visible at the left edge of the photograph. The building south of the Libby Building - originally a Congregational Church, later a recreation building - has been demolished. Much of the south side of Free Street remains an open parking lot.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

116 **128** **142**

Comparison of ca. 2022 aerial photograph of Free Street (middle image) with the 1914 Richards Standard Atlas of the City of Portland *reveals how few buildings remain on the south side (top image) of Free Street.*

South Side of Free Street in 1924

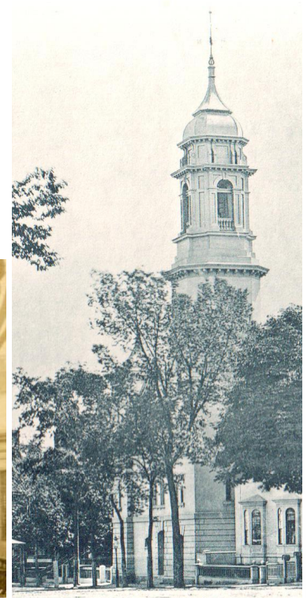
116 Free Street

120-24 Free Street
Demolished after 1960

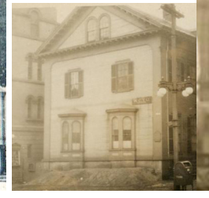
126 Free Street
Demolished before 1954
128 Free Street
Extant; altered and non-contributing
130 Free Street
Demolished after 1975

134-6 Free Street
Demolished before 1960

142 Free Street



150 Free Street



7 Congress Square

116 Free Street

120-24 Free Street
(parking lot)

126 Free Street
(parking lot)

128 Free Street
(extant; non-contributing)

134-6 Free Street
(parking lot)

142 Free Street

150 Free Street / 7 Congress Square

South Side of Free Street in 2023

This demolition did not occur without objection. The widening of Spring Street in 1970 and the loss of the historic houses on its south side were one of several events that led to the nomination of the Spring Street Historic District to the National Register in 1970 and passage of a Historic Preservation Ordinance by the City of Portland in 1990. Unfortunately, the damage to the portion of Free Street adjacent to Congress Square was already done. The Spring Street National Register District nomination acknowledged the loss in the Description section and noted "This is an active section of modern day Portland, yet this district retains the flavor and appearance of an older time. There are only a few modern structures and these front on streets such as Congress and Free which are commercial...an urban renewal project has leveled a section giving rise to the location of a new Sears-Roebuck store and parking area, on the eastern part of Spring Street. Some cleared land lies vacant. With the exceptions of the above the remaining district contains a great many old, but proud, structurally sound residences..."

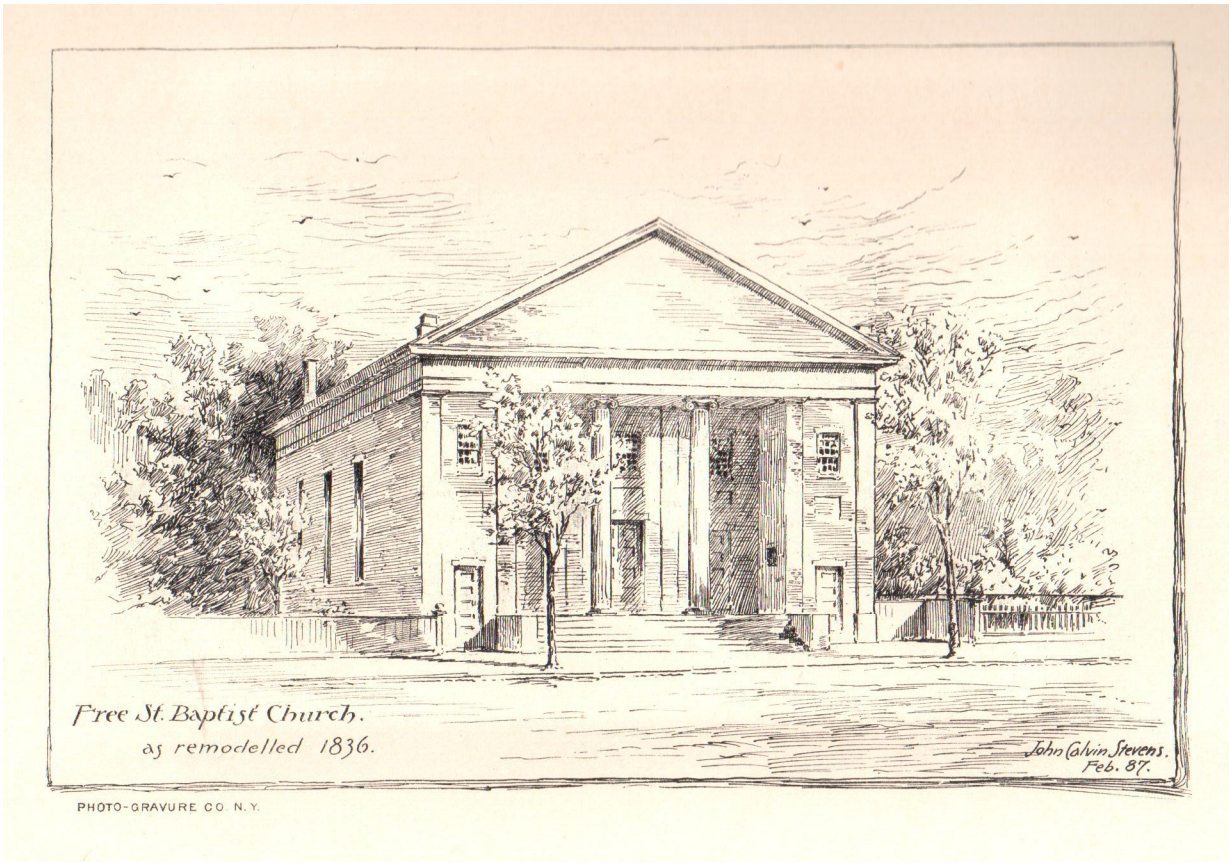
142 Free Street, the former WCTU building at 150 Free Street, and the YMCA / Libby Building in 1978. The Libby Building and WCTU building were torn down in 1980.

Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

Illustrations

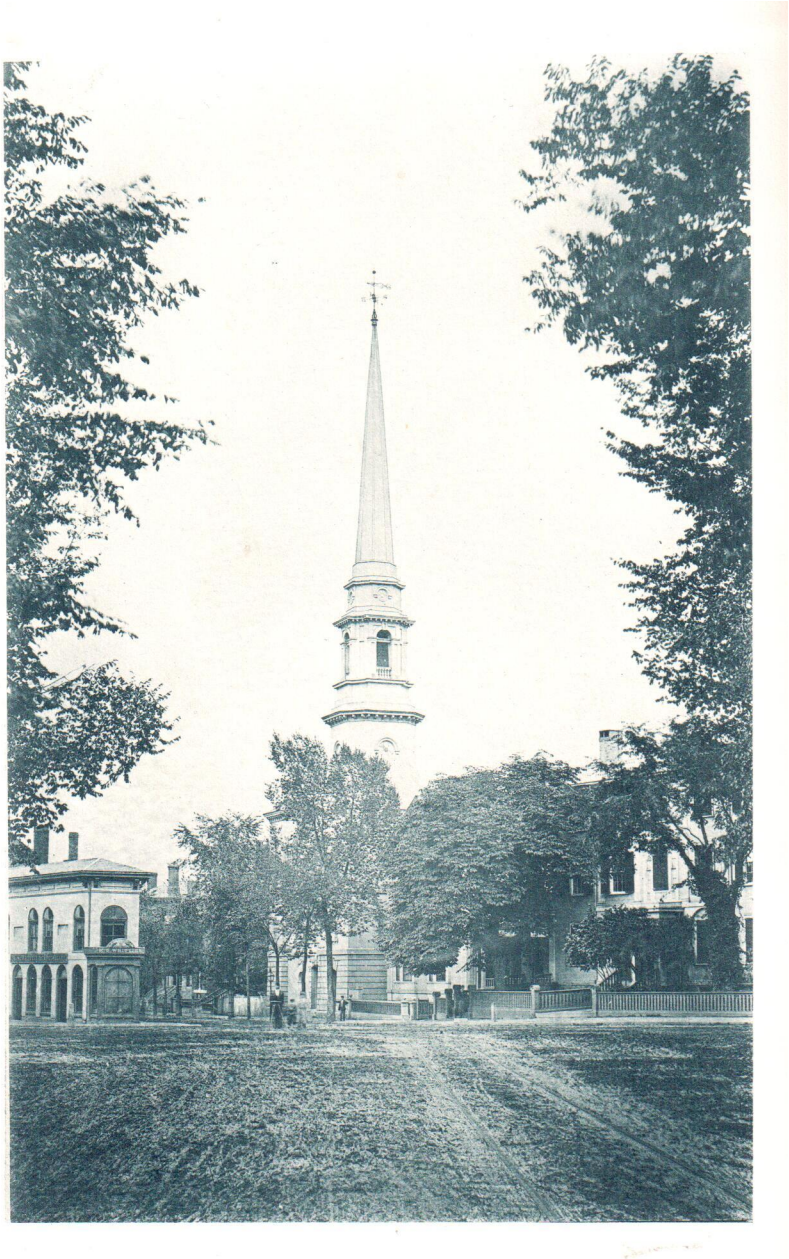
This 1836 map includes a line drawing showing the Free Street Baptist Church in 1836.

Source: "A Map of the City of Portland with its Latest Improvements including a view of the principal buildings engraved and published by John Cullum, Portland." Osher Map Library.



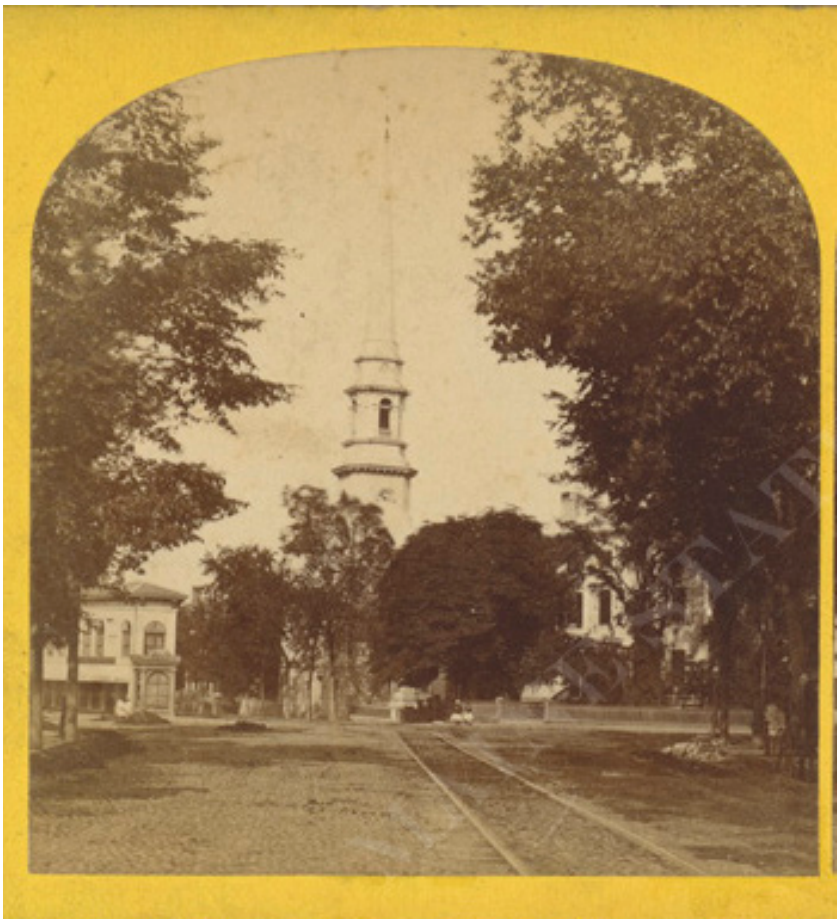
John Calvin Steven's sketch of the possible appearance of the Free Street Baptist Church prior to the 1856 remodeling campaign.

Source: *Free Street Baptist Church Semi-Centennial 1836-1886.* Collection of the author.



An early photograph of the Free Street Baptist Church - note the original, ca. 1856 steeple is still in place. The Hay Building is only two stories high.

Source: *Free Street Baptist Church Semi-Centennial 1836-1886.* Collection of the author.



An early stereoview photograph of the Free Street Baptist Church. The original, ca. 1856 steeple is still in place.

Source: Stereoview Photograph Collection, Maine State Archives.

The Free Street Baptist Church, sometime after 1876.

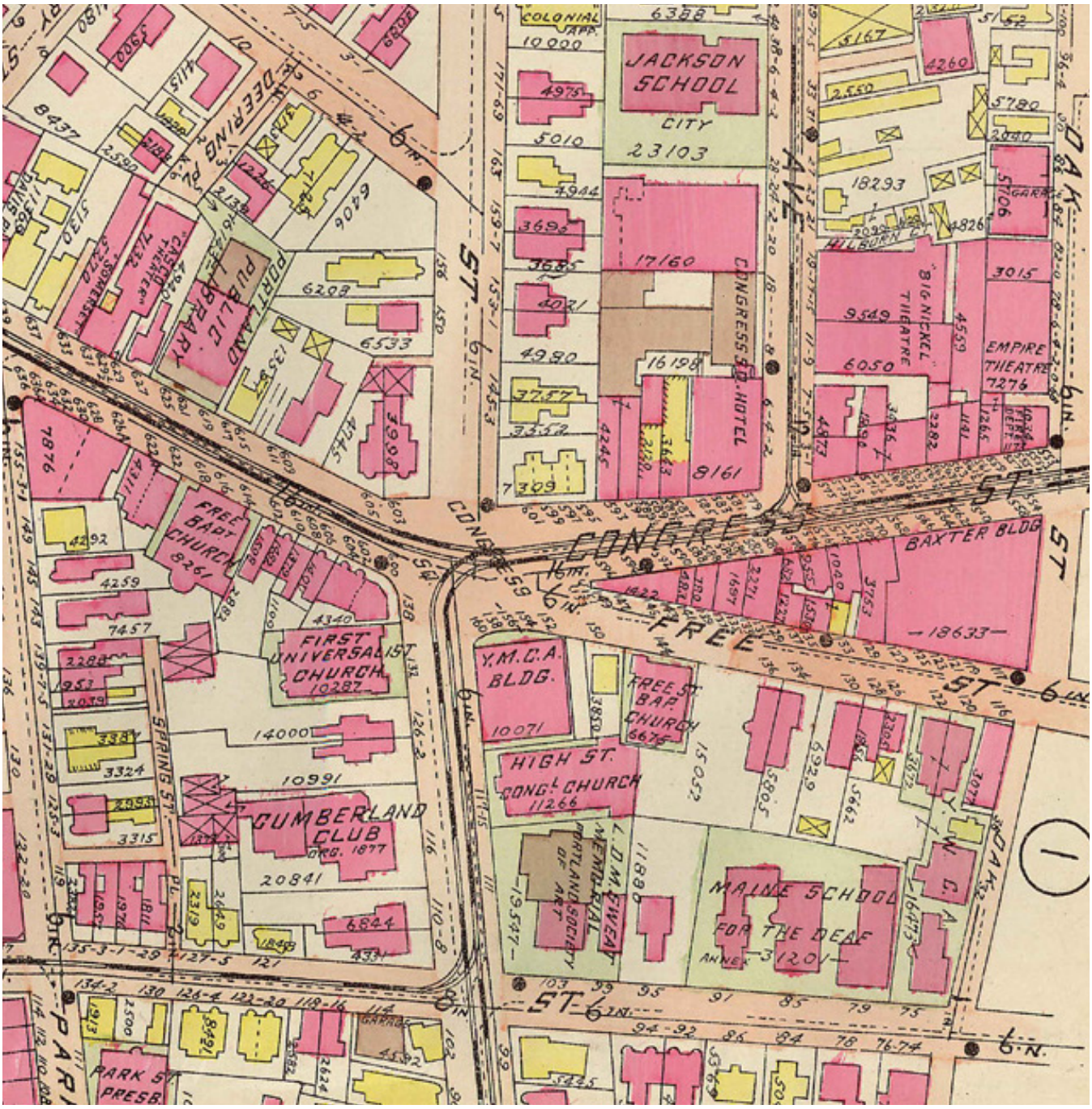
Source: *Free Street Baptist Church Semi-Centennial 1836-1886*. Collection of the author.

An 1882 map of Congress Square.

Source: *Revaluation Plans City of Portland, 1882*. Plate 39. Portland Public Library.

Congress Square in the early-twentieth century, showing the ca. 1897 YMCA/Libby Building at the center, and the Free Street Baptist Church at the left. The spire of the High Street Congregational Church is visible at the right, behind the Libby Building. This image was published in 1908.

Source: *In and About Portland,* 1908. Library of Congress.



Congress Square in 1914. The wood-framed Matthew Cobb Mansion has been replaced by the YMCA / Libby Building. The Free Street Baptist Church at 142 Free Street retains its towers.

Source: *Richards Standard Atlas of the City of Portland…,* 1914. Portland Public Library.

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The Economic Contribution and Impact of the Portland Museum of Art in Maine

A snapshot from a typical year before the PMA Blueprint facilities expansion and estimates post-expansion

Photo from the PMA website

PORTLAND MUSEUM of ART

MAINE CENTER FOR BUSINESS AND ECONOMIC RESEARCH
UNIVERSITY OF SOUTHERN MAINE

UNIVERSITY OF SOUTHERN MAINE

Prepared for the Portland Museum Of Art

By the Maine Center for Business and Economic Research, University of Southern Maine

December 2022

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Executive Summary

With a renewed commitment to diversity, equity, accessibility, and inclusion the Portland Museum of Art's (PMA) vision to become a central community gathering place and serve as a regional economic catalyst is being realized through its $100M multi-year redevelopment and construction project funded in part by an ongoing capital fundraising campaign. The following economic analysis – commissioned by the PMA and completed by the Center for Business and Economic Research (CBER) at the University of Southern Maine (USM) – quantifies the Museums ongoing contributions and impacts on the Maine economy in a typical year before the PMA Blueprint project (i.e., construction/expansion) and estimates the PMAs impact in a typical year after the expansion. Indirect and induced multiplier effects and some of the direct impacts are estimated by a Maine input-output model (IMPLAN, 2019 Data).

Pre-Expansion Snapshot, the PMA's annual economic contribution in 2019

The two major components of the PMA's economic contribution stem from museum spending and visitor spending. In 2019, the PMA welcomed over 170,000 patrons, an estimated 13% of which were from out of state and their trip to Maine was motivated by visiting the museum. These tourists spent an estimated $12.6 million directly on lodging, meals, shopping, transportation, etc. from outside of the museum. At the same time, the PMA paid $8M to maintain its ongoing operations, 69% of the direct operating costs were spent in Maine. Direct spending by out-of-state tourists supported an additional $8.1M in output (sales) – including both indirect and induced spending – and an additional 52 jobs. *For every $100 of tourists spending (sales), an additional $79 is generated elsewhere in the local economy.*

Including indirect and induced spending, the Museums direct operating activities supported an additional $5.7M in output (sales), and 37 jobs. *For every $100 of the PMA spending (sales), an additional $99 is generated elsewhere in the local economy.* Combine, in a typical year before the expansion the PMA supported:

- **Over 300 jobs.** Museum & visitor spending supported 309 jobs of which 220 were direct impacts and another 89 were supported through indirect and induced spending.
- **$12.9M labor income.** $8.7 million in direct labor income which supported an additional $4.2 million in indirect and induced impacts.
- **$29.8M output (sales).** Generated a total of $29.8 million in total output of which $16M were from the initial direct spending which supported another $13.8M in indirect and induced impacts.
- **$1.9 million in local and state taxes.** In 2019, $786,599 in local and $1.1 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of tourists.

Post-Expansion Snapshot, the PMA's annual economic contribution in 2027

The PMA Blueprint project is expected to be complete in 2027 and the new facilities open to the public. The PMA will have more space to host events, display more and higher quality exhibits, and in turn attract more visitors to the state. The increased capacity and diversity could allow the museum to welcome up to 300,000 annual visitors. An estimated 16% of visitors from out of state may take a trip to Maine motivated by visiting the PMA and could spend an estimated $28M on direct tourism-related expenditures.

To support the additional capacity, the PMA's annual operating budget will nearly double from the pre-expansion snapshot and a greater portion will be spent in Maine (81%) to purchase goods and services from local businesses and pay museum employees. In total, the estimated contribution for 2027, the year *after* the expansion, includes:

Executive Summary

Post-Expansion Snapshot, the PMA's annual economic contribution in 2027

- **Over 600 jobs.** Museum & visitor spending supported 621 jobs of which 426 were direct and another 195 were supported through indirect and induced spending.
- **$28.1M labor income.** $18.8 million in direct labor income which supported an additional $9.3 million in indirect and induced impacts.
- **$65.3M output (sales).** Generated a total of $65.3 million in total output of which $35M were from the initial direct spending which supported another $30.2M in indirect and induced impacts.
- **$4.2 million in local and state taxes in 2027.** In 2027, $1.7 million in local and $2.5 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of visitors.

Five-Year Construction Impacts in the Maine Economy

This analysis also estimated the economic impact from the capital expenditures on the proposed PMA Blueprint construction project under two local spending scenarios. In 2023 through 2027, the PMA estimates that it will cumulatively spend $52.1 million to construct the new 60,000 sq ft. building.

Under the first scenario, 50% of spending (i.e., $26.1M) is assumed to go to local construction companies. Including direct, indirect, and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 66 construction-related jobs per year (55 FTE)
- $17.4 million in associated labor income, and
- $49.5 million in total output (sales)

Under the second scenario, 60% of spending (i.e., $31.3M) is assumed to go to local construction companies. Including direct, indirect, and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 79 construction-related jobs per year (65 FTE)
- $20.8 million in associated labor income, and
- $59.4 million in total output (sales)

Importance of cultural amenities, community, and museum membership

Housing inventory – via the conversion of property from non-residential use to housing – is expanding in Southern Maine and downtown Portland, increasing residents and the pool of potential museum members.

The PMA's presence in downtown Portland in addition to the Blueprint project and other redevelopment and revitalization efforts underway improve the areas desirability and contribute to increased economic activity and population growth within the Portland and Greater Portland area.

Introduction & Methods

Introduction

Introduction & Methods

Situated near Congress Square in Portland Maine, the Portland Museum of Art (PMA) is part of the city's unique downtown Arts District that includes a mix of condos, apartment rentals, hotels, and local businesses. Not only does the PMA contribute to the local economy by generating sales and creating jobs, but it also contributes to the quality of life that Portland is known for as it serves the needs of residents, workers, and visitors, and invests money in redeveloping the area.

The PMA Blueprint is a $100M multi-year redevelopment and construction project funded in part under an ongoing capital fundraising campaign. Some of these investments will improve the existing structure and surrounding property and approximately $52M will be put towards the construction of a new 60,000 square foot building. By 2027, the PMA Blueprint project is expected to be complete, and the new facilities open to the public.

To quantify the Museums ongoing contributions and impacts resulting from its capital investments on new construction, the PMA commissioned the Center for Business and Economic Research (CBER) at the University of Southern Maine (USM) to conduct the following economic analysis.

The remaining section provides an overview of the economic trends shaping the region then describes estimation methods and data sources. The remaining report is structured into the following sections:

1) Pre-Expansion Snapshot (2019)
2) Post-Expansion Snapshot (2027)
3) Five-Year Construction Impacts in the Maine Economy
4) Technical Appendices

Map 1: The Portland Museum of Art located at 7 Congress Sq, Portland, ME

Image source: https://www.portlandmaine.com/explore-downtown/downtown-map/

Overview – *Economic and Demographic Trends*

Introduction & Methods

A general understanding of the underlying economic conditions and trends in a region provide important context when considering current and estimated impacts to the economy. Trends that impact consumer spending or influence a person's choice to visit or relocate to a city will have an impact on museum visitation and membership opportunities.

During the peak of the COVID-19 pandemic, stay at home orders and social distancing restrictions caused tourism-related spending to significantly drop. In 2020 and 2021, spending shifted from services to goods as travel, dining, and other indoor service activities halted. As of October 2022, expenditures on services have since increased to pre-pandemic levels. While this is good news, economic conditions in the short- and medium-term are highly uncertain, and there is an increased possibility of an economic slowdown in 2023.

Portland was listed as one of the 100 Best Places to Live in the US in 2022, based on a range of factors such as community amenities, education, sustainability, transportation, housing, and the economy. However, demographics and housing were among Portland's lowest ranking. Maine's aging demographic and resulting labor market conditions is a longstanding challenge, and the lack of housing stock and the high cost of existing housing is an ongoing concern.

Maine has the oldest population in the US by median age (44.7 years) and by percent of the population age 65+ (21.7%).[1] Over the next 10 years, the entire baby boomer cohort will surpass age 65 and reach retirement. It was typical for baby boomers to work beyond retirement age, but more have retired during the pandemic. At the same time there is a smaller population of youth and young adults in the state to replace them in the labor force and without higher rates of in-migration economic growth will be constrained. An older demographic will not negatively impact the number of people that visit the PMA, but labor force issues can impact both the museum and its local vender and supplier business operations. These issues can also impact the supply of local construction workers available to build the PMA's the new structure.

Recent population growth in Maine is ranked among the fastest in the nation. From 2020 to 2021 Maine's population increased by nearly 10,000 or 0.7%, for comparison, the US as a whole added around 400,000 people, an increase of 0.1%. Much of this growth was driven by in-migration that was strong enough to offset a natural decrease in population (i.e., when deaths outnumber births). In other words, more people moved to Maine during the pandemic. This was driven in part by an increase in remote work and people seeking locations that allow for work-life balance and access to outdoor recreation. The influx of people relocating to Maine is not a new trend but has increased since the pandemic. These trends are encouraging especially since the state needs more working-age people to sustain economic activity, but it is uncertain whether they will continue at the same rate in the future. There is opportunity for Maine to see continued increased in-migration in the coming years due to the latter trends, however housing – in addition to childcare and school availability for those with children – are possibly limiting factors.[2]

Housing costs have sharply increased over the past several years as demand far outpaced supply. Affordability is a particular concern as interest rates have spiked causing more potential buyers to be priced out of the market and make home mortgages more expensive. Higher home prices have contributed to higher rental prices; increases in the Portland and Greater Portland area have started to create a new 'high end' market especially in cities such as Westbrook, Biddeford, Gorham, Windham, Brunswick, and Lewiston. This trend was underway prior to the pandemic but demand has increased, and many higher end options are being purchased.

The need for more housing in general and more affordable options is a well-known issue in Portland and the Greater Portland area. From 2011 to 2020 the total number of housing units in Cumberland County increased by 5.7% (7,861) and in the Art District neighborhood where the PMA is located the number of housing units increased by 7% (142), but it is still not enough to keep up with demand.[3] The influx of people relocating to the state further constrains the housing supply and limits availability for ongoing migration.

[1] 2021 Population Estimates Program
[2] Maine State Economist
[3] Housing data from 2011-2015 American Community Survey (ACS) 5-Year and 2016-2020 ACS 5-Year Estimates.

Overview – *Downtown Redevelopment and Revitalization*

Introduction & Methods

Thriving and successful neighborhoods and downtowns provide a sense of place, a community. Cultivating community, as the PMA has done for over 140 years, impacts the economy as more people in the area results in improved business activity, increased property values, and expanded local tax base.

Think of quality of life as everything that makes a place worth calling home.

Within economic development, "quality of life" is measured with a complex balance of indicators such as infrastructure, jobs, education, healthcare, housing, and cultural amenities. A place, or a region with a high quality of life can provide its residents with everything they need and want to live and thrive. That is why improving quality of life increases desirability for a destination. It attracts and retains people, adds revenue, and boosts recognition and reputation.

Investments that contribute and improve quality of life and place can be more effective than traditional economic development tools such as business tax incentives to attract or retain employers or create a more "business-friendly" environment with lower taxes and labor costs. While traditional tools have value, community amenities such as recreational opportunities, cultural activities, and quality services may be larger contributors to a healthy local economy than traditional "business-friendly" measures.[4] Other quality of life factors such as good restaurants, access to open spaces and public spaces, good jobs, safety, and connection and mobility also attract (and retain) more people to an area to live, work, and play.

Housing & real estate development trends in Portland and the Greater Portland area

There are several housing developments and redevelopments currently under construction in Portland downtown, Bayside, and East Bayside neighborhoods in addition to revitalization projects. These projects will increase housing capacity and contribute to the quality of life the city has become known for, as well as have a positive impact on museum's membership opportunities.

Office building conversions in downtown Portland are bringing more housing inventory online as apartments, condos, and hotels. In 2021, at least two known buildings were sold in downtown Portland with plans to convert to residential, with two additional known for 2022, and more potential projects are under discussion.[5]

Housing-related redevelopment is underway in Portland to increase housing capacity, such as the updates to 50 Monument Square and the conversion of city's iconic Time & Temperature building to an 86-bed luxury hotel with a restaurant and rooftop bar, and meeting and retail spaces.

These are just a few examples of redevelopment projects in addition to the PMA Blueprint project and other revitalization efforts underway contributing to the areas increased desirability thus improving economic activity and population growth within the Portland and Greater Portland area.

[4] Ohio River Valley Institute. (2022) An Aggregate Approach to Estimating Quality of Life in Micropolitan Areas

[5] MEREDA 2022 Forecast Conference. Southern Maine Office Forecast, Nate Stevens, The Boulos Company

Estimation Methods & Data Sources

Introduction & Methods

The Portland Museum of Art (PMA) provided actual and projected annual operational data including payroll information and vendor/supplier spending, detailed visitation counts as well as portion of out-of-state visitors, and estimated construction spending for 2019 through to 2027. These data represent PMA's direct spending in the Maine economy and serve as inputs to estimate indirect and induced impacts statewide.

Data from the Maine Office of Tourism's (MOT) 2021 Economic Impact and Visitor Tracking Report and "Maine Museums: An Economic Impact Study, 2010" is used to develop trip assumptions, visitor segments, spending patterns, and estimate the portion of visitors that took a trip to Maine motivated by visiting the PMA. These data along with visitor counts provided by the PMA are used to estimate the total direct tourism-related expenditures (i.e., visitor purchases of goods and services including meals, hotels, transportation, etc. outside of the museum). Trip assumptions, visitor segments, and spending patterns for 2019 are used to estimate direct tourism-related expenditures for 2027. An estimated 25% of out-of-state museum visitors in 2019 took a trip to Maine motivated by visiting the PMA. In 2027, an estimated 35% of out-of-state museum visitors will take a trip to Maine motivated by visiting the PMA. These data reflect direct visitor spending and serve as inputs to estimate indirect, induced, and sometimes direct impacts (i.e., jobs and labor income) to the state.

The term "economic impact" and "economic contribution" are often used interchangeably but there are distinctions important for the reader to understand. The term "economic impact" of the PMA represents new spending in the economy, that is "but if not for" the PMA, the spending is assumed would not have occurred. On the other hand, "economic contribution" can be thought of as the entire footprint of the PMA to the Maine economy, it measures the support of the PMAs ongoing operations - that is money that is already circulating. The spending of tourists whose trip to Maine was motivated by visiting the PMA to browse its galleries, patronize a specific exhibition, or attend an event, and capital investments on new construction represent spending that would not have occurred but for the PMA.

Indirect and induced multiplier effects and some of the direct impacts are estimated by a Maine input-output model (IMPLAN, 2019 Data). IMPLAN is a regional economic analysis software application that is designed to estimate the impact or "ripple" effect of a given economic activity within a specific geographic area. For more information on the IMPLAN modeling process, visit IMPLAN.com. The impacts and contributions presented in this report are quantified and presented using common economic metrics including full-time equivalent employment (FTEs), workers, wages, total output (sales), and tax revenues. Only spending that takes place within Maine is included as stimulating the changes in economic activity. All economic impact and contribution figures are reported in current 2022 dollars.

A note on employment. Jobs or workers in IMPLAN represent average annual employment. To switch between FTE and IMPLAN jobs we use the 2020 546 FTE & Employee Compensation Conversion table. The factors used to switch between FTE to IMPLAN jobs and from IMPLAN jobs to FTE are as follows: 1 FTE is equal to 1.159 IMPLAN employees and 1 IMPLAN employee is equal to 0.831 FTE. Refer to the technical appendices for modeling output definitions and other key terminology used throughout the report.

Ongoing Museum Operations

Introduction & Methods

Since the onset of the COVID-19 pandemic in 2020, the PMA closed for several months due to emergency restrictions – involving state and local stay-at-home mandates coupled with physical distancing measures – enacted to limit the spread of the virus. In April and May of 2020 and January and February of 2021, the PMA was closed to visitors. During this time, the pandemic caused consumer spending to significantly contract as most people opted to stay home instead of going out and spending money on leisure activities. In particular, services that involved any kind face-to-face human interaction were affected the most. In 2019, over 170,000 individuals visited the PMA. When compared to visitation in 2019, levels were 67% lower in 2020 and 46% lower in 2021. The impacts of COVID-19 have lingered into 2022 but visitation has increased. As of September 2022, the PMA has welcomed over 97,000 visitors exceeding totals from 2020 and 2021. The number of museum visitors is expected to increase as more people continue to resume pre-pandemic activities. By 2027, the PMA estimates the number of museum visitors will nearly double from 2019 levels because of the increased capacity and attraction anticipated from its new facilities (Figure 1).

The COVID-related closures did not lead to a drop in the PMA operating expenses, in fact these costs slightly increased in 2020 and 2021 over 2019 levels. During this time, the Museum still needed to maintain its facilities and art collections and pay its employees. Many businesses had to layoff employees, but the PMA was able to retain and support its staff during these challenging times. Actual and projected operating costs, shown in Figure 2, include total personnel budget (with tax and benefits) and vendor/supplier spending. In 2019, approximately 69% of the operating budget was spent in Maine on local vender and supplier businesses and to pay workers' salaries, wages, and benefits. As the operating budget increases to support anticipated capacity so too will the PMA's share of local investments. By 2027, approximately 81% of the operating budget will be spent in Maine to purchase goods and services from local vendors/suppliers and pay employees.

Figure 1. Annual number of visitors (with future projections)

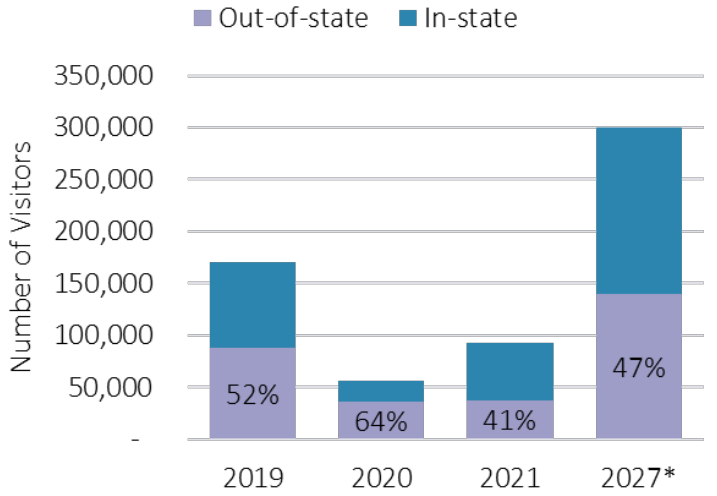
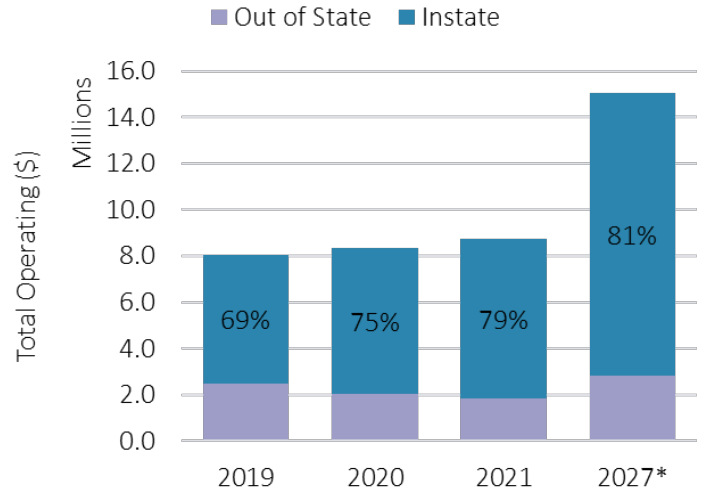


Figure 2. Annual operating costs (with future projections)



Note: Total operating cost includes personnel budget (with tax and benefits) and vendor/supplier spending.*Projections.

Visitor Estimates and Assumptions

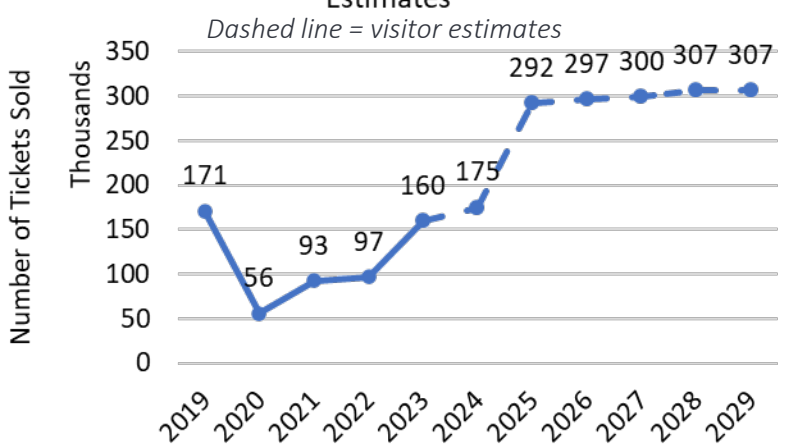
Introduction & Methods

Number of Visitors. In 2019, the PMA welcomed over 170,000 visitors, 88,000 or 52% came from outside of Maine. Not all visitors came to Maine to specifically visit the PMA. An estimated 25% or 22,020 out-of-state visitors are estimated as museum-specific tourists whose trip to Maine was motivated by visiting the PMA to browse its galleries, patronize a specific exhibition, or attend an event (Table 1). By 2027, the PMA expects the facilities expansion to be complete and anticipates up to 300,000 annual visitors, 47% or 140,153 would come from out-of-state. Because the new facilities are expected to increase the museums physical capacity and draw new art attractions that in turn attract more visitors to the state, an estimated 35% of out-of-state visitors (i.e., 49,053) are estimated to be museum-specific tourists in 2027.

Table 1. Museum Visitors

	2019	2027
Total museum visitors	170,831	300,000
Tourists - trip to Maine motivated by visiting the PMA	22,020	49,053

Figure 3. Annual Museum Visitor Totals & Estimates



Visitor segments and trip assumptions. Not all visitors have the same spending patterns, some come for the day while others, for example, stay with friends and family or at a hotel. To account for these differences, out-of-state museum visitors – or museum tourists – are segmented into three groups. Two are based on the type of overnight accommodations, that is paid lodging (45%) and unpaid lodging (27%), and the third is day-trippers (28%) (Table 2). The average trip length for paid lodging visitors is 4 nights and non-paid overnight visitors is 5.7 nights. Visitor segments and trip assumptions are applied to both 2019 and 2027 museum tourist counts.

Table 2. Visitor Segments & Trip Assumptions

	Visitor Segments		
	Paid Overnight	Unpaid Overnight	Day
Average length of stay (nights)	4	5.7	0
Visitor segment (% of total)	45%	27%	28%

Visitor Spending and Assumptions

Introduction & Methods

Spending Patterns. Daily per person spending by visitor segment, shown in Table 3, is estimated from daily travel party spending figures reported by the MOT, and adjusted by findings from the Maine Museums report and the authors assumptions. Spending patterns in 2019 are comparable to those in 2021. Average travel party size, reported as 2.7, is used to convert daily travel party spending to daily per person spending. The average cost to purchase a ticket to the museum is assumed to be captured in the spending patterns shown in Table 3.

Direct tourism-related expenditures reflect visitor purchases of goods and services on meals, hotels, shopping, transportation, etc. from outside of the museum. To estimate the direct tourism-related spending of museum tourists, the average spending patterns by visitor segment, illustrated in Table 4, are multiplied by the number of visitors in each respective segment. Annual ticket sales estimated from these visitors of $178,512 in 2019 and $397,368 in 2027 are removed from total direct spending because this spending is technically captured within the museum effects. Since the number of out-of-state visitors is expected to increase from 88,078 in 2019 to 140,153 in 2027, a 59% increase, the assumption is that ticket sales will increase by approximately the same percentage.

Table 3. Daily Per Person Spending Patterns

	Visitor Segments		
Category	Paid Overnight	Unpaid Overnight	Day
Accommodations	$106	$0	$0
Food & beverage	$52	$56	$31
Recreation	$11	$13	$7
Retail shopping	$21	$36	$20
Transportation	$31	$17	$9
Total	**$221**	**$121**	**$67**

Table 4. Direct Tourism Spending

Category	2019	2027
Accommodations	$4,188,202	$9,330,144
Food & beverage	$4,171,069	$9,291,949
Recreation	$551,314	$1,228,475
Retail shopping	$1,832,872	$4,083,112
Transportation	$1,838,789	$4,096,300
Total	**$12,582,246**	**$28,029,981**

The Portland Museum of Art's Economic Contribution & Impact in Maine

Pre-Expansion Snapshot, 2019

This section reports the PMA's statewide economic contribution in 2019, a typical year before construction. The two major components of the economic contribution and impact stem from museum spending and visitor spending. The PMA pays its employees and spends money at local vendor/supplier businesses to maintain its ongoing operations while people from out-of-state who come to Maine to visit the Museum spend money on retail goods, meals, hotels, and other items outside of the museum. This constitutes the initial or direct spending. The local businesses use a portion of their revenues to purchase supplies, equipment, and employ workers. Employees of the PMA and its vendors, in turn, spend their earnings in the local economy on household consumption goods including food, entertainment, housing and other goods and services adding value along the way. This results in recurring rounds of local economic spending, this is referred to as the indirect and induced economic impacts, which are estimated by a Maine economic model (IMPLAN) and presented in the following section.

Museum Spending Effects in the Maine Economy

Pre-Expansion Snapshot, 2019

The PMA contributes to the Maine economy through three types of impacts: direct (initial sale or spending) and indirect and induced, which account for the ripple effects of multiple rounds of spending in the economy. These contributions are quantified and presented, in Table 5, using common economic metrics including workers/FTE, labor earnings, and total output.

In 2019, approximately 69% of the PMA's direct operating costs were spent in Maine on local vender and supplier businesses ($1,156,000) and to pay museum employees ($4,379,035). These operating activities are estimated to support an additional 8 indirect workers, $335,983 (in 2022 dollars) in indirect labor income, and $1.4 million in indirect output.

Including direct, indirect, and induced spending, the total impacts of the PMA's ongoing operational spending, include an estimated 129 jobs (i.e., 107 FTE), $6.3 million in associated labor income, and $11.5 million in total output (sales).

Table 5. Contribution of the Operation of PMA to the Maine Economy, 2019

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	76	$ 4,559,603	$ 5,763,270	92
Indirect	7	$ 335,983	$ 1,408,376	8
Induced	24	$ 1,369,320	$ 4,291,359	29
Total Impact	**107**	**$ 6,264,905**	**$ 11,463,004**	**129**

Note: The Portland Museum of Art (PMA) provided actual and projected operational spending data, including employee compensation and local business vendor/supplier spending. Full-time equivalent (FTE) values provided by PMA are converted to IMPLAN employment prior to using it as an input to the model. Results do not include impacts of construction or visitor spending. Figures are reported in current 2022 dollars. The multiplier is 1.99.

Assumptions: In 2019, 32% of total local venders/suppliers spending (i.e., $1,156,000) went to Maine businesses. This figure along with total employee compensation ($4,379,035) and number of employees (92) are used to estimate indirect and induced spending.

Visitor Spending Effects

Pre-Expansion Snapshot, 2019

In 2019, an estimated 22,020 tourists took a trip to Maine motivated by visiting the PMA, these tourists spent an estimated $12.6 million on lodging, meals, shopping, transportation, etc. from outside of the museum. This direct spending supports indirect and induced effects generated by sales to tourism-related businesses in the hospitality sectors that in turn purchase goods and services from other Maine businesses and pay their employees who then spend their wages on household goods and services in Maine. Indirect and induced activity support an additional 52 jobs, $2.5 million (in 2022 dollars) in labor income, and $8.1 million in output.

Including direct, indirect and induced spending, the total impacts of visitor spending, include an estimated 180 jobs (i.e., 150 FTE), $6.3 million in associated labor income, and $18.3 million in total output (Table 6).

Table 6. Economic Impact of Visitor Spending to the Maine Economy, 2019

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	106	$ 4,095,696	$ 10,192,076	128
Indirect	18	$ 1,084,347	$ 3,536,575	22
Induced	25	$ 1,453,745	$ 4,553,370	30
Total Impact	**150**	**$ 6,633,789**	**$ 18,282,021**	**180**

Note: Results do not include impacts of construction or museum spending. Figures are reported in current 2022 dollars. Estimated direct spending in narrative does not equal direct spending reported in table due to leakages resulting from the difference in the prices paid by the consumer and the actual price of the product purchased. For more information refer to the technical appendices. The multiplier is 1.79.

The Economic Contribution & Impact of the PMA in Maine

Pre-Expansion Snapshot, 2019

The total economic contribution of the PMA in 2019 is the sum of the business activity directly associated with operations of the PMA and the spending of tourists whose trip to Maine was motivated by visiting the PMA.

In 2019, museum and tourism spending supported:

- Over 300 jobs of which 220 were direct impacts and another 89 were supported through indirect and induced spending.
- $8.7 million in direct labor income which supported an additional $4.2 million in indirect and induced impacts.
- Generated a total of $29.8 million in total output of which $16M were from the initial direct spending which supported another $13.8M in indirect and induced impacts.

Table 7. Contribution of Museum & Visitor Spending, 2019

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	183	$ 8,655,299	$ 15,955,346	220
Indirect	25	$ 1,420,330	$ 4,944,950	30
Induced	49	$ 2,823,065	$ 8,844,728	59
Total Impact	**257**	**12,898,693**	**29,745,025**	**309**

Notes: Results include the impacts and contribution of visitor or museum spending.

Tax Impacts

Pre-Expansion Snapshot, 2019

The economic activity generated by the PMA's ongoing museum operations and by spending of visitors on retail goods, meals, hotels, and other taxable items support fiscal impacts in the form of tax revenues from income, sales, and other tax collections. These result from taxes on wages and salaries paid by the PMA and by tourism-related businesses, in addition to taxes on wages and salaries from the indirect and induced jobs. In 2019, these economic activities generated an estimated $1.9 million in local and state tax revenue in the Maine economy (Table 8).

Table 8. Fiscal Contribution of Museum & Visitor Spending, 2019

in 2022 dollars

Impact	Local	State	Total
Direct	$ 422,580	$ 626,876	$ 1,049,456
Indirect	$ 98,310	$ 136,414	$ 234,724
Induced	$ 265,709	$ 322,930	$ 588,639
Total Impact	**$ 786,599**	**$ 1,086,219**	**$ 1,872,819**

Notes:
Assumptions:

$1.9 million in local and state taxes in 2019

In 2019, $786,599 in local and $1.1 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of visitors.

Five-Year Construction Impacts in the Maine Economy

The PMA Blueprint Project, 2023-2027

In 2023 through 2027, the PMA estimates that it will cumulatively spend $52.1 million on its new facilities expansion. This section reports the one-time economic impact from the PMA's capital expenditures on the proposed PMA Blueprint project in Maine under two local spending scenarios.

Five-Year Construction Impacts in the Maine Economy – 50/50

The PMA's Blueprint project, 2023-2027

In 2023 through 2027, the PMA estimates that it will cumulatively spend $52.1 million for (new) construction. Under the first scenario, 50% of spending (i.e., $26.1M) is assumed to go to local construction companies, construction activities for this period are estimated to support 37 total direct construction-related jobs per year (i.e., 31 FTEs) and $10 million (in 2022 dollars) in direct labor income.

Including direct, indirect and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 66 construction-related jobs per year (55 FTE)
- $17.4 million in associated labor income
- $49.5 million in total output (sales)

For every $100 of the PMA spends on new construction, an additional $90 is generated elsewhere in the local economy.

Labor income and output reported in Table 9 is the combination of the impacts across the five years, reported in 2022 dollars. The number of workers and FTEs is reported in terms of average annual jobs and FTEs (i.e., jobs/year and FTE/year) for the project. This is because the jobs on the construction site are not cumulative, in the same way that an employee working a job for 5 years is not viewed as 5 jobs.

Table 9. Economic Impact from New Construction Spending, 5-year period (50/50 Scenario)

in 2022 dollars

Impact	Average Annual FTE	Labor Income	Output / Sales	Average Annual Workers
Direct	**31**	**$ 9,998,223**	**$ 26,059,000**	**37**
Indirect & Induced	24	$ 7,351,350	$ 23,477,917	29
Total Impact	**55**	**$ 17,349,573**	**$ 49,536,917**	**66**

Notes: The Portland Museum of Art (PMA) provided construction cost estimates. Capital expenditures are analyzed independently from the PMA's business operations as these are one-time purchases. Results reflect total economic impact from spending on the one-time construction project that is expected to take place over a five-year period from 2023 to 2027. Figures reported in current 2022 dollars. The multiplier is 1.9.

Five-Year Construction Impacts in the Maine Economy – 60/40

The PMA's Blueprint project, 2023-2027

Under the second scenario, 60% of spending (i.e., $31.3M) is assumed to go to local construction companies, construction activities for this period are estimated to support 45 total direct construction-related jobs per year (i.e., 37 FTEs) and $12 million (in 2022 dollars) in direct labor income. Including direct, indirect and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated:

- 79 construction-related jobs per year (65 FTE)
- $20.8 million in associated labor income, and
- $59.4 million in total output (sales)

Labor income and output reported in Table 10 is the combination of the impacts across the five years, reported in 2022 dollars.

Table 10. Economic Impact from New Construction Spending, 5-year period (60/40 Scenario)

in 2022 dollars

Impact	Average Annual FTE	Labor Income	Output / Sales	Average Annual Workers
Direct	37	$ 11,997,868	$ 31,270,800	45
Indirect & Induced	28	$ 8,821,620	$ 28,173,500	34
Total Impact	**65**	**$ 20,819,487**	**$ 59,444,300**	**79**

Notes: The Portland Museum of Art (PMA) provided construction cost estimates and share of local spending estimates. Capital expenditures are analyzed independently from the PMA's business operations as these are one-time purchases. Results reflect total economic impact from spending on the one-time construction project that is expected to take place over a five-year period from 2023 to 2027. Figures reported in current 2022 dollars. The multiplier is 1.9

The Portland Museum of Art's Economic Contribution & Impact in Maine

Post Expansion Snapshot, 2027

By 2027, the multi-year redevelopment and construction project is expected to be complete, and the new facilities open to the public. The new facilities are anticipated to increase the PMAs physical capacity, it will have more space to host events, display more and higher quality exhibits and in turn attract more visitors. This section provides a snapshot of the PMA's economic contribution in 2027 as a result of the estimated increase in operational spending and increased visitor attraction and spending.

Museum Spending Effects in the Maine Economy

Post Expansion Snapshot, 2027

Approximately 81% of the PMA's direct operating costs will be spent in Maine on local vender and supplier businesses ($2,600,000) and to pay museum employees ($9,640,000), in 2027. These operating activities are estimated to support an additional 17 indirect jobs, $713,871 (in 2022 dollars) in indirect labor income, and $3.1 million (in 2022 dollars) in indirect output.

Including direct, indirect, and induced spending, the total impacts of the PMA's anticipated increase in operational spending, include an estimated 216 jobs (i.e., 180 FTE), $13.3 million in associated labor income, and $24.4 million in total output (sales).

Table 11. Contribution of the Operation of PMA to the Maine Economy, 2027

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	115	$ 9,640,000	$ 12,240,000	138
Indirect	14	$ 713,871	$ 3,051,006	17
Induced	51	$ 2,903,075	$ 9,098,032	61
Total Impact	**180**	**$ 13,256,946**	**$ 24,389,038**	**216**

Note: The Portland Museum of Art (PMA) provided actual and projected operational spending data, including employee compensation and local business vendor/supplier spending. Full-time equivalent (FTE) values provided by PMA are converted to IMPLAN employment prior to using it as an input to the model. Results do not include impacts of construction or visitor spending. Figures are reported in current 2022 dollars.

Assumptions: By 2027, the PMA estimates that 48% of total venders/suppliers spending (i.e., $2,600,000) will go to Maine businesses. This figure along with projected employee compensation ($9,640,000) and number of employees (138) are used as model indirect and induced spending.

Visitor Spending Effects

Post Expansion Snapshot, 2027

In 2027, an estimated 49,053 tourists will take a trip to Maine motivated by visiting the PMA. These visitors will spend an estimated $28 million for lodging, meals, shopping, transportation, etc. from outside of the museum. Indirect and induced impacts are estimated to support an additional 117 jobs, $5.7 million (in 2022 dollars) in labor income, and $18.1 million in output.

Including direct, indirect, and induced spending, the total impacts of visitor spending, include an estimated 405 jobs (i.e., 336 FTE), $14.9 million in associated labor income, and $40.9 million in total output (sales).

Table 12. Economic Impact of Visitor Spending to the Maine Economy, 2027

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	239	$ 9,174,087	$ 22,805,766	288
Indirect	40	$ 2,421,710	$ 7,898,630	48
Induced	57	$ 3,254,228	$ 10,192,750	68
Total Impact	**336**	**$ 14,850,025**	**$ 40,897,146**	**405**

Note: Estimated direct spending in narrative does not equal direct spending reported in table due to leakages resulting from the difference in the prices paid by the consumer and the actual price of the product purchased. For more information refer to the technical appendices. Results do not include impacts of construction or museum spending. Figures are reported in current 2022 dollars.

The Economic Contribution & Impact of the PMA in Maine

Post Expansion Snapshot, 2027

The total economic contribution is the sum of the museum spending effects and visitor spending effects previously reported. In 2027, the estimated museum and tourism spending will support:

- Over 600 jobs of which 426 were direct impacts and another 195 were supported through indirect and induced spending.
- $18.8 million in direct labor income which supported an additional $9.3 million in indirect and induced impacts.
- Generated a total of $65.3 million in total output of which $35M were from the initial direct spending which supported another $30.2M in indirect and induced impacts.

Table 13. Estimated Contribution of Museum & Visitor Spending, 2027

in 2022 dollars

Impact	FTE	Labor Income	Output / Sales	Workers
Direct	354	$ 18,814,087	$ 35,045,766	426
Indirect	55	$ 3,135,581	$ 10,949,636	66
Induced	107	$ 6,157,303	$ 19,290,782	129
Total Impact	**516**	**28,106,971**	**65,286,184**	**621**

Notes: Results include the impacts and contribution of visitor or museum spending.

Tax Impacts

Pre and post expansion

By 2027, the economic activity supported by the PMA's ongoing museum operations and by spending of museum tourists is estimated to generate $4.2 million in local and state tax revenues (Table 14).

Table 14. Fiscal Contribution of Museum & Visitor Spending, 2027

in 2022 dollars

Impact	Local	State	Total
Direct	$ 948,844	$ 1,423,457	$ 2,372,301
Indirect	$ 218,499	$ 325,349	$ 543,848
Induced	$ 579,512	$ 747,096	$ 1,326,607
Total Impact	**$ 1,746,855**	**$ 2,495,901**	**$ 4,242,757**

Notes:
Assumptions:

$4.2 million in local and state taxes in 2027

In 2027, $1.7 million in local and $2.5 million in state taxes are estimated to result from the PMA's ongoing museum operations and by spending of visitors.

Technical Appendices

Definitions of Modeling Outputs & Other Key Terms

Technical Appendices

Key word	Definition
Direct effects	The expenditures or initial production changes associated with an industry or sector in the study area which are entered into the Input-Output analysis.
Economic contribution	Economic 'contribution' measures the support of an existing business, event or policy that is money that is already circulating, it is the gross change in economic activity associated with a business, event, or policy in an existing regional economy.
Economic impacts	Economic 'impacts' are to the local economy by exits or entry-related events, "but if not for", is the net changes in new economic activity associated with an industry, event, or policy in an existing regional economy.
Employee compensation	Total payroll cost of an employee, inclusive of wages, salaries, payroll taxes, and benefits such as health insurance and retirement.
Employment	The number of full-time, part-time, and seasonal jobs associated with a specific industry.
Full-time equivalent employment (FTEs)	Full-time equivalent employment (FTEs) is the number of full-time equivalent jobs, defined as total hours worked divided by average annual hours worked in full-time jobs.
Indirect effects	The economic impact of local industries purchasing goods and services from other industries along supply chains.
Induced effects	The economic impact of household spending of labor income following deductions from taxes, savings, and income for commuting.
Labor income	The sum of employee compensation and proprietor income.
Multipiliers	The measure of an industry's connection to the economy of Maine in terms of purchases, payments of wages and taxes, and other transactions.
Output	The value in dollars of production within Maine. It equates to the total of sales and net inventory change.
Total effects	The sum of direct, indirect, and induced effects.
Workers	Employment or workers is the total number of full-time, part-time, and seasonal jobs

END

The PMA Blueprint

Building a Landmark for the Future

A once-in-a-lifetime museum expansion and unification that will forever change Maine and New England. Through The PMA Blueprint, we will redefine our region, unite our communities, and sustain our economy for generations to come.

In a region traditionally renowned for its natural beauty and cuisine, the PMA has a new vision defined by arts, culture, belonging, and sustainability. To get there will require innovative thinking that goes "beyond the brick," and into the very nature of what a museum can be.

We believe the museum can transcend convention and redefine the quintessential Maine experience. **We understand** that the PMA, through investment in art and the facilities that bring that art to the public, can initiate a transformative new chapter for our region, one defined by growth and prosperity. **And we know** the time is now to embark on this profound and permanent shift forward.

THE CHALLENGE

For the last half decade, we've sustained double-digit increases in attendance, reaching a record high in 2019 with nearly 177,000 visitors. Our campus is at its limit, with attendance already at 2x the planned capacity of the Payson building. **In just 5 years, we will exceed 3x the planned capacity of our campus.** We need to build up, as we are being forced to make tough choices around reducing exhibition size, relocating programs, and restricting capacity due to the physical limitations of our campus.

Our collection has also grown exponentially, and **in the last decade alone has diversified deliberately and more quickly than at any point in our 140-year history**. Significant gifts from Judy Glickman Lauder, the Alex Katz Foundation, Barbara Goodbody, Richard Estes, Bruce Brown, David and Eva Bradford, the Berger Collection Educational Trust, and many more are transforming the PMA collection and expanding the narratives we can tell. Recently acquired works by Laura Aguilar, Rackstraw Downes, Nan Goldin, Philip Guston, Reggie Burrows Hodges, Carrie Mae Weems, Kara Walker, and others deserve space to store, care for, and present them–yet our existing facilities are insufficient and inadequate by modern standards.

And our communities have changed as well. We must do more to create opportunity–on our walls, in our galleries, through our programs, on our board, and within our staff–to ensure the PMA experience reflects the experiences, lifestyles, and values of the myriad people who call our region home and visit from around the world. We must platform individuals and communities that have been excluded from museums and "the art world". We must ensure our artwork, exhibitions, programs, and didactics are created by and in partnership with our BIPOC communities, immigrants and new Mainers, LGBTQIA2S+ neighbors, our elders, youth, and other communities across Maine. We must be at the center of our communities, which requires dialogue, trust, and transparency. And we must ensure we are championing a more diverse, inclusive, and sustainable region. **We must become a community institution that is rooted in *belonging*.**

A LEADER IN OUR REGION, KEYSTONE IN OUR COMMUNITIES, AND CATALYST FOR OUR ECONOMY

From the museum's founding in 1882 by artists and community leaders, to Charles Shipman Payson's gift of 17 works by Winslow Homer and the opening of our Payson building 40 years ago, to our present-day status as a cultural leader, the PMA's impact is greatest when we open doors for audience engagement, identify opportunities to grow our collection and unify our campus, and create space to come together.

Nearly a decade ago, the PMA prioritized diversity, equity, accessibility, and inclusion throughout our exhibitions, programs, events, and culture of philanthropy. In the years since, we have cultivated a broader, more detailed, and nuanced understanding of what these ideas mean, dedicating ourselves to the concepts of belonging, sustainability, our mission–*Art for All*–and values of courage, equity, service, sustainability, and trust.

In October 2019, the PMA took a big step toward a bold future, purchasing 142 Free Street, a building directly adjacent to the museum's Charles Shipman Payson Building. In a rapidly evolving city, this purchase provides the museum with a footprint for future opportunities and enables the PMA to define Portland as a national center for arts and culture.

With the opportunities of 142 Free Street, the development of Congress Square (a major, underdeveloped urban park at the main entrance of the museum) and the domino effects of renewal across our campus at sites like the Payson Building, Spring Street lot, and more, now is the time to unify the campus and thoughtfully plan the museum's future. We envision our campus as an environmentally sustainable gathering place where a strong artistic vision drives conversation, creativity, and cultural vibrancy.

This investment will embody our *Art for All* and sustainability values, with 142 Free Street being the first sustainable and green public building in Portland and just the fourth green public museum building in the country. The mass timber structure will include flexible and open-ended spaces, including classrooms to learn and get messy, workshops, artist residencies, performance spaces, and many more versatile areas for collaborations, partnerships, and connection. This is all in addition to innovative galleries and ways to present art that are at the heart of a museum.

This new, iconic, and architecturally significant center will be the hallmark of a unified and renewed campus–enhancing the PMA's mission, welcoming visitors from around the corner and across the world, and encouraging meaningful connections with artworks, programs, and events.

LEVER ARCHITECTURE & THE CONCEPT

In January, the Portland Museum of Art announced LEVER Architecture (Portland, OR and Los Angeles, CA) to lead the design team for ***The PMA Blueprint***. LEVER Architecture's winning concept imagines the PMA campus unified through a stunning and sustainable building that connects directly to the PMA's Postmodern-style Charles Shipman Payson Building (1983), Beaux-arts style Lorenzo De Medici Sweat Memorial Galleries (1911), Federalist-style McLellan House (1801), and Greek revival Clapp House (1832.) The design–proposed primarily from sustainable mass timber, one of LEVER's defining characteristics–reflects LEVER's understanding of the PMA's values and goals, as well as the history and future of Portland, of Maine, and of the region.

LEVER envisions a new building at the site of 142 Free Street made from mass timber, terracotta, and glass, and includes nods to Maine communities, history, and culture. The curved roofline is designed to frame the sun as it rises and sets, in honor of Maine's Wabanaki communities (Abenaki, Maliseet, Micmac, Passamaquoddy, and Penobscot Nations) and the land they call Wabanaki, or Dawnland. The timber used in LEVER's design speaks to the state's lumber industry heritage while reimagining its future as a hallmark of environmental stewardship, much in the same way the PMA's other buildings embody their time and place and reflect other aspects of Maine's history. Other sustainable building materials and practices, such as geothermal energy, will be explored as the project moves into future phases.

LEVER Architecture and their team of Simons Architects and Unknown Studio, Chris Newell-Akomawt Educational Initiative, Openbox, Once-Future Office, Atelier Ten, and Studio Pacifica were selected through a juried international design competition that attracted submissions from 104 teams representing 20 countries, including Australia, Belgium, China, Denmark, Finland, Japan, Mexico, Spain, South Korea, United Arab Emirates, the United Kingdom, and more. In total, more than 250 firms participated as part of the 104 submitting teams, with 46% of all lead firm submissions owned or founded by people of color or women.

Additionally, the Jury considered feedback from the public, who submitted more than 2,000 ideas, questions, and comments to the PMA during the concept gallery display November 18–December 31. Opportunities for community feedback have been critical to the PMA throughout its campus planning and ***The PMA Blueprint*** process, and in addition to the public comment period this winter have included focus groups, listening sessions, and surveys to ensure the future development of the museum's campus is defined by and rooted within the communities it serves.

In the months since the announcement, the LEVER team has frequently been to Maine to meet with, interview, and learn from our communities. These pre-planning moments with visitors, staff, and stakeholders are the initial steps to refine the concepts that will ultimately become the final design for the new PMA.

DOUBLING OUR ECONOMIC IMPACT

The Portland Museum of Art's contributions to Maine's economy are already significant, with $29.8 million in total output, $8.7 million in direct labor income supporting an additional $4.2 million in indirect and induced impacts, and $12 million in direct tourism-related expenditures. In 2022, The Maine Center for Business and Economic Research at The University of Southern Maine (USM) found that ***The PMA Blueprint*** could effectively double its impact at the completion of the project.

This is because investments that contribute to and improve quality of life can be more effective economic development tools than traditional strategies such as business tax incentives. Community amenities including recreational opportunities and cultural activities may be larger contributors to a healthy local economy than more narrowly focused "business-friendly" measures. A range of easily accessible open spaces and public gathering spots that promote community connections, restaurants, jobs, and safety have proven to attract–and retain–newcomers to an area to live, work, and play.

USM's analysis also estimated the economic impact from the capital expenditures on the proposed PMA Blueprint construction project. Between 2023 through 2027, the PMA estimates that it will cumulatively spend more than $60 million to construct the new building. Including direct, indirect, and induced spending, the total impacts of the PMA's capital investment on new construction, include an estimated: 66 - 79 construction-related jobs per year, $17.4 - $20.8 million in associated labor income, and $49.5 - $59.4 million in total output (sales).

MASS TIMBER'S POTENTIAL FOR MAINE

The Portland Museum of Art sees even more potential for economic development beyond Portland, extending throughout Maine's rural and urban communities, invigorating local economies, revitalizing communities, and sparking new industries and revenue streams.

This spring, the Portland Museum of Art was the sole arts institution at the International Mass Timber Conference in Portland, Oregon, among 3,000 attendees from 20 countries. Yet, we were welcomed with open arms and told time and again that ***The PMA Blueprint*** is the bellwether this emerging industry has been waiting for. That's because our project can demonstrate the benefits of mass timber beyond raw materials and processes.

One of the key benefits of mass timber construction is its ability to sequester carbon, retaining it in the building rather than being released back into the atmosphere through decomposition or burning. When wood that is used for mass timber construction is obtained from sustainably managed forests, the resulting materials have a much lower life-cycle carbon footprint than steel and concrete, delivering a 26.5% reduction in global warming potential, according to University of Washington researchers. That is incredibly significant, as the building sector produces an extraordinary 40% of global carbon emissions annually. The most common forms of mass timber include cross-laminated timber (CLT), Glue Laminated beams, Structural Round Timber (SRT), and laminated veneer lumber (LVL). No matter the type, all mass timber is incredibly strong, climate safe, and sustainable.

Maine almost had a CLT plant in 2018 but lost the bid to a site in the south that is now a profitable economic driver in Alabama. In our preplanning for our building, we're discovering a shared desire and drive for a CLT plant in Maine by our policymakers at all levels, the University of Maine, Indigenous leaders, landowners, forestry advocates, businesses, and more. Why? Because mass timber in Maine just makes sense. We're the most forested state in the country–with nearly 90% of the land covered in forests, the potential to revitalize and reimagine our state is real. This is a rare and unique opportunity to bring rural and urban communities, companies, and governments together through clean industries that make the world better and support Maine jobs.

The time is now to incentivize mass timber as a go-to building material to maximize long-lasting and positive outcomes for our economies and environment. We are excited to partner with LEVER Architecture and lead by example through our new, landmark building, but we need others to embrace regenerative, climate-safe wood products and processes as well. Together, we can support a better future, one that leads sustainably while fostering the people, communities, and industries that could revitalize and reimagine our state and New England as a whole.

JOIN US

Beginning today, we can renew, revitalize, and redefine a museum's role within our society.

With your partnership and support, we can manifest a model for all museums: one defined by leadership, courage, sustainability, and belonging.

The PMA you help to establish will strengthen our societal fabric and affirm that museums are critical to the health of our communities in all ways.

Together, we can realize the true potential of museums for all people.

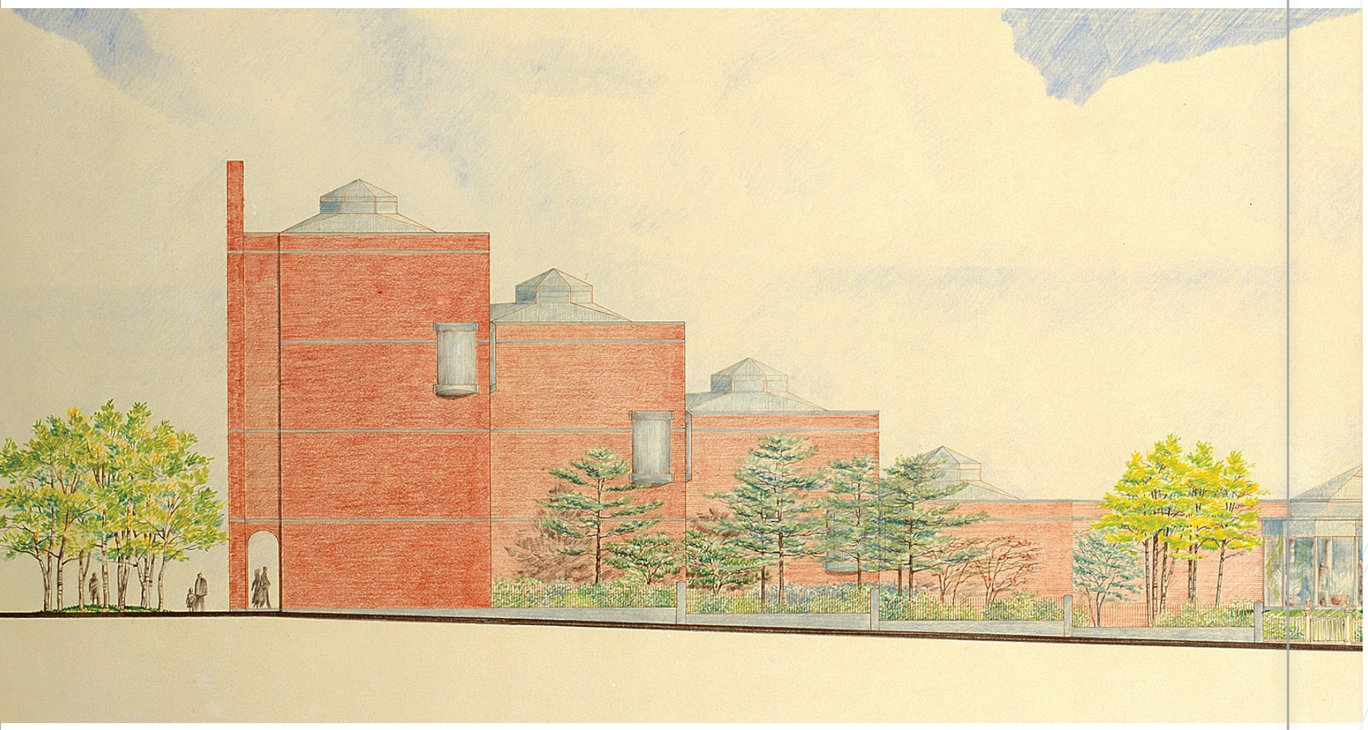
MUSEUMS NEED A PARADIGM SHIFT THAT DELIVERS ON THE PROMISE OF *ART FOR ALL.*

Art reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks **imagination** spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks **imagination** spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects **culture** defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display **beauty** sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses

This paradigm shift enables the PMA to be a leader of our region, a keystone for our communities, and a catalyst for our economy.

Art reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks **imagination** spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks **imagination** spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination

BEYOND THE BRICK



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The PMA's impact is greatest when we open doors for audience engagement and identify opportunities to grow our collection and unify our campus.

The Portland Museum of Art is defined by three pillars: community, collection, and campus. Working in tandem, these pillars have been the foundation of every milestone of the museum's incredible history. From the museum's founding in 1882 by artists and community leaders, to Charles Shipman Payson's gift of 17 works by Winslow Homer, to the opening of its Payson building one hundred years later, and to its present-day status as a cultural leader, the PMA's success has been grounded by one of these three pillars.

Now, sparked by the current growth and diversification of the collection, record attendance and community feedback, and new opportunities to expand and unify its campus, the Portland Museum of Art stands ready to embark on what will be its most ambitious and pioneering era yet. ***This era will be defined by the additions of new, renowned collections, the development of iconic buildings in which to present them, and an innovative relationship with the communities we serve.***

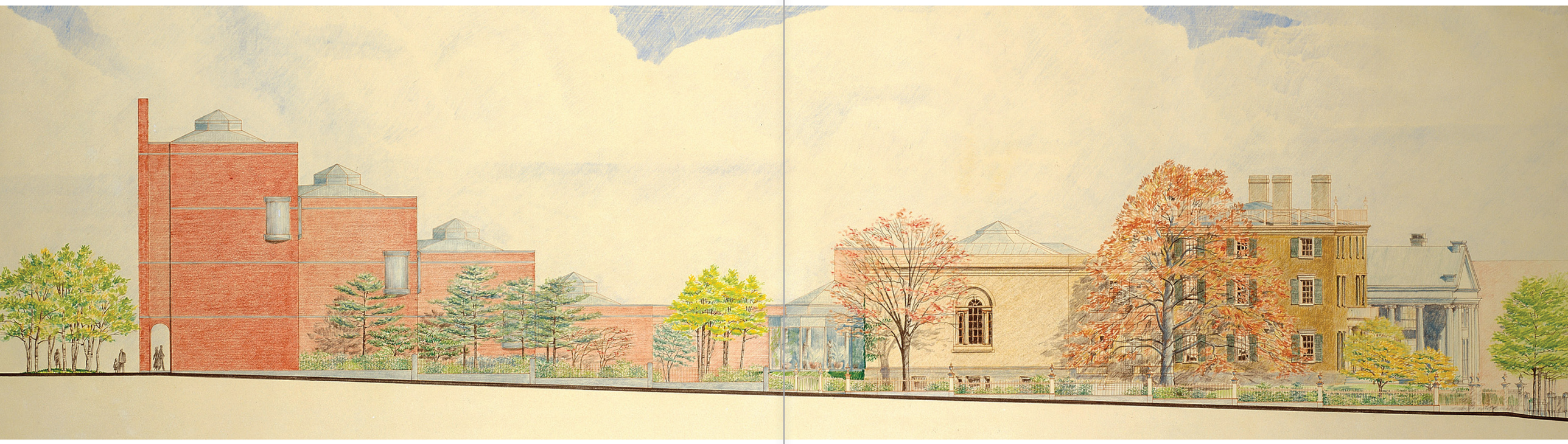
Mark H.C. Bessire
Judy and Leonard Lauder Director

COMMUNITY, COLLECTION, CAMPUS; UNIFIED

PORTLAND MUSEUM *of* ART Seven Congress Square, Portland, Maine 04101 PH: 207 / 775-6418 FAX: 207 / 773-7324 portlandmuseum.org

and prosperity. ***And we know*** the time is now to embark on this profound and permanent shift forward.

BEYOND THE BRICK



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The Portland Museum of Art is about to fundamentally change Maine. In a region traditionally renowned for its natural beauty and cuisine, the PMA has a new vision defined by arts, culture, equity, and sustainability. To get there will require innovative thinking that goes "beyond the brick," and into the very nature of what a museum can be.

We believe the museum can transcend convention and redefine the quintessential Maine experience. ***We understand*** that the PMA, through investment in art and the facilities that bring that art to the public, can initiate a transformative new chapter for our region, one defined by growth and prosperity. ***And we know*** the time is now to embark on this profound and permanent shift forward.

It's time to envision the next great era in PMA history, one sparked through new, world-famous collections and an architecturally innovative and unified campus that serves as an epicenter for conversation, connection, and community.

– MARK H.C. BESSIRE,
JUDY AND LEONARD
LAUDER DIRECTOR

OUR HISTORY

AT 140 YEARS OLD, THE PMA IS AMONG THE OLDEST ART MUSEUMS IN THE COUNTRY, AND PREDATES X-RAYS, THE EIFFEL TOWER, AND THE BOSTON RED SOX.

THE FIRST 100

Although the museum was founded in 1882, the PMA story really begins with the legacy of its first benefactor, Margaret Jane Mussey Sweat. In 1908, Sweat bequeathed the McLellan House and necessary funds to build the L. D. M. Sweat Memorial Galleries in memory of her late husband. Margaret Jane Mussey Sweat's belief in the museum would set the precedent for future generations of philanthropy and provide the visionary foundation of what the Portland Museum of Art could be.

1882
The Portland Society of Art is founded by artists.

1888
COLLECTION
Benjamin Paul Akers' *The Dead Pearl Diver* becomes the museum's very first acquisition, marked by a group donation model.

1908
CAMPUS
Sweat bequeaths the McLellan House, an 1801 federal-style three-story mansion designed by John Kimball, Sr., to found the museum. Sweat foresees the need for future growth, and includes the necessary funds to build the L. D. M. Sweat Memorial Galleries.

1911
CAMPUS
L.D.M. Sweat Memorial Galleries open in a Beaux-arts style building designed by John Calvin Stevens: 7,500 sq. ft., with 4,000 sq. ft. of exhibition space.

CREATING THE PMA, 1976–2006

When Charles Shipman Payson gave the museum 17 artworks by Winslow Homer in 1976, it served as a catalyst for a group of visionary leaders to expand the campus, attract the museum's first significant collections and long-term loans, and establish the downtown footprint that remains to this day.

1976
COLLECTION
Maine native Charles Shipman Payson promises the museum his collection of 17 paintings by Winslow Homer.

CAMPUS
Critically, Payson identifies the museum's physical limitations and generously gives $8 million toward the construction of a new building.

1979
COLLECTION
In direct response to the Payson gift, the Hamilton Easter Field Art Foundation Collection adds more than 50 paintings, sculptures, and works on paper by American modernists to the PMA collection.

1980
COLLECTION
Edward Hopper's *Pemaquid Light*, which continues to be the PMA's most requested artwork by visitors, joins the collection.

1981
CAMPUS
The museum breaks ground on the Charles Shipman Payson Building.

1983
CAMPUS
Designed by Henry Nichols Cobb of Pei Cobb Freed & Partners, the new heart of the PMA opens with 20,000 sq. ft. of exhibition space.

1983
COLLECTION
The Friends of the Collection is founded by a group of enterprising women to bring greater diversity and equity to the PMA through the acquisition, conservation, and care for the collection and related programming.

FUN FACT | Artworks by Ahmed Alsoudani, David C. Driskell, Edward Hopper, Louise Nevelson, Isamu Noguchi, Marguerite Zorach, and many more have been acquired by the Friends of the Collection.

1988
COLLECTION
Winslow Homer's masterpiece, *Weatherbeaten*, sparks a new era of major growth of the collection.

1991
COLLECTION
The Joan Whitney Payson Collection of 20 impressionist and post-impressionist works of art is given to the museum on permanent loan. Pierre-Auguste Renoir's *Confidences (Secrets)* is among the highlights of the collection.

1996
COLLECTION
Elizabeth B. Noyce bequeaths 66 works of American art, which at the time stands as the most extensive and diverse gift of American art ever given to the museum.

2002
CAMPUS
After a successful $12.3 million capital campaign, the PMA meticulously renovates the McLellan House, restoring it to its original condition and reopening it to the public in 2002.

For more than 40 years, there have been no increases in galleries, visitor amenities, or capacity.

ENSURING FLEXIBILITY, 2006 – 2016

The first 10 years of the 21st century proved to be a pivotal decade in Portland, and as its cultural renaissance took hold, the PMA moved to secure the museum's future flexibility by securing three strategic properties: 87 Spring Street, the Charles Quincy Clapp House, and the Winslow Homer Studio.

2006
CAMPUS
The PMA purchases the Winslow Homer Studio and begins restoration project.

2007
CAMPUS
The Charles Quincy Clapp House, one of Maine's important early examples of high style Greek Revival architecture built in 1832, is purchased.

FUN FACT | Acquired by the Portland Society of Art in 1914, with ownership transferring in 1982 to Maine College of Art when the Portland Society of Art separated into the PMA and MECA.

Board votes to purchase 87 Spring Street in 2007 for $2.35 million.

2012
COMMUNITY
The exhibition *Weatherbeaten* breaks attendance records and sets a new precedent as to what the museum could do if it unified exhibition strategy, audience development, and brand equity in the years to come.

CAMPUS
The Winslow Homer Studio opens to the public.

2013
COLLECTION
CAMPUS
COMMUNITY
The PMA begins planning a four year, cross-departmental accessibility initiative, *Your Museum, Reimagined,* to reinstall the collection, digitize the collection, improve physical accessibility, and create more ways to remove financial means as a barrier to the museum.

FUN FACT | Director Mark Bessire often said, "the PMA built a building without a building."

2014
CAMPUS
The museum purchases the land surrounding the Winslow Homer Studio to be preserved in perpetuity through an $11.8 million capital campaign for restorations, land, and building the endowment.

COLLECTION
Robert Indiana's *SEVEN* is installed in Congress Square, simultaneously adding an iconic public work of art in Portland while underscoring the PMA's physical address at 7 Congress Square.

2015
COLLECTION
Andrew Wyeth's *River Cove*, which the New York Times said, "may be Wyeth's best painting" and is regularly identified by art historians as among his most important and impressive artworks, joins the collection.

THE *ART FOR ALL* GENERATION, 2016 - PRESENT

The path the PMA is about to take was made possible through several successful projects and initiatives that ensured artworks and audiences came together to move the museum forward.

In 2015 the PMA announced its commitment to a multiyear, cross-departmental collections and accessibility initiative, *Your Museum, Reimagined*. By its completion in 2017, the PMA had reinstalled the collection, digitized the collection, improved physical accessibility, and created more ways to remove financial barriers to the museum.

2016
COMMUNITY
A sustained multiyear increase in attendance begins, growing beyond the previous five-year average of 130,000, jumping 7%.

2017
COMMUNITY
The PMA launches *Your Museum, Reimagined*, immediately attracting 20,000 more visitors than the year before while establishing a new baseline for annual attendance.

The David E. Shaw Family Sculpture Park opens as a free space to the public for the first time in nearly 35 years.

Recent additions by John Bisbee, Jonathan Borofsky, Isamu Noguchi, and William Zorach have joined works by Anthony Caro and Celeste Roberge.

20,000 more visitors come to the museum.

COLLECTION
A substantial collection of photographs by Nan Goldin joins the collection.

2018
COMMUNITY
11% increase in attendance over 2016.

Through the generosity of Susie Konkel, the PMA introduces free admission for everyone ages 21 and under.

The museum launches multivocal didactic materials in exhibitions, which–alongside community advisory committees–improve the range of perspectives and educational opportunities available in the galleries.

Since that time, the PMA has aimed to build on the new wave of energy and support at the museum. This has been marked by a deep commitment to Diversity, Equity, Accessibility, and Inclusivity [DEAI] through exhibitions and programs that reflect the region's diverse communities and experiences with art that brings people together. We call it *Art for All*.

2019
COMMUNITY
Record Attendance: 176,464 visitors to the museum with a 10% increase over 2018 plus a 16% over previous half decade.

COLLECTION
Kara Walker's *Occupation of Alexandria*, David C. Driskell's *Ghetto Wall #2*, and Jeffrey Gibson's *PEOPLE LIKE US* immediately become collection highlights.

FUN FACT | 290 artworks added to the collection since 2016.

CAMPUS
The museum purchases 142 Free Street building, directly adjacent to the museum's Charles Shipman Payson Building. The purchase provides the museum with flexibility for future opportunities and enables the PMA to secure the area around Congress Square as a center for arts and culture.

2020
COMMUNITY
Attendance goal is set for 220,000.

As the pandemic takes hold, the PMA pivots to a digital-first museum, creating hundreds of types of content across all departments, and sets new record with 3.53 million people engaging with the museum online.

369% increase in web traffic from previous year.

Throughout the PMA's history, there have been flash points where circumstance, positioning, and support have come together to move the museum forward. Reflecting on these cycles is critical to understanding the unique and promising moment the PMA is embracing.

IT'S TIME

to envision the next great era in PMA history, one sparked through new, world-famous collections and an architecturally innovative and unified campus that serves as an epicenter for conversation, connection, and community.

ATTRACTING COLLECTIONS

Our dedication to the collection has never been stronger. We're committed to highlighting the strengths of our existing collection and the long-term loans that have attracted local and global audiences for decades. Simultaneously, we're expanding the collection dramatically through additions by artists such as Jeffrey Gibson, Daniel Minter, Tim Rollins & K.O.S., Clifford Ross, Theresa Secord, and Kara Walker. Lastly, we're reinforcing holdings of landmark works by Maine artists, including Lois Dodd, David Driskell, Winslow Homer, John Marin, and Andrew Wyeth.

The museum is now about to move light-years forward, with the addition of several major, internationally renowned and incredibly valuable collections that will transform everything. This expansion of the collection is the most extensive and diverse in the institution's history, and immediately centers the PMA as one of the most important museums in the Northeast.

But the opportunity and challenge ahead is clear: to present these collections at all, let alone meaningfully and in line with our values, we need to increase capacity to provide welcoming spaces for all through the growth and unification of our campus.

GROWING OUR COLLECTION

ALEX KATZ FOUNDATION GIFTS

Over the last decade, the Alex Katz Foundation has generously provided the PMA with a collection of nationally and internationally renowned artworks by Katherine Bradford, Emily Brown, Lois Dodd, Misaki Kawai, Chris Martin, Julian Opie, and more. The foundation has contributed more than 45 artworks to the PMA collection since 2011.

JUDY GLICKMAN LAUDER PHOTOGRAPHY COLLECTION

Anchored by works from some of the most beloved and influential photographers of the 20th century, including Berenice Abbott, Diane Arbus, Richard Avedon, Margaret Bourke-White, Danny Lyon, Sally Mann, Gordon Parks, and James Van Der Zee, the collection will become the center of a photographic collection at the Portland Museum of Art that will thrill audiences from around the world. The collection also includes photographs by critical contributors to the medium's history, such as Irving Bennett Ellis, Lotte Jacobi, Alma Lavenson, Ben Shahn, Graciela Iturbide, and Glickman Lauder, the collector herself.

BARBARA GOODBODY COLLECTION

Over the last half decade, the PMA has worked to prioritize artworks and perspectives from our Wabanaki communities, presenting contemporary artworks in our Biennial series, featuring leaders in our marquee public programs, and partnering with artists and community members on inclusive, direct, and honest didactic materials in order to dismantle systemic racism and art historical blind spots. Wabanaki baskets, given generously by Barbara Goodbody in 2021, include stunning works by David Moses Bridges, Martin Dana, Jeremy Frey, Theresa Secord, Sarah Sockbeson, Geo Soctomah Neptune, and more.

Beginning with our first acquisition in 1888 of Benjamin Paul Akers' *The Dead Pearl Diver*, the PMA has amassed a permanent collection of morethan 18,000 objects, with roughly 75 percent arriving as gifts from more than 10,000 donors.

WALTER B. AND MARCIA F. GOLDFARB COLLECTION

Assembled by PMA Trustee and patron Dr. Walter Goldfarb and his wife, Marcia, the Goldfarb collection focuses on three primary categories of painting: ship portraits, landscapes in the tradition of the Hudson River School, and trompe l'oeil still life. Featured artists include Sanford R. Gifford, John Haberle, William Michael Harnett, and John Frederick Peto. The Goldfarb Collection offers strong resonance with existing PMA works by Charles Codman, Fitz Henry Lane, Eastman Johnson, and others, providing visitors a coherent narrative of 19th-century American art.

RICHARD ESTES COLLECTION

The Richard Estes Collection and Archive has been promised to the Portland Museum of Art. This transformational collection contains paintings and extensive archival material, forming a significant body of work that will provide breadth to the museum's collection of American art. The Richard Estes Collection will help chart the reinvigoration of realist and figurative American painting in the decades after World War II, when numerous artists of Estes' generation were seeking a fresh approach to painting. Many of these artists eventually found Maine, or places like Maine–rural environments where their interest in the natural world became intertwined with their artistic visions.

BERGER COLLECTION EDUCATIONAL TRUST

A major gift of works by American icon Winslow Homer strengthens the Portland Museum of Art's position as one of the leading institutions in the world to experience the art and legacy of Winslow Homer. Highlights of the gift from the Berger Collection Educational Trust include paintings *Returning from the Spring,* 1874, and *Young Farmers (Study for Weaning the Calf),* 1873-1874, as well as nearly a dozen other works made by Homer during his career.

DAVID AND EVA BRADFORD COLLECTION

German expressionist works that powerfully blend issues of history, politics, art, and national identity, provoking questions about who we are and what we value in ways that are as pertinent today as they were a century ago. The works, gifts to the PMA from David and Eva Bradford, add context to the social and artistic expression of the era and are equally probing in their evaluation of German society and national identity. Highlights include works by Max Beckmann, Otto Dix, and Käthe Kollwitz.

THE PMA'S SUCCESS IS NOW OUR BIGGEST CHALLENGE

In the last two years, our audiences have made it clear that they have big expectations, and we do too. **We've sustained double-digit increases in attendance for the last half decade, reaching a record high in 2019 with more than 175,494 visitors.** As we look to the future, it's easy to see how the constraints of our campus will soon hinder our goals and our communities' needs.

We already welcome nearly

2x

the planned capacity of the Payson building.

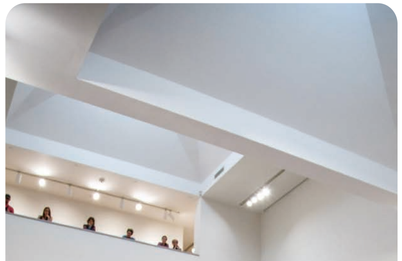
In just five years of our current pace of growth, we will exceed

3x

the planned capacity of our campus.

4x

as many visitors than peer museums with similar exhibition square footage.



WE NEED TO BUILD UP

We are being forced to reduce exhibition size, relocate marquee programs and events, and restrict capacity due to limits of our campus.

OUR NEEDS IN CONTEXT

Compared to peer institutions*, the PMA...

has

170-515%

MORE VISITORS

than similar sized campuses.

has

130-370%

MORE VISITORS

than equivalent member households.

has

140-585%

MORE VISITORS

than comparable collection sizes.

is

one of only 13

MUSEUMS IN THE UNITED STATES

with 100% of its collection online and accessible digitally.

has the

4th most open hours

IN THE ENTIRE COUNTRY.

leads

every other museum but one

IN FREE ADMISSION

by age.

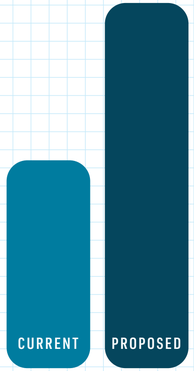
serves

more school districts

THAN BROOKLYN MUSEUM AND NATIONAL GALLERY OF ART.

* According to the American Association of Museum Directors (AAMD) 2019 report, which represents the most recent data. AAMD did not conduct reports for 2020. Data rounded to nearest fifth.

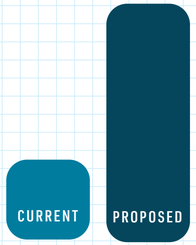
OUR PARADIGM SHIFT IS DEFINED BY EQUITY, SUSTAINABILITY, AND FLEXIBILITY.



21,556 SF 38,070 SF

+ 77%

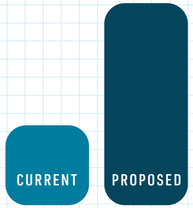
Space for Art



8,276 SF 25,214 SF

+ 205%

Space for Community



8,478 SF 21,163 SF

+ 150%

Space for Operations

By adding

60,000 SF

we can easily welcome

300,000-500,000

visitors per year.

In October 2019, the PMA took a big step toward a bold future, purchasing 142 Free Street building directly adjacent to the museum's Charles Shipman Payson Building. In a rapidly evolving city, this purchase provides the museum with a footprint for future opportunities and enables the PMA to define Portland as a national center for arts and culture.

With the opportunities of 142 Free Street, the development of Congress Square (a major, underdeveloped urban park at the main entrance of the museum) and the domino effects of renewal across our campus at sites like the Payson Building, Spring Street lot, and more, **now is the time to unify the campus and thoughtfully plan the museum's future.** We envision our campus as an environmentally sustainable gathering place where a strong artistic vision drives conversation, creativity, and cultural vibrancy.

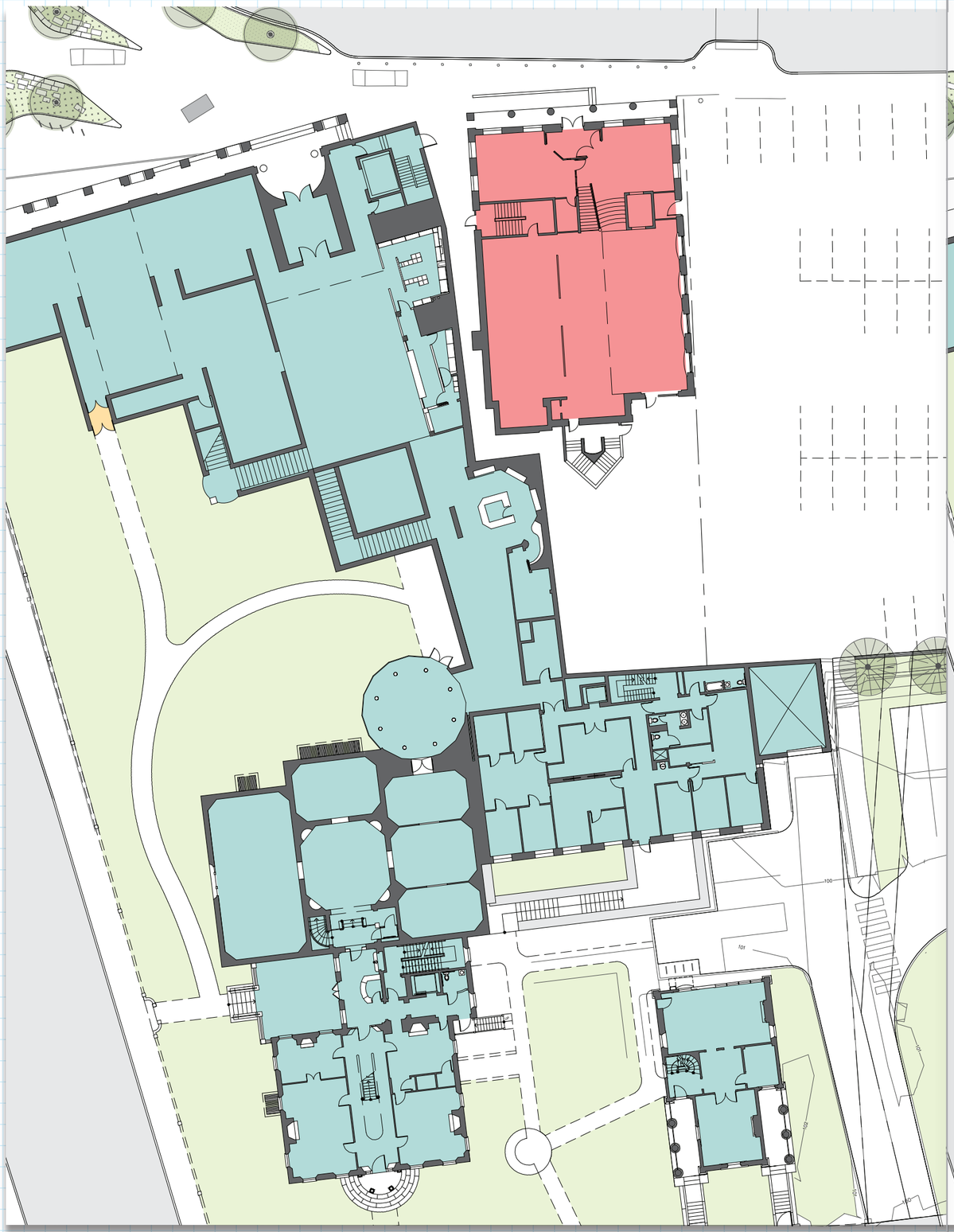
This investment will embody our *Art for All* and Sustainability values, with 142 Free Street being the first sustainable and green public building in Portland and just the fourth green public museum building in the country. Planned across a six- or seven-story building, the ground floor is a **community gathering space** with a gallery, classrooms, and versatile areas for collaborations, partnerships, and communal food sharing. The lower level is a large **flexible auditorium**, and one floor would be **dedicated to housing local nonprofit organizations,** which would operate in the building and become crucial to the **education and outreach** programs of the PMA. One floor would include an all ages Makers Space, classrooms, and a Photography Center. One floor would be dedicated to **traveling exhibitions** as our current space of 4,500 square feet is too small for us to collaborate with our peer museums; another floor would hold offices. The rooftop would provide a **meeting area, restaurant, and a sculpture park as well as an opportunity for earned revenue.**

A key component of the new PMA building at 142 Free Street will be **home to a photography study center** that teaches and inspires our youth, partners with seasoned photographers, and analyzes the historical and contemporary fields of photography. This dedicated space could fully support the field of photography for all generations by creating a new model that is so needed today, as museums struggle with their past. It could be housed on a floor that provides full-service photography, from darkrooms, classrooms, and galleries, to a study center in partnership with other cultural organizations, making it an active and accessible space for all. It could also include a dedicated permanent gallery, with exhibitions changing annually so that visitors to the PMA can build over time their knowledge of the art of photography.

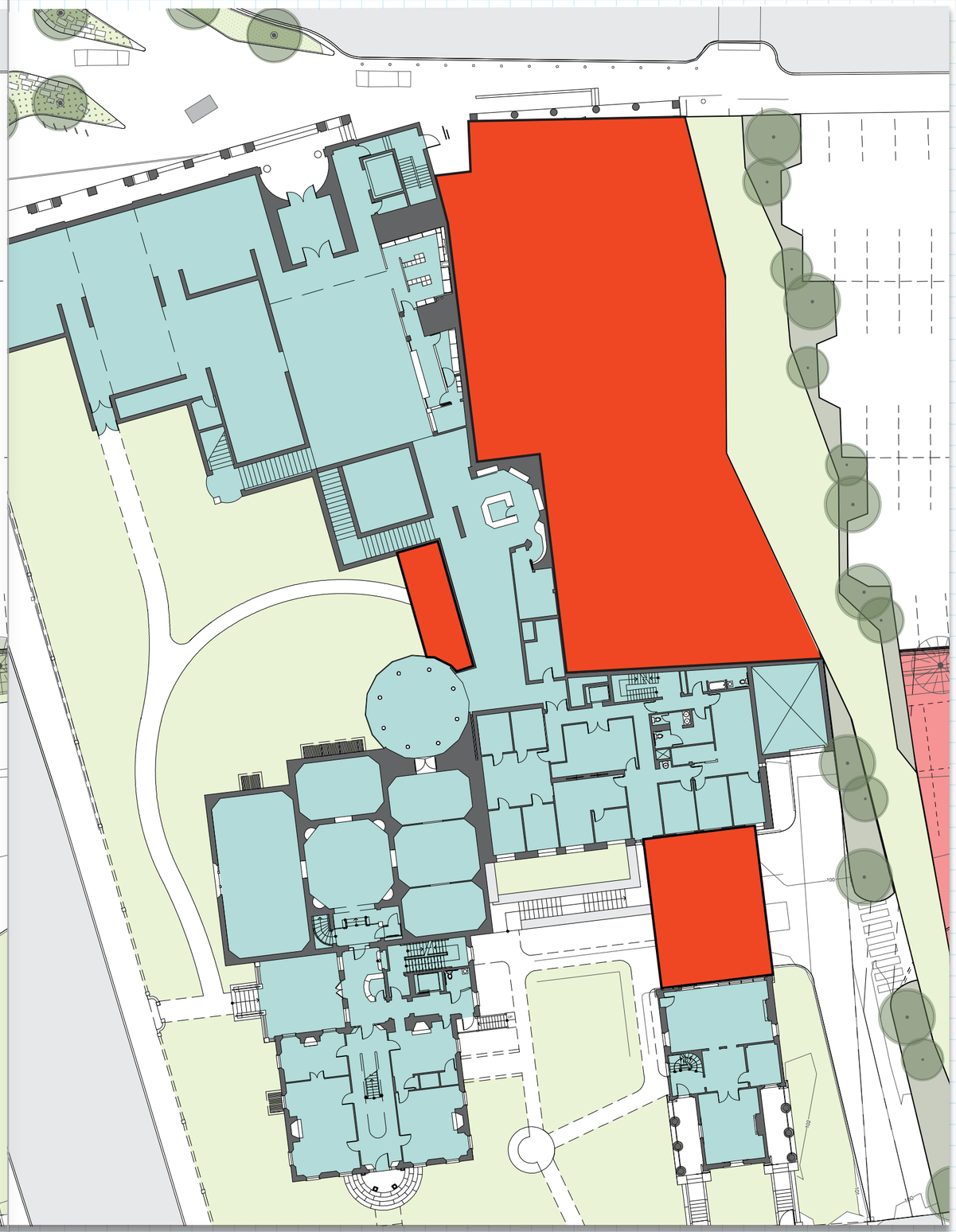
It's time to create the next great PMA experience, adding a new, iconic, and architecturally significant center to our historic campus. A unified and renewed campus will enhance the mission, welcome visitors from around the corner and across the world, and encourage meaningful connections with artworks, programs, and events.

IT'S TIME.

EXISTING SITE PLAN



POTENTIAL DEVELOPABLE SPACE PLAN



ART IS THE HEART

At every step along our 140-year history, we have been supported, guided, and sustained by our visionary partners who understand art's unique capacity to connect, inspire, and transform.

Beginning today, we can renew, revitalize, and redefine a museum's role within our society–but we can't do it alone.

With your partnership and support, we can manifest a model for all museums: one defined by leadership, courage, sustainability, and inclusivity. The PMA that you will help establish will strengthen our societal fabric and affirm that museums are critical to the health of our communities.

Together, we can realize the true potential of museums for all people.

What we leave as proof of our being here will not necessarily be in the sciences, in politics, in economics, but will manifest itself through the arts.

– DAVID C. DRISKELL

We're committed to connecting the art and ideas inside our walls with the world and people outside of them, and our vision for the museum will demonstrate that **the PMA is a different kind of arts institution:** one that platforms its communities, promotes its region, and elevates our shared future.

...Museums have an opportunity to not become community centers, but to ***be at the center of their community...***

– LONNIE G. BUNCH III, 14TH SECRETARY
OF THE SMITHSONIAN AND PMA'S 2018
NELSON SOCIAL JUSTICE KEYNOTE SPEAKER

Page 3: Jeffrey Gibson (United States, born 1972), *PEOPLE LIKE US*, 2018, glass and plastic beads, tin, copper and gold-finished jingles, artificial sinew, quartz crystal, silver-coated copper wire, druzy crystal, nylon thread, nylon fringe, acrylic felt, acrylic paint, repurposed wool blanket, recycled jersey stuffing, rawhide, 60 1/2 x 24 1/2 x 14 inches. Gift of Crewe Foundation and Family, 2019.13. © Courtesy of the artist and Robert Projects, Los Angeles, California; Photo Peter Mauney

Page 4: Architectural rendering of the Payson Building by I. M. Pei & Partners.

Page 12: Winslow Homer (United States, 1836–1910), *Weatherbeaten*, 1894, oil on canvas, 28 1/2 x 48 3/8 inches. Bequest of Charles Shipman Payson, 1988.55.1. Image courtesy of Luc Demers

Page 13: Katherine Bradford (United States, born 1942), *Woman Flying*, 1999, oil on canvas dropcloth, 84 x 72 inches. Museum purchase with support from the Friends of the Collection, 2012.14. Image courtesy of Pillar Digital Imaging. © Katherine Bradford

Page 17: Pierre-Auguste Renoir (France, 1841–1919), *Confidences (Secrets)*, circa 1874, oil on canvas, 32 x 23 3/4 inches. The Joan Whitney Payson Collection at the Portland Museum of Art, Maine. Gift of John Whitney Payson, 1991.62. Image courtesy of Pillar Digital Imaging

Pages 18 / 19, left to right: Elizabeth Hazan (United States, born 1965), *The Forest at 2:00am*, 2019, oil on linen, 50 x 47 inches. Gift of the Alex Katz Foundation, 2019.26.2. Image courtesy of Cary Whittier. © Elizabeth Hazan. Gordon Parks (United States, 1912–2006), *American Gothic, Washington, DC*, 1942, gelatin silver print, 13 x 10 1/4 inches. Promised Gift from the Judy Glickman Lauder Collection. Image courtesy of Luc Demers. Courtesy of and copyright The Gordon Parks Foundation. Theresa Secord (Penobscot, born 1958), *Trinket basket*, 2014, birch bark, spruce rooblack ash, sweetgrass, cedar bark, dye, 5 1/2 x 4 1/2 x 4 1/2 inches. Gift of Barbara M. Goodbody, 2021.19.12a,b. Image courtesy of Luc Demers. © Theresa Secord. John Frederick Peto (United States, 1854-1907), *Office Board for Christian Faser*, 1881, oil on canvas, 20 x 16 inches. Collection of Walter B. and Marcia F. Goldfarb. Richard Estes (United States, born 1932), *Kentucky Fried Chicken*, 2007, screenprint, 24 x 16 inches. Private collection. Image courtesy of Luc Demers. © Richard Estes. Winslow Homer (United States, 1836–1910), *Returning from the Spring*, 1874,oil on panel, 7 7/8 x 5 3/4 inches, Gift from the Berger Collection Educational Trust in honor of the preservation of the Winslow Homer Studio, 2018.9.1. Image courtesy of Luc Demers. Ernst Ludwig Kirchner (Germany, 1880-1938), *Striding Bathers in the Woods (In der Walde Schreitende Badens)*, 1910, etching on wove paper, 9 3/4 x 7 3/4 inches. Gift of David and Eva Bradford, 2003.34.2. Image courtesy of Luc Demers

Page 28: David C. Driskell (United States, 1931–2020), *Ghetto Wall #2*, 1970, oil, acrylic, and collage on linen, 60 x 50 inches. Museum purchase with support from the Friends of the Collection, including Anonymous (2), Charlton and Eleanor Ames, Eileen Gillespie and Timothy Fahey, Cyrus Hagge, Patricia Hille Dodd Hagge, Alison and Horace Hildreth, Douglas and Sharyn Howell, Harry W. Konkel, Judy and Leonard Lauder, Marian Hoyt Morgan and Christopher Hawley Corbett, Anne and Vince Oliviero, D. Suzi Osher, Christina F. Petra, Karen and Stuart Watson, Michael and Nina Zilkha, and with support from the Freddie and Regina Homburger Endowment for Acquisitions, and the Emily Eaton Moore and Family Fund for the Collection, 2019.16. © Estate of David C. Driskell. Courtesy DC Moore Gallery, New York

HOW WE GOT HERE:

Diversity, Equity, Accessibility, and Inclusion (DEAI) Roadmap

Equity Strategic Action Plan (ESAP)

Listening Sessions

Staff Workshops

Community Focus Group

Feasability Study

Strategic Plan

WHAT'S NEXT:

PHASE 1 | 142 Free Street Development
Begins with an *Architect Selection Process* and culminates with breaking ground on a new building.

Phase 2 | Further Campus Unification
Optimize and integrate existing facilities.

Phase 3 | Land Investment
Spring Street property transformation to serve the future of the PMA and our communities.

JOIN US

Mark H.C. Bessire
Judy and Leonard Lauder Director
Direct: (207) 699-4061
mbessire@portlandmuseum.org

Elizabeth Jones
Senior Deputy Director
Advancement and Sustainability
Direct: (207) 699-4543
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Ashleigh Hill
Director of Philanthropy
Direct: (207) 494-5346
PH: (207) 775-6148, ext. 3212
ahill@portlandmuseum.org

Lane Brenner
Director of Major Gifts
Cell: (315) 243-3379
lbrenner@portlandmuseum.org

Alicia Coll
Philanthropy and Campaign Administrator
Direct: (207) 699-4065
acoll@portlandmuseum.org

...Museums have an opportunity to not become community centers, but to ***be at the center of their community...***

– LONNIE G. BUNCH III, 14TH SECRETARY OF THE SMITHSONIAN AND PMA'S 2018 NELSON SOCIAL JUSTICE KEYNOTE SPEAKER

The PMA Blueprint

Building a Landmark for the Future

The Portland Museum of Art is defined by three pillars: community, collection, and campus.

...Museums have an opportunity to not become community centers, but to ***be at the center of their community...***

– LONNIE G. BUNCH III, 14TH SECRETARY OF THE SMITHSONIAN AND PMA'S 2018 NELSON SOCIAL JUSTICE KEYNOTE SPEAKER

ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display **beauty** sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision **inspires** giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects **culture** defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display **beauty** sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects art. **Art** reflects culture defines community **centers** region attracts visitors create energy galvanizes support activates vision inspires giving diversifies collections display beauty sparks imagination spurs conversation poses ideas foster growth requires capacity unifies campus welcomes **community** defines culture reflects **art. The Portland Museum of Art is defined by three pillars: community, collection, and campus.**

Att. 8

Evan Schueckler <evans@portlandmaine.gov>

142 Free Street Portland

'Bruce Wood' via Historic Preservation <HP@portlandmaine.gov> Fri, Sep 15, 2023 at 4:18 PM
Reply-To: brucesar@yahoo.com
To: hp@portlandmaine.gov

The building at 142 Free Street was constructed as a theater in 1830 and later became the Free Street Baptist Church. Except for losing its steeple, the building exterior is little changed since its time as a church. It is an integral part of the Congress Street Historic District. To tear down this contributing building would be a serious loss to the Congress Square area and could encourage other owners to petition to tear down a significant building adjacent to an existing non-contributing building. It would set a dangerous precedent.

The Portland Museum of Art owns much vacant land they could expand into without tearing down an existing structure. There is a parking lot adjacent to 142 Free Street they could build on and connect a structure on that site with both the existing museum buildings and this historic building in the rear, without impacting the street view of 142 Free Street. That also could enable them to better use the Charles Quincy Clapp building on Spring Street they currently use only for storage. Incorporating those two historic buildings into the museum would be a positive move. The PMA also owns a vacant lot where a Young Women's Christian Association building once stood which could be built upon.

In short, there is no reason to tear down a perfectly functional historically contributing building in order to erect a new building that would compete with the existing main building. I think the current building would be seriously diminished in its attractiveness by adding a competing, larger building next to it. Keep what is there, reuse what we have, Take advantage of alternatives that would enhance the entire block.

I oppose allowing the contributing building at 142 Free Street to be torn down.

Bruce Wood
607 Chandler's Wharf
Portland, ME 04101

making the former Children's museum a non-contributing structure

0 views

europa1 <europa1@maine.rr.com> 12:37 PM (2 minutes ago)

to hp@portlandmaine.gov

Dear City of Portland Historic Preservation Board:

As a Portland long-term homeowner, I want to say that we want to to recommend reclassifying the former Chamber of Commerce Building (also known as the former Children's Museum) as a "**non-contributing" structure in the Congress Street Historic District.** This would allow the PMA to demolish the building as a part of its major expansion plan.

We feel that it is much more important for the Portland Museum of Art, **a treasured and much loved member of our Portland community** be allowed to build their next iteration of the museum with the large expansion using the former Children's Museum space. We (my wife and I) feel that this is a more meaningful contribution to our community that allowing the current structure to stand in the way of the new museum expansion.

Thank you for your consideration.

Lucian Burg / Marie Pollard
54 Prospect St.
Portland, ME 04103
europa1@maine.rr.com
207-775-4929

City of Portland
Historic Preservation Board
c/o Evan Schueckler
Historic Preservation Manager
389 Congress Street
Portland, ME 04101

September 28, 2023

Dear Historic Preservation Board,

I am writing today in support of the Portland Museum of Art to have the City remove the unfortunate misclassification of 142 Free Street as a historically significant or "contributing" building.

I moved to Portland in 1989, and lived at 612 Congress Street, within one block of the PMA and what was at that time the Chamber of Commerce. From my living room I could see the Henry Cobb facade of the museum and the Hay Building. So for me, these structures are embedded in my psyche as home. That said, as an artist and former board member of Architalx, I have never felt the building at 142 Free Street has provided any significant contributing value to Portland's varied (and at times struggling) cityscape. If anything, it is part of the residue of multiple failures and fires which have left enduring scars on the peninsula.

Without reiterating what has been clearly outlined in the supporting document *A History of 142 Free Street* prepared by Historic Building Consultant Margaret Gaertner, I would simply like to add a few additional comments.

In my opinion, Free Street has been a significant lost opportunity for the fabric of Portland city life for the past three decades. This one-way street has prioritized cars and sporadic events at the Civic Center, with little consideration given to the day-to-day life of the people that live and work on the peninsula. I feel this contributes to a down-trodden and at times barren feeling of this part of the city.

For eight years (1996-2004), my studio was in the State Theatre Building (aka The Congress Building), and my home was on Park Street. Before the *Arts District* was even established, I had a small gallery in the The Congress Building. At that time, visitors from out of state would comment on the abundance of *For Rent* signs, signifying a struggling Congress Street economy.

| 95 jeanne street portland, me 04102 | 207.450.3628 |

jepaterak@gmail.com

While we continue to live with the events at the Civic Center creating occasional traffic, we also continue to endure the loss of true livable urban space due to the poor planning of the 1970s. This should have been remedied long ago. The Spring Street urban renewal project is one of those enduring scars which tore through the fabric of city-life, removing beautiful homes and quality pedestrian and business friendly street life. Free Street connects the cultural hub that the PMA is central to, with the Old Port, home to the touristed and working waterfront. This street has been waiting to be designated a pedestrian powerhouse and cultural hub which could provide a vibrant consumer audience, day and night, for the businesses that might choose to locate there. I believe the architecturally significant planned addition, newly designed by LEVER, will largely strengthen a robust economic future for downtown and a renewed life for Free Street.

It is unfortunate that the singular "architecturally significant" feature of 142 Free St is its *Greek Revival* facade. While there are examples of historically significant buildings in Maine with *Greek Revival* architecture worth saving, this is definitely not one. Stylistically, *Greek Revival* may have served the purpose of upholding certain ideals, architecturally and otherwise, in the 19th Century when the term was first used. However, it now only serves as a harmful reminder of exclusion and elitism, which is not in alignment with either the city's or the musuem's identified ideals for the present and future of our city life.

This facade was added to an existing building in 1958, for the simplistic fantasy reasoning of what "good architecture" is. As built, it was hardly given more consideration than a temporary theatre set. When this addition to the structure was built, the considerations of a handicap access (not legally required until 1990) and adequate pedestrian space were clearly not considered. If anything, to correct these wrongs, the footprint of the facade of the building should be brought back the 30 or so feet or so it was moved forward in 1856, which would allow for more comfortable street facing life at the museum entrance.

In closing, I am reminded that in 1983, when I was a 19 year old art student at the Worcester Art Museum & Clark University, I wrote an impassioned letter to save Union Station in Worcester, MA. I am not accustomed to wanting to remove a structurally sound building, as I think many structures are worth saving and/or re-purposing, especially in light of a fast-paced developing and resource-hungry world. In this case, however, the compromising changes made to the structure, the lack of any real historic or design significance of the building warrant its removal. In short, the building is not well designed, well placed, or of any use to the museum as it stands. I support the PMA's goals in a better future, a better museum and indeed I wholeheatedly support the ideals of *Art for All*. Art is what makes us better understand our humanity and citizenship, and that is precisely what the world needs more of and what I want for Portland's future.

Sincerely,

Jeanne Paterak

jepaterak@gmail.com

To: Portland Historic Preservation Board
From: Earle G. Shettleworth, Jr.
37 Academy Street
Hallowell, Maine 04347
October 4, 2023

Agenda Item: Preliminary Review of Proposed Historic District Amendment; Congress Street Historic District – Reclassification of 142 Free Street as non-contributing.

As a native of Portland, I have studied the architectural history of the city for sixty years. For fifty of those years, I have researched, lectured and published on the work of John Calvin Stevens, the city's leading late nineteenth-early twentieth century architect as well as a figure of state and national reputation.

The Portland Museum of Art's report, "A History of 142 Free Street and Free at Congress Street" traces the evolution of this building and its surrounding area. However, the report fails to address the key point of the architectural significance of 142 Free Street as a work of John Calvin Stevens.

As Stevens began his career in 1884, he designed homes, summer cottages, churches, and public buildings in the Shingle Style and the Romanesque Revival. At the same time, he was influenced by the emerging Colonial Revival, a style inspired by historic New England architecture, whether Colonial, Federal, or Greek Revival. Reflecting his interest in the past, in 1887 Stevens provided the Free Street Baptists, then owners of 142 Free Street, with a pen and ink drawing of the building as it looked in 1836 to illustrate their 50th anniversary publication. Stevens based this drawing on an engraving that appears on John Cullum's 1836 map of Portland. Both drawings show a handsome Greek Revival façade of classical columns and a triangular pediment.

By the early 1900s, the Colonial Revival was Stevens' style of choice. As part of his Colonial Revival work, he specialized in the restoration of historic Portland buildings such as the Elias Thomas House of 1901-03 on Danforth Street and the Portland Club of 1922 on State Street. In both cases, he replaced a Victorian remodeling with his interpretation of Federal Period design. His restoration practice extended to other parts of Maine to include the Blaine House in Augusta and the replication of historic churches lost to fire in Wiscasset and Waterford.

When the Portland Chamber of Commerce acquired 142 Free Street for its headquarters in 1926, John Calvin Stevens chose to evoke the historic appearance of the building by replacing its Victorian church façade with the impressive Colonial Revival columned façade we see today. While the architect drew

inspiration from the 1836 Cullum drawing and his own 1887 drawing, the façade is a design that expresses his own vision of a classical building to enhance the public space of Congress Square. For Stevens was an advocate of the City Beautiful Movement, in which he sought to improve Portland with such public buildings as City Hall, the Sweat Memorial Gallery, and the Portland Water District complex. In his own words, his purpose was "to have all the city's institutions so built that they become points of interest and beauty." As such, the Stevens façade of 142 Free Street has been an integral part of the fabric of Congress Square for almost a century. It is the perfect companion for the Post-Modern classicism of Henry Cobb's Payson building of 1983.

The architectural significance of 142 Free Street that I have outlined is a primary reason for its listing as a contributing resource to Portland's Congress Street Historic District. Contrary to the Portland Museum of Art's assertion, the City of Portland was correct in including 142 Free Street as a contributing building when it created the Congress Square Historic District in 2009. The appropriateness of this designation was confirmed by the National Park Service when it certified the district for the use of Federal historic tax credits. This designation should remain in place.

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

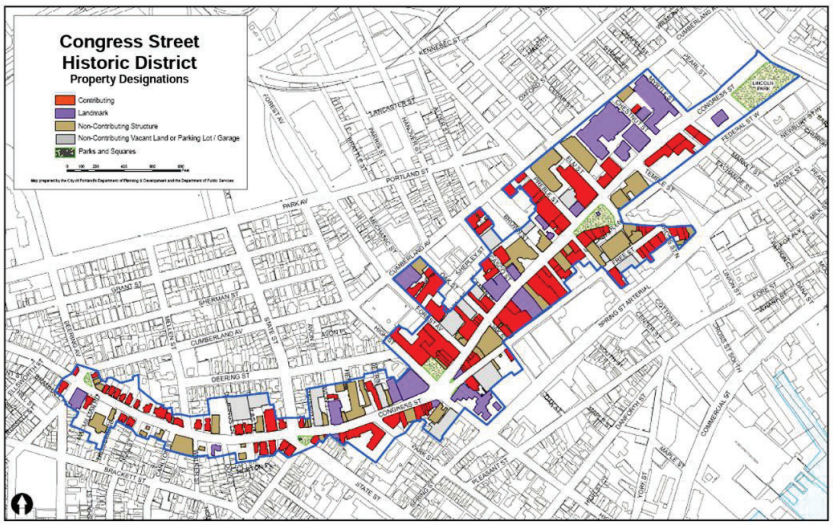
28 September 2023

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair O'Brien and Members of the Historic Preservation Board,

In response to the Portland Museum of Art's request to revise the classification of the former Chamber of Commerce building at 142 Free Street (more recently known as the Children's Museum building), Greater Portland Landmarks has considered the historic preservation ordinance's criteria for designation of a contributing structure within a local historic district in order to determine whether the Chamber of Commerce Building is more appropriately classified as non-contributing, as PMA suggests. Based on this analysis, Greater Portland Landmarks believes that the building clearly meets the criteria for designation as a contributing structure, both in terms of its architectural and historic significance within the Congress Street Historic District and its retention of the required level of integrity. Greater Portland Landmarks finds no basis for reclassification as a non-contributing structure.

As HP Board members are aware, the historic preservation ordinance clearly identifies criteria which must be met in order to be classified as a contributing structure within a district. During the district designation process, each structure or site is carefully evaluated in order to assign a classification of contributing, non-contributing or Landmark. This was done for the Congress Street Historic District and documentation on each building was included as part of the required designation materials.



Within the boundaries of any given district, inevitably there will be a number of structures which fail to meet the criteria for designation as a contributing structure either because they lack significance under any of the categories identified in the ordinance or because they do not exhibit sufficient integrity to be designated. For example, a building that is structurally unsound or has been altered on the exterior to such a degree it no longer retains its historic character will not meet the integrity standard and be classified a

noncontributing structure even if it is historically or architecturally significant.

The historic preservation ordinance requires that this same rigorous analysis be conducted when a request is made to change the classification of a structure or site within a district. The same criteria must guide the Board's final determination and recommendation to the Council. In order to change the classification of a building from contributing to non-contributing, the Board must find that the original classification was erroneous (perhaps based on incomplete information) or that circumstances have changed such that the building no longer meets the required criteria (if a building becomes structurally unsound, for example). Since the ordinance was adopted in 1990, about a dozen buildings have been reclassified following the process outlined in the ordinance. Greater Portland Landmarks followed these requests and, in each case, supported the reclassification based on the ordinance criteria. In this case, however, Landmarks strongly believes that the evidence that led to the building's original designation as a contributing building continues to exist and meets the minimum criteria set forth in the Ordinance.

EVALUATION BASED ON CRITERIA

We encourage the Board to consider the following in your discussion of the owner's request to reclassify the former Chamber of Commerce Building to noncontributing.

17.5.9 Amendment or Rescission of a Designation
Amendment or rescission of any designation shall … follow the procedure set forth in Section 17.5 for designation…The standards for rescission or amendment applied by the Historic Preservation Board, Planning Board, and City Council shall be limited to those provided in Subsections 17.4.1(A) and (B) and Subsection 17.4.2.

17.4.1 Minimum Criteria for Designation
17.4.1.A. The ordinance limits consideration by the HPB to the following criteria in making a determination on … an area, site, structure, or object for designation by ordinance as a landmark or district:
17.4.1.A.1. Its value as a significant example of the cultural, historic, architectural, archaeological, or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States:

- The Chamber of Commerce Building is an example of the commercial significance of Congress Street within Portland in the first half of the 20th century. It is also an example of the significance and prominence of Portland's business community within the state and northern New England in the first half of the 20th century. At the turn of the century Congress Street from City Hall to Congress Square was noted for its fashionable shops and large department stores. Particularly between 1900 and 1930, the Congress Street business district replaced Exchange Street and the Old Port area as the business center of the city. At Congress Square this new commercial prominence is reflected in the construction of the Schwartz Building (1920), Eastland Hotel (1927), State Theater (1929), the third-story addition to the 1826 C.Q. Clapp Block/H.H. Hay Block (1922), and the alteration of the former Free Street Baptist Church for use by the Chamber of Commerce (1926).

17.4.1.A.4. Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.

- Redesigned in 1926 in the Colonial Revival Style, architects John Calvin Stevens and John Howard Stevens utilized the most popular style of the period. By the turn of the 20th century the Colonial Revival Style was one of the most predominant styles of architecture on the East Coast. It had quickly

become the fashionable style in architecture following the Columbian Exposition of 1893 in Chicago. The style surged in prominence following World War I and again following World War II.

17.4.1.A.5. Its identification as the work of an architect, designer, engineer, or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States.

- John Calvin Stevens and his son John Howard Stevens are perhaps the most well-known and documented architects working in Portland at the turn of the 20th century. John Calvin Stevens significance to Portland and Maine's architectural history is rivaled by his historic significance to Portland's Art community and to the PMA itself:

  "He designed the museum's L.D.M. Sweat Memorial Galleries. More importantly, he was a leader and president of the group that founded the museum. And it was he who secured the patronage that made the institution a reality and gave it staying power. But the Portland Society of Art not only founded the PMA, it created what is now the robust and thriving Maine College of Art, which many consider to be the most highly energized art institution in the art-oriented state of Maine."
  Portland Press Herald, July 5, 2015.

  In addition to the Chamber of Commerce Building other significant examples of the Colonial Revival style by the firm include Biddeford City Hall (1896), South Portland's Roosevelt School (1927), Fryeburg Academy's Curtis and Cutter Halls (1930) and Portland's US Post Office (1934) on Forest Avenue.

17.4.1.A.6. Its representation of a significant cultural, historic, architectural, archaeological, or related theme expressed through distinctive areas, sites, structures, or objects that may or may not be contiguous.

- The Chamber of Commerce Building is a contributing building within the Congress Street Historic District, an area locally designated in 2009 to document Portland's business district. The building's use by the Portland Chamber of Commerce for its offices from 1926-1993 expresses the commercial theme of the district. The building and its use are integral to an understanding of the Congress Street business district's development during the first half of the 20th century.

17.4.1.B. In the case of a nominated historic district, the Historic Preservation Board shall also determine whether there is an interrelationship of resources within it which creates an identifiable entity, even if composed of a wide variety of resources. A district must convey a visual sense of the overall historic environment or be a grouping of historically or functionally related properties. A historic district can comprise both individually distinctive historic resources and historic resources that may lack individual distinction, but which contribute to the significance and visual character of the district as a whole.

The "eclecticism and layering of historical periods is the essence of the district's character and what makes it unique among Portland's historic districts."
Congress Street Historic District, Local Designation Narrative.

- As stated above, the former Chamber of Commerce Building is a contributing building within the Congress Street Historic District. It expresses the commercial theme of the district and contributes to the district's visual character.

The Congress Street Historic District is a cohesive corridor of commercial and civic buildings that are significant for their role in the commercial, social, and architectural development of the city. Although flanked by a parking lot to the north, the Chamber of Commerce Building is visually related to its neighbors across Free Street, 133-135 Free Street (c1810-1820) and the Landmark-designated CQ Clapp Block/HH Hay Block at 588 Congress Street (built 1826 and altered 1922), and to the Payson Wing of the Portland Museum of Art next door. Like 133-135 Free Street and the HH Hay Block, the Chamber of Commerce Building is an early building altered to meet the changing needs of the evolving business district in the early 20th century. The former Chamber of Commerce Building is also visually related to its neighbor, the Payson Wing of the Portland Museum of Art and like the Payson Wing, its monumental facade helps to define the eastern boundary of Congress Square, a significant node within the boundary of the district.

17.4.2. Integrity of Landmarks and Historic Districts. Any area, structure, or object that meets the criteria in Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration.

- The former Chamber of Commerce Building retains integrity of location, design, condition, materials, and workmanship. Although the building's exterior has been altered since it was redesigned for use by the Chamber of Commerce, these alterations are reversible, have not significantly altered the character defining features of the building's style, and do not detract from the overall appearance of the building.

  In fact, the building's exterior condition is like many of its neighbors within the Congress Street Historic District. Most of the buildings within the district have undergone updates and alterations such as window or storefront replacements since their period of construction. However, the district's contributing buildings typically retain their original (mainly brick) facades, storefront use, and character-defining architectural details.

  A comparison using the 1958 Portland Press Herald photograph presented in the applicant's report and a more recent image of the buildings makes it clear that although alterations have occurred, the building retains its temple-form, major fenestration patterns, and the architectural details of its primary facade that are character defining elements of its Colonial Revival design and reflect its appearance during the building's use by the Portland Chamber of Commerce.

CONCLUSION

For a building to be designated as a contributing structure, it needs to meet just one of the criteria laid out in ***Subsection 17.4.1.A*** of Portland's Historic Preservation Ordinance**.** The former Chamber of Commerce Building meets 4 out of the 6 criteria. It also meets the criteria laid out in ***Subsection 17.4.1.B.*** and ***Subsection 17.4.2*** of the ordinance**.**

- It is significant to the cultural, historic, architectural heritage of the city.
- It exemplifies a significant architectural style.
- It is the work of an architect whose individual work is significant in the history or development of the City of Portland and the State of Maine.
- As the former home for nearly 60 years of the city's Chamber of Commerce, it expresses and contributes to the theme of the Congress Street Historic District, a cohesive corridor of commercial and civic buildings that are significant for their role in the commercial, social, and architectural development of the city from 1780-1958.
- Although minor alterations have been made to the exterior, it retains its temple-form, major fenestration patterns, and the architectural details of its primary facade that are character defining elements of its design and reflect its appearance during its use by the Portland Chamber of Commerce.

The former Chamber of Commerce building continues to warrant its designation as a contributing building within the historic district. We hope that through your careful deliberations, you will agree that the evidence supports its current designation.

Thank you for considering our views,

Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Hanson Historic Consulting

October 2, 2023

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair O'Brien and Members of the Historic Preservation Board,

From 2005 to 2010, I worked with Deb Andrews in the Portland Planning Department staffing the historic preservation program. I was the principal researcher and co-author, with Deb Andrews, for the Congress Street Historic District Designation Report, and prepared the National Park Service Local Historic District Certification Application for the district.

Since leaving the City of Portland, I have written or co-written more than 30 National Register nominations, including commercial district nominations for Augusta, Lewiston, Waterville, Rumford, and Dover-Foxcroft. I have prepared the NPS Certification applications for the Portland Waterfront, Congress Street and Munjoy Hill historic districts in Portland and the West Chelsea historic district in New York City. I have extensive experience in determining Contributing and Non-Contributing status for buildings in commercial historic districts.

When working on the designation report for the Congress Street district, every building, site, structure, and object in the district was thoroughly researched, documented, and carefully analyzed to determine whether they contributed to the historic character and significance of the district. This included the Portland Chamber of Commerce Building at 142 Free Street, which was determined to be Contributing.

The recent report prepared by Margaret Gaertner for the Portland Museum of Art makes a reasonably coherent case for why the Portland Chamber of Commerce Building does not meet the requirements to individually listed in the National Register, and perhaps not to qualify for Landmark status under the Portland Historic Preservation Ordinance. At the same time, it makes an excellent case for why the building *should* be considered Contributing to the significance of the certified local district.

Interior alterations have no relevance to qualification as a Contributing building in a district and the mention of interior alterations in the report should be ignored. Window and door replacement and minor, reversible, alterations to the roof are commonly found on Contributing buildings in historic districts and are regularly approved as alterations under the standards of the ordinance by the Historic Preservation Board. These in no way render the Chamber of Commerce Building non-contributing.

Historic changes to existing buildings are generally recognized to have significance in their own right if they date to the Period of Significance for the district or property. Additionally, these changes have more importance if also related to the district's Areas of Significance. While Portland's preservation ordinance does not require identification of the period of significance or areas of significance for a district to be designated, the Certification of the local district by the National Park Service does.

The Congress Street Historic District was certified by the National Park Service on May 25, 2010, for the purpose of allowing the owners of contributing buildings to access state and federal historic tax credits. This certification is based upon documentation that the local historic district is essentially identical to a National Register Historic District. This includes the requirement that the district meet National Register guidance for the delineation of boundaries.

Under that guidance, drawing a boundary to exclude a contiguous historic resource that falls within the areas and period of significance and retains integrity to the period of significance is not allowed. Maine Historic Preservation Commission staff were directly involved in determining the boundaries of this district to ensure it would be certifiable. Changing the boundary for the express purpose of removing a contributing resource from the district to allow its demolition could be grounds for recission of the NPS certification and the loss of access to historic tax credits by other property owners.

As part of the Certification application, a Period of Significance and Areas of Significance had to be identified for the local district, which were not required for local designation. I worked closely with the Maine Historic Preservation Commission's National Register Coordinator and with National Park Service staff in Washington, DC to make these identifications.

The Period of Significance for the Certified Congress Street Historic District is 1785 to 1958 (with two later buildings identified as Contributing due to their exceptional architectural merit). The district is significant under Criteria A in several Areas including "Commerce," and under Criteria C in the Area of Architecture with John Calvin Stevens identified as one of the most important architects whose work is represented in the district.

The NPS letter certifying the district (attached) states, "Please be aware that changes to the historic district as presently certified will render its certification null and void and will require recertification of the revised district for continued benefits under the above laws."

Currently underway historic tax credit projects in the certified Congress Street district include the Chapman Building (Time & Temp) complex, the Fidelity Trust Company Building, and the New England Telephone and Telegraph Building. Tens of millions of dollars in state and federal historic tax credits for these projects are dependent on the Certified status of the local historic district.

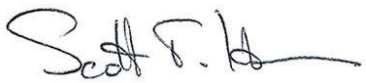
Returning to Margaret Gaertner's report. To suggest that a 1926 façade alteration for the Portland Chamber of Commerce by Maine's leading architect renders the building Non-Contributing in a district with Commerce and Architecture as Areas of Significance and a Period of Significance extending from 1785 to 1958 is irrational. If this argument were given credence, more than 20 Contributing buildings in the Congress Street Historic District would fail to qualify as Contributing, as they were altered and adapted to new uses during the district's Period of Significance.

For example, by the rationale presented in this report, the H.H. Hay Building, just across Free Street, should not be considered as Contributing to the district. It is also an early 19th century brick building

facing onto Congress Square that was substantially altered in the Colonial Revival style by John Calvin Stevens in the 1920s, with its interior completely remodeled multiple times over the years. If there is a case for removing the Contributing status of 142 Free Street, there is no argument for not removing the H.H. Hay Building if the owner requested it.

In conclusion, there is no rational case for removing the Contributing status of the Portland Chamber of Commerce Building at 142 Free Street and many reasons not to. I urge the Board to unanimously reject this request with clearly stated finding of fact to support the decision.

Sincerely,



Scott T. Hanson

Hanson Historic Consulting, LLC

8 Pleasant Street
Topsham, ME 04086
scott@hansonhistoric.com
207 620 6291

United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240

May 25, 2010

The Honorable Nicholas M. Mavodones, Jr.
Mayor of Portland
City Hall, 389 Congress Street, Portland, ME 04101-3509

Dear Mayor Mavodones:

The National Park Service is pleased to inform you as duly authorized representative that the Congress Street Historic District has been certified by the Secretary of the Interior for purposes of the Tax Reform Act of 1986, as substantially meeting all the requirements for listing in the National Register of Historic Places.

Individual property owners of depreciable buildings within this district can qualify for the Federal tax incentives for historic preservation by completing the Historic Preservation Certification Application -- Parts 1 and 2 and submitting them to the State Historic Preservation Office (SHPO). Application forms are available directly from the SHPO. Applications should be submitted as early as possible in the planning of a rehabilitation project.

Review boards and commissions should become familiar with the Secretary of the Interior's Standards for Rehabilitation, used by the Secretary in certifying rehabilitation work for the historic preservation tax incentives. The SHPO and the NPS are available to advise individuals and organizations about the Standards.

Please be aware that changes to the historic district as presently certified will render its certification null and void and will require recertification of the revised district for continued benefits under the above laws.

If you have any questions, please call me at (202) 354-2025.

Sincerely,

Guy M. Lapsley

Guy M. Lapsley
Technical Preservation Services

cc: National Register
ME SHPO

To Whom it May Concern:

It is my great pleasure to write a letter in support of the Portland Museum of Art's application to request that the Historic Preservation Board of the City of Portland re-classify the 142 Free Street property, currently a "contributing structure," to be "non-contributing" on the basis that the building never should have been classified as contributing in 2009 and 2020.

The inclusion of 142 Free Street is critical to the PMA's expansion project, as the space will enable the incredible work the museum does for our community to expand, while engaging the many communities that PMA works alongside.

Research is showing us that 142 Free Street does not contribute to the city historically in any way that should present as a barrier to the PMA's innovative vision for the future. Importantly, the PMA has a long history of stewardship and preservation of historic buildings and respects their significance. Architectural leadership was a key aspect in the selected design concept for the expanded PMA. The PMA's actions in engaging the citizens of Maine in the process of selection demonstrates their values and commitment to our community.

The Indigo Arts Alliance (IAA) has been fortunate to be in deep partnership with the Portland Museum of Art for many years and in many forms. We look forward to our continued collaborations in the future inside and outside of the walls of the new museum they have imagined.

We sincerely hope you will support this important museum expansion project.

In Solidarity,
Márçia Minter, PhD hc | She, Her
Chief Officer of Strategic Growth and Innovation
Indigo Arts Alliance
60 Cove St. Portland, ME 04101
(207) 272-3113

Unceded Wabanaki Territory.

2 October 2023

Robert O'Brien, Chair
Historic Preservation Board, 4 October 2023 Workshop, Agenda Item 6.i
City of Portland
389 Congress Street
Portland, ME. 04101

Dear Mr. O'Brien,

It isn't often that I have any reason to appeal to the Historic Preservation Board, because the Board has shown great stewardship of Portland's historic architecture. However, (per his 31 August 2023 letter to the Board) I fear that Mark Bessier's request to de classify 142 Free Street (the former Maine Chamber of Commerce building) from the Historic Preservation Board's historic ordinance in order to raze it, is rooted in faulty reasoning and is a potential tragedy for the people of Portland and Maine.

1. Mr. Bessier believes that 142 Free Street (currently owned by the Portland Museum of Art) does not have the "historic stature, architectural consistency, or community significance that the District's or the other [PMA] museum properties do." He is referring to the museum's Clapp House and McLellan-Sweat House—both elite homes of 19th century Portland's wealthiest citizens. 142 Free Street was built as a theater about 1830, and from the mid-1830s through the mid-1920s it was a house of worship for the Baptist Church. Within the walls of this vernacular architecture the nascent YWCA and YMCA were nurtured, and collaboration with the Abyssinian Church was encouraged, among many other social causes.[1] Vernacular architecture like 142 Free Street defines our community and sense of place over time. To accomplish "diversity, equity, accessibility, and inclusion" we must respect our historic buildings, both elite and those of the people.

2. Margaret Gaertner wrote a thorough and exacting Historic Structures Report for 142 Free Street that documents the changes in the building over time as it morphed from a theater, to a church, to the headquarters of The Chamber of Commerce, to a children"s museum. And that's the point. Each one of these changes to the building marks the cultural values and history of Portland's citizens for almost 200 years. According to Architectural Historian Stewart Brand, historic buildings are like artifacts that are constantly shaped

[1] See: YWCA, The Portland Daily Press, 28 October 1895; YMCA, Portland Press Herald 24 February 1922; Abyssinian Church, 9 November 1889.

and refined to illuminate the hopes, needs, and goals of a civilization.[2] Tearing down 142 Free Street destroys this significant artifact.

3. Mr. Bessier states that "some architecture styles carry unfortunate legacies of the past into the future that undermine" contemporary "values and goals." He insists that 142 Free Street is such a style "erected during the Jim Crow era." His history is confused. In the 1830s 142 Free Street's initial style was Greek Revival, an egalitarian architecture found in every section of Maine that celebrated America's first national style. Jim Crow laws were introduced in the American south in the late 19th and early 20th centuries that codified racial segregation. The confusion aside, his theory that buildings inhabiting the sins of a nation is reckless. I can't counter that better than a colleague did:

> "So now buildings are to be extinguished because their architectural styles have active political affiliations? Are we to tear down every building erected before, say, 2000? We might as well cut down every tree that is old enough to date from some time before our 'enlightened' present, or similarly destroy every old work of art. Shall we shatter the Sistine Chapel because, when it was painted, slavery was common and indigenous people were savagely oppressed. To personify non-sentient structures is a bizarre distortion of reality and a true perversion."

No one questions that the Portland Museum of Art "contributes significantly to Portland and Maine's economy." Or that a new PMA building "constructed primarily of mass timber" will help "reduce globing warming." But it is clear that 142 Free Street is very much a "contributing property" to Portland's history (it was remodeled by John Calvin Stevens, for goodness sake!) and it was rightly included in the Historic Preservation Ordinance. Please keep it there

Thank you, Mr. O'Brien and the Board, for your good consideration.

Andrea Constantine Hawkes, Ph.D.
1181 Westbrook Street
Portland, Maine 04102
achawkes@gmail.com
207.317.1825

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[2] *How Buildings Learn: What Happens After They're Built*. (Penguin Books, Reprint, 1995.)

PC8

Re: Oct 4th meeting of HPBoard, agenda item workshop 6.i

0 views

Assigned to me

Berry Manter <bmanter1@gmail.com>
to hp@portlandmaine.gov

9:14 AM (19 minutes ago)

Dear Historic Planning Board Members,

I am a 35 year resident of Portland. I both live in and value the preservation of intact and functional historic old buildings in our city.

The intention of Mr. Bessier to raze the 200 year old former historic Children's Museum building counters the harsh lessons learned with the razing of our irreplaceable train station. While building anew "from wood" may hold environmental value versus building anew with other materials, it does not alleviate the measurable environmental costs of failing to reuse existing structures. We on Munjoy Hill spoke to this in our support of our historic district, as do recent reports on the value of retaining and incorporating existing historic structures.

While I, personally am a huge fan of fine contemporary architecture and can point to successes within Portland, we have too many failed projects (some on-going), and I support standing strong with the Portland Landmarks, and the precedence of the Historic Planning Board decisions, in insisting the 142 Free Street building remain standing, as is consistent with the fabric of its neighboring buildings (given the exception of the lone I.M.Pei structure.)

Respectfully,

Berry Manter
46 Eastern Promenade
bmanter1@gmail.com

142 Free St. 0 views

Edgar Beem <beem@gwi.net>
to hp@portlandmaine.gov

10:10 AM (12 minutes ago)

Dear Portland Historic Preservation Board,

I am writing in support of the Portland Museum of Art's application to have 142 Free St. exempted from the historic district in order that the museum be able expand its facility by adding a landmark new structure to the existing campus. While I appreciate that some in Portland are very sensitive to any changes to the built environment, I do not believe 142 Free St. is a building of any great architectural merit. It is altogether fitting and proper that it should be razed to make way for a great new future.

As a Portland native and a writer who has written about the cultural life of Portland and Maine since 1978, I recall the howls of protest that went up in 1983 when the old Libby Building was razed to make way for the Charles Shipman Payson Building. When the new museum opened, I remember some boo birds complaining about the distinctive arches and suggesting that the building designed by Henry Cobb of the I.E. Pei firm looked like a shopping mall. Many people experience the shock of the new when familiar landmarks are changed to accommodate growth.

I keep hearing that the fact that architect John Calvin Stevens did some renovation work on the old theater-church-chamber building gives it special historical significance. I do not believe this is so. 142 Free St. is a utilitarian structure that has served many purposes is many different forms. It is time for it to go. I very much hope that the commission, planning board and council will not stand in the way of the Portland Museum of Art's $100 million improvement to the City of Portland.

I am sorry I could not attend the10/4 meeting to speak in favor of the museum's request, but as a trustee of the $20 million Dorothea and Leo Rabkin Foundation, another cultural treasure in the new Portland, I was busy with board business.

Thank you for your time and consideration.

Sincerely,

Edgar Allen Beem

83 McKeen St.

Brunswick, Maine 04011

142 Free Street 0 views

William Hall <wpeaks@earthlink.net>
to hp@portlandmaine.gov

10:47 AM (7 minutes ago)

To the members of the Historic Preservation Board:
I served on the Portland planning board 2006-2016 so I understand what an important decision you have to make regarding 142 Free Street. I am now on the board of Greater Portland Landmarks and support our organization's position on this issue.
I think it's extremely important to uphold Portland's land use code and reach a decision that is in conformance with the law. 142 Free Street certainly meets key criteria for preservation as a contributing structure. A decision contrary to that, allowing the building to be torn down, risks undermining historic preservation rules that have done so much to make Portland a unique, vibrant, and desirable place to live and visit.
Thank you for your consideration and for your service to the city of Portland.
Bill Hall
317 Pleasant Avenue
Peaks Island

HPB Public Comment - 142 Free Street - Consistent Treatment of Demolition Requests

0 views

Assigned to me

George Rheault <george.rheault@gmail.com>
to HIstoric Preservation, Grace Benninghoff

10:52 AM (4 minutes ago)

Below is a threshold issue that needs to be addressed before any discussion of the pros and cons of demolishing 142 Free Street can occur. The process seems to be flawed based on how other recent demolitions were handled by city planning staff.

HIstoric preservation staff must explain to the public why the PMA's demolition request for 142 Free Street is receiving extraordinary attention AND the extra step of needing City Council approval when other recent demolition requests in historic districts did NOT require or receive City Council approval.

For instance, two very recent demolitions involving 183 Brackett Street and 34 Spruce Street were, I believe, handled exclusively at the HPB level. See attachments for background information.

If I am mistaken, please advise by showing the public proof of the City Council action in these demolitions.

Due to the controversy here, it is important for city planning staff (including its historic preservation department) to review ALL demolition requests that have been handled by the HPB since it was brought into being circa 1990.

The PMA should not be treated any differently than other applicants.

HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

PUBLIC HEARING
34 SPRUCE STREET

TO: Chair Sheridan and Members of the Historic Preservation Board
FROM: Deb Andrews, Historic Preservation Program Manager
DATE: July 9, 2020
RE: July 15, 2020 **PUBLIC HEARING**

Application for: **Request for Reclassification of Contributing Structure within West End Historic District**

Address: 34 Spruce Street

Applicant: Tim Gebhardt, Basha LLC.

Introduction

Property owner Tim Gebhardt has requested a public hearing and formal Board decision regarding reclassification of the existing mid-19th century residential structure located at the rear of the lot at 34 Spruce Street from "contributing" to "noncontributing". Mr. Gebhardt is seeking reclassification in order to proceed with plans to construct a new single-family residence on the property. Mr. Gebhardt's proposed redevelopment plan is predicated on the removal of the existing structure. Wednesday's workshop follows two preliminary workshops during which the question of reclassification and the existing building's level of integrity have been discussed. Reclassification of a "contributing" structure needs to be evaluated as a independent question according to the ordinance provisions pertaining to such requests and separate from consideration of the relative merits of a proposed replacement structure.

At the request of the Historic Preservation Board, Mr. Gebhardt provided an engineering survey of the existing house in advance of the second workshop. No additional professional analysis has been submitted for the public hearing. To further aid the Board in making its determination regarding reclassification, Mr. Gebhardt has allowed members of the Board to walk onto his property in advance of the public hearing to view the house and its current condition at close range. Although the house was opened for Board members to enter, the interior condition of the building is not relevant to the Board's deliberations, except to the extent that structural deficiencies are evident from the interior. Staff advises the Board that their assessment is to be made primarily on the basis

of their own assessment of the building's level of integrity, which may be informed by

professional condition studies as well as other considerations.

Enclosed for the Board's review are staff photos of the subject structure, the condition assessment prepared by engineer Bruce MacLeod and excerpts from the historic preservation ordinance which govern consideration of requests for reclassification.

Subject Property, Existing Structure

The subject property at 34 Spruce Street consists of a narrow lot that was once occupied by a mid-19th century Greek Revival home near the street as well as a smaller structure of the same era at the rear of the lot (the subject structure). The primary structure on the lot was a typical side-entry Greek Revival building with its front-gabled façade close to the street. It was 2-1/2 stories with a vertical expression and proportions. (See 1924 tax photo—ATTACHMENT 3.) Staff does not know when the front house was demolished, but the existing curb cut must date from after the demolition.

At the back corner of the lot is a small, vernacular Greek Revival-era house that still exists, the William Lindsay House. The property description in the West End Historic Resources Inventory indicates that the building was erected in 1841, possibly as a carriage house or guest house. Whatever the original use, it was a residence before 1924. (See ATTACHMENT 4.) There is no 1924 tax photo of the building.

This small house has been altered significantly, and allowed to deteriorate. A brief evaluation by Engineer Bruce Macleod includes several photos, and rates the overall condition as poor. (See ATTACHMENT 2.) The footprint of the house is very close to property lines in the rear, and visibility from the street is limited. Recent staff photos (ATTACHMENT 1) illustrate some of the alterations and losses:

- Vinyl insert windows and modern brickmould casing
- (Likely) modification to the roof shape
- Front entry alterations and replacement, including door, trim, and surround
- Rear addition

Applicable Ordinance Provisions governing Reclassification Requests

The historic preservation ordinance includes a provision for consideration of reclassification requests—see Sec. 14.623 "Amendment and recission of designation", (ATTACHMENT 5). The inclusion of this provision in the ordinance recognizes that initial classifications, which are the result of an architectural survey done at the time a historic district is being proposed, are ultimately based on the assessment of the surveyor, typically confirmed by the Historic Preservation Board during the designation process, which is informed by information available at the time. Classifications do not typically take into

account structural condition unless it is an obvious factor when the building is surveyed.

Additional information about a building's structural condition may come to light at a later time that might prompt a request for reclassification. Beyond the question of structural repair, there's the issue of general level of integrity. Included within most historic districts are a handful of buildings that one would reasonably characterize as "tough calls" in terms of qualifying as contributing structures based on the degree of previous alterations/replacement. Sec. 14-623 of the ordinance provides an opportunity to revisit the question of a structure's overall contribution to the district especially in light of its level of integrity.

The same review process for designation is followed for recission of designation--in other words, the Board must determine whether the subject structure meets the minimum criteria for designation relating to significance as outlined in Sec. 14-610 (a) *and also* the integrity criterion in Sec. 14-611, which reads as follows:

> *Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.*

If the Board finds that, upon reconsideration, the building fails to meet at least one of the criteria in Sec. 14-610 and/or the integrity criterion in Sec. 14-610, the Board would recommend to the Council rescission or amendment of designation—in this case reclassification to "noncontributing."

Factors for Consideration

In evaluating the applicant's request to rescind the contributing status of the existing residential structure at the rear of 34 Spruce, staff offers the following points and questions for consideration:

- It is true that the presence of a second residence behind a principal residence on a single lot is uncommon in the West End Historic District. There are other examples in the neighborhood, however. One such example is at the rear of 315 Spring Street. Another example is
- Even if this type of situation is not a common one, should that fact bear heavily on whether the building should be preserved?
- Public comment from one observer submitted in advance of the second workshop argued that the presence of the existing structure is evidence of the city's response to the need for accommodating added density in the 19th century. While this might be the case, we don't know it to be the case here.
- While there is a written description of the subject structure included in the Historic Resources Inventory, there is no historic photo available to verify its historic appearance.

- There is nothing in the structural engineer's report that suggests the building is not

salvageable from a structural standpoint.

- Based on the building's current appearance, it is clear that several original features have been replaced or altered, compromising its integrity—see list above.
- Given that the property owner has the right to construct a second residential structure on the subject lot, it is likely that the new structure will largely obscure the existing building. To what extent should this factor into the Board's consideration?

Staff Assessment

All things being equal, the existing structure would be rehabbed and reused, whether in conjunction with proposed new construction on site or not. Setting aside historic preservation goals, retention of existing housing stock to meet the City's housing needs would seem a high priority in and of itself. That consideration, however, is not before the Historic Preservation Board. The Board is charged with determining whether the building meets the criteria of a contributing structure.

As noted above, there is nothing in the engineer's report that suggests the building is not salvageable. Most historic buildings, given sufficient resources, are salvageable. The relative cost of rehabilitating the subject building, however, does become more of a valid consideration when other applicable factors are taken into account. The key question here is whether the building exhibits *sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.*

Given the very modest nature of the building, its current condition and the level of alteration/replacement of historic features, staff is of the opinion that the existing structure at 34 Spruce does not meet the integrity standard of Sec. 14-611. Aside from this finding, the fact that the building will likely not be seen behind any new residence constructed in front of it contributes to staff's position that reclassification is warranted in this instance.

Applicable Review Standards

The following applicable sections of the ordinance are attached—see ATTACHMENT 5

Sec. 14-623 Amendment and Rescission of Designation
Sec. 14-610 (a) Minimum Criteria for Designation
Sec. 14-611 Integrity of Landmarks and Historic Districts

Motion for Consideration

On the basis of information included in the staff report for the July 15, 2020 hearing and inspection of the subject property and structure, the Board finds that the existing

structure at 34 Spruce Street **meets (fails to meet)** the integrity standard of Sec. 14-611 of

the historic preservation ordinance. Based on this finding, the Board recommends (does not recommend) reclassifying the existing structure from "contributing" to "noncontributing".

Attachments

1. Photos of existing structure
2. Engineer's evaluation of existing structure
3. 1924 tax photo of 34 Spruce Street (no longer existing)
4. Historic Resources description of 34 Spruce Street (existing house)
5. Excerpts from historic preservation ordinance, applicable provisions

34

34

MacLeod
Structural Engineers, PA

Mr. Timothy Gephardt
Gephardt Property Management, Inc.
175 Brackett Street
Portland, Me 04102

Re: 34 Spruce Street - Portland, Maine January 24, 2020

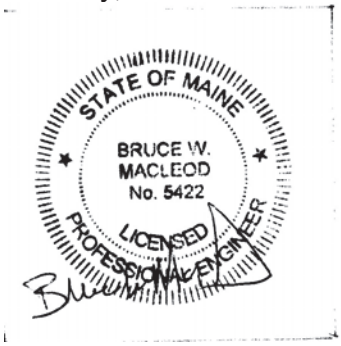
At you request, I recently visited the subject property to observe the building condition in consideration of the potential for renovating the building. The owner of the home is currently assessing the viability of renovating the home. The purpose of my inspection was to assess the structural condition of the building. My inspection did not include electrical, plumbing, or mechanical elements. This letter is a report of my findings and recommendations.

The subject property is an existing single-family home. According to the assessor's information, the date of construction is 1880. The home consists of two stories above grade, plus an attic space and a basement. The home is approximately 924 square feet in plan. The home is wood framed construction. The basement is constructed from a mix of granite rubble and brick masonry. The basement has a concrete slab floor. The roof is covered with asphalt shingles, age unknown.

The overall condition of the home is poor. The exterior wood siding is in a state of decay, with areas of splitting, missing clapboards and rotted trim. The foundation is failing, has cracks and shows signs of lateral and vertical movement. The framing of both floors exhibits significant deflection and settlement. Settlement is evident in the exterior and interior doors, and windows that are out of plumb and no longer close properly. The roof framing is drastically undersized and exhibits signs of deflection and overload.

Based on my observations, the home is in poor structural condition and is not a suitable candidate for renovation. I recommend demolition of the home structure and foundation. I recommend a replacement home be constructed from the foundation up.

Thank you for the opportunity to be of service to you in this matter. If you need additional assistance, please contact me at anytime.
Sincerely,



Bruce W. MacLeod, PE, MASCE

Photo #1 view of exterior of building

Photo #2 close up view of exterior showing foundation

Photo #3 view of interior

Photo #4 of Attic space

Att. 8

From Portland Historic Resources Inventory

WILLIAM LINDSAY HOUSE – 34 SPRUCE STREET

A small three bay, one and a half story dwelling, erected in 1841, possibly as in-fill. This building may have originally served as a carriage or guest house and converted to a permanent dwelling. While in the Greek Revival style, with cornice returns atop broad cornerboards and simple entablatures, the roof shape is almost certainly not original. The building is clad in clapboards with modern sash and window surrounds. The door also appears to be a shorter modern replacement. There is no 1924 Assessment photograph for comparison.

approval by the council.

(o) To provide comment, as appropriate, to the planning board and/or city council on matters pertaining to historic preservation in Portland.

(p) To confer recognition upon the owners of landmarks or properties, sites, structures or objects within districts by means of certificates, plaques or markers.

(q) To assist the planning board in the development of a preservation component in the comprehensive plan of the City of Portland.

(r) To periodically review this Code and to make recommendations to the planning board concerning any amendments appropriate for the protection and continued use of landmarks or properties, sites, structures or objects within districts.

(s) To annually report to the council with respect to the following matters:

1. Survey work in progress or completed;

2. The number of projects reviewed (by type);

3. How many certificates of each type were issued.

(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

DIVISION 3. CATEGORIES AND CRITERIA FOR DESIGNATION

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;

2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;

3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;

4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;

5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or

6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.

(b) In the case of a nominated historic district, the historic preservation board shall also determine whether a substantial number of the properties, sites, structures or objects have a high degree of cultural, historic, architectural or archeological significance and integrity, many of which may qualify as landmarks, and which may also have within its boundaries other properties, sites, structures or objects which, while not of such cultural, historic, architectural or archeological significance to qualify as landmarks, nevertheless contribute to the overall visual characteristics of the significant properties, sites, structures or objects located within it.

(c) In the case of a nominated historic landscape district, the historic preservation board shall also consider its significance as a geologic, natural or man-made landscape feature associated with the development, heritage or culture of the City of Portland, State of Maine, New England region, or the United States.

(d) The planning board and council shall apply the criteria of subsections (a), (b) and (c) but shall also consider the effect of such designation on other aspects of the comprehensive plan of the city.
(Ord. No. 235-90, 2-26-90)

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.
(Ord. No. 235-90, 2-26-90)

Sec. 14-612. Designation of historic landscape districts.

An historic landscape district may be nominated and considered for designation only if the entire area of the district is owned by a unit of federal, state or local government, or any combination of such ownership.
(Ord. No. 235-90, 2-26-90; Ord. No. 220-93, § 2, 5-17-93)

Sec. 14-613. Reserved.

DIVISION 4. NOMINATION, CONSIDERATION AND DESIGNATION

Sec. 14-614. Procedure.

The provisions of this division shall govern the nomination, consideration and designation of landmarks and districts.
(Ord. No. 235-90, 2-26-90)

Sec. 14-615. Initiation of nomination.

(a) Nomination of an area, site, structure or object for consideration of designation as a landmark, historic district or historic landscape district shall be submitted to the department, on a form provided by the department, by the following:

1. Any two (2) members of the historic preservation board on their own initiative, by written notice to the department; or

2. By written petition of any owner, in the case of a

landmark and/or of all properties adjacent thereto prior to council action. The notice shall include a copy of the resolution or designation ordinance and design guidelines.

(d) Notice of council action to the same persons shall be sent within ten business days following the council action. A copy of each designation ordinance and design guidelines shall be sent to the planning board, the historic preservation board and the department. A complete schedule of all landmarks and districts, including design guidelines and a listing of landmark and contributing structures, shall be maintained by the department as part of the design manual and shall be available for public inspection and copying during ordinary business hours.
(Ord. No. 235-90, 2-26-90; Ord. No. 165-08/09, 3-16-09)

Sec. 14-623. Amendment and rescission of designation.

Amendment and rescission of any designation shall be upon the request of a person or persons authorized to nominate the property or properties affected, or upon request of the council, and shall follow the procedure set forth in division 4 for designation. The council may rescind or amend a designation only after all of these procedures have been followed. The standards for rescission or amendment applied by the committee, planning board and council shall be limited to those provided in section 14-610(a) and section 14-611. Amendments may include refinement or correction of design guidelines, maps, and other parts of any designation ordinance.
(Ord. No. 235-90, 2-26-90)

Sec. 14-624.- Sec. 14-627. Reserved.

***Editor's note** – Order No. 197-03/04 adopted 9/8/04, repealed §14-625 Projects of Special Merit in its entirety.

Sec. 14-628. Time limits.

(a) Any time limit specified for any step in the process for nomination or designation of a landmark may be extended with the consent of the property owner.

(b) Any time limit specified for any step in the process for nomination or designation of a district may be extended where at least ten (10) percent of the owners of property within the

WEST END DEVELOPMENT PLANNED

The proposed four-story building would include apartments and shops at Pine and Brackett streets.

By RANDY BILLINGS
Staff Writer

PORTLAND — A developer wants to build a mixed-use project on two vacant properties in the West End that would include 39 market-rate apartments.

Redfern Properties of Portland is proposing the four-story building, totaling 45,844 square feet, at the corner of Pine and Brackett streets. The first floor would host retail stores and a 31-space parking garage, while the upper three floors would be apartments.

Before the development – projected to cost $5 million to $10 million – can move forward for site plan approval, Redfern Properties will need permission from the city's Historic Preservation Board to remove two vacant buildings that are in disrepair.

The board will meet Wednesday to consider the developer's request to demolish the 1850s Cape at 183 Brackett St. and the single-story commercial building from 1900 in front of it.

"The buildings are dilapidated and the parking lot is an eyesore," said Jonathan Culley, owner of Redfern Properties. "Our (project) design is innovative and progressive. It will be an interesting discussion with the Historic Preservation Board on how progressive they're willing to let us go."

Culley said he and his partner, Paul Peck, have two parcels, totaling 17,000 square feet, under contract to buy. The purchase is contingent on the necessary approvals for the project, which is in a neighborhood business zone where such development is encouraged.

The site is in Portland's West End Historic District so the planned demolition is subject to approval from the Historic Preservation Board, which also must ensure that the project's design fits into the fabric of the neighborhood.

The property, two blocks west of Longfellow Square, represents a "significant gateway" to the West End and Western Promenade neighborhoods, said Deb Andrews, the city's Historic Preservation Program manager.

The Cape at 183 Brackett St. is considered a contributing piece of architecture in the historic West End, so its demolition requires special approval. The commercial building is considered noncontributing.

Andrews said in a memo that those designations "are somewhat puzzling." She said the board has the authority to remove the Cape from the contributing list, which would clear the way for demolition, or add

Please see **WEST END,** Page B4

Derek Davis/Staff Photographer

A crosswalk leads to the site at the corner of Pine and Brackett streets where a developer would put 39 market-rate apartments. Two old buildings would have to come down.

WEST END

Continued from **Page B1**

the commercial building to the contributing list, which would protect it.

"Staff is not necessarily advocating for this, but the board's authority should be noted," Andrews said.

Culley said he is just starting to seek residents' feedback about the development proposal.

While several residents didn't know about the proposal Monday, they were encouraged to hear about a plan to develop the corner. The corner has been vacant for all of the 20 years that Jo Coyne has lived in the neighborhood.

"It seems like a good space to have development," said Coyne, who is reserving judgment on the proposal until she learns more. "I'd (like) to see something that is going to be on the tax rolls and contributing to the city."

Also cautiously optimistic is Ethan Strimling, executive director of LearningWorks, whose office overlooks the lots.

He said the corner in its current condition does not contribute to the area.

"The two houses next to us are only housing feral cats," Strimling said. "It would be great to have someone utilize that area."

The proposed development's retail space would run along Pine Street and wrap around Brackett Street.

Culley said he is optimistic about his company's chances of building and renting out what he believes will be Portland's first fully market-rate housing project in decades – one that would be certified for energy efficiency.

The proximity to one of Portland's largest employers – Maine Medical Center – and the arts- and restaurant-packed downtown make it a prime location for new housing, he said.

"It's a challenging deal," Culley said, "but we think the rental market in Portland is good and interest rates are low, so we hope it is a good time to be undertaking this project."

Courtesy of Ryan Senatore Architecture

An architect's rendering shows a four-story, mixed-use building Redfern Properties of Portland is proposing in the West End. Approvals are being sought, notably from the city's Historic Preservation Board for demolition of a 1850s Cape Cod at 183 Brackett St.

Staff Writer Randy Billings can be contacted at 791-6346 or at:
rbillings@mainetoday.com
Twitter: @randybillings

HP Public Comment - 142 Free Street: Haven't we venerated John Calvin Stevens ENOUGH?

0 views

Assigned to me

George Rheault <george.rheault@gmail.com>
to HIstoric Preservation

11:07 AM (24 minutes ago)

See attachment.

I am pretty sure that the legacy of John Calvin Stevens and his contributions to Portland's physical development (as well as his much more checkered involvement in its social and political evolution) will not rise or fall based on the continuing existence of 142 Free Street.

How many totems from this one man does the City of Portland need to tell his story?

Why should the dead hand of the past once again serve to suffocate the energy and creativity of our community's present and future?

The shingle-style cottage at 52 Bowdoin St. in Portland that architect John Calvin Stevens called home for nearly 30 years. ***(Billings photo)***

John Calvin Stevens

from page 1

Portland."

So much so that next week, city leaders will declare Oct. 8 John Calvin Stevens Day.

One of Maine's most famous architects, Stevens, who was born Oct. 8, 1855, and died Jan. 25, 1940, designed more than 300 buildings on Portland's peninsula alone and dozens more in the surrounding neighborhoods and islands.

Stevens made a name for himself by mastering the shingle-style cottage that has come to symbolize coastal life in New England. Later, he mastered the Georgian, colonial-style homes made of brick. To see both, one only needs to spend a little time on Bowdoin Street, which has shingle-style cottages on one side of the street and brick revival homes on the other.

One of those homes, 52 Bowdoin St., was Stevens' home for nearly 30 years, Shettleworth said.

Although Stevens is known mostly for his residential designs, Shettleworth said he is also known for his civic, commercial and religious architecture. He was an associate architect commissioned to help design and build Portland City Hall, and he designed State Street Church on High Street and the Nathan Clifford Elementary School on Falmouth Street.

But Shettleworth said Stevens is known not only for his building designs, but for the length of his career.

Stevens started his career when he was 18 and worked right up to his death. "He was involved in architecture for a 70-year period," Shettleworth said.

Next week's proclamation, which will be read at noon on the front steps of Portland City Hall, is the last event of a year-long celebration for the architectural firm Stevens created 125 years ago.

SMRT, formerly Stevens Morton Rose & Thompson, was founded in 1884 and is based on Fore Street. Although it is no longer family owned, his great grandson is still involved in its day-to-day operations at the age of 71.

"It's been a pretty varied practice over the years," SMRT chairman and former company President Paul Stevens said. "In many ways, it isn't really a lot different."

The company experienced most of its growth in the 1980s, he said, when it went from having only 10 employees to about 75. During that time, SMRT ceased designing residences and concentrated solely commercial, civic and health-care buildings.

But when Paul Stevens, a fourth-generation architect, steps down from the company, it will be the end of an era, since there is no fifth-generation Stevens waiting to take over the practice. That's why next week's ceremony, which will also include a Congressional Record of Recognition from a representative of U.S. Sen. Olympia Snowe's office, is so special to him.

"I'm the end," he said. "I've very proud of what firm has accomplished. It's very satisfying to be recognized."

Randy Billings can be reached at 781-3661 ext. 100 or rbillings@theforecaster.net

the Portland
FORECASTER

September 30, 2009 | News of The City of Portland | Vol. 23, No. 39

Fire chief looking at alternative space for fire boat crew

By Kate Bucklin

PORTLAND — The fire chief this week planned to inspect space on Maine Wharf that could provide fire-boat crew quarters at a third of the cost proposed at the Maine State Pier.

Chief Fred LaMontagne said he was contacted by Joe Malone of Malone Commercial Brokers Monday to see if he wanted to look at a 2,000-square-foot office that could be converted into living quarters for firefighters.

"We will be looking at that property, probably today or tomorrow," Lamontagne said Tuesday.

Maine Wharf is owned by Eric Cianchette and is next to the Maine State Pier, where the fire boat is docked.

"This could give them some flexibility," Malone said.

The City Council in October is expected to decide whether to spend $1.8 million in Capital Improvement Project funds to build new fire-boat crew quarters at the Casco Bay Garage. Some councilors have spoken out against the proposal, saying it is too costly.

The current quarters for firefighters assigned to the fire boat are inside the Casco Bay Garage and are small (400 square feet) and damp, causing mold and

See page 26

Literacy Volunteers seeks sponsors to stay afloat

By Randy Billings

PORTLAND — Since 1973, Literacy Volunteers of Greater Portland has been providing free tutoring to residents who need help reading, writing and speaking English.

But financial difficulties could doom the organization by the end of the year.

Like some other nonprofits, the future of Literacy Volunteers, whose operating budget is entirely funded by foundations and donations, is in jeopardy because prospective donors are tightening their belts.

"We're on the brink," Executive Director Phyllis de Fano said. "There's no question about it."

De Fano, who is the only paid full-time staffer in the office at 142 High St., said the nonprofit has been dipping into its reserve account to meet the demands of its annual budget of $65,000. There is currently enough money to continue operating until December, she said.

De Fano said Literacy Volunteers is also considering merging with another organization in an effort to reduce costs, but would not identify the organization.

The economic downturn is forcing many donors and foundations to reduce the what they give to groups like Literacy Volunteers, which is accredited by Proliteracy America. De Fano said the group has survived in recent years by soliciting funding from a wider base of foundations, but the nonprofit is

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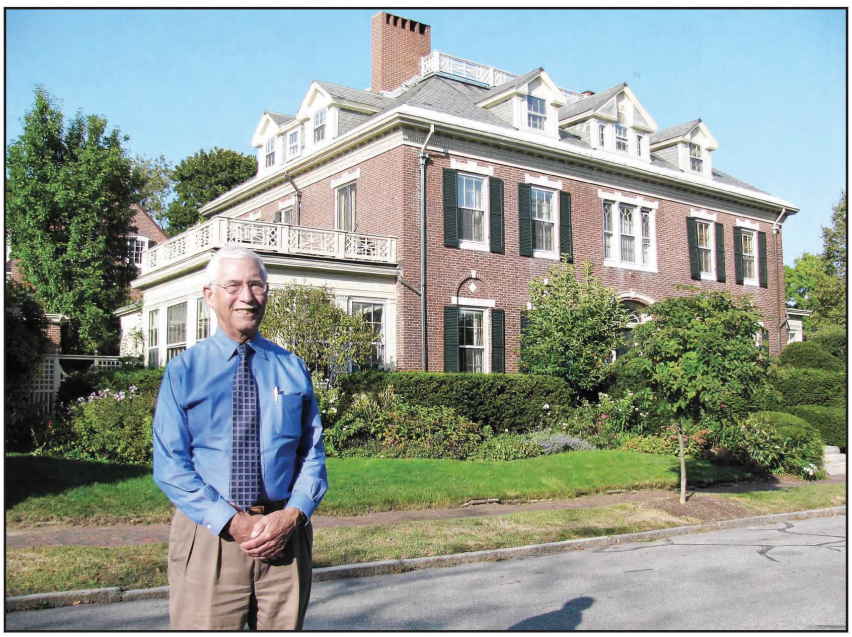

Paul Stevens, a fourth-generation architect, stands in front of the Richard Webb house at 29 Bowdoin St. in Portland's West End. The building is one of the best examples of work by his great-grandfather, John Calvin Stevens. ***(Billings photo)***

'An indelible mark'

City to honor the legacy of John Calvin Stevens

By Randy Billings

PORTLAND — If you have spent any amount of time in Portland, or almost anywhere on the coast of New England, chances are you've seen the work of John Calvin Stevens.

Take a walk through the Old Port or a leisurely stroll through the streets of the West End, lined with magnificent towering homes, and you will find his work. Spend a weekend in a summer cottage in Cape Elizabeth or on the Casco Bay islands and you will experience him first-hand.

"He's everywhere," State Historian Earle Shettleworth Jr. said. "He's left an indelible mark on the city of

See page 27

Chief promises Bayside more access to police

By Kate Bucklin

PORTLAND — Bayside residents frustrated over what they say is an increase in alcohol-fueled crimes in their neighborhood met with local law enforcement authorities and Preble Street Resource Center officials Tuesday to figure out how to curb the activity.

That behavior includes public drinking, public urinating and defecating, passing out in the street, vomiting in the street and having sex in public, said community organizer Jeff Goldman, who moderated the meeting at Lost Coin Cafe on Portland Street.

The Bayside Neighborhood Watch committee developed a list of recommendations for the Police Department, the Cumberland County district attorney's office, Preble Street and local sellers of alcohol. The recommendations point to changes each could make to help reduce "nuisance crimes."

Police Chief James Craig called Tuesday's meeting, and

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West End residents unhappy with community policing station

By Randy Billings

PORTLAND — Concerned about a perceived rise in crime, the West End Neighborhood Association is collecting signatures to petition city and school leaders to increase the visibility of the Community Policing Center.

It is an effort the district's city councilor, David Marshall, said he finds surprising.

The petition being circulated throughout the West End calls on city leaders to put the West End Community Policing Station at the Reiche Community Center, at 166 Brackett St., by Nov. 15. If that site is not feasible, residents want it located in another, more visible location nearby by Dec. 1.

The policing station is currently housed in Harbor Terrace, a group housing complex at 284 Danforth St. operated by the Portland Housing Authority. It was moved there from a location on Danforth Street several years ago as a cost-cutting measure. City Hall could not immediately

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PMA new design 0 views

Rob Neal <rtneal@gmail.com> 11:35 AM (3 minutes ago)
to hp@portlandmaine.gov

The issue is really very simple. Does Portland want to be a city that focuses on the past or on what's best for the future and coming generations?

Historic preservation is certainly important, but not in all cases of potential preservation.

It comes down to this choice: What is more important, being able to say "see how we once looked.... in the past", or "this is how we want the city to look now and in the future".....

Portland is a unique and vibrant small city. We have lots of historic preservation and most of that is good for us. The potential for the new PMA, however, is enormous and would be even more of a cornerstone / foundation of what Portland is about both literally (the physical structure), and symbolically in what statement as a city we are making about our city with the PMA.

I live in Yarmouth, but have lived and worked in the greater Portland area since 1988 when I moved here with my family from Atlanta. The greater Portland region and community is a wonderful place to live, work, and raise children. We are world class in many areas and still evolving in others.

Let's not make a backwards statement about Portland by preserving an antiquated structure that is actually not visually appealing anyway, but more importantly represents a more narrow minded past than the more open and progressive minded direction Portland and the surrounding region has been headed for many years.

Let's move forward!!

--
Best Regards,

Rob Neal
www.robnealconsulting.com
207-838-4645

PC14

Rob – Greetings. All good wishes as you head into tomorrow's discussion of the PMA application.

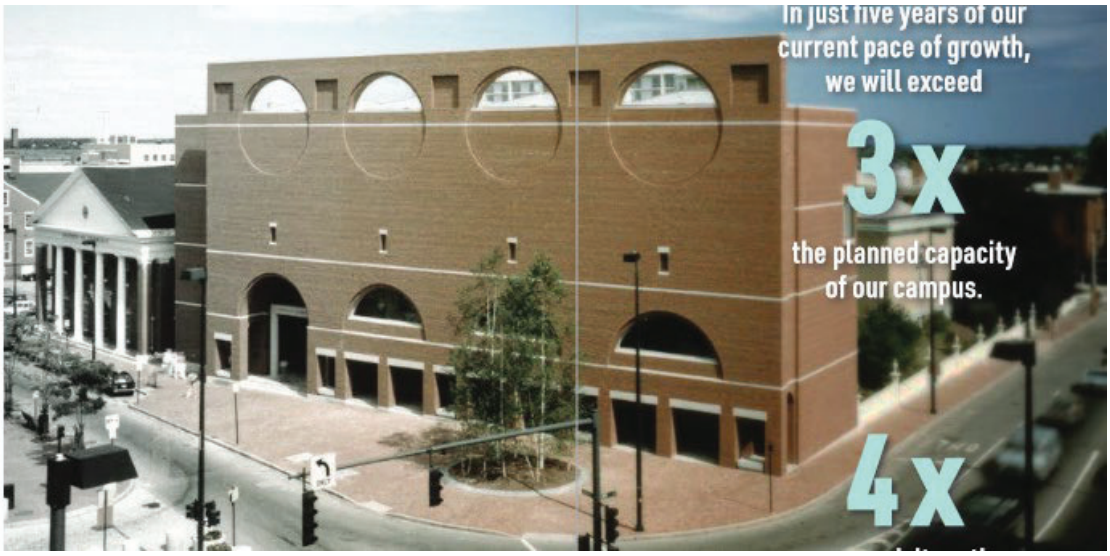
After reviewing the application [much, too much of which is not relevant to the question before the HP Board] seeking redesignation of 142 Free Street as a non-contributing building, based on experience writing, editing and/or reviewing National Register historic district nominations, I conclude 142 Free Street is, indeed, a contributing building in the context of the Commerce Street Historic District.

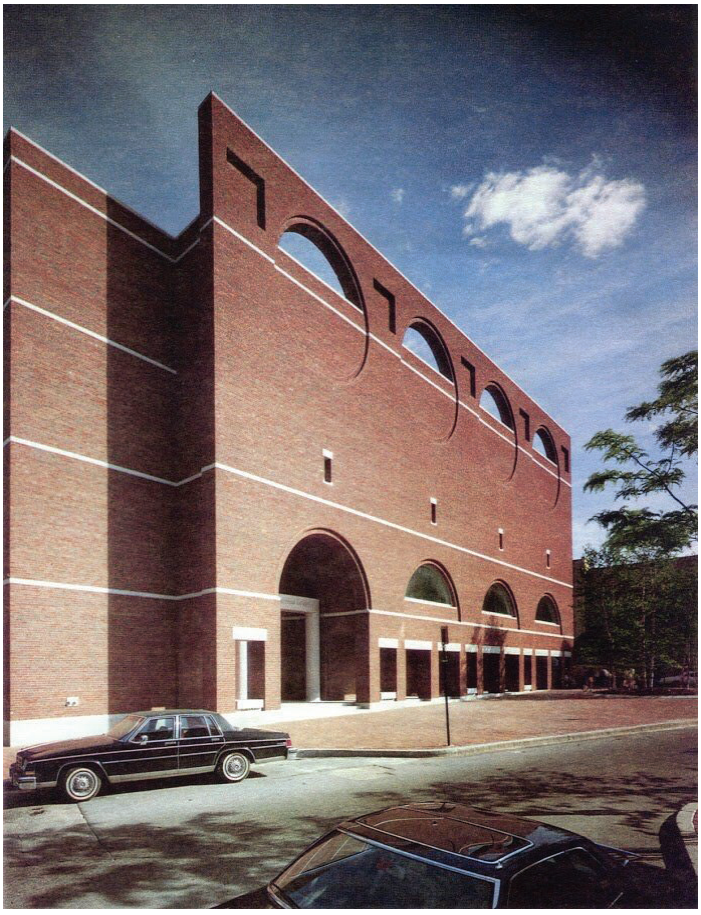
Its 1926 Stevens-designed façade for the Chamber of Commerce has design merit, design integrity and historic significance. Its elegant, history-inflected neoclassicism is very much part of what organizations like the C of C sought in that era – that quintessential era of commerce.
One sees other examples elsewhere in the historic district. And the district includes another superb, Stevens-designed neoclassical building, the 1911 LDM Sweat Memorial Gallery, in the PMA complex itself

A question [see photos attached]: Is the step back of Cobb's Payson Building which shows off the façade of 142 Free Street from Congress Square something the City required? Or was that Cobb's own gesture to a building he admired?

David Chase

The Cobb/Pei Associates PMA building Congress Square elevation steps back, the better to show off the elegant Stevens-designed Chamber of Commerce Building façade of 142 Free Street, keeping that neoclassical building very much part of the visual character of Congress Square.





Former Children's Museum 0 views

Holly <hdmjune@gmail.com> Oct 3, 2023, 7:22:49 PM (13 hours ago)
to hp@portlandmaine.gov

I have been following the "debate" and news concerning the Portland Museum of Art's desire to demolish the beautiful and iconic building on Free Street to put up another building that one can see in any major city in the world.

Speaking as a Maine native, the PMA doesn't need to build an "architecturally significant" building; it already has one at 142 Free Street.

There are only so many older buildings and this building "is Portland". Let's not dilute Portland's charm by turning it into Dallas or Seattle.

If the state historian, Earle Shettleworth, believes in its value what more needs to be said?

I am wondering if this project represents resume enhancement for Mr. Bessire as he appears to be tone deaf and blind to the significance of this building, which is downright odd considering art is tied to history.

Greater Portland Landmarks is absolutely right in their decision.

Holly McKibben, Portland

Don’t demolish! 0 views

Assigned to me

Kathy and Scott <kdillenback@maine.rr.com> 8:05 AM (1 hour ago)
to hp@portlandmaine.gov

The building is old, probably not perfect, but neither is the city of Portland, it seems everyone on the planet is moving here so the place must look good to them. Build the glass box somewhere else - there’s no reason the older museum and the new must be attached. Thanks! Scott Dillenback

On Wed, Oct 4, 2023 at 1:37 AM Rachel Walls <missrachelwalls@gmail.com> wrote:

> Dear Evan,
> I am strongly opposed to allowing the Portland Museum of Art to destroy a historic landmark that is protected. Please do not allow this to happen. I cannot attend the meeting on Wednesday but want you to know there are many of us who value protecting historic buildings in Portland. Please don't allow what happened to Union Station to happen on Congress/Free St. Thank you for your consideration and efforts.
> Rachel A. Walls
> Portland High School Class of 1995

PMA Expansion 0 views

Gregory Sundik <gsundik@gmail.com>
to hp@portlandmaine.gov

9:17 AM (22 minutes ago)

Dear HP Members,

As a Portland native and person with experience in historic preservation, I strongly urge you to not allow the PMA to make any changes, only preservation improvements to the exterior of the old Children's Museum next door.

The inside of the building was heavily modified by the CM, this can be adapted and used by he PMA much as they did the McLellan house.

The building next door is part of the historic fabric of that part of our city. Any argument that says it not fitting with the character of the area is incorrect.

It will be a sad day and it will echo the demolishing of Union Station if you allow the PMA to modify or demolish the facade of the neighboring building.

Feel free to contact me if you have any questions or concerns.

Gregory Sundik
207-450-2509

Former Victoria Mansion PR and Events Director and Board Member

October 4, 2023

To Whom it May Concern:

I'm writing to express my confidence in the leadership at the Portland Museum of Art (PMA) as they work to significantly expand the organization's reach and offerings in the form of an expanded home on Free Street.

In late 2019, the PMA purchased 142 Free Street from the Children's Museum & Theatre of Maine (CMTM), our home for nearly three decades. The sale of the building enabled us to break ground on our new state-of-the-art facility at Thompson's Point. It was also the culmination of years of work by the board and staff at CMTM at the time to identify a larger location for our organization, as we grew rapidly.

In early research, CMTM strongly considered remaining at 142 Free Street and adding to the existing structure. However, studies and financial models showed that it was not a viable option given the significant updates needed to the building in both operating systems and physical accessibility, as well as a lack of opportunity to greatly expand our footprint. I should note that when CMTM moved locations, we donated, sold or took with us the majority of the beloved exhibits that were housed inside. The few relics that remain in the building were not salvageable. As a result of our move, we now attract over 200,000 visitors a year to our new space - double the visitation we were ever able to host at Free Street.

The PMA has played a significant role in creating the vibrant arts and culture community that exists in Portland today. They are the anchor of the Arts District, and their expansion will undoubtedly bring significantly more visitors from near and far to enjoy all the amenities our city has to offer. I am fully in support of the PMA's decision making and look forward to spending time in their new facility when it is complete.

Sincerely,

Julie Butcher Pezzino
Executive Director
207.828.1234 x223
julie@kitetails.org

On Wed, Oct 4, 2023 at 11:04 AM Francesca Galluccio-Steele <cesca.gs@gmail.com> wrote:

> Mr. Evans,
>
> Please distribute my comment below to members of the board for this evening's meeting. Many thanks!
> >
> > Portland has a long and honorable history of historic preservation. The sense of place that such preservation has created helps bind our city into a strong community. It makes no sense to me that the PMA which says it wishes to promote community, chooses to ignore a decades old community decision and actually destroy a well known element of the Congress Square city fabric!
> >
> > As a member of the Portland community, it is the PMA's responsibility to respect the historic district by preserving the exterior of the former Children's Museum. With a little creativity that historic building can be incorporated in the final design. The new building would then be a fuller reflection of the community by representing Wabanaki culture and more recent periods of our city's history.
> >
> > Francesca Galluccio-Steele
> 22 Clifford Street

Public Comment on Congress Street Historic District, 142 Free Street: 0 views

Karen Snyder <karsny@yahoo.com>
to HIstoric Preservation

12:35 PM (1 hour ago)

Dear Historic Preservation Board Members,

I find the PMA's request quite perplexing and disappointing for the following concerning reasons:

- If PMA is so concerned about saving and preserving art cultural history, why do they have such disdain in saving and preserving Portland's building history?
- PMA's Creative director, Graeme Kennedy, said they want to demolish the building in order to "build for their communities". Portland Museum of Art seeks city approval to tear down former Children's Museum (pressherald.com). Who exactly is the PMA "community" if the Portland residents want to save the building?
- Another reason given was there was so many changes to the structure that it's diminished its historical significance. This is a common excuse given by developers as well to demolish and throw in landfills which is environmentally not sustainable even when it is more cost effective to rehabilitate. I know that rehabilitating my two 1850 buildings was way cheaper than demolishing and building new which makes the rental units more affordable.
- I am also concerned about this constant attack on Historic Districts in Portland where only 8% of Portland area is in Historic Districts with one of the highest density in residential population yet the developers and the wealthy constantly attack this 8% of Portland to demolish as much as possible.

It is also disappointing the changes that I have seen PMA undergo through the years from an inviting place where local residents could go to learn art history about Maine artists but to now an elitist enclave where the employees had to unionize.

I encourage the HP board to keep the building as a conforming structure.

Regards,
Karen Snyder
District 1

142 Free Street 0 views

Curt Sachs <sachsarch@gmail.com> 2:34 PM (21 minutes ago)
to hp@portlandmaine.gov, David Sachs

As a practicing preservation architect for the last 35 years, I am writing to discourage the classification of the referenced building as"contributing" in any sense. Although its initial use and architecture are noteworthy, subsequent renovations render the building as "not noteworthy". Its style is gone, though some architectural components are perhaps worth keeping. I support the notion of selective demolition of said structure. Key elements such as the columns might be re-introduced in an exterior courtyard adjacent to the current and/or future PMA buildings. A more sensitive design than Charles Moore's famed postmodern Piazza D'Italia should be embraced and encouraged by the Portland Preservation Department. There lies a compromise the City can offer and still allow PMA's vital expansion. We all know of the demolition mistakes we Portlanders still endure.

As a member of Portland's architecture community, I respectfully respect the request of PMA, with conditional and required re-use caveat so as to retain elements of a once valued building.

Respectfully submitted.

M. Curt Sachs. RA
Studio Curt Sachs

sachsarch@gmail.com
207.615.6628
12 Lewis Street
Portland, Maine 04102

Maine Licensed Architect

142 Free Street

0 views

Assigned to me

Rosanne Griffin <rgriffin2@maine.rr.com> 2:54 PM (1 hour ago)
to hp@portlandmaine.gov

Hello board,
142 Free Street is a historic beautiful building in Portland. It was designated historic because it is!
Should a powerful museum with connections be allowed to change the status because they want to tear it down?
Of course not!
Let's not allow another disaster like the Libby building they already tore down to build the main PMA building.
142 Free street as is will be beautiful as part of the museum, just like the Mclellan house is now also.
Don't be pushed around by the Portland museum of art please.
I know you all know this buildings historic value!
It's one of a kind with no other building like it.
Please save the old Portland that is rapidly changing.

Rosanne Griffin
Born in Portland maine.
Building owner in portland maine.

Rosanne Griffin <rgriffin2@maine.rr.com> 3:08 PM (1 hour ago)
to hp@portlandmaine.gov

Added my legal address!
And agenda item!

> On Oct 23, 2023, at 2:54 PM, Rosanne Griffin <rgriffin2@maine.rr.com> wrote:
>
Agenda item: 142 Free st.

> Hello board,

Legal address:
23 Deer Run Rd
North Yarmouth, ME 04097

really? 0 views

Assigned to me

jim dougherty <jdougherty101@gmail.com> Oct 23, 2023, 5:56:17 PM (16 hours ago)
to hp@portlandmaine.gov

i strongly object to destroying the former chamber of commerce building. just think of the buildings now gone from the the city of portland. too many! let's not take more of our history.
diane bartholomew
freeport maine

Reclassifying of the former Chamber of Commerce Building. 0 views

Assigned to me

Ted Pitas <tpitas58@gmail.com> Oct 23, 2023, 11:22:58 PM (10 hours ago)
to hp@portlandmaine.gov

To the HP board:

I think the PMA has lost their way on this. This building is art in itself. They can place their exhibits in the building with little cost to the museum itself. If they don't have enough space, they can just buy the parking lot next to the Chamber building and request a building permit for whatever they want build there. They will save on demolition costs this way.

Ted Pitas
American Carpentry Service

PC26

142 Free Street 0 views

Assigned to me

Dan Skwire <dan.skwire@milliman.com>
to hp@portlandmaine.gov

8:58 AM (1 hour ago)

I am writing to express my concern with the request by the Portland Museum of Art to reclassify the former Chamber of Commerce building as a non-contributing structure so that it can be demolished as part of the PMA's expansion plan. I strongly oppose this request.

I am a long-time Portland resident who lives in the West End and works in the Old Port. We are exceptionally fortunate in Portland that so much of the city's history survives in the real and tangible forms of its historic buildings. These buildings are a key element of our city's identity and they are a key reason that so many people wish to live and visit here. The loss of any historic building is a tragedy—is there anyone here who wouldn't wish to bring back Union Station, whose demolition was one of the inspirations for the historic preservation movement in Portland? The loss of 142 Free Street would be particularly tragic because it is so unnecessary.

The building is an interesting and important one, originally constructed as a theater and later functioning as a church and a museum, among other roles. Its distinctive temple front is instantly recognizable, and has been for over 200 years. I am a member and a supporter of the PMA, and I commend its objective of growing its presence in the city. But to do so at the expense of a distinctive, contributing historic structure is simply irresponsible. Like all of us in Portland, the PMA benefits from the city's historic fabric—it is already the steward of the Winslow Homer studio, the McClellan-Sweat House, the Clapp house, and others. Any future expansion should be done in a manner that provides equal respect and consideration for the Chamber of Commerce Building at 142 Free Stree.

Daniel D. Skwire

10 Grayhurst Park

Portland, Maine 04102

PC27

Agenda Item 142 Free Street 0 views

Patti Shaw <pshaw@maine.rr.com>
to hp@portlandmaine.gov

10:31 AM (1 hour ago)

Good morning,

I am writing to encourage you to preserve 142 Free Street. I understand the museum's desire to expand, the arguement it has been modified from its original construction, however, it represents a time, architectural style, and historical marker for the city of Portland.

Although I no longer own property in Portland, I did own a building,
165-67 Congress , designed and built byF.Fawcett/J.C.Stevens, which had been modified over the years , but its presence on Congress Street adds to the street's charm and an historic era. I worked very hard to maintain the building. Although the new owner is much less concerned with the building, it remains and historic marker. (It actually was the home of the first black bishop, James A. Healey, for a period of time.)

For whatever reason, Portland leaders are allowing the destruction of the beauty, the architectural, history, and the ambience of Portland to disappear. Soon, if this trend continues, the Portland that has brought so many new residents will be no more. Beautiful old buildings replaced with modern square structures as one sees on a walk around Munjoy Hill.

Every generation has to deal with architectural change, however, the city of Portland is very special. To allow yet historic building in the center of Portland to be removed is again destroying the very thread that has made Portland such a wonderful city to visit and reside.

NO to the demolition of 142 Free Street.

By the way, there is a reason why so many European cities destroyed during World War II rebuilt exact replicas of the buildings destroyed. Their beauty enhances their cities.

Regards,
Patricia Shaw
309 Black Point Rd
Scarborough, Me

PLEASE DONT' LET THE PMA TEAR DOWN A HISTORIC BUILDING

0 views

Assigned to me

C/S Gray <gray2914@gmail.com> Oct 24, 2023, 3:29:27 PM (yesterday)

to hp@portlandmaine.gov

I am a Portland native, and a local tour guide. One of the great joys for locals and visitors alike is seeing all of the old historic buildings in town - and learning about their history and significance through the years.

Please keep it that way. Please do not allow PMA to tear down the historic Chamber of Commerce Building.

Sure, it's cheaper and easier to start from scratch with an empty lot.... but at what cost???

Christine Gray

142 free street

0 views

Assigned to me

Jen DeRose <jenlderose@gmail.com>
to hp@portlandmaine.gov

Oct 24, 2023, 8:44:29 PM (yesterday)

Hello:

Please do not demolish 142 Free Street. While I have high hopes for a new design for the museum, I am also hopeful that we can find a plan that works around this historic building. We have seen too many historic building lost to what is considered progress — the Franklin Arterial, Union station — and with it, the town's sense of place and history.

What is left of Portland's historic architecture is one of the city's very best qualities—it is what draws people here—and is one of the reasons this city is thriving today. Let's work to maintain that.

Thank you,
J. DeRose
93 pine street

142 Free Street

0 views

Assigned to me

Miles Parker <milesparker26@icloud.com>
to hp@portlandmaine.gov

Oct 25, 2023, 3:15:42 AM (yesterday)

The Chamber of Commerce Building is such a beautiful and enduring part of the Congress Square cityscape that it would be heartbreaking to lose it to PMA's expansion plans.

Reclassifying a building's status that leads to its demolition sets a very dangerous precedent for Portland's architectural heritage. This impressive temple-like building has been charmingly peeking out of the corner of a major city crossroads for 200 years. The structure's association with John Calvin Stevens only enriches its significance

I love Portland. I'm a member of the Portland Museum of Art who supports their commitment to our city but not at the expense of losing the Chamber of Commerce Building.

Don't tear it down!

Sincerely,
Miles Parker
Pariserstr 14
81669 Munich, Germany

Oct 25, 2023, 9:52:36 AM (yesterday)

kathleen casasa <kmcasasa@gmail.com>
to hp@portlandmaine.gov

To Whom It May Concern,
I am writing to express concern about the possible demolition of the building at 142 Free St., formerly the Chamber of Commerce building. This is a stunning building and adds much to character of Portland. I have lived in Portland all my life and have seen the many changes over time. Given all the building on the peninsula most of which is not value added visually to our city it would be ashame to allow this building to be demolished and further impact what makes Portland unique. I hope you will not allow this to happen.
Thank you,
Kathleen Casasa
514 Capisic St.
Portland, Me.

PC32

124 Free Street

0 views

Assigned to me

Eric Handley <ewhcom@gmail.com>
to hp@portlandmaine.gov

Oct 25, 2023, 12:50:34 PM (23 hours ago)

I would like to say that reclassifying 124 Free Street for demolition would set a negative precedent to the historical buildings in the city.

I would like to see the PMA developing a campus that incorporates rather than destroying the historic structures in their domain.

Please don't reclassify this building.
Thanks

Eric Handley
56 Wilson Street Unit 4
Portland, ME 04101

save the historic former Chamber of Commerce Building at 142 Free Street 0 views

Colin Vettier <colin.vettier@gmail.com> 11:31 AM (1 hour ago)

to hp@portlandmaine.gov

Hello,

As a Portland resident I would like to share my concerns about the PMA plan to demolish a significan architectural building of the city.

While the PMA's extansion is something I look forward too, I believe that it should not be to the detriment of existing architectural heritage of our city that is already plagued by luxury condos and parking lots.

In particular, this proposal could set a dangerous precedent. If one property owner is allowed to decide that a historic building should be reclassified and demolished because it is in the way to their plans, then the integrity of all the historic districts that benefit Portland in so many ways may be in jeopardy.

Kindly,
Colin VETTIER

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

25 October 2023

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair O'Brien and Members of the Historic Preservation Board,

Greater Portland Landmarks does not oppose the expansion of the Portland Museum of Art's campus and we are enthusiastic about the prospect of another landmark building being added to the museum's collection. We do not believe preservation of the former Chamber of Commerce Building and the introduction of a contemporary landmark are mutually exclusive.

As we addressed in our statement for the October workshop, Landmarks strongly believes that the former Chamber of Commerce Building clearly meets the criteria for designation as a contributing structure, both in terms of its architectural, historic, and thematic significance within the Congress Street Historic District and its retention of the required level of integrity to its 1926 appearance. The PMA's reclassification request includes a consultant report that focuses largely on interior alterations, which are not under the purview of the Historic Preservation Board, and the early history of the building, rather than the integrity of the building's exterior appearance since its 1926 alteration. The building's exterior is largely unchanged from its appearance in 1926 or from its appearance when it was evaluated for inclusion in the Congress Street Historic District. Greater Portland Landmarks finds no basis in the consultant's report for reclassification of the building as a non-contributing structure.

Image of the former Chamber of Commerce Building during World War II.

While not designated as an individual landmark, the former Chamber of Commerce building, like all contributing buildings, in combination with its neighbors forms the cohesive fabric essential to the

establishment of a historic district. In addition, the former Chamber of Commerce Building meets 4 out of the 6 criteria laid out in ***Subsection 17.4.1.A*** of Portland's Historic Preservation Ordinance. It also meets the criteria laid out in ***Subsection 17.4.1.B.*** and ***Subsection 17.4.2*** of the ordinance**.**

- It is significant to the cultural, historic, architectural heritage of the city.
- It exemplifies a significant architectural style.
- It is the work of an architect whose individual work is significant in the history or development of the City of Portland and the State of Maine.
- As the former home for nearly 60 years of the city's Chamber of Commerce, it expresses and contributes to the theme of the Congress Street Historic District, a cohesive corridor of commercial and civic buildings that are significant for their role in the commercial, social, and architectural development of the city from 1780-1958.
- Although minor alterations have been made to the exterior, it retains its temple-form, major fenestration patterns, and the architectural details of its primary facade that are character defining elements of its design and reflect its appearance during its use by the Portland Chamber of Commerce.

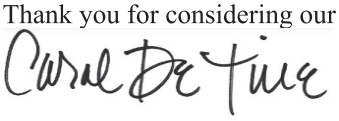
The Portland Museum of Art's collection is significant to the art history and culture of Maine. The largest pieces in the PMA's collection are its five historic buildings. This expansion project is an opportunity to further unify *all* the varied historic buildings on the museum's campus. Greater Portland Landmarks believes that there are options to meet the Museum's worthy goals and to preserve the former Chamber of Commerce Building on Free Street.

Portland has examples of the beneficial results that can occur when demolition plans are reconsidered. One such example occurred in the 1990s when plans to demolish the interior of Portland's Merrill Auditorium were touted as the only means to achieve state-of-the-art acoustics. The demolition plans were resisted by a vocal group of citizens who advocated for a second opinion. Experts capable of improving the concert hall's acoustics while preserving the historic interior were then hired. The result is a beautiful venue that serves as a cultural hub supporting a diverse variety of programming.

Landmarks does not believe the best way forward is the demolition of one of the PMA's largest assets. Instead, we encourage the PMA to work creatively with their architects and with the Historic Preservation Board to seek a Certificate of Appropriateness that incorporates the former Chamber of Commerce building into its campus expansion project.

The vote to reconsider the designation of the former Chamber of Commerce Building is significant not only for this application, but also significant to maintaining the integrity of the ordinance itself and to the preservation of other contributing structures throughout the City's historic districts. We hope that you will apply the criteria of the ordinance in this case as you do in all development projects, large and small, that you consider. In your careful deliberation we urge you to agree that the evidence supports the former Chamber of Commerce building's continued designation as a contributing building within the historic district.

Thank you for considering our views,



Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

142 Free Street – Historic Preservation Board Hearing, November 2023

Date: 26 October 2023

Re: NOT to demolish the Chamber of Commerce Building (CCB), formally the Children's Museum, per PMA application

I request that the Historic Preservation Board NOT approve the PMA's (Portland Museum of Art) request to demolish the building adjacent to the Payson Building which is in Portland's historic zone for the following reasons:

+ This would set a corrosive precedent to the historic preservation overlay which is clearly written in city code

+ The architect of the Payson (1982) building referenced the CCB in his design process making the CCB significant in understanding the Payson within its urban context

+ The Payson defers to all buildings on the PMA campus by: keeping to scale of the existing buildings, stepping down in its mass to the existing historic buildings, using similar exterior building materials as existing buildings

+ The proposed LEAVER project: dominates the site in scale and height, demolishes the CCB, demolishes parts of the Payson, reorients the entrance away from Congress Square, uses highly contrasting materials to the PMA buildings and surrounding context

+ The proposed project is not 'sustainable design' when compared to utilizing the existing CCB which is in good physical condition, was just used as a museum and has much useful life left

+ The PMA's absurd accusation that because the CCB was renovated in the 1920's during the Jim Crow area in the South, it is "racist" and therefore should be demolished is silly and not worthy of further comment

Thank you,
Robert Kahn,
94 Rackleff St, Portland

Chamber of Commerce Building 0 views

Assigned to me

Dugan Murphy <dugan@duganmurphy.com>
to hp@portlandmaine.gov

Oct 26, 2023, 9:04:20 PM (11 hours ago)

Dear Historic Preservation Board,

I am writing in regards to the Portland Museum of Art's request to reclassify the Chamber of Commerce Building on Free Street to noncontributing within the Congress Street Historic District. I think this request is ridiculous.

This building is over two centuries old with a facade that is well preserved from its redesign a century ago by famed architect John Calvin Stevens. The importance of its presence as part of the historic urban fabric of downtown Congress Street is exactly why all the work was put into researching it and the other contributing structures within that district and getting that district added to Portland's recognized collection of local historic districts. It is exactly why this city decided to adopt a historic preservation ordinance back in 1990. We, as a community, did not put these protections in place, just to have them revoked when a little inconvenient.

The Portland Museum of Art has a lot of property at their disposal. They have been sitting for decades on the amazing, historic Clapp House without using it for anything the public can access. Why not rehabilitate that structure? In 2007 they depleted Portland's woefully small and much-needed affordable housing supply when they demolished the YWCA building on Spring Street. Why not develop that underutilized parking lot and adjacent, unusable green space they put in its place? Why not redesign the interior of the Chamber of Commerce Building, build an addition to it, or pursue any of the many other expansion options available to them currently allowed by law, without going through this bald-faced, bad-faith reclassification process?

The PMA is a creative organization. Please deny this request so they can use that creativity in their ranks to develop an expansion plan that suits their needs *and* the needs of the broader community by preserving the Chamber building.

Dugan Murphy
(he/him)
Resident of the India Street Historic District

142 Free Street 0 views

Assigned to me

William Hall <wpeaks@earthlink.net>
to hp@portlandmaine.gov

Oct 26, 2023, 9:17:36 PM (11 hours ago)

To the members of the Historic Preservation Board:
I appreciated your very good questions and discussion during at the October workshop on the status of 142 Free Street as a contributing structure. For your upcoming public hearing I would like to emphasize just one point from Greater Portland Landmarks' position statement:

- This proposal [to tear down the building] could set a dangerous precedent. If one property owner is allowed to decide that a historic building should be reclassified and demolished because it is in the way of their plans, then the integrity of all the historic districts that benefit Portland in so many ways may be in jeopardy

In addition to being on the Landmarks board, I am a member of the Portland Museum of Art. So I truly admire the PMA's effort to remake its space in a way that takes the museum into the future as a remarkable and exciting public institution.
However, I think it's extremely important to uphold Portland's land use code and reach a decision that is in conformance with the law. 142 Free Street certainly meets key criteria for preservation as a contributing structure. A decision contrary to that, allowing the building to be torn down, risks undermining historic preservation rules that have done so much to make Portland a unique, vibrant, and desirable place to live and visit.
Thank you for your consideration and for your service to the city of Portland.
Bill Hall
317 Pleasant Avenue
Peaks Island
Portland Planning Board member, 2006-2016

PC38

Public Comment: 142 Free Street 0 views

Assigned to me

Dela Murphy @DelaHere <dela@delahere.com> Oct 26, 2023, 9:25:13 PM (11 hours ago)

to hp@portlandmaine.gov

Dear Historic Preservation Board,

I am writing to urge you to maintain the status of 142 Free Street as a Contributing building to the Congress Street Historic District. Designating buildings as such is an intensive and careful process with the intention of celebrating and maintaining a cohesive and historically important streetscape. It's not only inappropriate for an individual, organization, or interest group to lobby or pay to remove a designation to further it's interests, it undermines the integrity of this program and damages our community identity and social goods.

The Portland Museum of Art has every right to expand its campus—and it should!—but I strongly believe that goal can be achieved without razing the former Chamber of Commerce building. In fact, the PMA currently has several underutilized historic buildings on its campus that are unavailable to the public or only partially visioned. Fully utilizing these assets is an opportunity for the museum to celebrate Portland's history and their connection to it without demolition. They also have undeveloped parking areas and green space around their core building and a tremendous amount of creativity and resources at their disposal. A vision is possible that isn't in bad faith.

Thank you for your consideration and for all the work you do!

Warmly,
Dela Murphy
61 India St
India Street Historic District

PC39

142 Free Street, Chamber of Commerce Building 0 views

Assigned to me

Barbara Vestal <vestal@chesterandvestal.com>
to hp@portlandmaine.gov

12:22 AM (8 hours ago)

Chair O'Brien and Historic Preservation Board Members:

I was the chair of the Planning Board in the late 1980s when we worked with a nationally respected consultant, Richard Roddewig, over a couple of years to craft Portland's historic preservation ordinance. He observed that the choices we were making for Portland put us squarely in the middle range of many such ordinances across the nation.

Like these ordinances, we opted to protect not only rare, very special individual "landmark" structures, but also to protect the much more common historic structures that retained their historic integrity and shared a set of character-defining features that contributed to an historic district's unique identity. These were identified as protected "contributing" structures.

An essential part of the value of this type of historic preservation ordinance derives from a mutuality of benefit: a property owner accepts certain regulation of their own property because neighboring owners of similar property are also accepting the same regulation of their property. The sum of the protected historic properties, as a critical mass, has a much greater impact than the individual buildings. The authenticity of place is protected by maintaining the context and protecting the inter-relationships between neighboring buildings throughout the entire district.

It is essential to the integrity of the ordinance that all owners of contributing structures be treated in the same manner, in compliance with the same standards. It is patently unfair for one owner to benefit from its neighbors maintaining the historic context, while at the same time seeking to withdraw from the mutual benefits for its own gain in order to demolish that owner's own historic structure.

In this case, with the Portland Museum of Art (PMA), there can be no claim of surprise about the "contributing" status of the Chamber of Commerce Building. It unquestionably met the criteria and was designated as "contributing" at the time that the City Council approved the designation of the Congress Street Historic District in 2009. This fact was well-known to PMA.

To me, the surprise is that PMA apparently opted to ignore that designation and opted to proceed with a design competition in which they left out the crucial information that the Chamber of Commerce Building was designated as a "contributing" structure in the Congress Street Historic District. Had that information been given to the design teams, it seems like multiple options for a museum expansion could have been (and still could be) productively explored that would not have included demolition of the Chamber of Commerce Building. The range of possible options include incorporation of the Chamber of Commerce Building into the expansion plans in some fashion, or expansion onto adjacent vacant land already owned by the PMA, or acquisition of adjacent vacant land for the expansion.

It is not the job of this Board, nor the job of the City, to determine the expansion strategy for PMA. They appear to have many options for proceeding within the current regulations.

But it is the job of this Board, and the City, to protect the integrity of Portland's Historic Preservation Ordinance, and to see that all owners of similarly situated historic properties receive the same carefully considered, fair and consistent treatment in compliance with the ordinance. The decision should not turn on the identity of the applicant; procedural due process requires that the decision makers focus on the historic structure in question, the Congress Street Historic District, and the Historic Preservation Ordinance. The Chamber of Commerce building is clearly a "contributing" building under the ordinance. That designation should not be reversed, even if the applicant is the PMA.

Regards,

Barbara Vestal
7 Fore Street
Portland, Maine 04101

CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

PC40

0 views

Jack Vreeland <jackvreeland@gmail.com>
to hp@portlandmaine.gov

8:43 AM (2 minutes ago)

Jack Vreeland
447 Deering Avenue
Portland, ME 04103

October 27, 2023

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Dear Chair O'Brien and Members of the Historic Preservation Board,

The Portland Museum of Art is a tremendous asset to our community. As a member, I applaud the museum's intentions to add much needed space to make the museum more inclusive and diverse -- and to make a dramatic architectural statement.

142 Free Street (the former Chamber of Commerce Building) is undoubtably protected as a "Contributing Structure" as documented by Greater Portland Landmarks and supported by Earle G. Shettleworth, Jr. and Scott Hanson at the prior workshop.

As an institution that celebrates creativity, the PMA could have made integrating 142 Free Street a part of their initial RFP. There are so many brilliant examples around the world of museums integrating both modern and historic structures in wonderful creative ways. The PMA framed the RFP with the understanding that 142 Free Street would definitely be demolished. To have advanced their plans so far without ever addressing this issue was taking a very large risk.

That decision to demolish a protected building is not theirs alone, but is driven by the existing Historic Preservation Ordinance as enforced by this Board, the Planning Board, and the City Council. This building was included as a Contributing Structure following extensive research over years by qualified professionals. The status of the building's exterior appearance is largely unchanged since its 1926 renovation by John Calvin Stevens — and also largely unchanged from when it was rigorously evaluated for inclusion in the Congress Street Historic District. The PMA purchased a protected historic building. This has not changed.

So, the question before you is: do the Historic Preservation rules apply to everyone equally? These rules exist so that the decisions are based not on one building, or one worthy applicant, but on a set of rules that everyone follows. It is that clarity and even-handedness that shapes the overall essence of a community —and that community's fair and equitable treatment.

The consequences of letting this one protected building be demolished would set a dangerous precedent and possibly jeopardize Federal tax funding that flows from having a solid, enforced Historic Preservation Ordinance in place. It is too risky.

If one property owner is allowed to decide that a historic building should be reclassified and demolished because it is in the way of their plans, no matter how worthy, then the integrity of all the Historic Districts that benefit Portland in the many ways documented in the recent Impact Study may be in jeopardy.

I am hoping you will vote to reject the PMA request and encourage them to start exploring creative ways to include the Chamber Building at 142 Free Street in their design. We can have it both ways, a great museum and keep a protected building as part of it.

We are all fortunate to live in this great city with its rich natural and built environment. It is our legacy to maintain what we have for future generations. We are all part of a chain of citizens who have faced difficult choices over time. Fortunately, at some point, rules were established to guide us. I ask now that you uphold these rules.

Sincerely,

Jack Vreeland
447 Deering Ave.
Portland, ME 04103 USA
207-879-9152
jackvreeland@gmail.com

October 27, 2023

Chair O'Brien and Members of the Historic Preservation Board,

You have before you a request from the Portland Museum of Art (PMA) to reclassify the former Chamber of Commerce building at 142 Free Street from its status as a Contributing building in the Congress Street Historic District to a Non-Contributing status, that would then allow the Museum to demolish it.

A primary document sponsored by the Museum to support their case that the Chamber of Commerce building does not contribute to the significance of the historic district is "A History of 142 Free Street and Free Street at Congress Square." The Museum claims that this consultant report supports its assertion that the Chamber building has been so changed over time and its context so changed that it neither represents a building that can help to convey the story of the development of Portland's commercial corridor in the early 20th century nor that retains integrity to convey this story.

The report includes a great deal of documented history for both the building and the Free Street area of the historic district, but it does not evaluate the Chamber of Commerce building in terms of why it was deemed by those who researched and prepared the documentation for the Congress Street Historic District as a Contributing structure in the historic district. As you who serve on this Board know, when a building or an historic district is proposed for historic designation, it is evaluated in the form that it appears at the time of that proposed designation.

The former Chamber of Commerce Building's appearance in 2009 is essentially the same as you see it today and the same as it appeared in 1926 when John Calvin Stevens reworked the building to serve the needs of Portland's business leaders. It is this appearance we see today that references the nearly 60-year tenure of the Chamber of Commerce on this site. Minor alterations have not changed that basic appearance and could be reversed if desired.

I respectfully urge you to uphold the judgements made in 2009 by your colleagues who preceded you on this Historic Preservation Board, and to find that the Chamber of Commerce Building merits its status as a Contributing building in the Congress Street Historic District.

Sally Oldham
118 Congress Street
Portland

PC42

11:36 AM (1 minute ago)

nancy montgomery <montgomerydesign@me.com>
to hp@portlandmaine.gov

Nancy Montgomery
Montgomery Design Inc.
447 Deering Ave., Portland, ME 04103
207-831-8927

October 27, 2023

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Dear Chair O'Brien and Members of the Historic Preservation Board,

I am writing to encourage you each to oppose reclassification of the former Chamber of Commerce building at 142 Free Street— but even more importantly to me, to support fair and consistent application of the Historic Preservation Ordinance's protections.

Here is my thinking:

1) **Dominos and dangerous precedents:**
If one property owner — no matter how respected and how worthy their goals -- is allowed to decide that a historic building should be reclassified and demolished because it is in the way of ambitoius plans, then the integrity of all the Historic Districts that benefit Portland in the many ways demonstrated in the recent *Trends in Portland's Historic Districts* report may be in jeopardy. I fear a domino effect.

The Chamber building's structural integrity is not in question, a valid reason for reclassification.

2) **More creativity needed, more ways to solve a problem:**
As a PMA member, I have been excited by their campaigns to improve access for all, "art for all", to improve equity, access, and representation. I favor a Museum expansion. And space for more art and interactive experiences, However, much like Merrill City Hall Auditorium, I believe there is NOT only one creative solution to a problem!

I have been personally grieved to watch what might be seen as arrogant and short-sighted to insist that the only solution is to tear down a Contributing Structure at 142 Free Street — despite being surrounded by neighboring empty parking lots. Why not more creative negotiations and thinking outside the box?

Look at Merrill Auditorium's once-controversial Second Opinion Campaign (c.1996), which both rescued the Auditorium's historic balconies and appearance AND vastly improved the acoustics. At that time, the initial architectural plans insisted that gutting the interior was the only way to achieve the goals and ensure good acoustics. Fortunately, citizens rallied and changed that set course. It was difficult but worthwhile. Cannot the PMA take a second creative look?

3) **To me, it was incomprehensible not to address with HP early on** how to deal with the historic building the PMA purchased — knowing it was a HD Contributing building. Exciting creative combinations of modern and historic structures can be seen worldwide. Everything from surrounding/encapsulating the old building to creating exciting dialogues between the Henry Cobb building and the Chamber building.

I was disillusioned to see that the PMA's initial RFP assumed 142 Free Street must be demolished. In their "public comments" feedback events, I said so.

4) **Kindly fact-check** PMA's statement and correct the record:
At the workshop, PMA said something like "**We just followed ___'s suggestions"** (to go ahead planning demolition). I cannot imagine, knowing the Planning Dept's careful considered approach that could be accurate. Words matter. It is my impression that the PMA had input from various sources over several years warning against demolition. Their statement does seem sadly disingenuous to me.

5) **The PMA seemed to assume that** a blanket had been thrown over the Congress Street Historic District and **buildings were not individually vetted.** The PMA said something like, "We don't know what their (City staff) thinking was in designating 142 Free because nobody from that time is here." Scott Hanson, the primary Congress Street HD researcher, resoundingly disproved their theory. The renovations in 1926 by JC Stevens are significant to the Congress Street District's Period of Significance as a vibrant commercial center.

6) The fabric of a historic district is interwoven and interdependent. Does removing one thread endanger millions of dollars in tax benefits to the City as a Cert. Local Govt.? **The idea that a "project of special merit" might arise in the future and allow demolition of a Contributing Structure was proposed years ago. The Federal authorities disallowed that idea. Thus Portland committed to Federal HD limitations and rules when we became a CLG.**

7) **Margaret Gaertner's report missed the point:**
There are misconceptions in her report: Interior changes are not covered by the Historic Preservation Ordinance. Buildings do "grow" and change — as did the Hay Building next door, also renovated by John Calvin Stevens. Former State Historian Earle Shettleworth's evaluation of the significance of the 1926 Chamber remodeling at 142 Free should not be discounted. The JCS renovation of 142 Free into the Chamber is tied to the District's Period of Significance.

8) **Art for all** — yes! But ...
Rules apply to all, too:
The Portland Museum of Art's intent to make Art more accessible to all, with more equity and representation is laudable. But they also need to follow the law. That is equity. That is fairness, too.

Please support the integrity of the H. P. Ordinance by applying it equally to eveybody.

Sincerely,

Nancy Montgomery, interpretive designer
Montgomery Design Inc.
447 Deering Ave., Portland, ME 04103
207-831-8927
montgomerydesign@me.com

To: Portland Historic Preservation Board
From: Earle G. Shettleworth, Jr.
37 Academy Street
Hallowell, Maine 04347
November 1, 2023

Agenda Item: Congress Street Historic District – Reclassification of 142 Free Street as Noncontributing.

On October 4, 2023, I addressed the Board in writing and in person to affirm the significance of 142 Free Street as a work of John Calvin Stevens that contributes to the Congress Street Historic District. As you deliberate on the Portland Museum of Art's application to reclassify 142 Free Street as non-contributing to the district, I wish to comment on the broader implications of your decision.

Since the 1960s, many Portland citizens have worked diligently to preserve the historic character of the city by the establishment of National Register Historic Districts, followed by the creation of local historic districts through the adoption of the historic preservation ordinance in 1990. The success of these efforts is clearly apparent in the critical contribution of historic preservation to making Portland one of the most desirable small cities in America. Those areas protected by the ordinance have experienced major private and public investment that has enhanced the entire city.

Approval of the Portland Museum of Art's application to declassify 142 Free Street would seriously compromise the integrity and purpose of the ordinance by allowing a building certified as significant by the city, the state and the Federal government to be demolished. Moreover, such an action would encourage other property owners to seek similar exemptions, further weakening the effectiveness of the ordinance and placing the city's historic built environment, and thus its quality of life, in jeopardy.

I trust in the good judgment of the Board to maintain the integrity and purpose of the ordinance as it reviews this application.

RE: Reclassification of 142 Free Street 0 views

Assigned to me

Susan Faxon <sfaxon1122@gmail.com>
to hp@portlandmaine.gov, officeofthedirector@portlandmuseum.org

Oct 28, 2023, 6:22:43 PM (yesterday)

Dear Historic Preservation Board,

I write to enthusiastically support the Portland Museum of Art's petition to your board to reclassify 142 Free Street in order to allow the museum to move forward with their innovative and necessary expansion program.

Let me explain what I bring to this conclusion.

I retired to Portland in 2017 after nearly 50 years of experience with issues of historic preservation, including a graduate degree in the topic from Columbia, and over twenty years serving as a founding member of the Design Review Committee, reviewing restorations, adaptive reuse, expansion, and removal of buildings on the 500 acre campus of Phillips Academy, Andover MA. Concurrently I have extensive experience in the museum field, having served as both an administrator and as senior curator of American Art before 1950 at the Addison Gallery of American Art at Phillips. I know first hand the difficult compromises and challenges of deciding the fate of historic structures as well as the caretaking obligations and educational opportunities demanded of the modern museum.

In my opinion the Portland Museum's visionary architectural expansion plan gives tangible evidence of the institution's commitment to serving a wider Portland community and will allow the museum to more easily and creatively share our common artistic heritage with both present and future audiences. Additionally the expansion offers significant improvements to the streetscapes of Free Street and Spring Street. The open character of the museum's new addition on Free Street will provide a counterpoint to the uninviting and off-putting blank brick wall of the Payson Building. It will offer visual access to art both while open and when closed through its pedestrian passage between Free and Spring Street. It unifies and clarifies the museum campus at the same time that it mitigates against the dreary and hodge-podge streetscape that presently exists along Free Street.

Of course the difficulty with the expansion plan is the necessity of either relocating (a proposal worth considering, by the way) or demolishing the Chamber of Commerce building. This is a decision that is hard to make, but as with all preservation decisions, the greater good needs to be given weight (and I believe that in this case the expansion of the museum is the greater good in the ways I have articulated above). I submit that the sacrifice of a rather stolid and unimaginative structure is a fair and necessary measure to allow a project that will enervate and enliven an important streetscape. Finally, I come to this decision with the knowledge that the museum's plans will allow the far more important Greek Revival building on Spring Street, the Charles Quincy Clapp House, to shine. This is a fair trade to my mind.

Sincerely,

Susan Faxon
20 West Street,Apt 21
Portland Maine 04102

The demolition of the former Children's Museum builidng 0 views

Candice Lee <cthorntonlee@gmail.com> 10:42 AM (1 minute ago)

to hp@portlandmaine.gov

While it is not the greatest of buildings, there is an ordinance protecting it and going against it will open Pandora's box. So I vote we keep it and the museum should learn to work with it. They are in possessio of three historic buildings and should regard them as assets instead of liabilities and embrace them wherever they can. Candice Lee, former board member and long time supporter of Landmarks!

142 Free St 0 views

Laura Nixon-Belair <lnixonbelair@gmail.com> 10:51 AM (6 minutes ago)

to hp@portlandmaine.gov

Regarding historic status of 142 Free St. Please do not set precedent that historic buildings can be demolished on the property owners whim. This reclassification proposal could set a dangerous precedent. If one property owner is allowed to decide that a historic building should be reclassified and demolished because it is in the way of their plans, then the integrity of all the historic districts that benefit Portland in so many ways may be in jeopardy. While I feel strongly that 142 Free Street should maintain its status as a Contributing building, I applaud the museum's intentions to create an expansion project that will give them more space and allow for programming for citizens of Portland and surrounding areas. I believe, however, that these goals are not mutually exclusive, and can be reached creatively with a design that doesn't require demolition of the Chamber of Commerce building

Thank you,
Laura

Historic Society Member and South Portland Resident

--
Laura Nixon-Belair

Agenda item: 142 Free Street 0 views

Pam Stagg <pamstagg@verizon.net>
to hp@portlandmaine.gov

10:52 AM (7 minutes ago)

I am against the reclassification of the former Children Museum at 142 Free Street to
a “non-contributing” structure in the Congress Street Historic District. It may have undergone changes over the years but demolition can never be reversed.
While complex and costly, Is there a possibility it could be moved to the adjacent parking lot to satisfy all parties?

Thank you.

Pamela Stagg
749 Congress Street Unit #7
Portland, Maine. 04102.

142 Free Street 0 views

Assigned to me

kaenrath@gmail.com <kaenrath@gmail.com> 11:03 AM (now)
to hp@portlandmaine.gov

Dear Board Members:

I write to urge you to save 142 Free St and not establish a dangerous precedent that could endanger many more of our treasured historic buildings. The historic character of our downtowns enriches our communities and provides a unique sense of place. This is a very important decision that cities and towns around the State of Maine will be closely watching. Thank you for your consideration.

Bryan Kaenrath
Waterville City Manager
5 Greylock Rd.
Waterville, ME 04901

142 Free Street Portland

0 views

Assigned to me

Michele Neilsen <mmneilsen@gmail.com>
to hp@portlandmaine.gov

11:09 AM (1 minute ago)

The Portland Museum of Art should not be allowed to have the former Childrens Museum reclassified as a non contributing structure.

We have lost too many buildings in this old City in the pursuit of “bigger, better shinier” buildings, or as in the case of the lost Union Station, a strip mall and a parking lot.

No is my vote to reclassification!

Michele Neilsen
131 W. Commonwealth Drive
Portland, Maine 04103
mmneilsen@gmail.com

142 Free Street 0 views

Orff, Sonja C <Sonja.Orff@mainehealth.org>
to hp@portlandmaine.gov

11:10 AM (4 minutes ago)

Dear Chair O'Brien and Members of the Historic Preservation Board,

We support the statement attached from Greater Portland Landmarks regarding the building on 142 Free Street.

Please do not allow for the demolition of this contributing building.

Portland is quickly changing and we need to ensure we preserve and protect our historical footprint and the decisions forward that can impact any precedence's.

Please honor and respect two of Portland's most valuable assets (Greater Portland Landmarks/Portland Museum of Art). Their opinions and goals for this community have proven trusty worth time and time again.

Thank you for your consideration,

Sonja Orff & John M. Ney

179 Fowler Road

Cape Elizabeth, Maine

04107

PC51

142 Free Street, Portland 0 views

Ford Reiche <ford@fordreiche.com>
to hp@portlandmaine.gov

11:41 AM (13 minutes ago)

Members of the Portland HP Board,

This is to express my hope that the HP Board will deny PMA's request to reclassify and demolish the historic contributing structure at 142 Free St.

I have owned and fully restored four buildings on the National Register of Historic Places, and for the past several years I have served on the grant application review teams for Maine's two largest funders of historic preservation.

It is very rare for a building listed as historic or contributing to be delisted, and seemingly unprecedented in Maine under the conditions claimed by PMA. When a building is properly designated as an historic structure, whether under local or federal guidelines, it is not a temporary status until something "better" presents itself. PMA purchased this building knowing that.

In an effort to more fully understand the issue with which you are presented, I have consulted a number of preservation authorities in Maine. I have not spoken with a single expert who agrees with the recommendation of the historic preservation consultant hired by PMA on this matter.

Thank you for the volunteer work you do for Portland.

Ford Reiche

142 Free St. 0 views

Assigned to me

George Brown <georgebrown06@gmail.com> 11:51 AM (1 hour ago)
to hp@portlandmaine.gov

Always believed that this building added so much to that area. I would greatly miss it if it was removed.

George Brown
36 Watchic Manor rd
Standish, Me 04084

PC53

Chamber building on Free Street

0 views

Assigned to me

jflint@maine.rr.com <jflint@maine.rr.com>
to hp@portlandmaine.gov

11:52 AM (1 hour ago)

Gentlefolk:

The former Chamber of Commerce building at 142 Free Street is without question a significant Contributing building in the context of its location and neighboring structures. Part of the argument for razing it is that it is too much altered from its original form, but the most recent external alterations are nearly one hundred years old; the original parts are nearly twice that age. It is important to note that the external changes were designed by Portland's noted architect, John Calvin Stevens. The building's permutations and different uses (theater, church, Chamber, Children's Museum) do not diminish its significance, they enhance it.

GPL seems to have taken pains to be diplomatic in opposing the building's destruction. What they have not said, but what some preservationists are thinking, is that in three distinct proposals for PMA's expansion, no provision for integrating the Chamber building appears to have been undertaken, almost as though tearing it down was a foregone conclusion in spite of its status as a protected building. It would have been simple enough to stipulate that each design provide an alternative plan incorporating the Chamber building. That seems not to have been done. An oversight?

I admit prejudice. I worked at the Chamber for around two years in the mid-seventies, first as a work-study student for NAB, then as manager of the Chamber's Business Ethics Division under former City Manager, John Menario. It's a nice building.

I strongly urge The Historic Preservation Commission and City Council to insist that razing the Chamber building is simply not an option; that it must either be incorporated in the expansion or moved intact to a suitable, nearby location.

Sincerely,
Jim Flint

142 Free Street 0 views

Assigned to me

Cherie Wendelken <cheriewendelken@yahoo.com> 11:55 AM (1 hour ago)
to hp@portlandmaine.gov

Dear Board Members,
I was surprised and disappointed to learn that the PMA, which preserves, showcases and helps define the artistic patrimony of Maine, has decided to request demolition of 142 Free Street. To me, an architectural historian, former professor at Harvard, and current resident of Portland, this is a sad disregard of our city's unique architectural patrimony. Visitors and residents alike prize the historic quality of our streets.

There are many reasons for a building's importance - age, unique style, association with historic events or people, or as part of an assemblage of buildings that create a historic urban fabric. Such protected neighborhoods provide an experience of art and history that is freely available for all citizens to experience, requiring no ticket to entry. Although the former Chamber of Commerce building is not designated as an individual landmark, it is architecturally unique, part of a historic neighborhood and deserving of protection.

Too many old building have been demolished in this town in the name of progress and improvements, to the regret of many. Do we want to be left with a city that looks like any other, punctuated by a monumental new building that speaks to the ambitions of one institution rather than the preservation of the urban history of the place which it serves? I hope the Board decides to protect 142 Free Street. It is not the oldest, grandest or most important building in Portland, but it is beautiful and historic and plays a role in creating a special place - its survival through many eras is part of Portland's story and a part of what makes our city a destination of national significance.

Sincerely,
Cherie Wendelken
364 Spring Street
Portland

PMA development Plans

0 views

Assigned to me

Lucas St.Clair <lucasstclair12@gmail.com> 11:59 AM (1 hour ago)

to hp@portlandmaine.gov

Dear HP Board,

Thank you for allowing written comments to voice opinion on the plans that the Portland Museum of Art is working on.

I recently have received two emails from the Greater Portland Landmarks about supporting the blockage of the reclassification of the structure of the former Chamber of Commerce building. I do not support that Greater Portland Landmarks in this case. While the building may meet the criteria to be a contributing building to the Congress St. historic district, it is my belief that a more comprehensive way of approaching this decision should be taken.

While the building that is being considered meets the criteria of the historic district, what the PMA plans to do is far superior for the whole of our city, community, and state. Adding a building that takes into account a 21st vision for construction, energy use, and inclusivity is what our city needs. While I support the understanding and protect our city's history, we should not let it define our future or prevent evolution. The expanded PMA campus will be a Greater Portland Landmark of the future, one that takes into account 21st century needs and helps the city in advance in its vision.

I also must add that the editorializing in their advocacy emails, the Great Portland Landmarks, stands in the face of uniting our great community. The choice of language that they use, including "setting a dangerous precedent" and "jeopardizing the integrity of the historic districts" is hyperbolic at best and at worst undermines their ability to be a partner to a growing city. While I support the historic districts and own a historic building in Portland, I find their perspective on this issue not unifying or helpful.

Thank you so much for your reading this email and considering my point of view when making your decision.

All my best,

Lucas

142 Free Street 0 views

Assigned to me

Bruce Wood <bruceweb607@gmail.com> 12:07 PM (1 hour ago)
to hp@portlandmaine.gov

I am writing in support of the historic building located at 142 Free Street. This building has had many uses over the years and retains a significant percentage of its historic character. It is a key part of the Congress Square neighborhood. To tear it down would be a significant loss to the area.

The Portland Museum of Art has options to expand without adversely impacting the Congress Square neighborhood of which it is a key part. Its main building has character worthy of retaining without competition. To relocate the PMA main entrance from its Congress Square frontage to what effectively is a side entrance without the convenience of the current entrance would be a disgrace to the building and the museum.

The proposal calls for tearing down an historic building worthy of retention as well as forcing the current main building into a second class status.

The PMA can expand by using vacant land and poorly utilized property by building on what today is a parking lot behind 142 Free Street and connecting to 142 Free Street, the Clapp building currently used for storage, and the current main museum building. Those connections can be from the rear of 142 Free Street and the Clapp building and the side of the main building. In this manner, the historic character of the area would not be adversely affected and expansion can be accomplished.

I urge you to vote against changing the designation of 142 Free Street and to encourage the PMA to think anew about how it can expand.

Bruce Wood
607 Chandler's Wharf
Portland, ME 04101

RE: Do not demolish 142 Free Street or change the zone! 0 views

Assigned to me

russo@maine.rr.com <russo@maine.rr.com>
to hp@portlandmaine.gov, info@portlandlandmarks.org

12:26 PM (15 minutes ago)

And for those of you who may not remember, take a look at these photos….Union Station before and after!

Before:

After:

And yes, this was considered great architecture in the 1960's….

From: russo@maine.rr.com <russo@maine.rr.com>
Sent: Monday, October 30, 2023 12:17 PM
To: 'hp@portlandmaine.gov' <hp@portlandmaine.gov>
Cc: 'info@portlandlandmarks.org' <info@portlandlandmarks.org>
Subject: Do not demolish 142 Free Street or change the zone!

Are you kidding me? Portland is the City it is because of Landmark and Portland residents who had the vision to save these historic buildings throughout the City, including my Grandfather's family 6 unit at 82 India Street. I remember as a child in the 1960s watching Union Station being demolished for a cheap Arlans Shopping Center and even at my young age at the time I knew that was just wrong!

As a Portland native, lifelong resident, and long-time Realtor, I am against demolishing this historic building. The museum's current building is pretty ugly as it is and I can't imagine what the glass addition monstrosity will look like. Please preserve this piece of Portland history so that we don't look back and regret yet another historic building gone. Let the developers use some creativity in designing the new space around this building. Why bother having zoning if you are not going to abide by it?

Stop the zone changes to accommodate this development madness here and everywhere in the city!

Jean Russo

Harborcity Realty

Portland, Maine

PC58

142 free st

0 views

Assigned to me

jim dougherty <jdougherty101@gmail.com> 12:33 PM (21 minutes ago)

to hp@portlandmaine.gov

I strongly support the PMA expansion but NOT the destruction of the chamber of commerce building. It is a precious part of portland history. Do not make the same mistake made with union station. Instead, retain this handsome building and include it in the PMA expansion plan!

James Dougherty
Freeport Maine
207 522 6560

142 free st 0 views

Heather Meader <heathiewhoo@gmail.com>
to hp@portlandmaine.gov

1:29 PM (16 minutes ago)

I'm writing to you asking that the former children's museum building be kept as a contributing structure and not be reclassified. The history of our beautiful old city is important to preserve, I know this will make it harder for the PMA to expand. I've always thought the old museum was in such an appropriate building because it is a piece of art (architectural art). When I was in highschool I took a photography class at MECA and learned to develop my own prints. One of my favorite was of the children's museum building, the sun casting shadows with the columns.

Thank you for your time
Heather meader
126 bolton St, Portland

Opposition to the reclassification request of 142 Free St. 0 views

Roxanne Eflin <roxanne.eflin@gmail.com> 1:39 PM (9 minutes ago)

to hp@portlandmaine.gov

To the respected members of the Portland Historic Preservation Board:

I am writing in opposition to the PMA's request to reclassify 142 Free Street as noncontributing within the historic district. I support Greater Portland Landmarks' positions on this issue as articulated in their October 25, 2023 written statement.

This former Chamber of Commerce building is character-defining and extremely significant to the community in terms of its role in the commercial, social and architectural development of Portland for nearly 180 years from 1780-1959. A vote to reconsider the historic designation of this building is dangerously precedent setting in numerous ways. Denying this reconsideration request upholds the purpose and intent of Maine's strongest historic preservation ordinance.

PMA expansion is laudable though NOT at the expense of this highly significant historic building, an important contributing structure within the historic district.

Roxanne Eflin
CONSULTING

Roxanne Eflin, MA, GPC, CITM
Roxanne Eflin Consulting
Former Executive Director, Maine Preservation (and former Maine resident)
207.229.9465
6413 Borough Dr., Colorado Springs, CO 80923

142 Free Street 0 views

Assigned to me

Jack Griswold <JackGriswold@outlook.com>
to hp@portlandmaine.gov

Oct 30, 2023, 5:35:58 PM (17 hours ago)

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

I am writing to support the PMA's request to reclassify the Childrens Museum as a non-contributing structure.

1. 1. To my layman's eye, this Greek Temple-ish building has always seemed an odd duck. It just doesn't fit in. Further, it appears cheaply built from the poured concrete columns with the seams showing, to the square brick end-columns and the window treatments. It is not a particularly appealing or pretty building.

2. 2. Why would we want to preserve this building and prevent something truly transformative and inspiring to be built in its place? That would be a massive loss for Portland and a real abuse of common sense and the intent of historical preservation.

3. 3. I saw that one of the architectural models for the new museum addition proposed to build around the Childrens Museum and encase it in glass. Frankly, that would be ridiculous, and I hope that Greater Portland Landmarks, or other supporters of the current structure, are not pushing to go back to something like that.

4. 4. Why is this just coming up now? Shouldn't this have been dealt with much earlier in the process?

Thank you –

Jack Griswold

38 Deering St.

Portland, ME 04101

Reclassification of 142 Free Street 0 views

Assigned to me

Craig Lorimer <cg4501@icloud.com>
to hp@portlandmaine.gov

Oct 30, 2023, 8:00:43 PM (15 hours ago)

October 30, 2023

To: Portland's Historic Preservation Board

Re: Reclassification of 142 Free Street as a Non-Contributing Structure to the Congress Street Historic District

Dear Board Members:

I would like to offer some comments to the HP Board against the request of the Portland Museum of Art to have the former Chamber of Commerce Building at 142 Free Street to be reclassified as a "Non-Contributing Structure" to the Congress Street Historic District.

I was born in Portland, lived for 20 years in the Greater Portland area, and have been a frequent return visitor to the city in the past decades. Having grown up before the "mall era," Congress Street was the centerpiece of urban life for me. I always admired the historic buildings and the ambience of the district. Congress Square was to some extent the crossroads and hub of the city—Portland's "Times Square," if you will. Even with a variety of architectural styles and signage of different eras, it all blended together well.

The Chamber of Commerce building at 142 Free Street was part of this harmonious blending of historic architecture in Congress Square, and I have long regretted the loss of its handsome neighbor, the Libby Building, which was razed by the Portland Museum of Art. Old photos from the early 20th century show other stately brick buildings on Free Street that were demolished to provide parking lots. Despite these losses, Congress Square still retains much of its historic ambience. The former Chamber of Commerce building is a key factor in holding together the historic character of the area. Its demolition would be a significant loss.

Another concern is the precedent that this would set for other buildings in the historic district that could be reclassified to pave the way for their demolition.

The HP Board is surely aware that much of Portland's economic revival has been due to its historic architecture, even though much was lost during the urban renewal era. Similar benefits can be seen in other historic cities like Bath, ME, Portsmouth, NH, and Charleston, SC, which even better resisted the pressures to sweep away their historic structures. The city where I now live, Madison, WI, has already lost most of its historic buildings, and the loss continues—not through massive urban renewal, but simply in piecemeal fashion by gradual attrition.

I earnestly hope that Portland's HP Board will vote down the request to reclassify 142 Free Street.

Thank you.

Sincerely,

Craig Lorimer

4501 Gregg Road, Madison, WI 53705

142 Free Street 0 views

Assigned to me

Cheri Hudson <hudsoc370@gmail.com>
to hp@portlandmaine.gov

10:15 AM (13 minutes ago)

Dear Historic Preservation Board,

re. Congress Street Historic District - Reclassification of 142 Free Street as Noncontributing

I am very much opposed to the request by the Portland Museum Of Art for reclassification of the former Children's Museum) at 142 Free Street as a "non-contributing" structure in the Congress Street Historic District.

I have long appreciated this iconic Portland building, and the overall Congress Street Historic District. It was a good thing that Portland woke up to historic preservation after the unfortunate demolition of the St. John Street train station in 1961.

The Portland Museum of Art was insincere and calculating in presenting their designs to their members, and the public, without also cueing them that a building with historic significance would have to be destroyed to create what they were proposing. It's as if they proposed to improve their collection by giving out the current paintings to be painted over.

My family and I have been long-time members of the Portland Museum of Art. We enjoy time spend there, and what the PMA has contributed to Portland. I love what they have done to create a campus that works with the historic buildings there, and fail to understand why, in this case, they have chosen to not work within the constraints of the Historic District. They were not unaware of it, but chose to promote designs that involved demolishing 142 Free Street, and to build support for their designs with members, and the public, without being upfront about the impact on the Historic District designations.

Please uphold the designation of 142 Free Street as a contributing structure in the Congress Street Historic District, and in so doing, the validity of having a Historic District at all.

Sincerely,
Cheryl Hudson
61 Leisure Lane
Portland, Maine

October 31, 2023

Re: November 1, 2023, Agenda Item: Congress Street Historic District - Reclassification of 142 Free Street as Noncontributing

To: Chair O'Brien and Members of the Historic Preservation Board
hp@portlandmaine.gov

We are Seth and Laura Sprague and reside at 28 Orchard Street in the Western Promenade Historic District. We urge the Historic Preservation Board (HPB) to deny the Portland Museum of Art's request to reclassify and remove 142 Free Street as a contributing structure in the Congress Street Historic District of 1990, thereby allowing its demolition. Approaching its centennial, the building's facade retains its classical-revival features, designed in 1926 for the Chamber of Commerce by John Calvin Stevens, one of Maine's and the City's foremost architects. Since its inclusion thirty-three years ago, the building still meets the criteria as a contributing structure as described in the City's Historic Preservation Ordinance.

Portland and its citizens have worked for decades to establish the HPB and the historic districts. They protect the architectural resources and streetscapes that give the city its authenticity, historical integrity, visual appeal, and livability. We call upon the Portland Museum of Art, as a leading cultural institution, to uphold the City's other cultural resources, in this case 142 Free Street and the HPB, rather than seek their destruction. Approving a reclassification that would allow 142 Free Street to be demolished sets a dangerous precedent. If the HPB allows a leading cultural institution to overturn the rules, it opens the door for others to do the same and threatens all the City's historic districts for years to come. You will be unable to maintain the integrity of historic districts or your effectiveness as the City's Historic Preservation Board.

No changes at 142 Free Street warrant its reclassification and exclusion from the Congress Street Historic District. We urge you to deny the applicant's request to remove it from the district and allow its demolition.

Thank you.

Sincerely,

Seth and Laura Sprague

removing Portland's history 0 views

Meg Hutchins Broderick <meg@powersrvcs.com> 10:52 AM (16 minutes ago)

to hp@portlandmaine.gov

I write to encourage you to not allow the removal of the historic Chamber of Commerce Building. The look of Portland is changing, the availability of coming to Portland and seeing its history is dwindling for the sake of commercial use.
The museum is not commercial and is a wonderful reason for people to come to Portland, I would hope they could find a way to utilize another historic building.

Please, there must be a better solution, Meg Broderick

Preserving the Former Children's Museum 0 views

Berry Manter <bmanter1@gmail.com>
to hp@portlandmaine.gov

11:07 AM (3 minutes ago)

Dear Planning board members,

I want to add urgent support to NOT designate this 1830's structure as “non-contributing", a building which IS very much visually part of the remaining fabric of historic structures of downtown Portland.

As a graduate of MeCA and an artist, I appreciate contemporary architecture. However, it would be to both Portland's and PMA's longterm “benefit” to integrate resonant design elements into it's future building plans, retaining this nearly 200 year old Free Street structure and reflective of the beautiful historic buildings remaining in its possession. Yes, coherent contemporary additions CAN work. Nothing says “out of touch” and “arrogance” more than not honoring the immediate community of preserved structures. (I stifle my urge to mention 58 Fore…)

Please continue recognizing the former “Chamber of Commerce” building, aka Children's museum, aka Church as “contributing”.

Sincerely,

Berry Manter
46 Eastern Promenade
MeCA ‘92

PC67

October 31, 2023

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair O'Brien and Members of the Historic Preservation Board,

As was made clear during your workshop on this proposal, there is no case under the criteria of the Portland Historic Preservation Ordinance for the reclassification of the Portland Chamber of Commerce Building at 142 Free Street from "Contributing" to "Non-Contributing." In fact, during the workshop, the representatives for PMA largely ignored the language of the ordinance and focused on their vision of what "could be" if they are allowed to demolish the building.

For this public hearing, I would like to focus on what else "could be" if PMA is allowed to demolish a building that clearly meets the criteria for a Contributing building in a historic district.

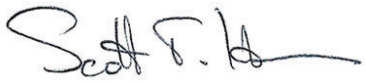
The Congress Street Historic District was certified by the National Park Service on May 25, 2010, for the purpose of allowing the owners of contributing buildings to access state and federal historic tax credits. This certification is based upon documentation that the local historic district is essentially identical to a National Register Historic District.

The NPS letter certifying the district states, "Please be aware that changes to the historic district as presently certified will render its certification null and void and will require recertification of the revised district for continued benefits under the above laws."

Currently underway historic tax credit projects in the certified district have tens of millions of dollars in state and federal historic tax credits *dependent on the Certified status of the local historic district*.

In conclusion, there is no rational case for removing the Contributing status of the Portland Chamber of Commerce Building at 142 Free Street and significant reasons not to. I urge the Board to unanimously reject this request and to include mention of the likely impact on other property owners' ability to use historic tax credits in their recommendations to the Planning Board and City Council.

Sincerely,



Scott T. Hanson

Hanson Historic Consulting, LLC - 8 Pleasant Street - Topsham, ME 04086 - scott@hansonhistoric.com
207 620 6291

142 Free Street 0 views

Beka Bryer <rmbryer@gmail.com> 11:26 AM (8 minutes ago)

to hp@portlandmaine.gov

Hello,

My name is Beka Bryer, and I live at 174 Clark Street. I am writing in opposition to the plan to reclassify 142 Free Street as a non-contributing structure to the Congress Street Historic District. I love the PMA and its historic buildings, and would prefer to see the 142 Free Street building with all of its important historical architectural features preserved for future generations. While I am delighted that the PMA wants to expand, demolishing a historical building is not the only way for the PMA to grow as a campus that serves the Portland community. To remove this building from the landscape would be a loss for historic preservation in Portland.

--
Rebekah (Beka) Bryer
rmbryer.com
rmbryer@gmail.com | pronouns: she/her/hers

HP Public Comment - 142 Free Street: Lying to the Public about Rigor of NPS Certification 0 views

George Rheault <george.rheault@gmail.com> 11:43 AM (17 minutes ago)

to HIstoric Preservation, Evan Schueckler, rwi...@portlandmaine.gov, Christine Grimando, j...@portlandmaine.gov, Abigail Reed

One of the most appalling things that took place during the October 4, 2023 workshop regarding the demolition request by the PMA, was how lobbyists for the historic preservation industry (all of whom have a direct stake in historic preservation business including Scott Hanson and Earle Shettleworth either as active consultants or "talking heads") completely misrepresented the process whereby the National Park Service (through its "Technical Preservation Services division) "certifies" local historic districts for federal eligibility for historic tax credits.

Attached is a November 2022 email directly from the chief of the TPS division explaining why my serious concerns about the quality and substance of the Munjoy Hill Historic District were irrelevant to the TPS "rubber-stamp" certification when it was presented by the City of Portland to the Maine State Historic Preservation Office and NPS in the autumn of 2022.

Some VERY important points that should be put into the record to wash away the lies and misrepresentations made by persons like Mr. Hanson and Mr. Shettleworth:

1.) The NPS only undertakes a VERY BRIEF 30-day review of any local historic district. This 30-day review is cursory and ministerial and does not involve looking at anything beyond what the local jurisdiction has put in front of it.

2.) To emphasize further point (#1), the NPS does NOT engage in any independent research or fieldwork to verify or investigate to its own satisfaction any claims to historic value or merit made by a local jurisdiction. Scott Hanson flat out lied to the HPB and the public on October 4th to suggest that any representatives of the NPS were involved in the creation of the Congress Street Historic District including the selection or evaluation of individual properties as "contributing" or "non-contributing" and the attachment makes this clear.

3.) Annually, the NPS receives dozens and dozens of requests from all 50 states (as well as U.S. territories) for local district certifications on a rolling basis and does not have the time, energy or resources to do any deep dives on any of them. Congress has not and probably never will give it the resources to act as anything other than a rubber-stamp with respect to certifying local historic districts. The time when the NPS drills down on individual properties is when tax credits are on the line at which time the NPS looks PAST the local historic district submission and requires a property-owner to submit far more information than was ever required at the initial local district designation stage.

4.) The HPB needs to make it clear to the public that the NPS rubber-stamp of 142 Free Street as part of the Congress Street Historic District in 2009 was in no way some kind of meaningful action on the part of the NPS in terms of weighing in on its historic integrity or merit for permanent preservation. It simply did what it does 99% of the time: which is give its blessing to a local determination that did not look completely daft at the time of certification because the NPS would pay no attention to it any further unless and until a property-owner wanted to apply for historic tax credit subsidies.

Gmail George Rheault <george.rheault@gmail.com>

Re: [EXTERNAL] Re:

Goeken, Brian D <Brian_Goeken@nps.gov> Wed, Nov 23, 2022 at 11:56 AM
To: George Rheault <george.rheault@gmail.com>
Cc: "Brandt, Karen L" <Karen_Brandt@nps.gov>

Mr. Rheault,
You're not understanding what I'm saying -- hopefully this is clearer, although I understand it's not completely addressing your larger complaints about the district and the process that's led to its designation. As part of NPS review, we do consider such factors as the number of contributing vs. non-contributing buildings as well as how individual buildings are classified. But the NPS decision on the district certification request is solely about certifying whether the overall district is National Register eligible for the purposes of the Federal tax incentives program -- it's an up or down decision.

All I'm saying is, in managing expectations: You should not expect, as part of the NPS decision, a list of buildings that the NPS finds to be contributing or comments on whether we agree with every determination the City has made (although we take this information into consideration in our decision). The NPS does not certify whether individual buildings are contributing or non-contributing in determining whether the district meets the criteria for listing on the National Register, and the NPS has no authority to make or require changes to a locally designated district -- those are local decisions, under the local ordinances. If the district was to be certified, a property owner would have to request NPS certification of their individual building as contributing to the district and submit additional information and documentation at the time of applying for Federal tax incentives.

Brian Goeken, AICP
Chief, Technical Preservation Services

National Park Service
Technical Preservation Services
1849 C Street NW, Mail Stop 7243
Washington, DC 20240
202-354-2033 phone
202-230-2960 mobile
Brian_Goeken@nps.gov email
http://www.nps.gov/tps/ website
Sign up for updates from Technical Preservation Services

From: George Rheault <george.rheault@gmail.com>
Sent: Wednesday, November 23, 2022 9:37 AM
[Quoted text hidden]

[Quoted text hidden]

PC70

HP Public Comment - 142 Free Street - Staff Says the HP Ordinance Changed in 2020 - Show the Public What the Changes Were!

0 views

George Rheault <george.rheault@gmail.com> 12:00 PM (10 minutes ago)
to HIstoric Preservation, Evan Schueckler, rwi...@portlandmaine.gov, Christine Grimando, j...@portlandmaine.gov, Abigail Reed

I made a big point in my written public comment for the October 4th workshop to ask the HPB and city staff to explain WHY the HPB in the last decade has had no problem DEMOTING two contributing buildings to "non-contributing" in furtherance of the plans made by two very well-connected property owners to demolish those contributing buildings (183 Brackett Street and 34 Spruce Street).

Furthermore, in both those cases, the City Council's blessing was not required - the demolitions made possible by the switch to "non-contributing" were entirely handled via HPB approval without any further action by the Planning Board or the City Council.

City staff's excuse for this state of affairs was that the city's historic preservation ordinance was somehow made more stringent as part of the interim revisions made in November 2020 as part of "Recode - Phase 1" but the city staff have NOT produced anything in the record to show precisely what those ordinance changes were and how the language now differs requiring the PMA to go through two extra layers of approvals to get to the same result achieved by the owners of 183 Brackett Street and 34 Spruce Street (demotion to "non-contributing" and a clear path for demolition).

If the HPB wants to conduct a thorough process that has integrity and rigor, then it needs to postpone action until city staff have explained what has been happening here with recent conversions of classifications involving "contributing" structures.

If the HPB acted UNLAWFULLY in the cases of 183 Brackett Street and 34 Spruce Street, then that too should be made clear to the public and such a revelation would color the 142 Free Street proceeding and cast doubt that the HPB has acted honorably and consistently in these matters.

142 Free Street 0 views

Staci Hanscom <slpartin_nc@yahoo.com> 1:16 PM (7 minutes ago)

to hp@portlandmaine.gov

I firmly believe that 142 Free Street should remain a contributing structure in the Congress Street Historic District. As a former National Register writer and evaluator for the State of New York, I can say with authority that removing a contributing structure from an historic district undermines the entire purpose of the district itself. 142 Free Street is a historic building, despite any interior changes made through the years. The Portland Museum of Art had/has options to accommodate this building in its original RFP, and they should not be rewarded now for ignoring the rules set out by the Historic Preservation Board of this City.

Staci Hanscom
33 Heather Rd.
Portland

PC72

142 Free Street (Children's Museum building) 0 views

Hilary McKinnon <hilarym@cape-shore.com> 2:04 PM (1 hour ago)

to hp@portlandmaine.gov

Dear Historic Preservation Board,

I agree with every point made by **Landmarks** in support of keeping the Chamber of Commerce / Children's Museum building. I cannot possibly say it any better than they did in their prepared statement we have all received, so I won't try**.**

But please know there are hundreds if not thousands of people who were appalled that the Art Museum plans include bulldozing another original Maine building. There are other options for smart expansion within the Museum property!

I am shocked that it is even possible to change the Historic Designation so that this beloved building can be destroyed. Yes, it sets a dangerous precedent – what is the point of years of thoughtful research and subsequent guidelines and rules if they can all be overturned?!

Please do not destroy this centerpiece of the old original Portland we all love and replace it with ***another*** faceless glass, metal and concrete building that Portland has become choked with recently**.**

No matter how glamorous, shiny and new it looks and photographs now, it will soon be just another modern building and people will long for the old Historic Portland and wonder on who's watch it was destroyed.

Remember the Railroad Terminal?

Remember the Holiday Inn?

Once you destroy it, you can't put it back.

Thank you for upholding Portland's architectural integrity!

Sicerely,

Hilary McKinnon

171 Main Street

Yarmouth, ME 04096

Preserve 142 Free Street 0 views

Herb Adams <hadams@smccme.edu>
to hp@portlandmaine.gov

10:52 AM (5 hours ago)

Members of The Board :

This letter is to advocate that 142 Free Street not be destroyed, and that it be treasured as a contribution to the architecture and heritage that makes Portland unique.

This building was renovated (1926) by John Calvin Stevens and John Howard Stevens. We should treasure our John Calvin Stevens buildings, not tear them down.

This building is a remnant of our powerful cultural heritage, too.

Portions of 142 Free Street are from one of the very first Portland buildings (1829 /1830) built intentionally to be a theatre, in this Puritan-minded town. Here in the 19th Century acted the great Edwin Forrest and the thundering Junius Brutus Booth (father of Edwin and John Wilkes .) Its cultural shadow is a long one.

Our PMA already incorporates and uses 4 or 5 other ancient buildings and mansions that carry the rich history and heritage of our city's past.

As a symbolic connection to that heritage, 142 Free Street should also be added.

PMA is talented and smart enough to do this ; it has proven it can ; and Portland will be enriched once again.

Thank You.
Sincerely,
Herb Adams
Adjunct Professor History and Social Sciences
Southern Maine Community College
hadams@smccme.edu

19 Willis Street (formerly 33 Montreal Street)
Level III Site Plan and Subdivision
PL-000807-2019 | CBL: 015 B022
37 Montreal Street LLC, Applicant

Submitted to:	Portland Planning Board	**Prepared By:**	Kevin Kraft
Public Hearing Date:	November 28, 2023	**Date:**	November 22, 2023

I. INTRODUCTION

At its December 14, 2021 meeting, the Planning Board unanimously voted 6-0 (Smith absent) to approve an application for a new 12-unit multi-family residential building totaling 23,400 square feet in floor area including a basement level containing 13 parking spaces at 19 Willis Street (Attachment 1).

On August 22, 2023, after a series of appeals, the Maine Supreme Judicial Court ("Law Court") concluded that the Planning Board's findings were insufficient to enable meaningful appellate review and issued instructions to the Cumberland County Superior Court to remand the matter to the Planning Board to make further findings of fact related to the development's height and setback requirements and historic preservation design review requirement (Attachment 3). The Superior Court issued an Order remanding this matter to the Planning Board on September 18, 2023. The application is therefore back before the Planning Board on remand for further fact finding on those three separate issues.

A total of 208 notices were sent to property owners within 500 feet of the site and a legal notice ran in the November 4 and November 7 2023 editions of the *Portland Press Herald*. On November 14, 2023, the Planning Board voted to table this item to November 28, 2023.

II. BACKGROUND

At its December 14, 2021 meeting, the Planning Board unanimously voted 6-0 (Smith absent) to approve an application for a new 12-unit multi-family residential building including a basement level with 13 parking spaces at 19 Willis Street located in the R-6 zone and Munjoy Hill Neighborhood Conservation Overlay District (MHNCOD). The Planning Board held a workshop open to the public on September 24, 2019 (Attachment 2) and a public hearing was held on December 14, 2021 (Attachment 1).

On January 15, 2022, neighbors (Peter L. Murray, Deborah D. Murray, Carol Connor, Michael Hoover, and Jean McManamy) ("Petitioners") filed a Rule 80B petition for review of the Planning Board's decision. In the appeal, Petitioners challenged the Board's decision to approve 19 Willis Street on three main grounds alleging : (1) The Board erred by improperly calculating the height of the Property from average post development grade; (2) The Board erred when it determined that retaining walls were not "conforming structures" for setback compliance purposes; and (3) The Board erred in deciding not to commission a standalone report from the City's Historic Preservation Board regarding character and building patterns of the Munjoy Hill neighborhood and in failing to find the project compatible with such character and building patterns. On August 1, 2022, Justice John O'Neil Jr. of the Maine Superior Court issued an order (Attachment 4) denying Petitioners' Petition for Review of Governmental Action filed pursuant to M.R. Civ. P. 80B.

Subsequently, Petitioners appealed the Superior Court's judgment denying their Rule 80B petition for review of government action to the Law Court. On August 22, 2023, the Law Court issued its decision which vacated the Superior Court's August 1, 2022 judgment and remanded the matter to the Superior Court with instructions to remand to the City of Portland Planning Board for further findings of fact related to the proposed development's height and setbacks, and historic preservation design review requirement. In its decision, the Law Court determined that the Planning Board's findings were insufficient to enable meaningful appellate review of the issue of height calculation, setback and historic preservation design.

As this project was filed and received its initial Planning Board workshop prior to the December 1, 2020 adoption of the current Land Use Code, it is subject to the previous code (Attachment 5), and all code citations within this report have been made accordingly.

III. PROPOSED PROJECT

The development site is located on the northern corner of Montreal and Willis streets in Portland's Munjoy Hill neighborhood and is currently improved with two existing vacant single-family homes. The site is bordered by the MacArthur Gardens Apartment complex to the northeast, with single-family homes to the east, south, and west. Promenade East Condominiums Tower, a 14-story residential building is located approximately 200 feet north of the development site, across Walnut Street, and abuts the Island View Apartment Complex. Eastern Promenade, a 78-acre city-owned park, is less than a quarter mile north of the site. Fort Sumner Park is less than a quarter mile to the south of the site. Two community gardens, Casco Bay Community Garden and the North Street Community Garden are located to the northeast and west of the site, respectively. The site and the immediate area are accessible to public transit. METRO Bus Route 1 stops along North Street and the Eastern Promenade roughly two blocks west and one block north of the development site, respectively.

Figure 1: Development Site (19 Willis Street) outlined in red

The applicant is proposing to develop a new four-story residential building with 12 total dwelling units, including one workforce housing unit. The new building would include a basement-level constructed parking garage with 13 parking spaces. The parking area would be accessed via a new driveway off Montreal Street, located at the rear of the building. The ground floor is proposed to include three two-bedroom

units, one three-bedroom unit, an entrance lobby, and package room. Floor two is proposed to have one one-bedroom unit, one two-bedroom unit, and two three-bedroom units. Floors three and four are each proposed to include two three-bedroom units. A series of retaining walls and terraced planters are proposed to address the grade change on site. A landscape plan illustrates the planting pallet to be incorporated with the terraces.

Figure 2: Proposed Building Renderings - Source: Kaplan Thompson Architects

IV. ISSUES ON REMAND

1. Maximum Height Requirements

The proposed project is located within the R-6 Residential zone and Munjoy Hill Neighborhood Conservation Overlay District (MHNCOD). Section 14-139 specifies dimensional standards for buildings in the R-6 zone. Maximum height in the R-6 zone is 45-feet, and in the case of lots where the property line abuts a residential zone, buildings above 35 feet are required to stepback 10 feet from side property lines and 15 feet from the rear property line.

Section 14-140.5(c) of the Land Use Code specifies the dimensional standards for buildings in the MHNCOD. The MHNCOD contains standards for building form and dimensional requirements for new construction, with specific standards for maximum building height, roof forms, setbacks, parking placement, rooftop appurtenances, and front façade standards that vary from the base R-6 zone requirements. The maximum permitted height in the MHNCOD is up to 35-feet, or 45-feet for buildings with three or more units on lots over 2,000 square feet that include at least one workforce housing unit on-site. Workforce housing units shall be no smaller than 50% of the average size of the other units in the development, must meet the definition for such units and only be sold or rented to a household at or below the applicable income levels. These requirements shall be deed restricted for affordability for the longest term possible under state and federal law. Unlike the base R-6 zone requirements, buildings that rise above 35 feet in areas governed by the MHNCOD are not required to provide a stepback.

The applicant is proposing to develop a new four-story, approximately 45-foot tall building with 12 total dwelling units, including one workforce housing unit on an approximately 10,800 square foot corner lot. The proposed building would have a flat roof with a continuous parapet/cornice at the outer perimeter edges. In order to qualify for the maximum permitted height of 45 feet within the MHNCOD the applicant has elected to provide Unit 14, a two-bedroom unit that is 1,059.27 square feet as their required workforce unit.

Section 14-47 of the Land Use Code defines "height" as the "vertical measurement from grade, or the pre-development grade on the islands, to the highest point of the roof beams on flat roofs." The term "grade" is not defined in the Land Use Code. There is, however, a distinction made in the definition of height between measurements applicable to the mainland and those applicable to the islands. "Pre-development grade," which is applicable on the City's islands, is defined as "average grade, existing on October 1, 2000 at the corners of the foundation of the proposed structure." Therefore, noting the distinction between measuring from pre-development grade on the islands, the City's longstanding practice has been to calculate allowable height on the mainland from average finished grade.

Acceptable methods for calculating average finished grade include averaging the elevation of the abutting ground surface at consistent intervals around the perimeter of the building or by averaging the elevation of the proposed abutting ground surface at the building corners. The applicant calculated the average finished grade in this instance by utilizing 23 grade points around the base of the building resulting in an average grade of 138'-.09" (rounded to 138' -1") as shown on the applicant's submitted plan labeled C2.1 Average Grade Calculation (Attachment 6). The method the applicant used to determine the average grade for the building is consistent with the acceptable methods for averaging grade.

Based on the applicant's submitted plans, the development is in conformance with the applicable zoning regulations for buildings located in the R-6 zone and MHNCOD. The applicant's lot is approximately 10,800 square feet, which is greater than the minimum 2,000 square feet required for lots to be permitted to reach a maximum height of 45 feet. Additionally, the proposed building would contain 12 total dwelling units and would include one workforce unit on-site. As shown on applicant's Plans C-2, the average grade for the site is 138'-1" and the maximum building height to the top of the roof beams is 182'-6" ¼" resulting in a building height of 44'- 5¼" which is less than 45 feet.

2. Setback Requirements

In addition to the standards that are applicable to properties in the R-6 zone, all properties within the MHNCOD have to meet the standards of Section 14-140.5(c) of the Land Use Code. The R-6 zone requires buildings to have a front setback of five feet or the minimum depth of the immediately abutting street-facing yard, whichever is less. Buildings in the MHNCOD that are over 35 feet in height are required to have a rear yard setback of 15 feet and 10 feet for all side yards, except that a side yard no less than five feet is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided. Also, buildings in the MHNCOD are required to have a side setback on a side street of five feet or the minimum depth of the immediately abutting street-facing yard, whichever is less and no side setback on a side street is required when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.

Proposed Building's Applicable Setback Requirements			
Dimensional Requirements	R-6 Zone	MHNCOD	Proposed
Min Front Yard	5 feet	N/A	5 feet

Min Side Yard	5 feet	10 feet (Bldg. over 35' height), except that a side yard no less than 5 feet is permitted when used to continue a documented built pattern of the surrounding streetscape, in which case a proportional increase in another side yard must be provided.	10.3 feet
Min Side Street Setbacks	N/A	5 feet or the minimum depth of the immediately abutting street-facing yard, whichever is less. None when demonstrated that reduced setbacks are necessary to facilitate the provision of underground parking.	5 feet
Min Rear Yard	10 feet	15 feet (Bldg. over 35' height)	31.5 feet

Based on the applicant's submitted plans and documents the proposed development is in conformance with the applicable zoning regulations for buildings located in the R-6 zone and MHNCOD. According to the applicant's submitted proposed site plan drawing C1.0 and Zoning Assessment Table the proposed building would have a minimum front setback of five feet, minimum side yard setbacks of approximately 10.3 feet, a minimum side setback on a side street of five feet, and a minimum rear yard setback of approximately 31.5 feet.

In addition to the building, the applicant's proposed development includes a series of landscaped terraces and landscaped planters supported by a retaining wall located within the required setback areas. Section 14-47 defines "setback" as "[*t*]*he required distance and the land resulting therefrom between a street line and the closest possible line of conforming structure."* Additionally, Section 14-47 defines "structure" as "[*a*]*nything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground*." However, for setback purposes, certain miscellaneous auxiliary structures such as retaining walls that are not part of the foundational support for a building, landscaped terraces, landscaped planters, raised garden beds, fences, flagpoles, and other similar structures are not considered "conforming structures" which need to be setback from the street or lot line and are therefore exempt from setback dimensional requirements. According to the applicant's submitted plans, including drawings C1.0, C2.1, and A-1.1 (Attachment 7), the proposed building and its foundation meet the minimum setback requirements. Plans also show landscaped terraces and planters encircling the building that are supported by a retaining wall which facilitates the provision of underground parking and establishes a level development site on a sloped parcel. Because these features on the plan are all components of the landscaping or site preparation, and not part of the foundational support for the building, they are not conforming structures that are otherwise required to meet applicable setback requirements. Therefore, the applicant's proposed development meets the applicable setback requirements.

3. Design Review Requirements

Because the development site's lot is over 10,000 square feet, the proposed project was reviewed against the *Multiple-Family* Standards of the City of Portland Design Manual.

The proposed development is not located in a historic district. However, the development site is within 100 feet of the Munjoy Hill Historic District. According to Land Use Code Section 14-526(d)(5)(b), when any part of a proposed development is within 100 feet of a designated landmark, historic district, or historic landscape district, such development shall be generally compatible with the major character-defining elements of the portion of the district in the immediate vicinity of the proposed development. For the purposes of this provision, "compatible" design is defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. To aid the Planning Board in its deliberations, historic preservation staff are required to provide a written analysis of the proposed development's immediate context, identifying the major character-defining elements.

To aid in the Planning Boards review and findings of the proposed project, a design review was performed by Urban Designer, Caitlin Cameron, Planner, Andrew Tufts, and Historic Preservation Program Manager, Deb Andrews (Attachment 8). Included in the design review memo is an analysis of the proposed development's immediate context, major character-defining elements and any established built patterns that characterize the context. Specifically, the design review memo noted the following as it related to the project:

- The proposal is on a transitional site between a more recent context of Promenade Towers and MacArthur Gardens – two large/mid-scale apartment complexes –compared with the predominant, traditional fabric found a block away.
- The predominant, character-defining elements of residential architecture in the neighborhood context include vertical proportion massing, simple roof forms, vertical windows with local symmetry, two or three-bay façade composition, and simple material palettes – predominantly clapboard with masonry foundation.
- The overall massing and form of the building is a simple box with flat roof consistent with the simple forms and massing found in neighborhood multi-family buildings. The building has a clear primary and secondary façade – also a predominant characteristic of corner buildings in this context. These design elements are consistent with and complement the nearest residential neighborhood by referencing common patterns and elements while remaining a contemporary expression.
- The project uses a simple material palette of shingle and panel applied consistently throughout the building creating a simple, cohesive design. This is typical of the context and staff agree this contributes to complementing and enhancing the neighborhood. The fine grain of the material is appropriate for a residential building and is compatible with the materials in this context.
- The façades generally relate to the context through the regular pattern/rhythm of windows; the window types are limited and placed in a regular rhythm consistent with the traditional residential buildings.
- The building placement is consistent with residential structures in the neighborhood – placed near the street with a small setback with planted edge.

Based on the drawings and plans submitted and the staff analysis provided in the final design review memo, including input from the City's Historic Preservation Program Manager, Deb Andrews, the proposed project is consistent with the design review standards for multi-family projects and is compatible with the major character-defining features of the surrounding neighborhood. For all of these reasons, the written memorandum dated December 14, 2021 is a sufficient written analysis from contributing Historical Preservation staff member, Deb Andrews, to satisfy Section 14-526(d)(5)(b).

V. PLANNING BOARD MOTIONS

Site Plan Review

On the basis of the application, plans, reports and other information submitted by the applicant, the Board hereby adopts the findings and conclusions contained in the Planning Board Report for the public hearing on November 28, 2023 for application #PL-000807-2019 as supplemental findings of fact and conclusions to its December 14, 2021 decision approving the plan and finding it is in conformance with the site plan standards of the Land Use Code.

VI. ATTACHMENTS

REPORT ATTACHMENTS

Attachment 1 – Willis St. – 19 App. Ltr. 12-14-2021 & Willis St. – 19 PB Hearing Report 12-14-2021.pdf
Attachment 2 – 33 Montreal Street PB Workshop Memo.pdf
Attachment 3 – Order of Remand 2023 09 18.pdf
Attachment 4 – Order 2022 08 01.pdf
Attachment 5 – Chapter 14 Land Use Code 2020.pdf
Attachment 6 – C2.1 Average Finished Grade.pdf
Attachment 7 – Setback Compliance Drawings.pdf
Attachment 8 – Final Design Review 12-14-2021.pdf
Attachment 9 – Response to Design Review.pdf
Attachment 10 – Housing Program Manager Memorandum
Attachment 11 – September 24 2019 Workshop – Memo Attachments
Attachment 12 – 12/14/2021 Willis St. – 19 (Applicants Submittal)
Attachment 13 – 12/14/2021 Willis St. – 19 (Plans)
Attachment 14 – 12/14/2021 Willis St. – 19 (Report Attachments)
Attachment 15 – 12/14/2021 Willis St. – 19 (Report)

APPLICANT'S SUBMITTAL

A_Application Checklist
B_Project Description
C_Right, Title and Interest
D_Financial and Technical Capability
E_Zoning Assessment
F_Transportation
G_Stormwater
H_Utilities
I_Solid Waste
J_Public Infrastructure and Safety
K_Design Reiew_Site Design

L_Design Review _R6 Design Principles
M_Ability to Serve Determination
N_Wastewater Capacity Authorization
O_Verification of Posted Public Meeting Notice

PLANS

Plan 1_Boundary Survey
Plan 2_Design Review_Context
Plan 3_Neighborhood Context
Plan 4_Architectural Drawings
Plan 5_Architectural Renderings
Plan 6_Revised Civil Drawings
Plan 7_Landscape Plan
Plan 8_Construction Management Plan

12/14/2021 PUBLIC COMMENT

Pc 1 – pc23

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Maggie Stanley, Vice Chair
Marpheen Chann
Sean Dundon
Bob Dunfey
David Silk
Austin Smith

December 17, 2021

Tim Wells
Saint John's Valley, LLC.
8 Drew Road
South Portland, ME 04106

Richard Lo
Kaplan Thompson Architects
102 Exchange St. 2nd floor
Portland, ME 04101

Project Name:	Multifamily Building	**Project ID:**	PL-000807-2019
Address:	19 Willis Street	**CBL:**	015 B015001
Applicant:	37 Montreal Street, LLC.		015 B022001
Planner:	Austen Torres Davis		

Dear Mr. Wells:

On December 14, 2021, the Planning Board approved a Level III Site Plan, Subdivision, and Inclusionary Zoning Conditional Use application for 19 Willis Street, 12-unit multi-family residential building totaling 23,400 square feet in floor area. This project is in the R-6 Residential Zone and the Munjoy Hill Neighborhood Conservation Overlay District. The decision is based upon the application, documents and plans as submitted. The Planning Board reviewed the proposal for conformance with the standards of the Site Plan, Subdivision, and Inclusionary Zoning Ordinances. The Planning Board voted unanimously to approve the application with the following conditions as presented below.

Inclusionary Zoning Conditional Use
The Planning Board voted 6-0 (Smith absent) to find the proposed conditional use for workforce housing meets the standards of Land Use Code Sections 14-484 and 14-487 with the following condition(s):

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. For the Munjoy Hill Neighborhood Conservation Overlay District height density bonus, the Applicant and the City shall enter into an Affordable Housing Agreement for Unit 14 at 19 Willis Street.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

2. The Affordable Housing Agreement shall outline the details of the affordability restrictions placed on the workforce unit and shall be filed as a covenant to the 19 Willis Street property deed with the Cumberland County Registry of Deeds; and
3. The applicant will pay a fee-in-lieu of $132,586.80 into the City's Housing Trust Fund. Should at a later date any change in total unit count be considered, a revised proportional fee-in-lieu payment will also be required.

The Planning Board voted 6-0 (Smith absent) that the plan is in conformance with the subdivision standards of the Land Use Code Section 14-496, subject to the following condition(s) of approval:

PRIOR TO THE SUBMISSION OF THE PLAT FOR PLANNING BOARD SIGNATURE

1. The subdivision plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel and Department of Public Works and include clear descriptions of the number, location, type and size of all subdivided units, along with relevant notes and conditions.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

2. The signed subdivision plat shall be recorded at the Cumberland County Registry of Deeds.

Site Plan Review

The Planning Board voted 6-0 (Smith absent) to find that the plan is in conformance with the site plan standards of the Land Use Code Section 14-527, subject to the following condition(s) of approval:

PRIOR TO APPLICATION FOR A BUILDING PERMIT

1. The applicant shall update the plan set to include street tree and tree well details for review and approval by the Planning Authority and City Arborist.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

2. A financial contribution totaling $3,200, to be paid into the City’s street tree fund, shall be provided for the required eight street trees not provided on-site. The applicant may also choose to pursue a street tree alternative as listed in the City’s site plan ordinance, Section 14-526.

The approval is based on the submitted plans and findings related to site plan review and subdivision review as contained in the Planning Board report dated December 10, 2021 for application # PL-000807-2019 which is attached.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. Subdivision Recording Plat A final recording plat, listing all conditions of subdivision approval, must be submitted to the Planning and Urban Development Department for review. Once approved, the plat shall be signed by the Planning Board. A performance guarantee must be issued prior to release of the recording plat for recording at the Cumberland County Registry of Deeds. One mylar copy of the recording plat with signatures and the recorded book and page must be returned to the Planning and Urban Development Department.

2. Subdivision Waivers Pursuant to 30-A MRSA section 4406(B)(1), any waiver must be specified on the subdivision plan or outlined in a notice. The plan or notice must be recorded in the Cumberland County Registry of Deeds within two (2) years of the final subdivision approval.

3. Site Plan Expiration The site plan approval will be deemed to have expired unless work has commenced within one (1) year of the approval or within a time period up to three (3) years from the approval date as agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the one (1) year expiration date.

4. Subdivision Expiration Subdivision approval is valid for up to three (3) years from the date of Planning Board approval.

5. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

6. Performance Guarantee and Inspection Fees A performance guarantee covering the site improvements and an inspection fee payment of 2.0% of the guarantee amount and three (3) final sets of plans must be submitted to and approved by the Planning and Urban Development Department and Public Works Department prior to the release of a building permit, street opening permit or certificate of occupancy for site plans.

7. Construction Management Plans The applicant, contractor and subcontractors are required to conform to the approved Construction Management Plan, and all conditions contained within the project's approval, for the entire duration of the project. Any amendments to the approved Construction Management Plan shall be reviewed and approved by the Department of Public Works prior to the execution. The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan. The applicant shall coordinate the project's construction schedule with the timing of nearby construction activities to avoid cumulative impacts on a neighborhood and prevent unsafe vehicle and pedestrian movements. Accordingly, nearby construction activities could involve a delay in the commencement of construction.

8. Preconstruction Meeting Prior to the release of a building permit and scheduling of a preconstruction meeting, a hard copy set of approved plans shall be submitted to the Development Review Coordinator. A pre-construction meeting shall be held at the project site with the contractor, Development Review Coordinator, Public Works representative, and owner to review the construction schedule and critical aspects of the site work. At that time, the Development Review Coordinator will confirm that the contractor is working from the approved site plan and the approved Construction Management Plan. The site/building contractor shall provide one (1) copy of a detailed construction schedule to the attending City representative. It shall be the contractor's responsibility to arrange a mutually agreeable time for the pre-construction meeting.

9. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

10. Develop Site According to Plan The site shall be developed and maintained as depicted on the site plan and in the written submission of the applicant. Any modifications of an approved site plan or alteration of a parcel, or of any approved exterior elevations, which were the subject of site plan approval after May 20, 1974, shall require the prior approval of an amended site plan by the Planning Board or Planning Authority pursuant to the terms of Chapter 14, Land Use, of the Portland City Code.

11. Stormwater Management The owner/operator of an approved stormwater management system, and all assigns shall comply with the conditions of Chapter 32, Stormwater including Article III, Post Construction Stormwater Management, which specifies the annual inspections and reporting requirements.

    A maintenance agreement for the stormwater drainage system, as attached, or in substantially the same form, shall be submitted for review by Corporation Counsel. Once approved, the document shall be signed and recorded at the Cumberland County Registry of Deeds prior to the issuance of a building permit. Final copies shall be submitted to both the Department of Planning and Urban Development and the Department of Public Works.

12. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

13. As-Built Final Plans Final sets of as-built plans shall be submitted digitally to the Planning and Urban Development Department, on a CD or DVD, in AutoCAD format (.dwg), release AutoCAD 2005 or greater.

14. Mylar Copies Mylar copies of the as-built drawings for the public streets and other public infrastructure in the subdivision must be submitted to Public Works prior to the issuance of a certificate of occupancy.

The Development Review Coordinator must be notified five (5) working days prior to the date required for final site inspection. The Development Review Coordinator can be reached at the Planning and Urban Development Department at (207)874-8901. All site plan requirements must be completed and approved by the Development Review Coordinator prior to issuance of a Certificate of Occupancy. Please schedule any property closing with these requirements in mind.

If there are any questions, please contact Austen Torres Davis at (207) 874-8936 or via austentd@portlandmaine.gov.

Sincerely,

Brandon Mazer, Chair

Attachments:
1. 19 Willis Street – Planning Board Hearing Report (12-14-2021)
2. Portland City: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

PLANNING BOARD REPORT
PORTLAND, MAINE

19 Willis Street (formerly 33 Montreal Street)
Level III Site Plan and Subdivision
37 Montreal Street LLC, Applicant
PL-000807-2019 CBL: 015 B022

Submitted to: Portland Planning Board **Public Hearing Date:** December 14, 2021	**Prepared by:** Austen Torres Davis, Planner **Date:** December 10, 2021

Figure 1: Parcel Outline in Neighborhood Context - Source: CONNECTexplorer

I. INTRODUCTION

37 Montreal Street LLC., has submitted a Level III Site Plan, Subdivision and Inclusionary Zoning application for the development of a four story, twelve-unit residential building of 23,400 square feet in size at 19 Willis Street. The subject property is a 10,804 square foot parcel located at the corner of Montreal Street and Willis Street. Since the application was first submitted the address was updated to 19 Willis Street, as confirmed by the Portland Fire Department.

The subject property is zoned R-6 Residential, is within the Munjoy Hill Neighborhood Conservation Overlay District (MHNCOD), and seeks to utilize the provisions within Sec. 14-140.5 of the Legacy Land Use Code to

allow for an additional ten feet of building height via the provision of a workforce housing unit onsite for projects located within the MHNCOD.

The Planning Board held a public workshop for this application on September 24, 2019. At that meeting, the project was presented to the Board by the Planner, Urban Designer, and the applicant team, which was followed by Board questions. Public testimony was then provided, primarily focusing on issues of scale, massing, and neighborhood compatibility. Board deliberation concurred with staff's assessment that the neighborhood scale is transitionary, which affords greater interpretation in the building's mass and form. The Board appreciated the efforts made to conceal the garage entrance while preserving first floor privacy. One area of concern was the building entrance along Willis Street. The Board requested that the applicant explore ways to humanize the space, which the applicant has since accomplished in their updated plans. Following the workshop, the project experienced a delay and period of dormancy while the applicant explored ways to incorporate the required workforce housing unit into the building in a manner that comports with the City's minimum square footage requirements for workforce units while meeting their development objectives.

As this project was filed and received its initial Planning Board workshop prior to the December 1, 2020 adoption of the current Land Use Code, it is subject to the previous code, and all code citations within this report have been made accordingly.

A total of 208 notices were sent to property owners within 500 feet of the site and a legal notice ran in the December 3rd & December 4th 2021 editions of the *Portland Press Herald*.

Applicant: 37 Montreal Street LLC

Consultants:

- Richard Lo, AIA (Kaplan Thompson Architecture)
- Dustin Roma, P.E. (DM Roma Consulting Engineers)
- John Swan, Surveyor (Owen Haskell Inc.)

II. REQUIRED REVIEWS

Review	*Applicable Standards*
Site Plan	*Section 14-527*
Subdivision	*Section 14-496*
Inclusionary Zoning | multi-family >10 units	*Section 14-487*

III. PROJECT DATA

Existing Zoning	R-6 Residential; Munjoy Hill Neighborhood Conservation Overlay District
Existing Use	Two single-family homes
Proposed Use	12-unit multi-family building
Bedroom Mix	8 three-bedroom units, 2 two-bedroom units, 2 two-bedroom units

Parcel Size	10,804 sf

	Existing	*Proposed*	*Net Change*
Building Footprint	2,240 sf	5,800 sf	+ 3,560 sf
Building Floor Area	3,775 sf	29,200 sf	+ 25,425 sf
Impervious Surface Area	4,724 sf	8,000 sf	+ 3,276 sf
Parking Spaces	4	13	+ 9
Bicycle Parking Spaces	0	14	+ 14

Figure 2: Existing Axonometric Perspective - Source: CONNECTexplorer

IV. BACKGROUND & EXISTING CONDITION

The development site is located on the northern corner of Montreal and Willis streets in Portland's Munjoy Hill neighborhood and is developed with two existing single-family homes. All of the existing buildings are currently vacant. The site is bordered by the MacArthur Gardens Apartment complex to the northeast, with single-family homes to the east, south, and west. Additionally, the 14-story Promenade East Condominiums Tower is located approximately 200 feet to the north, across Walnut Street, which neighbors the Island View Apartment complex. Both are large-scale residential developments. The sidewalks along both Montreal and Willis streets are in need of repair. There are four street trees along Montreal and Willis

streets; these include Sweet Gum, Honey Locust, and Sugar Maple varieties. The nearest open space is the Eastern Promenade, an approximately three-minute walk down Montreal Street. Fort Sumner Park is an approximately four-minute walk to the southwest. There are two community gardens: the Casco Bay Community Garden, located to the northeast, and the North Street Community Garden to the west; both are an approximately five-minute walk from the development site. METRO Bus Route 1 has stops along North Street and the Eastern Promenade roughly two blocks west and one block north of the development site, respectively.

Figure 3: Conceptual Renderings - Source: Kaplan Thompson Architects

V. PROPOSED DEVELOPMENT

The proposed development is a four-story, 12-unit residential building approximately 23,400 square feet in size. To facilitate this development, two existing vacant single-family structures would be demolished. The new building would include a basement-level structured parking garage of approximately 5,800 square feet in size, and would contain 13 parking spaces, storage, mechanical rooms, trash room, and bike storage. The garage would be accessed via a new driveway off Montreal Street, located at the rear of the building. The ground floor is proposed to include three two-bedroom units, one three-bedroom unit, an entrance lobby, and package room. Floor two is proposed to have one one-bedroom unit, one two-bedroom unit, and two three-bedroom units. Floors three and four are each proposed to include two three-bedroom units. A series of terraced planters are proposed to address the grade change on site. A landscape plan illustrates the planting pallet to be incorporated with the terraces.

The proposed project seeks to takes advantage of a 10-foot height bonus from 35 feet up to 45 feet. This bonus is pursuant to Land Use Code Section 14-140.5(c), *Munjoy Hill Neighborhood Conservation Overlay District*, which includes a provision for eligible projects of three units or more that include at least one "workforce housing unit for rent." The unit intended to qualify as rental workforce housing is Unit 14, a two-bedroom unit.

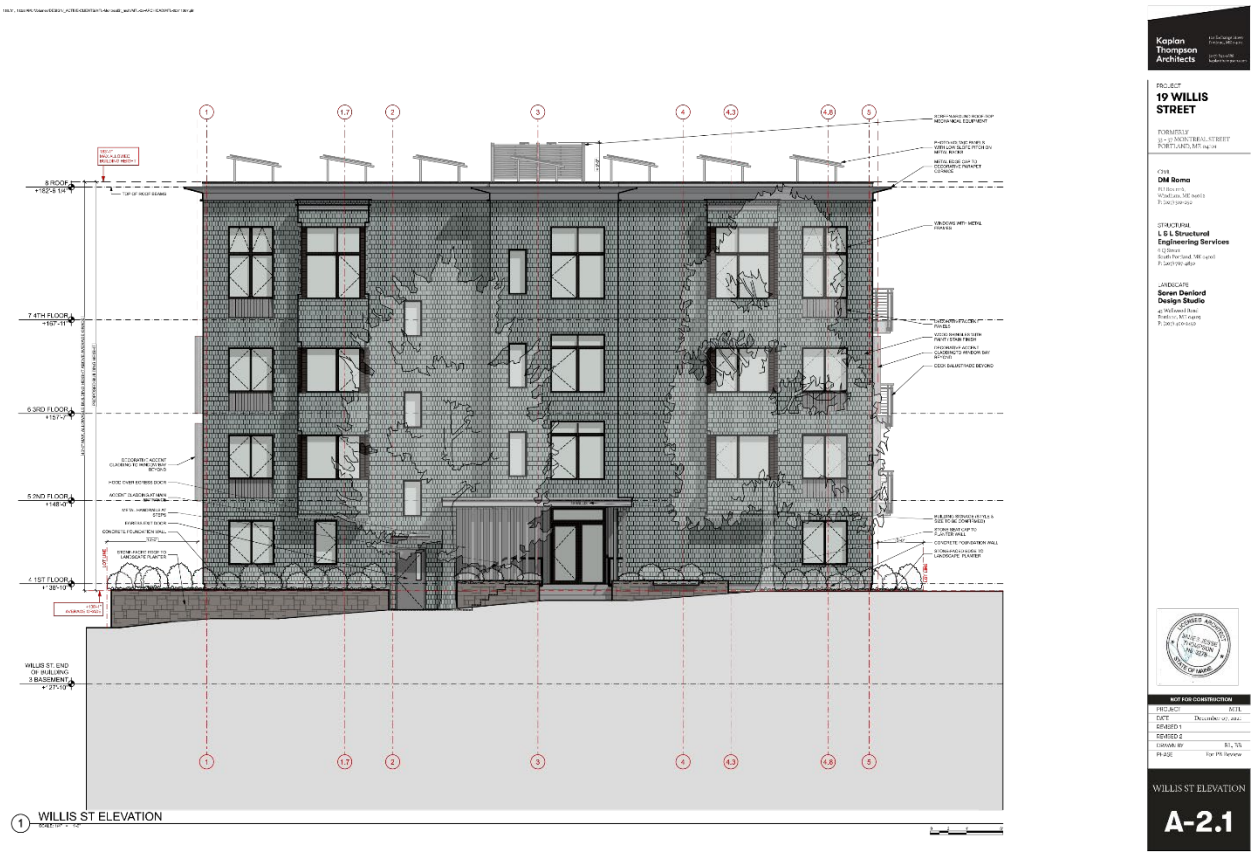


Figure 4: Proposed Elevation - Front Façade – Source: Kaplan Thompson Architects

VI. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

The owner of the property is 37 Montreal Street, LLC. The applicant has provided a copy of the warranty deed, recorded at the Cumberland County Registry of Deeds (Book 8708, Page 61), which demonstrates their right, title and interest in the property.

As evidence to demonstrate sufficient financial and technical capacity, the applicant has provided a letter from Camden National Bank indicating that between the applicant's funds and bank financing, the applicant has sufficient financial capacity to complete the proposed project. Similarly, information has been provided on the development team demonstrating the capacity to design and construct the project.

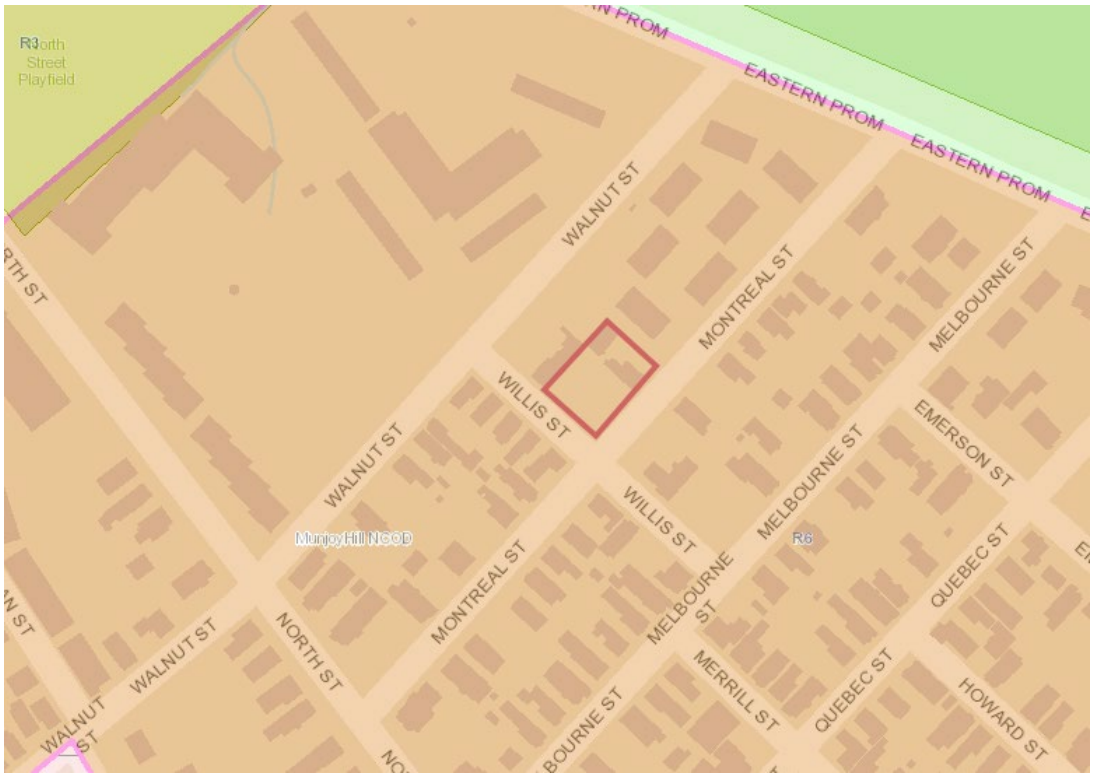


Figure 5: Site in MHNCOD and R-6 Zone Context - Source: City's Internal Map Viewer

VII. ZONING ANALYSIS

The property lies within the R-6 Residential zone and within the Munjoy Hill Neighborhood Conservation Overlay District. The following dimensional and parking requirements apply to the R-6 zone:

R-6 Summary of Dimensional and Parking Requirements Applied to 19 Willis St		
	Required	Proposed
Minimum Lot Size	2,000 sf	10,800 sf
Area Per Dwelling Unit	725 sf	900 sf
Minimum Street Frontage	20 ft	90 ft (Willis St)
Front Yard Minimum	5 ft	5 ft
Rear Yard Minimum	15 ft	30 ft
Yard Left Minimum	10 ft	10 ft
Side Street Setback	5 ft (>35 height)	5 ft/ 3 ft
Step Back	15 ft rear/ 10 ft side	>30 ft rear/ 10 ft side
Maximum Lot Coverage	60%	53%
Maximum Height[1]	45 ft above avg. grade	45 ft
Landscape Open Space	20%	26%
Off-Street Parking	1 space per unit	1.1 per unit

[1] Maximum height: 45 feet for developments of 3 units or more on lots over 2,000 sf. that include at least one workforce housing unit. Workforce units shall be no smaller than 50% of the average size of the other units in the development.

VIII. MHNCOD & WORKFORCE HOUSING REQUIREMENTS

The applicant proposes the creation of twelve residential units within the Munjoy Hill Neighborhood Conservation Overlay District. The height of the building will be greater than 35 feet. Subsequently, the project triggers Land Use Code Section 14-140.5 (c), *Maximum Height*, and is required to include one workforce housing unit for rent or sale on-site. The workforce unit shall be no smaller than 50% of the average size of the other units in the development and shall be deed restricted for affordability for the longest term possible under state and federal law. For this project, a minimum workforce unit size of 854 square feet is needed to meet City standards. The applicant proposes to provide a 1,059 sf two-bedroom unit within the building, Unit 14, as their deed-restricted workforce housing unit, meeting the workforce housing requirements. Staff recommend as a condition of approval that the applicant and the city enter into an Affordable Housing Agreement (AHA for unit 14 located at 19 Willis Street) before a building permit may be issued. The Affordable Housing Agreement will outline the details of the affordability restrictions placed on the workforce units and will be filed as a covenant to the 19 Willis Street property deed with the Cumberland County Registry of Deed before certificate of occupancy may be issued. A memorandum from the Housing Program Manager with additional details has been included within the report attachments.

Figure 6: Proposed Elevation - Northeast (Downhill) - Source: Kaplan Thompson Architects

IX. INCLUSIONARY ZONING

Division 30, Section 14-487, Ensuring Workforce Housing, requires at least ten percent (10%) of the dwelling units in the development shall meet the definition of Workforce Housing units for sale or for

rent. The number of units required is rounded down to a whole number whether the Workforce Units are provided on or off-site. A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fractional unit obligation will be provided in the form of a proportional fee-in-lieu. The ordinance under Section 14-487 e 4 also requires the number of bedrooms in the Workforce units shall be at least 10% of the total number of bedrooms made available as part of the development.
As an alternative to providing workforce housing units, developers shall pay a fee-in-lieu of some or all of the units. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.

The project located at 19 Willis Street (formerly 33 Montreal Street) proposes the creation of 12 dwelling units. The applicant has chosen to fulfill the inclusionary zoning requirements by paying a fee-in-lieu. The proposed project would thus be required to pay a total fee of $132,586.80 (1.2 X $110,489) into the City's Housing Trust Fund in-lieu of creation of actual housing units for workforce households. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff recommends the agreed upon fee-in-lieu of $132,586.80 be paid into the City's Housing Trust Fund prior to issuance of the certificate of occupancy for 19 Willis Street. Should at a later date any change in total unit count be considered, a revised proportional fee-in-lieu payment will also be required.

X. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a recording plat. The final plat will need to be revised to reflect any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within two years of a Planning Board decision.

B. SUBDIVISION (Section 14-496)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. *Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)*

   The existing site is approximately 44% developed and slopes from the south side of the property (Willis Street) to the north side of the property (MacArthur Gardens Apartments). Stormwater runoff from the project site drains either to the northeast along the curb line in Montreal Street or to the north to the abutting property. The existing site contains approximately 4,724 square feet of impervious surface, with three separate roof lines. Redevelopment of the project site

would result in an increase of approximately 3,276 square feet of impervious area and a total impervious surface of 8,000 square feet.

The stormwater management plan includes the construction of an underground storage and treatment system that consists of a Stormtech Chamber System designed to infiltrate the required water quality volume. The system has been designed to effectively collect, infiltrate and provide treatment of approximately 97% of the total new impervious area and approximately 88% of the total new developed area, exceeding the requirement as indicated in the General Standards of MDEP Chapter 500.

Lauren Swett, P.E. of Woodard and Curran Engineering, Third-Party Reviewer, has reviewed the erosion and sediment control plans and details, as well as the proposed stormwater inspection and maintenance measures, and found the updated plans to be in conformance with the Land Use Code.

2. *Sufficient Water Available (Section 14-497 (a) 2 and 3)*

   An ability to serve letter from the Portland Water District has been received and provided.

3. *Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)*

   The proposed development is not adding significant vehicular traffic to the streets surrounding the development site and a traffic analysis is not required.

4. *Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)*

   The applicant is proposing to utilize the existing combined storm sewer main lines in both Montreal and Willis streets. If the services are to be combined, this should be done within the right of way. This will allow for future separation within the street. The applicant has designed these connections accordingly. The applicant has provided a Wastewater Capacity Authorization Letter.

5. *Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or by the City, rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline (Section 14-497(a)(8))*

   The site is proximate to the Munjoy Hill historic district. Development on the subject property, which is a previously-developed infill site within an urban neighborhood context located upland from the water's edge, will not adversely affect any significant wildlife habitat, rare or irreplaceable natural areas, or any public access to the shoreline.

6. Comprehensive Plan (Section 14-497 (a) 9)

The proposed project supports a number of goals identified in *Portland's Plan 2030,* particularly in the Housing section. Those goals include the Plan's stated desire to increase the overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents, to encourage contextually appropriate housing density proximate to neighborhood centers, concentrations of services and transit nodes and corridors, and to enable people who work in Portland to have the option to live in Portland. The Plan also highlights the importance of the City's growth in order to sustain our community, infrastructure, and economy, ensuring growth respects and seeks to preserve of our natural resources, and sensitivity to neighborhood context, which emphasizes the uniqueness of neighborhoods in the Vision Statement (pg. 6). The Comprehensive Plan also outlines goals to ensure an appropriate balance of continuity and change as Portland grows and evolves.

Figure 7. Vision Statement from Portland's Plan 2030

C. SITE PLAN STANDARDS (Section 14-526)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems and Access and Circulation

ADA compliance is provided at all door locations. The parking will be accessed from Montreal Street by a driveway between the proposed building and the adjacent property. The residential lobby for the proposed building will be located at the ground level on the southern side and would be accessed from the Willis Street sidewalk.

b. Public Transit Access

All residential developments consisting of 20 or more dwelling units shall provide a transit shelter adjacent to or within the public right-of-way along its frontage. The proposed project provides twelve dwelling units and therefore this standard is not applicable.

c. Parking

Per ordinance requirements in the R-6 zone, the proposed project is required to have a total of 12 parking spaces. The applicant is proposing to include 13 internal parking spaces within the garage, thus meeting the requirement.

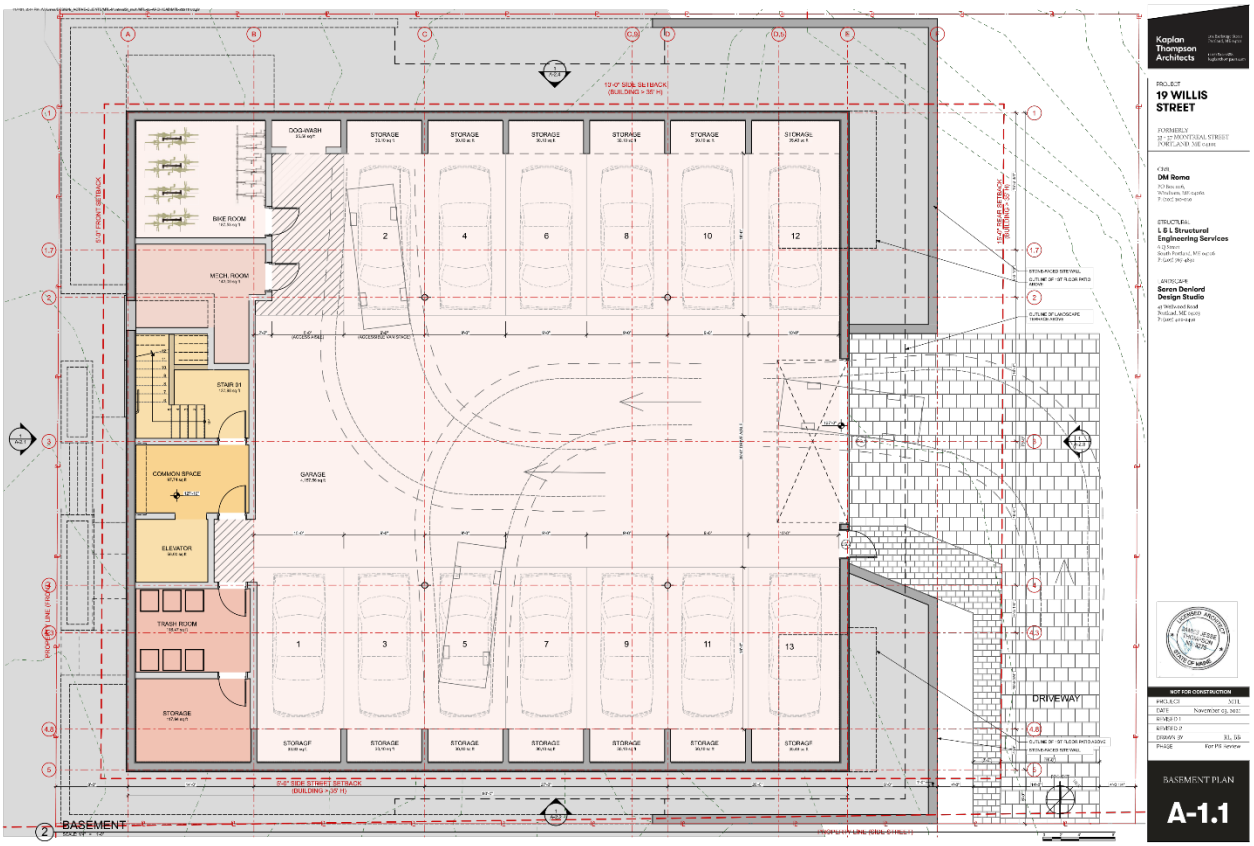


Figure 8: Basement Parking Plan - Source: Kaplan Thompson Architects

d. Bicycle Parking

Basement Plan A-1.1 shows 14 bicycle parking spaces are proposed for the project, meeting the minimum requirement of 4.8 spaces.

e. Snow Storage

The project design and layout provides an area of approximately 300 square feet located adjacent to the proposed driveway near the northwesterly corner of the site. Snow storage will not conflict with pedestrian access or parking requirements. Snow melt runoff will be treated with the subsurface chamber system. Staff finds this standard to have been met.

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

The site was formerly development with residential buildings and there are no known significant natural features on the site. There are no anticipated impacts.

b. Landscaping and Landscape Preservation

A landscaping plan was submitted as part of the application. The plan shows a variety of trees, shrubs, and perennials, all listed in the City of Portland Recommended Tree List.

Figure 9. Existing Street Trees – Source: Austen Torres Davis

There are four established street trees along Montreal and Willis Streets. The applicant has not proposed the removal of street trees, though if the need to do so arises the applicant will work with the City Arborist to explore ways to mitigate the impact of construction and utility connections and preserve trees where possible.

City Arborist Jeff Tarling has commented that, if removal of trees for site access is necessary, removing the smallest tree near the existing driveway on Willis Street would give the applicant adequate construction access. This option would be preferable as the remaining three trees are mature and in good condition. Staff are in favor of preserving these three mature street trees.

Based upon the City's street tree requirements, a total of eight trees are required. The applicant intends to preserve the existing four street trees and will contribute $3,200 ($400/tree x eight trees) to the City's Street Tree Fund to address the eight additional required trees that will not be planted.

c. Water Quality, Storm Water Management and Erosion Control

The stormwater management plan includes the construction of an underground storage and treatment system that consists of a Stormtech Chamber System designed to infiltrate the required water quality volume. The system has been designed to effectively collect, infiltrate and provide treatment of approximately 97% of the total new impervious area and approximately 88% of the total new developed area, exceeding the requirement as indicated in the General Standards of MDEP Chapter 500.

Lauren Swett, P.E., Consulting Peer Reviewer, and staff have reviewed the applicant's plans and project details. Both find that the proposed stormwater management measures meet the applicable standards of the Land Use Code and Technical Manual.

3. Public Infrastructure and Community Safety Standards

a. Public Safety and Fire Prevention

Mike Thompson, former Division Chief of the Fire Prevention and Community Outreach Division, reviewed the submitted plans and found them to be acceptable, noting the following points (Attachment 1):

- *The correct address for this property shall be determined by the City E-911 Addressing Officer.* Since this comment was received, the applicant has received the correct address for this property (19 Willis St).
- *The street address shall be marked at the main building entrance.*

b. Availability and Adequate Capacity of Public Utilities

The project will be served by Central Maine Power, the Portland Water District, and City Department of Public Works. Evidence of utility capacity has been provided by the applicant.

4. Site Design Standards

a. Snow and Ice Loading

The project design and layout provides an area of approximately 300 square feet located adjacent to the proposed driveway near the northwesterly corner of the site. Snow storage will not conflict with pedestrian access. Snow melt runoff will be treated with the subsurface chamber system. Staff finds this standard to have been met.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001. This standard does not apply.

c. Historic Resources

Previous iterations of this application went to the Historic Preservation Board as the applicant sought to demolish a building classified as *preferably preserved*, within the Munjoy Hill Neighborhood Conservation Overlay District. The Historic Preservation Board's review at that time helped inform the evolution of the building's design and informed Historic Preservation staff during their advisory review.

Demolition was halted by a temporary stay that applicants attempted to have lifted by the Historic Preservation Board. Upon conclusion by the Historic Preservation Board that the

proposed project conformed to the new construction standards of the historic preservation ordinance the structure was demolished.

The property is within 100 feet of the Munjoy Hill Historic District, and underwent an historic preservation advisory review. Historic Preservation Program Manager, along with the City's Urban Designer, and lead project Planner reviewed the proposal against the *Multiple-Family Standards (City of Portland Design Manual).*

d. Exterior Lighting

The applicant has submitted a lighting and photometric plan which was reviewed by staff and found to be in conformance with the lighting standards.

e. Noise and Vibration

The HVAC system will meet the applicable state and federal emissions requirements and will also be screened and directed away from abutters.

f. Signage and Wayfinding

All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code. Staff has reviewed the proposed signage and finds it to be in conformance with the standards.

g. Zoning Related Design Standards

A design review for the proposed new construction of a multi-family project at 19 Willis Street was performed by Planning and Urban Development staff including the City's Urban Designer, Historic Preservation Program Manager, and lead Planner. Because the lot is greater than 10,000 sf in size, the project was reviewed against the *Multiple-Family* Standards (City of Portland Design Manual). The original design review found that a number of the principles and standards had not been met by the proposed design and that the applicant needed to amend the plans accordingly. A second round of design review comments were provided to the applicant following the submission of updated architectural drawings. The applicant responded to staff comments, and at this time, the project is found to conform to the relevant design guidelines. Potential modifications were suggested by staff for consideration (listed below). These suggested modifications were addressed by the applicant (in Italics).

- **Bays:** Staff request more information about the accent material used on the bays – ideally, this material would have the same character and finish as the shingle but with a different texture, orientation and/or scale.
  Applicant Response: The bays are to be clad in material that matches the decorative accent panels below the windows, to provide continuity and a visual connection between the accent elements. At an earlier Planning Board workshop the team presented samples of possible textured metal for the accent panels. Material samples can be presented at the Planning Board hearing.

- **Planters/Terraces:** Staff request more information about the stone proposed for the planters/terraces.
  Applicant Response: Exterior landscape materials are to be as follows:
  Stone Veneer Retaining Walls: Regionally quarried fieldstone / granite (gray tones)
  Wood Clad Exterior Retaining Walls: Weathered cedar (or equal)
  Entry Masonry Walkway and Steps: Regionally quarried monolithic saw-cut granite slab steps and dimensional pavers (gray tones)
  Drive Aisle Paving: Concrete unit paver (Techo-bloc 80 ml. or equal)

In addition, the project was reviewed for compliance with the additional design standards for buildings located in the Munjoy Hill Conservation Overlay District Section 14-140.5.a(d) and was found to meet the standards.

Section 14-140.5(d)(a): All buildings shall use simple, traditional roof forms as illustrated in Diagrams 14-140.5.c-f., except that flat roofs are permitted in buildings of 3 or more units.

- Staff Comment: The proposed project is a 12 unit apartment building. Flat roofs are permitted in buildings of three or more units. This standard is adequately addressed.

Section 14-140.5(d)(b): The first floor shall contain active living space, such as a living room or bedroom, with windows for at least 50% of the width of the front façade in total.

- Staff Comment: The proposed building's first floor contains active living space for greater than 50% of the building façade, this standard is considered adequately met.

Please see Attachment 3, Design Review, for the full urban design memorandum. Please see attachment 4, Response to Design Review, for the applicant's responses to the suggested modifications above.

h. Construction Management Plan

The applicant has submitted a construction management plan which was reviewed by staff and found to meet the applicable standards.

XI. PUBLIC COMMENT AND NEIGHBORHOOD MEETING

A total of 208 notices were sent to property owners within 500 feet of the site and a legal notice ran in the December 3rd & December 4th 2021 editions of the *Portland Press Herald*.

The required neighborhood meeting was held on Friday, September 13, 2019 from 5:30-6:45 pm at the East End Community School. Thirteen members of the public were in attendance along with Tim Wells, representing the applicant, and Jesse Thompson and Richard Lo from Kaplan Thompson Architects. The majority of comments received were in response to the proposed building's design, scale and neighborhood context.

In advance of this Public Hearing, staff has received 16 written comments from the public, mostly in opposition and expressing concerns about building height and mass.

XII. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning and Urban Development Department staff recommend that the Planning Board approve the proposed development at 19 Willis Street.

XIII. MOTIONS FOR THE BOARD TO CONSIDER

A. INCLUSIONARY ZONING CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on December 14, 2021 for application #PL-000807-2019 relevant to Portland's Inclusionary Zoning Conditional Use Standards and other regulations, and the testimony presented at the Planning Board hearing, the Planning Board [finds/does not find] the proposed conditional use for workforce housing meets the standards of Land Use Code Section 14-487 with the following condition(s):

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. The Applicant and the City shall enter into an agreed upon Affordable Housing Agreement (AHA) for one workforce unit integrated with the development, or as an alternative to providing the workforce housing unit, the applicant may pay a fee-in-lieu for the required unit.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

2. An Affordable Housing Agreement will be filed as a covenant to the property's deed with the Cumberland County Registry of Deeds.

B. SUBDIVISION REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant, findings and recommendations contained in the Planning Board Report for the public hearing on December 14, 2021 for application #PL-000807-2019 relevant to the subdivision regulations, and the testimony presented at the Planning Board hearing, the Planning Board [finds/does not find] that the plan is in conformance with the subdivision standards of the Land Use Code subject to the following conditions of approval:

PRIOR TO THE SUBMISSION OF THE PLAT FOR PLANNING BOARD SIGNATURE

1. The subdivision plat shall be finalized to the satisfaction of the Planning Authority, Corporation Counsel and Department of Public Works and include clear descriptions of the number, location, type and size of all subdivided units, along with relevant notes and conditions.

PRIOR TO ISSUANCE OF A BUILDING PERMIT

2. The signed subdivision plat shall be recorded at the Cumberland County Registry of Deeds.

C. SITE PLAN REVIEW

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board Report for the public hearing on December 14, 2021, for application #PL-000807-2019, relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board [**finds/does not find**] that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following condition of approval:

PRIOR TO ISSUANCE OF A BUILDING PERMIT

1. A financial contribution totaling $3,200, to be paid into the City's street tree fund, shall be provided for the required eight street trees not provided on-site. The applicant may also choose to pursue a street tree alternative as listed in the City's site plan ordinance, Sec. 14-526.

XIV. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. Design Review Memo (Final)
2. Applicant Response to Design Review
3. Housing Program Manager Memorandum
4. Grade Calculations
5. September 24, 2019 Workshop – Memo Attachments

APPLICANT'S SUBMITTALS

A. Application Checklist
B. Project Description
C. Right, Title and Interest
D. Financial and Technical Capability
E. Zoning Assessment
F. Transportation
G. Stormwater
H. Utilities
I. Solid Waste
J. Public Infrastructure and Safety
K. Design Review - Site Design
L. Design Review - R-6 Design Principles
M. Ability to Serve Determination
N. Wastewater Capacity Authorization
O. Verification of Posted Public Meeting Notice

PLANS

Plan 1. Boundary Survey
Plan 2. Design Review Context
Plan 3. Neighborhood Context
Plan 4. Architectural Drawings
Plan 5. Architectural Renderings
Plan 6. Revised Civil Drawings
Plan 7. Landscape Plan
Plan 8. Construction Management Plan

PUBLIC COMMENT

PC1. Barbara vestal

PC2. Carol Connor
PC3. Carol Connor
PC4. Carol Connor
PC5. Erna Koch
PC6. Karen Snyder
PC7. Mike Hoover
PC8. Peter Murray
PC9. Wayne Valzania
PC10. Wayne Valzania
PC11. Wayne Valzania
PC12. Barbara Vestal
PC13. Peter Murray
PC14. Jean McManamy and Others
PC15. Carolyn Swartz
PC16. Karen Snyder

CHAPTER 32 STORM WATER

Art. I. Prohibited Discharges, §§ 32-1--32-15
Art. II. Prohibited Discharges, §§ 32-16--32-35
Art. III. Post-Construction Stormwater Management, §§32-36—32-40

ARTICLE I. IN GENERAL

Sec. 32-1. Definitions.

For the purposes of this article, the terms listed below are defined as follows:

Applicant. "Applicant" means a person with requisite right, title or interest or an agent for such person who has filed an application for a development project that requires a post-construction stormwater management plan under this article.

Best management practices ("BMP"). "Best management practices" or "BMPs" means schedules or activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Clean Water Act. "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 *et seq.*, also known as the "Clean Water Act"), and any subsequent amendments thereto.

Discharge. "Discharge" means any spilling, leaking, pumping, pouring, emptying, dumping, disposing or other addition of pollutants to "waters of the state." "Direct discharge" or "point source" means any discernable, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft, from which pollutants are or may be discharged.

Enforcement authority. "Enforcement authority" means the person(s) or department authorized under section 32-3 of this article to administer and enforce this article.

Exempt person or discharge. "Exempt person or discharge" means any person who is subject to a multi-sector general permit for industrial activities, a general permit for construction activity, a general permit for the discharge of storm water from the Maine department of transportation and the Maine turnpike authority

municipal separate storm sewer systems, or a general permit for the discharge of storm water from state or federally owned authority municipal separate storm sewer system facilities; and any non-storm water discharge permitted under a NPDES permit, waiver, or waste discharge license or order issued to the discharger and administered under the authority of the U.S. environmental protection agency ("EPA") or the Maine department of environmental protection ("DEP").City of Portland

Municipality. "Municipality" means the city of Portland.

Municipal separate storm sewer system, or MS4. "Municipal separate storm sewer system" or "MS4," means conveyances for storm water, including, but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, human-made channels or storm drains (other than publicly owned treatment works and combined sewers) owned or operated by any municipality, sewer or sewage district, fire district, state agency or federal agency or other public entity that discharges directly to surface waters of the state.

National pollutant discharge elimination system (NPDES) storm water discharge permit. "National pollutant discharge elimination system (NPDES) storm water discharge permit" means a permit issued by the EPA or by the DEP that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-storm water discharge. "Non-storm water discharge" means any discharge to an MS4 that is not composed entirely of storm water.

Person. "Person" means any individual, firm, corporation, municipality, quasi-municipal corporation, state agency or federal agency or other legal entity which creates, initiates, originates or maintains a discharge of storm water or a non-storm water discharge.

Pollutant. "Pollutant" means dredged spoil, solid waste, junk, incinerator residue, sewage, refuse, effluent, garbage, sewage sludge, munitions, chemicals, biological or radiological materials, oil, petroleum products or by-products, heat, wrecked or discarded equipment, rock, sand, dirt and industrial, municipal, domestic, commercial or agricultural wastes of any kind.

Post-construction stormwater management plan. "Post-construction stormwater management plan" means BMPs employed by a development project to meet the stormwater standards of Section V of the department of planning and urban development's Technical and Design Standards and Guidelines.

Premises. "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips, located within the municipality from which discharges into the storm drainage system are or may be created, initiated, originated or maintained.

Qualified post-construction stormwater inspector. "Qualified post-construction stormwater inspector" means a person who conducts post-construction stormwater best management practice inspections for compensation and who has received the appropriate training for the same from DEP or otherwise meets DEP requirements to perform said inspections.

Regulated small MS4. "Regulated small MS4" means any small MS4 regulated by the State of Maine "general permit for the discharge of storm water from small municipal separate storm sewer systems" dated July 1, 2008 ("general permit") or the general permits for the discharge of storm water from the Maine department of transportation and Maine turnpike authority small MS4s or state or federally owned or operated small MS4s, including all those located partially or entirely within an urbanized area (UA).

Small municipal separate storm sewer system, or small MS4. "Small municipal separate storm sewer system", or "small MS4," means any MS4 that is not already covered by the phase I MS4 storm water program including municipally owned or operated storm sewer systems, state or federally-owned systems, such as colleges, universities, prisons, Maine department of transportation and Maine turnpike authority road systems and facilities, and military bases and facilities.

Storm drainage system. "Storm drainage system" means the City of Portland's regulated small MS4 and other conveyances for storm water located in areas outside the UA that drain into the regulated small MS4.

Storm water. "Storm water" means any storm water runoff, snowmelt runoff, and surface runoff and drainage; "Stormwater" has the same meaning as "storm water".

Urbanized area ("UA"). "Urbanized area" or "UA" means the areas of the State of Maine so defined by the latest decennial (2000) census by the U.S. Bureau of Census.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-2. Reserved.
Sec. 32-3. Reserved.

Sec. 32-4. Reserved.

Sec. 32-5. Reserved.
Sec. 32-6. Reserved.
Sec. 32-7. Reserved.
Sec. 32-8. Reserved.
Sec. 32-9. Reserved.
Sec. 32-10. Reserved.
Sec. 32-11. Reserved.
Sec. 32-12. Reserved.
Sec. 32-13. Reserved.
Sec. 32-14. Reserved.
Sec. 32-15. Reserved.

ARICLE II. PROHIBITED DISCHARGES

Sec. 32-16. Applicability.

This Article shall apply to all persons discharging storm water and/or non-storm water discharges from any premises into the storm drainage system.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-17. Responsibility for administration.

The department of public services is the enforcement authority who shall administer, implement, and enforce the provisions of this article.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10; 8-17-09)

Sec. 32-18. Prohibition of non-storm water discharges.

(a) *General prohibition.* Except as allowed or exempted herein, no person shall create, initiate, originate or maintain a non-storm water discharge to the storm drainage system. Such non-storm water discharges are prohibited notwithstanding the fact that the city may have approved the connections, drains or conveyances by which a person discharges un-allowed non-storm water discharges to the storm drainage system.

(b) *Allowed non-storm water discharges.* The creation, initiation, origination and maintenance of the following non-storm water discharges to the storm drainage system is allowed:

(1) Landscape irrigation; diverted stream flows; rising ground waters; uncontaminated flows from foundation drains; air conditioning and compressor condensate; irrigation water; flows from uncontaminated springs; uncontaminated water from crawl space pumps; uncontaminated flows from footing drains; lawn watering runoff; flows from riparian habitats and wetlands; residual street wash water (where spills/leaks of toxic or hazardous materials have not

occurred, unless all spilled material has been removed and detergents are not used); hydrant flushing and fire fighting activity runoff; water line flushing and discharges from potable water sources; individual residential car washing; and de-chlorinated swimming pool discharges.

(2) Discharges specified in writing by the enforcement authority as being necessary to protect public health and safety.

(3) Dye testing, with verbal notification to the enforcement authority prior to the time of the test.

(c) *Exempt person or discharge.* This article shall not apply to an exempt person or discharge, except that the enforcement authority may request from exempt persons and persons with exempt discharges copies of permits, notices of intent, licenses and orders from the EPA or DEP that authorize the discharge(s).
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-19. Suspension of access to the city's small MS4.

The enforcement authority may, without prior notice, physically suspend discharge access to the storm drainage system to a person when such suspension is necessary to stop an actual or threatened non-storm water discharge to the storm drainage system which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm drainage system, or which may cause the city to violate the terms of its environmental permits. Such suspension may include, but is not limited to, blocking pipes, constructing dams or taking other measures, on public ways or public property, to physically block the discharge to prevent or minimize a non-storm water discharge to the storm drainage system. If a person fails to comply with a suspension order issued in an emergency, the enforcement authority may take such steps as deemed necessary to prevent or minimize damage to the storm drainage system, or to minimize danger to persons.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-20. Monitoring of discharges.

In order to determine compliance with this article, the enforcement authority may enter upon and inspect premises subject to this article at reasonable hours to inspect the premises and connections thereon to the storm drainage system; and to conduct monitoring, sampling and testing of the discharge to the storm drainage system.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-21. Enforcement.

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article. Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may enforce this article in accordance with 30-A M.R.S.A. § 4452.

(a) *Notice of violation.* Whenever the enforcement authority believes that a person has violated this article, the enforcement authority may order compliance with this article by written notice of violation to that person indicating the nature of the violation and ordering the action necessary to correct it, including, without limitation:

(1) The elimination of non-storm water discharges to the storm drainage system, including, but not limited to, disconnection of the premises from the MS4.

(2) The cessation of discharges, practices, or operations in violation of this article.

(3) At the Person's expense, the abatement or remediation (in accordance with best management practices in DEP rules and regulations) of non-storm water discharges to the storm drainage system and the restoration of any affected property; and/or

(4) The payment of fines, of the city's remediation costs and of the city's reasonable administrative costs and attorneys' fees and costs. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to attorneys' fees and costs, incurred by the city for violation of federal and State environmental laws and

regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(c) *Consent agreement.* The enforcement authority may, with the approval of the city manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the city manager or his or her designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The city manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the city manager and the appellant. The city manager may affirm, reverse or modify the decision of the enforcement authority. A suspension under Section 32-5 of this article remains in place unless or until lifted by the city manager or by a reviewing court. A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within 45 days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal to the city manager, within 45 days of a decision of the city manager affirming the enforcement authority's decision, then the enforcement authority may recommend that the corporation counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(f) *Ultimate responsibility of discharger.* The standards set forth herein are minimum standards; therefore this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. This article shall not create liability on the part of the city, or any officer agent or employee thereof for any damages that

result from any person's reliance on this article or any administrative decision lawfully made hereunder.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-22. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.
(Ord. No. 85-08/09, 10-20-08; Ord. No. 35-09/10, 8-17-09)

Sec. 32-23. Reserved.
Sec. 32-24. Reserved.
Sec. 32-25. Reserved.
Sec. 32-26. Reserved.
Sec. 32-27. Reserved.
Sec. 32-28. Reserved.
Sec. 32-29. Reserved.
Sec. 32-30. Reserved.
Sec. 32-31. Reserved.
Sec. 32-32. Reserved.
Sec. 32-33. Reserved.
Sec. 32-34. Reserved.
Sec. 32-35. Reserved.

ARTICLE III. POST-CONSTRUCTION STORMWATER MANAGEMENT.

Sec. 32-36. Applicability.

This article applies to all development projects that require a stormwater management plan pursuant to section V of the department of planning and urban development's Technical and Design Standards and Guidelines.
(Ord. No. 35-09/10, 8-17-09)

Sec. 32-37. Post-construction stormwater management plan approval.

Notwithstanding any ordinance provision to the contrary, no applicant for a development project to which this article is applicable shall receive approval for that development project unless the applicant also receives approval for its post-construction stormwater management plan and for the best management practices ("BMPs") for that development project.
(Ord. No. 35-09/10, 9-17-09)

Sec. 32-38. Post-construction stormwater management plan compliance.

Any person owning, operating, or otherwise having control over a BMP required by a post construction stormwater management plan shall maintain the BMPs in accordance with the approved plan and shall demonstrate compliance with that plan as follows:

(a) *Inspections.* The owner or operator of a BMP shall hire a qualified post-construction stormwater inspector to at least annually, inspect the BMPs, including but not limited to any parking areas, catch basins, drainage swales, detention basins and ponds, pipes and related structures, in accordance with all municipal and state inspection, cleaning and maintenance requirements of the approved post-construction stormwater management plan.

(b) *Maintenance and repair.* If the BMP requires maintenance, repair or replacement to function as intended by the approved post-construction stormwater management plan, the owner or operator of the BMP shall take corrective action(s) to address the deficiency or deficiencies as soon as possible after the deficiency is discovered and shall provide a record of the deficiency and corrective action(s) to the department of public services ("DPS") in the annual report.

(c) *Annual report.* The owner or operator of a BMP or a qualified post-construction stormwater inspector hired by that person, shall, on or by June 30 of each year, provide a completed and signed certification to DPS in a form provided by DPS, certifying that the person has inspected the BMP(s) and that the yare adequately maintained and functioning as intended by the approved post-construction stormwater management plan, or that they require maintenance or repair, including the record of the deficiency and corrective action(s) taken.

(d) *Filing fee.* Any persons required to file and annual certification under this section shall include with the annual certification a filing fee established by DPS to pay the administrative and technical costs of review of the annual certification.

(e) *Right of entry.* In order to determine compliance with this article and with the post-construction stormwater management plan, DPS may enter upon property at reasonable hours with the consent of the owner, occupant or agent to inspect the BMPs.

Sec. 32-39. Enforcement.

It shall be unlawful for any person to violate any provision of or to fail to comply with any of the requirements of this article or of the post-construction stormwater management plan. Whenever the enforcement authority believes that a person has violated this article, DPS may enforce this article in accordance with 30-A M.R.S.A. § 4452. Each day on which a violation exists shall constitute a separate violation for purposes of this section.

(a) *Notice of violation.* Whenever DPS believes that a person has violated this article or the post-construction stormwater management plan, DPS may order compliance by written notice of violation to that person indicating the nature of the violation and ordering eh action necessary to correct it, including, without limitation:

(1) The abatement of violations, and the cessation of practices or operations in violation of this article or of the post-construction stormwater management plan;

(2) At the person's expense, compliance with BMPs required as a condition of approval of the development project, the repair of BMPs and/or the restoration of any affected property; and/or

(3) The payment of fines, of the City's remediation costs and of the City's reasonable administrative costs and attorneys' fees and costs.

(4) If abatement of a violation, compliance with BMPs, repair of BMPs and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement, compliance, repair and/or restoration must be completed.

(b) *Penalties/fines/injunctive relief.* In addition to the imposition of any other costs or penalties provided for herein, any person who violates this section shall be subject to fines, penalties and orders for injunctive relief and shall be responsible for the city's attorney's fees and costs, all in accordance with 30-A M.R.S.A. § 4452. Each day such violation continues shall constitute a separate violation. Moreover, any person who violates this section also shall be responsible for any and all fines, penalties, damages and costs, including, but not limited to

attorneys' fees and costs, incurred b y the city for violation of federal and state environmental laws and regulations caused by or related to that person's violation of this article; this responsibility shall be in addition to any penalties, fines or injunctive relief imposed under this section.

(c) *Consent agreement.* The enforcement authority may, without approval of the city manager, enter into a written consent agreement with the violator to address timely abatement of the violation(s) of this article for the purposes of eliminating violations of this article and of recovering fines, costs and fees without court action.

(d) *Appeal of notice of violation.* Any person receiving a notice of violation or suspension notice may appeal the determination of the enforcement authority to the city manager or his or her designee. The notice of appeal must be received within 30 days from the date of receipt of the notice of violation. The city manager shall hold a hearing on the appeal within 30 days from the date of receipt of the notice of appeal, except that such hearing may be delayed by agreement of the city manager and the appellant. The city manager may affirm, reverse or modify the decision of the DPS. A party aggrieved by the decision of the city manager may appeal that decision to the Maine superior court within forty-five (45) days of the date of the city manager's decision pursuant to Rule 80B of the Maine Rules of Civil Procedure.

(e) *Enforcement measures.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or , in the event of an appeal to the city manger, within forty-five (45) days of a decision of the city manager affirming the enforcement authority's decision, then the enforcement authority may recommend that the corporation counsel's office file an enforcement action in a Maine court of competent jurisdiction under Rule 80K of the Maine Rules of Civil Procedure.

(Ord. No. 35-09/10, 8-17-09)

Sec. 32-40. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions, clauses, sentences, or paragraphs or application of this article.

(Ord. No. 35-09/10, 8-17-09)

STORMWATER DRAINAGE SYSTEM
MAINTENANCE AGREEMENT

For SUBDIVISIONS

IN CONSIDERATION OF the site plan and subdivision approval granted by the Planning Board of the City of Portland to the proposed _____ (name of developments and project number) shown on the Subdivision Plat (Exhibit A) recorded in Cumberland Registry of Deeds in Plan Book ____, Page ____ submitted by _____, and associated Grading, Drainage & Erosion Control Plan (*insert correct name of plan*) (Exhibit B) prepared by _____ (engineer/agent) of _____(address) dated and pursuant to a condition thereof, _____ (name of owner), a Maine limited liability company with a principal place of business in Portland, Maine, and having a mailing address of _____, the owner of the subject premises, does hereby agree, for itself, its successors and assigns (the "Owner"), as follows:

Maintenance Agreement

That it, its successors and assigns, will, at its own cost and expense and at all times in perpetuity, maintain in good repair and in proper working order the _____ (*details of the system such as underdrained subsurface sand filter BMP system, rain gardens, storm drain pipes, underdrain pipes, catch basins*), (hereinafter collectively referred to as the "stormwater system"), as shown on the _____Plan in Exhibit B and in strict compliance with the approved Stormwater Maintenance and Inspection Agreement *(insert correct name of document)* prepared for the Owner by _____ (copy attached in Exhibit C) and Chapter 32 of the Portland City Code.

Owner of the subject premises further agrees, at its own cost, to keep a Stormwater Maintenance Log. Such log shall be made available for inspection by the City of Portland upon reasonable notice and request.

Said agreement is for the benefit of the said City of Portland and all persons in lawful possession of said premises and abutters thereto; further, that the said City of Portland and said persons in lawful possession may enforce this Agreement by an action at law or in equity in any court of competent jurisdiction; further, that after giving the Owner written notice and a stated time to perform, the said City of Portland, by its authorized agents or representatives, may, but is not obligated to, enter upon said premises to maintain, repair, or replace said stormwater system in the event of any failure or neglect thereof, the cost and expense thereof to be reimbursed in full to the said City of Portland by the Owner upon written demand. Any funds owed to the City under this paragraph shall be secured by a lien on the property.

This Agreement shall also not be construed to allow any change or deviation from the requirements of the subdivision and/or site plan most recently and formally approved by the Planning Board of the City of Portland.

This agreement shall bind the undersigned only so long as it retains any interest in said premises, and shall run with the land and be binding upon the Owner's successors and assigns as their interests may from time to time appear.

The Owner agrees to record a copy of this Agreement in the Cumberland County Registry of Deeds within thirty (30) days of final execution of this Agreement. The Owner further agrees to provide a copy of this Agreement to any successor or assign and to forward to the City an Addendum signed by any successor or assign in which the successor or assign states that the successor or assign has read the Agreement, agrees to all its terms and conditions and the successor or assign will obtain and forward to the City's Department of Public Services and Department of Planning and Urban Development a similar Addendum from any other successor or assign.

For the purpose of this agreement and release "Owner" is any person or entity who is a successor or assign and has a legal interest in part, or all, of the real estate and any building. The real estate shown by chart, block and lot number in the records on file in the City Assessor's office shall constitute "the property" that may be entered by the City and liened if the City is not paid all of its costs and charges following the mailing of a written demand for payment to the owner pursuant to the process and with the same force and effect as that established by 36 M.R.S.A. §§ 942 and 943 for real estate tax liens.

Any written notices or demands required by the agreement shall be complete on the date the notice is attached to one or more doors providing entry to any buildings and mailed by certified mail, return receipt requested or ordinary mail or both to the owner of record as shown on the tax roles on file in the City Assessor's Office.

If the property has more than one owner on the tax rolls, service shall be complete by mailing it to only the first listed owner. The failure to receive any written notice required by this agreement shall not prevent the City from entering the property and performing maintenance or repairs on the stormwater system, or any component thereof, or liening it or create a cause of action against the City.

Dated at Portland, Maine this _____ day of _____, 2014.

_____
(*name of company*)

_____
(*representative of owner, name and title*)

STATE OF MAINE
CUMBERLAND, ss. Date: _____

Personally appeared the above-named _____(*name and title*), and acknowledged the foregoing instrument to be his free act and deed in his said capacity.

Before me,

_____
Notary Public/Attorney at Law

Print name: _____

Exhibit A: Subdivision Plat as recorded

Exhibit B: Approved Grading and Drainage Plan *(name of the plan showing the Stormwater System in detail)*

Exhibit C: Approved Stormwater Maintenance and Inspection Agreement

CITY OF PORTLAND

Planning & Urban Development

Performance Guarantee, Inspection Fee, and Infrastructure Financial Contribution Packet

A. Site Plan/Subdivision Performance Guarantees Required

Portland's Land Use Code requires all developers with approved site plan and/or subdivision applications to submit a performance guarantee to the City prior to the start of any construction or site improvements. The performance guarantee represents 100% of the total cost of site improvements, as determined by the City.

The code further requires developers to pay an inspection fee of 2% of the performance guarantee amount to the City for the administrative costs associated with inspecting construction activity to ensure that it conforms with plans and specifications.

(Portland's Land Use Code, Sections 14-501 and 14-530)

B. Cost Estimate Form and Inspection Fee

The performance guarantee covers major site improvements related to site plan and subdivision review, such as paving, roadway, utility connections, drainage, landscaping, lighting, etc. Please submit an itemized cost estimate form to determine the detailed costs of both public and private site improvements to the Planning Division for review and approval. The cost estimate form (excel format) can be downloaded from the city's website here: http://portlandmaine.gov/costestimate The approved amount on the Cost Estimate form is the amount to be covered by the performance guarantee and is the basis for calculating the 2% inspection fee.

C. Acceptable Types of Performance Guarantees

The accepted forms of a performance guarantee, covering the amount approved on the Cost Estimate form, must be one of the following options consistent with the attached templates, with **NO** exceptions. The templates and instructions be located on our website at: https://www.portlandmaine.gov/2157/Performance-Guarantee

1. A letter of credit from a bank/credit union
2. A deposit into a bank-held escrow account
3. A deposit into a City-held escrow account

NOTE: No land use application of any kind shall be processed, reviewed or issued, no signed subdivision plat shall be released or recorded, and no building permit of any kind shall be issued unless all fees have been paid and every aspect of the proposed development is in compliance with City Codes as determined by the Development Review Coordinator in the Planning Division.

The developer is eligible to receive up to three reductions from the performance guarantee in a calendar year equal to the estimated cost of the completed improvements. In no case, however, shall any performance guarantee be reduced 1) in any line item where improvements remain to be completed; or 2) to a value which is less than the estimated cost of completing all remaining required improvements; or 3) to a value less than 10% of the Performance Guarantee. *(The Cost Estimate Form can also be used during the construction phase to submit reductions of fully completed site work items)*

At the conclusion of the project, the City will release 90% of the performance guarantee after the Development Review Coordinator determines that site improvements have been satisfactorily completed at the time of the final inspection. The City will then retain a 10% defect guarantee to cover the workmanship and durability of materials used in construction. The defect guarantee will be released one
(1) year from date of acceptance, subject to the Development Review Coordinator inspecting the site and finding it in compliance with the approved site plan.

D. Housing Replacement Performance Guarantees

For those projects that are subject to Portland's Housing Preservation and Replacement Ordinance (Section 24-
483) and have an approved plan, then a performance guarantee is required for housing replacement. An owner or developer must post a performance guarantee in the form of a letter of credit in the amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Fund, if the applicant had chosen that option. The guarantee shall be valid for no more than three years, after which the full amount shall be provided to the City's Housing Trust Fund, if replacement units meeting the code do not have certificates of occupancy. The guarantee can be released upon the issuance of a certificate of occupancy for the replacement units. A suggested template for a Housing Replacement Performance Guarantee is included as Attachment 4.

E. Infrastructure Accounts

Contributions to infrastructure accounts may be required as part of the conditions of site plan approval. The contributions must be submitted prior to the issuance of any permits, unless stated otherwise in the approval. The form for submitted required contributions is included as Attachment 5.

F. Administrative Process for Submitting Performance Guarantee

- **Step 1 – Submit a Cost Estimate for Review**

  Submit completed cost estimate form to the Planning Division for review and approval. Once approved, use this total amount as the performance guarantee amount in Step 2.

- **Step 2 – Drafting a Performance Guarantee**

  Complete a draft of 1 of the 3 attached performance guarantee templates, inputting project specific information (Reference Guide for Drafting for help) into blank and bracketed areas, and submit to the Planning Division for final approval. Submit a draft to **planning@portlandmaine.gov** to

ensure fields are correctly entered. Once staff approved the draft, the applicant shall submit the official signed original performance guarantee document, which for option 1) or 2) must be on Bank/Credit Union letterhead with original signatures.

- **Step 3 - Submit Performance Guarantee, Inspection Fee, and Infrastructure Contributions** Submit the final original Performance Guarantee, the required inspection fee, and any infrastructure contributions (Include Attachment 6 form) to the Planning Division. The Planning Division will confirm that the final documents are accurate and acceptable.

- **Step 4 - Release of Recording Plat and Permits**
  Only after the performance guarantee is issued, fees paid, and all other conditions of site plan approval and compliance are met, will the recording plat be released for recording at the Cumberland County Registry of Deeds and/or City permits issued.

Contact: Please email the Cost Estimate Form to Jodie Keene at **jkeene@portlandmaine.gov** After the cost estimate is approved, all Performance Guarantees and Infrastructure Contributions can be submitted by mail to: **City of Portland Planning Division, 389 Congress Street, 4th Floor, Portland, ME 04101**. Please call our office with any questions: 207-874-8632

Memorandum
Planning and Urban Development Department
Planning Division

To: Sean Dundon, Chair and Members of the Portland Planning Board
From: Andrew Tufts, Planner
Date: September 20, 2019
Re: Redevelopment, 33 Montreal Street, 37 Montreal, LLC
Project #: PL-000807-2019 CBL: 015 B022
Meeting: September 24, 2019

Figure 1: Parcel outline - Source: CONNECTexplorer

I. INTRODUCTION

37 Montreal Street LLC., has submitted a Level III Site Plan, Subdivision, and Conditional Use application for the development of a four (4) story, nine (9) unit residential building with basement level structured parking at 33-37 Montreal Street. The subject property is a 10804 square foot parcel located at the corner of Montreal Street and Willis Street. The immediate surrounding neighborhood is predominantly residential, is zoned R-6 and is within the Munjoy Hill Neighborhood Conservation Overlay District.

A total of 213 notices were sent to property owners within 500 feet of the site and a legal notice ran in the September 14th & September 15th 2019 editions of the Portland Press Herald.

Applicant: 37 Montreal Street LLC

Consultants:

- Richard Lo, AIA (Kaplan Thompson Architecture)
- Dustin Roma, P.E. (DM Roma Consulting Engineers)
- John Swan, Surveyor (Owen Haskell Inc)

II. REQUIRED REVIEWS

Review	*Applicable Standards*
Site Plan	*Section 14-526*
Subdivision	*Section 14-497*
Inclusionary Zoning (IZ)	*Section 14-474, Section 14-487*

III. PROJECT DATA

Existing Zoning	R-6 Zone & Munjoy Hill Conservation Overlay District
Existing Use	3 single family homes
Proposed Use	9-unit multi-family building
Bedroom Mix	8 three-bedroom units, 1 two-bedroom unit
Parcel Size	10,804 sf

	Existing	*Proposed*	*Net Change*
Building Footprint	2,240 sf	5,800 sf	+ 3,560 sf
Building Floor Area	3,775 sf	29,200 sf	+ 25,425 sf
Impervious Surface Area	4,724 sf	8,000 sf	+ 3,276 sf
Parking Spaces	4	13	+ 9
Bicycle Parking Spaces	0	5	+ 5

Figure 2: Existing axonometric perspective - Source: CONNECTexplorer

IV. BACKGROUND & EXISTING CONDITIONS

The proposed development site is located on the northern corner of Montreal and Willis Streets in Portland's Munjoy Hill neighborhood and is developed with three (3) existing single-family homes. All of the existing buildings are currently vacant. The site is bordered by the MacArthur Gardens Apartment complex (NE), and single-family homes (ESW). Additionally, the Promenade East Condominiums Tower is located approximately 200' ft to the north, across Walnut Street, which neighbors the Island View Apartment complex. Both are large-scale developments. The sidewalks along both Montreal and Willis Streets are in need of repair. There are three established street trees along Montreal and Willis Streets; these include, Sweet Gum, Honey Locust, and Sugar Maple varieties. A fourth street tree exists along Willis Street, but is in poor condition and should be replaced. The nearest open space is the Eastern Promenade, an approximately 3-minute walk down Montreal Street. Fort Sumner Park is an approximately 4-minute walk South-West. There are two community gardens: the Casco Bay Community Garden (NE), and the North Street Community Garden (W), both an approximately 5-minute walk. METRO Bus Route 1 has a stop on the corner of the East End Community School, an approximately 6-minute walk.

Owen Haskell, Inc. completed a boundary and topographic survey of the site in August of 2017. There were no existing or proposed easements identified.

Figure 3: Conceptual rendering - Montreal Street looking west - Source: Kaplan Thompson Architects

V. PROPOSED DEVELOPMENT

The proposed development is a four-story, nine-unit residential building approximately 23,400 square-feet in size. To facilitate this development, three existing single-family structures would be demolished. The building would include a basement-level structured parking garage of approximately 5,800 square-feet in size, and would contain 13 parking spaces, storage, mechanical rooms, trash room, and bike storage. The garage would be accessed via a driveway off Montreal Street, at the rear of the building. The driveway would replace an existing driveway. The proposed building would contain (9) nine dwelling units with a total enclosed area of approximately 23,400 SF. The ground floor is proposed to include one 2-bedroom unit, two 3-bedroom units, an entrance lobby, and package room. Floors 2-4 are each proposed to include two 3-bedroom units. A series of terraces are proposed to address the grade change on site. A landscape plan illustrates the planting pallet to be incorporated with the terraces.

VI. PUBLIC COMMENT AND NEIGHBORHOOD MEETING

The neighborhood meeting was held on Friday, September 13, 2019 at 5:30-6:45 pm at the East End Community School. Thirteen members of the public were in attendance along with Tim Wells, representing the applicant, along with Jesse Thompson and Richard Lo from Kaplan Thompson Architects. The majority of comments received were in response to the proposed building's design, scale and neighborhood context.

Figure 4: Proposed elevation - front of building – Source: Kaplan Thompson Architects

VII. RIGHT, TITLE, & INTEREST AND FINANCIAL & TECHNICAL CAPACITY

The owner of the property is 37 Montreal Street, LLC. The applicant has provided a copy of the warranty deed, recorded at the Cumberland County Registry of Deeds (Book 8708, Page 61), which demonstrates their right, title and interest in the property.

As evidence to demonstrate sufficient financial and technical capacity, the applicant has provided a letter from Camden National Bank indicating that between the applicant's funds and bank financing, the applicant has sufficient financial capacity to complete the proposed project. Similarly, information has been provided on the development team demonstrating the capacity to design and construct the project.

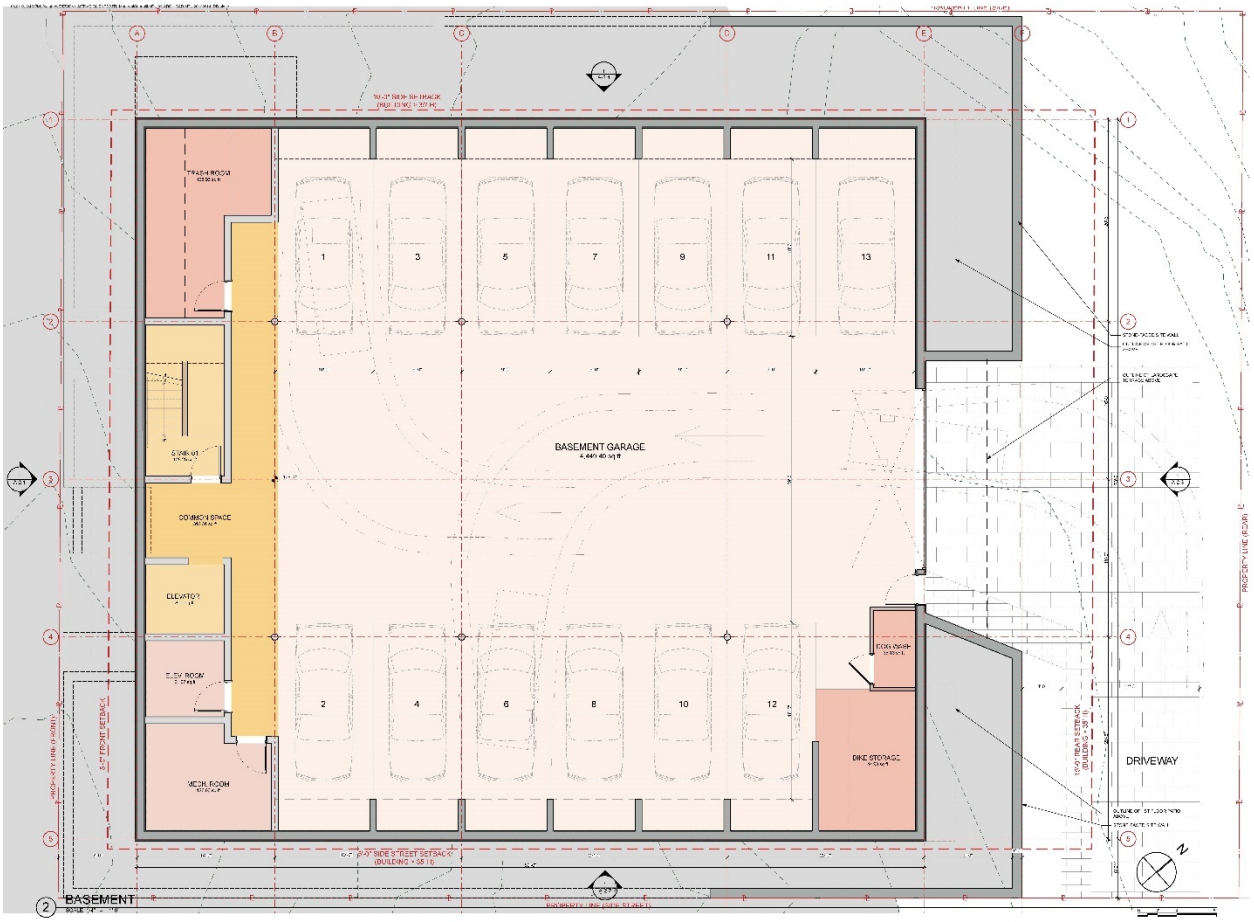


Figure 5: Plan - basement parking garage - Source: Kaplan Thompson Architects

VIII. ZONING ANALYSIS

The property lies within the R-6 zone and within the Munjoy Hill Neighborhood Conservation Overlay District. The following dimensional and parking requirements apply to the R-6 Zone:

R-6 Zone Summary Dimensional and Parking Requirements Applied to 33 Montreal Street		
	Required	Proposed
Minimum Lot Size	2000 sf	10,800 sf
Area Per Dwelling Unit	725 sf	1,200 sf
Minimum Street Frontage	20' ft	90' ft Willis St
Front Yard Minimum	5' ft	5' ft
Rear Yard Minimum	15' ft	30' ft
Yard Left Minimum	10' ft	10' ft
Side Street Setback	5' ft (>35' height)	5' ft/ 3' ft
Step Back	15' ft rear/ 10' ft side	>30' ft rear/ 10' ft side
Maximum Lot Coverage	60%	53%
Maximum Height	45' ft above avg. grade	44'-6"
Landscape Open Space	20%	26%
Off-Street Parking	1 space per unit	1.4 per unit

Figure 6: Proposed elevation - northeast (downhill) - Source: Kaplan Thompson Architects

IX. DEVELOPMENT REVIEW

A. SITE PLAN SUBMISSION REQUIREMENTS (Section 14-527) and SUBDIVISION PLAT AND RECORDING PLAT REQUIREMENTS (Section 14-496)

The applicant has submitted a recording plat. The final plat will need to be revised to reflect any waivers and conditions of approval that relate to the subdivision plan. Any waivers granted must be recorded at the Registry of Deeds within two years of a Planning Board decision.

B. SUBDIVISION (Section 14-496)

The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's Subdivision Ordinance and applicable regulations. Staff comments are listed below.

1. *Will Not Result in Undue Water and Air Pollution (Section 14-497 (a) 1), and Will Not Result in Undue Soil Erosion (Section 14-497 (a) 4)*

   The existing site is approximately 44% developed and slopes from the south side of the property (Willis Street) to the north side of the property (MacArthur Gardens Apartments). Stormwater runoff from the project site drains either to the northeast along the curbline in Montreal Street or to the north to the abutting property. The existing site contains approximately 4,724 square feet of impervious surface, with three separate roof lines. Redevelopment of the project site would result

in an increase of approximately 3,276 square feet of impervious area and a total impervious surface of 8000 square feet.

The stormwater management plan includes the construction of an underground storage and treatment system that consists of a Stormtech Chamber System designed to infiltrate the required water quality volume. The system has been designed to effectively collect, infiltrate and provide treatment of approximately 97% of the total new impervious area and approximately 88% of the total new developed area, exceeding the requirement as indicated in the General Standards of MDEP Chapter 500.

Lauren Swett, P.E. of Woodard and Curran Engineering, Third-Party Reviewer, has reviewed the erosion and sediment control plans and details, and inspection and maintenance requirements and offers the following comments:

- Typically, to meet the General Standards using a subsurface chamber system, additional treatment measures are required. For example, a filter sand layer could be installed beneath the subsurface chambers. When a treatment measure is added, the Applicant should provide information from the chamber manufacturer to verify that the system is adequately designed per the manufacturer's requirements. We suggest that the applicant review the methodology for modeling the subsurface filter. No flow is indicated to be discarded as infiltration. As the system is modeled, the only discharge out of the subsurface system is over the weir.

- A proposed foundation drain is shown discharging directly onto an adjacent property, with no surface improvements proposed to mitigate impacts of flow that may come from this pipe. While flows from a foundation drain are generally low, consideration of the impact of discharge onto the abutter should be made. The Applicant should also consider whether flow directly out of the retaining wall may impact the wall itself.

- The need for a field inlet at the northern corner of the site should be considered. It appears based on the grading that the corner of the site will drain towards the retaining wall, but the wall will extend above grade by over a foot, preventing the surface flow of water over the wall.

2. *Sufficient Water Available (Section 14-497 (a) 2 and 3)*

   Ability to serve letter from Portland Water District has been received and provided.

3. *Will Not Cause Unreasonable Traffic Congestion (Section 14-497 (a) 5)*
   The proposed development is not adding significant vehicular traffic to the site, and a traffic analysis is not required.

4. *Will Provide for Adequate Sanitary Sewer and Stormwater Disposal (Section 14-497 (a) 6), and Will Not Cause an Unreasonable Burden on Municipal Solid Waste and Sewage (Section 14-497 (a) 7)*
   The applicant is proposing to utilize existing combined storm sewer main lines in both Montreal and Willis Streets. If the services are to be combined, this should be done within the right of way. This will allow for future separation within the street.

   The applicants have received and submitted a Wastewater Capacity Authorization Letter.

5. *Comprehensive Plan (Section 14-497 (a) 9)*
The development has been designed to be consistent with the City's Master Plan, adopted in June of 2017. The development has been designed to be consistent with the City's Master Plan, adopted in June of 2017. Sited in the Housing section of the City's Policy Guide's Local Goals, it states: *Increase, preserve, and modify overall supply of housing city-wide to meet the needs, preferences and financial capabilities of all Portland residents.*

C. SITE PLAN STANDARDS (Section 14-526)
The proposed development has been reviewed by staff for conformance with the relevant review standards of Portland's site plan ordinance and applicable regulations. Staff comments are listed below.

1. Transportation Standards

a. Impact on Surrounding Street Systems and Access and Circulation

ADA compliance is provided at all door locations. The parking will be accessed from Montreal Street by a driveway between the proposed building and the adjacent property. The residential lobby for the proposed building will be located at the ground level on the southern side and be accessed from the Willis Street sidewalk.

Mike Tremblay P.E., Senior Engineer, has provided the following comment:

- The curb ramp at the corner of Montreal and Willis Street along the project frontage must be reconstructed per ADA and City of Portland standards. The existing ramp is non-conforming as it does not have a sufficient level landing at the top of the ramp; there may be other deficiencies as well. It is not likely that this ramp will be able to be replaced in its current orientation and achieve compliance; a blended transition ramp (detail attached) or another design will likely be required. The ramp shall be reconstructed in brick per the City's sidewalk material policy.

b. Public Transit Access

The public transit requirements do not apply to this project.

c. Parking

Per ordinance requirements in the R6 Zone, the proposed project is required to have a total of 9 spaces. The applicant is proposing to include 13 internal parking spaces within the garage, thus meeting the requirement.

d. Bicycle Parking

Five bicycle parking spaces are proposed for the project, meeting the minimum requirement of four spaces.

Figure 7: Photo - existing street trees – Source: Andrew Tufts

2. Environmental Quality Standards

a. Preservation of Significant Natural Features

There are no known significant natural features on the site.

b. Landscaping and Landscape Preservation

A landscaping plan was submitted as part of the application. The plan shows a variety of trees, shrubs, and perennials, all listed in the City of Portland Recommended Tree List.

There are three well established and significant street trees along Montreal and Willis Streets. The applicant is currently exploring ways to mitigate the impact of utility connections and is working with the city arborist.

Based upon the city's street tree requirements, a total of nine (9) trees are required. The applicant will contribute to the City's Street Tree Fund in place of the five (5) trees that will not be planted.

c. Water Quality, Storm Water Management and Erosion Control

The stormwater management plan includes the construction of an underground storage and treatment system that consists of a Stormtech Chamber System designed to infiltrate the required water quality volume. The system has been designed to effectively collect, infiltrate and provide treatment of approximately 97% of the total new impervious area and approximately 88% of the total new developed area, exceeding the requirement as indicated in the General Standards of MDEP Chapter 500.

Lauren Swett has reviewed the applicants plans and project details, and comments are included in the attachments.

3. Public Infrastructure and Community Safety Standards

a. Public Safety and Fire Prevention

Mike Thompson, Division Chief of the Fire Prevention and Community Outreach Division, has reviewed the submitted plans and found them to be acceptable, noting the following points (Attachment 1):

- *The correct address for this property shall be determined by the City E-911 Addressing Officer.*
- *The street address shall be marked at the main building entrance.*

b. Availability and Adequate Capacity of Public Utilities

The project will be served by Central Maine Power, the Portland Water District, City Department of Public Works. Evidence of utility capacity has been provided by the applicant.

4. Site Design Standards

a. Snow and Ice Loading

The project design and layout provides an area of approximately 300 square feet located adjacent to the proposed driveway near the northwesterly corner of the site. Snow storage will not conflict with pedestrian access. Snow melt runoff will be treated with the subsurface chamber system.

b. View Corridors

This site is not within a Protected View Corridor as per the "View Corridor Protection Plan" approved by the Portland City Council in 2001.

c. Historic Resources

The project site is not within 100' feet of a historic district and therefore is not subject to a historic preservation review.

d. Exterior Lighting

The applicant has submitted a lighting and photometric plan.

e. Noise and Vibration

The HVAC system will meet the applicable state and federal emissions requirements and will also be screened and directed away from abutters.

f. Signage and Wayfinding

All street and wayfinding signage shall meet the requirements of the Manual on Uniform Traffic Devices (MUTCD) and Division 22 of the City Code.

g. Zoning Related Design Standards

A preliminary design review for the proposed new construction of a multi-family project at 33 Montreal Street was performed by Planning and Urban Development staff. The project, because the lot is over 10,000 sf, was reviewed against the *Multiple-Family* Standards (City of Portland Design Manual). The design review finds that a number of the principles and standards have not been met by the proposed design and the applicant will need to amend the plans accordingly.

h. Construction Management Plan

The applicant has submitted a construction management plan which is undergoing review by staff.

X. CONDITIONAL USE

33-37 Montreal Street proposes the creation of 9 residential units within the Munjoy Hill Neighborhood Conservation Overlay District. The height of the building will be greater than 35'. Subsequently, the project triggers Section 14-140.5 (c), Maximum Height and is required to include one workforce housing unit for rent or sale. The workforce unit shall be no smaller than 50% of the average size of the other units in the development and shall be deed restricted for affordability for the longest term possible under state and federal law. The applicant is currently working with staff to meet the requirements.

XI. NEXT STEPS

1. Address staff comments
2. Address additional comments of the Planning Board
3. Prepare final plan submission, including subdivision and site plan submittal for review by the Planning Authority and Planning Board
4. Schedule Public Hearing

XII. ATTACHMENTS

PLANNING BOARD REPORT ATTACHMENTS

1. 33 Montreal Street Review Comment Letter
2. Public Comment
3. Design Review Workshop
4. Neighborhood Meeting Notes

APPLICANT'S SUBMITTALS

A. Application Checklist
B. Project Description
C. Right, Title & Interest
D. Financial & Technical Capacity
E. Zoning Assessment
F. Construction Management Plan
G. Transportation
H. Stormwater
I. Utilities
J. Solid Waste Disposal
K. Public Infrastructure and Safety
L. Design Review Site Design
M. 15_Design Review_R6 Design Principles
N. Wastewater Capacity

PLANS

Plan 1. Boundary Survey
Plan 2. Design Review Context
Plan 3. Architectural Drawings
Plan 4. Architectural_A1.1_BasementPlan_20190828
Plan 5. Existing Conditions & Demolition Plan
Plan 6. Site Plan
Plan 7. Subdivision Plan
Plan 8. Grading & Utility Plan
Plan 9. Details – 1
Plan 10. Details – 2
Plan 11. Details - 3
Plan 12. Watershed Map – Existing Conditions
Plan 13. Watershed Map – Developed Conditions
Plan 14. Construction Management Plan
Plan 15. Landscape Plan

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STATE OF MAINE
CUMBERLAND, SS.

SUPERIOR COURT
Docket No. AP-2022-3

Peter Murray et als.,
Plaintiff,

v.

City of Portland et als,
Defendant.

Order of Remand

Pursuant to the Law Court's mandate and instructions, this matter is remanded to the Planning Board to make factual findings and legal conclusions as set out in the Law Court opinion in this matter.

The clerk may incorporate this order by reference.

Dated: 9/18, 2023

JUSTICE, MAINE SUPERIOR COURT

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MAINE SUPREME JUDICIAL COURT Reporter of Decisions
Decision: 2023 ME 57
Docket: Cum-22-271
Argued: May 9, 2023
Decided: August 22, 2023

Panel: STANFILL, C.J., and JABAR, HORTON, and LAWRENCE, JJ., and HJELM, A.R.J.

PETER L. MURRAY et al.

v.

CITY OF PORTLAND et al.

STANFILL, C.J.

[¶1] Peter L. Murray, Deborah D. Murray, Carol Connor, Michael Hoover, and Jean McManamy (collectively, the neighbors) appeal from a judgment of the Superior Court (Cumberland County, *O'Neil, J.*) denying their Rule 80B petition for review of government action, *see* M.R. Civ. P. 80B, and thus affirming the Portland Planning Board's decision that approved 37 Montreal LLC's application to construct a multi-unit residential building. The neighbors contend the Planning Board erred in approving the application because the proposed development fails to meet the height, setback, and design-review requirements of the City's Code of Ordinances (Code). Because we conclude that the Planning Board's findings are insufficient to enable meaningful

appellate review, we vacate the Superior Court's judgment and remand with instructions to remand the matter to the Planning Board for findings of fact.

I. BACKGROUND

[¶2] "We draw the following facts from the administrative record before the Planning Board, the municipal body that issued the operative decision." *Friends of Lamoine v. Town of Lamoine*, 2020 ME 70, ¶ 2, 234 A.3d 214; *see* M.R. Civ. P. 80B(f).

[¶3] In August 2019, 37 Montreal LLC filed an initial site plan, subdivision, and inclusionary-zoning application with the Planning Board. In its application, 37 Montreal LLC proposed to replace what had been three single-family houses with a four-story, multi-unit residential building at 19 Willis Street.[1] The property is located in the R-6 residential zone and the Munjoy Hill Neighborhood Conservation Overlay District as established in the Code. *See* Portland, Me., Code § 14-140.5(a) (May 4, 2015). The Planning Board accepted comments and provided its feedback on the proposal a month later, during a workshop.[2]

[1] 37 Montreal LLC combined two pre-existing lots into a single parcel.

[2] Although the Planning Board indicated that the City had adopted a new version of the Code on December 1, 2020, the Planning Board applied the prior version to 37 Montreal LLC's application because that was what was in effect at the time of the workshop.

[¶4] After a pause in activity, 37 Montreal LLC filed a new set of plans with the Planning Board in April 2021. The City's urban designer, lead planner, and historic preservation program manager conducted a design review of the proposed development, issuing a memorandum authored by the urban designer on May 18, 2021. Soon after 37 Montreal LLC responded to the memorandum, the Planning Board held a public hearing on July 13, 2021. Before the hearing, residents from the area submitted comments that focused primarily on the proposed development's height, character, and setbacks.

[¶5] By early December 2021, 37 Montreal LLC submitted its final application and plans to construct a four-story, twelve-unit residential building.[3] The proposed building would be forty-five feet in height as measured from a finished grade created by adding fill to the sloping lot.[4] The building itself would meet the Code's setback requirements. *See* Portland, Me., Code § 14-140.5(c) (June 5, 2018) (requiring a five-foot side-street setback and a

[3] There is a discrepancy in the record about the building's size. 37 Montreal LLC's first application indicated the building would be 23,400 square feet, but its final application stated it would be 22,900 square feet. The Planning Board concluded that the building would be 23,400 square feet.

[4] The maximum allowable height is forty-five feet because the proposed development has "3 units or more . . . that include at least one workforce housing unit." Portland, Me., Code § 14-140.5(c) (June 5, 2018) (quotation marks omitted).

ten-foot side-yard setback). Walls, however, would be constructed within the setbacks to contain the fill upon which the building would sit.

[¶6] Planning and urban development staff issued a report to the Planning Board on December 10, 2021, concluding that the development satisfied all zoning requirements and recommending that the Planning Board approve the application subject to certain conditions.

[¶7] The Planning Board held its final hearing on December 14, 2021. Comments submitted before and during the hearing focused on three primary concerns: the development's compliance with the Code's height requirement, the development's compliance with the setback requirements, and the Planning Board's compliance with the Code's historic-preservation design-review requirement.

[¶8] Specifically, the neighbors argued that the building would exceed the maximum height allowed by the Code of forty-five feet above grade. *See* Portland, Me., Code § 14-140.5(c). The Code defines the height of a building as "[t]he vertical measurement from grade, or the predevelopment grade on the islands, to the highest point" of the building. Portland, Me., Code § 14-47 (Feb. 20, 2019). The neighbors asserted that this provision requires a building's height to be measured from the natural, unfinished grade, which

means that the proposed building's height would exceed forty-five feet from grade. In contrast, as noted above, 37 Montreal LLC's final plan measured the building's height from the finished grade created by the imported fill.

[¶9] The neighbors also maintained that the proposed development would violate the Code's setback requirements. The Code defines "setback" as "[t]he required distance and the land resulting therefrom between a street line and the closest possible line of conforming *structure*." Portland, Me., Code § 14-47 (emphasis added). The Code defines "structure" as "[a]nything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground." Portland, Me., Code § 14-47. The Code does not define "member." The neighbors argued that the setbacks should be measured from the proposed "retaining walls,"[5] and not from the building, because the walls are "structures" as that term is defined by the Code. The neighbors contended that although the building itself would meet all setback requirements, the retaining walls would not, and the development therefore would not comply with the Code.

[5] 37 Montreal LLC characterized the walls as "retaining walls," a characterization with which the neighbors disagree. We use the phrase for ease of reference without suggesting whether the walls are structures under the Code.

[¶10] Finally, the neighbors argued that the Planning Board could not approve the application because it had not received a written analysis from historic preservation staff as required by the Code's design-review standards. *See* Portland, Me., Code § 14-526(c)(5)(b) (Nov. 7, 2016) (requiring an advisory, historic-preservation design review when a property falls within 100 feet of the Munjoy Hill Historic District.)

[¶11] At the close of the hearing, the Planning Board unanimously voted to approve 37 Montreal LLC's application. The Planning Board issued a written decision on December 17, 2021.[6] The Planning Board stated that its decision was "based upon the application, documents and plans as submitted" as well as the findings in the December 10 report that planning and urban development staff prepared. Although the Planning Board concluded generally that the proposed development met the Code's site plan, subdivision, and inclusionary-zoning standards, the Planning Board did not include any specific findings related to the challenges that the neighbors raised.

[¶12] On January 14, 2022, the neighbors filed a Rule 80B petition for review of the Planning Board's decision, naming 37 Montreal LLC as a party in

[6] The Planning Board cited section 14-527 for the site plan standards, but section 14-526 appears to be the applicable section. *See* Portland, Me., Code § 14-526 (Nov. 7, 2016).

interest.[7] *See* M.R. Civ. P. 80B. The neighbors asserted that the Planning Board erred because 37 Montreal LLC's proposed development failed to meet the height, setback, and historic-preservation design-review requirements under the Code. In a judgment issued on August 5, 2022, the Superior Court concluded that the Planning Board did not err and affirmed the Planning Board's decision. The neighbors timely appealed to us. *See* M.R. App. P. 2B(c)(1); M.R. Civ. P. 80B(n); 14 M.R.S. § 1851 (2023).

II. DISCUSSION

[¶13] We review the Planning Board's decision directly because the Superior Court acted in an intermediate appellate capacity. *See Fitanides v. City of Saco*, 2015 ME 32, ¶ 8, 113 A.3d 1088; *Friends of Cong. Square Park v. City of Portland*, 2014 ME 63, ¶ 7, 91 A.3d 601. "We review the Planning Board's decision for error of law, abuse of discretion or findings not supported by substantial evidence in the record." *Fitanides*, 2015 ME 32, ¶ 8, 113 A.3d 1088 (quotation marks omitted). Because the Planning Board did not make findings

[7] All the neighbors live near the development's location and participated in the administrative process. The neighbors' standing has not been challenged in this appeal. *See generally Sahl v. Town of York*, 2000 ME 180, ¶¶ 8-9, 760 A.2d 266.

of fact sufficient for us to determine the basis for its approval, however, we cannot meaningfully review its decision.

[¶14] The Planning Board was required to make findings of fact adequate for judicial review. *See Christian Fellowship & Renewal Ctr. v. Town of Limington*, 2001 ME 16, ¶¶ 15-16, 769 A.2d 834. The Code itself directs that "[e]very final decision of the planning board . . . shall include written findings of fact, and shall specify the reason or reasons for such decision." Portland, Me., Code § 14-27(b) (Aug. 7, 1989). We have also explained that

> [m]eaningful judicial review of an agency decision is not possible without findings of fact sufficient to apprise the court of the decision's basis. In the absence of such findings, a reviewing court cannot effectively determine if an agency's decision is supported by the evidence, and there is a danger of judicial usurpation of administrative functions. Adequate findings also assure more careful administrative considerations, help parties plan cases for rehearing or judicial review and keep agencies within their jurisdiction.

Chapel Rd. Assocs. v. Town of Wells, 2001 ME 178, ¶ 10, 787 A.2d 137 (alteration, citations, and quotation marks omitted); *see also Mills v. Town of Eliot*, 2008 ME 134, ¶¶ 18-20, 955 A.2d 258.

[¶15] Here, because the Planning Board's decision does not contain any of the required findings, meaningful judicial review is impossible. The Planning Board did not explain its conclusions or reasoning related to the

proposed development's height or setbacks. Further, its decision does not mention or discuss the historic-preservation design-review requirement.

[¶16] Although the parties argue the facts to us as though the Planning Board made certain findings, "this is not a case in which the facts are obvious from the record." *Widewaters Stillwater Co. v. Bangor Area Citizens Organized for Responsible Dev.*, 2002 ME 27, ¶ 12, 790 A.2d 597; *see Chapel Rd. Assocs.*, 2001 ME 178, ¶ 12, 787 A.2d 137. For example, it is not obvious whether the Planning Board found that the retaining walls are not "structures" within the meaning of the Code. Absent some illumination of the Planning Board's reasoning, we cannot determine in this appeal whether its ultimate conclusion was supported by both the record evidence and a correct construction of the applicable provisions of the Code.

[¶17] We also cannot treat the comments that individual Planning Board members made during the hearing as factual findings of the whole Planning Board. *See Carroll v. Town of Rockport*, 2003 ME 135, ¶ 28, 837 A.2d 148 ("[F]indings, whether in writing or stated orally, must be a statement of the decision-maker's findings, not the views of individual members of the decision-making agency."); *Fair Elections Portland, Inc. v. City of Portland*, 2021 ME 32, ¶ 37, 252 A.3d 504 ("[W]e can neither infer that any particular comment

represents the decision of the City Council nor deduce the City Council's reasoning based on the comments as a whole.").

[¶18] In short, we cannot "review the matter by implying the findings and grounds for the decision from the available record." *Chapel Rd. Assocs.*, 2001 ME 178, ¶ 13, 787 A.2d 137.

[¶19] "The remedy for an agency's failure to make sufficient and clear findings of fact is a remand to the agency for findings that permit meaningful judicial review." *Id.* (alterations and quotation marks omitted); *see Fair Elections Portland, Inc.*, 2021 ME 32, ¶ 38, 252 A.3d 504. Accordingly, we must remand this case to the Superior Court with instructions to further remand to the Planning Board for findings of fact.

The entry is:

> Judgment vacated. Remanded to the Superior Court with instructions to remand to the City of Portland Planning Board for findings of fact.

Elizabeth A. Boepple, Esq., and Michael D. Traister, Esq. (orally), Murray, Plumb & Murray, Portland, for appellants Peter L. Murray, Deborah D. Murray, Carol Connor, Michael Hoover, and Jean McManamy

Natalie L. Burns, Esq. (orally), and Mark A. Bower, Esq., Jensen Baird, Portland, for appellee 37 Montreal LLC

Amy R. McNally, Esq. (orally), City of Portland, Portland, for appellee City of Portland

Cumberland County Superior Court docket number AP-2022-03
FOR CLERK REFERENCE ONLY

STATE OF MAINE
CUMBERLAND, ss.

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. AP-22-03

PETER L. MURRAY et. al.

Petitioners

v.

CITY OF PORTLAND

Respondent

and

37 MONTREAL, LLC

Party-in-Interest

ORDER

Before the Court is Peter L. Murray, Deborah D. Murray, Carol Connor, Michael Hoover and Jean Mcmanamy's (collectively "Petitioners") fully briefed Rule 80B petition for review of governmental action. Also before the Court is Party-in-Interest 37 Montreal, LLC ("37 Montreal") and Respondent City of Portland's (collectively "Respondents") motion to supplement the administrative record. For the reasons set forth herein, both are DENIED.[1]

[1] For the Court's ruling on the motion to supplement the administrative record, *see infra*, n.3.

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FACTUAL BACKGROUND

A review of the administrative record filed with the Court as part of this administrative appeal gives rise to the following factual background:

This litigation concerns the City of Portland Planning Board's ("Board") decision to approve a Level III Site Plan for a four-story apartment complex in Portland's East End. (Certified Record ("CR") 267.) The Site Plan was filed with the City by Party-in-Interest 37 Montreal, LLC ("37 Montreal"). (CR 267) The approval allows for the demolition of two vacant single-family houses and the construction of the apartment building in their place ("The Property"). (CR 273.) The new building will be located at the address of 19 Willis Street, in Portland, Maine. (CR 273.) The Petitioners who are challenging the Board's approval of The Property's construction are five individuals who own property in the vicinity of The Property. The Property is in the City's R-6 Zoning district as well as the Munjoy Hill Neighborhood Conservation Overlay District ("MHNCOD"). (CR 314.)

On August 12th, 2019, 37 Montreal filed their initial application for a Level III Site Plan.[2] (CR. 1.) Following submission of the site plan application, the planning board held a public workshop on September 24th, 2019. (CR 273). At that meeting, the Board accepted public comment and provided its initial feedback on the project including recommendations that have since been incorporated into the design plan. (CR 273.)

Comments from the public generally focused on the scale of the project and its compatibility with the neighborhood. (CR 335-350.) Common objections to the project included its overbearing size and 37 Montreal's "failure" to respect the scale and character of the surrounding neighborhood. (CR 273.) After this meeting, there was a lull in project activity

[2] In the City, a "Level III Site Plan Review" is required for any project involving the "construction of any new structures having a total floor area of 10,000 square feet" that is "located in the R-6 zoning district. (CR 533.)

which persisted until April of 2021 when 37 Montreal filed a new set of plans with the City. (CR 200-210.) A public hearing was scheduled to address these plans on July 13th, 2021. (CR 199.) Ahead of that hearing, the Petitioners and several other Munjoy Hill residents submitted written statements reiterating their objections to the project's plans. (CR 335-340, 342-345, 347.) The thrust of these comments was that the proposal failed to respect the architectural character of the neighborhood; violated the maximum height threshold for structures located within the MHNCOD; and ran afoul of the applicable setback requirements. (CR 335-340, 342-345, 347.)

The maximum height of a structure located within the MHNCOD is thirty five feet, with a potential extension up to forty five feet in the event a project proposal meets certain criteria which offer a "bonus" ten feet. (CR 484.) Portland's municipal code defines the height of a building with a flat roof as "the vertical measurement from grade . . . to the highest point of the roof." (CR 439.) Portland's municipal code also provides for a minimum side street setback of five feet and a minimum side yard setback of ten feet. (CR 314.)

37 Montreal submitted final plans for the project in November and early December of 2021. (CR 2-129.) The Board then scheduled a final hearing on the project for December 14th, 2021. (CR 728.) At that meeting, the Board held a public hearing on the application, which included a presentation by 37 Montreal's consultants, questions from members of the Board and public comment. (CR 728-787.) At meeting close, six members of the planning board voted unanimously, to approve 37 Montreal's development of the Property. (CR 782-786.)

On January 15th, 2022, the Petitioners filed a timely appeal of the Board's approval pursuant to M.R. Civ. P. 80B. On March 25th, 2022, 37 Montreal filed a reply brief in which the City joined. The Petitioners filed their opposition to the reply on April 14th, 2022, and the

Respondents answered on May 3rd, 2022. Petitioners' 80B appeal, now fully briefed, awaits this Court's decision.

80B STANDARD OF REVIEW

The Court reviews Board decisions for errors of law, abuse of discretion, or findings not supported by substantial evidence in the record. 5 M.R.S. § 11007(4)(C) (2022); *Sproul v. Town of Boothbay Harbor*, 2000 ME 30, ¶8, 746 A.2d 368. Judicial review of a city council's decision shall be limited to "the record of the proceedings before [it]". M.R. Civ. P. 80B(f). When review of a government decision is sought pursuant to M.R. Civ. P. 80B, the court "may not substitute its judgment for that of the [municipality] on questions of fact." 5 M.R.S. § 11007(3) (2022); *Tarason v. Town of S. Berwick*, 2005 ME 30, ¶ 6, 868 A.2d 230. On review, the court may affirm the decision, remand the case for further proceedings, or reverse or modify the decision. *Murray v. Lincolnville*, 462 A.2d 40, 44 n. 6 (Me. 1983); 5 M.R.S. § 11007(4)(A-C) (2022). A petitioner who brings a Rule 80B appeal carries the burden of proof. *See Tompkins v. City of Presque Isle*, 571 A.2d 235, 236 (Me. 1990).

DISCUSSION

The Petitioners challenge the Board's decision on three grounds: (1) The Board erred by improperly calculating the height of the Property for ordinance compliance purposes; (2) The Board erred in its interpretation of the Code because it determined that retaining walls were not "structures" for setback compliance purposes; and (3) The Board erred in deciding not to commission a separate report from the City's Historic Preservation Board ("HPB") regarding the character and build patterns of the Munjoy Hill neighborhood and in failing to find the project compatible which such character and build patterns.[3]

[3] The Respondents have moved to supplement the administrative record with documents which pertain to the HPB's review of 37 Montreal's earlier application for demolition of a structure which had been tagged by the City's

I. Height Calculation

Petitioners' first assignment of error is that the Board improperly approved 37 Montreal's development proposal because it misinterpreted the City's ordinance providing the allowable height of structures in the MHNCOD. The relevant ordinance provides that the maximum height for a structure within the MHNCOD is 35', but that maximum can be extended to 45' for developments of three or more units if the buildable lot is over 2,000 square feet and the plan includes at least one "workforce housing unit." (CR 484.) Here, the operative site plans triggered the 45' measurement. (CR 439.)

The Petitioners contend that, when determining compliance with the 45' maximum, the Board erred in their interpretation of the word "grade." They claim that the word "grade," as used in this ordinance, means the "ground level around the building." The Respondents accept that the word "grade" can be limited to the ground level around the building but challenge the meaning of "ground level." Thus, the Court must determine whether, given that definition of the word "grade," the record supports the City's finding that 37 Montreal's site plans were compliant with the MHNCOD height restriction.

The interpretation of municipal ordinance is a question of law. *See Gensheimer v. Town of Phippsburg*, 2007 ME 85, ¶ 8, 926 A.2d 1168, 1170. When interpreting the language of a municipal ordinance, the Court must first evaluate the plain meaning of the Ordinance and, if the meaning is clear, "need not look beyond the words themselves." *Wister v. Town of Mt. Desert*, 2009 ME 66, ¶ 17, 974 A.2d 903. A Court construes the terms of an ordinance reasonably,

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preservation office as preferably preserved. While the documents may be relevant to addressing the Petitioners' arguments, the Historic Preservation Board is not the Planning Board. The proposed supplemental administrative record consists of documents that were not before the City of Portland's Planning Board when the operative, reviewable, and challenged decision was made. *See* M.R. Civ. P. 80B(e)(2). Moreover, none of those documents were before the Planning Board when they made their decision. *See* M.R. Civ. P. 80B(f) ("review shall be based upon the record of the proceedings before the governmental agency"). Accordingly, the motion is DENIED.

considering its purposes and structure and to avoid absurd or illogical results. *See Dickau v. Vt. Mut. Ins. Co.*, 2014 ME 158, ¶ 21, 107 A.3d 621; *Stewart v. Town of Sedgwick*, 2002 ME 81, ¶ 6, 797 A.2d 27. An interpreting court should give terms not otherwise defined "their common and generally accepted meaning unless indicated otherwise by their context in the ordinance." *DeSomma v. Town of Casco*, 2000 ME 113, ¶ 9, 755 A.2d 485, 488.

The main issue presented by is whether the "ground area" from which the grade measurement is taken must be calculated from natural, terrestrial features, or may be measured from artificial features which have been added to the site on top of the natural land. While relatively complex conceptually, the Court understands the Petitioners to be arguing for the "grade" measurement to be taken from "pre-development" grade. Consequently, it understands the Respondents to be arguing for the "grade" measurement to be taken from "post-development grade." [4]

The Petitioners claim that measuring height from post-development grade would lead to absurd or illogical results because it would allow any prospective developer to "heap mounds of earth into the sky" and then claim the right to build on top of them. The Respondents, for their part, claim that such an absurd result would not occur because of the various other approvals and controls needed to get full site approval from the Board. Thus, they claim that the City's interpretation of its ordinance's height restriction as being measured, at the ground level, from the average of various post-development data points, is reasonable. The Court agrees.

[4] The Court uses the modifiers "pre-development" and "post-development" because it thinks that is the best way to characterize the parties' competing interpretations. The Petitioners object to the height of a structure being calculated from any artificial structure, fill, or modification added to the site. The Respondents advocate for calculating height based on the average grade of the site, as determined by averaging multiple different measurements. Under the Respondents approach, the data points used for measurement would be taken regardless of any artificial additions to the area. Accordingly, the Petitioners desired methodology involves determining height from the natural, undeveloped land, while the Respondents' chosen process contemplates the measurements being taken from land that has, in some way, been developed.

The text of the ordinance itself distinguishes between the terms "grade" and "pre-development grade" by indicating their alternative applicability. The use of "pre-development grade" for calculating a structure's height is only done "on the islands." The Ordinance itself provides a definition for the term "pre-development grade" which is distinguished as the "average grade, existing on October 1, 2000, at the corners of the foundation of the proposed structure." (CR 454.) If the "pre-development grade" was intended for use in a MHNCOD height calculation and not just "on the islands" then it is curious why the Ordinance would not impose such a mandate. Accordingly, the term "grade," as used in the ordinance, must carry a different meaning than the term "pre-development grade." The Board defines the term "grade" as the "average" of multiple different data points taken from the site. In order for this definition to pass muster under this Court's review, such a definition must not render the Ordinance's effects "absurd" or "illogical" in light of its "purposes and structure." *See Dickau*, 2014 ME 158, ¶ 21, 107 A.3d 621. The Court determines it does not.

While the Court understands the Petitioners point regarding the potential for limitless fill and other mounds of earth to be added to an existing development site, the Court finds the countervailing considerations raised by the Respondents to be more persuasive. If the Court were to determine that the word "grade," as used in the ordinance means "post-development grade" then it may render many of the site permits issued by the Board invalid.

As was noted at the December 14th hearing, it has been the City's practice "for years" to calculate the height of a structure in the MHNCOD by using its "average grade" methodology.[5]

[5] At the December 14th hearing, David Silk, a board member, asked the planning staff how the grade, for height calculation purposes, is calculated. Deputy Planning Director Kevin Kraft replied as follows:

> [T]he average grade is calculated by averaging either the four sides of the building or four points of the building or various points around the building and it's at the discretion of the applicant to choose whether they'd rather do four points or a variety of points around the perimeter of the building. And that's been the city's practice consistently for a number of years.

(CR 743.)

While no exact figures have been submitted, there likely would be a number of structures that would fall out of compliance with the MHNCOD's height requirements if the Court were to reject the City's practice now. Additionally, the Court finds persuasive the Respondents' assertions that other provisions of City's land use code would prevent a structure from reaching the limitless heights feared by Petitioners.

The administrative record submitted as part of this appeal reflects that the Board reasonably interpreted the City's structural height restriction in the MHNCOD and discerns no error in their decision to approve 37 Montreal's proposed design. Accordingly, the Court affirms the Board's finding that the proposed structure meets the forty five foot height limitation mandated by the ordinance.[6] There is ample record evidence to support this finding.

II. Retaining Walls

The Petitioners next assert that the Board erred when it determined that the proposed retaining walls were not "structures" for the purpose of applying the City land use code's setback provisions. Specifically, the Petitioners challenge the Board's findings that 37 Montreal's site plans complied with the MHNCOD's "minimum side yard setback" and "minimum side yard setback on a side street."

As the Respondents point out, the Petitioners do not contend that the four story, 19 Willis Street property itself violates the setback provisions. Instead, they claim that the retaining walls which exist outside the building's main structure must also comply with the MHNCOD's setback provisions.

The City's land use code defines the term "setback" as the "required distance and the land resulting therefrom between a street line and the closest possible line of conforming

[6] The forty-five foot restriction is applicable here because the proposal included at least one workforce unit in a complex of three total units or more. This adds ten "bonus" feet to the default thirty-five foot restriction.

structure." (CR 456.) It also defines a "side yard" as "a yard adjoining a side lot line extending from the front yard to the rear yard, the width of which shall be the shortest horizontal distance between the side lot line and any structure." (CR 462.) And, most importantly, it defines the term "structure" as "anything constructed or erected of more than one member which requires a fixed location on the ground." (CR 458.)

Unlike the term "grade," discussed *supra* 6, which was ambiguous and undefined, the term "structure" which is the keystone of this analysis, is defined in the ordinance. The argument here is over whether a retaining wall fits that definition. As is clear from the record, if the retaining walls on 37 Montreal's proposed site plan do meet the definition of a "structure," then their site plan is not in compliance with MHNCOD's setback provisions.[7]

The Petitioners invite the Court to perform a two step analysis. First, they say the Court must determine what the definition of the term "structure" means, and second they say that, given that meaning, the Court must determine if the retaining walls are "structures." However, the Court will not seek to redefine a term when an ordinance clearly proscribes its meaning. *See 21 Seabran, LLC v. Town of Naples*, 2017 ME 3, ¶ 12, 153 A.3d 113. Thus, the only operative question here is whether the "retaining wall" is an object that is "constructed of more than one member which requires a fixed location on the ground."

In this case, the Board found that they were not and that 37 Montreal's proposed development was compliant with each one of the dimensional requirements imposed by the applicable zoning provisions — including side yard and side street setbacks. (CR 277.) This

[7] The way the Court reads the City's land use ordinance, the MHNCOD's specific setback provisions impose additional requirements upon a developer seeking site plan approval within that district. The definitions of the term "setback" and "side yard" found elsewhere in the ordinance still govern the analysis. MHNCOD's "side yard" and "side street" setbacks — ten and five feet respectively — are still measured from the nearest "conforming structure." Although the MHNCOD specific provisions utilize the term "building," the Court interprets that term's usage as being referential in nature. The term's usage helps distinguish between alternatively applicable setback distances which turn on the height of a project's main structure — a "building."

affirmative finding was made despite having renderings before it which clearly showed the retaining walls being violative of the ordinance's setback distances.

After thoroughly reviewing the 788 page record, the Court cannot say this finding was not amply supported. After Petitioner Murray raised his setback compliance concerns to the Board at the December 14th meeting, the City's planning staff were clear that "retaining walls are not considered a structure for setback purposes in the City." (CR 767.) Accordingly, the Court refuses to disturb the Board's conclusion that the 19 Willis Street site plan conformed with all applicable setback requirements. *See Balano v. Town of Kittery*, 2017 ME 110, ¶ 2, 163 A.3d 144 ("We accord substantial deference to local characterizations or fact-findings as to what meets ordinance standards.").

III. Historic Preservation Board

The third error the Petitioners assign to the Board is their apparent failure to commission a report from the City's HPB regarding the character and build patterns of the Munjoy Hill neighborhood and their failure to find the project compatible with such character and build patterns. The Respondents' assert that no such separate report was required and that the Board properly found the site plan to be in compliance with all applicable site design standards, including ones which address development adjacent to historic districts.[8] (CR 571.)

The Petitioners base their argument on Section 14-526(d)(5)(b), which provides, in pertinent part:

> When any proposed development is within one hundred feet of any designated historic district . . . such development shall be generally compatible with the major character defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development . . . . To aid the planning board in its deliberations, historic preservation staff shall provide a written analysis of the proposed development's

[8] Because 19 Willis Street is located within 100 feet of the Munjoy Hill Historic District, a historic preservation advisory review was done as part of the approval process. (CR 285.)

immediate context, identifying the major character-defining elements and any established building patterns that characterize the context.

(CR 571-572.) The Petitioners claim that the written analysis required by this ordinance section is separate and distinct from the design review process and, therefore, the historic preservation advisory review of the site plan cannot satisfy this requirement. The Respondents counter that, despite what the text of the ordinance says, the Board was provided with sufficient written materials to aid in their review of the 19 Willis Street site design.

Although no specific, separate, written analysis exists in the record which satisfies the technical requirements of Section 14-526(d)(5)(b), the Court finds that there was ample record evidence to support the Board's conclusion that 19 Willis Street's Site Design was consistent with its immediate historical context.

The Planning Board Report itself notes that the site plan underwent historic preservation review by the Historic Preservation Program Manager, the City's Urban Designer, and the lead project Planner. (CR 285.) This review culminated in a design review memorandum authored by Caitlin Cameron who is an urban designer for the City. That report clearly considers, in detail, the site plan's "compatibility with the surrounding buildings and the general character of the established neighborhood." (CR 327.) It also notes, prior to its conclusions, that the project is "on a transitional site" situated between a newer, modern development and a more historic neighborhood; and lists the "predominant, character defining elements" of the immediate neighborhood. (CR 327.) The report then goes on to make multiple conclusions that the site's design is consistent with the neighborhood's character.

Even though this is not a separate, written report concerning the site plan's harmonization with the characteristics and features of the Munjoy Hill Historic District, the Court agrees with the Respondents that the historic preservation manager's participation in the design review —

and the subsequent written findings produced from that review — did constitute a written analysis that "aided" the planning board in its deliberations. Accordingly, the Court finds that there is also ample record support for the Board's finding that the 19 Willis Street design plan complied with the Munjoy Hill Neighborhood's major character defining elements. The Board's approval of the site plan without a separate written report from the HPB was not reversible error.

Entry Is:

Petitioners' Petition for Review of Governmental Action filed pursuant to M.R. Civ. P. 80B is Denied.

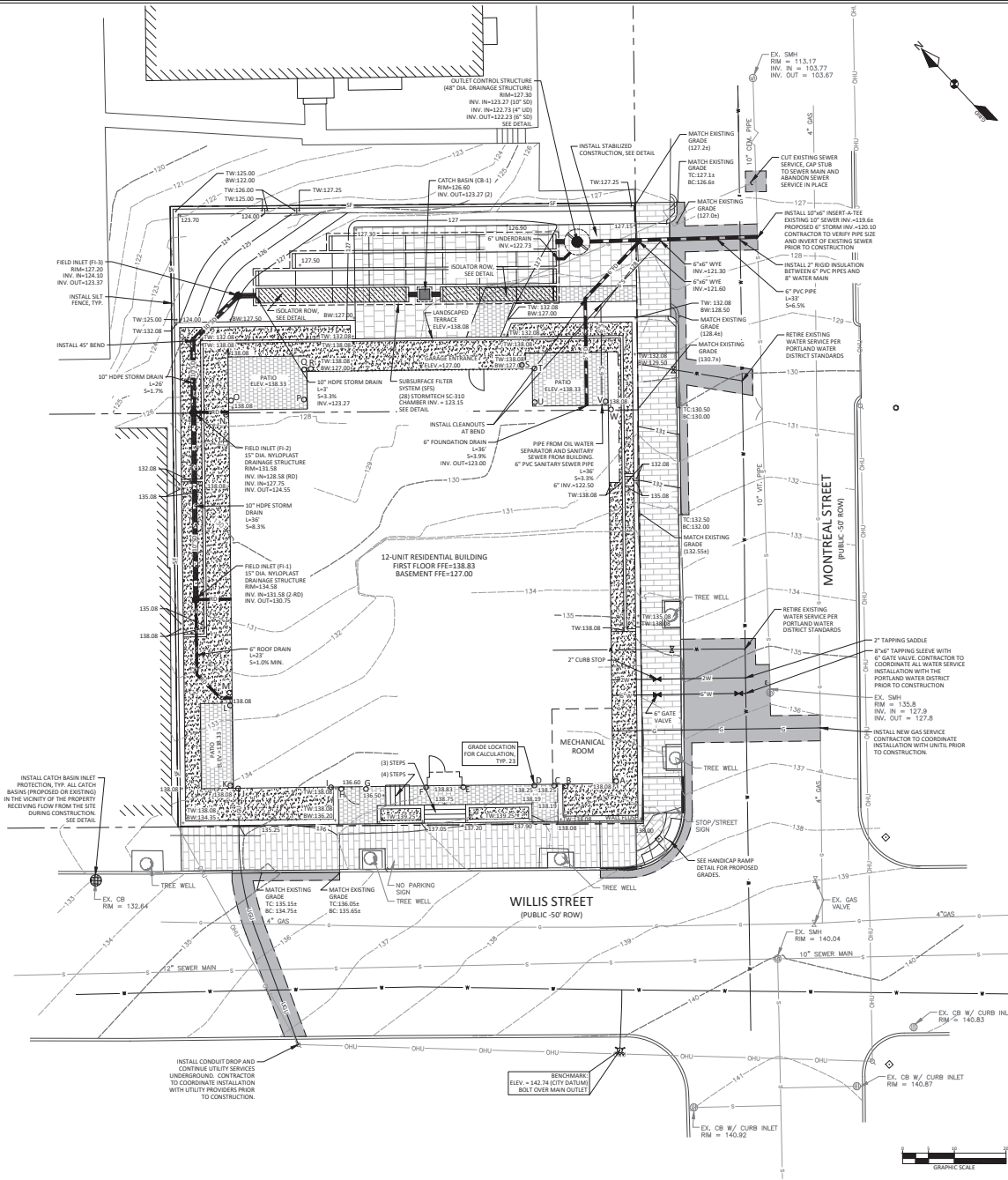
Respondent's Motion to Supplement the Administrative Record is Denied.

The clerk is directed to incorporate this order into the docket by reference pursuant to M.R. Civ. P. 79(a).

Dated: 8/1/22

John O'Neil Jr.
Justice, Maine Superior Court

Entered on the Docket: 8/5/2022



PLAN NOTES:

1. EXISTING UTILITY LOCATION SHOWN HEREON IS BASED SOLELY ON FIELD OBSERVATION OF PAINTED UTILITY MARKINGS ON THE GROUND SURFACE BY SURVEY INC. NO SUBSURFACE EXPLORATION OR DETAILED FIELD SURVEY OF UTILITY LOCATIONS WERE PERFORMED.

2. THE CONTRACTOR AND OWNER ARE RESPONSIBLE FOR NOTIFYING DIG SAFE AND COORDINATING ALL EXISTING UTILITY RELOCATION AND REPAIR THAT MAY BE NECESSARY.

3. THE ROADWAY AND SIDEWALK REPAIRS SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF PORTLAND REQUIREMENTS AND SPECIFICATIONS.

4. THE WATER SERVICE SIZE WAS NOT DESIGNED OR ANALYZED BY DM ROMA CONSULTING ENGINEERS. THE OWNER IS RESPONSIBLE FOR COORDINATING WITH PORTLAND WATER DISTRICT AND OTHER DESIGN PROFESSIONALS TO DETERMINE THE DESIRED WATER SERVICE SIZE TO SERVE THE SPECIFIC NEEDS OF THE PROJECT.

5. DOMESTIC SERVICE WILL REQUIRE NON-TESTABLE DUAL CHECK BACKFLOW PREVENTION AFTER THE METER. FIRE SERVICE WILL REQUIRE TESTABLE DOUBLE CHECK VALVE ASSEMBLY FOR BACKFLOW PREVENTION PRIOR TO FIRE SPRINKLER RISER.

GRADE CALCULATION

GRADE CORNER	GRADE ELEV.	DESCRIPTION
A	138.08	TYP. GRADE
B	138.08	
C	137.90	LANDING
D	137.90	
E	138.83	ENTRY
F	138.83	
G	136.60	EGRESS DOOR
H	136.60	
I	138.08	TYP. GRADE
J	138.08	
K	138.33	PATIO
L	138.33	
M	138.08	TYP. GRADE
N	138.08	
O	138.33	PATIO
P	138.33	
Q	138.33	
R	138.08	TYP. GRADE
S	138.08	
T	138.33	PATIO
U	138.33	
V	138.33	
W	138.08	TYP. GRADE
23	3,176.02	TOTAL
AVERAGE GRADE=	138.09 (138'-1")	

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
TIE LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
CENTERLINE	
BUILDING	
EDGE OF PAVEMENT/CURB	
EDGE OF GRAVEL	
EDGE OF CONCRETE	
EDGE OF WETLANDS	
CENTERLINE OF STREAM	
CONTOUR LINE	200 201
TREELINE	
CATCHBASIN	
DRAINAGE MANHOLE	
CULVERT/STORMDRAIN	
UNDERDRAIN	UD
SEWER MANHOLE	
SANITARY SEWER PIPE	S
FORCE MAIN	FM
WATER MAIN	W
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIGHT POLE	
OVERHEAD UTILITIES	OHU
UNDERGROUND UTILITIES	UGU
TRANSFORMER PAD	T
GAS MAIN	G
GAS VALVE	
RIPRAP	
SILT FENCE	SF

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

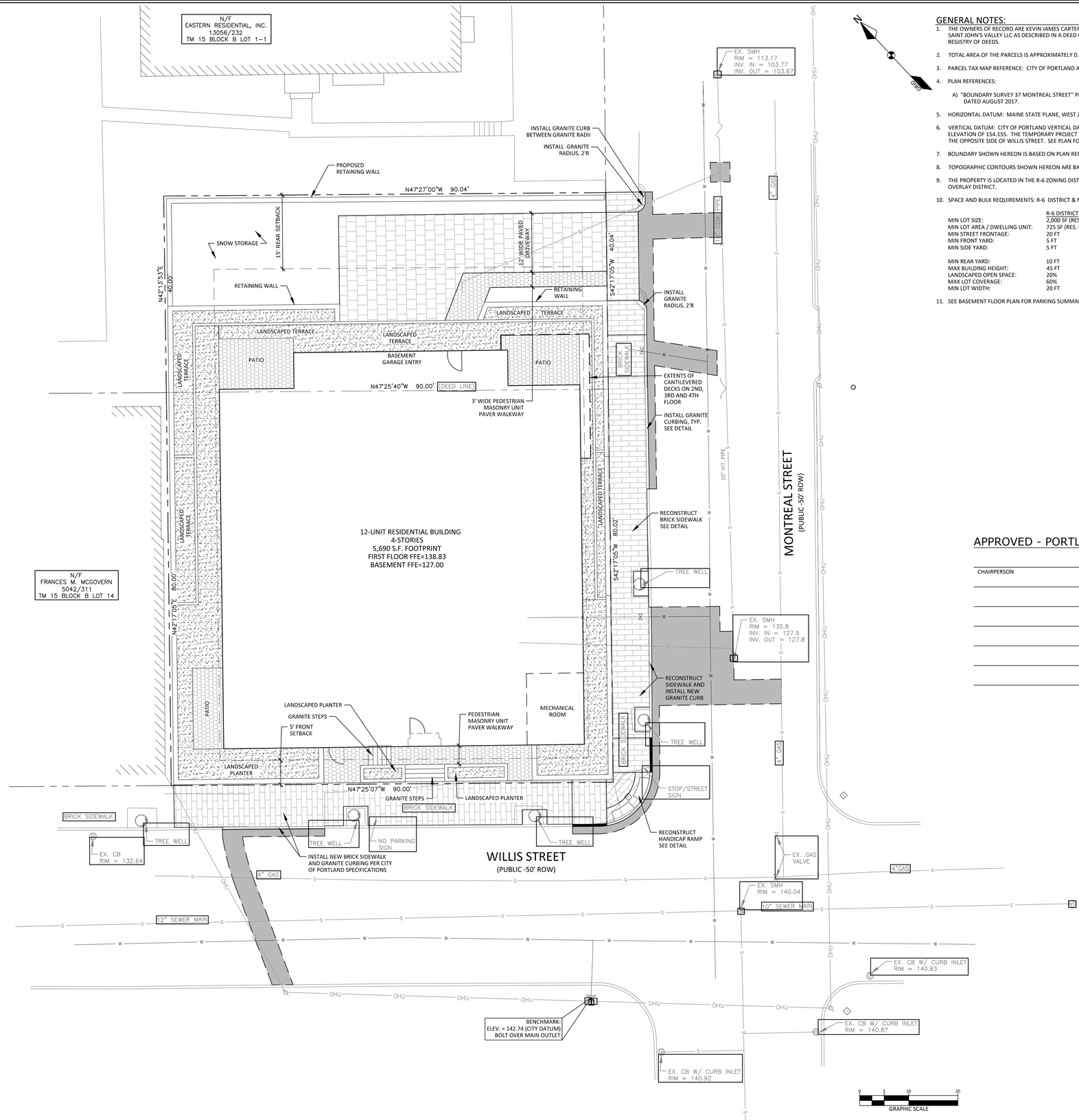
REV	DATE	BY	DESCRIPTION
A	12-8-21	DMR	ISSUED FOR PERMITTING

AVERAGE GRADE CALCULATION PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT
37 MONTREAL, LLC.
37 MONTREAL STREET
PORTLAND, ME 04101

JOB NUMBER:	18053
SCALE:	1" = 10'
DATE:	12-8-2021
	--
	C2.1



GENERAL NOTES:

1. THE OWNERS OF RECORD ARE KEVIN JAMES CARTER AS DESCRIBED IN A DEED RECORDED IN BOOK 34283 PAGE 95 AND SAINT JOHN'S VALLEY LLC AS DESCRIBED IN A DEED RECORDED IN BOOK 33517 PAGE 175 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. TOTAL AREA OF THE PARCELS IS APPROXIMATELY 0.25± ACRES.
3. PARCEL TAX MAP REFERENCE: CITY OF PORTLAND ASSESSORS MAP 15, BLOCK B, PARCELS 15 AND 22.
4. PLAN REFERENCES:
   A) "BOUNDARY SURVEY 37 MONTREAL STREET" PREPARED FOR MCTIGUE CONSTRUCTION, PREPARED BY SURVEY INC., DATED AUGUST 2017.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: CITY OF PORTLAND VERTICAL DATUM BASED ON MONUMENT T-108-73-2 WITH AN ELEVATION OF 154.155. THE TEMPORARY PROJECT BENCHMARK IS LOCATED ON A HYDRANT BOLT IN THE SIDEWALK ON THE OPPOSITE SIDE OF WILLIS STREET. SEE PLAN FOR LOCATION AND ELEVATION.
7. BOUNDARY SHOWN HEREON IS BASED ON PLAN REFERENCE A.
8. TOPOGRAPHIC CONTOURS SHOWN HEREON ARE BASED ON PLAN REFERENCE 4A.
9. THE PROPERTY IS LOCATED IN THE R-6 ZONING DISTRICT AS WELL AS THE MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT.
10. SPACE AND BULK REQUIREMENTS: R-6 DISTRICT & MHNOD

	R-6 DISTRICT	MHNCOD	PROVIDED
MIN LOT SIZE:	2,000 SF (RES. USES)		10,804 SF
MIN LOT AREA / DWELLING UNIT:	725 SF (RES. USES)		1,200 SF/UNIT
MIN STREET FRONTAGE:	20 FT		90 FT (WILLIS)
MIN FRONT YARD:	5 FT		5.0 FT
MIN SIDE YARD:	5 FT	10 FT (BLDG OVER 35' HEIGHT) 5 FT (SIDE STREET)	10.3 FT 5.0 FT
MIN REAR YARD:	10 FT	15 FT BLDG OVER 35' HEIGHT)	31.5 FT
MAX BUILDING HEIGHT:	45 FT	45 FT (FOR 3 OR MORE UNITS)	44.5 FT
LANDSCAPED OPEN SPACE:	20%		26%
MAX LOT COVERAGE:	60%		53%
MIN LOT WIDTH:	20 FT		90 FT

11. SEE BASEMENT FLOOR PLAN FOR PARKING SUMMARY AND DIMENSIONS.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
BUILDING	
EDGE OF PAVEMENT/CURB	
CONTOUR LINE	
CATCHBASIN	
SEWER MANHOLE	
SANITARY SEWER PIPE	
WATER MAIN	
WATER VALVE	
HYDRANT	
UTILITY POLE	
OVERHEAD UTILITIES	
GAS MAIN	
GAS VALVE	

APPROVED - PORTLAND PLANNING BOARD:

CHAIRPERSON DATE

Att. 7

STATE OF MAINE
JAYSON R. HASKELL
No. 13108
LICENSED PROFESSIONAL ENGINEER
12-3-2021

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
B	10-11-19	DMR	REVISED PER CITY REVIEW
C	10-22-19	DMR	REVISED PER CITY REVIEW
D	11-3-21	DMR	RE-ISSUED FOR CITY REVIEW
E	12-3-21	DMR	RE-ISSUED FOR CITY REVIEW

PROPOSED SITE PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME 04101

18053
JOB NUMBER:

1" = 10'
SCALE:

12-3-2021
DATE:

--

C1.0

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GAS MAIN	G
GAS VALVE	
RIPRAP	
SILT FENCE	SF

DM ROMA
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P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	12-8-21	DMR	ISSUED FOR PERMITTING

AVERAGE GRADE CALCULATION PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, MAE 04103

18053	JOB NUMBER:
1" = 10'	SCALE:
12-8-2021	DATE:
--	
C2.1	

10'-0" SIDE SETBACK
(BUILDING > 35' H)

5'-0" FRONT SETBACK

DOG-WASH
25.58 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
35.49 sq ft

BIKE ROOM
187.53 sq ft

MECH. ROOM
142.00 sq ft

STAIR 01
127.98 sq ft

COMMON SPACE
97.74 sq ft

127'-10"

ELEVATOR
56.00 sq ft

TRASH ROOM
118.47 sq ft

STORAGE
117.94 sq ft

GARAGE
4,157.56 sq ft

2 4 6 8 10 12

1 3 5 7 9 11 13

18'-0"

2'-0" 8'-0" (ACCESS AISLE) 9'-0" (ACCESSIBLE VAN SPACE) 9'-0" 9'-0" 9'-0" 9'-0" 9'-0" 10'-0"

26'-0" DRIVE AISLE

STORAGE
33.83 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
35.49 sq ft

10'-0" 9'-0" 9'-0" 9'-0" 9'-0" 9'-0" 10'-0"

5'-0" SIDE STREET SETBACK
(BUILDING > 35' H)

8'-0" 14'-0" 27'-0" 20'-0" 9'-0"

80'-0"

PROPERTY LINE (FRONT)

PROPERTY LINE (SIDE STREET)

15'-0" REAR SETBACK
(BUILDING > 35' H)

15'-2 3/4"

5'-3 1/4"

STONE-FACED SITE WALL

OUTLINE OF 1ST FLOOR PATIO ABOVE

OUTLINE OF LANDSCAPE TERRACE ABOVE

16'-0"

7'-5"

5'-3 1/4"

10'-8 3/4"

4'-6"

OUTLINE OF 1ST FLOOR PATIO ABOVE

STONE-FACED SITE WALL

3'-0" 11'-0"

1'-0" 4'-0" 14'-0" 4'-0 1/4"

6'-0"

DRIVEWAY

127'-0"

EG.1

EG.2

PROJECT TRUE

0 2' 4' 8

1 A-2.4

1 A-2.1

1 A-2.3

1 A-2.2

2 BASEMENT
SCALE: 1/4" = 1'-0"

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT
19 WILLIS STREET

FORMERLY
33 - 37 MONTREAL STREET
PORTLAND, ME 04101

CIVIL
DM Roma
PO Box 1116,
Windham, ME 04062
P: (207) 310-050

STRUCTURAL
L & L Structural Engineering Services
6 Q Street
South Portland, ME 04106
P: (207) 767-4830

LANDSCAPE
Soren Deniord Design Studio
43 Wellwood Road
Portland, ME 04103
P: (207) 400-2450

LICENSED ARCHITECT
JAMES JESSE THOMPSON
NO. 3275
STATE OF MAINE

NOT FOR CONSTRUCTION

PROJECT	MTL
DATE	November 03, 2021
REVISED 1	
REVISED 2	
DRAWN BY	RL, BB
PHASE	For PB Review

BASEMENT PLAN

A-1.1

Planning and Urban Development Department
Planning Division

Subject: Multi-family Design Review – 33 Montreal Street

Written by: Caitlin Cameron, Urban Designer

Date of Review: Tuesday, May 18, 2021

A design review for the proposed new construction of a multi-family project at 33 Montreal Street was performed by Caitlin Cameron, Urban Designer, Andrew Tufts, Planner, and Deb Andrews, Historic Preservation Program Manager. The project, because the lot is over 10,000 sf, was reviewed against the *Multiple-Family* Standards (City of Portland Design Manual).

The design review authority is with the Planning Board as part of the Level III Site Plan process with an advisory Historic Preservation review (within 100' of a historic district).

Design Review takes into consideration:

- Compatibility with surrounding buildings and general character of the established neighborhood
- Building type and use
- Unique characteristics of the site

The proposal is on a transitional site between a more recent context of Promenade Towers and MacArthur Gardens – two large/mid-scale apartment complexes –compared with the predominant, traditional fabric found a block away.

The predominant, character-defining elements of residential architecture in the neighborhood context include vertical proportion massing, simple roof forms, vertical windows with local symmetry, two or three-bay façade composition, and simple material palettes – predominantly clapboard with masonry foundation.

Design Review Comments *(red text denotes principles or standards that are not met, request for more information or questions):*

Please provide the following information:

- Neighborhood context plan that shows the footprint of this building compared with those in the surrounding blocks
- Renderings showing the building in context with adjacent buildings
- Material samples or examples

Multiple-Family Design Standards

1) *The exterior design . . . shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements.*

The project exemplifies a single design expression in its massing, form, material application, and fenestration and articulation elements.

The overall massing and form of the building is a simple box with flat roof consistent with the simple forms and massing found in neighborhood multi-family buildings. The building has a clear primary and secondary façade – also a predominant characteristic of corner buildings in this context. Scale and visual interest are created through contemporary versions of bays and balconies and articulation elements such as a strong cornice line, window panel details, and balcony railings. These design elements are consistent with and complement the nearest residential neighborhood by referencing common patterns and elements while remaining a contemporary expression.

The roof form is a simple, consistent flat roof – typical of multi-family buildings and not complex. The rooftop appurtenances are centralized, set back from the roof edge and screened. The grade and location of the site is such that views to the roof are unlikely from the street or long views.

The project uses a simple material palette of shingle and panel applied consistently throughout the building creating a simple, cohesive design. This is typical of the context and staff agree this contributes to complementing and enhancing the neighborhood. The fine grain of the material is appropriate for a residential building and is compatible with the materials in this context. Staff request more information about the accent material used on the bays – ideally, this material would have the same character and finish as the shingle but with a different texture, orientation and/or scale.

Staff would also like more information about the stone proposed for the planters/terraces.

The façades generally relate to the context through the regular pattern/rhythm of windows; the window types are limited and placed in a regular rhythm consistent with the traditional residential buildings. The window patterns also help to distinguish the front and side facades; as the project turns the corner, the façade composition is appropriately treated as a more secondary façade. The introduction of bays on the front and side add massing variation, articulation, and scale in a way that is appropriate for residential character in this context and that creates balance in the facades.

The entrance should have an approachable, residential character. The entryway is oriented to the street and was revised to provide emphasis as well as a transitional porch-like space. The steps from the sidewalk creates a relationship of the entrance to the sidewalk similar to a residential stoop or porch. The canopy was revised to be more substantial than the bay window overhang and posts add to a residential porch character.

Stacked balconies typically are aligned with the façade plane. The balconies extend beyond the roofline and façade plane and exacerbate the scale on the downhill side of the building. Staff recommend that the balconies be pulled in closer to the building or aligned with the façade plane on the side façade to mitigate the scale impact of the building and create relationships similar to those found in the context. This is also important to not conflict with the angled bays now located on the side elevations. The Planning Board and public also commented on the looming aspect of the side/rear of the building which is exacerbated by the over-extended porches.

2) *The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements.*

   The building placement is consistent with residential structures in the neighborhood – placed near the street with a small setback with planted edge. The garage is set back from the street and accessible from a side drive minimizing the impacts of parking on the streetscape.

   The building's primary frontage is oriented to Willis Street with Montreal Street treated as a clearly secondary façade. It is typical for the secondary façade to be the longer façade, on the sloping street, and without access points.

   The landscape buffer between the building and the sidewalk is appropriate to provide privacy and transition between the public and private realms. The grade change on Montreal Street is challenging and steps/ramp with a retaining wall and planter areas.

   The building interface was modified on Willis to create a more approachable and residential character to the relationship between the building and sidewalk. The configuration of planters, steps, and ramp help provide a sense of privacy and transition without feeling institutional.

3) *Open Space*

   Open space is provided primarily through balcony and terrace spaces for each unit.

4) *Ample light and air*

   Adequately met

5) *Parking shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.*

   Parking for this project is structured below the building and accessed by a side driveway. This driveway is visually screened from the neighboring property with a retaining wall.

6) *Multi-family dwellings shall not be converted to lodging houses.*

   Not applicable

102 Exchange Street Portland, ME 04101 | (207) 842-2888 | kaplanthompson.com

June 11 2021

Att. 9

RE: 33-37 MONTREAL STREET, PORTLAND

Attention: Andrew Tufts
Planner: Planning and Urban Development Department
City of Portland: 389 Congress Street 4th Floor, Portland, ME 04101

We have reviewed the City Staff comments of May 18, 2021, regarding our application for Multi-family Design Review for the above project.

Staff requests for information are noted below in italics. Project team responses are provided as follows.

Design Review Comments:

• *Please provide the following information:*
- *Neighborhood context plan that shows the footprint of this building compared with those in the surrounding blocks*
- *Renderings showing the building in context with adjacent buildings*
- *Material samples or examples*
- *Smaller file sizes for easier navigation*

- A context plan with the building footprint and a rendering-in-context were provided earlier for the previous building configuration. We are preparing revised versions with the current configuration for presentation at the next Planning Board hearing.
- Material samples can be presented at the Planning Board hearing.
- Smaller file sizes will be provided.

Multiple-Family Design Standards:

• *Staff request more information about the accent material used on the bays – ideally, this material would have the same character and finish as the shingle but with a different texture, orientation and/or scale.*

- The bays are to be clad in material that matches the decorative accent panels below the windows, to provide continuity and a visual connection between the accent elements.
- At an earlier Planning Board work shop the team presented samples of possible textured metal for the accent panels.
- Material samples can be presented at the Planning Board hearing.

• *Staff would also like more information about the stone proposed for the planters/terraces.*

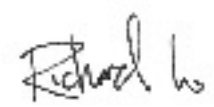
- **Exterior landscape materials are to be as follows:**
- **Stone Veneer Retaining Walls:** Regionally quarried fieldstone / granite (gray tones)
- **Wood Clad Exterior Retaining Walls:** Weathered cedar (or equal)
- **Entry Masonry Walkway and Steps:** Regionally quarried monolithic saw-cut granite slab steps and dimensional pavers (gray tones)
- **Drive Aisle Paving:** Concrete unit paver (Techo-bloc 80 ml. or equal)

Kaplan Thompson Architects

• *The balconies extend beyond the roofline and facade plane and exacerbate the scale on the downhill side of the building.*

- The outer extent of the balconies generally follows the line of the roof cornice above. The projection beyond the cornice is less than 12" on the north-east side (facing the Eastern Promenade), & less than 4" on the Montreal Street side.
- The apartments are designed as multi-bedroom family homes with balconies providing much needed exterior space for outdoor living by family groups, including family dining around a table, as well as more informal settings. Recent experience over the last 14 months has underscored how important it is to provide comfortable, well ventilated outdoor spaces for in-town apartment homes.

We trust that this information is helpful to the City Staff & Planning board members and look forward to an opportunity to present the revised project to the Planning Board.



Richard Lo
ASSOCIATE

Kaplan Thompson Architects
102 Exchange Street, Portland, ME 04101
office: (207) 842-2888 x206
kaplanthompson.com

Housing and Economic Development Department

Housing and Community Development Division

To: James Rather, Development Review Manager, Planning & Urban Development Department

From: Victoria Volent, Housing Program Manager, Housing & Community Development Division

Date: November 30, 2021

Subject: 33 Montreal Street– Inclusionary Zoning and Munjoy Hill Neighborhood Conservation Overlay District

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Please note, 33 Montreal Street is entitled to consideration under Division 30 regulations in effect as of the date of the September 24, 2019 Planning Board Workshop further defined as follows.

All developments of ten (10) units or more are conditional uses subject to Planning Board review on the condition that they comply with the requirements set forth in Division 30, Section 14-487 of the Zoning Ordinance.

Division 30, Section 14-487: Inclusionary Zoning

Division 30, Section 14-487, Ensuring Workforce Housing, requires at least ten percent (10%) of the dwelling units in the development shall meet the definition of Workforce Housing units for sale or for rent. The number of units required is rounded down to a whole number whether the Workforce Units are provided on or off-site. A fractional fee-in-lieu would result when the calculation of a project's inclusionary obligation results in a fractional unit. The fractional unit obligation will be provided in the form of a proportional fee-in-lieu. The ordinance under Section 14-487 e 4 also requires the number of bedrooms in the Workforce units shall be at least 10% of the total number of bedrooms made available as part of the development.

As an alternative to providing workforce housing units, developers shall pay a fee-in-lieu of some or all of the units. The fee for affordable units not provided shall be $100,000 per unit, adjusted annually in the same way as the fee under Division 29 for Housing Replacement.
The project located at 33 Montreal Street proposes the creation of 12 dwelling units. The applicant has chosen to fulfill the inclusionary zoning requirements by paying a fee-in-lieu. The proposed project

would thus be required to pay a total fee of $132,586.80 (1.2 X $110,489) into the City's Housing Trust Fund in-lieu of creation of actual housing units for workforce households. As such, the project has met the minimum requirements set forth in Section 14-487.

Staff Recommendation

Staff recommends the agreed upon fee-in-lieu of $132,586.80 be paid into the City's Housing Trust Fund prior to issuance of the certificate of occupancy for 33 Montreal Street. Should at a later date any change in total unit count be considered, a revised proportional fee-in-lieu payment will also be required.

Section 8.7

Section 8.7 Munjoy Hill Neighborhood Conservation Overlay District- height bonus, requires developments of three or more units on lots over 2000 sf, with a building height of greater than 35' to a maximum of 45' in height, include at least one workforce housing unit for rent or for sale. The Workforce unit shall be no smaller than 50% of the average size of the other units in the development and only be sold or rented to a household at or below the applicable income levels. The workforce unit shall be deed restricted for affordability for the longest term possible under state and federal law.

The development at 33 Montreal Street proposes the creation of a building that triggers the maximum height requirement within the Munjoy Hill Neighborhood Conservation Overlay District. Based on the requirements outlined in Section 8.7 the applicant is required to create a housing unit that is no smaller than 50% of the average size of the other units (or 853.96 sf). The Applicant has elected to provide Unit 14, a two-bedroom unit that is 1059.27 sf. As such, the project has met the minimum requirements set forth in Section 8.7.

Staff Recommendation

Staff recommends, should the Board Approve the Munjoy Hill Neighborhood Conservation Overlay District height density bonus, the Board require the Applicant and the City to enter into an Affordable Housing Agreement (AHA) for unit 14 located at 33 Montreal Street before a building permit may be issued.

The Affordable Housing Agreement will outline the details of the affordability restrictions placed on the workforce unit and will be filed as a covenant to the 33 Montreal Street property deed with the Cumberland County Registry of Deeds before a certificate of occupancy may be issued.

Sincerely,

Victoria Volent
Housing Program Manager

Planning and Urban Development Department
Planning Division

August 20, 2019

37 Montreal Street, LLC
Portland, Maine

Acorn Engineering, LLC
65 Hanover Street
Portland, Maine

RE: Comments for Proposed Development – Level III Review

Project Name:	33 Montreal Street – Multi-Family	Project ID:	PL-000807-2019
Address:	33 Montreal Street	CBL:	015 B022
Applicant:	Saint John's Valley, LLC		
Planner:	Andrew Tufts		

Dear Kaplan Thompson,

Thank you for submitting a level III site plan and subdivision application for the demolition of three existing single-family homes and redevelopment of the site into a four-story, 9-unit multi-family building with 13 below grade parking spaces. The project is being reviewed subject to the following applicable Land Use Code provisions:

- R6 District
- Munjoy Hill Neighborhood Conservation Overlay District
- Conditional Use – Inclusionary Zoning

The proposed development is also subject to relevant standards in the City of Portland Technical Manual.

Current Review Comments

Andrew Tufts, Planner, Planning Department

- The file sizes of the uploaded plans are too large and need to be compressed. Staff are unable to efficiently review based on file size.

Mike Tremblay, DPW P.E. Senior Engineer

- The sidewalks on Willis and Montreal streets are in poor condition. All sidewalks should be reconstructed along the frontage of the site, as should the curb ramp at the corner of Montreal and Willis streets.

- Tipdowns are not needed with 2′ radius pieces at driveways.

- Brick driveways should be reconstructed with bricks running widthwise, matching the adjacent sidewalk. Border courses are allowed. See attached detail. Note that bricks are shown in the incorrect orientation on the subdivision plat.

- The curb ramp at the corner of Montreal and Willis Street along the project frontage must be reconstructed per ADA and City of Portland standards. The existing ramp is non-conforming as it does not have a sufficient level landing at the top of the ramp; there may be other deficiencies as well. It is not likely that this ramp will be able to be replaced in its current orientation and achieve compliance; a blended transition ramp (detail attached) or another design will likely be required. The ramp shall be reconstructed in brick per the City's sidewalk material policy.

- The proposed driveway, is located adjacent to an existing driveway. Section 1.7.1 of the Technical Manual requires a 20-foot driveway separation. Due to the nonconforming nature of the adjacent driveway/parking area, DPW will consider supporting a waiver for driveway separation.

- The parking layout is acceptable; however, no handicap parking spaces are provided. Fair Housing Act requires accessible spaces for multi-family residential uses with elevators. For a parking area with <25 spaces, one 8′x18′ space with an 8′x18′ adjacent clear area is required. This space should be located as close to the elevator as possible.

- An underground electric connection is encouraged.

- The proposed overhead utility connection is required to be underground.

- The stormdrain and sewer from the site are proposed to be combined together on the property. If the services are to be combined, this should be done within the right-of-way. This will allow for future separation within the street.

- Drawn CM plans are required, and must be reviewed and approved before construction. The construction management plan document is not sufficient on its own.

Jeff Tarling, City Arborist

Pending

Robert Thompson - Fire

- The correct address for this property shall be determined by the City E-911 Addressing Officer.

- The street address shall be marked at the main building entrance.

Lauren Swett

In accordance with the Maine DEP Chapter 500 Regulations and Section 5 of the City's Technical Manual, the Applicant is required to meet the Basic, General, and Flooding Standards for Stormwater Management. The Applicant has proposed erosion and sedimentation control features to meet the Basic Standard and a subsurface chamber system to help meet the General and Flooding Standards. The following comments should be addressed on the proposed stormwater management plan:

Basic Standard:

- The plans should show the location of the stabilized construction entrance.

General Standard:

Typically, to meet the General Standards using a subsurface chamber system, additional treatment measures are required. For example, a filter sand layer could be installed beneath the subsurface chambers. When a treatment measure is added, the Applicant should provide information from the chamber manufacturer to verify that the system is adequately designed per the manufacturer's requirements.

We suggest that the applicant review the methodology for modeling the subsurface filter. No flow is indicated to be discarded as infiltration. As the system is modeled, the only discharge out of the subsurface system is over the weir.

Flooding Standard:

It is noted that the pre-development model considers a slightly larger total area than the post-development model. The Applicant should clarify; however, this likely will not have a significant impact on the final results.

Additional Comments:

- The Applicant has indicated that utility ability to serve letters pending.

- Pavement repair is proposed at the location of the existing sewer service connection to the main. It is assumed that this sewer service will be abandoned, but additional information should be provided.

- The stormdrain and sewer from the site are proposed to be combined together on the property. If the services are to be combined, this should be done within the right-of-way. This will allow for future separation within the street.

- A driveway paving repair detail has been provided. Separate details for roadway repair, sidewalk repair, and driveway apron should be provided in accordance with details in the City's Technical Manual.

- It is noted that on the construction management plan drawings, a dumpster is proposed on a steeply sloped area at the northern corner of the site. This should be reviewed, and if

the area needs to be leveled for placement of the dumpster, there may be impacts onto the adjacent property.

- A proposed foundation drain is shown discharging directly onto an adjacent property, with no surface improvements proposed to mitigate impacts of flow that may come from this pipe. While flows from a foundation drain are generally low, consideration of the impact of discharge onto the abutter should be made. The Applicant should also consider whether flow directly out of the retaining wall may impact the wall itself.

- The need for a field inlet at the northern corner of the site should be considered. It appears based on the grading that the corner of the site will drain towards the retaining wall, but the wall will extend above grade by over a foot, preventing the surface flow of water over the wall.

- A serviceberry tree is proposed on the northern corner of the site over the end of the proposed subsurface chambers and overlapping the area identified on the plans as snow storage.

- The landscape plan does not match the site plan relative to driveway shape and materials. Please clarify the propose intent.

Planning and Urban Development Department
Planning Division

Subject: Multi-family Design Review – 33 Montreal Street

Written by: Caitlin Cameron, Urban Designer

Date of Review: Tuesday, September 10, 2019

A preliminary design review for the proposed new construction of a multi-family project at 33 Montreal Street was performed by Caitlin Cameron, Urban Designer, Andrew Tufts, Planner, and Deb Andrews, Historic Preservation Program Manager. The project, because the lot is over 10,000 sf, was reviewed against the *Multiple-Family* Standards (City of Portland Design Manual).

The project has been significantly revised since it was reviewed by the Historic Preservation Board during the Demolition review process. From the Site Plan application, it was determined that the lot is over 10,000 sf and therefore the applicable design standards are the Multi-family Standards. The design review authority is with the Planning Board as part of the Level III Site Plan process.

Design Review takes into consideration:

- Compatibility with surrounding buildings and general character of the established neighborhood
- Building type and use
- Unique characteristics of the site

The proposal is on a transitional site between a more recent context of Promenade Towers and MacArthur Gardens – two large/mid-scale apartment complexes –compared with the predominant, traditional fabric found a block away.

The predominant, character-defining elements of residential architecture in the neighborhood context include vertical proportion massing, simple roof forms, vertical windows with local symmetry, two or three-bay façade composition, and simple material palettes – predominantly clapboard with masonry foundation.

Design Review Comments *(red text denotes principles or standards that are not met, request for more information or questions)**:***

Please provide the following information:

- Neighborhood context plan that shows the footprint of this building compared with those in the surrounding blocks
- Renderings showing the building in context with adjacent buildings
- Material samples or examples
- Smaller file sizes for easier navigation

Multiple-Family Design Standards

1) *The exterior design . . . shall be designed to complement and enhance the nearest residential neighborhood. The design of exterior facades shall provide positive visual interest by incorporating appropriate architectural elements.*

   The project exemplifies a single design expression in its massing, form, material application, and fenestration and articulation elements.

   The overall massing and form of the building is a simple box with flat roof consistent with the simple forms and massing found in neighborhood multi-family buildings. The building has a clear primary and secondary façade – also a predominant characteristic of corner buildings in this context. Scale and visual interest are created through contemporary versions of bays and balconies and articulation elements such as a strong cornice line, window panel details, and balcony railings. These design elements are consistent with and complement the nearest residential neighborhood by referencing common patterns and elements while remaining a contemporary expression.

   The roof form is a simple, consistent flat roof – typical of multi-family buildings and not complex. The rooftop appurtenances are centralized, set back from the roof edge and screened.

   The project uses a simple material palette of shingle and panel applied consistently throughout the building creating a simple, cohesive design. This is typical of the context and staff agree this contributes to complementing and enhancing the neighborhood. The fine grain of the material is appropriate for a residential building and is compatible with the materials in this context.

   The façades generally relate to the context through the regular pattern/rhythm of windows; the window types are limited and placed in a regular rhythm consistent with the traditional residential buildings. The window patterns also help to distinguish the front and side facades; as the project turns the corner, the façade composition is appropriately treated as a more secondary façade.

   Staff found the front façade composition to be awkward in regards to the circulation fenestration – some of which overlaps with the central bay – possible revision to this relationship of façade elements to the use.

   The entryway, though oriented to the street, is not adequately emphasized with appropriate design elements. The approach from the street could be opened up – for example, remove planters, wider steps. The canopy should be more substantial than the bay window overhang. The entrance should have an approachable, residential character.

   Stacked balconies typically are aligned with the façade plane. The balconies extend beyond the roofline and façade plane and exacerbate the scale on the downhill side of the building. Staff recommend that the balconies be pulled in closer to the building or aligned with the façade plane on the side façade to mitigate the scale impact of the building and create relationships similar to those found in the context.

2) *The proposed development shall respect the existing relationship of buildings to public streets. New development shall be integrated with the existing city fabric and*

streetscape including building placement, landscaping, lawn areas, porch and entrance areas, fencing, and other streetscape elements.

The building placement is consistent with residential structures in the neighborhood – placed near the street with a small setback with planted edge. The garage is set back from the street and accessible from a side drive minimizing the impacts of parking on the streetscape.

The building's primary frontage is oriented to Willis Street with Montreal Street treated as a clearly secondary façade. It is typical for the secondary façade to be the longer façade, on the sloping street, and without access points.

The landscape buffer between the building and the sidewalk is appropriate to provide privacy and transition between the public and private realms. The grade change on Montreal Street is challenging and steps/ramp with a retaining wall and planter areas.

However, the introduction of an ADA ramp is a contemporary necessity not often found in the traditional building interface and brings a challenging relationship between the building and sidewalk. The configuration of planters, steps, and ramp are creating a sense of separation and commercial character – revise the entrance design. The planter between the ramp and the sidewalk is of a different character than the other planters – use a consistent character.

3) *Open Space*

   Open space is provided primarily through balcony and terrace spaces for each unit.

4) *Ample light and air*

   Adequately met

5) *Parking shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.*

   Parking for this project is structured below the building and accessed by a side driveway. This driveway is visually screened from the neighboring property with a retaining wall.

6) *Multi-family dwellings shall not be converted to lodging houses.*

   Not applicable

37-33 Montreal Street
Neighborhood Meeting Comments

These are the comments collected at the Neighborhood Meeting to discuss the 37-33 Montreal Street Residences. The meeting was held Friday, September 13th at 5:30-6:45 PM at the East End Community School. Thirteen (13) neighbors attended along with Tim Wells, representing the development team, Jesse Thompson and Richard Lo from Kaplan Thompson Architects.

Kirsten Platt- "I don't find it unpleasant looking. It will dwarf other houses. Portland has been late to the game in figuring out how we want to develop."

Vana Carmona – "Good that it is smaller but it is still too large and tall to fit into neighborhood"

Peter Murray – "I am very happy with my house designed by the same architects. I know they are capable of good design but they need to work more on this. Design is improved in one sense and worse in another. The last design made an effort to fit in contextually with the separate entrance townhomes along Willis Street. Looks like a prison with an unbroken façade and uninteresting window rhythm along Montreal Street. Windows are too small. Neighboring houses are being restored all around and this is too big. Level III site plan and design standards requires it to meet the context surrounding it in 2 blocks."

Jean McManamy – "Unlike many of my neighbors, I like modern buildings. I really like the metallic siding on the project on Lafayette Street (Marquis) and I like jumble of styles that add excitement to a neighborhood. But this project is institutional looking and lacks excitement. I don't want another box but a really nice, different building like you find in Sweden or France. Why can't you add more definition to the façade along Montreal Street, make the windows bigger and more interesting, put some curves into the building or a glass elevator shaft on the outside of the building. I am also concerned about where trucks will be parking and dust control during demolition to reduce the effects of lead paint, etc. into the air.

Doris Healey – I agree with Mr. Murray. This building has no charm and doesn't belong in this neighborhood.

Ann Deutsch – "No matter how much you do it is still mass and volume"

Carol Conner - " You have done gorgeous houses but I really hate this building. It looks institutional. At least there is more space between it and McArthur Gardens."

Peg Hillman – "I like the front better than the side along Montreal Street. The Montreal Street side needs more relief.. You can't leave it as one big surface. It is ugly. Adding a bay or two or some side balconies would do a great deal for the beauty of the building. It is just too flat and looks like an old mill building. Windows could be larger. Look too small. The side towards the E. Prom has some visual interest. I like the old version better with the entrance along Montreal and separate entrances along Willis Street.

Jean McManamy – "Balconies along the side where people could grow plants would be nice."

Peg Hillman – "I like the wrap around balconies. They add character to the building."

Vana Carmono – "If you walk your dog 6 days a week you would see that the Montreal Street side doesn't work."

37-33 Montreal Street
Neighborhood Meeting Comments

Ann Landsberg – “Looks like a cheap industrial building. Can’t you add curved lines? How about making the balconies with curves. How do you break up all the straight lines?”

Patricia Ryan – “ How do you incorporate more design elements that reference the neighborhood?”

Tim Baehr – “Why do architects design buildings that a kid could draw and that look like they were made with lego blocks?”

Jean McManamy – “These look like low income housing. I want people to come and want to live there. That says, “welcome”. People who will live there year round. It just doesn’t have that “Come Live Here” look.”

Ann Landsberg –“ Could you add different color courses of shingles? What can you do to the roof edge to add more interest?”

Vana Carmona – “ Landscaping goes in last and will be the first thing that the HOA will cut out of the budget and then the side gardens will be dirt and gravel.”

Ann Landsberg – “I like Peter’s house. Why can’t you add a steep pitched roof?”

CITY OF PORTLAND
Planning & Urban Development Department

Att. A

LEVEL II and LEVEL III SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST
Please submit each document as a separate PDF file
Please confirm by electronically checking the boxes to the left

** PLEASE FILL OUT AND UPLOAD SEPARATELY THE ZONING TABLE AND WAIVER TABLE AS NOTED BELOW **

1

GENERAL APPLICATION DOCUMENTS

Yes	NA	
☑	☐	**Project Description** • Cover Letter with detailed project description
☑	☐	**Completed Checklist – Level I: Site Alteration** (this document)
☑	☐	**Right, Title and Interest** • Deeds, leases, or purchase and sales agreements
☐	☑	**Evidence of State or Federal Approvals** • Permits or letters of non-jurisdiction, if applicable
☑	☐	**Zoning Assessment** • Table listing required and proposed uses and dimensional standards Zoning Assessment Table
☐	☑	**Existing and/or Proposed Easements or Covenants, applicable.** • Evidence of existing easements and any proposed easements
☐	☑	**Waiver Requests** • Written request for waiver describing request and reason Waiver Table
☑	☐	**Financial Capability** • Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
☑	☐	**Technical Capability** • Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

LEVEL II AND LEVEL III SITE PLAN
STANDARDS AND SUBMISSION CHECKLIST

Provide assessment of compliance with standards and include supplemental documentation, as applicable
Please Submit each document as a separate PDF file

2

TRANSPORTATION

Yes ☑ NA ☐	**Transportation Analysis- Traffic Impact (14-526 (a) 1)** • Provisions for pedestrian, bicycle, vehicle, and loading circulation and incremental volume of traffic impacts • Traffic Impact Study (Technical Manual, Section 1) if applicable
Yes ☑ NA ☐	**Access and Circulation (14-526 (a) 2 a)** • Access and internal circulation, addressing ADA access • Access and egress impacts on traffic flows • Description and use of drive-up features, if applicable
Yes ☐ NA ☑	**Loading and Servicing (14-526 (a) 2 b)** • Loading and servicing needs, route and travel way geometrics for deliveries • Turning templates for delivery vehicles, if applicable
Yes ☑ NA ☐	**Sidewalks (14-526 (a) 2 c)** • Sidewalks and condition along street frontages and internal walkways • Engineered details for ADA ramps and public sidewalk details meeting sidewalk materials policy and ADA ramp construction details as applicable (Technical Manual, Section 1)
Yes ☐ NA ☑	**Public Transit (14-526 (a) 3), if applicable** • Existing available transit services • Proposed site plan design details, such as easement, pad base, and shelter
Yes ☐ NA ☑	**Off-Street Parking: Vehicle & Motorcycle/Scooter) (14-526 (a) 4 a and c)** • Expected parking demand, proposed parking supply, ADA parking, and applicable Zoning Requirements • Address Technical Manual standards (Section 1) for curb cut separation and parking lot layout and locate on site plan
Yes ☑ NA ☐	**Bicycle Parking (14-526 (a) 4 b)** • Address bicycle parking requirements and identify locations on-site • Construction details for bike racks (Technical Manual, Section 1)
Yes ☑ NA ☐	**Snow Storage (14-526 (a) 4 d)** • Management plan for snow removal and locate snow storage areas on plan
Yes ☐ NA ☑	**Traffic Demand Management (TDM) (14-526 (a) 5), if applicable** • Develop TDM with Trip Reduction Targets and Strategies

3

ENVIRONMENTAL AND LANDSCAPE FEATURES	
Yes ☐ NA ☑	**Preservation of Significant Natural Features (14-526 (b) 1), if applicable** • Trees, plants, habitats listed on State or Federal list of endangered or threatened • High and moderate value waterfowl and wading habitat • Aquifers on Casco Bay Islands • Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) • Proposed preservation areas and protection measures • Documentation from environmental consultants, determinations from applicable state agencies
Yes ☑ NA ☐	**Landscaping and Landscape Preservation (14-526 (b) 2 a)** • Preservation of trees and preservation within required zoning setbacks (Technical Manual, Section 4) • Protection measures of existing vegetation during construction • Protection measures within Shoreland Zone, if applicable
Yes ☑ NA ☐	**Site Landscaping (14-526 (b) 2 b)** • Screening and buffering of service areas and between non-residential and residential uses • Planting plans with plant schedule and sizes (Technical Manual, Section 4)
Yes ☐ NA ☑	**Parking Lot Landscaping (14-526 (b) 2 b ii), if applicable** • Landscaped islands within parking areas (Technical Manual, Section 4)
Yes ☑ NA ☐	**Street Trees (14-526 (b) 2 b iii)** • Existing Heritage or Feature Trees on site and measures to preserve • Identify street trees on the plan meeting the site plan and Technical Manual standards (Section 4) or identify alternative measures, if applicable

4

ENVIRONMENTAL AND STORMWATER	
Yes ☑ NA ☐	**Water Quality, Stormwater Management and Erosion Control (14-526 (b)3 a)** • Stormwater report in compliance with Section 5 of Technical Manual and DEP Chapter 500 stormwater for basic, general and flooding standards, as applicable • Erosion control plan and measures • Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater, as applicable • Subsurface sanitary sewage disposal and groundwater protection

5	PUBLIC INFRASTRUCTURE AND SAFETY	
	Yes ☑ NA ☐	**Consistency with City Master Plans (14-526 (c) 1)** • Identify consistency with master plans • Proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
	Yes ☑ NA ☐	**Public Safety and Fire Prevention (14-526 (c))** • Address Crime Prevention through Environmental Design (CPTED) (Technical Manual, Section 3) • Emergency vehicle access • Address consistency with public safety standards (Technical Manual, Section 3) • Submit a code summary referring NFPA 1 and all Fire Department standards (Technical Manual, Section 3) – Fire Checklist
	Yes ☑ NA ☐	**Availability and Adequacy of Public Utilities (14-526 (c) 3) (Technical Manual, Sections 2 & 9)** • Electrical services, including providing underground services • Identify existing and proposed connections for public utilities and required public utility upgrades • Sewer line connections are required, if there is a main within 200 feet • Proposed solid waste management facilities on-site and management for the site • Written evidence of the ability to serve from utility companies, as applicable
6	SITE DESIGN	
	Yes ☑ NA ☐	**Massing, Ventilations and Wind Impact (14-526 (d) 1)** NA • Wind and ventilation impacts on adjoining structures and/or adjacent public spaces. Wind study, if applicable NA • Bulk, location or height impacts on adjoining structures • Identify and locate HVAC equipment and venting away from public spaces and residential properties NA • Identify screening and manufacturing specifications for noise, if applicable
	Yes ☐ NA ☑	**Shadows (14-526 (d) 2), if applicable** • Shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
	Yes ☑ NA ☐	**Snow and Ice Loading (14-526 (d) 3)** • Building design to prevent snow and ice from loading or falling onto adjacent properties or public ways
	Yes ☐ NA ☑	**View Corridors (14-526 (d) 4), if applicable** • Protection of designated view corridors (Portland Design Manual, Appen. 1)

Yes ☐ NA ☑	**Historic Resources (14-526 (d) 5), if applicable** • Identify developments within Historic Districts or affecting Designated Landmarks • Certificate of Appropriateness or other evidence • Identify Developments within 100 feet of Historic Districts or affecting Designated Landmarks. Advisory HP review may be required • Address preservation and documentation of Archaeological Resources	
Yes ☐ NA ☑	**Exterior Lighting (14-526 (d) 6)** • Cut sheets of on-site light fixtures and any architectural or specialty lights (Technical Manual, Section 12) • Engineered details for any lights proposed in street right-of-way (Technical Manual, Section 10)	
Yes ☐ NA ☑	**Noise and Vibration (14-526 (d) 7)** • Evidence of noise levels for equipment, such as equipment specifications, to demonstrate consistency with zoning requirements	
Yes ☐ NA ☑	**Signage and Wayfinding (14-526 (d) 8), if applicable** • Signage plan showing the location, dimensions, height and setback of all existing and proposed signs. Signs in Historic Districts are reviewed by Historic Preservation staff • Proposed commercial and directional signage on site	
Yes ☑ NA ☐	**Zone Related Design Standards (14-526 (d) 5)** • Address Historic Preservation Design Review, if applicable • Address any applicable design review standards by zone • Address submission requirements from Design Manual, page 1, addressing neighborhood context • Description of exterior materials, color, finish, and samples	
7	**Construction Management Plan**	
Yes ☑ NA ☐	**Construction Management Plan** • Construction Management Document and Plan	

LEVEL II AND LEVEL III SITE PLAN DRAWINGS CHECKLIST

Please upload the following DRAWINGS with the listed details into e-Plan as separate pdfs

8 **RECENT BOUNDARY SURVEY** (stamped by Maine Licensed Surveyor)

- [x] Must be in compliance with Technical Manual, Section 13

9 **SITE PLAN(s) (stamped by Maine Licensed Engineer) including:**

Existing Conditions

- [x] Approximate location of structures on abutting property
- [x] Topography
- [ ] Locate water courses
- [ ] Delineate wetlands
- [ ] Zone lines

Proposed Site Plan

- [x] Ground floor area, and grade elevations for all buildings

Access, Circulation, and Parking

- [x] Streets and intersections adjacent to site, any proposed geometric modifications
- [x] Location, dimensions and materials of all existing and proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- [x] Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas
- [ ] Location and dimensions of proposed loading areas
- [ ] Existing and proposed transit infrastructure with dimensions/ engineering specifications
- [ ] Location of vehicle and bicycle parking with dimensions and engineering specifications

Site Considerations

- [ ] Identify snow storage areas
- [x] Location of fire hydrants
- [ ] Location of solid waste management facilities

10 **UTILITY PLAN including:**

- [x] Existing utilities on site and within public streets
- [x] Location, sizing and directional flows of all existing and proposed utilities
- [ ] Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- [x] Electric utility infrastructure

11 **GRADING AND DRAINAGE PLAN including:**

- [x] Existing grades and drainage
- [x] Proposed grades
- [x] Proposed stormwater management meeting Technical Manual (Section 5), standards
- [ ] Location and proposed alteration of a water course
- [ ] Preservation or alteration of wetlands

12 **EROSION CONTROL**

- [x] Must be in compliance with Technical Manual, Section 5

13 **LANDSCAPE PLAN including:**

- [x] Existing vegetation to be preserved and preservation measures
- [x] Proposed landscaping and buffers
- [x] Planting schedule

14 RECORDING PLAT, if applicable

- [x] If Subdivision, must be in compliance with requirements of Section 14-496 (b)

15 ARCHITECTURAL PLANS AND RENDERINGS including:

- [x] Exterior building elevations, color renderings, illustrations of all sides
- [x] Location and dimensions of all existing and proposed HVAC and mechanical equipment, all proposed screening
- [x] Provide context drawings, if applicable (Design Manual, page 1)
- [x] Floor plans

August 12, 2019 – Revised November 03, 2021

Att. B

19 WILLIS STREET, PORTLAND

(FORMERLY 33-37 MONTREAL STREET)

The following outlines how the proposed project has been designed to meet the applicable standards of the City of Portland associated with Level III: Residential Site Plan and Subdivision review.

GENERAL DOCUMENTS - PROJECT DESCRIPTION

The project site is located at the corner of Willis Street and Montreal Street, Munjoy Hill, on land that combines the two existing lots at 33 and 37 Montreal Street.
(CBL 015 B015001 and CBL 015 B022001).

The new project address will become 19 Willis Street, as confirmed per Portland Fire Department E911 protocols in August 2021.

The new building will contain (12) twelve residential apartments, with a total enclosed gross area of approximately 22,900 square feet on four stories above grade for apartments and common spaces.

The residences will include the following unit mix:

1st floor: (4) units, comprising
- (1) 1 Bedroom unit
- (1) 2 Bedroom units
- (2) 3 Bedroom units

2nd floor: (4) units, comprising
- (1) 1 Bedroom unit
- (1) 2 Bedroom units
- (2) 3 Bedroom units

3rd floor: (2) 3 Bedroom units

4th floor: (2) 3 Bedroom units

A basement level of approximately 5,800 gross square feet will contain a parking garage with (13) car parking spaces, owner's storage areas, mechanical rooms, and common spaces.

The building will contain a commercial elevator and will be protected by an NFPA 13R sprinkler system.

Kaplan Thompson Architects

Return to:

Saint John's Valley, LLC
33 Montreal Street
Portland, ME 04101

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That I, **Russell A. Winslow**, of 33 Montreal Street, Portland, ME 04101, for consideration paid, grant to **Saint John's Valley, LLC**, of 8 Drew Road, South Portland, ME 04106, with WARRANTY COVENANTS:

SEE ATTACHED EXHIBIT A.

MEANING and INTENDING to describe and convey the same premises conveyed to the grantor herein by deed of Russell A. Winslow. Personal Representative of The Estate of Frances B, Winslow dated 9/13/2005 and recorded at Book 23150, Page 95 in the Cumberland County Registry of Deeds.

Executed this 7 day of October, 2016

Russell A. Winslow

State of Maine
County of Cumberland 10/7/2016

Then personally appeared before me the said Russell A. Winslow and acknowledged the foregoing to be his voluntary act and deed.

Notary Public/Attorney at Law
Commission expiration:

Jane Barriault Attorney at Law TCW

EXHIBIT A

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

Beginning at a point in said northerly sideline of Montreal Street, distant eighty (80) feet northeasterly from the easterly side of Willis Street, and running northwesterly, parallel with said Willis Street, ninety (90) feet; thence northeasterly, parallel with said Montreal Street, forty (40) feet; thence southeasterly, parallel with the first line, ninety (90) feet to Montreal Street; thence southwesterly on Montreal Street, forty (40) feet to the starting point; being lot numbered fifty-four (54) on A. P. Marshall's Plan, recorded in the Cumberland County Registry of Deeds, Plan Book 1, Page 41.

BAS 10/7/16
TLW

WARRANTY DEED

Maine Statutory Short Form

MAINE REAL ESTATE TAX PAID

KNOW ALL MEN BY THESE PRESENTS, That **Anne-Marie O'Rourke** of Portland, in the County of Cumberland, and State of Maine, for consideration paid, grant(s) to **Kevin James Carter,** whose mailing address is 7029 Denison Road, Summerfield, NC 27358, with **WARRANTY COVENANTS**, the real property situated in **Portland**, County of **Cumberland**, and **State of Maine**, more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, this instrument has been executed this 31st day of August, 2017.

Witness to all

Anne-Marie O'Rourke

State of Maine
County of Cumberland, ss. August 31, 2017

Personally appeared before me the above named **Anne-Marie O'Rourke** and acknowledged the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

CYNTHIA CHADWICK-GRANGER
MY COMMISSION EXPIRES JAN. 22, 2018
NOTARY PUBLIC
MAINE

File Number 2017-656

EXHIBIT A
(DEED)

A certain lot or parcel of land, situated in the City of Portland, County of Cumberland, and State of Maine, with the buildings and improvements thereon, and situated on the northerly corner of Montreal Street and Willis Street and bounded and described as follows:

Beginning at said corner formed by the northwesterly side of Montreal Street and the northeasterly side of Willis Street;

thence northeasterly by Montreal Street eighty (80) feet to a point and land now or formerly of Daniel K. Reed;

thence northwesterly by said Reed land ninety (90) feet and to lot numbered thirty-one (31) as shown on A. P. Marshall's Plan of Lots;

thence southwesterly by said lot numbered thirty-one (31) eighty (80) feet to Willis Street;

thence southeasterly by Willis Street ninety (90) feet to the point of beginning.

For title, reference may be had to a deed recorded in the Cumberland Registry of Deeds in Book 8708, Page 61. Mary C. O'Rourke deceased on September 21, 2012, leaving Anne-Marie O'Rourke as surviving joint tenant.

Received
Recorded Register of Deeds
Sep 01,2017 10:56:24A
Cumberland County
Nancy A. Lane

BANK OF AMERICA

PRIVATE BANK

380 Knollwood Street, Suite 201
Winston Salem, NC 27103
T 336.714.4880 F 980.233.7201 M 336.690.8812
Kyle.j.quinlivan@bofa.com

December 3rd, 2021

To Whom It May Concern:

I am writing this letter on behalf of 37 Montreal, LLC in reference to the upcoming development of 12 condominiums located on Montreal St in Portland, Maine.

Bank of America, N.A. has an ongoing lending and wealth relationship with several of the principals in 37 Montreal, LLC. Bank of America, N.A. is currently the lender of the property located at 37 Montreal St. To date, the principals of 37 Montreal, LLC have proven to be highly qualified, effective and professional team.

We are aware of the new development located at 33-37 Montreal St and would be pleased to entertain financing requests from 37 Montreal, LLC for this project and other projects in the future.

Should you have any questions, please feel free to contact me at 336-714-4880.

Sincerely,

Kyle Quinlivan

Kyle J. Quinlivan
Senior Vice President, Private Client Manager

Bank of America Private Bank is a division of Bank of America, N.A., Member FDIC, and a Wholly owned subsidiaries of Bank of America Corporation.
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Camden NATIONAL BANK

MARK V. STASIUM
SENIOR VICE PRESIDENT
Direct Dial: 207.699.3392
mstasium@camdennational.com

July 22, 2019

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

Re: 37 Montreal Street LLC

Dear Planning Board Members:

I am writing regarding the proposed residential building being proposed by 37 Montreal Street LLC located at Montreal and Willis Street in Portland.

I have known the principal member of the LLC for 20+ years and have financed a number of real estate investments for the individual. The principal member is an experienced developer and commercial real estate owner and manager and exhibits strong financial capacity. We provide financing for a number of the individual's properties, and all loan obligations and deposit accounts with Camden have been handled in a fully satisfactory manner.

We have reviewed the preliminary information for the proposed project, and based on our review, Camden is highly interested in providing financing for the project. Our interest remains subject to full credit underwriting by Camden's credit department, approval from Camden's senior loan officers, and receipt of all municipal permits by the developer.

Please do not hesitate to contact me if you have further questions.

Very Truly Yours,

Mark V. Stasium
Senior Vice President

Portland, Maine — Yes. Life's good here.

Planning & Urban Development Department

19 WILLIS ST
(FORMERLY 33-37 MONTREAL ST)
Aug. 12, 2019
Revised Nov.03, 2021

ZONING ANALYSIS Relevant Zone(s) R6

Munjoy Hill Neighborhood Conservation District Overlay

All Projects:

	Required	Proposed
Lot Size	2,000 sf min.	10,800 sf
Area Per Dwelling Unit	725 sf min.	900 sf
Minimum Street Frontage	20' min.	90' Willis St
Front Yard Minimum	5'-0"	5'-0"
Front Yard Maximum		
Rear Yard	15'-0" (>35' ht.)	>30'-0"
Yard Right		
Yard Left	10'-0" (>35' ht.)	10'-0"
Side Street Setback	5'-0" (>35' ht.)	5'-0" / 3'-0"
Step Back	15' rear / 10' side	>30' rear/10' side
Maximum Lot Coverage	60% max.	53%
Minimum Lot Coverage		
Maximum Height	45' above ave. gr.	45'-0"
Open Space	20% min.	26%
Maximum Impervious Area		
Pavement Setback		
Floor Area Ratio		
Off Street Parking Spaces	1 space per unit	1.1 per unit
Loading Bays		
Other 1		
Other 2		
Other 3		

Planned Residential Unit Developments (PRUD) Requirements

	Required	Proposed
Minimum Lot Size		
Minimum Lot Area per Dwelling		
Maximum # Units per Building		
Maximum Building Length		
Maximum Accessory Building Length		
Minimum Setbacks		
Minimum Building Separation		
Minimum Open Space		

Affordable Housing Density Bonuses (if applicable)

	Bonus Increase or Decrease	Maximum Allowable With Bonus	Proposed
Density			
Height			
Setback Reduction			
Recreation Space			
Maximum Accessory Building Length			
Minimum Setbacks			
Minimum Building Separation			
Minimum Open Space			
Explanatory Text 1 (optional):			
Explanatory Text 2 (optional):			
Explanatory Text 3 (optional):			

DM ROMA
CONSULTING ENGINEERS

TRANSPORTATION

The following outlines how the proposed project at 33/37 Montreal Street has been designed to meet the applicable standards of the City of Portland associated with Level III: Residential Site Plan and Subdivision review.

Section 14-526 (a)(1) Transportation Analysis – Traffic Impact

The proposed project design and layout considered traffic impact and integrated provisions for traffic improvements through the design. The project site proposes to eliminate the existing curb cut for the driveway at 37 Montreal Street, and will utilize the existing curb cut with proposed driveway improvements at the same location of the existing curb cut for the driveway at 33 Montreal Street. The decision to abandon and eliminate the curb cut at 37 Montreal Street will effectively move the traffic egress and ingress for the site to the north approximately 108 linear feet north of the intersection at Willis Street & Montreal Street. Additionally, the curb cut in Willis Street, serving 37 Montreal Street will also be abandoned and sidewalk and curb will be installed in place.

The project design includes the improvements of a new 14-foot wide driveway, leading to underground parking areas. It is anticipated that the proposed driveway will provide adequate access to the site from Montreal Street and during peak traffic hours the project design should allow for traffic to exit from Montreal Street freely, as the proposed parking area and driveway will provide ample queuing such that Montreal Street will not be congested when vehicles try and enter the site. For vehicles leaving the site, the project layout and design will provide ample queuing on-site during peak traffic times with multiple vehicles trying to exact, and therefore should not impact traffic flow in Montreal Street. Additionally, with the proposed access to the site more than 100-ft from the intersection of Willis Street and Montreal Street, there will be less potential for conflicting turning movements with vehicles exiting the site and vehicles negotiating the four-way intersection.

Section 14-526 (a) (2) (c) – Sidewalks

The existing project site currently has existing sidewalk (brick with granite curbing) along the Willis Street and Montreal Street frontage. The existing sidewalk will be protected in place where possible and any disturbance due to improvements (driveways, site improvements, utility connections, etc.) will be conditioned to re-lay or re-construct the sidewalk in accordance with Section 14-498 and 14-499 of the City of Portland Code.

Additionally, on-site provisions for pedestrian access include extending sidewalk from Montreal Street at the proposed driveway location into the site and to the proposed lower level building entries and parking garage. Along Willis Street, the project proposes to construct the building

main entrance. Improvements along Willis Street include a main building entry stairway and integrated access ramp leading to the first level foyer, an entry/exit to the building's proposed stairwell, elimination of an existing curb cut, and construction of sidewalk to connect proposed improvements to existing sidewalk.

Section 14-526 (a) (4) (d) – Snow Storage

Snow storage for the project site appears adequate, and the project design and layout provide an area of approximately 300 sq. ft. located adjacent to the proposed driveway within the proposed flat yard area near the northwesterly corner of the site. The snow storage will not conflict with the project site access or pedestrian walkways. The snow storage area will be located of lawn/landscaped ground cover and will drain to the proposed catch basin, and will effectively treat any snow melt runoff with the subsurface chamber system (proposed StormTech SC-310 chamber system) prior to discharging from the site.

DM ROMA
CONSULTING ENGINEERS

ENVIRONMENTAL AND STORMWATER

The following outlines how the proposed project at 33/37 Montreal Street has been designed to meet the applicable standards of the City of Portland associated with Level III: Residential Site Plan and Subdivision review.

Section 14-526 (b)(3) Water Quality, Stormwater Management and Erosion Control Standards

Watershed – The project site drains either to the northeast along the curbline in Montreal Street or to the north to the abutting property. To our knowledge this is a combined sewer and storm drain system. The project site is not tributary to an Urban Impaired Stream as defined by Maine DEP Chapter 502.

Sewage Disposal – The building will be connected to the public sewer in Montreal Street.

Soil Conditions – A Medium Intensity Soils Map is included as Attachment D. The soils are classified by the US Department of Agriculture Natural Resources Conservation Service as a Hinckley Loamy Sand, which has a Hydrologic Soil Rating of "A". A geotechnical investigation was performed by Summit Geoengineering Services for the project site and is contained in Attachment C.

Flooding Standards - The project has been designed to incorporate a formal catch basin and storm drain collection system for stormwater management, which will flow into a Stormtech Chamber System and will retain the 1" storm event allowing the runoff to infiltrate into the ground slowly providing both stormwater treatment and quantity control. The flow generated by the larger storm events will spill over a concrete weir panel within the outlet control structure and will be conveyed in a relatively small storm drain, connecting into the existing sewer system which we believe is a combined system. The existing 10" sewer main should have the capacity to convey this flow due to the relatively steep slope and since it located at the beginning of the sewer main run.

An analysis was prepared to determine if there were any increases in overland peak rates of runoff onto abutting properties. There are two distinct locations of stormwater discharge from the property. Study Point 1 represents the discharge point at the north of the property. Study Point 2 is located along the gutter line of Montreal Street, just downstream of the projects proposed driveway location. As a result of the infiltration of the stormwater collection system and the overflow pipe of this system connecting into the combined sewer system, the peak rates of runoff have effectively been maintained or reduced from the pre-developed condition. The output data from the HydroCAD model has been included in Attachment A and the pre- and post-development watershed maps have been included in the design plan set.

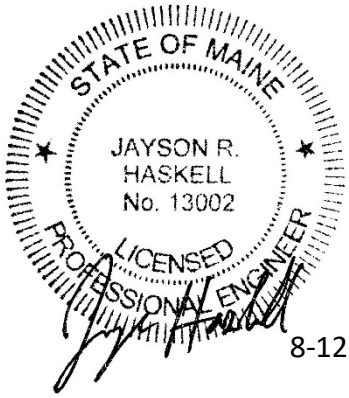
Basic Standards – The plan set includes erosion control measures to be implemented temporarily during construction and permanently upon completion of the project. The erosion control plan was prepared based on the methodology outlined in the Maine Department of Environmental Protection publication titled "Maine Erosion and Sediment Control Best Management Practices Manual for Designers and Engineers" dated October 2016.

General Standards- The stormwater management plan includes the construction of an underground stormwater storage and treatment system that consists of a Stormtech Chamber System designed to infiltrate the required water quality volume. The system has been designed to effectively collect, infiltrate and provide treatment of approximately 97% of the total new impervious area and approximately 88% of the total new developed area, exceeding the requirement as indicated in the General Standards of MDEP Chapter 500. Calculations for the sizing of the stormwater components are included as Attachment B. Test pit analysis of the subsurface soils in the vicinity of the proposed Stormtech Chamber System is included as Attachment C. An Inspection, Maintenance and Housekeeping Plan has also been prepared for the project and has been included in this report as Attachment E.

Prepared by:

DM Roma Consulting Engineers

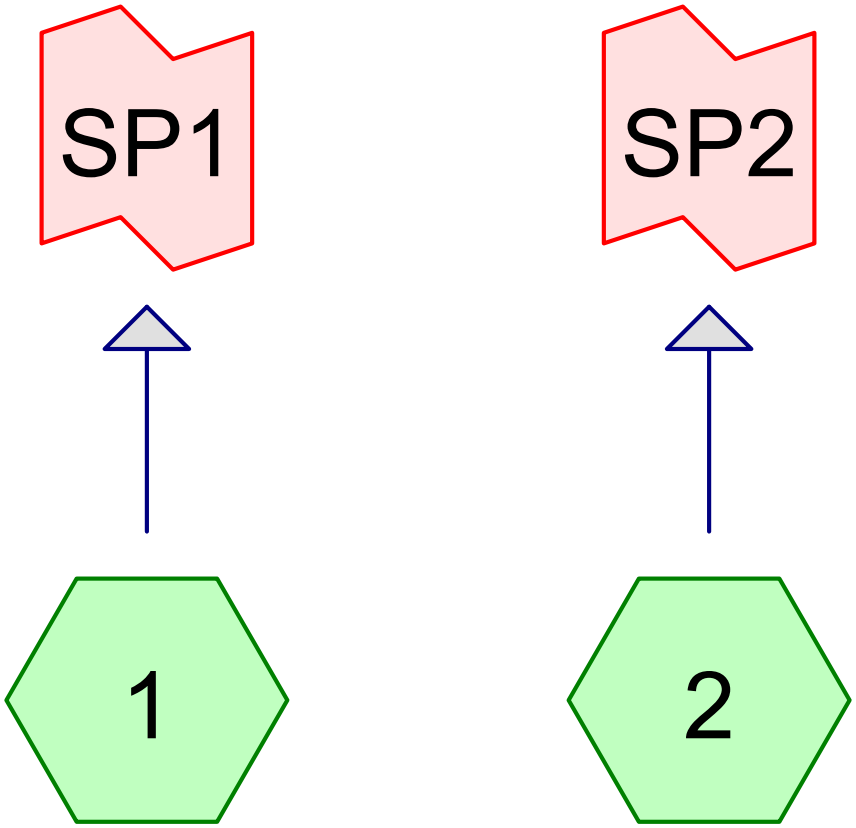
Jayson R. Haskell, P.E.
Southern Maine Regional Manager



8-12-19

ATTACHMENT A

HYDROCAD MODEL OUTPUT



Subcat Reach Pond Link

Routing Diagram for 18053-PRE
Prepared by DM Roma Consulting Engineers, Printed 8/12/2019
HydroCAD® 10.00-20 s/n 09237 © 2017 HydroCAD Software Solutions LLC

Time span=0.00-48.00 hrs, dt=0.05 hrs, 961 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: Runoff Area=11,310 sf 49.04% Impervious Runoff Depth=2.47"
Flow Length=129' Tc=6.0 min CN=68 Runoff=0.73 cfs 2,326 cf

Subcatchment 2: Runoff Area=3,595 sf 92.16% Impervious Runoff Depth=4.99"
Flow Length=151' Tc=6.0 min CN=93 Runoff=0.44 cfs 1,494 cf

Link SP1: Inflow=0.73 cfs 2,326 cf
Primary=0.73 cfs 2,326 cf

Link SP2: Inflow=0.44 cfs 1,494 cf
Primary=0.44 cfs 1,494 cf

Summary for Subcatchment 1:

Runoff = 0.73 cfs @ 12.10 hrs, Volume= 2,326 cf, Depth= 2.47"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	3,540	98	Ex. roofs,
*	366	98	Ex. paved roads & sidewalk
*	1,640	98	Ex. paved driveways
	5,764	39	>75% Grass cover, Good, HSG A
	11,310	68	Weighted Average
	5,764		50.96% Pervious Area
	5,546		49.04% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.4	40	0.1215	0.20		**Sheet Flow, Seg A to Seg B** Grass: Dense n= 0.240 P2= 3.10"
0.2	52	0.0991	5.07		**Shallow Concentrated Flow, Seg B to Seg C** Unpaved Kv= 16.1 fps
0.3	26	0.0068	1.67		**Shallow Concentrated Flow, Seg C to Seg D** Paved Kv= 20.3 fps
0.0	11	0.2052	7.29		**Shallow Concentrated Flow, Seg D to Seg E** Unpaved Kv= 16.1 fps
3.9	129	Total, Increased to minimum Tc = 6.0 min			

Summary for Subcatchment 2:

Runoff = 0.44 cfs @ 12.09 hrs, Volume= 1,494 cf, Depth= 4.99"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	0	98	Ex. roofs,
*	3,313	98	Ex. paved roads & sidewalk
*	0	98	Ex. paved driveways
	282	39	>75% Grass cover, Good, HSG A
	3,595	93	Weighted Average
	282		7.84% Pervious Area
	3,313		92.16% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	47	0.0731	1.96		**Sheet Flow, Seg A to Seg B** Smooth surfaces n= 0.011 P2= 3.10"
0.1	62	0.0896	13.28	45.66	**Trap/Vee/Rect Channel Flow, Seg B to Seg C** Bot.W=0.00' D=0.50' Z= 0.1 & 27.4 '/' Top.W=13.75' n= 0.013 Asphalt, smooth
0.0	21	0.0950	13.97	68.79	**Trap/Vee/Rect Channel Flow, Seg C to Seg D** Bot.W=0.00' D=0.50' Z= 13.0 & 26.4 '/' Top.W=19.70' n= 0.013 Asphalt, smooth
0.0	21	0.0892	13.24	43.86	**Trap/Vee/Rect Channel Flow, Seg D to Seg E** Bot.W=0.00' D=0.50' Z= 0.1 & 26.4 '/' Top.W=13.25' n= 0.013 Asphalt, smooth
0.5	151	Total, Increased to minimum Tc = 6.0 min			

Summary for Link SP1:

Inflow Area = 11,310 sf, 49.04% Impervious, Inflow Depth = 2.47" for 25-Year event
Inflow = 0.73 cfs @ 12.10 hrs, Volume= 2,326 cf
Primary = 0.73 cfs @ 12.10 hrs, Volume= 2,326 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Summary for Link SP2:

Inflow Area = 3,595 sf, 92.16% Impervious, Inflow Depth = 4.99" for 25-Year event
Inflow = 0.44 cfs @ 12.09 hrs, Volume= 1,494 cf
Primary = 0.44 cfs @ 12.09 hrs, Volume= 1,494 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Time span=0.00-48.00 hrs, dt=0.05 hrs, 961 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: Runoff Area=11,310 sf 49.04% Impervious Runoff Depth=0.68"
Flow Length=129' Tc=6.0 min CN=68 Runoff=0.17 cfs 640 cf

Subcatchment 2: Runoff Area=3,595 sf 92.16% Impervious Runoff Depth=2.35"
Flow Length=151' Tc=6.0 min CN=93 Runoff=0.22 cfs 704 cf

Link SP1: Inflow=0.17 cfs 640 cf
Primary=0.17 cfs 640 cf

Link SP2: Inflow=0.22 cfs 704 cf
Primary=0.22 cfs 704 cf

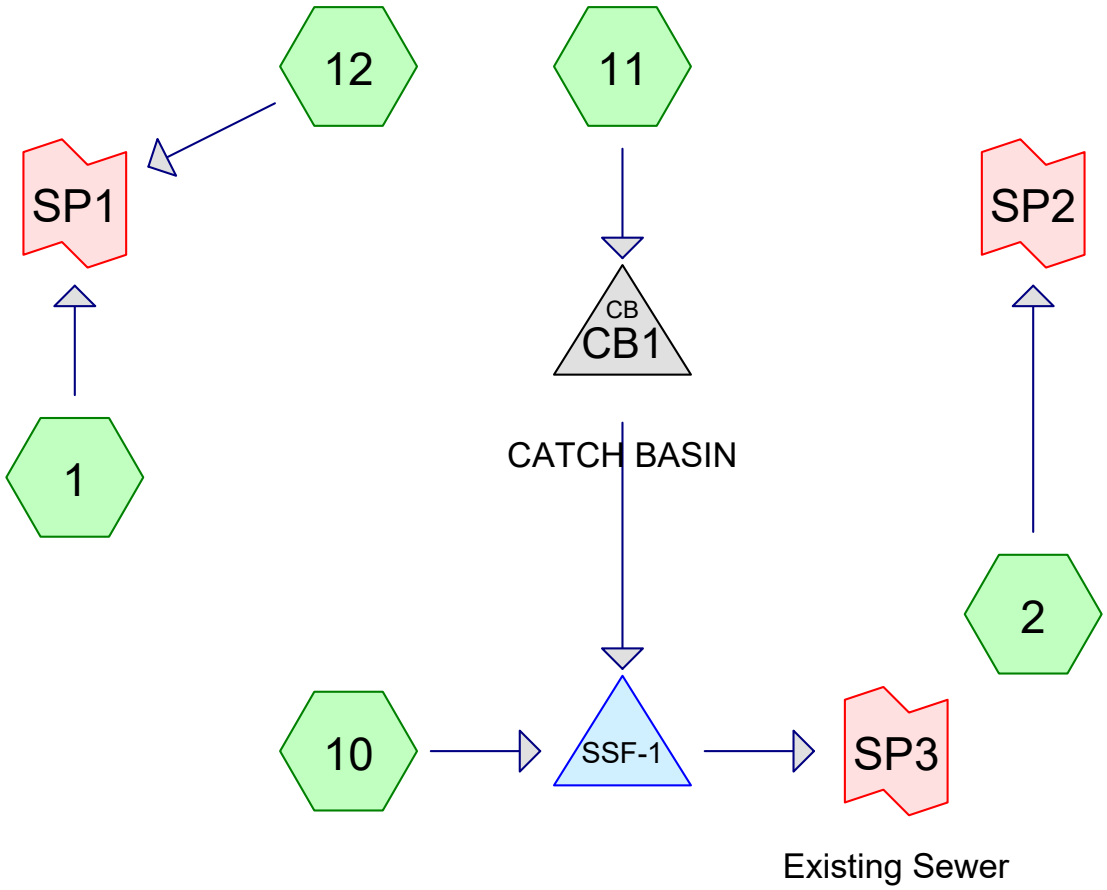
Time span=0.00-48.00 hrs, dt=0.05 hrs, 961 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: Runoff Area=11,310 sf 49.04% Impervious Runoff Depth=1.60"
Flow Length=129' Tc=6.0 min CN=68 Runoff=0.46 cfs 1,508 cf

Subcatchment 2: Runoff Area=3,595 sf 92.16% Impervious Runoff Depth=3.81"
Flow Length=151' Tc=6.0 min CN=93 Runoff=0.34 cfs 1,140 cf

Link SP1: Inflow=0.46 cfs 1,508 cf
Primary=0.46 cfs 1,508 cf

Link SP2: Inflow=0.34 cfs 1,140 cf
Primary=0.34 cfs 1,140 cf



Subcat Reach Pond Link

Routing Diagram for 18053-POST
Prepared by DM Roma Consulting Engineers, Printed 8/12/2019
HydroCAD® 10.00-20 s/n 09237 © 2017 HydroCAD Software Solutions LLC

Time span=0.00-96.00 hrs, dt=0.05 hrs, 1921 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: Runoff Area=570 sf 56.32% Impervious Runoff Depth=2.83"
Flow Length=83' Tc=6.0 min CN=72 Runoff=0.04 cfs 134 cf

Subcatchment 2: Runoff Area=3,470 sf 95.48% Impervious Runoff Depth=5.21"
Flow Length=151' Tc=6.0 min CN=95 Runoff=0.43 cfs 1,507 cf

Subcatchment 10: Runoff Area=8,015 sf 81.78% Impervious Runoff Depth=4.33"
Flow Length=72' Tc=6.0 min CN=87 Runoff=0.89 cfs 2,889 cf

Subcatchment 11: Runoff Area=1,598 sf 72.72% Impervious Runoff Depth=3.80"
Flow Length=45' Tc=6.0 min CN=82 Runoff=0.16 cfs 507 cf

Subcatchment 12: Runoff Area=716 sf 5.31% Impervious Runoff Depth=0.55"
Flow Length=23' Tc=6.0 min CN=42 Runoff=0.00 cfs 33 cf

Pond CB1: CATCH BASIN Peak Elev=123.41' Inflow=0.16 cfs 507 cf
10.0" Round Culvert x 2.00 n=0.013 L=1.6' S=0.0437 '/' Outflow=0.16 cfs 507 cf

Pond SSF-1: Peak Elev=124.93' Storage=938 cf Inflow=1.05 cfs 3,396 cf
Discarded=0.00 cfs 956 cf Primary=0.92 cfs 2,439 cf Outflow=0.92 cfs 3,396 cf

Link SP1: Inflow=0.05 cfs 167 cf
Primary=0.05 cfs 167 cf

Link SP2: Inflow=0.43 cfs 1,507 cf
Primary=0.43 cfs 1,507 cf

Link SP3: Existing Sewer Inflow=0.92 cfs 2,439 cf
Primary=0.92 cfs 2,439 cf

Summary for Subcatchment 1:

Runoff = 0.04 cfs @ 12.09 hrs, Volume= 134 cf, Depth= 2.83"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	95	98	Existing Pavement
*	226	98	Proposed Concrete
*	179	39	Proposed Landscape A
*	70	39	Existing Landscape
	570	72	Weighted Average
	249		43.68% Pervious Area
	321		56.32% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.2	15	0.0199	0.08		**Sheet Flow, Seg A to Seg B** Grass: Dense n= 0.240 P2= 3.10"
0.6	68	0.0516	1.83		**Sheet Flow, Seg B to Seg C** Smooth surfaces n= 0.011 P2= 3.10"
3.8	83	Total, Increased to minimum Tc = 6.0 min			

Summary for Subcatchment 2:

Runoff = 0.43 cfs @ 12.09 hrs, Volume= 1,507 cf, Depth= 5.21"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	3,313	98	Existing Pavement
*	157	39	Proposed Landscape A
	3,470	95	Weighted Average
	157		4.52% Pervious Area
	3,313		95.48% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.4	47	0.0731	1.96		**Sheet Flow, Seg A to Seg B** Smooth surfaces n= 0.011 P2= 3.10"
0.1	62	0.0896	13.28	45.66	**Trap/Vee/Rect Channel Flow, Seg B to Seg C** Bot.W=0.00' D=0.50' Z= 0.1 & 27.4 '/' Top.W=13.75' n= 0.013 Asphalt, smooth
0.0	21	0.0950	13.97	68.79	**Trap/Vee/Rect Channel Flow, Seg C to Seg D** Bot.W=0.00' D=0.50' Z= 13.0 & 26.4 '/' Top.W=19.70' n= 0.013 Asphalt, smooth
0.0	21	0.0892	13.24	43.86	**Trap/Vee/Rect Channel Flow, Seg D to Seg E** Bot.W=0.00' D=0.50' Z= 0.1 & 26.4 '/' Top.W=13.25' n= 0.013 Asphalt, smooth

0.5 151 Total, Increased to minimum Tc = 6.0 min

Summary for Subcatchment 10:

Runoff = 0.89 cfs @ 12.09 hrs, Volume= 2,889 cf, Depth= 4.33"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	5,688	98	Proposed Rooftop
*	867	98	Proposed Concrete
*	1,460	39	Proposed Landscape A
	8,015	87	Weighted Average
	1,460		18.22% Pervious Area
	6,555		81.78% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.0	7	0.0100	2.86	0.56	**Pipe Channel, Seg A to Seg B** 6.0" Round Area= 0.2 sf Perim= 1.6' r= 0.13' n= 0.013
0.1	36	0.0833	11.59	6.32	**Pipe Channel, Seg B to Seg C** 10.0" Round Area= 0.5 sf Perim= 2.6' r= 0.21' n= 0.013 Corrugated PE, smooth interior
0.1	26	0.0170	5.24	2.86	**Pipe Channel, Seg C to Seg D** 10.0" Round Area= 0.5 sf Perim= 2.6' r= 0.21' n= 0.013 Corrugated PE, smooth interior
0.0	3	0.0300	6.96	3.79	**Pipe Channel, Seg D to Seg E** 10.0" Round Area= 0.5 sf Perim= 2.6' r= 0.21' n= 0.013 Corrugated PE, smooth interior
0.2	72	Total, Increased to minimum Tc = 6.0 min			

Summary for Subcatchment 11:

Runoff = 0.16 cfs @ 12.09 hrs, Volume= 507 cf, Depth= 3.80"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	1,033	98	Proposed Pavement
*	129	98	Proposed Concrete
*	436	39	Proposed Landscape A
	1,598	82	Weighted Average
	436		27.28% Pervious Area
	1,162		72.72% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.9	5	0.0566	0.10		**Sheet Flow, Seg A to Seg B** Grass: Dense n= 0.240 P2= 3.10"
0.1	40	0.0600	4.97		**Shallow Concentrated Flow, Seg B to Seg C** Paved Kv= 20.3 fps
1.0	45	Total, Increased to minimum Tc = 6.0 min			

Summary for Subcatchment 12:

Runoff = 0.00 cfs @ 12.29 hrs, Volume= 33 cf, Depth= 0.55"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Type III 24-hr 25-Year Rainfall=5.80"

	Area (sf)	CN	Description
*	678	39	Proposed Landscape A
*	38	98	Proposed Concrete
	716	42	Weighted Average
	678		94.69% Pervious Area
	38		5.31% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
0.6	11	0.3300	0.33		**Sheet Flow, Seg A to Seg B** Grass: Short n= 0.150 P2= 3.10"
1.8	12	0.0200	0.11		**Sheet Flow, Seg B to Seg C** Grass: Short n= 0.150 P2= 3.10"
2.4	23	Total, Increased to minimum Tc = 6.0 min			

Summary for Pond CB1: CATCH BASIN

Inflow Area = 1,598 sf, 72.72% Impervious, Inflow Depth = 3.80" for 25-Year event
Inflow = 0.16 cfs @ 12.09 hrs, Volume= 507 cf
Outflow = 0.16 cfs @ 12.09 hrs, Volume= 507 cf, Atten= 0%, Lag= 0.0 min
Primary = 0.16 cfs @ 12.09 hrs, Volume= 507 cf

Routing by Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs
Peak Elev= 123.41' @ 12.09 hrs
Flood Elev= 126.60'

Device	Routing	Invert	Outlet Devices
#1	Primary	123.27'	**10.0" Round Culvert X 2.00** L= 1.6' CPP, square edge headwall, Ke= 0.500 Inlet / Outlet Invert= 123.27' / 123.20' S= 0.0437 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.55 sf

Primary OutFlow Max=0.16 cfs @ 12.09 hrs HW=123.41' (Free Discharge)
1=Culvert (Inlet Controls 0.16 cfs @ 1.28 fps)

Summary for Pond SSF-1:

Inflow Area = 9,613 sf, 80.28% Impervious, Inflow Depth = 4.24" for 25-Year event
Inflow = 1.05 cfs @ 12.09 hrs, Volume= 3,396 cf
Outflow = 0.92 cfs @ 12.13 hrs, Volume= 3,396 cf, Atten= 12%, Lag= 2.5 min
Discarded = 0.00 cfs @ 7.20 hrs, Volume= 956 cf
Primary = 0.92 cfs @ 12.13 hrs, Volume= 2,439 cf

Routing by Stor-Ind method, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs / 2
Peak Elev= 124.93' @ 12.13 hrs Surf.Area= 796 sf Storage= 938 cf

Plug-Flow detention time= 520.5 min calculated for 3,396 cf (100% of inflow)
Center-of-Mass det. time= 520.2 min (1,318.2 - 798.0)

Volume	Invert	Avail.Storage	Storage Description
#1A	122.65'	146 cf	**4.83'W x 38.80'L x 2.33'H Field A** 438 cf Overall - 74 cf Embedded = 364 cf x 40.0% Voids
#2A	123.15'	74 cf	**ADS_StormTech SC-310 +Cap** x 5 Inside #1 Effective Size= 28.9"W x 16.0"H => 2.07 sf x 7.12'L = 14.7 cf Overall Size= 34.0"W x 16.0"H x 7.56'L with 0.44' Overlap
#3B	122.65'	86 cf	**2.83'W x 45.92'L x 2.33'H Field B** 304 cf Overall - 88 cf Embedded = 215 cf x 40.0% Voids
#4B	123.15'	88 cf	**ADS_StormTech SC-310 +Cap** x 6 Inside #3 Effective Size= 28.9"W x 16.0"H => 2.07 sf x 7.12'L = 14.7 cf Overall Size= 34.0"W x 16.0"H x 7.56'L with 0.44' Overlap
#5C	122.65'	198 cf	**4.83'W x 53.04'L x 2.33'H Field C** 598 cf Overall - 103 cf Embedded = 495 cf x 40.0% Voids
#6C	123.15'	103 cf	**ADS_StormTech SC-310 +Cap** x 7 Inside #5 Effective Size= 28.9"W x 16.0"H => 2.07 sf x 7.12'L = 14.7 cf Overall Size= 34.0"W x 16.0"H x 7.56'L with 0.44' Overlap
#7D	122.65'	172 cf	**4.83'W x 45.92'L x 2.33'H Field D** 518 cf Overall - 88 cf Embedded = 429 cf x 40.0% Voids
#8D	123.15'	88 cf	**ADS_StormTech SC-310 +Cap** x 6 Inside #7 Effective Size= 28.9"W x 16.0"H => 2.07 sf x 7.12'L = 14.7 cf Overall Size= 34.0"W x 16.0"H x 7.56'L with 0.44' Overlap
		955 cf	Total Available Storage

Storage Group A created with Chamber Wizard
Storage Group B created with Chamber Wizard
Storage Group C created with Chamber Wizard
Storage Group D created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	122.65'	**0.200 in/hr Exfiltration over Surface area**
#2	Primary	122.23'	**6.0" Round Culvert-6" OCS outlet** L= 33.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 122.23' / 120.10' S= 0.0645 '/' Cc= 0.900 n= 0.013 Corrugated PE, smooth interior, Flow Area= 0.20 sf
#3	Device 2	124.25'	**Custom Weir/Orifice, Cv= 2.62 (C= 3.28)** Head (feet) 0.00 1.00 1.00 1.97 Width (feet) 0.50 0.50 4.00 4.00
#4	Device 3	122.73'	**4.0" Vert. 4" Underdrain** C= 0.600

#5 Device 3 123.27' **10.0" Vert. 10" Overflow Pipe From Chamber** C= 0.600

Discarded OutFlow Max=0.00 cfs @ 7.20 hrs HW=122.69' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.00 cfs)

Primary OutFlow Max=0.90 cfs @ 12.13 hrs HW=124.92' (Free Discharge)
└**2=Culvert-6" OCS outlet** (Passes 0.90 cfs of 1.17 cfs potential flow)
└**3=Custom Weir/Orifice** (Weir Controls 0.90 cfs @ 2.68 fps)
├**4=4" Underdrain** (Passes < 0.34 cfs potential flow)
└**5=10" Overflow Pipe From Chamber** (Passes < 2.15 cfs potential flow)

Summary for Link SP1:

Inflow Area = 1,286 sf, 27.92% Impervious, Inflow Depth = 1.56" for 25-Year event
Inflow = 0.05 cfs @ 12.10 hrs, Volume= 167 cf
Primary = 0.05 cfs @ 12.10 hrs, Volume= 167 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs

Summary for Link SP2:

Inflow Area = 3,470 sf, 95.48% Impervious, Inflow Depth = 5.21" for 25-Year event
Inflow = 0.43 cfs @ 12.09 hrs, Volume= 1,507 cf
Primary = 0.43 cfs @ 12.09 hrs, Volume= 1,507 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs

Summary for Link SP3: Existing Sewer

Inflow Area = 9,613 sf, 80.28% Impervious, Inflow Depth = 3.05" for 25-Year event
Inflow = 0.92 cfs @ 12.13 hrs, Volume= 2,439 cf
Primary = 0.92 cfs @ 12.13 hrs, Volume= 2,439 cf, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-96.00 hrs, dt= 0.05 hrs

Time span=0.00-96.00 hrs, dt=0.05 hrs, 1921 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: Runoff Area=570 sf 56.32% Impervious Runoff Depth=0.87"
Flow Length=83' Tc=6.0 min CN=72 Runoff=0.01 cfs 41 cf

Subcatchment 2: Runoff Area=3,470 sf 95.48% Impervious Runoff Depth=2.55"
Flow Length=151' Tc=6.0 min CN=95 Runoff=0.22 cfs 737 cf

Subcatchment 10: Runoff Area=8,015 sf 81.78% Impervious Runoff Depth=1.83"
Flow Length=72' Tc=6.0 min CN=87 Runoff=0.39 cfs 1,220 cf

Subcatchment 11: Runoff Area=1,598 sf 72.72% Impervious Runoff Depth=1.46"
Flow Length=45' Tc=6.0 min CN=82 Runoff=0.06 cfs 194 cf

Subcatchment 12: Runoff Area=716 sf 5.31% Impervious Runoff Depth=0.01"
Flow Length=23' Tc=6.0 min CN=42 Runoff=0.00 cfs 0 cf

Pond CB1: CATCH BASIN Peak Elev=123.36' Inflow=0.06 cfs 194 cf
10.0" Round Culvert x 2.00 n=0.013 L=1.6' S=0.0437 '/' Outflow=0.06 cfs 194 cf

Pond SSF-1: Peak Elev=124.35' Storage=751 cf Inflow=0.45 cfs 1,414 cf
Discarded=0.00 cfs 919 cf Primary=0.05 cfs 496 cf Outflow=0.06 cfs 1,414 cf

Link SP1: Inflow=0.01 cfs 42 cf
Primary=0.01 cfs 42 cf

Link SP2: Inflow=0.22 cfs 737 cf
Primary=0.22 cfs 737 cf

Link SP3: Existing Sewer Inflow=0.05 cfs 496 cf
Primary=0.05 cfs 496 cf

Time span=0.00-96.00 hrs, dt=0.05 hrs, 1921 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Stor-Ind+Trans method - Pond routing by Stor-Ind method

Subcatchment 1: Runoff Area=570 sf 56.32% Impervious Runoff Depth=1.89"
Flow Length=83' Tc=6.0 min CN=72 Runoff=0.03 cfs 90 cf

Subcatchment 2: Runoff Area=3,470 sf 95.48% Impervious Runoff Depth=4.02"
Flow Length=151' Tc=6.0 min CN=95 Runoff=0.34 cfs 1,163 cf

Subcatchment 10: Runoff Area=8,015 sf 81.78% Impervious Runoff Depth=3.19"
Flow Length=72' Tc=6.0 min CN=87 Runoff=0.66 cfs 2,132 cf

Subcatchment 11: Runoff Area=1,598 sf 72.72% Impervious Runoff Depth=2.72"
Flow Length=45' Tc=6.0 min CN=82 Runoff=0.11 cfs 363 cf

Subcatchment 12: Runoff Area=716 sf 5.31% Impervious Runoff Depth=0.22"
Flow Length=23' Tc=6.0 min CN=42 Runoff=0.00 cfs 13 cf

Pond CB1: CATCH BASIN Peak Elev=123.39' Inflow=0.11 cfs 363 cf
10.0" Round Culvert x 2.00 n=0.013 L=1.6' S=0.0437 '/' Outflow=0.11 cfs 363 cf

Pond SSF-1: Peak Elev=124.72' Storage=872 cf Inflow=0.78 cfs 2,495 cf
Discarded=0.00 cfs 942 cf Primary=0.53 cfs 1,552 cf Outflow=0.54 cfs 2,494 cf

Link SP1: Inflow=0.03 cfs 103 cf
Primary=0.03 cfs 103 cf

Link SP2: Inflow=0.34 cfs 1,163 cf
Primary=0.34 cfs 1,163 cf

Link SP3: Existing Sewer Inflow=0.53 cfs 1,552 cf
Primary=0.53 cfs 1,552 cf

ATTACHMENT B

STORMWATER TREATMENT CALCULATIONS

Stormwater Treatment Table

33/37 Montreal Street

	Total Watershed Area (SF)	New Driveway and Road Impervious Area (SF)	New Landscaped Area (SF)	Existing/Offsite Impervious Area (SF)	Existing/Offsite Landscaped Area (SF)	Existing Undeveloped Area (SF)	Treatment Provided	New Impervious Area Treated In Treatment Device (SF)	New Landscaped Area Treated In Treatment Device (SF)	Treatment Device
WS-1	570	226	179	95	70	0	No	0	0	None
WS-10	8,015	6,555	1,460	0	0	0	Yes	6,555	1,460	Chamber Syst.
WS-11	1,598	1,162	436	0	0	0	Yes	1,162	436	Chamber Syst.
WS-12	716	38	678	0	0	0	No	0	0	None
WS-2	3,470	0	157	3,313	0	0	No	0	0	None
Total		**7,981**	**2,910**					**7,717**	**1,896**	

New Impervious Area =	7,981	sf
Impervious Area Requiring Treatment (95%) =	7,582	sf
Impervious Area Treatment Provided =	7,717	sf
	97%	New Impervious Area Treated
New Developed Area =	10,891	sf
Developed Area Requiring Treatment (80%) =	8,713	sf
Developed Area Treatment Provided =	9,613	sf
	88%	New Developed Area Treated

Subsurface Storage - 1

Tributary Impervious Area=	7,717	sf	(WS-10 & WS-11 Impervious Area)
Tributary Landscaped Area=	1,896	sf	(WS-10 & WS-11 Landscaped Area)

Water Quality Volume (WQV) Calculation

WQV (Required) = 1.0"xImpervious Area + 0.4"xLandscaped Area

WQV (Required) = 706 cf

Chamber Size = SC-310

WQV (Provided)= 715 cf >Required

(See HydroCAD Stage Storage Calculation)

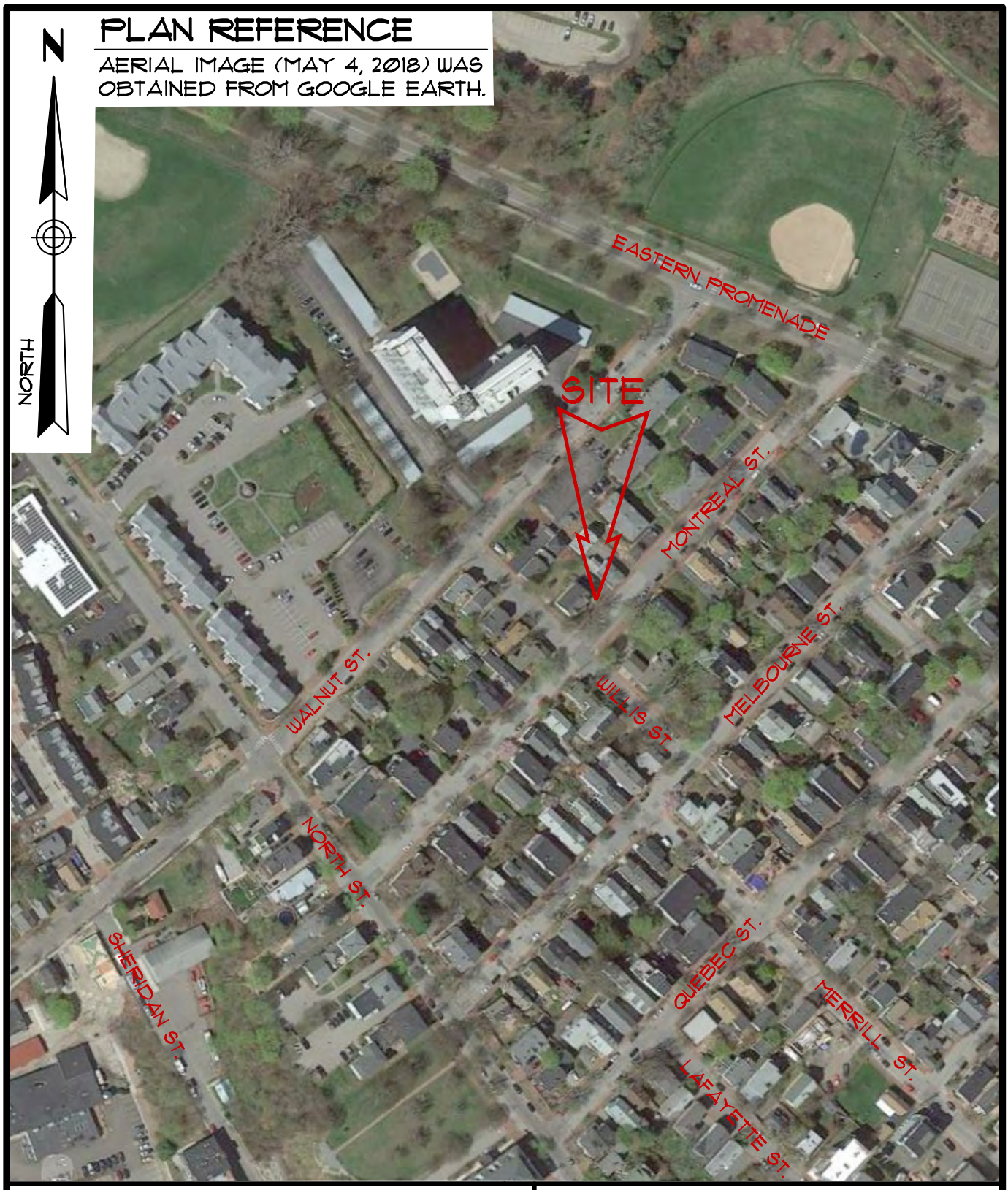
Stage-Area-Storage for Pond SSF-1:

Elevation (feet)	Surface (sq-ft)	Storage (cubic-feet)
122.65	**796**	0
122.70	796	16
122.75	796	32
122.80	796	48
122.85	796	64
122.90	796	80
122.95	796	96
123.00	796	111
123.05	796	127
123.10	796	143
123.15	796	159
123.20	796	187
123.25	796	216
123.30	796	244
123.35	796	271
123.40	796	299
123.45	796	327
123.50	796	354
123.55	796	381
123.60	796	407
123.65	796	434
123.70	796	460
123.75	796	485
123.80	796	511
123.85	796	536
123.90	796	560
123.95	796	584
124.00	796	608
124.05	796	631
124.10	796	653
124.15	796	675
124.20	796	696
124.25	796	715
124.30	796	734
124.35	796	752
124.40	796	769
124.45	796	785
124.50	796	801
124.55	796	817
124.60	796	833
124.65	796	849
124.70	796	865
124.75	796	881
124.80	796	897
124.85	796	913
124.90	796	929
124.95	796	**945**
125.00	796	**955**
125.05	796	955
125.10	796	955
125.15	796	955
125.20	796	955
125.25	796	955
125.30	796	955
125.35	796	955
125.40	796	955
125.45	796	955
125.50	796	955
125.55	796	955
125.60	796	955
125.65	796	955
125.70	796	955
125.75	796	955
125.80	796	955
125.85	796	955
125.90	796	955
125.95	796	955
126.00	796	955
126.05	796	955
126.10	796	955
126.15	796	955
126.20	796	955

Water Quality Volume Required = 706 cf
Provided Water Quality Volume = 715 cf

ATTACHMENT C

SOILS TEST PIT LOGS AND MAPS



LOCATION MAP
NEW RESIDENTIAL BUILDING

33 MONTREAL STREET - PORTLAND, MAINE

PREPARED FOR

TIM WELLS

DATE: 4-15-2019	DRAWN BY: KRF	CHECKED BY: ELS
JOB: 17164	SCALE: 1" = 200'	FILE: 17164 BOR

145 LISBON ST. - SUITE 101
LEWISTON, ME 04240
Tel.: (207) 576-3313

173 PLEASANT STREET
ROCKLAND, ME 04841
Tel.: (207) 318-7761

SUMMIT
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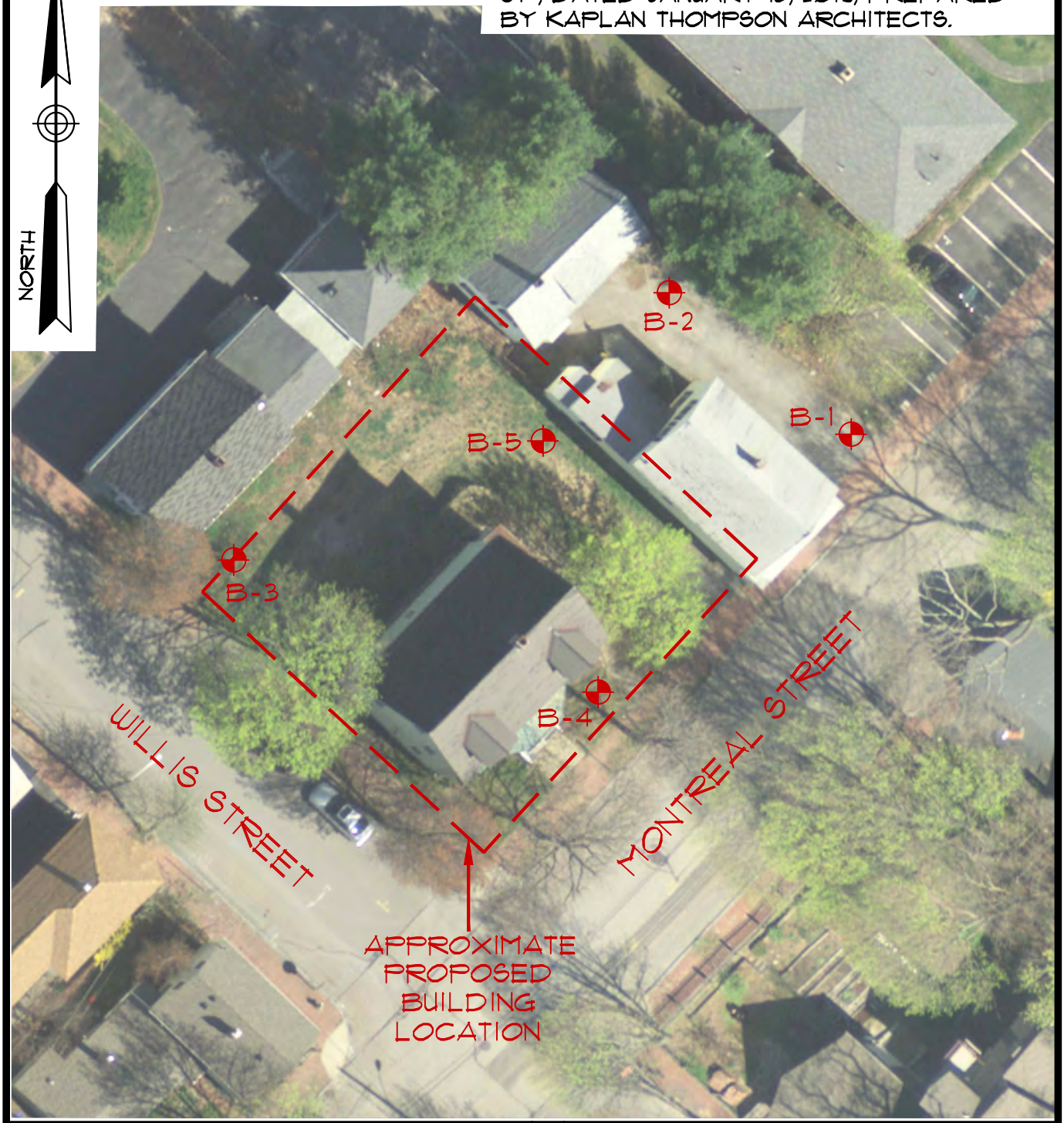
LEGEND

B-1 SUMMIT TEST BORING (APRIL 5, 2019)

PLAN REFERENCE

PROPOSED BUILDING LOCATION WAS TAKEN FROM A PLAN SET ENTITLED "MONTREAL ST", DATED JANUARY 15, 2019, PREPARED BY KAPLAN THOMPSON ARCHITECTS.



EXPLORATION LOCATION PLAN
NEW RESIDENTIAL BUILDING

33 MONTREAL STREET - PORTLAND, MAINE

PREPARED FOR

TIM WELLS

DATE: 4-15-2019	DRAWN BY: KRF	CHECKED BY: ELS
JOB: 17164	SCALE: 1" = 30'	FILE: 17164 BOR

145 LISBON ST. - SUITE 701
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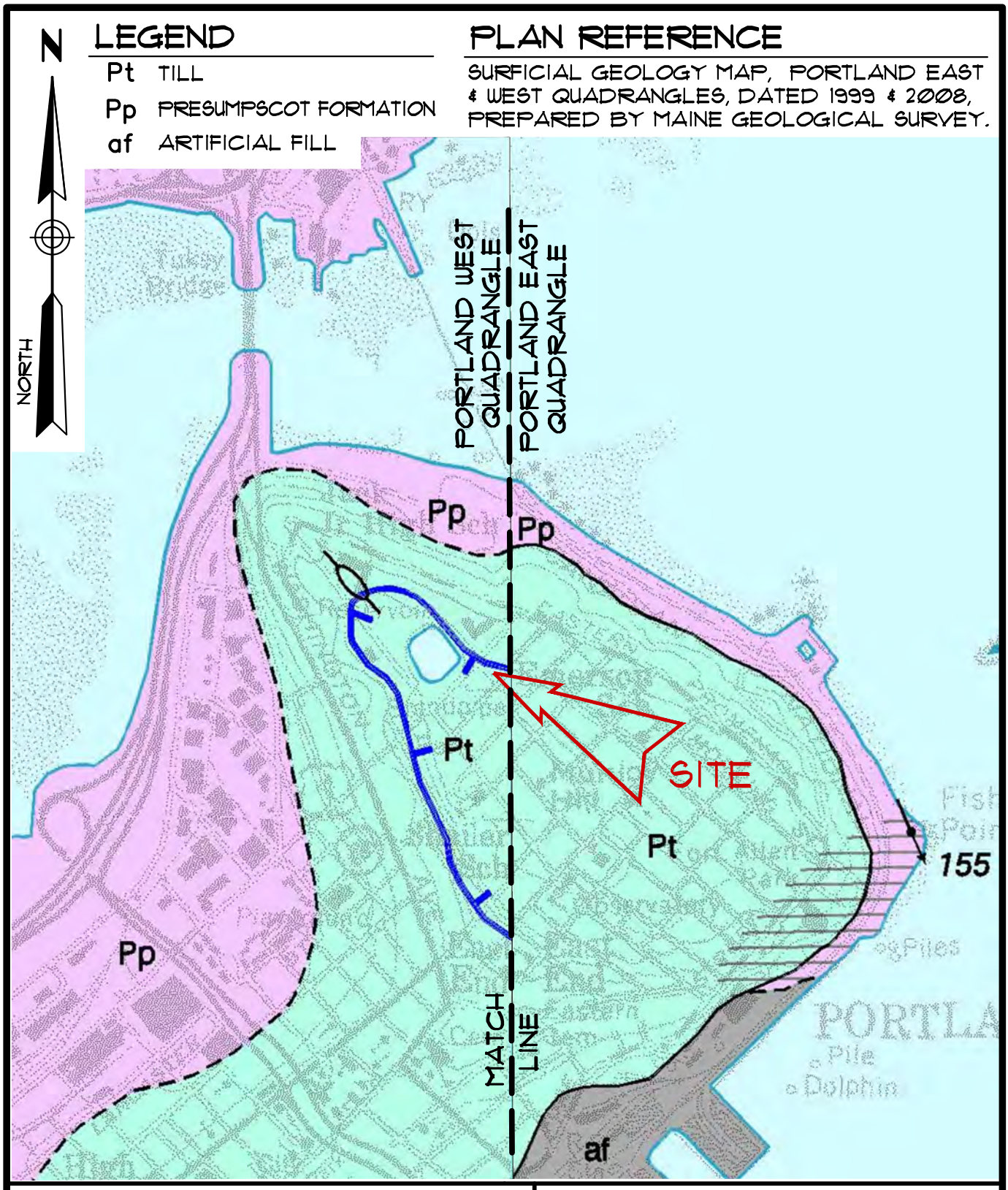

SURFICIAL GEOLOGY MAP
NEW RESIDENTIAL BUILDING

33 MONTREAL STREET - PORTLAND, MAINE
PREPARED FOR
TIM WELLS

DATE: 4-15-2019	DRAWN BY: KRF	CHECKED BY: ELS
JOB: 17164	SCALE: 1" = 1000'	FILE: 17164 BOR

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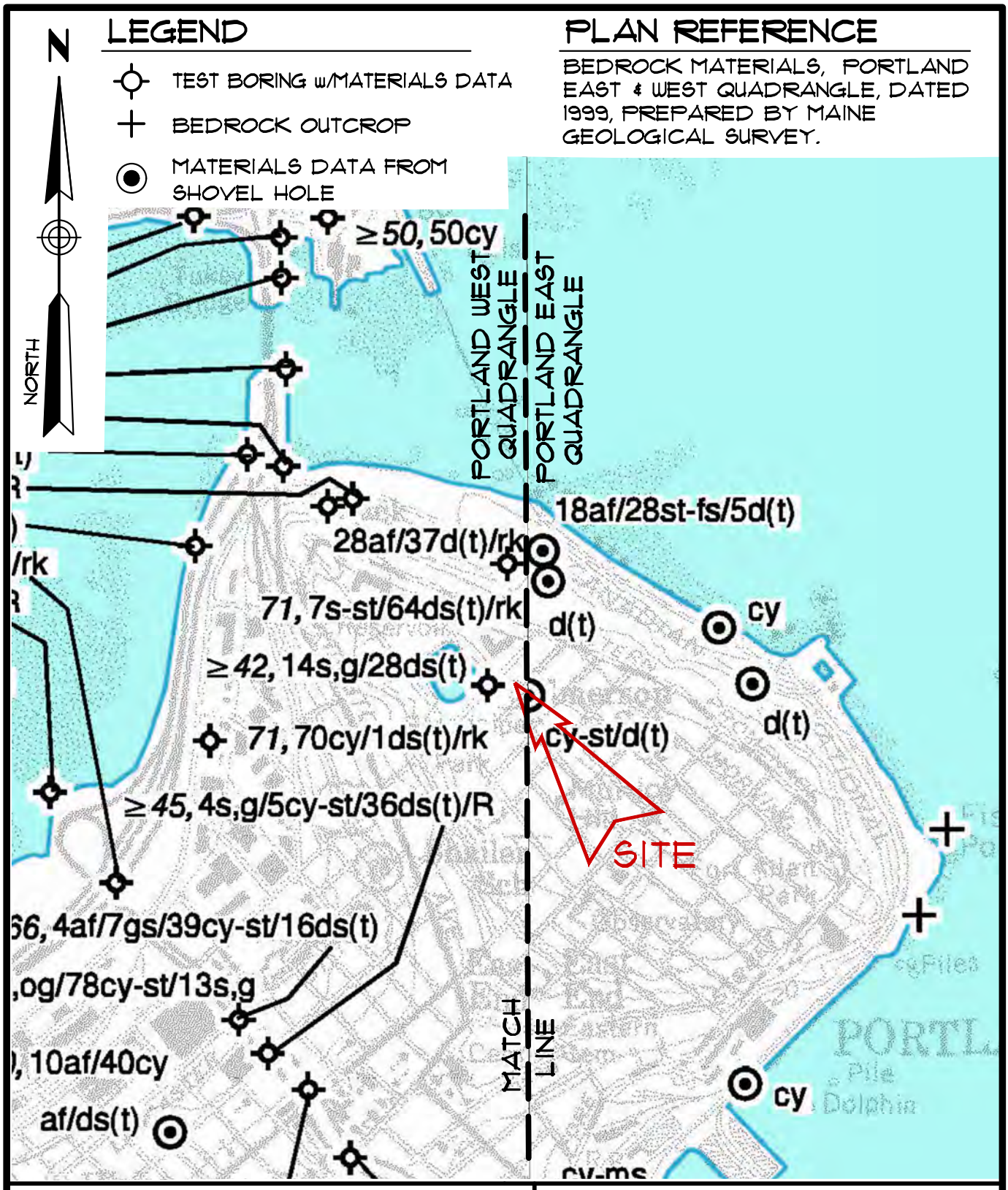

SURFICIAL MATERIALS
NEW RESIDENTIAL BUILDING

33 MONTREAL STREET - PORTLAND, MAINE

PREPARED FOR

TIM WELLS

DATE: 4-15-2019	DRAWN BY: KRF	CHECKED BY: ELS
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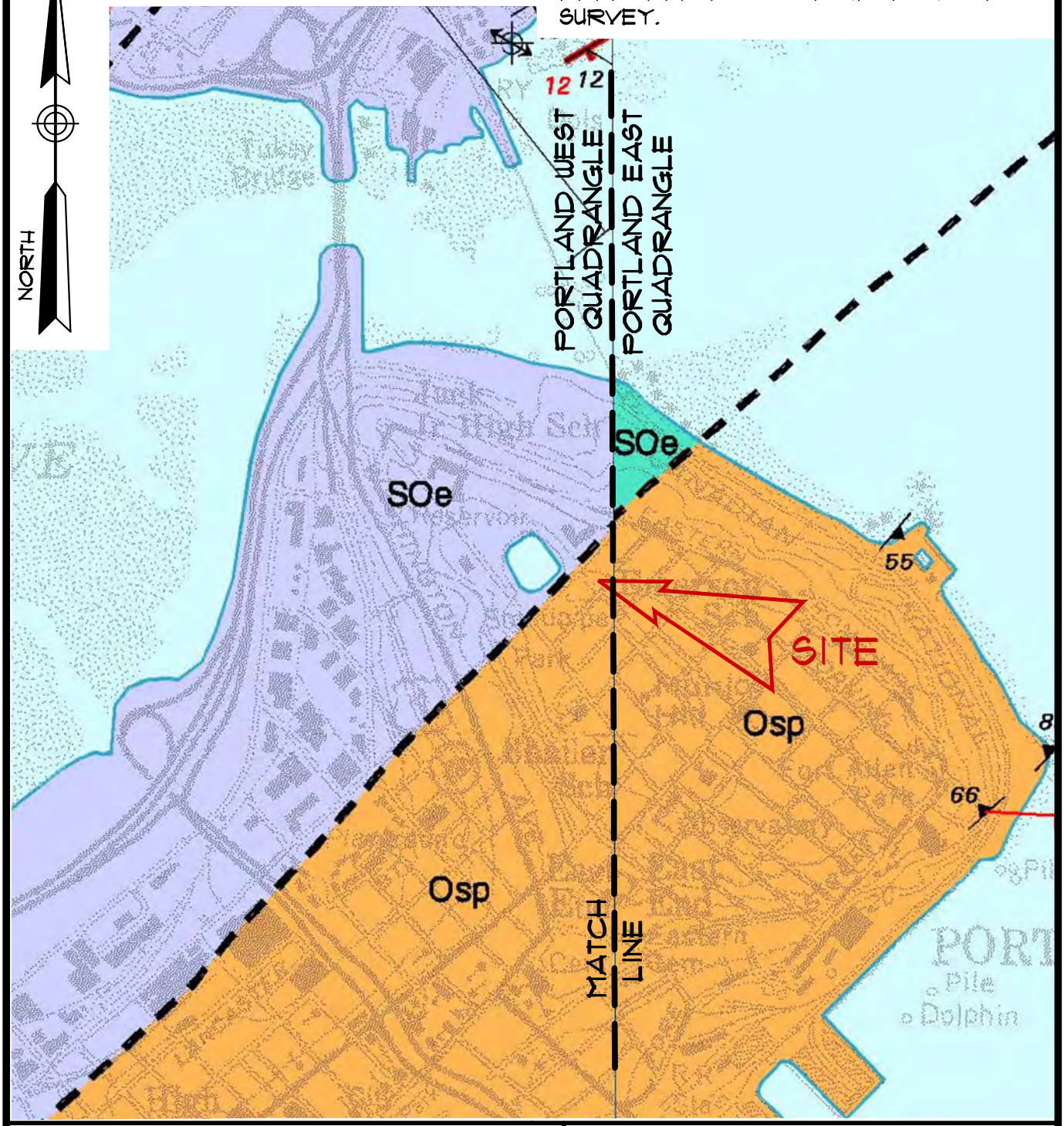
LEGEND

Osp	SPRING POINT FORMATION
Soe	ELLIOT FORMATION

PLAN REFERENCE

BEDROCK GEOLOGY, PORTLAND EAST & WEST QUADRANGLE, DATED 2003, PREPARED BY MAINE GEOLOGICAL SURVEY.



BEDROCK GEOLOGY MAP
NEW RESIDENTIAL BUILDING

33 MONTREAL STREET - PORTLAND, MAINE

PREPARED FOR

TIM WELLS

DATE: 4-15-2019	DRAWN BY: KRF	CHECKED BY: ELS
JOB: 17164	SCALE: 1" = 1000'	FILE: 17164 BOR

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EXPLORATION COVER SHEET

The exploration logs are prepared by the geotechnical engineer from both field and laboratory data. Soil descriptions are based upon the Unified Soil Classification System (USCS) per ASTM D2487 and/or ASTM D2488 as applicable. Supplemental descriptive terms for estimated particle percentage, color, density, moisture condition, and bedrock may also be included to further describe conditions.

Drilling and Sampling Symbols:

S = Split Spoon Sample
UT = Thin Wall Shelby Tube
SSA = Solid Stem Auger
HSA = Hollow Stem Auger
RW = Rotary Wash
SV = Lab Shear Vane (Torvane)
PP = Pocket Penetrometer
C = Rock Core Sample
FV = Field Vane Shear Test
SP = Concrete Punch Sample
Hyd = Hydraulic Advancement of Drilling Rods
Push = Direct Push of Drilling Rods
WOH = Weight of Hammer
WOR = Weight of Rod
PI = Plasticity Index
LL = Liquid Limit
MC = Natural Moisture Content
USCS = Unified Soil Classification System
Su = Undrained Shear Strength
Su(r) = Remolded Shear Strength

Water Level Measurements:

Water levels indicated on the boring logs are the levels measured in the boring at the times indicated. In pervious soils, the indicated elevations are considered reliable groundwater levels. In impervious soils, the accurate determination of groundwater elevations may not be possible, even after several days of observations. Groundwater monitoring wells may be required to record accurate depths and fluctuation.

Gradation Description and Terminology:

Boulders:	Over 12 inches	Trace:	Less than 5%
Cobbles:	12 inches to 3 inches	Little:	5% to 15%
Gravel:	3 inches to No.4 sieve	Some:	15% to 30%
Sand:	No.4 to No. 200 sieve	Silty, Sandy, etc.:	Greater than 30%
Silt:	No. 200 sieve to 0.005 mm		
Clay:	less than 0.005 mm		

Density of Granular Soils and Consistency of Cohesive Soils:

CONSISTENCY OF COHESIVE SOILS		DENSITY OF GRANULAR SOILS	
SPT N-value blows/ft	**Consistency**	**SPT N-value blows/ft**	**Relative Density**
0 to 2	Very Soft	0 to 4	Very Loose
2 to 4	Soft	5 to 10	Loose
5 to 8	Firm	11 to 30	Compact
9 to 15	Stiff	31 to 50	Dense
16 to 30	Very Stiff	>50	Very Dense
>30	Hard		

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Project:	New Residential Building	Boring #:	**B-1**
Location:	33 Montreal Street	Project #:	17164
City, State:	Portland, Maine	Sheet:	1 of 1
		Chkd by:	WMP

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	Unknown
Driller:	C. Coolidge, P.E.	Reference:	N/A
Summit Staff:	E. Stewart, P.E.	Date started:	4/5/2019 Date Completed: 4/5/2019

DRILLING METHOD		SAMPLER	
Vehicle:	AMS	Length:	24" SS
Model:	9500 VTR	Diameter:	2"OD/1.5"ID
Method:	2¼-inch HSA	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
4/5/2019	NE	N/A	None observed

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/12	0 - 2	3		Dark brown SILT, little Sand & organics, loose, damp, ML		TOPSOIL
1				3		Dark brown to brown Gravelly SAND, little Silt, loose,		0.2'
				3		damp, SP-SM		FILL
2				3				
	S-2	24/8	2 - 4	2		Same as above, loose, damp, SP-SM		
3				2		Dark brown to mottled brown Clayey SILT, little		2.5'+/-
				9		Sand, Gravel, and organics, soft, damp, ML		FORMER TOPSOIL
4				6		Brown to olive brown and mottled Gravelly SAND, little		3'+/-
						Silt, compact, damp, SM to SP-SM		MARINE NEARSHORE
5								DEPOSIT
	S-3	24/24	5 - 7	7		Same as above, compact, damp, SM to SP-SM		
6				17		(1" mottled sand seam at interface)		
				10		Olive brown SILT, some Sand and Gravel, very stiff,		6'+/-
7				8		damp, ML		GLACIAL TILL
8								
9								
10								
	S-4	24/24	10 - 12	12		Olive brown SILT-CLAY, some Sand and Gravel,	PP > 9,000 psf	
11				13		very stiff, damp, ML		
				15				
12				15				
13								
14								
15								
	S-5	24/24	15 - 17	12		Gray SILT, some to little Sand, Gravel, and Clay,	PP > 9,000 psf	
16				13		very stiff to hard, moist, ML		
				16				
17				15				
18								
19								
20								
	S-6	24/24	20 - 22	8		Gray SILT-CLAY, some to little Sand and Gravel,	PP = 8,000 psf	
21				13		very stiff to hard, moist, ML-CL		
				16				
22				21				
						End of Exploration at 22', No Refusal		22'

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
S = Split spoon sample, LL = Liquid Limit, PI = Plasticity Index

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Project:	New Residential Building	Boring #:	B-2
Location:	33 Montreal Street	Project #:	17164
City, State:	Portland, Maine	Sheet:	1 of 1
		Chkd by:	WMP

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	Unknown
Driller:	C. Coolidge, P.E.	Reference:	N/A
Summit Staff:	E. Stewart, P.E.	Date started:	4/5/2019 Date Completed: 4/5/2019

DRILLING METHOD		SAMPLER	
Vehicle:	AMS	Length:	24" SS
Model:	9500 VTR	Diameter:	2"OD/1.5"ID
Method:	2¼-inch HSA	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
4/5/2019	NE	N/A	None observed

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/10	0 - 2	1		1" Bituminous Pavement		PAVEMENT
1				2		Dark brown SAND, some Silt and Gravel, loose, damp,		0.1'
				3		SM		FILL
2				5				
	S-2	24/10	2 - 4	2		Brown Gravelly SAND, little Silt, loose, damp, SM		
3				2				
				3				
4				2				
						Dark brown to mottled brown medium-fine SAND, some		4'+/-
5						to little Silt and Gravel, trace organics at surface, loose,		MARINE NEARSHORE
	S-3	24/18	5 - 7	4		damp, SM		DEPOSIT
6				3				
				2		Light olive brown to tan fine SAND-SILT, little to trace		6'+/-
7				5		Gravel, stiff, moist, SM-ML		GLACIAL TILL
8								
9								
10								
	S-4	24/24	10 - 12	8		Olive brown SILT, some Sand, little Gravel and Clay,	PP > 9,000 psf	
11				9		very stiff, damp, ML		
				11				
12				12				
13								
14								
15								
	S-5	24/8	15 - 17	6		Same as above, very stiff, damp to moist, ML	PP > 9,000 psf	
16				11		(Pushed cobble, low recovery. Cobble fragments in		
				15		spoon tip.)		
17				24				
18								
19								
20								
	S-6	24/24	20 - 22	12		Olive gray to gray SILT, some to little Sand, Gravel, and		
21				17		Clay, occasional cobbles, hard, moist, ML		
				19		(3" cobble at 20.5')		
22				20				
						End of Exploration at 22', No Refusal		22'

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
S = Split spoon sample, LL = Liquid Limit, PI = Plasticity Index

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Project:	New Residential Building	Boring #:	B-3
Location:	33 Montreal Street	Project #:	17164
City, State:	Portland, Maine	Sheet:	1 of 1
		Chkd by:	WMP

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	Unknown
Driller:	C. Coolidge, P.E.	Reference:	N/A
Summit Staff:	E. Stewart, P.E.	Date started:	4/5/2019 Date Completed: 4/5/2019

DRILLING METHOD		SAMPLER	
Vehicle:	AMS	Length:	24" SS
Model:	9500 VTR	Diameter:	2"OD/1.5"ID
Method:	2¼-inch HSA	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
4/5/2019	NE	N/A	None observed

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/12	0 - 2	1		Dark brown SILT, little Sand, rootlets, loose, damp, ML		PAVEMENT
1				2		Light brown SAND, trace Silt, loose, damp, SP		0.1'
				6		Brown SAND, some Silt, little Gravel, reclaim pavement,		FILL
2				6		loose, damp, SM		
	S-2	24/6	2 - 4	3				
3				4		Dark brown SILT, some organics, trace Sand, firm,		2.5'
				5		moist, ML		FORMER TOPSOIL
4				4				3.5'+/-
								GLACIAL TILL
5								
	S-3	24/24	5 - 7	12		Olive brown Sandy SILT, some Gravel, hard/dense,	PP = 6,000 to	
6				21		damp, ML	7,000 psf	
				21		(Sandy lense/pocket at spoon tip)		
7				21				
8								
9								
10								
	S-4	24/24	10 - 12	10		Olive to olive brown SILT, some Sand and Gravel, little	PP > 9,000 psf	
11				18		Clay, occasional cobbles, hard/dense, damp, ML		
				20				
12				30				
13								
14								
15								
	S-5	24/24	15 - 17	20		Olive gray SILT, some Sand and Gravel, little Clay,	PP > 9,000 psf	
16				24		hard, damp, ML		
				25				
17				41				
						End of Exploration at 18', Auger Refusal in dense		18'
18						glacial till.		
19								
20								
21								
22								

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
S = Split spoon sample, LL = Liquid Limit, PI = Plasticity Index

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Boring #: **B-4**

Project:	New Residential Building	Project #:	17164
Location:	33 Montreal Street	Sheet:	1 of 1
City, State:	Portland, Maine	Chkd by:	WMP

Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	Unknown
Driller:	C. Coolidge, P.E.	Reference:	N/A
Summit Staff:	E. Stewart, P.E.	Date started: 4/5/2019	Date Completed: 4/5/2019

DRILLING METHOD		SAMPLER	
Vehicle:	AMS	Length:	24" SS
Model:	9500 VTR	Diameter:	2"OD/1.5"ID
Method:	2¼-inch HSA	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
4/5/2019	NE	N/A	None observed

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/18	0 - 2	2		Dark brown SILT, little Sand, rootlets, soft, damp, ML		TOPSOIL
1				6		Brown Silty SAND, some Gravel, trace reclaim, slate,		0.5'
				4		and ash, loose, frozen to damp, SM		FILL
2				3				
	S-2	24/12	2 - 4	2		Same as above, trace brick, loose, damp, SM		
3				3				
				3		Brown fine SAND-SILT, trace Clay, loose, damp, SM-ML		3'+/-
4				5				
						Auger refusal on cobble or obstruction at 4.5', offset		
5						boring.		
	S-3	24/24	5 - 7	5		Olive brown and mottled Sandy SILT, some Gravel,		5'+/-
6				9		occasional Sandy lenses/pockets, very stiff, damp, ML		GLACIAL TILL
				13		(Cobble fragments in spoon tip; pushed cobble.)		
7				25				
8								
9								
10								
	S-4	24/3	10 - 12	12		Olive brown Silty SAND to Sandy SILT, some Gravel,		
11				35		hard/dense, damp, SM to ML		
				37		(Cobble in spoon tip; pushed cobble.)		
12				32				
13								
14								
15								
	S-5	24/24	15 - 17	9		Olive brown to olive gray SILT, some Sand and Gravel,	PP > 9,000 psf	
16				13		little Clay, hard, damp, ML		
				17				
17				22				
18								
19								
20								
	S-6	24/24	20 - 22	11		Gray SILT, some Sand and Gravel, little Clay, hard,		
21				16		damp, ML		
				15				
22				21				
						End of Exploration at 22', No Refusal		22'

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
S = Split spoon sample, LL = Liquid Limit, PI = Plasticity Index

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

SUMMIT GEOENGINEERING SERVICES

SOIL BORING LOG

Boring #: **B-5**

Project:	New Residential Building	Project #:	17164
Location:	33 Montreal Street	Sheet:	1 of 1
City, State:	Portland, Maine	Chkd by:	WMP
Drilling Co:	Summit Geoengineering Services, Inc.	Boring Elevation:	Unknown
Driller:	C. Coolidge, P.E.	Reference:	N/A
Summit Staff:	E. Stewart, P.E.	Date started: 4/5/2019	Date Completed: 4/5/2019

DRILLING METHOD		SAMPLER	
Vehicle:	AMS	Length:	24" SS
Model:	9500 VTR	Diameter:	2"OD/1.5"ID
Method:	2¼-inch HSA	Hammer:	140 lb
Hammer Style:	Auto	Method:	ASTM D1586

ESTIMATED GROUND WATER DEPTH

Date	Depth	Elevation	Reference
4/5/2019	NE	N/A	None observed

Depth (ft.)	No.	Pen/Rec (in)	Depth (ft)	blows/6"	Elev. (ft.)	SAMPLE DESCRIPTION	Geological/ Test Data	Geological Stratum
	S-1	24/12	0 - 2	3		Dark brown SILT, little Sand, rootlets, soft, damp, ML		TOPSOIL
1				5		Brown SAND, some Gravel, little Silt, compact, SP-SM		0.5'
				7		Dark brown SILT, little Sand, Gravel, and organics,		FILL
2				4		firm/compact, damp, ML		(Portions Reworked Native)
3								
						Brown medium-fine SAND, little Silt, loose, damp,		3'+/-
4						SP to SP-SM		
5								
	S-2	24/24	5 - 7	6		Olive SILT, some Sand, little Gravel and Clay, very stiff,	PP = 7,000 to	5'+/-
6				9		damp, ML	9,000 psf	GLACIAL TILL
				13				
7				18				
8								
9								
10								
	S-3	24/24	10 - 12	10		Olive brown SILT, some Sand and Gravel, little Clay,	PP > 9,000 psf	
11				16		occasional small cobbles, hard, damp, ML		
				20				
12				24				
13						(Cobble at 12.5'+/-)		
14								
15								
	S-4	24/24	15 - 17	15		Olive gray SILT, some Sand and Gravel, little Clay,	PP > 9,000 psf	
16				19		hard, damp, ML		
				20				
17				26				
18								
19								
20								
	S-5	24/24	20 - 22	10		Gray SILT-CLAY, some Sand and Gravel, very stiff,	PP > 9,000 psf	
21				11		damp to moist, ML		
				13				
22				18				
						End of Exploration at 22', No Refusal		22'

Granular Soils		Cohesive Soils		% Composition
Blows/ft.	Density	Blows/ft.	Consistency	ASTM D2487
0-4	V. Loose	<2	V. soft	
5-10	Loose	2-4	Soft	< 5% Trace
11-30	Compact	5-8	Firm	5-15% Little
31-50	Dense	9-15	Stiff	15-30% Some
>50	V. Dense	16-30	V. Stiff	> 30% With
		>30	Hard	

NOTES: PP = Pocket Penetrometer, MC = Moisture Content
S = Split spoon sample, LL = Liquid Limit, PI = Plasticity Index

Boulders = diameter > 12 inches, Cobbles = diameter < 12 inches and > 3 inches
Gravel = < 3 inch and > No 4, Sand = < No 4 and >No 200, Silt/Clay = < No 200

Soil Moisture Condition
Dry: S = 0%
Humid: S = 1 to 25%
Damp: S = 26 to 50%
Moist: S = 51 to 75%
Wet: S = 76 to 99%
Saturated: S = 100%

ATTACHMENT D

MEDIUM INTENSITY SOILS MAP

Map Scale: 1:570 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 5 10 20 30

Feet
0 25 50 100 150

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils

Soil Rating Polygons
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Lines
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Soil Rating Points
- A
- A/D
- B
- B/D
- C
- C/D
- D
- Not rated or not available

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 15, Sep 6, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Data not available.

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
HIB	Hinckley loamy sand, 3 to 8 percent slopes	A	0.7	100.0%
Totals for Area of Interest			**0.7**	**100.0%**

Description

Hydrologic soil groups are based on estimates of runoff potential. Soils are assigned to one of four groups according to the rate of water infiltration when the soils are not protected by vegetation, are thoroughly wet, and receive precipitation from long-duration storms.

The soils in the United States are assigned to four groups (A, B, C, and D) and three dual classes (A/D, B/D, and C/D). The groups are defined as follows:

Group A. Soils having a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.

Group B. Soils having a moderate infiltration rate when thoroughly wet. These consist chiefly of moderately deep or deep, moderately well drained or well drained soils that have moderately fine texture to moderately coarse texture. These soils have a moderate rate of water transmission.

Group C. Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.

Group D. Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, soils that have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

If a soil is assigned to a dual hydrologic group (A/D, B/D, or C/D), the first letter is for drained areas and the second is for undrained areas. Only the soils that in their natural condition are in group D are assigned to dual classes.

Rating Options

Aggregation Method: Dominant Condition

Component Percent Cutoff: None Specified

ATTACHMENT E

INSPECTION, MAINTENANCE AND HOUSEKEEPING PLAN

DM ROMA
CONSULTING ENGINEERS

INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

33/37 MONTREAL STREET DEVELOPMENT
PORTLAND, MAINE

Responsible Party

Owner: McTigue Construction
184 Mountain Road
Falmouth, Maine 04105

The owner is responsible for the maintenance of all stormwater management structures and related site components and the keeping of a maintenance log book with service records. Records of all inspections and maintenance work performed must be kept on file with the owner and retained for a minimum of five years. The maintenance log will be made available to the City upon request. At a minimum, the maintenance of stormwater management systems will be performed on the prescribed schedule.

The procedures outlined in this plan are provided as a general overview of the anticipated practices to be utilized on this site. In some instances, additional measures may be required due to unexpected conditions. *The Maine Erosion and Sedimentation Control BMP* and *Stormwater Management for Maine: Best Management Practices* Manuals published by the Maine Department of Environmental Protection (MDEP) should be referenced for additional information.

During Construction

1. **Inspection and Corrective Action:** It is the contractor's responsibility to comply with the inspection and maintenance procedures outlined in this section. Inspection shall occur on all disturbed and impervious areas, erosion control measures, material storage areas that are exposed to precipitation, and locations where vehicles enter or exit the site. These areas shall be inspected at least once a week as well as 24 hours before and after a storm event and prior to completing permanent stabilization measures. A person with knowledge of erosion and stormwater control, including the standards and conditions in the permit, shall conduct the inspections.

2. **Maintenance:** Erosion controls shall be maintained in effective operating condition until areas are permanently stabilized. If best management practices (BMPs) need to be repaired, the repair work should be initiated upon discovery of the problem but no later than the end of the next workday. If BMPs need to be maintained or modified, additional

BMPs are necessary, or other corrective action is needed, implementation must be completed within seven calendar days and prior to any rainfall event.

3. **Documentation:** A report summarizing the inspections and any corrective action taken must be maintained on site. The log must include the name(s) and qualifications of the person making the inspections; the date(s) of the inspections; and the major observations about the operation and maintenance of erosion and sedimentation controls, materials storage areas, and vehicle access points to the parcel. Major observations must include BMPs that need maintenance, BMPs that failed to operate as designed or proved inadequate for a particular location, and location(s) where additional BMPs are needed. For each BMP requiring maintenance, BMP needing replacement, and location needing additional BMPs, note in the log the corrective action taken and when it was taken. The log must be made accessible to City Staff, and a copy must be provided upon request. The owner shall retain a copy of the log for a period of at least three years from the completion of permanent stabilization.

Housekeeping

1. **Spill prevention:** Controls must be used to prevent pollutants from construction and waste materials on site to enter stormwater, which includes storage practices to minimize exposure of the materials to stormwater. The site contractor or operator must develop, and implement as necessary, appropriate spill prevention, containment, and response planning measures.

2. **Groundwater protection:** During construction, liquid petroleum products and other hazardous materials with the potential to contaminate groundwater may not be stored or handled in areas of the site draining to an infiltration area. An "infiltration area" is any area of the site that by design or as a result of soils, topography and other relevant factors accumulates runoff that infiltrates into the soil. Dikes, berms, sumps, and other forms of secondary containment that prevent discharge to groundwater may be used to isolate portions of the site for the purposes of storage and handling of these materials. Any project proposing infiltration of stormwater must provide adequate pre-treatment of stormwater prior to discharge of stormwater to the infiltration area, or provide for treatment within the infiltration area, in order to prevent the accumulation of fines, reduction in infiltration rate, and consequent flooding and destabilization.

3. **Fugitive sediment and dust:** Actions must be taken to ensure that activities do not result in noticeable erosion of soils or fugitive dust emissions during or after construction. Oil may not be used for dust control, but other water additives may be considered as needed. A stabilized construction entrance (SCE) should be included to minimize tracking of mud and sediment. If off-site tracking occurs, public roads should be swept immediately and no less than once a week and prior to significant storm events. Operations during dry months, that experience fugitive dust problems, should wet down unpaved access roads

once a week or more frequently as needed with a water additive to suppress fugitive sediment and dust.

4. **Debris and other materials:** Minimize the exposure of construction debris, building and landscaping materials, trash, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials to precipitation and stormwater runoff. These materials must be prevented from becoming a pollutant source.

5. **Excavation de-watering:** Excavation de-watering is the removal of water from trenches, foundations, coffer dams, ponds, and other areas within the construction area that retain water after excavation. In most cases the collected water is heavily silted and hinders correct and safe construction practices. The collected water removed from the ponded area, either through gravity or pumping, must be spread through natural wooded buffers or removed to areas that are specifically designed to collect the maximum amount of sediment possible, like a cofferdam sedimentation basin. Avoid allowing the water to flow over disturbed areas of the site. Equivalent measures may be taken if approved by the Department.

6. **Authorized Non-stormwater discharges:** Identify and prevent contamination by non-stormwater discharges. Where allowed non-stormwater discharges exist, they must be identified and steps should be taken to ensure the implementation of appropriate pollution prevention measures for the non-stormwater component(s) of the discharge. Authorized non-stormwater discharges are:
   (a) Discharges from firefighting activity;
   (b) Fire hydrant flushings;
   (c) Vehicle washwater if detergents are not used and washing is limited to the exterior of vehicles (engine, undercarriage and transmission washing is prohibited);
   (d) Dust control runoff in accordance with permit conditions and Appendix (C)(3);
   (e) Routine external building washdown, not including surface paint removal, that does not involve detergents;
   (f) Pavement washwater (where spills/leaks of toxic or hazardous materials have not occurred, unless all spilled material had been removed) if detergents are not used;
   (g) Uncontaminated air conditioning or compressor condensate;
   (h) Uncontaminated groundwater or spring water;
   (i) Foundation or footer drain-water where flows are not contaminated;
   (j) Uncontaminated excavation dewatering (see requirements in Appendix C(5));
   (k) Potable water sources including waterline flushings; and
   (l) Landscape irrigation.

7. **Unauthorized non-stormwater discharges:** Approval from the City does not authorize a discharge that is mixed with a source of non-stormwater, other than those discharges in compliance with Section 6 above. Specifically, the City's approval does not authorize discharges of the following:

(a) Wastewater from the washout or cleanout of concrete, stucco, paint, form release oils, curing compounds or other construction materials;
(b) Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance;
(c) Soaps, solvents, or detergents used in vehicle and equipment washing; and
(d) Toxic or hazardous substances from a spill or other release.

Post construction

1. **Inspection and Corrective Action:** All measures must be maintained by the owner in effective operating condition. A qualified third-party inspector hired by the owner shall at least annually inspect the stormwater management facilities. This person should have knowledge of erosion and stormwater control including the standards and conditions of the site's approvals. The inspector shall be certified through the City to inspect the stormwater infrastructure. The following areas, facilities, and measures must be inspected, and identified deficiencies must be corrected. Areas, facilities, and measures other than those listed below may also require inspection on a specific site.

   A. **Vegetated Areas:** Inspect vegetated areas, particularly slopes and embankments, early in the growing season or after heavy rains to identify active or potential erosion problems. Replant bare areas or areas with sparse growth. Where rill is evident, armor the area with an appropriate lining or divert the erosive flows to on-site areas able to withstand the concentrated flows.

   B. **Culverts:** Inspect culverts in the spring, late fall, and after heavy rains to remove any obstructions to flow; remove accumulated sediments and debris at the inlet, at the outlet, and within the conduit; and to repair any erosion damage at the culvert's inlet and outlet.

   C. **Catch Basins/Outlet Control Structure:** Inspect and, if required, clean out catch basins at least once a year, preferably in early spring. Clean out must include the removal and legal disposal of any accumulated sediments and debris at the bottom of the basin, at any inlet grates, at any inflow channels to the basin, and at any pipes between basins. If the basin outlet is designed to trap floatable materials, then remove the floating debris and any floating oils (using oil-absorptive pads).

   D. **Subsurface Chamber System:** The manufacturer recommends that at a minimum the that an annual inspection is conducted. Initially the system shall be inspected every 6 months for the first year of operation. If inspection indicates that sediment has accumulated, a measurement to determine the depth of sediment shall be performed. When an average depth of 3 inches is exceeded then clean-out shall be performed. The system should drain within 48 hours following a one-inch storm and if a larger storm fills the system to overflow, it shall drain within 72 hours.

E. Regular Maintenance: Clear accumulations of winter sand along roadway once a year, preferably in the spring. Accumulations on pavement may be removed by pavement sweeping. Accumulations of sand along pavement shoulders may be removed by grading excess sand to the pavement edge and removing it manually or by a front-end loader.

F. Documentation: Keep a log (report) summarizing inspections, maintenance, and any corrective actions taken. The log must include the date on which each inspection or maintenance task was performed, a description of the inspection findings or maintenance completed, and the name of the inspector or maintenance personnel performing the task. If a maintenance task requires the clean-out of any sediments or debris, indicate where the sediment and debris was disposed after removal. The log must be made accessible to City staff upon request. The permittee shall retain a copy of the log for a period of at least five years from the completion of permanent stabilization. Attached is a sample log.

Re-certification

In order to receive Stormwater Credit toward the City of Portland Stormwater Service Charge, the owner must submit an annual inspection report by June 30 of each year in accordance with Chapter 32, Article III and Chapter 24, Article V of the City of Portland's Code of Ordinances. A qualified 3rd party post-construction inspector must conduct an inspection of the stormwater control system, including all BMPs and associated features, and complete Form 4. If the credit holder does not submit a completed annual inspection report by June 30, or submits a failing inspection report, credits will be suspended.

Duration of Maintenance

Perform maintenance as described.

STORMWATER MAINTENANCE LOG

33/37 MONTREAL STREET DEVELOPMENT
PORTLAND, MAINE

The following stormwater management and erosion control items shall be inspected and maintained as prescribed in the Maintenance Plan with recommended frequencies as identified below. The owner is responsible for keeping this maintenance log on file for a minimum of five years and shall provide a copy to the City upon request. Inspections are to be performed by a qualified third-party inspector and all corrective actions shall be performed by personnel familiar with stormwater management systems and erosion controls.

Maintenance Item	Maintenance Event	Date Performed	Responsible Personnel	Comments
Vegetated Areas	Inspect slopes and embankments early in Spring.			
Culverts	Inspect semiannually and after major rainfall.			
	Repair erosion at inlet or outlet of pipe.			
	Repair displaced riprap.			
	Clean accumulated sediment in culverts when >20% full.			
Catch Basins and Outlet Structure	Inspect to ensure that structure is properly draining.			
	Remove accumulated sediment semiannually.			
	Inspect grates/inlets and remove debris as needed.			
StormTech SC-310 Chambers	Inspect every six months and after major rain events to ensure that pond drains within 60 hours			
	Inspect annually for erosion or sediment accumulation and repair as needed.			
Regular Maintenance	Clear accumulation of winter sand in paved areas annually.			

UTILITIES – Ability to Serve letters are currently in process. From current services available in the area the project team does not foresee any issues with the service of any utilities.

OVERVIEW The proposed project will involve installation of new utility services to the building. All new utility services will be provided from the franchise utilities available within Montreal, Willis and Walnut Streets. The proposed locations of the new utility services are shown on the Utility Plan (Sheet C-5.0).

WATER SUPPLY The proposed project will receive its water supply from the Portland Water District's (PWD) public water supply system. Separate fire and domestic services will be installed to the building from PWD's existing main in Montreal Street.

The Portland Water District Ability to Serve letter, dated August 14, 2019 is included as part of this application package. This letter was provided by PWD in response to an Ability to Serve application for the earlier 9 unit project. The PWD has confirmed that the change to a 12 unit project will not affect either the service size or meter size, and that the Ability to Serve letter is still valid (PWD email dated July 20, 2021).

WASTEWATER DISPOSAL The proposed project will be connected to the Portland Water District's and City of Portland's wastewater collection and conveyance systems.

Total Project Water Usage. The total average daily water demand for the proposed project, based on design flows published in the most recent edition of the State of Maine Subsurface Wastewater Disposal Rules is as follows.

2 x 1 Bedroom Residential Units at 120 gpd/unit	=	240 gpd
2 x 2 Bedroom Residential Units at 180 gpd/unit	=	360 gpd
8 x 3 Bedroom Residential Units at 270 gpd/unit	=	2,160 gpd
Total	=	2,760 gpd

The anticipated daily design flow represents an increase of 1,770 gpd above the existing daily design flow to be removed due to the demolition of the existing structures on the property. The existing sewer system in the area has adequate downstream capacity to handle the anticipated projected flow amounts.

The City of Portland Wastewater Capacity Authorization, dated August 9, 2021 is provided as part of this application package.

ELECTRICITY SUPPLY CMP currently maintains overhead and underground utilities in the area including 3 phase power along Walnut Street that currently serves Promenade Towers.

SOLID WASTE

OVERVIEW The project will generate solid waste both during construction and on an on-going basis after construction is complete. Estimates of solid waste generation, recycling rates, and procedures for the transport and disposal of solid waste that will be generated by the operation of the proposed development are provided below.

The following amount of solid waste associated with the construction and operation of the development have been estimated:

• 147 cubic yards of construction debris related to the new building construction activities (excluding volume of recycled materials).

• 306 pounds per week of solid waste will be generated by the operation of the development. Assuming that 50% of the waste is recycled, it is estimated that the project will generate 7.95 tons of recyclable waste and 7.95 tons of nonrecyclable waste per year.

SOLID WASTE GENERATED DURING THE BUILDING CONSTRUCTION

Approximately 147 cubic yards of construction debris is expected to be generated during construction. Assuming that 80% of construction debris is recycled, construction of the project will generate approximately 83 c.y. of non-recyclable waste.

The waste stream will be transported and disposed of at the following locations:

Hazardous Materials: WMI Crossroads Facility in Norridgewock, Maine

Mixed Construction Material: Riverside Recycling Facility in Portland, Maine; WMI Crossroads Facility in Norridgewock, Maine or Juniper Ridge in Old Town, Maine (Contractor option)

Separated Wood Construction Debris: KTI Biofuels in Lewiston, Maine

Separated Metal/Ferrous Material: One Steel Recycling Inc. in Arundel or Oakland, Maine

The collection, transfer, disposal, and payment of all fees for solid wastes shall be the responsibility of the Contractor, with all waste transferred by a licensed non-hazardous waste transporter.

SOLID WASTE GENERATED FROM THE OPERATION OF THE DEVELOPMENT

Approximately 306 pounds of solid waste and recyclable material is expected to be generated every week by the residents of the project. The operational solid waste and recyclable material will be collected by the City of Portland in accordance with Chapter 12 of the City Code.

ATTACHMENTS Attachment 12-A – Computations of Types and Volumes of Solid Wastes for Construction Project.

ATTACHMENT

SOLID WASTES COMPUTATIONS AND DISPOSAL

A. NEW BUILDING CONSTRUCTION:

Basis of Estimate: 10 c.y./1,500 s.f. of finished space

Area: Approximately 22,000 square feet of finished space

Solid Waste: Approximately 147 c.y.

Other Wastes Associated with Other Site Construction: Cardboard from packaging etc.: Limited Quantity

Total: 147 c.y. before recycling

Net: 30 c.y. if 80% of the material is recycled

Disposition: Assume 10 percent is concrete and brick which can be sent to the approved aggregate recycling facilities operated by Shaw Bros. or R.J. Grondin and Sons for processing into recycled aggregate.

Assume 70 percent is wood or metal which can be transported to KTI Biofuels in Lewiston (for wood) or One Steel Recycling in Oakland, Maine for metals.

Approximately 30 cubic yards of mixed construction debris that will be hauled to the Riverside Recycling Facility in Portland, WMI Crossroads facility in Norridgewock, Maine or the Juniper Ridge Facility in Old Town, Maine.

The contractor should provide dumpsters designated by material type and identify recycling methods and disposal sites prior to construction. All haulers must have a current non-hazardous waste haul license.

B. OPERATIONAL SOLID WASTE:

RESIDENTIAL USE: Basis of Estimate: 17 pounds/wk per individual. Estimate of 2 individuals per residential unit. From Table 14-1 of the CEQR Technical Manual from January 2014 Edition; Source: New York City Department of Sanitation.

Number of individuals: 18

Solid Waste: Approximately 306 pounds/week

DM ROMA
CONSULTING ENGINEERS

PUBLIC INFRASTRUCTURE AND SAFETY

The following outlines how the proposed project at 33/37 Montreal Street has been designed to meet the applicable standards of the City of Portland associated with Level III: Residential Site Plan and Subdivision review.

Section 14-526 (c) 2 – Public Safety and Fire Prevention

The project design and building architecture will provide view corridors along Montreal Street, Willis Street, between the proposed building and the existing residential building at 23 Willis Street, and along the northerly property limits looking through the site to the northwest (towards Walnut Street).

Site access will be limited to the proposed entry/exit doorways on Willis Street and the proposed driveway and parking garage. Site will be improved with landscaped terraces along Montreal Street, which are intended to serve as community areas for the residents and guests which will have access from the existing sidewalk. Along the westerly side of the building, residents and guests will have access to a built-up hardscape patio and additional landscaped terraces that will be accessed from the inside of the building.

The site design layout and landscaping will provide a visual break from the public ROW and the exclusive/community elements of the proposed project. Exclusive use areas will likely be established and will likely provide an opportunity for residents to customize their exclusive use areas, and promote a sense of ownership.

Emergency access to the site will be provided by the existing road frontage along Willis Street and Montreal, as well as via the proposed driveway. The 14-ft wide driveway may not be capable of providing access to larger emergency apparatus but the proposed driveway design (vertical and horizontal) should be adequate to most service level emergency apparatus and vehicles.

Existing facilities such as fire hydrants and water supply also are adequate, with the nearest existing fire hydrant located at the southwesterly corner of the intersection at Willis Street and Montreal.

Section 14-526 (c) (3) – Availability and Adequacy of Public Utilities (Technical Manual, Sections 2 & 9)

The project site location and existing public utility facilities, are available; with existing combined storm sewer main lines (2 separate) in both Montreal Street and Willis Street in the direct vicinity of the project site. Water mains are also located in both Montreal Street and Willis Street and the project will coordinate with the Portland Water District to ensure that the project will be

provided adequate domestic potable water service as well as any fire safety water services. Additionally, underground gas, and overhead electric/telephone/data services are available, and the project will provide new service connections for water, sewer, gas, and overhead electric/telephone/data services.

The project design does not utilize a connection to the existing storm drain system and the existing facilities (in consideration with the proposed storm water facilities on-site) appear adequate based on hydrologic/hydraulic modeling of the project site.

The project proposes less than 20 units and therefore no trash and recycling storage or dumpster areas are proposed. However, the proposed project site has several opportunities to include trash storage areas for the residents either within the proposed underground parking area on adjacent to the proposed driveway within a screened, secure dumpster enclosure.

August 12, 2019

Att. K

33-37 MONTREAL STREET, PORTLAND

The following outlines how the proposed project has been designed to meet the applicable standards of the City of Portland associated with Level III: Residential Site Plan and Subdivision review.

SITE DESIGN

Massing, Ventilation and Wind Impact - Section 14-526 (d) (1):
The bulk, location and height of the proposed building will comply with the minimum allowable setbacks and maximum allowable building height for the zone.

The proposed building will be > 10' away from the nearest existing adjacent structure (23 Willis Street), and > 50' away from the next nearest existing adjacent structure (MacArthur Gardens, on Montreal Street).

The proposed structure is not expected to cause a reduction in ventilation to abutting structures or unsafe wind conditions for users of the site or adjacent public spaces.

Exterior HVAC mechanical equipment will be located on the roof within a screened enclosure, as shown on the Roof Plan. The enclosure will be in the center of the roof to maximize the distance from adjacent properties and minimize the visibility from adjacent properties and public spaces.

The base of the equipment will be supported and raised up above the low-slope roof membrane on racks to minimize performance disruption & maintenance issues caused by winter conditions. A screened enclosure will be provided around the roof-top HVAC equipment, with adequate space around the equipment to allow for air movement.

A decorative parapet/cornice around the perimeter of the building will provide further visual screening from footpath level.

HVAC venting on the exterior of the proposed building will direct exhaust away from public spaces and adjacent residential properties.

Snow and Ice – Section 14-526 (d) (4):
The proposed building has a low slope roof, with internal roof drains. The outer perimeter edge of the roof includes a decorative parapet/cornice to direct snow and ice away from the adjacent properties and public ways.

Kaplan Thompson Architects

Zone Related Design Standards – Section 14-526 (d) (5):
A previous version of the project was reviewed by the Historic Preservation Board, as part of the Alternative Design Review process under the Munjoy Hill Neighborhood Conservation Overlay District. That project design received approval from the Board, in December 2018, after a number of public hearings and related design revisions.

While the current project proposal is significantly smaller and less complex than the previous version (ie smaller foot print/lot coverage/overall square foot area, with fewer residential units), the following notes describe how the project addresses the relevant design standards in the MHNCO District.

Roof Forms and Active Living Space - Section 14-140.5 (d) 1:
The proposed building has a low-pitch "flat roof", as is permitted for buildings with more than 3 units.

The first floor contains active living space with windows comprising 50.0% of the overall façade, and satisfies the minimum requirement for this standard. This active living space does not include common circulation (ie. elevator, entry foyer, or stairs), or storage space within the residential units (eg closets).

R6 Design Principles and Standards:
Refer to separate attachment: R6 Design Standards.

19 Willis Street Apartments

R6 Design Principles and Standards

New Residential construction within the R6 zone are to relate to the predominant character of the neighborhood. Projects are reviewed for consistency with the R6 Infill Development Design Principles and Standards, which apply to the front façade, and those portions of the building that are readily visible from a public way.

The Review Authority may approve a design not meeting one or more of the individual standards provided that all the conditions listed below are met:

A. The proposed design is consistent with all of the Principle Statements.
B. The majority of the Standards within each Principle are met.
C. The guiding principle for new construction under the alternative design review is to be compatible with the surrounding buildings in a two block radius in terms of size, scale, materials, and siting, as well as the general character of the stablished neighborhood, thus Standards A-1 through A-3 shall be met.
D. The design plan is prepared by an architect registered in the State of Maine.

The following notes describe how the proposed building meets these criteria:

Neighborhood context - Two Block Radius Diagram

Principle A - Overall Context

The proposed multifamily residence at Montreal and Willis Streets is uniquely situated in one of the most architecturally and use diverse area on Munjoy Hill. Within a two block radius are three-family homes, single family residences, three major housing developments (including high-rise condos), numerous four story apartment buildings, a senior housing facility, the East End School and community garden, a ball field, parking lot, and the Portland Water District Treatment Facility. In order to understand how a building can act like a stitch between such different areas, while also reflecting the unique culture and architectural character of Munjoy Hill, we have considered the immediate community as well as other residential buildings located in similarly transitional areas in our analysis.

Standard A-1 Scale + Form

Within a two block radius of the site is a wide variety of housing scale including single-family, three-family, and larger-scale housing developments (like the MacArthur Gardens Apartments adjacent to the proposed building and which occupy the other half of the block, and the nearby 14-story Promenade Towers).

The proposed building is a 12-apartment residence at the corner of Willis and Montreal Streets, which will provide an alternative housing option for Munjoy Hill families, within a more intimate mid-scale community model.

The scale of the project is within that of other similarly-sized multifamily buildings within a two block radius such as:

80 North Street	9 Homes	
58 North Street	22 homes	Shailer School affordable housing
101 North Street	5 Homes	
158 North Street	60 units	Bayview Heights affordable senior housing
63 Emerson Street	5 Homes	
135 Sheridan Street	20 homes	

In addition the Munjoy Hill district includes other properties such as:

49 Morning Street	8 homes	
55 Morning Street	8 homes	
63 Morning Street	8 homes	
119 Morning Street	30 units	
13 Emerson Street	22 homes	Munjoy Commons affordable housing

The form of the proposed building has vertically proportioned massing, a simple roof form, vertical windows with local symmetry, a three-bay front facade composition, and simple material palette. This character is similar to the existing “three-decker” multi-family buildings within the two block radius context area (and the “four-deckers” in the wider Munjoy Hill District).

The building has shingled exterior walls capped by a low-pitch “flat roof” with a continuous parapet/cornice at the outer perimeter edges. Exposed concrete foundation walls provide a visual base to the building. Exterior space is provided to all units, with patios to 3 units on the first floor, and decks at the rear of the building for 6 units of the upper floor units.

Standard A-2 Composition of Principal Facades

Willis Street

The primary composition has an overall symmetrical appearance balanced with minor asymmetrical features. The main entrance to the building is prominently located in the center of the façade, using a traditional composition in the neighborhood context. A short flight of steps leads directly from the sidewalk and a ramp provides an ADA accessible route that meets the natural slope of grade. Projecting bay windows emphasize Willis Street as the front face of the building, with Montreal Street as the side-street elevation.

Montreal Street

Elements of the Willis Street facade are repeated as the building turns the corner and extends down Montreal Street. The repeated window rhythm and relative simplicity of the façade identifies it as the secondary face of the building. Exterior decks are located at the rear of the building, similar to the arrangement of the familiar three and four decker multifamily buildings in the district.

Standard A-3 Relationship to the Street

The Willis Street façade is set back enough to provide easy and direct access to the building via either a short flight of steps or a simple ramp arrangement. The steps follow a common arrangement for main entry paths in the neighborhood, being directly aligned between the sidewalk and the entry door. The steps rise approximately 21" in total, enough elevation rise to indicate a clear property threshold, while also being low enough to offer a welcoming entrance to the street.

The first floor has active living spaces with windows from living and bedroom spaces facing both Willis and Montreal streets.

The landscape design includes planted areas around all sides of the building. Street lot lines are defined by stone-faced site walls, with a simple arrangement of terraces in the intermediate space between the sidewalk and the building. The face of the intermediate terraces has a slatted wood lattice treatment that combines with the planted areas to form a continuous landscaped zone between the building and the property boundary.

Principle B - Massing

Standard B-1 Massing
The proposed building massing reflects the traditional character of the neighborhood and takes it's cues from the traditional multi-family buildings in the context area.

The narrow end of the building is clearly expressed as the front face, on Willis Street, using a three-bay composition. A central bay provides overhead weather protection above a slightly recessed main entrance. The primary central bay extends from second floor level up to roof level, while the secondary side bays stop short of the roof. All are vertically proportioned.

Exterior decks are located at the rear of the building and occupy an "eroded" corner of the building in a vertical arrangement, in common of the familiar multi-decker typology.

Standard B-2 Roof Forms
The building has a low pitch "flat" roof capped by a decorative parapet/cornice that follows the perimeter of the building, similar to other flat-roofed multi-family buildings in the context area.

Standard B-3 Main Roofs and Subsidiary Roofs
The building has a clear main roof form, without subsidiary roofs.

Standard B-4 Roof Pitch
NA

Standard B-5 Façade Articulation
The Standard requires the front façade and other potions of the building that are readily visible from the public way to use at least two architectural elements from a list provided. The proposed building employs more than two of the listed features including:

1) Balconies
2) Recessed entries
3) Covered porches
4) Bay windows

Standard B-6 Garages
Access to the basement garage is provided via a driveway off Montreal Street to a garage door and a pass door discretely located away from the street facade. The garage door is set back more than 30' from the street lot line, is recessed between flanking site walls, and is turned 90 degrees so it does not directly face a public way.

Principle C – Orientation to the street

Standard C-1 Entrances
The main entrance to the building is clearly articulated in the center of the principal façade and faces the street directly. Architectural features such as a covered and recessed entry, plus accent cladding material, are used to highlight the entry point and provide a welcoming and protected transition area between the exterior public realm and the interior private space.

Standard C-2 Visual Privacy
Building occupants are offered a sense of privacy by elevating the first floor at least 24" above the sidewalk elevation, and elevating the first floor window sills at least 48" above the sidewalk grade (the only exception to this is at the corner of Willis and Montreal streets where the first floor is 12" above the sidewalk and one window is 36" above the sidewalk due to the local slope of grade).

A planted buffer zone fills the intermediate space between the building and the sidewalk. A stone-faced landscape wall on the street lot line provides a clear definition of public space close to the building.

Standard C-3 Transition Spaces
Transition spaces are articulated between the sidewalk and the front door through use of architectural and landscaping elements.

Architectural features include a short flight of steps and a ramp, each with approximately 21" total rise to the front door.

Landscaping features include planted areas alongside the steps and ramp. In addition a low wall along the Willis Street lot line defines the edge of the entry ramp and offers an informal seating opportunity for a neighborly conversations.

Principle D - Proportion and Scale

Standard D-1 Windows
All windows are rectangular and vertically proportioned, to reflect the scale and aesthetics of the surrounding neighborhood homes. The majority of windows along both facades are proportionate to commonly used vertically oriented windows, typically measuring approximately 2'-8" wide x 5'-0" high.

Standard D-2 Fenestration
The fenestration in general has a similar proportion to the overall building massing as other neighborhood buildings.

Consistent with the R6 Design Standards, the total area of fenestration of each street-facing facades along Montreal and Willis Streets is greater than 12% of the relevant total facade area.

Standard D-3 Porches
The horizontal extent of the covered entry porch on Willis Street is approximately 28% of the overall façade width. The minimum depth is approximately 5'-2", with an area 120 sf.

All balconies have a depth of at least 6', and an area of at least 48 square feet.

Principle E - Balance

Standard E-1 Window and Door Height
The majority of doors and windows on all facades have a head height with a common horizontal datum line, including all primary window and doors.

Standard E-2 Window and Door Alignment
The majority of windows and doors are stacked with centerlines in vertical alignment.

Standard E-3 Symmetricality
Primary windows are composed with vertical symmetry around a discernable local centerline within each façade. The dominant window type is a pair of vertically orientated symmetrical window sashes, arranged symmetrically about a common centerline.

Principle F - Articulation

Standard F-1 Articulation
Primary surface articulation is provided with projecting bay windows on the Willis Street and Montreal Street façades, plus recessed exterior balconies on the Montreal Street façade. Secondary articulation and shadow lines are provided by the decorative parapet/cornice, and changes in material texture at accent panels.

Standard F-2 Window Types
The building uses consistent window types throughout with a minimum of variation. There are two window types:

1) Rectangular operable casement sashes.
2) Rectangular fixed sashes.

The dominant window arrangement is a symmetrical pair of vertically proportioned operable casement sashes, with a number of casement sashes arranged in groups of three on the water facing north-east façade. A relatively small number of fixed transom sashes are used on the top floor and the central bay above the main entrance. The egress stair also has a number of fixed sashes.

Standard F-3 Visual Cohesion
The material choices help to further define the primary masses of the structure:

1) Wood shingles for the predominant material.
2) Accent cladding at the main entrance.
3) Accent spandrel panels below some of the windows as part of the overall articulation of the building facades.

Standard F-4 Delineation between Floors
Floors are articulated primarily through fenestration patterns and balconies.

Standard F-5 Porches, etc.
Exterior spaces and balconies are incorporated in to the overall design and building massing. Balustrade railings are provide articulation and add shadow lines to the façade.

Standard F-6 Main Entries
The main entry is emphasized by the arrangement of steps, the composition of projecting window bays and recessed entry alcove, plus some local material articulation.

Standard F-8 Articulation
Architectural articulation features include:

1) Projecting bays with an offset depth of approximately 2'-0"
2) Recessed balconies with a typical offset depth of approximately 8'-0"
3) A decorative parapet/cornice with a projecting depth of between 1'-6" and 2'-0".

Principle G Materials

Standard G-1 Materials
Materials for the exterior walls are similar to those found in the context area of the neighborhood.

The proposed building includes:

1) Concrete foundation wall.
2) Wood shingles with a paint color.
3) Aluminum clad windows with a charcoal grey color.

Standard G-2 Material and Façade Design
The selection of façade materials is consistent with the façade design, with concrete for the foundation wall and visually lighter wood shingle cladding for the upper stories.

Standard G-3 Chimneys
N/A

Standard G-4 Window Types
The building uses consistent window types throughout with a minimum of variation. There are two window types:

1) Rectangular operable casement sashes.
2) Rectangular fixed sashes.

Window detailing will be consistent throughout.

Standard G-5 Patios and Plazas
The first floor patios will be constructed of masonry unit pavers.

Portland Water District
FROM SEBAGO LAKE TO CASCO BAY

August 14, 2019

Jayson Haskell, P.E.
DM ROMA
P.O. Box 1116
Windham, ME 04062

Re: 33 Montreal Street, PO
Ability to Serve with PWD Water

Dear Mr. Haskell:

The Portland Water District has received your request for an Ability to Serve Determination for the noted site submitted on November 3, 2017. Based on the information provided per plans last revised August 12, 2019, we can confirm that the District will be able to serve the proposed project as further described in this letter. **Please note that this letter constitutes approval of the water system as currently designed. Any changes affecting the approved water system will require further review and approval by PWD.**

Conditions of Service

The following conditions of service apply:

- A new 2-inch domestic service with a 1.5-inch meter may be installed from the water main in Montreal Street. The service should enter through the properties frontage on Montreal Street at least 10-feet from any side property lines. An approved backflow prevention device must be installed on the service line directly after the meter prior to service activation. Please note that only one meter and one bill will be associated to each domestic service line. This one master meter would be located in a common space that all tenants could gain access to if necessary.
- A new 6-inch fire service may be installed from the water main in Montreal Street. The service should enter through the properties frontage on Montreal Street at least 10-feet from any side property lines. An approved backflow prevention device must be installed on the service line directly after the service enters the building prior to service activation.
- The existing buildings area currently served with a 3/4-inch domestic water services. These services must be terminated by shutting the corporation valve and cutting the pipe from the water main.
- The Portland Water District does not have record of any other existing infrastructure in public roads and recommends a survey and test pitting be performed by the development team prior to construction. Any conflicts that arise during construction are at the risk of the developer and may result in job shutdown until new plans are submitted by the developer and reviewed and approved by PWD.

Prior to construction, the owner or contractor will need to make an appointment to complete a service application form and pay all necessary fees. The appointment shall be requested through MEANS@pwd.org or by calling 207-774-5961 ext. 3199. Please allow (3) business days to process the service application paperwork. PWD will guide the applicant through the new development process during the appointment.

Existing Site Service

According to District records, the project site currently has two existing water services. Two 3/4-inch diameter copper domestic service lines provide water service to the site. Please refer to the "Conditions of Service" section of this letter for requirements related to the use of this service.

Water System Characteristics

According to District records, there is an 8-inch diameter cast iron water main in Montreal Street and a public fire hydrant located approximately 100 feet from the site. The most recent static pressure reading was 45 psi on August 5, 2019.

Public Fire Protection

The installation of new public hydrants to be accepted into the District water system will most likely not be required. It is your responsibility to contact the Portland Fire Department to ensure that this project is adequately served by existing and/or proposed hydrants.

Domestic Water Needs

The data noted above indicates there should be adequate pressure and volume of water to serve the domestic water needs of your proposed project.

Private Fire Protection Water Needs

You have indicated that this project will require water service to provide private fire protection to the site. Please note that the District does not guarantee any quantity of water or pressure through a fire protection service. Please share these results with your sprinkler system designer so that they can design the fire protection system to best fit the noted conditions. If the data is out of date or insufficient for their needs, please contact MEANS to request a hydrant flow test and we will work with you to get more complete data.

Should you disagree with this determination, you may request a review by the District's Internal Review Team. Your request for review must be in writing and state the reason for your disagreement with the determination. The request must be sent to MEANS@PWD.org or mailed to 225 Douglass Street, Portland Maine, 04104 c/o MEANS. The Internal Review Team will undertake review as requested within 2 weeks of receipt of a request for review.

If the District can be of further assistance in this matter, please let us know.

Sincerely,
Portland Water District

Robert A. Bartels, P.E.
Senior Project Engineer

CITY OF PORTLAND
Department of Public Works
Christopher C. Branch, P.E., Director

Date: August 9, 2021 Revised

Re: Wastewater Capacity Authorization

Address: 37 Montreal Street
Applicant: Tim Wells

Planner: Caitlan Cameron

Anticipated Wastewater Flow:

Estimate of Anticipated Design Flows				
Development	Unit Size	Number of Units	Gallons per Day per Unit	Total Gallons per Day
Existing flow to be removed				
Single Family Dwelling Units	3-Bedroom	2	270	(540)
Single Family Dwelling Units	5-Bedroom	1	450	(450)
Proposed flow				
Multiple Family Dwelling Units	1-Bedroom	2	120	240
Multiple Family Dwelling Units	2-Bedroom	2	180	360
Multiple Family Dwelling Units	3-Bedroom	8	270	2160
			Net Change	**+ 1770**
*Values based on STATE OF MAINE: SUBSURFACE WASTEWATER DISPOSAL RULES, most recent edition				

Comments:
The Department of Public Works, which includes the Water Resource Division, have reviewed and determined that the downstream sewers from the project address have the capacity to convey the estimated dry weather wastewater flows which will be generated from this development.

You are reminded that the sewers you are proposing to connect into convey both sanitary and stormwater (Combined Sewer) and therefore a backflow preventer is suggested.

The property has three existing buildings which will require that their individual sewer laterals be abandoned in accordance with City ordinance. This will require either: 1. Digging the lateral from the property line to the sewer main and capping the lateral at the main. Or 2. Using a plug inserted into the lateral and pushed to the interface

with the sewer main and then filling the sewer lateral with flowable fill. Either is acceptable.

If the City can be of further assistance, please contact me at all 874-8840 or brad@portlandmaine.gov

Sincerely,

Bradley A. Roland, P.E.
Senior Project Engineer

Notice of Public Meeting Certification

I, Tim Wells, hereby certify that a notice of neighborhood meeting sign was posted from 7 December to 15 December prior to the Planning Board hearing held on 14 December 2021 for the proposed project PL 000817-2019 located at 19 Willis Street.

Note that it is the applicant's responsibility to remove the notice of public meeting sign within three days following the date of the meeting.

Tim Wells

8 December 2021

Barbara Vestal <vestal@chesterandvestal.com>
to me

I got the message that Jennifer is out, so forwarding for your attention.

---------- Forwarded message ---------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Mon, Jul 12, 2021, 7:59 AM
Subject: Fwd: 33-37 Montreal Street
To: Jennifer Dorr <jmy@portlandmaine.gov>, <planningboard@portlandmaine.gov>

My letter, forwarded below, was not included in the public comment on this proposal. Please advise.

Regards,
Barbara Vestal

---------- Forwarded message ---------
From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Fri, Jul 9, 2021, 11:11 AM
Subject: 33-37 Montreal Street
To: <planningboard@portlandmaine.gov>, <atufts@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Caitlin Cameron <CCameron@portlandmaine.gov>

Dear Planning Board Chair and Members:

I want to add my voice to that of Peter Murray as expressed in his letter to you dated July 8, 2021 in opposition to approval of the project at 33-37 Montreal Street as proposed. I agree with Atty. Murray's detailed and accurate analysis.

The most egregious elements of this proposal are its height and massing, which are completely out of scale with the surrounding neighborhood. In seeking approvals, it is asking the Planning Board to disregard two critical aspects of the height limits.

First, the maximum height per zoning is 35' in the Munjoy Hill Neighborhood Conservation Overlay District. There is an option for the Planning Board to allow up to 45' of additional height if one or more units of workforce housing are included. This is not intended to be an automatic 10 foot bonus for one unit of workforce housing. As explained by Planning Director Jeff Levine at the time the affordable housing bonus was enacted as part of the Overlay District, the Board is supposed to engage in an assessment of all of the factors, including the amount of workforce housing proposed, the degree to which it was adequately assured to be workforce housing in perpetuity, and the impact of the additional height upon the compatibility of the building to determine how much, if any, of the additional 10' foot allowance it should approve. The resulting building needs to not just meet the maximums allowed by zoning. It also needs to satisfy the design standards.

It does not seem like the applicant has offered the specific assurances which would be required for the Board to entertain this height bonus. I have not seen details about the specifics of the single proposed workforce housing unit. Nor does it seem like it is appropriate for the Planning Board to approve the full 10' bonus on this sloped site, where the building would effectively be perceived as a massive 5 story building in a neighborhood of 2 to 2.5 story buildings on small lots. The combination of the consolidation of lots, the sloped site, and the possible granting of a 10' height bonus produce a building that is completely incompatible with the surrounding neighborhood. Even if it meets the technical standards of the zoning, it clearly fails to meet the design standards. Both sets of standards need to be met before this proposal can be approved.

Second, the calculation of height on the site fails to meet even a straight face test. As far as I can tell, they are not proposing to raise the overall level of the site by trucking in massive amounts of fill (which would itself be an objectionable, but a more conventional, ploy). Instead it looks like they have constructed what seem to be elevated planters applied to the exterior of the building, put dirt in the planters and then said that dirt is where one should measure average grade for those corners of the lot. While both techniques result in an artificial measurement, it seems like their planter scheme has to be a bridge too far. There is nothing about the planters that is supporting any structure above them. The dirt is not weight-bearing. There is no dirt extending from the planters down into the ground.

The relevant points for measuring height should be the location where the weight-bearing foundation of the building intersects with the supporting ground. They should not be allowed to get around that by applying planters to the exterior of the building, which hang many feet above the ground and somehow claim that is the relevant dirt one one should reference for calculating heights. This makes a mockery of the regulations and invites others to manipulate height calculations in the same way. If these applicants are allowed to skirt Portland's height regulations in this manner, it opens the floodgates for every other developer to manipulate and disregard height limits as well. Please do not allow this project to establish the precedent that completely guts already too lax height limits.

Regards,

Barbara Vestal

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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37-33 Montreal Street Level 3 Site Plan
1 view
Subscribe
Carol Connor's profile photo
Carol Connor,
Jul 13, 2021, 10:23:22 AM (7 days ago)
to planni...@portlandmaine.gov

Dear Chair and Members of the Portland City Planning Board,

RE: 33-37 Montreal Street Level 3 Site Plan
July 13. 2021

What a joy it is living on Munjoy Hill in my humble family home that is now an official Portland Landmark. The James B and Almira E. Newell House at 12 Montreal Street is a working class home built in 1855. It holds the memories of all the people who ever lived here including Portland Co and railroad workers, long shore men, painters, teachers, joiners, craftsmen and more.
A lot has changed on the hill, but the simple joy of stepping out of one's yard and onto the sidewalk to meet friends and neighbors is still a wonderful part of community life here. There are many neighbors, visitors and past residents who value this unique part of Portland and wish to see development that does not destroy its unique character and appeal.

Please consider the negative impact that has already occurred related to this project and the unfortunate potential results of approving this plan.

37 Montreal, a preferably preserved home already demolished

Out of scale mass and height will overpower existing homes

Erosion of Munjoy Hill's architectural landscape

Built up grade and retaining wall will create visual and air flow impediments

Out of context with neighborhood homes and nearby Historic District (100ft. rule)

I respectfully request that you consider rejecting this project in its current iteration. The proposed building has changed minimally throughout the many planning and meeting stages in spite of specific suggestions by the board. An in-context, appropriately sized, well designed project could be an asset to the neighborhood and the owner.

Sincerely,
Carol M. Connor
12 Montreal Street
Portland, ME 04101

Level 3 site plan 37-33 Montreal st

0 views

Subscribe

Carol Connor
unread,
Jul 18, 2021, 7:42:41 AM (2 days ago)

to planni...@portlandmaine.gov, Carol Connor

Dear Chair and City of Portland Planning Board members,

Please accept my comments as part of your record. I am resending this because of a technical glitch that interfered with transmission last week.

Carol Connor
12 Montreal St
Portland, ME 04101

Dear Chair and Members of the Portland City Planning Board,

RE: 33-37 Montreal Street Level 3 Site Plan
July 13. 2021

What a joy it is living on Munjoy Hill in my humble family home that is now an official Portland Landmark. The James B and Almira E. Newell House at 12 Montreal Street is a working class home built in 1855. It holds the memories of all the people who ever lived here including Portland Co and railroad workers, long shore men, painters, teachers, joiners, craftsmen and more.

A lot has changed on the hill, but the simple joy of stepping out of one's yard and onto the sidewalk to meet friends and neighbors is still a wonderful part of community life here. There are many neighbors, visitors and past residents who value this unique part of Portland and wish to see development that does not destroy its unique character and appeal.

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Sincerely,
Carol M. Connor
12 Montreal Street
Portland, ME 04101

Carol Connor <balsamique@live.com> 1:29 PM (3 hours ago)
to Portland planning Board

December 8, 2021

To: Chair and Members of the City of Portland Planning Board
RE: Level 3 Site Plan for 19 Willis Street

The 19 Willis Street Proposal (formerly 33-37 Montreal Street), has plagued the Munjoy Hill neighborhood for the past 3 plus years. Though the plans have been studied, assessed, discussed, workshopped and tweaked, the overall impact of the design remains outsized for its context, institutional in appearance, and architecturally out of place.
Through the many meetings, workshops and neighborhood discussions, an overwhelming number of people have written and/or spoken out against the project.

The building site is located just across the street, approximately 50 feet away from a row of vintage homes that are within the recently established Munjoy Hill Historic District. These structures are roughly one tenth the size of the proposed condo building, and average 20-25 feet in height as compared to the 4 story plus project. A portion of the planned building is within 100 feet of the historic district. Its proximity brings to mind the 100 foot rule which should come into play as the structure is inconsistent within the context of existing neighborhood homes.

In light of the fact that the site plan has changed, and the Munjoy Hill Historic District has been established, It would be beneficial for the planning board to ask for the historic preservation staff to revisit the proposal and deliver a current and updated memo to the board. I request that you do this before making any decision regarding the plans.

As it relates to historic preservation, the City of Portland's zoning code 14.6.4(E)(2 states ….. *such development shall be generally compatible with the major character-defining elements of the landmark or shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. To aid the review authority in its deliberations, Historic Preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character- defining elements and any established building patterns that characterize the context.*

I respectfully request that you reject the level 3 site plan for 19 Willis Street.

1. It disrespects the character of the neighborhood by its out-sized scale and massing.
2. Its institutional design is out of place in this residential setting.
3. It lacks the character defining features and building patterns characterizing its context.
4. It would overshadow and diminish the historic importance of the vintage homes in the Munjoy Hill Historic District.

Sincerely,
Carol M. Connor
12 Montreal Street
Portland, Maine 04101
balsamique@live.com

Ejkoch Gmail 9:03 AM (4 hours ago)

to Planning Board, jmy

Dear Planning Board Members,

The 33-37 Montreal development project is not in compliance with the R6 Design Standards and R6 Zoning. There are good reasons for these design standards, and I am grievously upset that the Planning Board has ignored them in the past, and I hope they will change that now.

The character of Munjoy Hill is one of the things that attract people to it, as a visitor, or as a resident. We have been destroying that piece by piece by ignoring the requirements of our zoning and the comprehensive plan that new buildings conform to the neighborhood in scale, massing, and design.

According to the developers plans, it appears they add approximately 14 feet of height to the downhill slope - because of the "average grade" trick the developers use to increase their building height. There is No language in R-6 zoning that “average” grade is to be used.

This proposal continues to ignore that the R-6 design standards are to be interpreted at the same level of enforcement as zoning. This proposal essentially ignores the R -6 Design Standard basic design principles of neighborhood context, scale and massing - which specifically provide that new construction be compatible with buildings in a 2 block radius, with close attention to surrounding buildings.

As K. Snyder asks, “**How is the institutional looking building which is 12 times the massing and twice as high as any surrounding houses compatible” with the surrounding neighborhood in any regard?**

My question as well. I would like the city of Portland Planning Board to work on behalf of the people of the city of Portland, following its enacted design standards as well as the spirit of the standards, and of the comprehensive plan.

Erna koch

Meow, and the world meows with you.

Hiss and you hiss alone.

7/13/2021 33-37 Montreal PB Meeting

Assigne... Subscribe

0 views

Karen Snyder 7:29 AM (6 hours ago)

to Planning Board, jmy

Dear Planning Board Chair and Members,

33-37 Montreal project is not in compliance with the R6 Design Standards and R6 Zoning for the following reasons.

1) It is not clear on the drawings but it appears approximately 14 feet to the height is added to downhill slope of this proposal because of the "average grade" trick the developers continue to use to increase their building height since there is NO language in R-6 zoning actually states that average grade is to be used.

2) This proposal continues to ignore that the R-6 design standards are to be held at the same level of enforcement as zoning. As such, this proposal glaringly goes against R-6 Design Standard basic design principles of neighborhood context, scale and massing which state specifically that houses should be compatible with buildings in a 2 block radius and to pay close attention to surrounding buildings.

Below are some houses across the street on Montreal.
How is the institutionalized looking building which is 12 times the massing and twice as high as any surrounding houses anywhere compatible?
Proof of this is with the scale and massing analysis provided below.

Ultimately, as long term residents of Munjoy Hill realize, the Planning Board will continue to ignore R-6 Design standards in order to continue to commoditize the housing on Munjoy Hill as much as possible in order for the wealthy to live part-time. R6 and specifically Munjoy Hill continues to be targeted by the City and the systems in place and has made Munjoy Hill unsustainable for long term residents to live. These actions go against the Portland Comprehensive Plan.

② MONTREAL STREET VIEW UPHILL

EXISTING CONTEXT: MONTREAL

How is 33 and 37 Montreal proposal compatible to Houses Across Montreal Street?

Scale and Massing Analysis of 33 and 37 Montreal to Surrounding Buildings on Willis and Montreal

Street_Address	Land Use	Stories	Stories Height (ft)	Building Width (ft)	Building Length (ft)	Building Mass (Volume) LxWxStories Height	
23 Willis	Single family	1.5	20	22	75	33,000	
26 Willis	Single family	1.5	20	20	43	17,200	est
24 Willis	Single family	1.5	20	20	43	17,200	
22 Willis	Single family	1.5	20	22	32	14,080	
20 Willis	Two family	2	25	15	48	18,000	
41 Montreal	Single family	2	25	22	51	28,050	
42 Montreal	Single family	1.5	20	22	55	24,200	
10 Willis	Two family	2.5	30	22	51	33,660	
9 Willis	Two family	2.5	30	23	58	40,020	
32 Montreal	Single family	1.5	20	22	56	24,640	
24 Montreal	Single family	2	25	22	45	24,750	
27 Montreal	Multi Unit	2	25	32	64	51,200	est
19 Montreal	Multi Unit	2	25	32	64	51,200	est
13 Montreal	Multi Unit	2	25	32	64	51,200	est
22 Montreal	Single family	1.5	20	18	34	12,240	
16 Montreal	Single family	1.5	20	25	30	15,000	
12 Montreal	Single family	1.5	20	18	36	12,960	
Surrounding Bui	Average	2	Stories			27,565	cubic fi
	vs					vs	
33/37 Montreal	14 Unit	4	Stories			378,000	cubic fi
	(Building Scale)					(Building Massing)	

Assumptions: Column headings starting with "City", building length and width was gathered from...
Calculations: 1) I assumed 10 feet per story but if it is gabled or half story, I rounded up to next story.
2) Massing is considered volume which the formula Volume = Length X Width x Height

Conclusion: **1) 33 and 37 Montreal Proposal is Greater than 12 x SCALE and MASSING of surrounding properties**
2) 33 and 37 Montreal Proposal is Two (2) x (basicaly double) the HEIGHT of surrounding properties.

1271.32% Average Scale and Massing Increase

The Various Other Iterations of 33 and 37 Montreal Proposals

VERSION 1 - HPB Workshop: 8/15/2018

VERSION 2 - HPB Workshop: 9/05/2018

VERSION 3 - HPB Workshop: 10/17/2018

VERSION 4 - HPB Workshop: 12/19/2018

VERSION 5 - PB

Regards,
Karen Snyder
Munjoy Hill Resident

33-37 Montreal Street – Level 3 Site Plan Application 7/13/21

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Mike Hoover

to planni...@portlandmaine.gov

4:45 AM (3 hours ago)

Dear Chair and Members of the Portland Planning Board:

As a resident of Munjoy Hill living on Melbourne Street, one block from the proposed development, I am writing to state my objection to the approval of this application due to its current status of not meeting standards required by the R-6 Zone and Munjoy Hill Overlay. This site plan application is simply not in compliance with the height requirements of R-6 Zone and the Conservation Overlay on Munjoy Hill and is also not in compliance with the applicable Design Standards. Given these deficiencies, the Site Plan Application should not be approved.

1. The height of the structure exceeds the current maximum height required by the R-6 Zoning standards. The declaration of an artificial grade by the development 14 FEET above existing grade makes a mockery of this standard, and as such clearly exceeds the R-6 standard.

2. The surrounding neighborhood consists predominantly of 19th century wood frame 1 and 2 family houses approximately 18-25 feet wide on small lots with side yards, and are 1½ - 2½ stories in height. The sides of the proposed building facing Willis and Montreal Streets, each approximately 50 feet by 90 feet simply dwarfs every surrounding structure. There is absolutely no compatibility of any possible aspect of this building to the existing neighborhood. It would ruin the fabric of the existing neighborhood.

The applicant has also not prepared the necessary documentation to address this concern. Firstly, staff's memo is factually incorrect (Section IX.B.4, page 8) by stating that the site is not in proximity of a Historic District. The current Munjoy Hill Historic District encompasses the homes on Willis Street immediately adjacent to the site. Proper analysis of this impact must be completed prior to the evaluation of this resource for this application. Secondly, staff has requested an analysis to include "*Neighborhood context plan that shows the footprint of this building compared with, those in the surrounding blocks, renderings showing the building in context with adjacent buildings" Neither* analysis has been included in this submission, and as such is incomplete.

This site plan application proposed a structure which does not meet current R-6 zoning criteria for building height, and shows absolutely no compatibility with the existing structures in the immediate vicinity of the site. For these reasons, the Planning Board must vote to reject this application for its failure to comply with specific the existing height and compatibility standards

Michael Hoover

Melbourne St

Portland ME 04101

33-37 Montral Street - Planning Board Meeting 7/13

0 views

Skip to first unread message

Subscribe

Peter Murray - GWI
unread,
Jul 8, 2021, 9:34:25 AM (yesterday)

to planni...@portlandmaine.gov, Peter L. Murray, Andrew Tufts, Barbara Vestal, Carol Connor, Wayne Valzania

Dear Planning Board -

Attached please find my written comments concerning the project scheduled for a public hearing on July 13, 2021. The proposed project makes a travesty of height regulation in the R-6 zone and should not be approved based on the plans submitted.

Can you please send me the link for the virtual meeting so that I can participate?

Thank you for considering these matters.

Sincerely,

PLM

104 North Street
Portland, Me 04101

July 8, 2021

Portland Planning Board
City Hall
Portland, ME 04101

Re: 33-37 Montreal Street – Level 3 Site Plan Proceedings

Dear Chair and Members of the Portland Planning Board:

This is in anticipation of your July 13 Public Hearing on the above project. The undersigned, who lives approximately one block away from the project site, has participated both through written submissions and oral presentations at prior Workshops and other proceedings with respect to this project. For the reasons set forth below, it is submitted that the project is not in compliance with the requirements of R-6 Zone and the Conservation Overlay on Munjoy Hill and is also not in compliance with the applicable Design Standards and the Site Plan Application and should not be approved.

The concerns set forth herein were brought up at the September 24, 2019 Workshop on this project. The relatively minor and cosmetic changes represented by the current revised submissions do not effectively meet these objections or the other objections raised by concerned residents at prior proceedings.

1. The Height of the Proposed Project Exceeds the Maximum Height Permitted by the Portland Zoning Ordinance.

The R-6 Zone and the Munjoy Hill Overlay require that any structure built in the Zone have a "height" of no more than 45 feet. (In the Munjoy Hill Overlay Zone the 45-foot height is available only to structures having at least two dwelling units, of which one must be a "workforce" housing unit – otherwise the maximum height is 35 feet). The Project is proposed to have one "workforce" unit and therefore claims the 45-foot height limitation.

The question raised by this proposal is, "From where the 45-foot height is to be measured?" The version of the Portland Zoning Ordinance in effect at the time the Site Plan Application was filed (and which therefore governs this Application) contains no specific mention of how or from where a building's height is to be determined. As of that time the practice of the Portland Code Enforcement Officer was to measure a building's height from the average land grade at the four corners of the structure (or at a number of

points along its perimeter at the developer's option). On the Portland islands, it was understood that the measurement was to be made from the grade levels that existed before the site had been disturbed by development activity. On the mainland, apparently measurements could be made from the grade of the site as improved by the project. This practice permitted mainland developers to fill or adjust site grades to some degree before determining the average grade from which their structures would be measured.[1]

The project is proposed to be sited on a sloping site with existing land grades at the four corners of the proposed structure as follows:[2]

Northern Corner: 124.0'
Eastern Corner: 128.5'
Southern Corner: 137.9'
Western Corner: 134.0'

The average of the existing grades at the corners of the proposed condo block is 131 feet above datum. Based on the existing grades on the ground, the structure should extend no higher than 176.1 feet above datum.

The developer, however, claims a new artificial "average grade" around the entire building by heaping a fringe of earth around the entire structure and retaining it with retaining walls creating flower and landscaping boxes to a height of 138 feet above datum on all sides of the structure. This new "average grade" is above the existing natural grade at all four corners of the building. The increase ranges from less than a foot at the southern corner, to 4 feet at the western corner, to 9 ½ feet at the eastern corner and to *14 feet* at the northern corner. The developer proposes to show its neighbor to the northwest a new artificial retaining wall extending from 4 to 14 feet above the grade of his immediately adjacent land. The new landscaping or flowerboxes would extend from 2 - 9.5 feet above the sidewalk on Montreal Street. It should be noted that the dirt in the flowerboxes is no part of the support of the building, but is a narrow strip added outside the foundation after construction in order to claim a fictitious grade that is totally out of synch with the land contours in the surrounding neighborhood. In fact, the "average grade" flowerboxes would be installed above the door to the garage and some 12 feet above the real ground in that area. All of this is shown rather clearly in the elevations most recently filed by the Applicant.

---

[1] This practice was codified in the Phase 1 Recode of the Portland Zoning Ordinance adopted by the City Council on November 9, 2020. The Phase 1 Recode was intended to reorganize and rationalize the structure of the ordinance without making substantive changes, which were reserved to Phase 2. The question of how grade should be determined for project height purposes is on the agenda for debate in the currently pending Phase 2 proceedings. One proposal is that throughout the City, building height should be measured from pre-construction grade as it is on the islands and in other municipalities such as Bangor and Boston.

[2] See measurements and contour lines on "Grading and Utility Plan" dated 9/24/19 as filed by the Applicant.

By measuring from this fake "average grade" the developer proposes to build to a height of 183 feet above datum, or nearly 7 feet above what the real grade would give it.

While the recent practice of the Portland Code Enforcement Officer to measure from post-construction grades may permit developers some modest filling and grade alterations, this is an egregious abuse of the practice to permit the developer to add, in effect, an additional story to its project thus increasing and compounding its overweening dissonance with the surrounding neighborhood as discussed below.

While the apparent current practice of measuring from post-construction grade is vague and inexact, it certainly does not permit something like this, where the developer seeks to take unfair advantage of this ambiguity to make a mockery of height restriction in the R-6 and the Munjoy Hill Overlay.

2. The Overall Size and Bulk of the Proposed 9-Condominium Block Does Not Comply With the Design Standards in the Context of its Surroundings.

The Montreal-Willis Street neighborhood is a relatively intact Munjoy Hill residential neighborhood consisting of 19th century wood frame 1 and 2 family houses on small lots. This building stock bespeaks the Hill's history as a working- and middle-class residential quarter in 19th century Portland. Most of the houses are 1½ - 2½ stories in height.

The proposed project would combine two lots to make one large lot on which the developers propose to erect a 4½ story condominium block with 9 upscale dwelling units over a parking deck that would cover most of the combined lots. This structure would dwarf all of the nearby buildings and dominate the entire Montreal-Willis area. It would destroy the harmonious rhythm of the buildings on the streets.

The Level 3 Site Plan Application should be rejected because the building does not comply with the basic Design Standards requiring the height, size and mass of a new building relate positively to the surrounding building stock. This building is simply too big, too long, too institutional to fit on the corner where it is sited.

The proposed site is the northern corner of the intersection of Willis and Montreal Streets. On the other corners are 1) on the southern corner, a 1½ story small 19th century mansard cottage, recently restored to approximate its original appearance; 2) on the western corner a small 1½ story 19th century house recently improved with a long dormer in the ell; 3) on the eastern corner, a 2½ story 19th century frame house similar in size and type to the house that had stood on the proposed project site near the northern corner of the intersection, but which the developer recently demolished. There is no way that this full four story 9-unit condo block with parking underneath can reasonably resonate with housing stock of this kind.

The problem is exacerbated because the developer is not proposing to build on a single Munjoy Hill lot, which would by its small size tend to keep the project in relative

proportion with the buildings on the neighboring small lots. Here the developer has combined two existing lots to make a large lot, which will physically accommodate a much larger structure than either of its constituent parts. This physically permits a building of much greater scale than any of its surrounding structures.

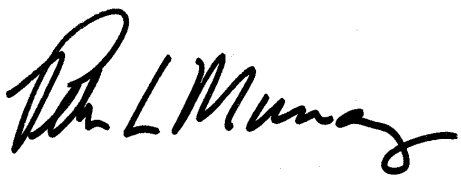
Promenade East, cited by the developer as a comparable structure, is not a part of this neighborhood, but is off on a campus of its own where formerly the Munjoy Hill Reservoir was located. The buildings on Montreal and Willis do not in any way relate to this distant structure.

It is time to say "No." The existing R-6 zone, even with the Munjoy Hill Overlay, affords developers great dimensional latitude in permitting buildings extending up to 45 feet above a real average grade. However multi-unit residential buildings must also comply the Design Standards, which require that new construction "be compatible with the predominant character defining architectural features of the neighborhood." In some areas of the Hill a building of this height can "fit in" and resonate positively with the surrounding housing stock. Not on the corner of Montreal and Willis. In this part of the neighborhood the Design Standards require that new construction adhere more closely to the relative size and scale of the existing residential structures on all sides.

If this block is permitted to be built it will be one of those buildings of which people will say for years to come, "How did they let that be built!"

It is submitted that the application must be denied.

Sincerely,



Peter L. Murray

PC9

w.valzania@munjoyhill.org <w.valzania@munjoyhill.o... Dec 8, 2021, 4:51:19 PM (15 hours ago)
to planningboard@portlandmaine.gov, Christine Grimando, austentd@portlandmaine.gov, Wayne Valzania, Barbara Vestal, Peter Murray

Chair Brandon Mazer and Planning Board Members

City of Portland

389 Congress Street

Portland, Maine 04101

Re: 19 Willis Street (f/k/a 33-37 Montreal Street)

Dear Chair Mazer and Planning Board Members:

The Board of the Munjoy Hill Neighborhood Organization has requested me to urge you on behalf of the Organization not to approve the 19 Willis Street development as proposed. This massive, luxury project is the opposite of development that would be appropriate for Munjoy Hill and specifically for the proposed location on Willis Street. It deviates from the existing regulatory framework in important regards, specifically:

1) It calculates allowable height using an artificial elevation that is contrary to the zoning ordinance. If permitted, due to the lot aggregation and sloped site, the improper height calculation would result in a building that is completely out of scale with the neighborhood. The use of applied building features (planters) to establish elevation is an egregious misinterpretation of the zoning ordinance and would set a dangerous precedent for future project proposals. The result is to claim a building height that is over 6 feet higher than would be allowed under a proper measurement of average grade of the site.

2) The scale and mass of the proposed building is completely out of context with the existing neighborhood and it does not meet R-6 design standards or site plan standards (14.6.4.E (2)). At least a portion of the proposed development is within 100' of the Munjoy Hill Historic District. It is far from compatible with the major character-defining elements of the portion of the Munjoy Hill Historic District in the immediate vicinity. As designed, it is 4 stories tall, and appears as 5 stories from the downhill perspective. As it is proposed to be built on two combined lots, it is a massive structure and would loom over the adjacent small-scale, mostly 1 and 1.5 story homes. From uphill, above this proposed project, the rooftop appurtenances, which are required to be hidden by roof edge setback and aesthetically pleasing barriers, will be in full view becoming a major component of the downhill landscape.

3) The combination of the proposed demolition of 3 housing units and the proposed inclusion of one "workforce" housing unit results in a net loss of affordable housing, setting yet another baseline upon which other proposals will use as a "prior built" rationale. If this project is allowed to go forward and the Planning Board is prepared to grant the full height bonus, to mitigate the impact to the extent possible, the conditions of approval should clearly require that the "workforce" housing unit actually be provided on site, that its sale or rental involve arms-length transactions, and that the unit be deed restricted for affordability for the longest term possible under State and Federal law.

Attached is a set of "Guiding Principles for Real Estate Redevelopment on Munjoy Hill", adopted by the Munjoy Hill Neighborhood Organization Board of Directors on February 4, 2020. These have provided the context for our

analysis of this proposed project. We feel compelled to raise our concerns about this proposed project because it involves potentially precedent-setting issues

Most of the land on Munjoy Hill involves sloped sites. The interpretation of height and application of height calculations are important benchmarks to see that in-fill development is respectful of its neighbors. The applicant should not be allowed to employ this tortured interpretation in calculating height.

The proposed development is completely out of scale with the immediate neighborhood, both under general R-6 design standards and under the site plan standard for development adjacent to a historic district. It is not sufficient for the proposed development to meet maximum dimensional standards pursuant to zoning. The proposal also has to be able to satisfy the R-6 design standards and site plan standards. We do not believe that the proposed development meets these standards.

The affordable housing issue is critical throughout the City. Granting a 10' height bonus for a single "workforce" unit is counterproductive, particularly as it encourages demolition of existing housing to create the building lot. The Planning Board should exercise its discretion to decline to grant that maximum height bonus, particularly as the applicant is already proposing to stretch the limits of this dimensional standard and the type of housing to be provided is not meeting the need for affordable housing.

33-37 Montreal Street Proposed Development

Subscribe

0 views

w.val...@munjoyhill.org 8:40 AM (1 hour ago)

to planni...@portlandmaine.gov, Andrew Tufts, Christine Grimando, Caitlin Cameron, Barbara Vestal, Barbara Vestal, Carol M. Connor, Carolyn Swartz, Clare LaVergne, Karen Snyder, Maggy Wolf, Mary Casale, Mike Hoover, Ned Chester, Ned Chester, Peter Blackstone, Peter Murray, Wayne Valzania, Wa...@redhookdesignalliance.com

Members of the Portland City Planning Board, Andrew, Christine, and Caitlin,

I am writing on behalf of The Munjoy Hill Neighborhood Organization, our members, our friends, and the Munjoy Hill residents who will be directly affected by this development. I will also touch on the revaluation because developments of this scale are inextricable linked as cause and effect.

My colleagues, Barbara Vestal, and Peter Murray have presented arguments that are statute and code based. That having been covered, I will present an argument that examines aesthetics and the humanity of people living in neighborhoods. I encourage you to visit the location of this proposal as I did yesterday, and to stand on the street corner of Willis and Montreal, slowly turn three hundred and sixty degrees and to carefully and quietly absorb the context in which you stand. It is quiet, beautiful, and Munjoy Hill at its finest. It is a place where residents care about their homes and their neighborhood. There is scale that is comforting and familiar. These are homes that are built with materials that bespeak a New England coastal neighborhood.

The proposed project for 33-37 Montreal Street is none of this. It is large, it is box like, and it is incongruous in this setting. It detracts rather than adds to the aesthetic, and it forever alters a neighborhood that has grown organically and is loved by its residents. There will be no wood, eaves, gables, or any of that nonsense, just tall flat facades and rooftop appurtenances that if allowed will rise forty-five plus feet above the neighboring houses.

So, who are the winners and losers in this proposal? The winners are, of course, the developers who stand to gain additional wealth, and an enhanced reputation in their community of developers. There will be an overlay of new residents who may or may not appreciate, or even understand the essence of a small closely knit neighborhood. In either case the population of the neighborhood will increase significantly and they will get to live on Munjoy Hill.

The losers are the long-term residents living in the neighborhood. The folks who have lived there, worked on their houses, invested in their neighborhood, and for years and years, paid their taxes to the City of Portland. Traffic on Willis and Montreal streets will increase. Garbage trucks and service vehicles will service the development and will bring frequent truck traffic to the neighborhood. Not the least affront is that long time invested residents now will be living in the shadow of a behemoth structure that will totally replace the essence of all that they have held dear and have paid for. The final blow will be the increased taxes that they, and the rest of us on Munjoy Hill will be assessed because of the further increase in property value, that has and will continue to be, exacerbated by unfettered development such as this proposed project.

At some point one would hope that some-one, some-many, and ideally, some-in official capacity, would seek the moral high ground and take a moment to consider what is best for all the residents of Munjoy Hill, and our city at large. The re-valuation is a shocking wake-up call that more than at any time in the past, reveals the connection between development and the live-ability of our city. While development creates opportunity for a few, it disaffects many. What is at stake here, is the long-term viability of affordable housing, affordable taxes, the security of being able to age in place for our elderly, and the provision of affordable workforce housing. This may seem to be a stretch, but the reality is, these elements are inextricable related.

Please consider all of this, and prevent this project from being built as proposed. I ask you to cast your vote for our neighborhoods.

Thank You for the work that you do on our behalf, and for your careful consideration of this request.

Respectfully Submitted,

Wayne Valzania

Wayne Valzania, President

Munjoy Hill Neighborhood Organization

Celebrating 40 Years of Community Service

92 Congress Street

Portland, ME 04101

207-274-4918

www.facebook.com/MunjoyHillNeighborhoodOrganization

Join Us !! www.MunjoyHill.org

PC11

Wayne@redhookdesignalliance.com <Wayne@redhookdesignalliance.c… 8:35 AM (1 hour ago)
to planningboard@portlandmaine.gov, Christine Grimando, Wayne@redhookdesignalliance.com

Chair Brandon Mazer and Planning Board Members

City of Portland

389 Congress Street

Portland, Maine 04101

Re: 19 Willis Street (f/k/a 33-37 Montreal Street)

Dear Chair Mazer and Planning Board Members:

I have spent the last hour doing an online search of travel magazines and newspaper articles, New York Times, Boston Globe and others. When I search for Portland Maine, I am presented with photos of old buildings in the Old Port, the quaint neighborhood streets of Munjoy Hill and it's small, perfect scale New England style houses, a working waterfront, and reviews of what were once well staffed restaurants and bars. There is not one photo of a glass office building, a parking garage on the waterfront, or giant out of scale luxury condo cube misplaced in a lovely Munjoy Hill neighborhood.

I will refer you to letters and documentation that you have received from my friends and neighbors, Peter Murray, Barbara Vestal, and Karen Snyder for legal opinion and factual data arguing that the proposed 19 Willis Street project has no place on Munjoy Hill. While the aesthetics should seem obvious, with the behemoth mass and scale of this building being totally out of context with what is presented in travelogues touting Portland as a great place to visit, live, and work, it is not even part of the conversation.

To preserve what we have requires that it be appreciated, valued, and protected by your agency. Please do the right thing for Portland and prevent this project from destroying the Willis Street neighborhood. With enough damage, Portland will no longer appear in the list of great places to visit and live and work.

From the New York Times:

What to do in Portland Maine This Summer:

Streets lined with galleries and shops. A working harbor. Outdoor dining at award-winning restaurants. The fleeting summertime pleasures of Longfellow's childhood home await.

Hmmmmm, no mention of high-rise expensive condos on quiet residential streets.

gettyimages
Nisian Hughes
1345892125

PC12

From: **Barbara Vestal** <vestal@chesterandvestal.com>
Date: Fri, Dec 10, 2021 at 10:35 AM
Subject: 19 Willis Street, Portland, Maine
To: <planningboard@portlandmaine.gov>, Christine Grimando <CDG@portlandmaine.gov>, Austen Torres Davis <austentd@portlandmaine.gov>

Chair Mazer and Planning Board Members:

I urge you not to approve the proposed development at 19 Willis Street as currently configured. I have four basic objections: 1) impermissible manipulation of the height properly address the site plan standard for compatibility with the adjacent historic district; 3) failure to justify the granting of the proposed 10 foot height bonus; and 4) fa standards.

HEIGHT MANIPULATION:

The calculation of height pursuant to Portland's land use code has always been somewhat problematic due to the absence of detailed regulations in the ordinance. This is steep slopes, which are present throughout Portland's peninsula. Some developers have taken advantage of the vagueness of the ordinance by bringing in fill to raise the e two, stretching the ordinance by applying height calculations based upon post-development grade.

The proposal for 19 Willis Street is even more aggressive in trying to secure additional height. This applicant has pushed the height calculation to the breaking point, beyc faced test. Rather than measuring elevation at weight-bearing corners, where the foundation pierces the ground upon which the structure rests, the applicant is apparent height of applied, non-weight bearing ornamental planters. The only similarity between the planters and the ground is that both contain dirt. They are functionally not at permitted to stand, would allow the applicant to gain several feet in height that should not otherwise be allowed pursuant to zoning dimensional standards. It would also developers to use to evade height standards.

IMPACT ON HISTORIC RESOURCES:

The proposed development at 19 Willis Street is immediately across Willis Street from the Munjoy Hill Historic District. There is a specific site plan standard, applicable to within 100 feet of a designated historic district. The standard is designed to ensure that the new development will be generally compatible with the adjacent historic reso does not yet seem to have been evaluated for compliance with that standard. I believe after proper evaluation it will be found not to satisfy that site plan standard.

This site plan standard for development adjacent to a historic district applies to this development. The Munjoy Hill Historic District was nominated on July 10, 2019. The a application until August 12, 2019. The historic preservation ordinance provisions on interim protection for nominations only excepts from the impact of the nomination ap (which this was not) and which had received review by the Planning Board prior to nomination. The first Planning Board review of this application was not until Septembe Hill Historic District nomination.

That site plan standard, 14.6.4.E(2) (formerly 14-526(d)(5), essentially identical) contains very specific guidance on how to determine whether a proposed development is character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. . . . For the purposes of this provision, 'com design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time."

Moreover, to aid the Planning Board in its evaluation and deliberations, the site plan ordinance specifies that the "Historic Preservation staff ***shall*** provide a written analysi immediate context, identifying the major character defining elements and any established building patterns that characterize the context."

The required Historic Preservation staff analysis has not been provided to the public or to the Planning Board. The Planning Board is not yet in a position to deliberate on v standard. It is true that a prior version of the proposed development at 19 Willis Street, then known as 33-37 Montreal Street, was before the Historic Preservation Board entirely different context. Pursuant to the Munjoy Hill Neighborhood Conservation Overlay Zone (MHNCOZ), one of the three buildings the applicant proposed to demolis project was designated as "preferably preserved." That meant that the applicant could not demolish the building without waiting for one year unless the Historic Preserva proposed replacement building would be "acceptably contextual in the surrounding neighborhood." Not wanting to wait a year, the applicant sought a determination fron the structure that it sought to construct qualified for a reduction in the wait-time before demolition. The Historic Preservation Board made that decision, in a split 4-2 vote stay of demolition to be lifted on 37 Montreal Street, a preferably preserved building, provided that the applicant applied for a building permit consistent with the prelimir applicant demolished the building after waiting more than one year.)

This prior Historic Preservation Board review cannot substitute for the site plan review under 14.6.4.E(2) (or 14-526(d)(5) for several reasons:

- The standards that were applied under the MHNCOZ are different than the site plan standards for general compatibility with the adjacent historic district.
- The project reviewed then was different than the project proposed now; it included a primary entrance on Montreal Street.
- The review was done by the Historic Preservation Board, not the Historic Preservation staff.
- The Munjoy Hill Historic District designation had not then been finalized. In fact, the historic resources inventory, historic district designation report and precis to be considered under the site plan standard, were all finalized after December 19, 2018, the date of the Historic Preservation Board decision.
- The emphasis during the review was on the proposed structure rather than its broader compatibility with the adjacent historic district.

All of these differences require a fresh review by the Planning Board as part of this current review process, informed by a written analysis from Historic Preservation staff a issues outlined in the site plan ordinance.

10 FOOT HEIGHT BONUS:

Affordable housing is a major issue in Portland. The Munjoy Hill Neighborhood Conservation Overlay Zone (MHNCOZ) correctly reduced the general Munjoy Hill height lim match the context of the existing environment. But then it unwisely included a provision allowing heights that could go up to 45 feet if the applicant included at least one

At the time of drafting, then Planning Director Jeff Levine explained that it was not intended to be an automatic 10 foot height bonus in exchange for one unit of workforce was a maximum, and it would be up to the Planning Board to determine whether what the developer was proposing was sufficient to qualify for the bonus. The Planning I number of workforce units to be included, the need for workforce units, and whatever similar factors it found to be relevant in deciding whether to grant the maximum.

As this provision has been used in a handful of projects, it is becoming very clear that this height bonus is producing a **net loss** of affordable housing. Housing, generally af unit, is being torn down to create the building lot for the proposed new construction. And then the new construction offers the bare minimum – one unit – to grab an extr

In this case, the applicant is proposing to demolish 3 housing units. The application is somewhat unclear on what is being proposed for the workforce housing unit. Specif will be rental or sold, what restrictions will keep it affordable and for what period, and what provisions are intended so that an eventual occupant will be determined throu transaction (or series of transactions).

I believe the Planning Board should consider whether what the applicant is proposing is sufficient to justify 10 feet of additional height, the maximum bonus. And even if t reasonable to trade off 3 demolished units for one new workforce unit, it seems like the Board has a duty to make sure that the City's methodology is firmly established to unit will actually adhere to any deed restrictions, affordable housing covenants, standards for non-preferential treatment, and similar requirements necessary to produce t

FAILURE TO SATISFY DESIGN STANDARDS

I continue to have concerns about whether the proposed project, as originally proposed and as redesigned, meets the applicable Design Standards. The applicant asserts i based upon a 2018 analysis, prior to the redesign currently before the Planning Board. Particular areas of concern are: the overall context (it is not compatible with predo features of the neighborhood), massing (it looms over buildings to which it is supposed to relate rather than reflecting and reinforcing the traditional building character of street (the new Willis Street entry is constricted and not welcoming, and the new absence of any entrance on Montreal Street makes that entire façade suffer from a lack c proportion and scale (given the massing and scale, the resulting individual building elements human scaled).

Additional scrutiny of these important design elements is required. The design standards in the City of Portland Design Manual are incorporated by reference as part of th addition, the design standards subsection of the site plan ordinance directs that all residential development in the R-6 zone "shall integrate with and respect the character development in terms of architectural form, landscaping and open space, façade materials, roof pitch, massing, and height." 14.6.4.I(1)(e)(iv). The R-6 Design Standards (A Design Manual) are a more detailed explanation of how this is to be accomplished. They note that in determining whether a design is in compliance, "[s]pecial attention s both sides of the street within the block of the proposed site. If the building is on a corner lot, then buildings on the adjoining block shall also be considered." (Id.)

CONCLUSION

To gain approval, every applicant must be able to satisfy the dimensional standards of the zoning ordinance (including height limits), must meet site plan standards for com historic district, and must be able to meet the applicable design standards. These standards must be met simultaneously, with each being of equal importance. If it is not compatibility standards while maximizing dimensional characteristics, the dimensional maximums need to be modified to bring it into compliance with the other standard not to approve the project proposed for 19 Willis Street as currently configured.

--
Barbara A. Vestal, Esq.
Chester & Vestal, PA
107 Congress Street
Portland, Maine 04101
(207) 772-7426 - phone
(207) 761-5822 - facsimile

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--
Austen Torres Davis
Planner
Planning & Urban Development Department

389 Congress Street
Portland, Maine 04101

austentd@portlandmaine.gov | (207) 874-8632

Reply Forward

Murray, Peter <pmurray@law.harvard.edu> 11:01 AM (1 hour ago)

to planningboard@portlandmaine.gov, Murray, Peter, Davis Austen

Dear Planning Board -

Attached please find my written comments for your consideration prior to the upcoming public hearing on the above project scheduled for December 14. Included are two diagrams and one photograph, also attached.

For the reasons stated in the comments, it is respectfully submitted that the application for a level 3 site plan should be denied.

Can you please acknowledge receipt of these materials? Can you also please arrange for the recording of the December 14 public hearing on this application?

Thank you,

PLM
Peter Murray
104 North Street
Portland, ME 04101
pmurray@gwi.net

124' + 128.5 '+ 134' + 137.3' = 523.8'
523.8' / 4 = 130.95' average grade
130.95' = 45.0' = 175.96' max. bld. ht.

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Kaplan Thompson Architects

PROJECT
19 WILLIS STREET

FORMERLY
33 - 37 MONTREAL STREET
PORTLAND, ME 04101

CIVIL
DM Roma
PO Box 1116
Windham, ME 04062
P: (207) 519-7600

STRUCTURAL
L & L Structural Engineering Services
6 Q Street
South Portland, ME 04106
P: (207) 767-4830

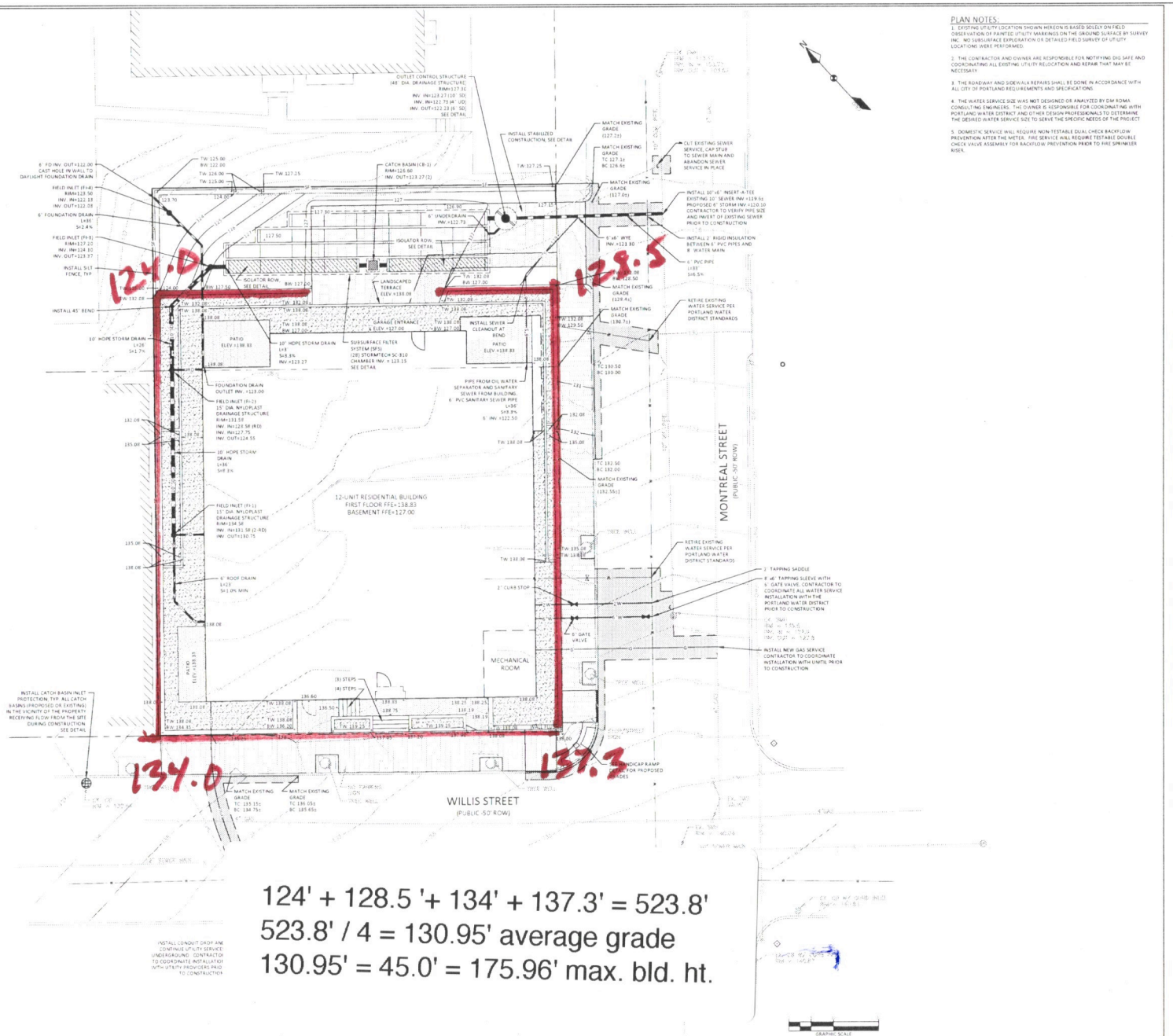
LANDSCAPE
Soren Deniord Design Studio
43 Wellwood Road
Portland, ME 04103
P: (207) 400-2450

LICENSED ARCHITECT
JAMES JESSE THOMPSON
No. 3275
STATE OF MAINE

NOT FOR CONSTRUCTION

PROJECT	MTL
DATE	November 03, 2021
REVISED 1	
REVISED 2	
DRAWN BY	RL, BB
PHASE	For PB Review

MONTREAL ST ELEVATION
A-2.2



DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1151
WINDHAM, ME 04062
(207) 310-0506

REV.	DATE	BY	DESCRIPTION
A	8.12.21	DMA	ISSUED FOR PERMITTING
B	10.11.21	DMA	REVISED PER CITY REVIEW
C	10.27.21	DMA	REVISED PER CITY REVIEW
D	11.3.21	DMA	REVISED PER CITY REVIEW

GRADING AND UTILITY PLAN
37 MONTREAL STREET
PORTLAND, MAINE
FOR APPLICANT
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME 04101

18053
JOB NUMBER
1" = 10'
SCALE
11-3-2021
DATE
--
C2.0

104 North Street
Portland, Me 04101

December 8, 2021

Portland Planning Board
City Hall
Portland, ME 04101

Re: 19 Willis Street (formerly 33-37 Montreal Street) – Level 3 Site Plan Proceedings

Dear Chair and Members of the Portland Planning Board:

This is in anticipation of your December 14 Public Hearing on the above project. The undersigned, who lives approximately one block away from the project site, has participated both through written submissions and oral presentations at prior Workshops and other proceedings with respect to this project and prior versions of the condominium development here proposed. For the reasons set forth below, it is submitted that the proposed project is not in compliance with the requirements of the R-6 Zone and the Conservation Overlay on Munjoy Hill and is also not in compliance with the applicable Design Standards and the Site Plan Review Ordinance. The Site Plan Application should not be approved.

The concerns set forth herein were brought up at prior Workshops on this project. The relatively minor and cosmetic changes represented by the current revised submissions do not effectively meet these objections or the other objections raised by concerned residents at prior proceedings.

1. The Height of the Proposed Project Exceeds the Maximum Height Permitted by the Portland Zoning Ordinance.

The R-6 Zone and the Munjoy Hill Overlay require that any structure built in the Zone have a "height" of no more than 35 feet. In the Munjoy Hill Overlay Zone a "bonus" of up to 10 feet, which would raise the maximum height to 45 feet, can be made available by the Planning Board to structures having at least two dwelling units, of which one must be a "workforce" housing unit – otherwise the maximum height is 35 feet. The Project is apparently proposed to have one "workforce" unit and therefore claims the 45-foot height allowance. [1]

[1] It may be noted that the current submissions do not make reference to any workforce dwelling unit or the mechanisms by which the inclusion and maintenance of such a unit in the structure proposed will be assured. Without such a commitment and appropriate mechanisms, the project is not entitled to claim the 10' height bonus over the otherwise applicable R-6 height maximum of 35'.

The question raised by this proposal is, "From where is the 45-foot height to be measured?" Section 14-47 of the Portland Zoning Ordinance in effect at the time the Site Plan Application was filed (and which therefore governs this Application) defined a building's "height" as "[t]he vertical measurement from grade, or the predevelopment grade on the islands, to the highest point of the roof beams in flat roofs..." However the ordinance does not define "grade." Apparently the practice of the Portland Zoning Administrator was to measure a building's height from the average grade of the land at the four corners of the proposed structure (or at a number of points along its perimeter at the developer's option). On the Portland islands, it was understood that the measurement was to be made from the grade levels that existed before the year 2000. On the mainland, apparently measurements could be made from the grade of the building site as adjusted for the project. This practice apparently permitted mainland developers to fill or adjust site grades to some degree before determining the average grade from which their structures would be measured.[2]

The project is proposed to be sited on a sloping site with existing land grades above datum at the four corners of the proposed structure as follows:[3]

Northern Corner: 124.0'
Eastern Corner: 128.5'
Southern Corner: 137.3'
Western Corner: 134.0'

The average of the existing grades at the corners of the proposed condo block is 131 feet above datum. Based on the existing grades on the ground, the structure should extend no higher than 175.9 feet above datum.

The developer, however, claims a new artificial "average grade" around the entire building by heaping a fringe of earth around the entire structure and retaining it with concrete retaining walls creating flower and landscaping boxes to a height of 138.1 feet above datum on all sides of the structure. This new "average grade" is higher than the existing natural grade at all four corners of the building. The increase ranges from less than a foot at the southern corner, to 4 feet at the western corner, to 9 ½ feet at the eastern corner and to *14 feet* at the northern corner. The developer proposes to show its neighbor to the northwest a new artificial retaining wall extending from 4 to 14 feet

[2] This practice was codified in the Phase 1 Recode of the Portland Zoning Ordinance adopted by the City Council on November 9, 2020. The Phase 1 Recode was intended to reorganize and rationalize the structure of the ordinance without making substantive changes, which were reserved to Phase 2. The question of how grade should be determined for project height purposes is on the agenda for debate in the currently pending Phase 2 proceedings. One proposal is that throughout the city building height should be measured from pre-construction grade as it is on the islands and in other municipalities such as Bangor and Boston.

[3] See measurements and contour lines on "Grading and Utility Plan" dated 11/3/21 as filed by the Applicant. See also "Average Grade Calculation Plan" filed 12/3/21.

above the grade of the remainder of the project lot and the neighbor's immediately adjacent land.

The new landscaping or flowerboxes would extend from 2 - 9.5 feet above the sidewalk on Montreal Street. It should be noted that the dirt in the flowerboxes is no part of the support of the building, but is a narrow strip added outside the foundation after construction in order to claim a fictitious grade that is totally out of synch with the land contours in the surrounding neighborhood. In fact, the "average grade" flowerboxes would be installed above the door to the garage and some 12 feet above the real ground in that area. All of this is shown rather clearly in the elevations most recently filed by the Applicant.

By measuring from this fake "average grade" the developer proposes to build to a height of 183.1 feet above datum, or over 6 feet above what the real average grade would give it.

Attached is a markup of the Grading and Utility Plan highlighting the actual grades at the corner of the structure and the effect measuring from actual grade would have on the overall height of the structure in place.

While the recent practice of the Portland Zoning Administrator to measure from post-construction grades may permit developers some modest filling and grade alterations, this proposal is an egregious abuse of the practice to permit the developer to add, in effect, an additional story to its project thus increasing and compounding its overweening dissonance with the surrounding neighborhood as discussed below. The Site Plan Application should be denied based on the fact that the proposed building does not comply with the height allowed in the R-6 Munjoy Neighborhood Conservation Overlay Zone.

2. The Proposed Structure Does Not Comply with the Setback Requirements of the R-6 Zone and the Munjoy Hill Conservation Overlay

The current version of the plans for the proposed condominium block calls for the building to be girdled by a massive retaining wall extending around three of the four walls of the shell. This wall extends in places more than 13 feet above the grade of the lot and the neighboring property. This retaining wall is being built as part and parcel of the condominium block (and are being used to create an artificial "average grade" to impermissibly increase the allowable height claimed by the project – see above). According to the various site plans on file, these retaining walls are located right on northerly edge of the site lot without any discernable setback.

According to Section 14-47 of the Portland Zoning Code in force at the time the application was filed, the term "structure" comprises

> Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

Massive retaining walls clearly fit this definition. There is no exception in the Code for structures of this type.[4]

In the R-6 Munjoy Hill Neighborhood Conservation Overlay Zone, a 45' building is required to maintain a setback of 10 feet along the side boundary. See Portland Land Use Code Table 7-A. This means that no structure can be built within 10 feet perpendicular to the side boundary line.[5] It is clear that the retaining walls portion of the proposed structure does not maintain this setback. The looming bulk of the building is brought right up to the lot line. It is a clear violation of the setback requirements of the Overlay Zone. The site plan application should be denied based on failure to comply with the dimensional requirements of the Zoning Ordinance.

3. The Overall Size and Bulk of the Proposed 9-Condominium Block Does Not Comply With Applicable Design Standards in the Context of its Surroundings.

The Montreal-Willis Street neighborhood is a relatively intact Munjoy Hill residential neighborhood consisting of 19th century wood frame 1 and 2 family houses on small lots. This building stock bespeaks the Hill's history as a working- and middle-class residential quarter in 19th century Portland. Most of the houses are 1½ - 2½ stories in height.

The proposed project would combine two lots to make one large lot on which the developers propose to erect a 4-5 story condominium block with 12 luxury dwelling units over a parking garage that would cover most of the combined lots. This structure would dwarf every one of the nearby buildings and dominate the entire Montreal-Willis area. It would destroy the harmonious rhythm of the buildings on the streets.

The Level 3 Site Plan Application should be rejected because the building does not comply with the basic Design Standards requiring the height, size and mass of a new building relate positively to the surrounding building stock. This building is simply too big, too long, too institutional to fit on the corner where it is sited.

---

[4] The 2021 Recode is a little more explicit, defining "structure" as:

> Anything constructed or erected of more than one member having a permanent or semi-permanent location on another structure or in or on the ground, including without limitation buildings, fences, gazebos, signs, antennas, satellite sending or receiving dishes, and swimming pools. Stockpiles shall be considered structures for the purposes of dimensional requirements.

[5] See the definition of "Setback" which prohibits any kind of structure in the setback area, excepting only "fences, flagpoles, raised garden beds, and other similar structures." Concrete retaining walls extending up to 13 feet above the existing grade and that of the neighboring lots are scarcely "garden beds or other similar structures." Portland Code §14.7.2 "Setback."

The boundary of the Munjoy Hill Historic District located just across Willis and Montreal Streets and well within 100 feet from the site. According to §14.6.4(E)(2) of the City of Portland Zoning Code (as it existed at the time this application was filed and as it exists now):

> When any part of a proposed development is within 100 feet of any designated landmark, historic district, except the India Street Historic District, or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports. For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. To aid the review authority in its deliberations, Historic Preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character- defining elements and any established building patterns that characterize the context.

Under this section, the proposed new structure "shall be" generally compatible with the "character defining elements of the …. portion of the district in the immediate vicinity of the proposed development." The key character-defining element of the Munjoy Hill Historic District is its stock of modest 19th century wood frame worker houses that remain remarkably intact on the very corner at which the proposed block is to be built. Such structures line the other side Willis Street along the edge of the Historic District closest to the Project. A photograph of this block of Willis Street is submitted herewith. There is no way by which this proposed condo block can be said to be "generally compatible" with these historic structures. Moreover, Section 14.6.4(E)(2) of the Site Plan Ordinance requires that the review authority obtain from the Historic Preservation Staff a "written analysis of the proposed development's immediate context, identifying the major character-defining elements and any established building patterns that characterize the context." This analysis has not been requested, prepared or submitted.[6]

The proposed site is the northern corner of the intersection of Willis and Montreal Streets. On the other corners are 1) on the southern corner, a 1½ story small 19th century mansard cottage, recently restored to approximate its original appearance; 2) on the western corner a small 1½ story 19th century house recently improved with a long dormer in the ell; 3) on the eastern corner, a 2½ story 19th century frame house similar in size and

[6] The developer cannot rely on the proceedings before the Historic Preservation Board in connection with the application to demolish the house at 37 Montreal Street as fulfilling this requirement. That application was for a different purpose and was based on a different standard. The requirements of Section 14.6.4(E)(2) are mandatory and must be complied with. Nor can the developer claim to be exempt from this requirement because the District was established by vote of the City Council after the developer's application for a predecessor project was filed. Protections based on a Historic District are in force from the time that the proposed Historic District was nominated at the Historic Preservation Board level by vote of at least two Board members. That vote took place on July 10, 2019 well before the initial application for the prior version of this project was filed on August 12, 2019.

type to the house that had stood on the proposed project site near the northern corner of the intersection, but which the developer recently demolished. There is no way that this full four-five story 12-unit condo block with parking underneath can reasonably resonate with housing stock of this kind.

The problem is exacerbated because the developer is not proposing to build on a single Munjoy Hill lot, which would by its small size tend to keep the project in relative proportion with the buildings on the neighboring small lots. Here the developer has combined two existing lots to make a large lot, which will physically accommodate a much larger structure than either of its constituent parts.

Another way to consider this is to compare the contained volume of the proposed condominium block with that of each of the residentials structures on the streets on which it fronts. According to an analysis of the approximate volume of a previous version of the current proposed condominium block as compared with the volumes of the 1½ - 2 story houses in its immediate neighborhood prepared by Karen Snyder, the volume of the proposed condominium block is 10 times as large as the average volume of the surrounding houses. A true elephant in a herd of zebras!

It is time to say "No." The existing R-6 zone, even with the Munjoy Hill Overlay, affords developers great dimensional latitude in permitting buildings extending up to 45 feet above a real average grade. However multi-unit residential buildings must also comply with the Design Standards, which require that new construction "be compatible with the predominant character defining architectural features of the neighborhood." Those same standards state that, "[s]pecial attention shall be given to the existing buildings on both sides of the street within the block of the proposed site." All of the buildings on Willis and Montreal Streets within the block of the proposed site are 11/2 and 2 story frame houses. In some areas of the Hill a building of this height can "fit in" and resonate positively with the surrounding housing stock. Not on the corner of Montreal and Willis. In this part of the neighborhood the Design Standards as well as the Site Plan Review provisions require that new construction adhere more closely to the relative size and scale of the existing residential structures on all sides.

If this block is permitted to be built it will be one of those buildings of which people will say for years to come, "How did they let that be built!"

It is submitted that the application must be denied.

Sincerely,

Peter L. Murray

41

JEAN MC MANAMY <NINIMAINE@aol.com> 11:07 AM (1 hour ago)

to planningboard@portlandmaine.gov

Chair Mazer and members of the Portland Planning Board:

We are neighbors of the proposed project at 19 Willis St and we are writing to urge you to send this project backfire rework to conform with existing zoning and the city comprehensive plan. Although the project has a new name, it is just as massive as it was when called 33-37 Montreal St. It sits on top of a pseudo-foundation which contrives to create a new base grade for the building in order to allow construction which exceeds the allowed 45 feet in height. It has lost its courtyard entry and the townhouse porches which promised to lead to interactions between new condo residents and their neighbors. It flies in the face of the policy goals behind the Conservation Overlay and Historic Districts for the Hill (it is within 100 feet of the Historic District). The preamble to the Conservation Overlay is specified in the code: “Section 8.7, Portland Land Use Code: The residential neighborhoods on Munjoy Hill are experiencing specific development pressures related to its location and the nature of existing housing stock…..In order to address the negative impacts of these pressures and create a positive framework for investment.” In no discernible way does this project meet the Comprehensive Plan’s focus on the affordable housing emergency—it simply ratchets up the cost of living in the immediate neighborhood, including rentals.

At the end of the day, this project is still inappropriately massive for its site. Its adjacent neighbors are seven one-family homes of 1 1/2 to two stories in height, plus one three-story building. The city’s Munjoy Hill Building Stock Survey, published in 2018 as part of the council-directed consideration of proposals for a historic district and zoning changes, found that the average building height on the Hill was 2.4 stories. On Montreal, Willis, and Walnut Streets, which bound the block where 19 Willis would be located, the average building height is less than 2 stories. The average building width on the Hill was found to be 30 feet. The proposed building vastly exceeds these measures, and even the large Portland Tower building on the next block, built before these zoning standards were adopted, is mitigated by very large setbacks and screening from the street by mature trees. (Building Stock Survey, https://www.portlandmaine.gov/DocumentCenter/View/20763/Presentation_Listening_Session_032418-Final?bidId=

This building could and should respect both city ordinances and its neighbors. It is the kind of forbidding and massive block which has led to recent zoning changes for the Hill. Design changes could produce a building more compatible with the streetscape and ordinances.

As near neighbors, we also have concerns about the construction process. The demolition carried out by the same developers released asbestos in the air and buried asbestos on the lot, necessitating a call by neighbors to the DEP and resulting in a stop-work order. Trees were also severely damaged. If and when you do determine the project is permit-ready, we request that you restrict contractor parking on our congested neighborhood streets, and that the developers provide for protection of the many children, including preschoolers, who walk on both the sidewalks and the street adjacent to the project. We also ask that you require removal of the contaminated soil and protection of existing mature trees. Finally, that HVAC equipment installed on the exterior be inaudible on adjacent properties and that no light spillage be permitted beyond the property line.

Respectfully,

Jean McManamy, 10 Willis Street
Oliver Murray, 55 Montreal Street
Kristina Minister, 101 North Street
Ann Landsberg, 105 North Street
Tim Baehr, 105 North Street

Carolyn Swartz <carolynswartz@gmail.com> 11:58 AM (2 minutes ago)
to planningboard@portlandmaine.gov, Christine Grimando

To Chair Brandon Mazer and members of the Portland Planning Board:

Living down-the-street from the proposed 19 Willis St development, I urge you not to allow grandfathered-in lack of zoning apply to this massive, deceptively measured project.

That this is yet another example of nearly identical, devoid-of-imagination buildings going up around Portland may be irrelevant. Taste is said to be negotiable, But other concerns are not:

- The building sits on top of faux grade, a baseline created by the developers with the express purpose of exceeding height restrictions.
- The building IS within 100 feet of the Historic District— thus flying the face of the Conservation Overlay code.
- In no way does the project fit the context of the neighborhood: not in style, massing or height.
- Nor does it respond to any emergency in affordable housing. In fact, it contributes to creating one.

That height has been calculated deceptively in order to exceed code should be reason enough for the Council to hit the "pause" button.

Sincerely,

Carolyn Swartz
27 Merrill Street

Maggy W <mswnola@gmail.com> 2:03 PM (4 minutes ago)

to Planning Board

Chair Mazer and members of the Planning Board,

I am asking you to vote against the latest proposal for the massive project at 19 Willis St. The building as currently presented exceeds height limitations and violates the standard of being compatible in mass and scale with the surrounding neighborhood. The developer may claim that he is adding housing units and urge you to turn a blind eye to these violations, but the type of housing that is proposed is not what Portland so desperately needs right now.

One of the major issues with this project is the artificial increase to the base grade from which height is calculated. It is one thing to add a retaining wall to stabilize a lot on a hillside; many properties on Portland's hills have utilized retaining walls to do exactly that - however this project spans several lots on a hill and is adding an entire story to the grade on the downhill side. This will be a monolithic eyesore for the downhill neighbors, above which the building will tower. With the current recode effort, many of us hillside residents of Portland will fight to get better restrictions on retaining walls, such as exist on the islands. But even with our current laws, a developer should not be granted this increase to grade. Even on the uppermost lot, the developer is proposing an above grade retaining wall, which is being called a "planter" to add even more height. This is an egregious cheat and if you allow it, it will set a precedent for any developer to disregard height limitations by erecting a "planter" to surround the building.

We all know we need more housing in Portland, but this is not a justification to allow developers to disregard current land-use ordinances.

Thank you,
Maggy Wolf
28 Saint Lawrence St.
Portland 04101

Karen Snyder <karsny@yahoo.com> 12:04 PM (1 minute ago)
to Planning Board, Planning and Urban Development

Dear Planning Board Members,

There continues to be many things wrong with this 19 Willis (formerly 33-37 Montreal) proposal.

This project should NOT be approved for the following reasons.

Point 1: Unidentified the Workforce Unit to Justify this Height Bonus to 45 ft.
If this latest proposal is now slotted for 12 units, it is NOT clear which unit will be workforce housing unit in order so they to build up to 45 ft since they are obviously going to take that 10 ft height bonus.

Point 2: The Incorrect Calculation of Building Height
It appears intentional by the City Planning Dept to NOT clarify the building height calculation which should be from pre-development grade (like Peaks Islands specificizes) rather than post-development grade manipulation. The developer is calculating an incorrect building height using false non-structural structures to inaccurately raise the height of the building.

Point 3: Unidentified the Required 2.4 Affordable Units Per Inclusionary Zoning

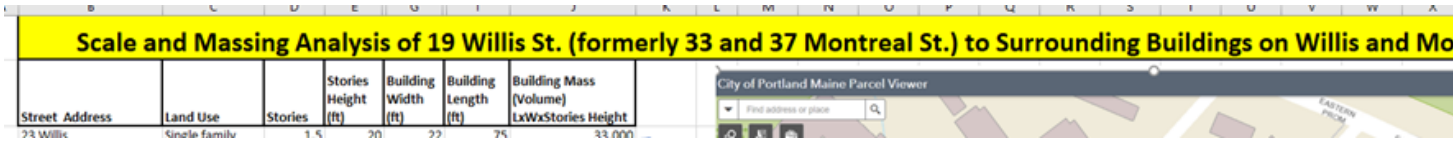
Because this latest proposal is 12 units, it is now under the inclusionary zoning that 20% of the project should have affordable units. In this case, 2.4 units are to be affordable housing. Is this developer planning to build another affordable unit or will they pay the paid in lieu instead to the Housing Trust? This is not clearly identified in their latest plans.

Point 4: Scale and Massing is incompatible to Neighborhood Context

In Zoning, it specifically references R6 Design Standards in Land Use Code Section 14.6.4.I(1).

As such, in the R6 Design Standards Appendix 7, it specifically states in Design Principles B-Massing, that the massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape, and volume? City of Portland, Maine Design Manual (portlandmaine.gov)

How is a big, massive cube box which is 10 times greater than the 1.5 story gabled houses compatible with abutters? Someone from the Planning Board needs to explain this


Scale and Massing Analysis of 19 Willis St. (formerly 33 and 37 Montreal St.) to Surrounding Buildings on Willis and Mo

Street Address	Land Use	Stories	Stories Height (ft)	Building Width (ft)	Building Length (ft)	Building Mass (Volume) LxWxStories Height
23 Willis	Single family	1.5	20	22	25	33,000

City of Portland Maine Parcel Viewer

26 Willis	Single family	1.5	20	20	43	17,200	est
24 Willis	Single family	1.5	20	20	43	17,200	
22 Willis	Single family	1.5	20	22	32	14,080	
20 Willis	Two family	2	25	15	48	18,000	
41 Montreal	Single family	2	25	22	51	28,050	
42 Montreal	Single family	1.5	20	22	55	24,200	
10 Willis	Two family	2.5	30	22	51	33,660	
9 Willis	Two family	2.5	30	23	58	40,020	
32 Montreal	Single family	1.5	20	22	56	24,640	
24 Montreal	Single family	2	25	22	45	24,750	
27 Montreal	Multi Unit	2	25	32	64	51,200	est
19 Montreal	Multi Unit	2	25	32	64	51,200	est
13 Montreal	Multi Unit	2	25	32	64	51,200	est
22 Montreal	Single family	1.5	20	18	34	12,240	
16 Montreal	Single family	1.5	20	25	30	15,000	
12 Montreal	Single family	1.5	20	18	36	12,960	
Surrounding Building	Average	2 Stories				27,565	cubic ft (es
33-37 Montreal:		vs				vs	
HPB Version-2018	14 Unit	4	45	105	80	378,000	cubic ft (es
PB Version-2019	9 Unit	4	45	80	72	259,200	cubic ft
PB Version-12/14/2021	12 unit	4	45	80	73	262,800	cubic ft
As of: 12/9/2021	(Building Scale)			(Building Massing)			
How much larger??		2.222	times higher		9.5	times larger	

Assumptions: Column headings starting with "City", building length and width was gathered from Portland Appraisor site for each building.
Calculations: 1) I assumed 10 feet per story but if it is gabled or half story, I rounded up to next story.
2) Massing is considered volume which the formula Volume = Length X Width x Height

Point 5: Required to go through HD review.

This project went to Historic Preservation Board in 2018 when it was NOT in the Historic District. This project for the last 3 years has gone through at least 9 different proposals. Below are the iterative design changes. This project is required to go to a public hearing in Historic Preservation Board since this project is a Level Site 3 plan and within 100 ft of the Munjoy Hill Historic District which was only implemented this past April 2021.

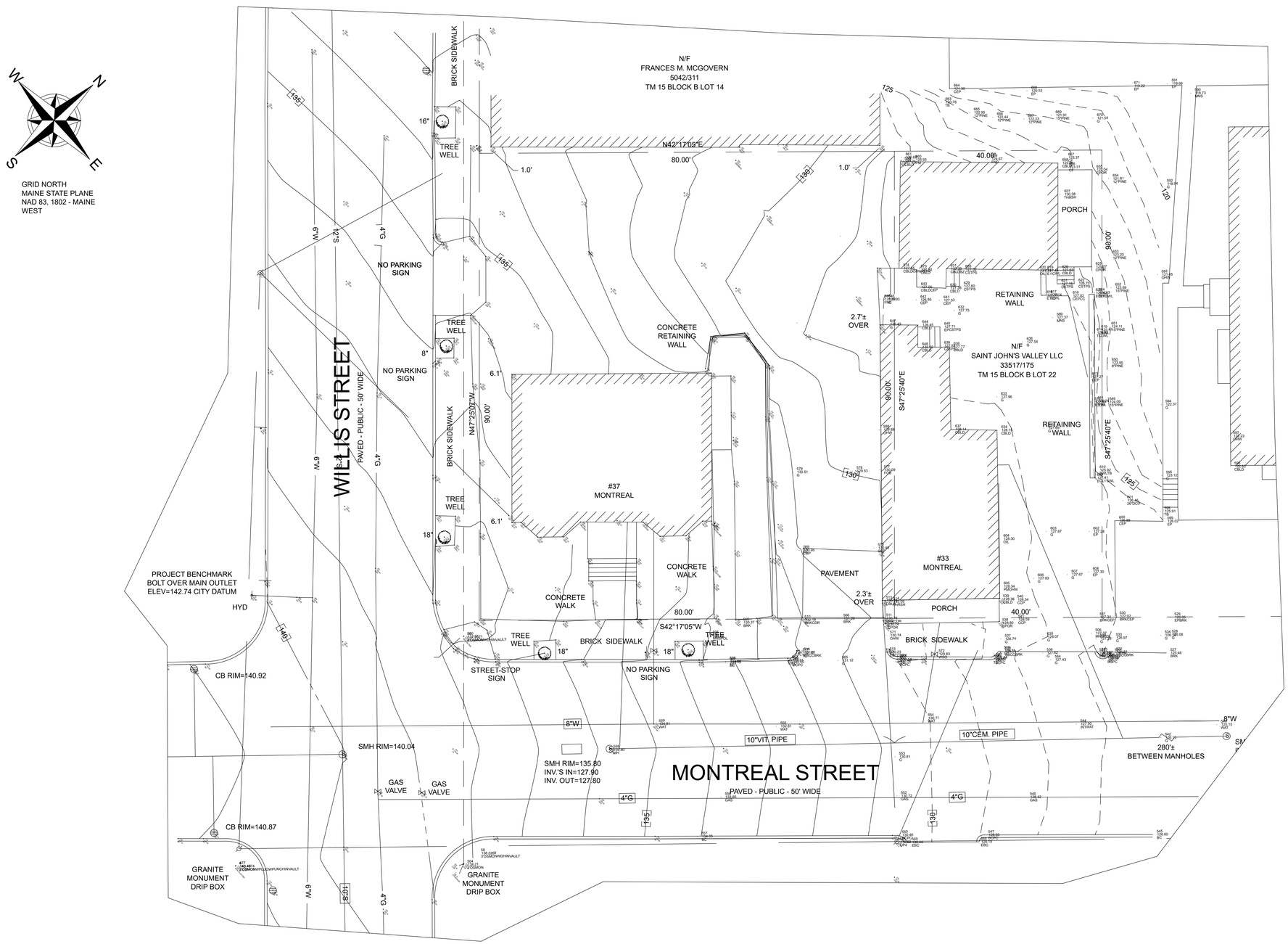
Conclusion:

Both zoning and design standards are REQUIRED to be met in order to be approved. This project is NOT meeting these standards per above and many more reasons

Therefore, please tell this developer to go back to HD and rework this massive square building that has nothing to do with Munjoy Hill. When so many members of the neighborhood object to this proposal, the Planning Board should take notice.

Regards,

Karen Snyder
72 Waterville St.



10 0 5 10 20

GRAPHIC SCALE
1"=10'

PLAN REFERENCES:

(1) A.P. MARSHALL'S PLAN OF LOTS DATED MAY 20, 1856 AND RECORDED IN PLAN BOOK 1 PAGE 41 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

(2) BOUNDARY AND TOPOGRAPHIC SURVEY AT 33 MONTREAL STREET PORTLAND, MAINE MADE FOR TIMOTHY WELLS DATED MAY 22, 2017 BY OWEN HASKELL, INC.

SURVEY NOTES:

(1) THE OWNERS OF RECORD ARE KEVIN JAMES CARTER AS DESCRIBED IN A DEED RECORDED IN BOOK 34283 PAGE 95 AND SAINT JOHN'S VALLEY LLC AS DESCRIBED IN A DEED RECORDED IN BOOK 33517 PAGE 175 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

(2) THE PARCELS ARE SHOWN AS LOTS 15 AND 22 BLOCK B ON THE CITY OF PORTLAND'S ASSESSOR'S MAP 15.

UTILITY NOTES:

PORTLAND WATER DISTRICT SKETCH OF 33 AND 37 MONTREAL STREET DATED FEBRUARY 20, 2018. 6 INCH CAST IRON WATER LINE (1913) IN WILLIS STREET AND 8 INCH CAST IRON WATER LINE (1913) IN MONTREAL STREET. 37 MONTREAL STREET HAS A 3/4 INCH COPPER WATER SERVICE LINE (1930) AND 33 MONTREAL STREET HAS A 3/4 INCH COPPER WATER SERVICE LINE (1941).

CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS SEWER TIE CARD FOR 37 MONTREAL STREET AND 31 MONTREAL STREET. 1882 CITY MAP SHEET 15 DEPICTS SEWER LINES IN MONTREAL STREET AS 10" VIT. AND 10" CEM. AS SHOWN. REFERENCE IS MADE TO PLANS ENTITLED "CITY OF PORTLAND, MAINE DEPARTMENT OF PUBLIC WORKS MONTREAL STREET SEWER AS-BUILT DATED 7-75" AND "CITY OF PORTLAND DEPARTMENT OF PUBLIC WORKS WILLIS STREET AS-BUILTS" WHICH DEPICTS THE LOCATION OF THE SEWER LINE AND GAS LINE AS SHOWN HEREON.

THERE NO CATCH BASINS OBSERVED IN MONTREAL STREET AT THE TIME OF THE FIELD SURVEY EXCEPT THE TWO SHOWN ON THE OTHER SIDE OF WILLIS STREET.

GAS SERVICE IS PROVIDED BY UNITIL. THE

CERTIFICATION:

I CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS AND IS CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

WILLIAM C. SHIPPEN P.L.S. 2118

BOUNDARY SURVEY

37 MONTREAL STREET
PORTLAND, MAINE

FOR: MCTIGUE CONSTRUCTION
184 MOUNTAIN ROAD
FALMOUTH, MAINE 04105
(CLIENT)

SURVEY BY: SURVEY, INC.
P.O. BOX 210
WINDHAM, ME 04062
(207) 892-2556
INFO@SURVEYINCORPORATED.COM

DWN: WCS CHK: BDK
DATE: AUGUST 2017 JOB NO. 17111

1 NEIGHBORHOOD CONTEXT - 1 BLOCK
SCALE: 1" = 20'

0 10' 20' 40'

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT
MONTREAL ST

Montreal St
Portland, ME 04101

NOT FOR CONSTRUCTION

PROJECT	MTL
DATE	08/06/2018
REVISED 1	
REVISED 2	
DRAWN BY	JT - RL - BB
PHASE	ALTERNATIVE DESIGN REVIEW

NEIGHBORHOOD CONTEXT

A-0.1

1 NEIGHBORHOOD CONTEXT - 3 BLOCKS
SCALE: 1" = 50'

0 20' 50' 100'

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT
MONTREAL ST

Montreal St
Portland, ME 04101

NOT FOR CONSTRUCTION	
PROJECT	MTL
DATE	08/06/2018
REVISED 1	
REVISED 2	
DRAWN BY	JT - RL - BB
PHASE	ALTERNATIVE DESIGN REVIEW

NEIGHBORHOOD CONTEXT

A-0.2

101 North Street

63

55

49

45

41

MacArthur Gardens 13-27

MONTREAL STREET ADJACENT West

MONTREAL STREET ADJACENT East

89 North Street

64-66

60

54-56

52

48-50

46

42

MONTREAL STREET FACING West

9 Wills Street

32

24

22

18

16

12

294 East Promenade

MONTREAL STREET FACING East

Promenade Towers 340 East Promenade

23

9

WILLIS STREET ADJACENT

51 Melbourne Street

10

42

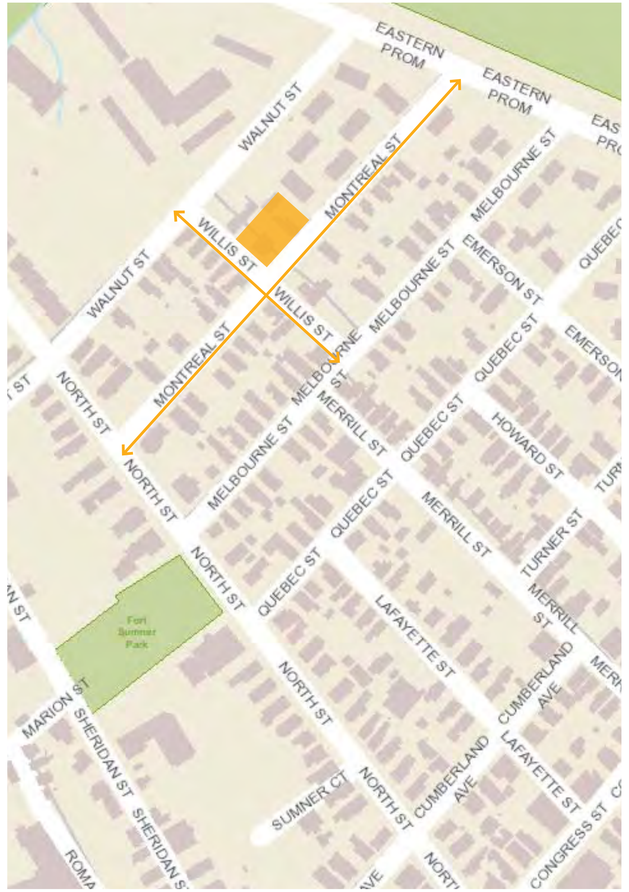
20

22

24

28

WILLIS STREET FACING



SITE LOCATION

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT

MONTREAL ST

Montreal St
Portland, ME 04101

NOT FOR CONSTRUCTION	
PROJECT	MTL
DATE	08/06/2018
REVISED 1	
REVISED 2	
DRAWN BY	JT - RL - BB
PHASE	ALTERNATIVE DESIGN REVIEW

NEIGHBORHOOD CONTEXT - STREETSCAPE

A-0.3

97 Sheridan Street

71 Quebec Street

59 Lafayette Street

128 Sheridan Street

ROOF FORM PRECEDENTS

118 Congress Street

98 Congress Street

119 Morning Street

16 Emerson Street

16 Cleeve Street

135 Sheridan Street

49 Morning Street

63 Emerson Street

80 North Street

58 North Street

55 Morning Street

63 Morning Street

70 Morning Street

34 Lafayette Street

101 North Street

SCALE PRECEDENTS

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT
MONTREAL ST

Montreal St
Portland, ME 04101

NOT FOR CONSTRUCTION	
PROJECT	MTL
DATE	08/06/2018
REVISED 1	
REVISED 2	
DRAWN BY	JT - RL - BB
PHASE	ALTERNATIVE DESIGN REVIEW

NEIGHBORHOOD CONTEXT - PRECEDENTS

A-0.4

Owner: Bartley A. Connolly
Address: 33-37 Montreal Street, East End - Munjoy Hill, Portland, Maine
Use: Dwelling - Single family
Local Code: Block 15B Lot 15 Book 51 Page 1
MMN item number: 63893

1 37 MONTREAL STREET - 1924 TAX PHOTO & JULY 2018 PHOTOS

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

PROJECT
MONTREAL ST

Montreal St
Portland, ME 04101

NOT FOR CONSTRUCTION

PROJECT	MTL
DATE	08/06/2018
REVISED 1	
REVISED 2	
DRAWN BY	JT - RL - BB
PHASE	ALTERNATIVE DESIGN REVIEW

EXISTING BUILDING
37 MONTREAL ST.

A-0.5

1 33 MONTREAL STREET - FEBRUARY 2018

2 33 MONTREAL STREET - 1924 TAX PHOTO

3 33 MONTREAL STREET - 1924 TAX PHOTO

Kaplan Thompson Architects
102 Exchange Street
Portland, ME 04101
(207) 842-2888
kaplanthompson.com

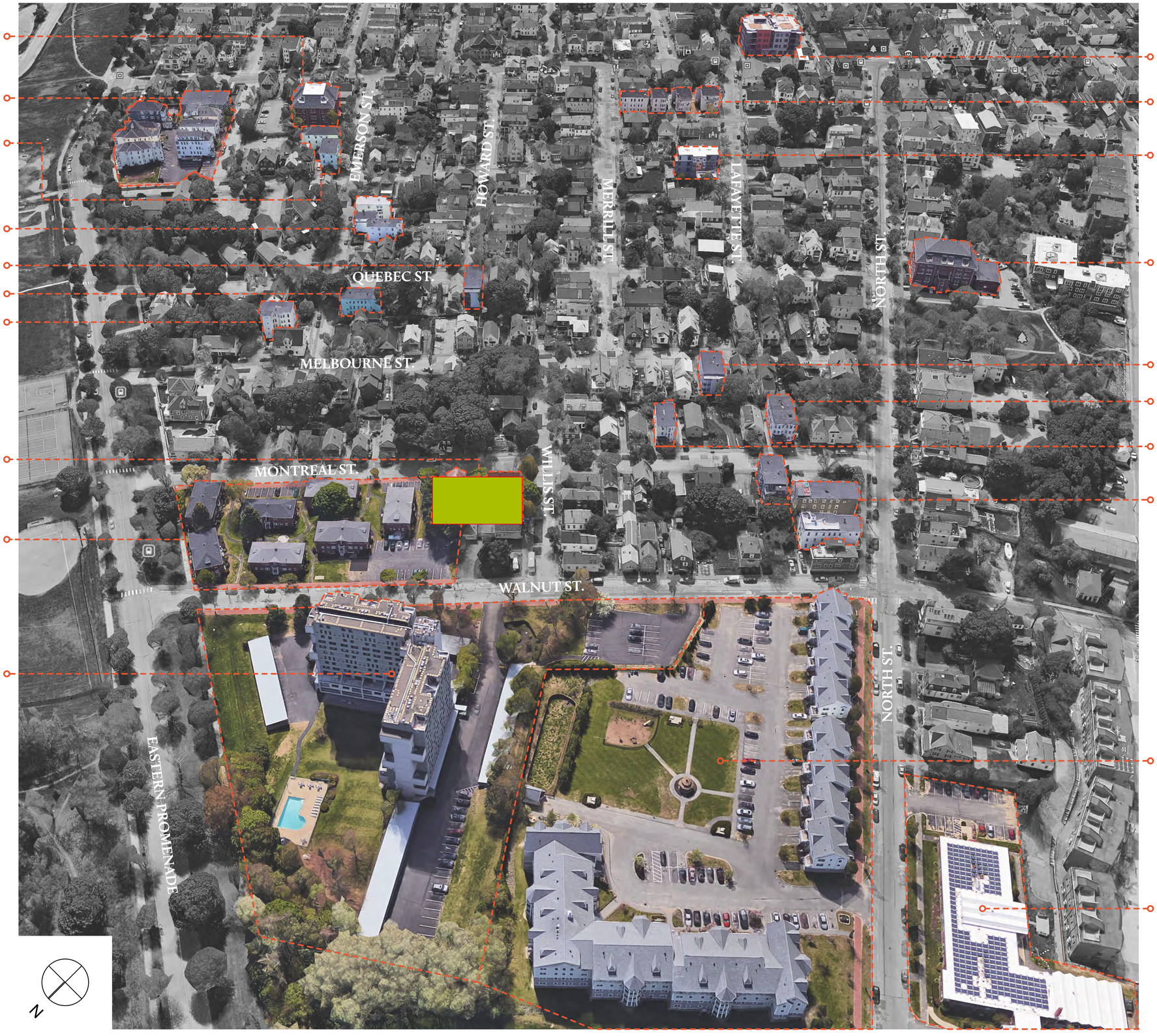
PROJECT
MONTREAL ST

Montreal St
Portland, ME 04101

NOT FOR CONSTRUCTION	
PROJECT	MTL
DATE	08/06/2018
REVISED 1	
REVISED 2	
DRAWN BY	JT - RL - BB
PHASE	ALTERNATIVE DESIGN REVIEW

EXISTING BUILDING
33 MONTREAL ST.

A-0.6



22 HOME "MUNJOY COMMONS" (BRICK)

3.5 DECKER (GROUP OF 8)

3 DECKER (GROUP OF 2)

3 DECKER (GROUP OF 2)

3 DECKER

3 DECKER

4 DECKER

33-37 MONTREAL ST.

57 HOME "MACARTHUR GARDENS" (BRICK)

81 HOME 14 STORY "PROMENADE TOWERS"

12 HOME 118 CONGRESS ST.

3 DECKER (GROUP OF 4)

6 HOME 4 STORY "MARQUIS LOFTS"

22 HOME "SHAILER SCHOOL" (BRICK)

3 DECKER

3 DECKER MONTREAL ST.

3 DECKER MONTREAL ST.

3 DECKER MONTREAL ST. (GROUP OF 3)

70 HOME 3 & 4 STORY "ISLAND VIEW"

1, 3 & 4 STORY ELDERLY HOUSING "BAYVIEW HEIGHTS" (BRICK)

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PROJECT
MONTREAL ST

Montreal St
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AERIAL VIEW

A-9.5

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TWO BLOCK RADIUS

MONTREAL ST

Montreal St Portland ME 04101

1 TURNER STREET #19 & #17

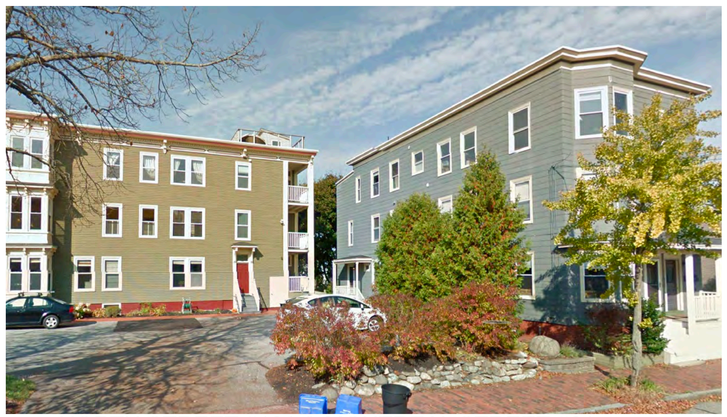
2 CORNER OF MONTREAL & WILLIS STREETS

3 MACARTHUR GARDENS & PROMENADE TOWERS

4 MONTREAL STREET #64

5 MONTREAL STREET #52 & #49

6 EMERSON STREET #60 & # 68



7 NORTH STREET #101 & MONTREAL STREET #61

8 WALNUT STREET #151 ISLAND VIEW APARTMENTS

9 ISLAND VIEW APARTMENTS

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EXISTING CONTEXT: TWO-BLOCK RADIUS

33-37 MONTREAL
PORTLAND

1 MONTREAL STREET VIEW DOWNHILL

2 MONTREAL STREET VIEW UPHILL

EXISTING CONTEXT: MONTREAL

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MONTREAL ST
Montreal St Portland ME 04101

1 WALNUT STREET PERSPECTIVE

2 MONTREAL STREET PERSPECTIVE UPHILL

EXISTING CONTEXT: WALNUT & MONTREAL ST

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MONTREAL ST

Montreal St Portland ME 04101

1 SITE PLAN
SCALE: 1" = 20'

0 10' 20' 40'

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PROJECT
19 WILLIS STREET

FORMERLY
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PORTLAND, ME 04101

CIVIL
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Windham, ME 04062
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LANDSCAPE
Soren Deniord Design Studio
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NEIGHBORHOOD CONTEXT
A-0.1

10'-0" SIDE SETBACK
(BUILDING > 35' H)

5'-0" FRONT SETBACK

DOG-WASH
25.58 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
35.49 sq ft

BIKE ROOM
187.53 sq ft

MECH. ROOM
142.00 sq ft

STAIR 01
127.98 sq ft

COMMON SPACE
97.74 sq ft

127'-10"

ELEVATOR
56.00 sq ft

TRASH ROOM
118.47 sq ft

STORAGE
117.94 sq ft

GARAGE
4,157.56 sq ft

2 4 6 8 10 12

1 3 5 7 9 11 13

18'-0"

26'-0" DRIVE AISLE

2'-0" 8'-0" (ACCESS AISLE) 9'-0" (ACCESSIBLE VAN SPACE) 9'-0" 9'-0" 9'-0" 9'-0" 9'-0" 10'-0"

10'-0" 9'-0" 9'-0" 9'-0" 9'-0" 9'-0" 9'-0" 10'-0"

STORAGE
33.83 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
30.10 sq ft

STORAGE
35.49 sq ft

PROPERTY LINE (FRONT)

5'-0" SIDE STREET SETBACK
(BUILDING > 35' H)

8'-0" 14'-0" 27'-0" 20'-0" 9'-0" 1'-0" 4'-0" 14'-0" 4'-0 1/4"

80'-0"

PROPERTY LINE (SIDE STREET)

15'-0" REAR SETBACK
(BUILDING > 35' H)

15'-2 3/4"

5'-3 1/4"

STONE-FACED SITE WALL

OUTLINE OF 1ST FLOOR PATIO ABOVE

OUTLINE OF LANDSCAPE TERRACE ABOVE

16'-0"

7'-5"

5'-3 1/4"

10'-8 3/4"

4'-6"

OUTLINE OF 1ST FLOOR PATIO ABOVE

STONE-FACED SITE WALL

3'-0" 11'-0"

6'-0"

DRIVEWAY

EG.1

EG.2

PROJECT TRUE

0 2' 4' 8'

1 A-2.4

1 A-2.1

1 A-2.3

1 A-2.2

2 BASEMENT
SCALE: 1/4" = 1'-0"

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LICENSED ARCHITECT
JAMES JESSE THOMPSON
NO. 3275
STATE OF MAINE

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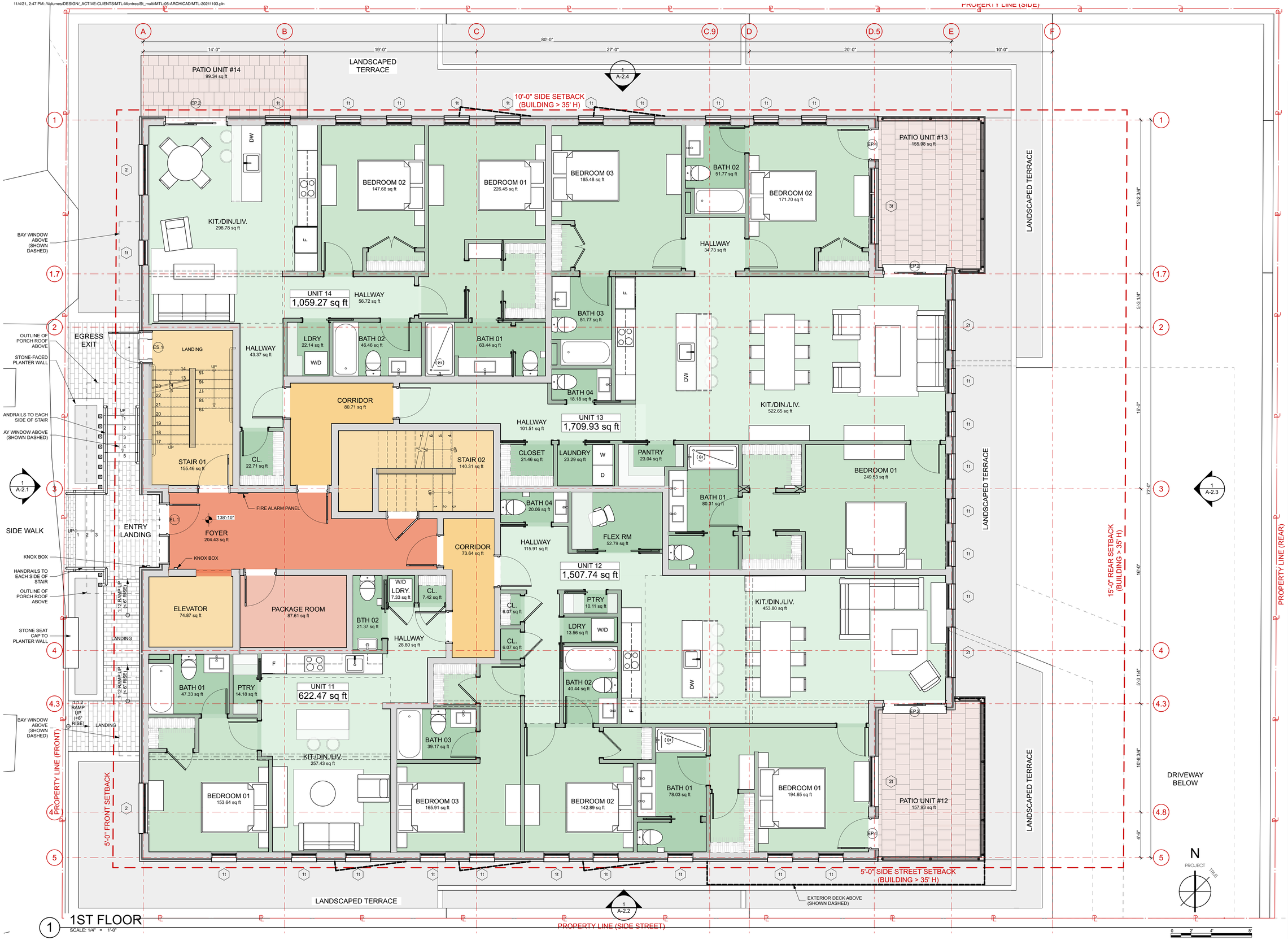
BASEMENT PLAN

A-1.1



1 1ST FLOOR
SCALE: 1/4" = 1'-0"

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FIRST FLOOR PLAN
A-1.2

1 2ND FLOOR
SCALE: 1/4" = 1'-0"

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SECOND FLOOR PLAN
A-1.3

1 3RD FLOOR
SCALE: 1/4" = 1'-0"

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THIRD FLOOR PLAN

A-1.4

1 4TH FLOOR
SCALE: 1/4" = 1'-0"

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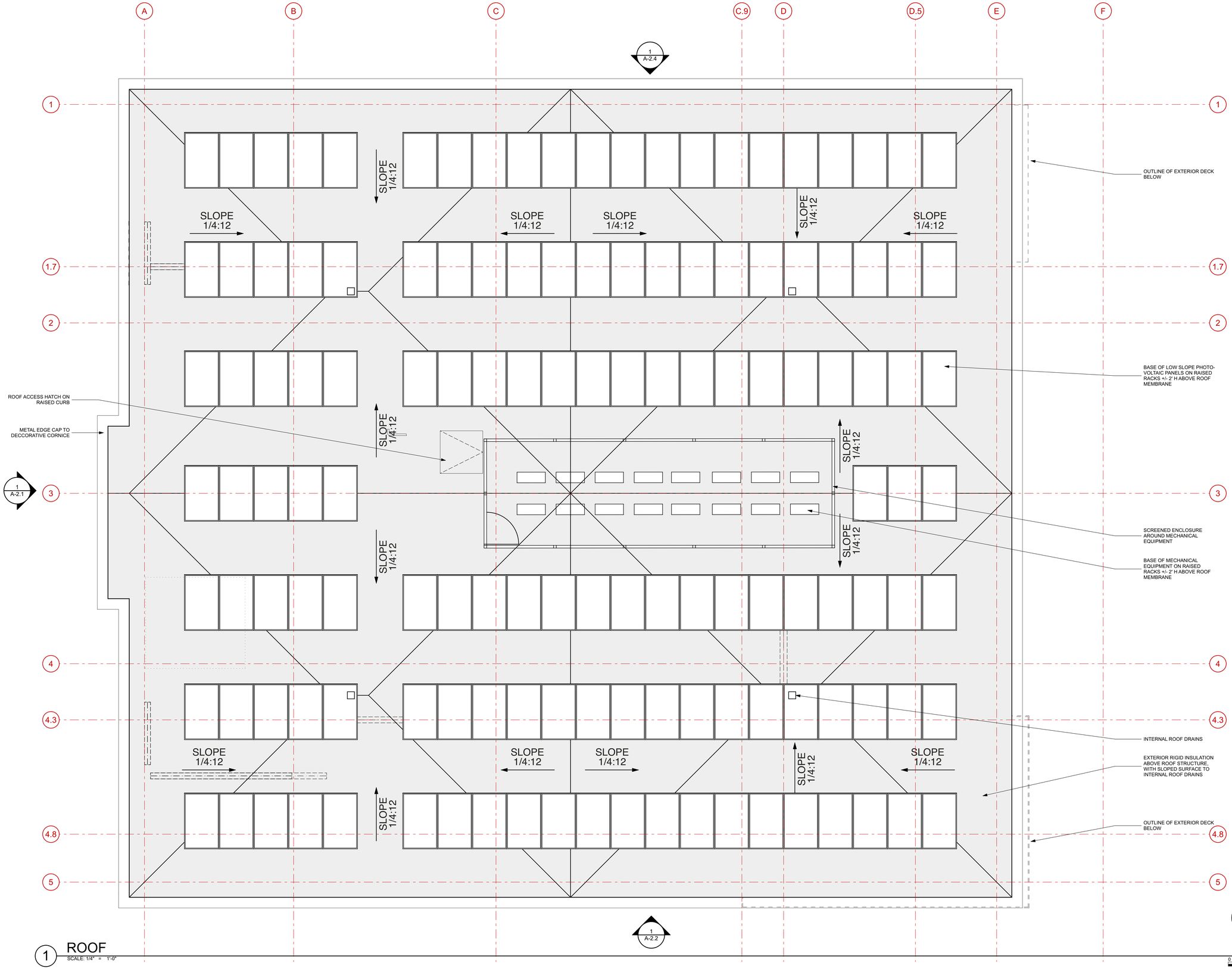
FOURTH FLOOR PLAN

A-1.5



1 ROOF
SCALE: 1/4" = 1'-0"

0 2' 4' 8'

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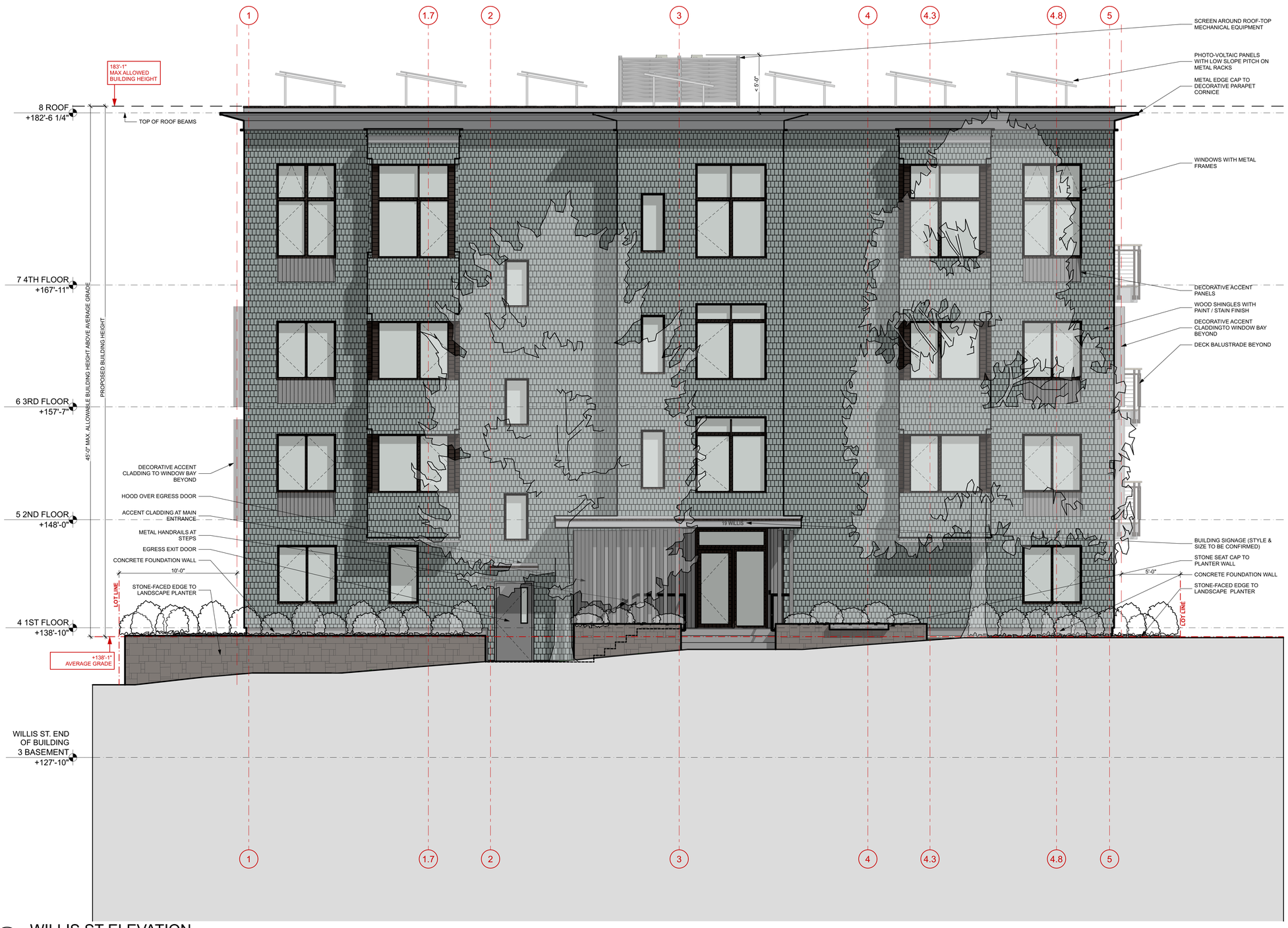
ROOF PLAN

A-1.6



1 WILLIS ST ELEVATION

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

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WILLIS ST ELEVATION

A-2.1

1 MONTREAL ST ELEVATION

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

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19 WILLIS STREET

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MONTREAL ST ELEVATION

A-2.2

1 NORTH-EAST ELEVATION (DOWNHILL)

SCALE: 1/4" = 1'-0"

0 2' 4' 8'

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NORTH-EAST ELEVATION

A-2.3

1 NORTH-WEST ELEVATION (WALNUT STREET)
SCALE: 1/4" = 1'-0"

0 2' 4' 8'

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PROJECT
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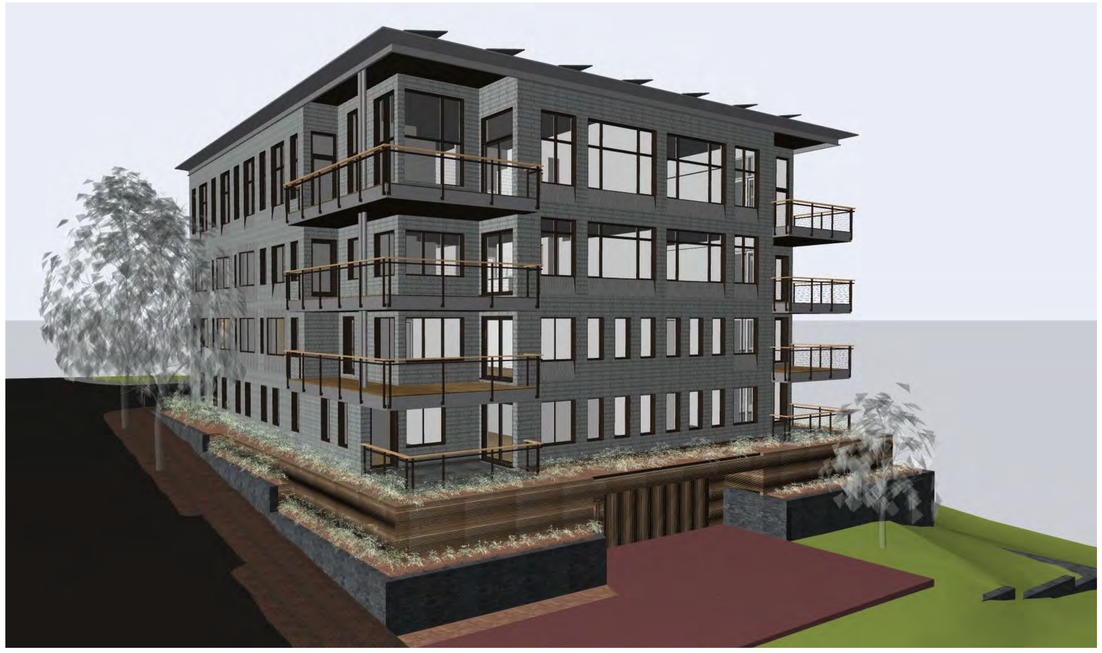
NORTH-WEST ELEVATION
A-2.4

1 VIEW FROM WILLIS ST

2 VIEW FROM WILLIS & MONTREAL

3 VIEW FROM MONTREAL ST



4 VIEW OF SOUTH-EAST CORNER

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PROJECT
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PERSPECTIVES

A-10.1

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CORNER OF MONTREAL AND WILLIS

A-10.2

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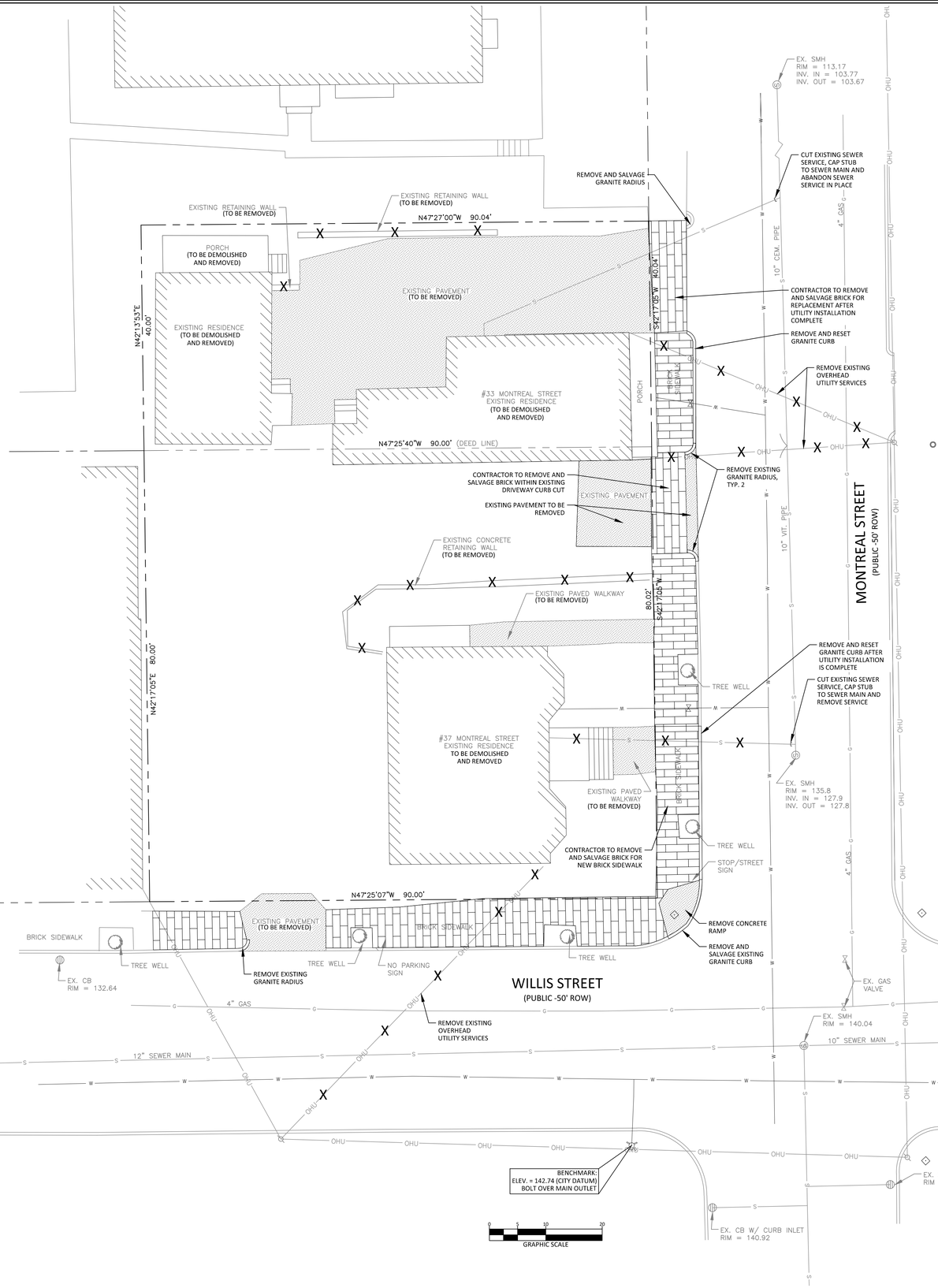
MONTREAL STREET

A-10.3



GENERAL NOTES:

1. THE OWNERS OF RECORD ARE KEVIN JAMES CARTER AS DESCRIBED IN A DEED RECORDED IN BOOK 34283 PAGE 95 AND SAINT JOHN'S VALLEY LLC AS DESCRIBED IN A DEED RECORDED IN BOOK 33517 PAGE 175 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. TOTAL AREA OF THE PARCELS IS APPROXIMATELY 0.25± ACRES.
3. PARCEL TAX MAP REFERENCE: CITY OF PORTLAND ASSESSORS MAP 15, BLOCK B, PARCELS 15 AND 22.
4. PLAN REFERENCES:
   A) "BOUNDARY SURVEY 37 MONTREAL STREET" PREPARED FOR MCTIGUE CONSTRUCTION, PREPARED BY SURVEY INC., DATED AUGUST 2017.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88)
7. BOUNDARY SHOWN HEREON IS BASED ON PLAN REFERENCE A.
8. TOPOGRAPHIC CONTOURS SHOWN HEREON ARE BASED ON PLAN REFERENCE A.
9. THE PROPERTY IS LOCATED IN THE R-6 ZONING DISTRICT AS WELL AS THE MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT.

PLAN NOTES:

1. EXISTING UTILITY LOCATION SHOWN HEREON IS BASED SOLELY ON FIELD OBSERVATION OF PAINTED UTILITY MARKINGS ON THE GROUND SURFACE BY SURVEY INC. NO SUBSURFACE EXPLORATION OR DETAILED FIELD SURVEY OF UTILITY LOCATIONS WERE PERFORMED.
2. THE CONTRACTOR AND OWNER ARE RESPONSIBLE FOR NOTIFYING DIG SAFE AND COORDINATING ALL EXISTING UTILITY RELOCATION AND REPAIR THAT MAY BE NECESSARY.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
BUILDING	
EDGE OF PAVEMENT/CURB	
-200- -201- CONTOUR LINE	
CATCHBASIN	
SEWER MANHOLE	
SANITARY SEWER PIPE	
WATER MAIN	
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIGHT POLE	
OVERHEAD UTILITIES	
GAS MAIN	
GAS VALVE	
PAVEMENT REMOVAL	

STATE OF MAINE
JAYSON R. HASKELL
No. 13002
LICENSED PROFESSIONAL SURVEYOR
10-11-19

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

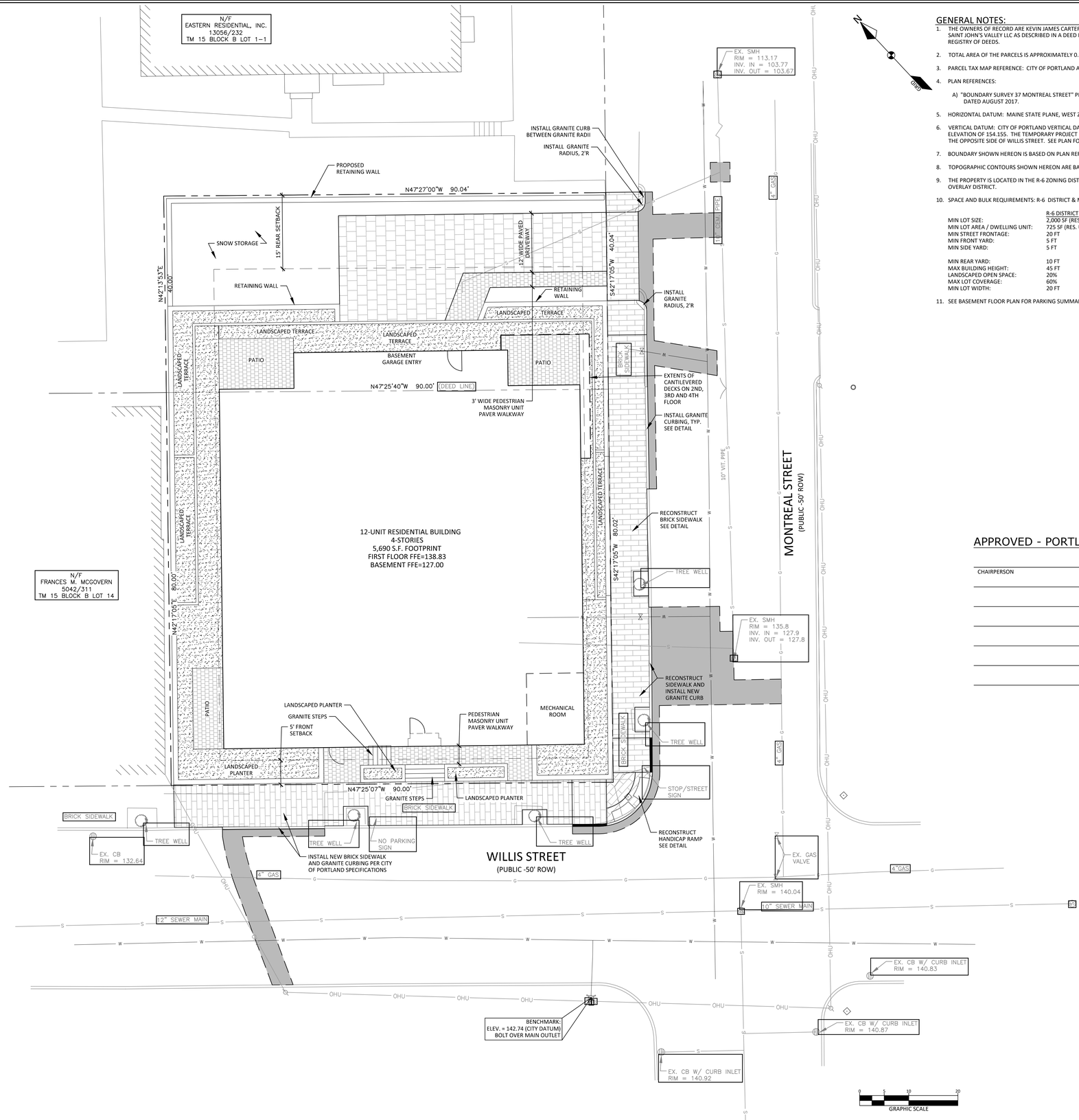
REV.	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
B	10-11-19	DMR	REVISED PER CITY REVIEW

EXISTING CONDITIONS & DEMOLITION PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME, 04101

18053	JOB NUMBER:
1" = 10'	SCALE:
10-11-2019	DATE:
--	
C0.0	



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5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: CITY OF PORTLAND VERTICAL DATUM BASED ON MONUMENT T-108-73-2 WITH AN ELEVATION OF 154.155. THE TEMPORARY PROJECT BENCHMARK IS LOCATED ON A HYDRANT BOLT IN THE SIDEWALK ON THE OPPOSITE SIDE OF WILLIS STREET. SEE PLAN FOR LOCATION AND ELEVATION.
7. BOUNDARY SHOWN HEREON IS BASED ON PLAN REFERENCE A.
8. TOPOGRAPHIC CONTOURS SHOWN HEREON ARE BASED ON PLAN REFERENCE 4A.
9. THE PROPERTY IS LOCATED IN THE R-6 ZONING DISTRICT AS WELL AS THE MUNJOY HILL NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT.
10. SPACE AND BULK REQUIREMENTS: R-6 DISTRICT & MHNOD

	R-6 DISTRICT	MHNCOD	PROVIDED
MIN LOT SIZE:	2,000 SF (RES. USES)		10,804 SF
MIN LOT AREA / DWELLING UNIT:	725 SF (RES. USES)		1,200 SF/UNIT
MIN STREET FRONTAGE:	20 FT		90 FT (WILLIS)
MIN FRONT YARD:	5 FT		5.0 FT
MIN SIDE YARD:	5 FT	10 FT (BLDG OVER 35' HEIGHT)	10.3 FT
		5 FT (SIDE STREET)	5.0 FT
MIN REAR YARD:	10 FT	15 FT BLDG OVER 35' HEIGHT)	31.5 FT
MAX BUILDING HEIGHT:	45 FT	45 FT (FOR 3 OR MORE UNITS)	44.5 FT
LANDSCAPED OPEN SPACE:	20%		26%
MAX LOT COVERAGE:	60%		53%
MIN LOT WIDTH:	20 FT		90 FT

11. SEE BASEMENT FLOOR PLAN FOR PARKING SUMMARY AND DIMENSIONS.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	■
IRON PIN/DRILL HOLE	●
BUILDING	
EDGE OF PAVEMENT/CURB	
200 201 CONTOUR LINE	
CATCHBASIN	
SEWER MANHOLE	
SANITARY SEWER PIPE	
WATER MAIN	
WATER VALVE	
HYDRANT	
UTILITY POLE	
OHU OVERHEAD UTILITIES	
GAS MAIN	
GAS VALVE	

APPROVED - PORTLAND PLANNING BOARD:

CHAIRPERSON DATE

STATE OF MAINE
JAYSON R. HASKELL
No. 13108
LICENSED PROFESSIONAL ENGINEER
12-3-2021

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
B	10-11-19	DMR	REVISED PER CITY REVIEW
C	10-22-19	DMR	REVISED PER CITY REVIEW
D	11-3-21	DMR	RE-ISSUED FOR CITY REVIEW
E	12-3-21	DMR	RE-ISSUED FOR CITY REVIEW

PROPOSED SITE PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME 04101

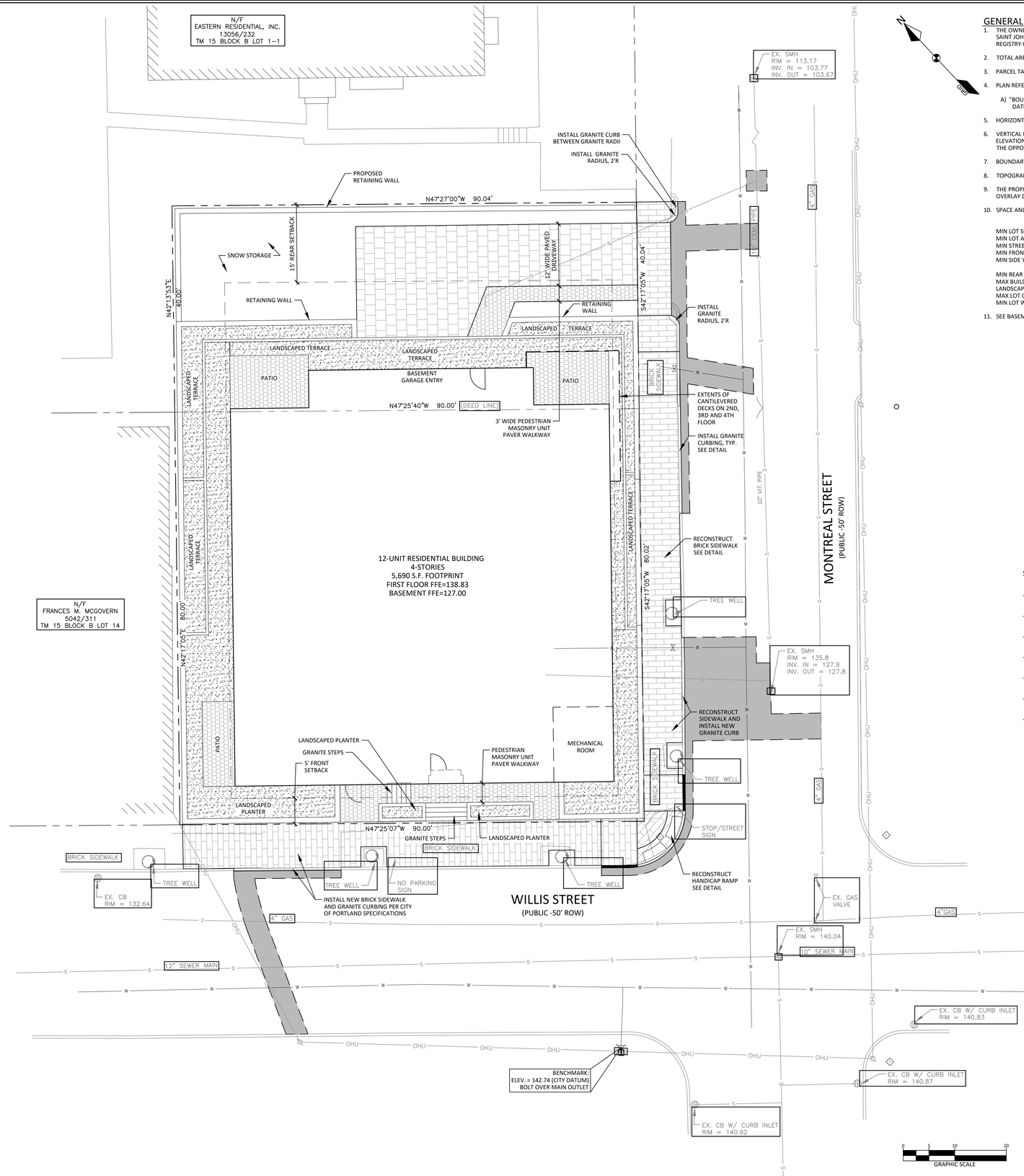
18053
JOB NUMBER:

1" = 10'
SCALE:

12-3-2021
DATE:

--

C1.0



GENERAL NOTES:

1. THE OWNERS OF RECORD ARE KEVIN JAMES CARTER AS DESCRIBED IN A DEED RECORDED IN BOOK 34283 PAGE 95 AND SAINT JOHN'S VALLEY LLC AS DESCRIBED IN A DEED RECORDED IN BOOK 33517 PAGE 175 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. TOTAL AREA OF THE PARCELS IS APPROXIMATELY 0.25± ACRES.
3. PARCEL TAX MAP REFERENCE: CITY OF PORTLAND ASSESSORS MAP 15, BLOCK B, PARCELS 15 AND 22.
4. PLAN REFERENCES:
   A) "BOUNDARY SURVEY 37 MONTREAL STREET" PREPARED FOR MCTIGUE CONSTRUCTION, PREPARED BY SURVEY INC., DATED AUGUST 2017.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
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	R-6 DISTRICT	MHNCOD	PROVIDED
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MAX BUILDING HEIGHT:	45 FT	45 FT (FOR 3 OR MORE UNITS)	44.5 FT
LANDSCAPED OPEN SPACE:	20%		26%
MAX LOT COVERAGE:	60%		53%
MIN LOT WIDTH:	20 FT		90 FT

11. SEE BASEMENT FLOOR PLAN FOR PARKING SUMMARY AND DIMENSIONS.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	■
IRON PIN/DRILL HOLE	●
BUILDING	
EDGE OF PAVEMENT/CURB	
200 201 CONTOUR LINE	
CATCHBASIN	
SEWER MANHOLE	
SANITARY SEWER PIPE	
WATER MAIN	
WATER VALVE	
HYDRANT	
UTILITY POLE	
OHU OVERHEAD UTILITIES	
GAS MAIN	
GAS VALVE	

APPROVED - PORTLAND PLANNING BOARD:

CHAIRPERSON DATE

STATE OF MAINE
_____ COUNTY SS. REGISTRY OF DEEDS
RECEIVED _____, 20___
AT _____h _____m _____M
AND RECORDED IN
PLAN BOOK _____ PAGE _____
ATTEST: _____
REGISTER

JAYSON R. HASKELL PE 13902 — WILLIAM C. SHIPPEN PLS 2118

STATE OF MAINE — JAYSON R. HASKELL No. 13902 — LICENSED PROFESSIONAL ENGINEER — 12-8-2021

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
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D	11-3-21	DMR	RE-ISSUED FOR CITY REVIEW
E	12-3-21	DMR	RE-ISSUED FOR CITY REVIEW
F	12-8-21	DMR	REVISED PER CITY REVIEW

SUBDIVISION PLAT

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME 04101

18053
JOB NUMBER:

1" = 10'
SCALE:

12-8-2021
DATE:

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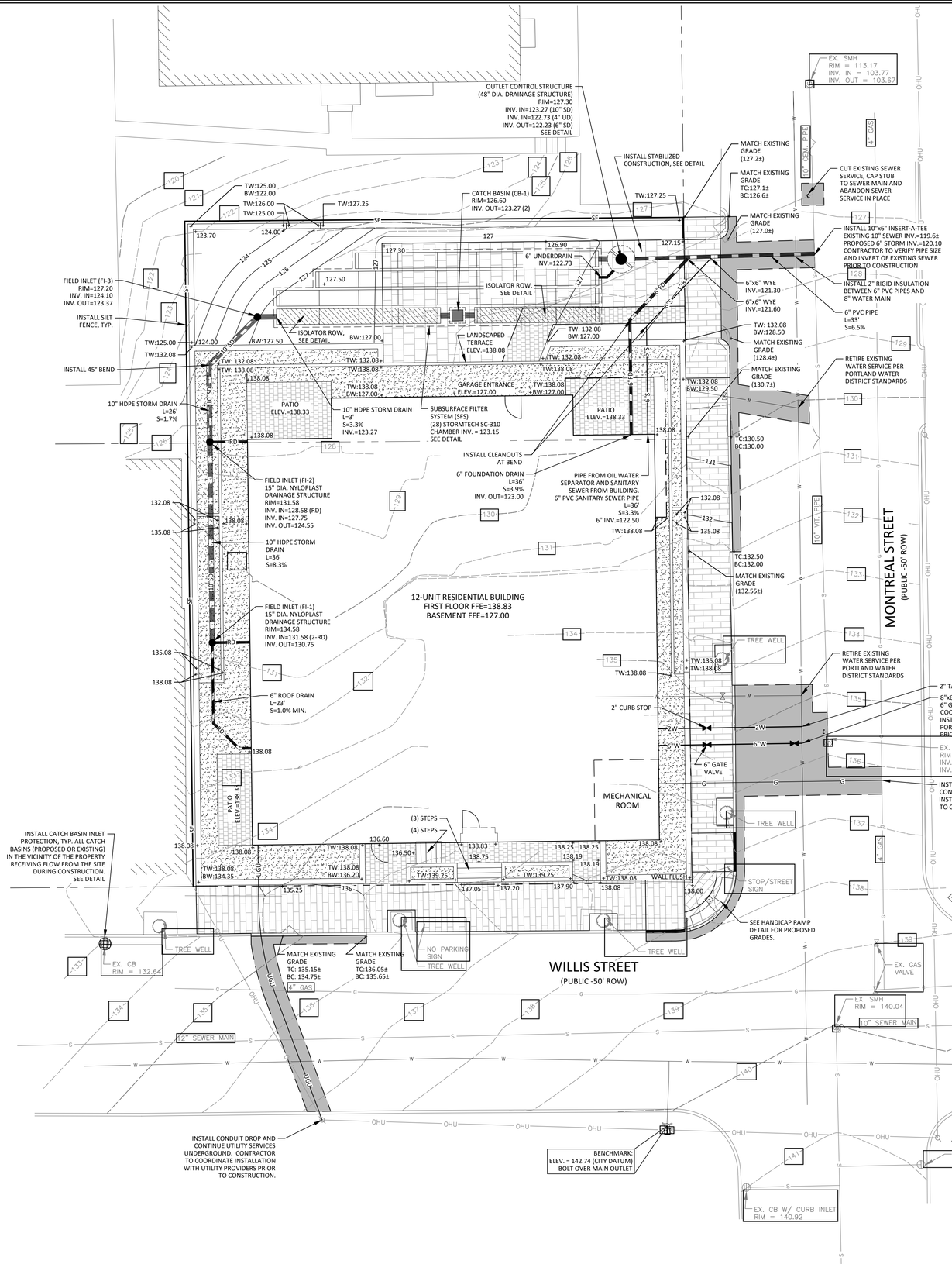
C1.1



PLAN NOTES:

1. EXISTING UTILITY LOCATION SHOWN HEREON IS BASED SOLELY ON FIELD OBSERVATION OF PAINTED UTILITY MARKINGS ON THE GROUND SURFACE BY SURVEY INC. NO SUBSURFACE EXPLORATION OR DETAILED FIELD SURVEY OF UTILITY LOCATIONS WERE PERFORMED.

2. THE CONTRACTOR AND OWNER ARE RESPONSIBLE FOR NOTIFYING DIG SAFE AND COORDINATING ALL EXISTING UTILITY RELOCATION AND REPAIR THAT MAY BE NECESSARY.

3. THE ROADWAY AND SIDEWALK REPAIRS SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF PORTLAND REQUIREMENTS AND SPECIFICATIONS.

4. THE WATER SERVICE SIZE WAS NOT DESIGNED OR ANALYZED BY DM ROMA CONSULTING ENGINEERS. THE OWNER IS RESPONSIBLE FOR COORDINATING WITH PORTLAND WATER DISTRICT AND OTHER DESIGN PROFESSIONALS TO DETERMINE THE DESIRED WATER SERVICE SIZE TO SERVE THE SPECIFIC NEEDS OF THE PROJECT.

5. DOMESTIC SERVICE WILL REQUIRE NON-TESTABLE DUAL CHECK BACKFLOW PREVENTION AFTER THE METER. FIRE SERVICE WILL REQUIRE TESTABLE DOUBLE CHECK VALVE ASSEMBLY FOR BACKFLOW PREVENTION PRIOR TO FIRE SPRINKLER RISER.

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
TIE LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
CENTERLINE	
BUILDING	
EDGE OF PAVEMENT/CURB	
EDGE OF GRAVEL	
EDGE OF CONCRETE	
EDGE OF WETLANDS	
CENTERLINE OF STREAM	
CONTOUR LINE	
TREELINE	
CATCHBASIN	
DRAINAGE MANHOLE	
CULVERT/STORMDRAIN	
UNDERDRAIN	UD
SEWER MANHOLE	
SANITARY SEWER PIPE	S
FORCE MAIN	FM
WATER MAIN	W
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIGHT POLE	
OVERHEAD UTILITIES	OHU
UNDERGROUND UTILITIES	UGU
TRANSFORMER PAD	T
GAS MAIN	G
GAS VALVE	
RIPRAP	
SILT FENCE	SF

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E	12-3-21	DMR	RE-ISSUED FOR CITY REVIEW
F	12-8-21	DMR	REVISED PER CITY REVIEW

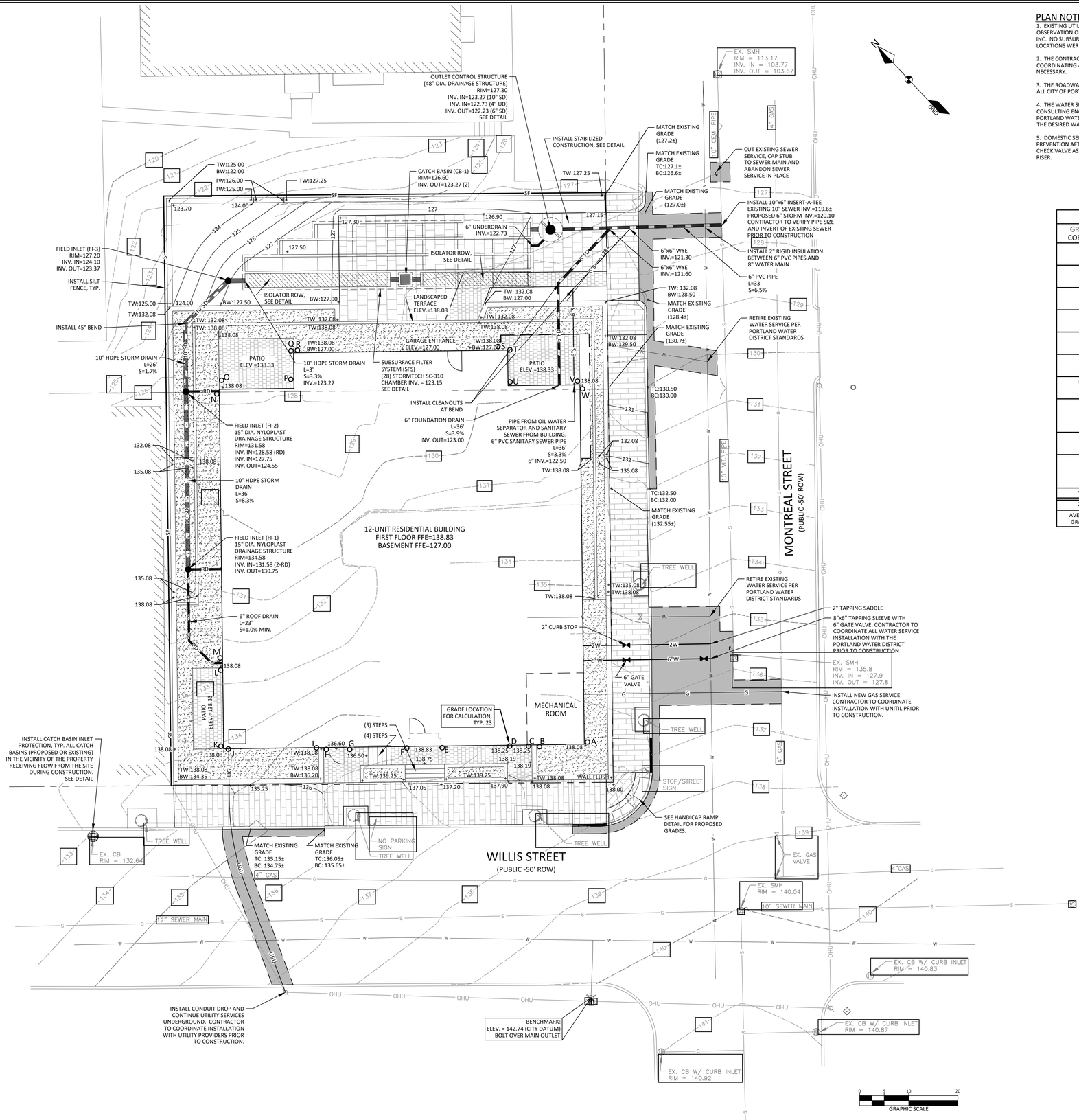
STATE OF MAINE
JAYSON R. HASKELL
No. 13928
LICENSED PROFESSIONAL ENGINEER
12-8-2021

GRADING AND UTILITY PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME, 04103

18053	JOB NUMBER:
1" = 10'	SCALE:
12-8-2021	DATE:
--	
C2.0	



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5. DOMESTIC SERVICE WILL REQUIRE NON-TESTABLE DUAL CHECK BACKFLOW PREVENTION AFTER THE METER. FIRE SERVICE WILL REQUIRE TESTABLE DOUBLE CHECK VALVE ASSEMBLY FOR BACKFLOW PREVENTION PRIOR TO FIRE SPRINKLER RISER.

GRADE CALCULATION		
GRADE CORNER	GRADE ELEV.	DESCRIPTION
A	138.08	TYP. GRADE
B	138.08	
C	137.90	LANDING
D	137.90	
E	138.83	ENTRY
F	138.83	
G	136.60	EGRESS DOOR
H	136.60	
I	138.08	TYP. GRADE
J	138.08	
K	138.33	PATIO
L	138.33	
M	138.08	TYP. GRADE
N	138.08	
O	138.33	PATIO
P	138.33	
Q	138.33	
R	138.08	TYP. GRADE
S	138.08	
T	138.33	PATIO
U	138.33	
V	138.33	
W	138.08	TYP. GRADE
23	3,176.02	TOTAL
AVERAGE GRADE=	138.09 (138'-1")	

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
TIE LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
CENTERLINE	
BUILDING	
EDGE OF PAVEMENT/CURB	
EDGE OF GRAVEL	
EDGE OF CONCRETE	
EDGE OF WETLANDS	
CENTERLINE OF STREAM	
200 CONTOUR LINE	200 201
TREELINE	
CATCHBASIN	
DRAINAGE MANHOLE	
CULVERT/STORMDRAIN	
UNDERDRAIN	UD
SEWER MANHOLE	
SANITARY SEWER PIPE	S
FORCE MAIN	FM
WATER MAIN	W
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIGHT POLE	
OVERHEAD UTILITIES	OHU
UNDERGROUND UTILITIES	UGU
TRANSFORMER PAD	T
GAS MAIN	G
GAS VALVE	
RIPRAP	
SILT FENCE	SF

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WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	12-8-21	DMR	ISSUED FOR PERMITTING

AVERAGE GRADE CALCULATION PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, MAE 04103

18053	JOB NUMBER:
1" = 10'	SCALE:
12-8-2021	DATE:
--	
C2.1	

EROSION AND SEDIMENTATION CONTROL NOTES:

EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS TO OCCUR DURING THE FOLLOWING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY.

IN ORDER TO EFFECTIVELY PREVENT AND CONTROL EROSION RELATED TO SOIL DISTURBANCE, THE FOLLOWING BEST MANAGEMENT PRACTICES (BMPS) SHALL BE EMPLOYED:

1. POLLUTION PREVENTION

MINIMIZE DISTURBED AREAS AND PROTECT NATURAL DOWNGRADIENT BUFFER AREAS TO THE EXTENT PRACTICABLE. CONTROL STORMWATER VOLUME AND VELOCITY WITHIN THE SITE TO MINIMIZE SOIL EROSION. MINIMIZE THE DISTURBANCE OF STEEP SLOPES. CONTROL STORMWATER DISCHARGES, INCLUDING BOTH PEAK FLOW RATES AND VOLUME, TO MINIMIZE EROSION AT OUTLETS, THE DISCHARGE MAY NOT RESULT IN EROSION OF ANY OPEN DRAINAGE CHANNELS, SWALES, STREAM CHANNELS OR STREAM BANKS, UPLAND, OR COASTAL OR FRESHWATER WETLANDS OFF THE PROJECT SITE.

WHENEVER PRACTICABLE, NO DISTURBANCE ACTIVITIES SHOULD TAKE PLACE WITHIN 50 FEET OF ANY PROTECTED NATURAL RESOURCE. IF DISTURBANCE ACTIVITIES TAKE PLACE BETWEEN 30 FEET AND 50 FEET OF ANY PROTECTED NATURAL RESOURCE, AND STORMWATER DISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED. IF DISTURBANCE ACTIVITIES TAKE PLACE LESS THAN 30 FEET FROM ANY PROTECTED NATURAL RESOURCE, AND STORMWATER p'pDISCHARGES THROUGH THE DISTURBED AREAS TOWARD THE PROTECTED NATURAL RESOURCE, PERIMETER EROSION CONTROLS MUST BE DOUBLED AND DISTURBED AREAS MUST BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN 7 DAYS.

2. TEMPORARY SOIL STABILIZATION BMPS

TEMPORARY MULCHING SHALL BE APPLIED IMMEDIATELY TO ANY AREAS THAT HAVE BEEN TEMPORARILY OR PERMANENTLY SEEDED. ANY DISTURBED SOIL WITHIN 75' OF A STREAM, WATER BODY OR WETLAND MUST RECEIVE TEMPORARY MULCH WITHIN 48 HOURS FOLLOWING DISTURBANCE AND BEFORE ANY STORM EVENT. ALL OTHER AREAS SHALL RECEIVE TEMPORARY MULCH WITHIN 7 DAYS OF DISTURBANCE. AREAS WHICH CANNOT BE SEEDED DURING THE GROWING SEASON SHALL BE MULCHED FOR OVER-WINTER PROTECTION. THE FOLLOWING ARE ACCEPTABLE TEMPORARY MULCHING METHODS:

HAY OR STRAW MULCHES NEED TO BE AIR-DRIED, FREE OF UNDESIRABLE SEEDS AND COARSE MATERIALS. APPLICATION RATE MUST BE 2 BALES (70-90 POUNDS) PER 1000 SQ FT OR 1.5 TO 2 TONS (90-100 BALES) PER ACRE TO COVER 75-90% OF THE GROUND SURFACE. HAY OR STRAW CAN BE DRIVEN INTO THE GROUND WITH TRACKED EQUIPMENT IF SLOPES ARE LESS THAN 3%, OR CAN BE ANCHORED WITH JUTE, WOOD FIBER OR PLASTIC NETTING ON STEEPER SLOPES.

EROSION CONTROL MIX BERM MUST CONSIST PRIMARILY OF ORGANIC MATERIAL AND WILL INCLUDE ANY OF THE FOLLOWING: SHREDDED BARK, STUMP GRINDINGS, COMPOSTED BARK OR OTHER ACCEPTABLE PRODUCTS BASED ON A SIMILAR RAW SOURCE. WOOD OR BARK CHIPS, GROUND CONSTRUCTION DEBRIS OR REPROCESSED WOOD PRODUCTS ARE NOT ACCEPTABLE. EROSION CONTROL MIX CAN BE USED AS A STAND-ALONE REINFORCEMENT ON SLOPES OF 2 HORIZONTAL TO 1 VERTICAL OR LESS AND DRAINING IN SHEET FLOW. IT CAN BE PLACED WITH A HYDRAU'pLIC BUCKET, WITH A PNEUMATIC BLOWER OR BY HAND, AND MUST PROVIDE 100% SOIL COVERAGE.

EROSION CONTROL MIX SHALL MEET THE FOLLOWING SPECIFICATIONS:
-ORGANIC MATTER CONTENT SHALL BE BETWEEN 80-100% DRY WEIGHT BASIS.
-PARTICLE SIZE BY WEIGHT SHALL BE 100% PASSING A 6 IN. SCREEN AND BETWEEN 70-85% PASSING 0.75 IN. SCREEN
-ORGANIC PORTION NEEDS TO BE FIBROUS AND ELONGATED
-LARGE PORTIONS OF SILTS, CLAYS OR FINE SANDS ARE NOT ACCEPTABLE IN THE MIX

WHEN USED AS MULCH, THE THICKNESS OF THE EROSION CONTROL MIX IS BASED UPON THE FOLLOWING:

LENGTH OF SLOPE	3:1 SLOPE OR LESS	BETWEEN 2:1 AND 3:1 SLOPE
LESS THAN 20 FT	2.0 IN.	4.0 IN.
BETWEEN 20 - 60 FT	3.0 IN.	5.0 IN.
BETWEEN 60 - 100 FT	4.0 IN.	6.0 IN.

CHEMICAL MULCHES AND SOIL BINDERS MAY BE USED AS DIRECTED BY THE ENGINEER. THE CONTRACTOR SHALL CONSULT WITH THE MANUFACTURER TO DETERMINE ADEQUATE APPLICATION RATES AND METHODS.

EROSION CONTROL BLANKETS AND MATS SHALL BE USED ON SLOPES STEEPER THAN 3:1 AND IN THE BOTTOM OF GRASSED WATERWAYS, OR AS OTHERWISE DIRECTED BY THE ENGINEER. THE MAT SHALL BE INSTALLED WITH FIRM CONTINUOUS CONTACT WITH THE SOIL AND STAPLED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS.

TEMPORARY MULCH SHALL BE INSPECTED FOLLOWING ANY SIGNIFICANT RAINFALL EVENT. IF LESS THAN 90% OF THE SOIL SURFACE IS COVERED BY MULCH, ADDITIONAL MULCH SHALL BE IMMEDIATELY APPLIED. EROSION CONTROL MATS AND MULCH ANCHORING MUST BE INSPECTED AFTER RAINFALL EVENTS FOR DISLOCATION OR FAILURE, AND REPAIRED IMMEDIATELY. INSPECTIONS SHALL TAKE PLACE UNTIL 95% OF THE SOIL SURFACE IS COVERED WITH PERMANENT VEGETATION. WHERE MULCH IS USED WITH ORNAMENTAL PLANTINGS, INSPECT PERIODICALLY THROUGHOUT THE YEAR TO DETERMINE IF MULCH IS MAINTAINING COVERAGE OF THE SOIL SURFACE, AND REPAIR AS NEEDED.

TEMPORARY VEGETATION SHALL BE ESTABLISHED ON SOILS THAT WILL NOT BE BROUGHT TO FINAL GRADE FOR A PERIOD OF MORE THAN 30 DAYS. IF TEMPORARY VEGETATION CANNOT BE ESTABLISHED PRIOR TO OCTOBER 15, TEMPORARY MULCH SHALL BE APPLIED THROUGH THE WINTER AND TEMPORARY VEGETATION SHALL BE PLANTED AT THE BEGINNING OF THE GROWING SEASON THE FOLLOWING YEAR. TO PREPARE THE SEEDBED, THE CONTRACTOR SHALL APPLY FERTILIZER AT A RATE OF 600 POUNDS PER ACRE OF 10-10-10 (N-P2O5-K20) OR EQUIVALENT AND LIMESTONE AT A RATE OF 3 TONS PER ACRE, IF NECESSARY. LOOSEN SOIL TO A DEPTH OF 2 INCHES IN AREAS THAT HAVE BEEN COMPACTED BY CONSTRUCTION ACTIVITIES. GRASS SEED SHALL BE SELECTED BASED UPON THE TIME OF YEAR THE PLANTING WILL TAKE PLACE AS SUMMARIZED IN THE FOLLOWING TABLE:

SEED	LB. PER ACRE	RECOMMENDED SEEDING DATES
WINTER RYE	112	8/15 - 10/1
OATS	80	4/1 - 7/1 8/15 - 9/15
ANNUAL RYEGRASS	40	4/1 - 7/1

TEMPORARY SEEDING SHALL BE PERIODICALLY INSPECTED TO MAINTAIN AT LEAST 95% VEGETATIVE COVER OF SOIL SURFACE. IF ANY EVIDENCE OF EROSION OR SEDIMENTATION IS APPARENT, REPAIRS SHALL BE MADE AND OTHER TEMPORARY MEASURES SHALL BE USED IN THE INTERIM SUCH AS TEMPORARY MULCH, FILTER BARRIERS, ETC.

3. SEDIMENT BARRIER BMPS

PRIOR TO CONSTRUCTION TEMPORARY SEDIMENT BARRIERS SHALL BE INSTALLED AT THE DOWNGRADIENT EDGE OF ANY AREA TO BE DISTURBED AND ADJACENT TO ANY DRAINAGE CHANNELS WITHIN THE DISTURBED AREA . SEDIMENT BARRIERS INCLUDE ANY OF THE FOLLOWING:

FILTER BARRIER FENCE, ALSO CALLED SILT FENCE, SHALL BE INSTALLED WHERE SHOWN ON THE PLANS AND IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS. THE FILTER FABRIC SHALL BE A PERVIOUS SHEET OF PROPYLENE, NYLON, POLYESTER OR ETHYLENE YARN AND SHALL PROVIDE A MINIMUM OF 6 MONTHS USABLE CONSTRUCTION LIFE INCLUDING PROTECTION AGAINST ULTRA-VIOLET LIGHT. THE HEIGHT OF THE FENCE SHALL NOT EXCEED 36 INCHES INSTALLED AND POST SPACING SHALL NOT EXCEED 6 FEET. JOINTS IN THE FENCE SHALL BE AVOIDED TO THE EXTENT POSSIBLE, AND IF NECESSARY SHALL BE SPLICED TOGETHER AT A SUPPORT POST WITH A MINIMUM 6 INCH OVERLAP. A TRENCH SHALL BE EXCAVATED APPROXIMATELY 4 INCHES WIDE AND 4 INCHES DEEP, AND THE BOTTOM 6-8 INCHES OF FABRIC SHALL BE "TOED-IN" TO THE TRENCH AND COMPACTED. THE TRENCH SHOULD BE UPHILL OF THE FABRIC PRIOR TO BURIAL.

STRAY/HAY BALES SHALL BE INSTALLED WHERE SPECIFIED ON THE PLANS IN A SINGLE ROW WITH THE ENDS OF ADJACENT BALES TIGHTLY ABUTTING ONE ANOTHER. ALL BALES SHALL BE EITHER WIRE-BOUND OR STRING-TIED. THE BARRIER SHALL BE ENTRENCHED AND BACKFILLED TO A DEPTY OF AT LEAST 4 INCHES, AND THE BALES SHALL BE SECURED WITH AT LEAST TWO WOODEN STAKES OR STEEL REBAR PER BALE. STAKES SHALL BE DRIVEN IN A DIRECTION TO PUSH THE BALES TOGETHER. GAPS BETWEEN BALES SHALL BE CHINKED WITH HAY.

EROSION CONTROL MIX BERMS ARE LINEAR BARRIERS COMPOSED OF EROSION CONTROL MIX AS SPECIFIED ABOVE. THE BERM MUST BE A MINIMUM OF 12 INCHES TALL AND 24 INCHES WIDE AT THE BASE IF UPHILL SLOPES ARE LESS THAN 5%. STEEPER SLOPES OR SLOPES GREATER THAN 20 FEET LONG MAY REQUIRE A LARGER WIDTH BERM. EROSION CONTROL MIX BERMS AT THE BASE OF A LONG OR STEEP SLOPE MAY ALSO REQUIRE A FILTER FENCE TO BE INSTALLED ON THE DOWNHILL SIDE OF THE BERM TO PROVIDE ADDITIONAL STABILIZATION AGAINST HIGH RUNOFF FLOWS. EROSION CONTROL MIX BERM IS NOT INTENDED TO BE INSTALLED AT THE BOTTOM OF SLOPES 8% OR STEEPER OR WITH FLOWING WATER.

CONTINUOUS CONTAINED BERMS, WHICH ARE ALSO REFERRED TO AS A FILTER SOCK, PROVIDES ADDITIONAL STABILITY TO AN EROSION CONTROL MIX BERM AND SHOULD BE USED IN FROZEN GROUND CONDITIONS OR IN AREAS THAT RECEIVE CONCENTRATED FLOW.

SEDIMENT BARRIERS SHOULD BE INSTALLED DOWNGRADIENT OF SOIL OR SEDIMENT STOCKPILES AND STORMWATER PREVENTED RUNNING ONTO THE STOCKPILE. SEDIMENT BARRIERS SHALL BE INSPECTED AFTER ANY SIGNIFICANT RAINFALL EVENT AND REPAIRED IMMEDIATELY IF THERE ARE ANY SIGNS OF EROSION OR SEDIMENTATION BELOW THE BARRIERS. IF THERE ARE SIGNS OF UNDERCUTTING AT THE CENTER OR EDGES OF THE BARRIER, OR IF LARGE VOLUMES OF WATER ARE IMPOUNDED BEHIND THE BARRIER, IT MAY BE NECESSARY TO REPLACE THE BARRIER WITH A TEMPORARY STONE CHECK DAM. SEDIMENT SHALL BE REMOVED ONCE IT REACHES HALF THE BARRIER HEIGHT. AFTER THE BARRIER IS REMOVED, ANY REMAINING SILT SHALL EITHER BE REMOVED OR GRADED TO CONFORM WITH THE EXISTING TOPOGRAPHY AND VEGETATED.

4. TEMPORARY CHECK DAMS

STONE CHECK DAMS SHALL BE INSTALLED IN SWALES OR DRAINAGE DITCHES TO REDUCE STORMWATER VELOCITIES AS SHOWN ON THE PLANS. STONE CHECK DAMS ARE NOT EFFECTIVE IN REMOVING SEDIMENT AND SHOULD BE USED IN CONJUNCTION WITH SEDIMENT BARRIERS IDENTIFIED ABOVE. TEMPORARY CHECK DAMS MAY BE LEFT IN PLACE PERMANENTLY IN MOST CASES. CHECK DAMS SHOULD BE NO HIGHER THAN 24 INCHES, AND THE CENTER OF THE CHECK DAM MUST BE AT LEAST 6 INCHES LOWER THAN THE OUTSIDE EDGES. CHECK DAMS SHOULD BE SPACED SUCH THAT THE CREST OF THE DOWNSTREAM CHECK DAM IS AT THE SAME ELEVATION AS THE TOE OF THE UPSTREAM CHECK DAM. CHECK DAMS IN A DRAINAGE DITCH OR WATERWAY SHOULD BE INSTALLED PRIOR TO DIRECTING RUNOFF TO THEM.

5. STORM DRAIN INLET PROTECTION

STORM DRAIN INLETS THAT ARE MADE OPERATIONAL BEFORE THEIR DRAINAGE AREA IS STABILIZED SHALL BE PROTECTED WITH A FILTER UNTIL THE DRAINAGE AREA IS EITHER PAVED OR STABILIZED WITH 95% VEGETATIVE GROWTH. THE FOLLOWING ARE ACCEPTABLE BMPS ASSOCIATED WITH STORM DRAIN INLET PROTECTION:

HAY BALE OR SILT FENCE INLET STRUCTURE CONSISTS OF HAY BALES OR SILT FENCE CONFIGURED AROUND A CATCH BASIN INLET FRAME AND INSTALLED ACCORDING TO THE METHODS OUTLINED ABOVE. THIS METHOD IS SUITABLE FOR OPEN PIPE (CULVERT) INLETS, FIELD INLETS OR ROAD INLETS THAT HAVE NOT YET BEEN PAVED.

MANUFACTURED SEDIMENT FILTERS ARE THE PREFERRED METHOD FOR PROTECTING CATCH BASIN INLETS IN PAVED OR GRAVEL ROADWAYS. THE FILTERS TYPICALLY CONSIST OF A FABRIC OR OTHER PERVIOUS MATERIAL THAT IS PLACED ABOVE OR BELOW THE GRATE THAT TRAPS SEDIMENT ON THE SURFACE AND ALLOWS WATER TO FLOW THROUGH THE GRATE. CONSIDERATIONS SUCH AS WEATHER CONDITIONS, SLOPES, TRIBUTARY WATERSHED AREA AND EXPECTED SEDIMENT ACCUMULATION SHOULD BE FACTORED INTO MAKING A DECISION ON ANY PARTICULAR PRODUCT, AND THE MANUFACTURER'S RECOMMENDATIONS ON INSTALLATION AND MAINTENANCE SHALL BE STRICTLY ADHERED TO.

6. STABILIZED CONSTRUCTION ENTRANCE/EXIT

TO REDUCE THE TRACKING OF SEDIMENT ONTO ROADWAYS, A STABILIZED CONSTRUCTION EXIT SHALL BE INSTALLED AT ALL POINTS OF EGRESS WHERE VEHICLES MAY TRAVEL FROM THE PROJECT SITE TO A PUBLIC ROAD OR OTHER PAVED AREA. THE STONE PAD SHALL CONSIST OF A MINIMUM 6-INCH DEPTH OF 2-3 INCH CRUSHED STONE, AND SHALL BE PLACED ON A GEOTEXTILE FABRIC. THE PAD SHALL EXTEND AT LEAST 50 FEET INTO THE PROJECT SITE AND BE A MINIMUM OF 10 FEET WIDE. THE EXIT SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY, AND THE CONTRACTOR SHALL SWEEP PAVEMENT AT EXITS THAT HAVE EXPERIENCED ANY MUD-TRACKING. MAINTAIN THE PAD UNTIL ALL DISTURBED AREAS ARE STABILIZED. IF TRACKING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY OCCURS THE CONTRACTOR SHALL BE RESPONSIBLE FOR SWEEPING THE AFFECTED AREAS IMMEDIATELY, AND THEREAFTER WEEKLY AT A MINIMUM AND PRIOR TO ANY SIGNIFICANT RAINFALL EVENT.

7. DUST CONTROL

THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST ON THE PROJECT SITE AND ON ADJACENT ROADWAYS. EXPOSED SOIL SURFACES SHALL BE MOISTENED PERIODICALLY WITH ADEQUATE WATER TO CONTROL DUST. GRAVEL SURFACES SHALL EITHER BE TREATED WITH AN APPLICATION OF CALCIUM CHLORIDE OR COVERED WITH CRUSHED STONE IF DUST CONTROL BECOMES DIFFICULT WITH NORMAL WATER APPLICATIONS.

8. LAND GRADING AND SLOPE PREPARATION

GRADING SHALL BE PLANNED SO AS TO MINIMIZE THE LENGTH OF TIME BETWEEN INITIAL SOIL EXPOSURE AND FINAL GRADING. ON LARGE PROJECTS THIS SHOULD BE ACCOMPLISHED BY PHASING THE OPERATION AND COMPLETING THE FIRST PHASE UP TO FINAL GRADING AND SEEDING BEFORE STARTING THE NEXT PHASE. ANY EXPOSED AREA THAT WILL NOT BE FINISH GRADED WITHIN 14 DAYS SHALL BE TREATED WITH MULCH OR PLANTED WITH TEMPORARY VEGETATION. PROVISIONS SHALL BE MADE TO SAFELY CONVEY SURFACE RUNOFF TO STORM DRAINS, PROTECTED OUTLETS OR TO STABLE WATER COURSES TO ENSURE THAT SURFACE RUNOFF WILL NOT DAMAGE SLOPES OR OTHER GRADED AREAS. CUT AND FILL SLOPES SHALL NOT EXCEED 1.5:1. CUT AND FILL SLOPES THAT ARE TO BE STABILIZED WITH GRASS SHALL NOT BE STEEPER THAN 3:1; CUT AND FILL SLOPES STEEPER THAN 3:1 SHALL BE STABILIZED WITH EROSION CONTROL BLANKETS OR MATS; CUT AND FILL SLOPES STEEPER THAN 2:1 SHALL BE STABILIZED WITH RIP RAP OR AN APPROVED EQUIVALENT. AREAS TO BE FILLED SHALL BE CLEARED, GRUBBED AND STRIPPED OF TOPSOIL TO REMOVE TREES, VEGETATION, ROOTS OR OTHER OBJECTIONABLE MATERIALS. AREAS SHALL BE SCARIFIED TO A MINIMUM DEPTH OF 3 INCHES PRIOR TO PLACEMENT OF TOPSOIL. ALL FILLS SHALL BE COMPACTED AS REQUIRED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS. FILL INTENDED TO SUPPORT BUILDINGS, STRUCTURES AND CONDUITS, ETC. SHALL BE COMPACTED IN ACCORDANCE WITH LOCAL REQUIREMENTS OR CODES. ALL FILLS SHALL BE PLACED AND COMPACTED IN LAYERS NOT TO EXCEED 8 INCHES IN THICKNESS. FILL MATERIAL SHALL BE FREE OF STUMPS, BUILDING DEBRIS AND OTHER OBJECTIONABLE MATERIALS THAT WOULD INTERFERE WITH OR PREVENT CONSTRUCTION OF SATISFACTORY LIFTS. FROZEN MATERIAL OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIALS SHALL NOT BE INCORPORATED INTO FILL SLOPES OR STRUCTURAL FILLS. FILL SHALL NOT BE PLACED ON A FROZEN FOUNDATION. SEEPS OR SPRINGS ENCOUNTERED DURING CONSTRUCTION SHALL BE HANDLED APPROPRIATELY. ALL GRADED AREAS SHALL BE PERMANENTLY STABILIZED IMMEDIATELY FOLLOWING FINISHED GRADING.

9. TOPSOIL

IF POSSIBLE, TOPSOIL SHALL BE STOCKPILED ON THE PROJECT SITE AND REUSED. HIGH QUALITY TOPSOIL SHALL BE FRIABLE AND LOAMY (LOAM, SANDY LOAM, SILT LOAM, SANDY CLAY LOAM, CLAY LOAM), AND SHALL BE FREE OF DEBRIS, TRASH, STUMPS, ROCKS, ROOTS AND NOXIOUS WEEKS. AFTER THE AREAS TO BE TOPSOILED HAVE BEEN BROUGHT TO GRADE, AND IMMEDIATELY PRIOR TO SPREADING THE TOPSOIL, THE SUBGRADE SHALL BE LOOSENED BY SCARIFYING TO A DEPTH OF AT LEAST 2 INCHES TO ENSURE BONDING WITH SUBSOIL. THE TOPSOIL SHALL BE UNIFORMLY DISTRIBUTED TO A MINIMUM COMPACTED DEPTH OF 4 INCHES. ANY IRREGULARITIES IN THE SURFACE RESULTING FROM TOPSOILING OR OTHER OPERATIONS SHALL BE CORRECTED IN ORDER TO PREVENT THE FORMATION OF DEPRESSIONS OR WATER POCKETS. IT IS NECESSARY TO COMPACT THE TOPSOIL ENOUGH TO ENSURE GOOD CONTACT WITH THE UNDERLYING SOIL, BUT UNDUE COMPACTION IS TO BE AVOIDED.

10. PERMANENT SOIL STABILIZATION

IF THE AREA WILL NOT BE WORKED FOR MORE THAN ONE YEAR OR HAS BEEN BROUGHT TO FINAL GRADE, THEN PERMANENTLY STABILIZE THE AREA WITHIN 7 DAYS BY PLANTING VEGETATION, SEEDING, SODDING OR THROUGHOUT USE OF ORGANIC MULCH, OR OTHER APPROPRIATE METHODS. FOR ROAD SUB-BASE OTHER VEGETATION MAY BE STABILIZATION, SELECT THE PROPER VEGETATION FOR THE LIGHT, MOISTURE, AND SOIL CONDITIONS; AMEND AREAS OF DISTURBED SUBSOILS WITH TOPSOIL, COMPOST OR FERTILIZERS; PROTECT SEEDED AREAS WITH MULCH OR, IF NECESSARY, EROSION CONTROL BLANKETS; AND SCHEDULE SODDING, PLANTING, AND SEEDING SO TO AVOID DIE-OFF FROM SUMMER DROUGHT AND FALL FROSTS. NEWLY SEEDED OR SODDED AREAS MUST BE PROTECTED FROM VEHICLE TRAFFIC, EXCESSIVE PEDESTRIAN TRAFFIC, AND CONCENTRATED RUNOFF UNTIL THE VEGETATION IS WELL-ESTABLISHED WITH 90% COVER BY HEALTHY VEGETATION. IF NECESSARY, AREAS MUST BE REWORKED AND RESTABILIZED IF GERMINATION IS SPARSE, PLANT COVERAGE IS SPOTTY, OR TOPSOIL EROSION IS EVIDENT. ONE OR MORE OF THE FOLLOWING MAY APPLY TO A PARTICULAR SITE.

SEEDED AREAS: TO PREPARE THE SEEDBED, APPLY 10-20-20 FERTILIZER AT A RATE OF 800 POUNDS PER ACRE AND GROUND LIMESTONE AT A RATE OF 3 TONS PER ACRE. WORK THE FERTILIZER AND LIMESTONE INTO THE TOPSOIL TO A DEPTH OF 4 INCHES AND REMOVE ANY STONES, ROOTS OR OTHER VISIBLE DEBRIS. SELECT A SEED MIXTURE THAT IS APPROPRIATE FOR THE SOIL TYPE AND MOISTURE CONTENT AS FOUND AT THE SITE, AND FOR THE AMOUNT OF SUN EXPOSURE AND FOR LEVEL OF USE. REFER TO THE USDA SOIL CONSERVATION SERVICE OR THE LOCAL SOIL AND WATER CONSERVATION DISTRICT FOR APPROPRIATE SEED MIXTURES. APPLY SEED UNIFORMLY IN ACCORDANCE WITH SUPPLIER RECOMMENDATIONS AND IMMEDIATELY COVER WITH MULCH AS DESCRIBED IN THE TEMPORARY MULCHING SECTION OF THIS PLAN.

HYDROSEEDING SHALL BE DONE IN ACCORDANCE WITH SUPPLIERS RECOMMENDATIONS. FOR SEEDED AREAS TO BE PERMANENTLY STABILIZED, 90% OF THE DISTURBED SOIL SHALL BE COVERED WITH MATURE HEALTHY PLANTS WITH NO EVIDENCE OF WASHING OR RILLING OF THE TOPSOIL.

SOD STRIPS SHALL BE LAID AT RIGHT ANGLES TO DIRECTION OF SLOPE OR FLOW OF WATER STARTING AT LOWEST ELEVATION. JOINTS SHALL BE STAGGERED, AND ALL STRIPS SHALL BE ROLLED OR TAMPED INTO PLACE. ON SLOPES, SOD SHALL BE ANCHORED WITH STAPLES, WIRE OR PINS. IRRIGATE SODDED AREA IMMEDIATELY AFTER INSTALLATION. FOR SODDED AREAS TO BE PERMANENTLY STABILIZED, THE ROOTS OF THE SOD MUST BE COMPLETELY BOUND INTO THE UNDERLYING SOIL WITH NO SLUMPING OF THE SOD OR DIE-OFF.

PERMANENT MULCH IS A LONG TERM COVER THAT PROVIDES A GOOD BUFFER AROUND DISTURBED AREAS. THE EROSION CONTROL MIX SHALL CONSIST PRIMARILY OF ORGANIC MATERIAL AND MAY INCLUDE SHREDDED BARK, STUMP GRINDINGS OR COMPOSTED BARK. WOOD CHIPS, GROUND CONSTRUCTION DEBRIS, REPROCESSED WOOD PRODUCTS OR BARK CHIPS ARE NOT ACCEPTABLE. THE EROSION CONTROL MIX SHALL CONTAIN A WELL-GRADED MIXTURE OF PARTICLE SIZES AND MAY CONTAIN ROCKS LESS THAN 4 INCHES IN DIAMETER. EROSION CONTROL MIX MUST BE FREE OF REFUSE, PHYSICAL CONTAMINANTS AND MATERIAL TOXIC TO PLANT GROWTH.

RIPRAP STONE SHALL CONSIST OF SUB-ANGULAR FIELD STONE OR ROUGH UNEVEN QUARRY STONE OF APPROXIMATELY RECTANGULAR SHAPE. THE DEPTH OF STONE SHALL BE A MINIMUM OF 2.2 TIMES THE MAXIMUM STONE DIAMETER. A GRAVEL OR GEOTEXTILE FILTER BLANKET SHALL BE PLACED BETWEEN THE RIPRAP AND UNDERLYING SOIL SURFACE. GRAVEL FILTER BLANKETS SHALL MEET TYPE-C UNDERDRAIN MATERIAL SPECIFICATIONS AND BE AT LEAST 6 INCHES THICK. GEOTEXTILE FILTER BLANKETS SHALL BE SPECIFIED BASED ON SITE CONDITIONS. RIPRAP SLOPES SHALL BE TOED INTO THE BASE OF THE EMBANKMENT BY EXCAVATING A TRENCH AT THE BOTTOM OF THE SLOPE AND INSTALLING A STABLE BASE OF RIPRAP TO GRADE.

DITCHES, CHANNELS AND SWALES ARE CONSIDERED PERMANENTLY STABILIZED WHEN THE CHANNEL HAS 90% COVER OF HEALTHY VEGETATION WITH A WELL GRADED RIPRAP LINING, EROSION CONTROL BLANKET, OR WITH ANOTHER NON-EROSIVE LINING SUCH AS CONCRETE OR ASPHALT PAVEMENT. THERE MUST BE NO EVIDENCE OF SLUMPING OF THE CHANNEL LINING, UNDERCUTTING OF THE BANKS, OR DOWNCUTTING OF THE CHANNEL.

11. STORMWATER CHANNELS

EACH CHANNEL SHOULD BE CONSTRUCTED IN SECTIONS SO THAT THE SECTION'S GRADING, SHAPING, AND INSTALLATION OF THE PERMANENT LINING CAN BE COMPLETED THE SAME DAY. IF A CHANNEL'S FINAL GRADING OR LINING INSTALLATION MUST BE DELAYED, THEN DIVERSION BERMS MUST BE USED TO DIVERT STORMWATER AWAY FROM THE CHANNEL, PROPERLY-SPACED CHECK DAMS MUST BE INSTALLED IN THE CHANNEL TO SLOW THE WATER VELOCITY, AND A TEMPORARY LINING INSTALLED ALONG THE CHANNEL TO PREVENT SCOURING.

12. INSPECTION & MAINTENANCE

THE CONTRACTOR SHALL BE RESPONSIBLE TO ENSURE ALL CONSTRUCTION OPERATIONS COMPLY WITH THE INSPECTION AND MAINTENANCE PROCEDURES FOR THE PROJECT, INCLUDING, BUT NOT LIMITED TO THOSE INCLUDED IN THIS PLAN SET, THE "INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN", AND THE "MAINE EROSION AND SEDIMENTATION CONTROL PRACTICES FIELD GUIDE FOR CONTRACTORS".

INSPECTION SHALL OCCUR ON ALL DISTURBED AND IMPERVIOUS AREAS, EROSION CONTROL MEASURES, MATERIAL STORAGE AREAS, AND CONSTRUCTION VEHICLE ENTRANCE(S) AND OR EXIT(S). THESE AREAS SHALL BE INSPECTED AT LEAST ONCE PER WEEK, AS WELL AS 24 HOURS BEFORE AND AFTER A STORM EVENT, AND PRIOR TO COMPLETING PERMANENT STABILIZATION MEASURES. INSPECTIONS ARE TO BE CONDUCTED BY A PERSON WITH KNOWLEDGE OF EROSION AND STORMWATER CONTROL, INCLUDING STANDARDS AND CONDITIONS IN THE PERMIT.

MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AFTER EACH RAINFALL, SNOW STORM OR PERIOD OF THAWING AND RUNOFF, THE SITE CONTRACTOR SHALL PERFORM A VISUAL INSPECTION OF ALL INSTALLED EROSION CONTROL MEASURES AND PERFORM REPAIRS AS NEEDED TO INSURE THEIR CONTINUOUS FUNCTION. FOLLOWING THE TEMPORARY AND/OR FINAL SEEDING AND MULCHING, THE CONTRACTOR SHALL, IN THE SPRING, INSPECT AND REPAIR ANY DAMAGES AND/OR BARE SPOTS. AN ESTABLISHED VEGETATIVE COVER MEANS A MINIMUM OF 85% OF AREAS VEGETATED WITH VIGOROUS GROWTH.

WINTER EROSION AND SEDIMENTATION CONTROL NOTES:

THE WINTER CONSTRUCTION PERIOD TYPICALLY BEGINS IN EARLY NOVEMBER AND ENDS IN MID APRIL. IF A CONSTRUCTION SITE IS NOT STABILIZED WITH PAVEMENT, A ROAD GRAVEL BASE, 75% MATURE VEGETATION COVER OR RIPRAP BY NOVEMBER 15 THEN THE SITE NEEDS TO BE PROTECTED WITH OVER-WINTER STABILIZATION. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME. LIMIT THE EXPOSED AREA TO THOSE AREAS IN WHICH WORK IS TO OCCUR DURING THE FOLLOWING 15 DAYS AND THAT CAN BE MULCHED IN ONE DAY PRIOR TO ANY SNOW EVENT. AN AREA SHALL BE CONSIDERED DENUDED UNTIL THE SUBBASE GRAVEL IS INSTALLED IN THE ROADWAY AREAS OR THE AREAS OF FUTURE LOAM AND SEED HAVE BEEN LOAMED, SEEDED AND MULCHED. A COVER OF EROSION CONTROL MIX IS THE PREFERRED TEMPORARY MULCH DURING WINTER CONDITIONS.

1. NATURAL RESOURCE PROTECTION

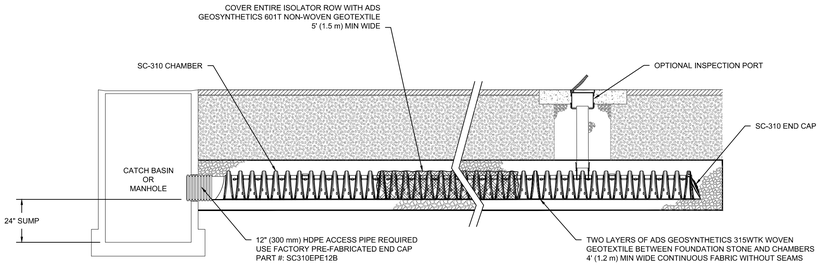
ANY AREAS WITHIN 75 FEET FROM ANY REGULATED NATURAL RESOURCES, IF NOT STABILIZED WITH A MINIMUM OF 75% MATURE VEGETATION CATCH, SHALL BE MULCHED BY DECEMBER 1 AND ANCHORED WITH PLASTIC NETTING OR PROTECTED WITH AN EROSION CONTROL COVER. DURING WINTER CONSTRUCTION, A DOUBLE ROW OF SEDIMENT BARRIERS (FOR EXAMPLE, SILT FENCE BACKED WITH HAY BALES OR EROSION CONTROL MIX) WILL BE PLACED BETWEEN ANY REGULATED NATURAL RESOURCE AND THE DISTURBED AREA. PROJECTS CROSSING THE REGULATED NATURAL RESOURCE SHALL BE PROTECTED A MINIMUM DISTANCE OF 100 FEET ON EITHER SIDE FROM THE RESOURCE. EXISTING PROJECTS NOT STABILIZED BY DECEMBER 1 SHALL BE PROTECTED WITH THE SECOND LINE OF SEDIMENT BARRIER TO ENSURE FUNCTIONALITY DURING THE SPRING THAW AND RAINS.

2. SEDIMENT BARRIERS

DURING FROZEN CONDITIONS, SEDIMENT BARRIERS MAY CONSIST OF EROSION CONTROL MIX BERMS OR ANY OTHER RECOGNIZED SEDIMENT BARRIERS AS FROZEN SOIL PREVENTS THE PROPER INSTALLATION OF HAY BALES OR SILT FENCES.

3. MULCHING

ALL AREAS SHALL BE CONSIDERED TO BE DENUDED UNTIL SEEDED AND MULCHED. HAY AND STRAW MULCH SHALL BE APPLIED AT A RATE OF 3 TONS PER ACRE (TWICE THE NORMAL ACCEPTED RATE) AND SHALL BE PROPERLY ANCHORED. EROSION CONTROL MIX MUST BE APPLIED WITH A MINIMUM 4 INCHES THICKNESS. MULCH SHALL NOT BE SPREAD ON TOP OF SNOW. SNOW MUST BE REMOVED DOWN TO A ONE-INCH DEPTH PRIOR TO APPLICATION. AFTER EACH DAY OF FINAL GRADING, THE AREA WILL BE PROPERTY STABILIZED WITH ANCHORED HAY OR STRAW OR EROSION CONTROL MATTING. AN AREA SHALL BE CONSIDERED TO HAVE BEEN STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED OR ADEQUIATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE M



SC-310 ISOLATOR ROW SECTION

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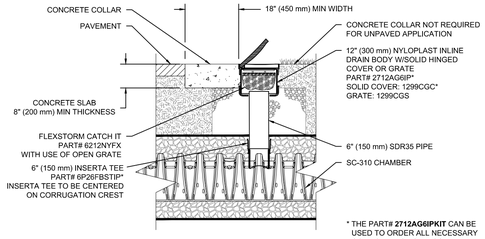

SC-310 6" INSPECTION PORT DETAIL

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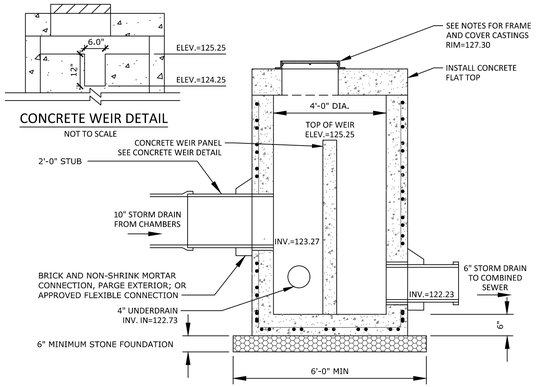

CONCRETE WEIR DETAIL

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NOTES:

1. LARGER DIAMETER STRUCTURES MAY BE REQUIRED DUE TO SIZE OR GEOMETRY OF PIPE CONNECTIONS AT MANHOLE. WALL THICKNESS TO INCREASE BY 1" FOR EACH 1'-0" DIA. INCREASE. PROVIDE SHOP DRAWINGS.
2. DRAINAGE STRUCTURES TO BE DESIGNED FOR H-20 LOADING.
3. CAST IRON SOLID COVER AND FRAME SHALL BE EQUAL TO NEENAH FOUNDARY PRODUCT NO. R-1556-A - MANHOLE FRAME, SOLID LID - HEAVY DUTY OR EQUAL. SUBMIT CATALOG SHEETS TO ENGINEER FOR APPROVAL.

OUTLET CONTROL STRUCTURE DETAIL

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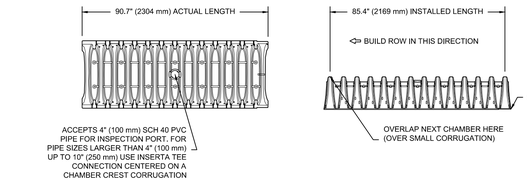
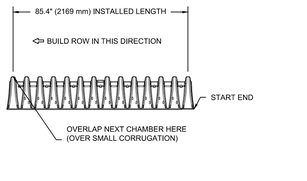
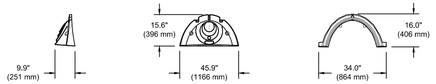






NOMINAL CHAMBER SPECIFICATIONS

SIZE (W X H X INSTALLED LENGTH)	34.0" X 16.0" X 85.4"	(864 mm X 406 mm X 2169 mm)
CHAMBER STORAGE	14.7 CUBIC FEET	(0.42 m³)
MINIMUM INSTALLED STORAGE*	31.0 CUBIC FEET	(0.88 m³)
WEIGHT	35.0 lbs.	(16.8 kg)

*ASSUMES 6" (152 mm) ABOVE, BELOW, AND BETWEEN CHAMBERS

STUBS AT BOTTOM OF END CAP FOR PART NUMBERS ENDING WITH "B"
STUBS AT TOP OF END CAP FOR PART NUMBERS ENDING WITH "T"

PART #	STUB	A	B	C
SC310EPE06T / SC310EPE06TPC	6" (150 mm)	9.6" (244 mm)	5.8" (147 mm)	---
SC310EPE06B / SC310EPE06BPC			---	0.5" (13 mm)
SC310EPE08T / SC310EPE08TPC	8" (200 mm)	11.9" (302 mm)	3.5" (89 mm)	---
SC310EPE08B / SC310EPE08BPC			---	0.6" (15 mm)
SC310EPE10T / SC310EPE10TPC	10" (250 mm)	12.7" (323 mm)	1.4" (36 mm)	---
SC310EPE10B / SC310EPE10BPC			---	0.7" (18 mm)
SC310EPE12B	12" (300 mm)	13.5" (343 mm)	---	0.9" (23 mm)

ALL STUBS, EXCEPT FOR THE SC310EPE12B ARE PLACED AT BOTTOM OF END CAP SUCH THAT THE OUTSIDE DIAMETER OF THE STUB IS FLUSH WITH THE BOTTOM OF THE END CAP. FOR ADDITIONAL INFORMATION CONTACT STORMTECH AT 1-888-892-2694.

* FOR THE SC310EPE12B THE 12" (300 mm) STUB LIES BELOW THE BOTTOM OF THE END CAP APPROXIMATELY 0.25" (6 mm). BACKFILL MATERIAL SHOULD BE REMOVED FROM BELOW THE N-12 STUB SO THAT THE FITTING SITS LEVEL.

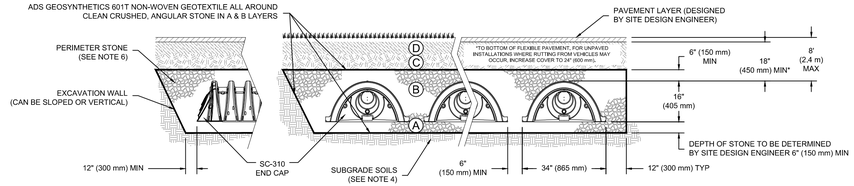
NOTE: ALL DIMENSIONS ARE NOMINAL

STORMTECH SC-310 TECHNICAL SPECIFICATION

NOT TO SCALE

	MATERIAL LOCATION	DESCRIPTION	AASHTO MATERIAL CLASSIFICATIONS	COMPACTION / DENSITY REQUIREMENT
D	**FINAL FILL:** FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED GRADE ABOVE. NOTE THAT PAVEMENT SUBBASE MAY BE PART OF THE 'D' LAYER	ANY SOIL/ROCK MATERIALS, NATIVE SOILS, OR PER ENGINEER'S PLANS. CHECK PLANS FOR PAVEMENT SUBGRADE REQUIREMENTS.	N/A	PREPARE PER SITE DESIGN ENGINEER'S PLANS. PAVED INSTALLATIONS MAY HAVE STRINGENT MATERIAL AND PREPARATION REQUIREMENTS.
C	**INITIAL FILL:** FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT STONE ('B' LAYER) TO 18" (450 mm) ABOVE THE TOP OF THE CHAMBER. NOTE THAT PAVEMENT SUBBASE MAY BE A PART OF THE 'C' LAYER.	GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE. MOST PAVEMENT SUBBASE MATERIALS CAN BE USED IN LIEU OF THIS LAYER.	AASHTO M145[1] A-1, A-2-4, A-3 OR AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57, 6, 67, 68, 7, 78, 8, 89, 9, 10	BEGIN COMPACTIONS AFTER 12" (300 mm) OF MATERIAL OVER THE CHAMBERS IS REACHED. COMPACT ADDITIONAL LAYERS IN 6" (150 mm) MAX LIFTS TO A MIN. 95% PROCTOR DENSITY FOR WELL GRADED MATERIAL AND 95% RELATIVE DENSITY FOR PROCESSED AGGREGATE MATERIALS. ROLLER GROSS VEHICLE WEIGHT NOT TO EXCEED 12,000 lbs (53 kN). DYNAMIC FORCE NOT TO EXCEED 20,000 lbs (89 kN).
B	**EMBEDMENT STONE:** FILL SURROUNDING THE CHAMBERS FROM THE FOUNDATION STONE ('A' LAYER) TO THE 'C' LAYER ABOVE.	CLEAN, CRUSHED, ANGULAR STONE	AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57	NO COMPACTION REQUIRED.
A	**FOUNDATION STONE:** FILL BELOW CHAMBERS FROM THE SUBGRADE UP TO THE FOOT (BOTTOM) OF THE CHAMBER.	CLEAN, CRUSHED, ANGULAR STONE	AASHTO M43[1] 3, 357, 4, 467, 5, 56, 57	PLATE COMPACT OR ROLL TO ACHIEVE A FLAT SURFACE. [2 3]

PLEASE NOTE:
1. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR NO. 4 (AASHTO M43) STONE".
2. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 6" (150 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.
3. WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.

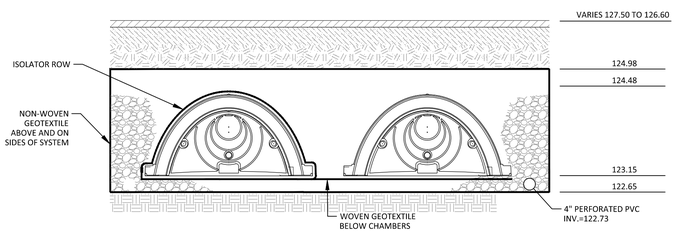


NOTES:

1. SC-310 CHAMBERS SHALL CONFORM TO THE REQUIREMENTS OF ASTM F2418 "STANDARD SPECIFICATION FOR POLYPROPYLENE (PP) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS", OR ASTM F2922 "STANDARD SPECIFICATION FOR POLYETHYLENE (PE) CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
2. SC-310 CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787 "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
3. "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.
4. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH CONSIDERATION FOR THE RANGE OF EXPECTED SOIL MOISTURE CONDITIONS.
5. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.
6. ONCE LAYER 'C' IS PLACED, ANY SOIL/MATERIAL CAN BE PLACED IN LAYER 'D' UP TO THE FINISHED GRADE. MOST PAVEMENT SUBBASE SOILS CAN BE USED TO REPLACE THE MATERIAL REQUIREMENTS OF LAYER 'C' OR 'D' AT THE SITE DESIGN ENGINEER'S DISCRETION.

STORMTECH SC-310 CROSS SECTION

NOT TO SCALE



DURING CONSTRUCTION INSPECTION NOTES:

1. CONSTRUCTION OVERSIGHT: THE CHAMBER SYSTEM MUST BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S WRITTEN INSTRUCTIONS FOR INSTALLATION. INSPECTION DURING AND AFTER CONSTRUCTION AND UNTIL THE SITE IS STABILIZED MUST BE PERFORMED BY THE MANUFACTURER'S REPRESENTATIVE.

POST CONSTRUCTION INSPECTION NOTES:

1. INSPECT EVERY 6 MONTHS DURING THE FIRST YEAR OF OPERATION. ADJUST THE INSPECTION INTERVAL BASED ON PREVIOUS OBSERVATIONS OF SEDIMENT ACCUMULATION AND HIGH WATER ELEVATIONS.
2. CONDUCT JETTING AND VACTORING ANNUALLY OR WHEN INSPECTION SHOWS THAT MAINTENANCE IS NECESSARY.

SUBSURFACE CHAMBER SYSTEM - SECTION DETAIL

NOT TO SCALE

MANUFACTURER'S GENERAL NOTES

1. STORMTECH REQUIRES INSTALLING CONTRACTORS TO USE AND UNDERSTAND STORMTECH'S LATEST INSTALLATION INSTRUCTIONS PRIOR TO BEGINNING SYSTEM INSTALLATION.
2. OUR TECHNICAL SERVICES DEPARTMENT OFFERS INSTALLATION CONSULTATIONS TO INSTALLING CONTRACTORS. CONTACT OUR TECHNICAL SERVICES REPRESENTATIVE AT LEAST 30 DAYS PRIOR TO SYSTEM INSTALLATION TO ARRANGE A PRE-INSTALLATION CONSULTATION. OUR REPRESENTATIVES CAN THEN ANSWER QUESTIONS OR ADDRESS COMMENTS ON THE STORMTECH CHAMBER SYSTEM AND INFORM THE INSTALLING CONTRACTOR OF THE MINIMUM INSTALLATION REQUIREMENTS BEFORE BEGINNING THE SYSTEM'S CONSTRUCTION. CALL **1-888-892-2694** TO SPEAK TO A TECHNICAL SERVICES REPRESENTATIVE OR VISIT **WWW. STORMTECH.COM** TO RECEIVE A COPY OF OUR INSTALLATION INSTRUCTIONS.
3. STORMTECH'S REQUIREMENTS FOR SYSTEMS WITH PAVEMENT DESIGN (ASPHALT, CONCRETE PAVERS, ETC.):MINIMUM COVER IS 18" [457 mm] NOT INCLUDING PAVEMENT; MAXIMUM COVER IS 96" [2438 mm] INCLUDING PAVEMENT. FOR INSTALLATIONS THAT DO NOT INCLUDE PAVEMENT, WHERE RUTTING FROM VEHICLES MAY OCCUR, MINIMUM REQUIRED COVER IS 24" [610 mm], MAXIMUM COVER IS 96" [2.438 m].
4. THE CONTRACTOR MUST REPORT ANY DISCREPANCIES WITH CHAMBER FOUNDATION MATERIALS BEARING CAPACITIES TO THE DESIGN ENGINEER.
5. AASHTO M288 CLASS 2 NON-WOVEN GEOTEXTILE (FILTER FABRIC) MUST BE USED AS INDICATED IN THE PROJECT PLANS.
6. STONE PLACEMENT BETWEEN CHAMBERS ROWS AND AROUND PERIMETER MUST FOLLOW INSTRUCTIONS AS INDICATED IN THE MOST CURRENT VERSION OF STORMTECH'S INSTALLATION INSTRUCTIONS.
7. BACKFILLING OVER THE CHAMBERS MUST FOLLOW REQUIREMENTS AS INDICATED IN THE MOST CURRENT VERSION OF STORMTECH'S INSTALLATION INSTRUCTIONS.
8. THE CONTRACTOR MUST REFER TO STORMTECH'S INSTALLATION INSTRUCTIONS FOR A TABLE OF ACCEPTABLE VEHICLE LOADS AT VARIOUS DEPTHS OF COVER. THIS INFORMATION IS ALSO AVAILABLE AT STORMTECH'S WEBSITE: **WWW.STORMTECH.COM**. THE CONTRACTOR IS RESPONSIBLE FOR PREVENTING VEHICLES THAT EXCEED STORMTECH'S REQUIREMENTS FROM TRAVELING ACROSS OR PARKING OVER THE STORMWATER SYSTEM. TEMPORARY FENCING, WARNING TAPE AND APPROPRIATELY LOCATED SIGNS ARE COMMONLY USED TO PREVENT UNAUTHORIZED VEHICLES FROM ENTERING SENSITIVE CONSTRUCTION AREAS.
9. THE CONTRACTOR MUST APPLY EROSION AND SEDIMENT CONTROL MEASURES TO PROTECT THE STORMWATER SYSTEM DURING ALL PHASES OF SITE CONSTRUCTION PER LOCAL CODES AND DESIGN ENGINEER'S SPECIFICATIONS.
10. STORMTECH PRODUCT WARRANTY IS LIMITED. SEE CURRENT PRODUCT WARRANTY FOR DETAILS. TO ACQUIRE A COPY CALL STORMTECH AT **1-888-892-2694** OR VISIT **WWW.STORMTECH.COM**

STORMWATER CHAMBER SPECIFICATIONS

1. CHAMBERS SHALL BE STORMTECH SC-310 OR APPROVED EQUAL.
2. CHAMBERS SHALL BE MANUFACTURED FROM VIRGIN POLYPROPYLENE OR POLYETHYLENE RESINS TESTED USING ASTM STANDARDS.
3. CHAMBERS SHALL BE DESIGNED IN ACCORDANCE WITH ASTM F2787, "STANDARD PRACTICE FOR STRUCTURAL DESIGN OF THERMOPLASTIC CORRUGATED WALL STORMWATER COLLECTION CHAMBERS".
4. CHAMBER ROWS SHALL PROVIDE CONTINUOUS, UNOBSTRUCTED INTERNAL SPACE WITH NO INTERNAL SUPPORT PANELS.
5. THE STRUCTURAL DESIGN OF THE CHAMBERS, THE STRUCTURAL BACKFILL AND THE INSTALLATION REQUIREMENTS SHALL ENSURE THAT THE LOAD FACTORS SPECIFIED IN THE AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, SECTION 12.12 ARE MET FOR: 1) LONG-DURATION DEAD LOADS AND 2) SHORT-DURATION LIVE LOADS, BASED ON THE AASHTO DESIGN TRUCK WITH CONSIDERATION FOR IMPACT AND MULTIPLE VEHICLE PRESENCE.
6. ONLY CHAMBERS THAT ARE APPROVED BY THE ENGINEER WILL BE ALLOWED. THE CONTRACTOR SHALL SUBMIT (3 SETS) OF THE FOLLOWING TO THE ENGINEER FOR APPROVAL BEFORE DELIVERING CHAMBERS TO THE PROJECT SITE:
   a. A STRUCTURAL EVALUATION BY A REGISTERED STRUCTURAL ENGINEER THAT DEMONSTRATES THAT THE LOAD FACTORS SPECIFIED IN THE AASHTO LRFD BRIDGE DESIGN SPECIFICATIONS, SECTION 12.12 ARE MET. THE 50-YEAR CREEP MODULUS DATA SPECIFIED IN ASTM F2922 MUST BE USED AS A PART OF THE AASHTO STRUCTURAL EVALUATION TO VERIFY LONG-TERM PERFORMANCE.
7. CHAMBERS SHALL BE PRODUCED AT AN ISO 9001 CERTIFIED MANUFACTURING FACILITY.
8. ALL DESIGN SPECIFICATIONS FOR CHAMBERS SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S LATEST DESIGN MANUAL.
9. THE INSTALLATION OF CHAMBERS SHALL BE IN ACCORDANCE WITH THE MANUFACTURER'S LATEST INSTALLATION INSTRUCTIONS.

MAINTENANCE NOTES:

STEP 1) INSPECT ISOLATOR ROW FOR SEDIMENT
- A. INSPECTION PORTS
  - A.1. REMOVE/OPEN LID ON NYLOPLAST DRAINAGE STRUCTURE OR 24"x24" F-BASIN
  - A.2. REMOVE AND CLEAN FLEXSTORM FILTER IF INSTALLED
  - A.3. USING A FLASHLIGHT AND STADIA ROD, MEASURE DEPTH OF SEDIMENT AND RECORD ON MAINTENANCE LOG
  - A.4. LOWER A CAMERA INTO ISOLATOR ROW FOR VISUAL INSPECTION OF SEDIMENT LEVELS (OPTIONAL)
  - A.5. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.
- B. ALL ISOLATOR ROWS
  - B.1. REMOVE COVER FROM STRUCTURE AT UPSTREAM END OF ISOLATOR ROW
  - B.2. USING A FLASHLIGHT, INSPECT DOWN THE ISOLATOR ROW THROUGH OUTLET PIPE
    - i) MIRRORS ON POLES OR CAMERAS MAY BE USED TO AVOID A CONFINED SPACE ENTRY
    - ii) FOLLOW OSHA REGULATIONS FOR CONFINED SPACE ENTRY IF ENTERING MANHOLE
  - B.3. IF SEDIMENT IS AT, OR ABOVE, 3" (80 mm) PROCEED TO STEP 2. IF NOT, PROCEED TO STEP 3.

STEP 2) CLEAN OUT ISOLATOR ROW USING THE JETVAC PROCESS
- A. A FIXED CULVERT CLEANING NOZZLE WITH REAR FACING SPREAD OF 45° (1.1 m) OR MORE IS PREFERRED
- B. APPLY MULTIPLE PASSES OF JETVAC UNTIL BACKFLUSH WATER IS CLEAN
- C. VACUUM STRUCTURE SUMP AS REQUIRED

STEP 3) REPLACE ALL COVERS, GRATES, FILTERS, AND LIDS; RECORD OBSERVATIONS AND ACTIONS.

STEP 4) INSPECT AND CLEAN BASINS AND MANHOLES UPSTREAM OF THE STORMTECH SYSTEM.

JAYSON R. HASKELL
No. 13002
STATE OF MAINE
REGISTERED PROFESSIONAL ENGINEER
10-11-19

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
B	10-11-19	DMR	REVISED PER CITY REVIEW

DETAILS

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME, 04101

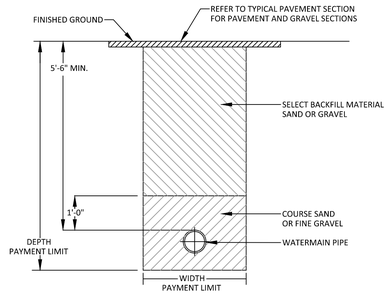
18053
JOB NUMBER:

AS NOTED
SCALE:

10-11-2019
DATE:

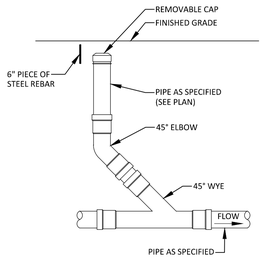
--

C3.1



WATERMAIN TYPICAL TRENCH CROSS-SECTION

NOT TO SCALE

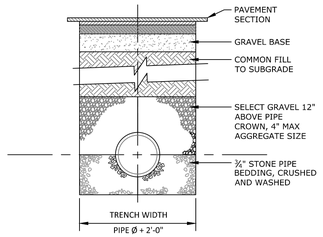


NOTES:

1. IF CLEANOUT IS LOCATED IN PAVEMENT, INSTALL CLEANOUT BOX ASSEMBLY OVER CLEANOUT AND SET AT FINISHED PAVEMENT GRADE. BOX ASSEMBLY TO BE PRODUCT NO. 00156452W01 AS MANUFACTURED BY EAST JORDAN IRON WORKS, INC. OR APPROVED EQUAL.

SANITARY/UNDERDRAIN CLEANOUT DETAIL

NOT TO SCALE



TYPICAL TRENCH SECTION

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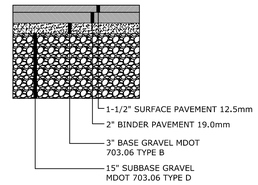
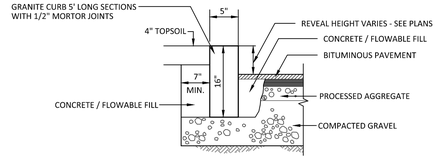


TYPICAL PAVEMENT REPAIR SECTION

(MONTREAL STREET & WILLIS STREET)

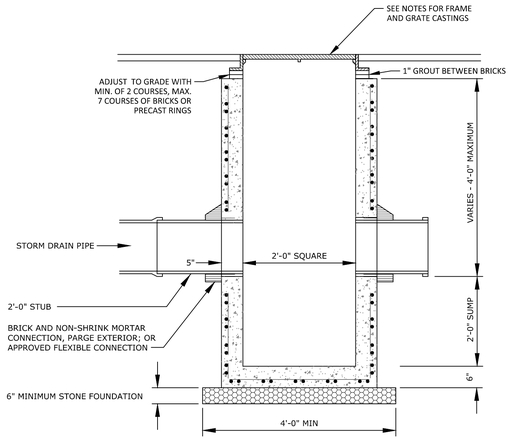
NOT TO SCALE



VERTICAL GRANITE CURB

MDOT CURB TYPE 1

NOT TO SCALE

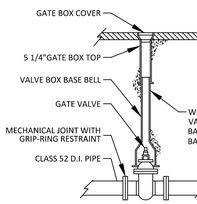


NOTES:

1. CAST IRON FRAME SHALL BE EQUAL TO EAST JORDAN IRON WORKS, PRODUCT NO. 45622011, REVERSIBLE FRAME AND GRATE SHALL BE EQUAL TO EAST JORDAN IRON WORKS, PRODUCT NO. 4562531, HEAVY DUTY GRATE.
2. SUBMIT SHOP DRAWINGS AND CASTING SPECIFICATIONS TO ENGINEER FOR APPROVAL.

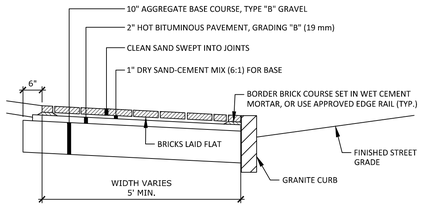
PRECAST CONCRETE CATCH BASIN STRUCTURE - TYPE F

NOT TO SCALE



GATE VALVE

NOT TO SCALE



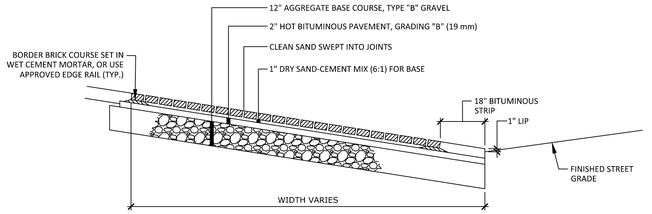
BRICK SIDEWALK WITH BITUMINOUS BASE

NOT TO SCALE

BRICKS TO BE USED:

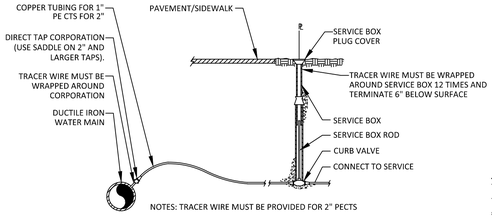
NEW CONSTRUCTION:
4"x8" PINE HALL PATHWAY PAVER BRICK, MFG. BY PINE HALL BRICK CO., MADISON, NORTH CAROLINA. LACHANCE ITEM# 193623, PINE HALL PATHWAY PAVER BRICK.

REPAIR/MAINTENANCE TO EXISTING BRICK SIDEWALKS: VERMONT PAVER; SUPPLIED BY GAGNE AND SONS. SPECIFICATION NUMBER: "VERMONT BACKER BRICK", ITEM NUMBER VBBB.



BRICK DRIVEWAY WITH BITUMINOUS BASE

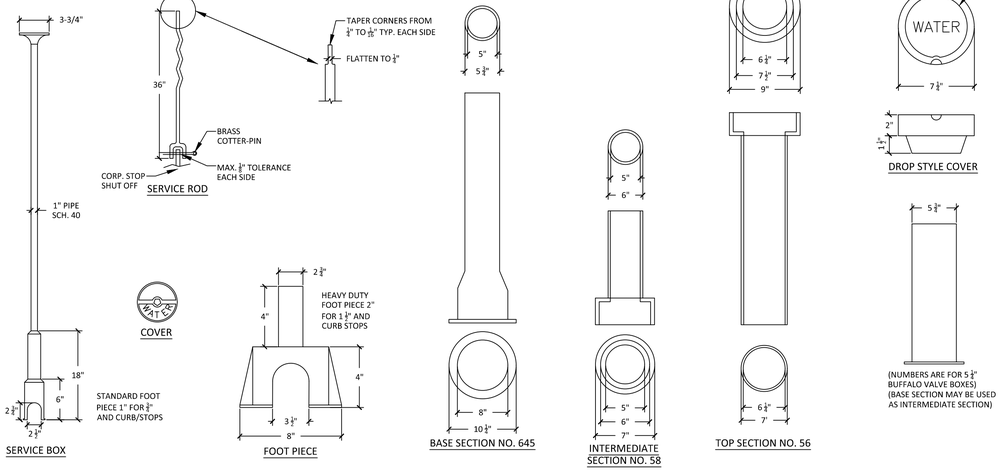
NOT TO SCALE



NOTES: TRACER WIRE MUST BE PROVIDED FOR 2" PECTS

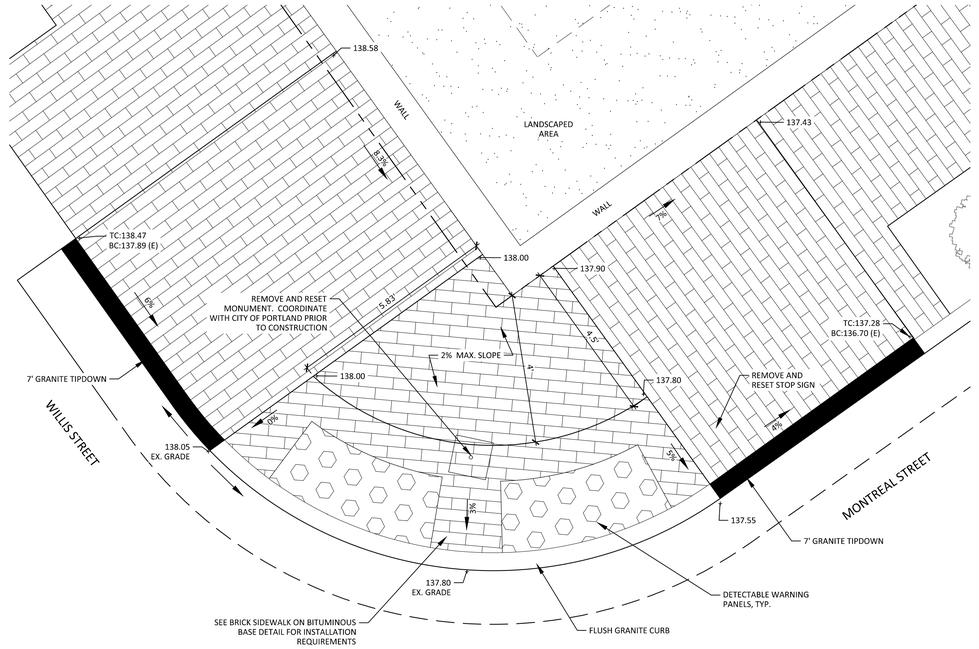
SERVICE DETAIL

NOT TO SCALE



VALVE BOX & COVER

NOT TO SCALE



HANDICAP RAMP DETAIL

(MONTREAL STREET & WILLIS STREET)

SCALE: 1" = 2'

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

STATE OF MAINE — JAYSON R. HASKELL — No. 13002 — LICENSED PROFESSIONAL ENGINEER — 10-22-19

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
B	10-11-19	DMR	REVISED PER CITY REVIEW
C	10-22-19	DMR	REVISED PER CITY REVIEW

DETAILS

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
37 MONTREAL, LLC.
33 MONTREAL STREET
PORTLAND, ME. 04101

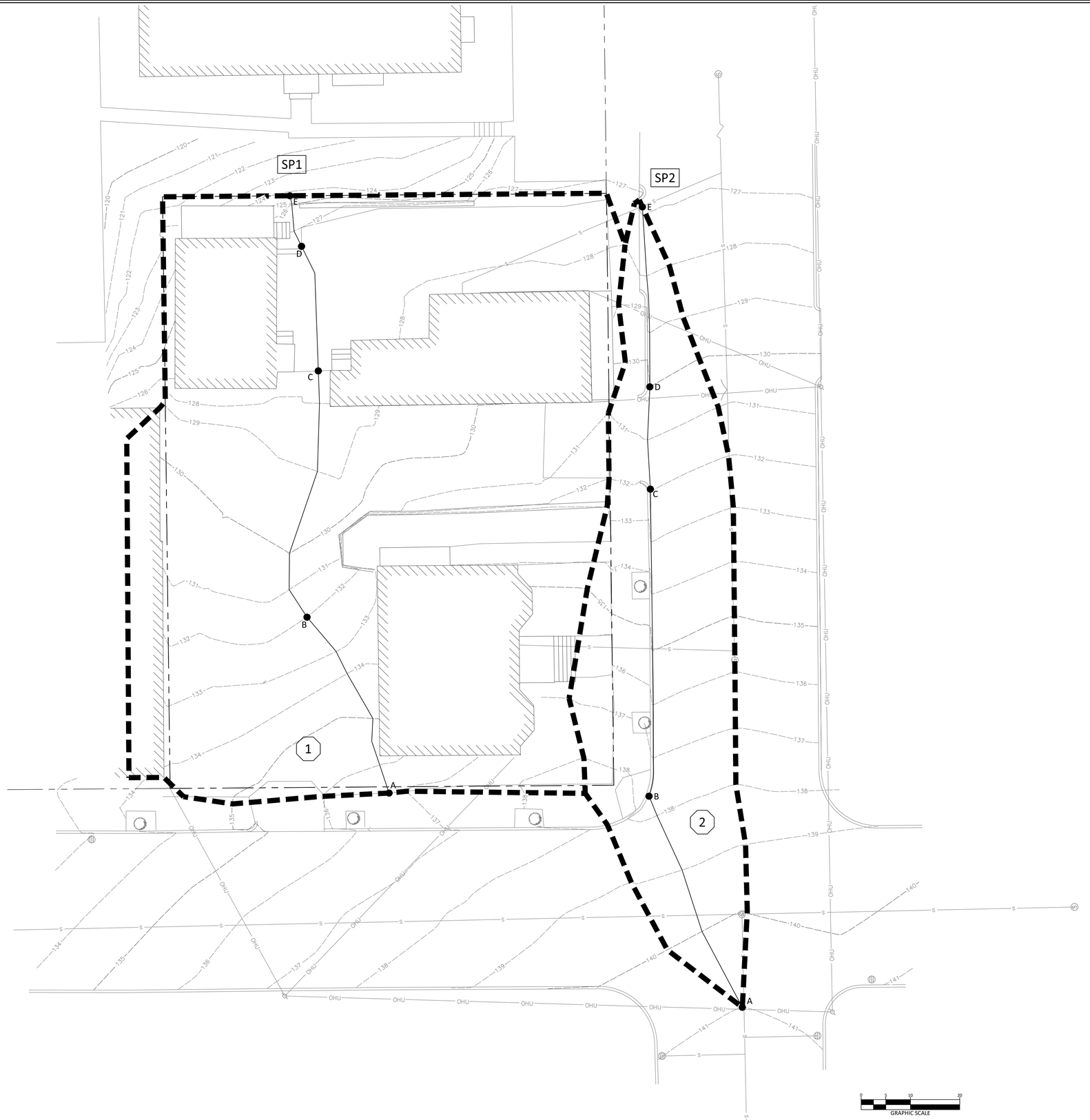
18053
JOB NUMBER:

AS NOTED
SCALE:

10-22-2019
DATE:

--

C3.2



LEGEND

- 1 — WATERSHED NO.
- SP1 — REACH/STUDY POINT
- P1 — POND
- WATERSHED BOUNDARY
- A — B — TIME OF CONCENTRATION
- REACH PATH
- SOIL BOUNDARY

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER PROPERTY LINE	
	SETBACK	
	EASEMENT LINE	
	GRANITE MONUMENT	
	IRON PIN/DRILL HOLE	
	CENTERLINE	
	BUILDING	
	EDGE OF PAVEMENT/CURB	
200 201	CONTOUR LINE	
	CATCHBASIN	
	DRAINAGE MANHOLE	
	CULVERT/STORMDRAIN	
	UNDERDRAIN	UD
	SEWER MANHOLE	
S	SANITARY SEWER PIPE	S
FM	FORCE MAIN	FM
W	WATER MAIN	W
	WATER VALVE	
	HYDRANT	
	UTILITY POLE	
	LIGHT POLE	
OHU	OVERHEAD UTILITIES	OHU
UGU	UNDERGROUND UTILITIES	UGU
	TRANSFORMER PAD	T
G	GAS MAIN	G
	GAS VALVE	
	RIPRAP	
	SILT FENCE	SF

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

STATE OF MAINE — JAYSON R. HASKELL — No. 13002 — LICENSED PROFESSIONAL ENGINEER — 8-12-19

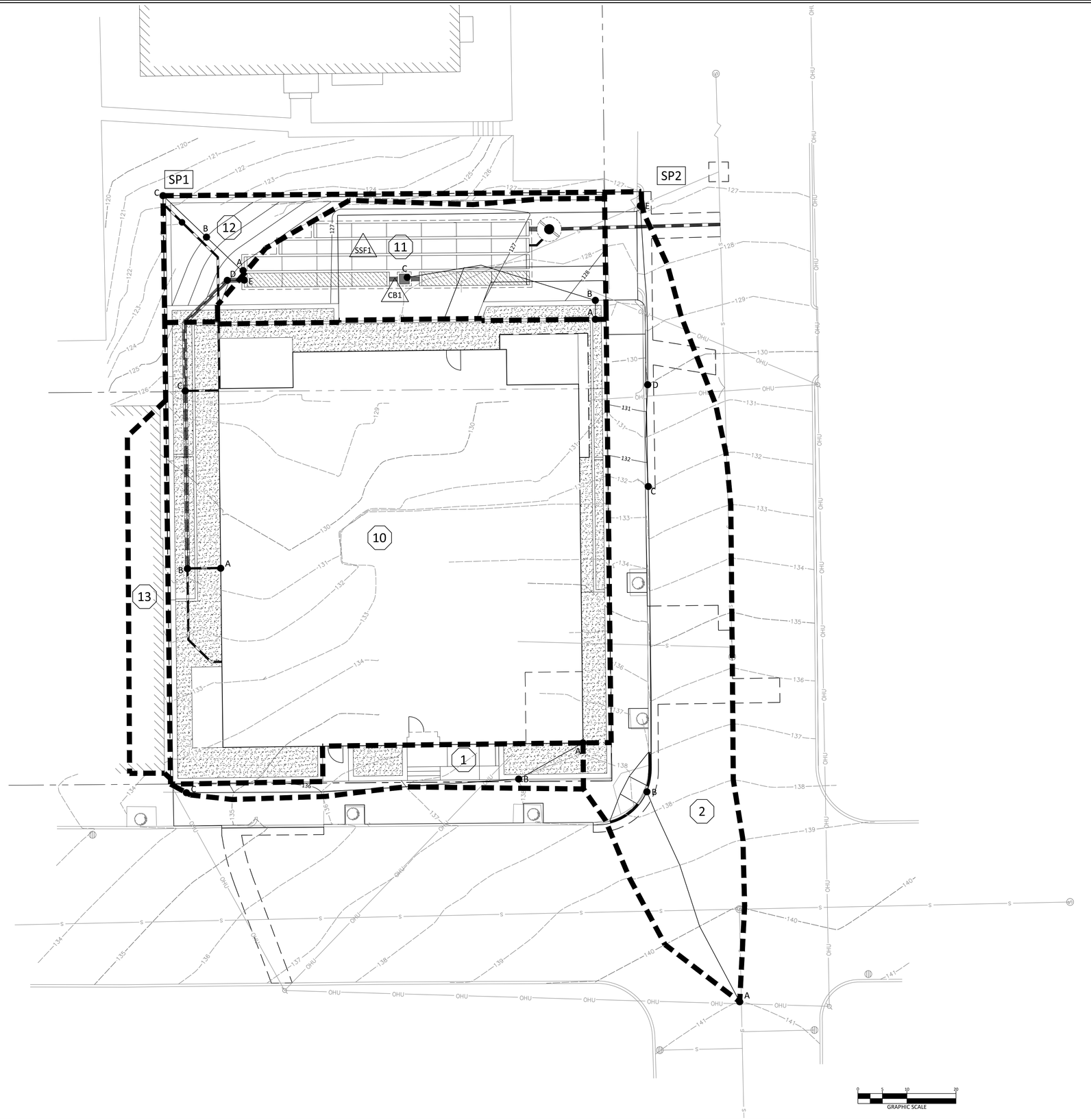
REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING

WATERSHED MAP - EXISTING CONDITION

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
MCTIGUE CONSTRUCTION
184 MOUNTAIN ROAD
FALMOUTH, ME, 04105

18053	JOB NUMBER:
1" = 10'	SCALE:
8-12-2019	DATE:
--	
C4.0	



LEGEND

- 1 — WATERSHED NO.
- SP1 — REACH/STUDY POINT
- P1 — POND
- A — B — WATERSHED BOUNDARY / TIME OF CONCENTRATION / REACH PATH
- SOIL BOUNDARY

LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
CENTERLINE	
BUILDING	
EDGE OF PAVEMENT/CURB	
CONTOUR LINE	
CATCHBASIN	
DRAINAGE MANHOLE	
CULVERT/STORMDRAIN	
UNDERDRAIN	UD
SEWER MANHOLE	
SANITARY SEWER PIPE	S
FORCE MAIN	FM
WATER MAIN	W
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIGHT POLE	
OVERHEAD UTILITIES	OHU
UNDERGROUND UTILITIES	UGU
TRANSFORMER PAD	T
GAS MAIN	G
GAS VALVE	
RIPRAP	
SILT FENCE	SF

STATE OF MAINE — JAYSON R. HASKELL No. 13002 — LICENSED PROFESSIONAL ENGINEER — 10-11-19

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING
B	10-11-19	DMR	ADDITION OF WS-13

WATERSHED MAP - DEVELOPED CONDITION

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
MCTIGUE CONSTRUCTION
184 MOUNTAIN ROAD
FALMOUTH,ME, 04105

18053	JOB NUMBER:
1" = 10'	SCALE:
10-11-2019	DATE:
--	
C4.1	

EX. STREET TREE (TO REMAIN)

PROPOSED SHRUBS (FRUITING / FLOWERING)

PROPOSED PERENNIAL BED (POLLINATOR PLANTS)

PROPERTY LINE

PATIO

10'-0" SIDE SETBACK

LAWN

PROPOSED SERVICEBERRY

PATIO

5'-0" FRONT SETBACK

EX. STREET TREE (TO REMAIN)

GREEN ROOF ABOVE GARAGE OPENING

DRIVEWAY / WALKWAY

PROPERTY LINE

EX. STREET TREE (TO REMAIN)

ENTRY RAMP

PROPERTY LINE

33-37 MONTREAL STREET

PATIO

PROPOSED MASONRY LANDSCAPE WALL (2' TALL)

PROPOSED SHRUBS

5'-0" SIDE STREET SETBACK

PROPERTY LINE

EX. STREET TREE (TO REMAIN)

EX. STREET TREE (TO REMAIN)

0 5 10 N

NOT FOR CONSTRUCTION

PLANT SCHEDULE

ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE
DECIDUOUS TREES				
AC	AMELANCHIER CANADENSIS	SERVICEBERRY (SINGLE)	12	10'-12'
AR	ACER RUBRUM	ARMSTRONG MAPLE	10	3" CAL
TO	THUJA OCCIDENTALIS	AM.ARB. GREEN GIANT	10	8"
PERENNIALS / GRASSES / GROUND COVER / BULBS				
VC	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	X	5 GAL.
VA	VACCINIUM ANGUSTIFOLIUM	LOWBUSH BLUEBERRY	X	1 GAL.
CS	CORNUS SERICEA	KELSEY DWARF REDTWIG	X	5 GAL.
IV	ILEX VERICILLATA	WINTERBERRY HOLLY	X	7 GAL.
NR	NEPETA RACEMOSA	CATMINT 'WALKERS LOW'	X	1 GAL.
MS	MISCANTHUS SINENSIS	'GRACILLIMUS' SILVERI	X	2 GAL.
PV	PANICUM VIRGATUM	SWITCH GRASS	X	1 GAL.
PA	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	X	1 GAL.
TURF LAWN (4" NEW LOAM)				

SYMBOLS LEGEND

HARDSCAPE

- MYSTIC MOUNTAIN GRANITE STEPS
- VEHICULAR MASONRY UNIT PAVER
- PEDESTRIAN MASONRY UNIT PAVER
- CITY BRICK SIDEWALK PER CITY OF PORTLAND STANDARDS
- MASONRY RETAINING WALL

PLANTS

- PROPOSED DECIDUOUS TREE
- EX. DECIDUOUS TREE
- PROPOSED SHRUB
- PERENNIAL PLANTING BED
- LAWN

Soren deNiord Design Studio
43 Wellwood Road
Portland, ME
04103
T: 207-400-2450
E: soren@sorendeniord.com

33-37 MONTREAL STREET

MUNJOY HILL
PORTLAND, MAINE

PLANNING BOARD REVIEW

No:	Revision / Submission	Date:
1	SEPTEMBER 20, 2019	

revisions:
date: AUGUST 07, 2019
scale: As Noted
drawn: XX
checked: XX

L1.0

LANDSCAPE PLAN

PLAN NOTES:

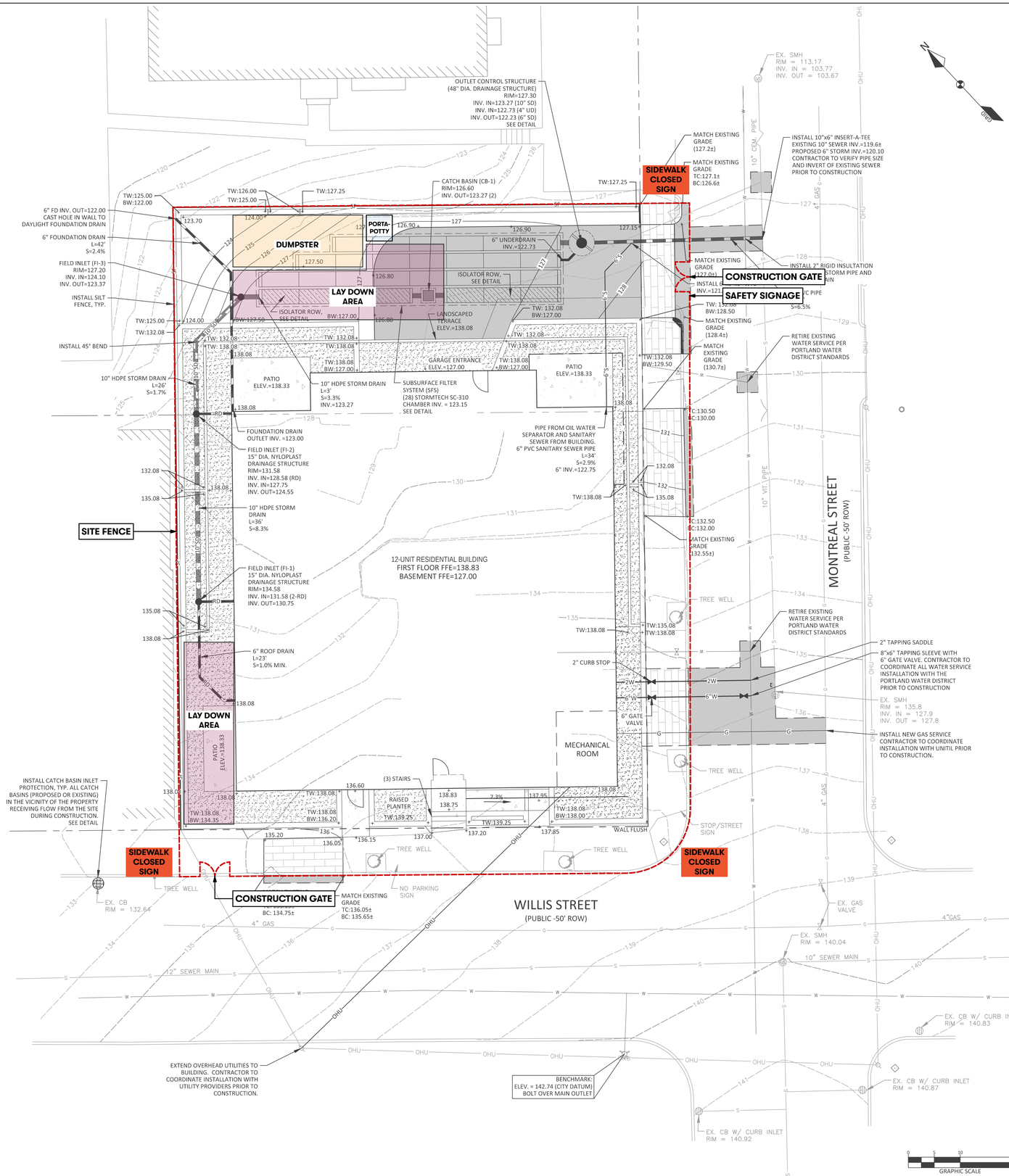
1. EXISTING UTILITY LOCATION SHOWN HEREON IS BASED SOLELY ON FIELD OBSERVATION OF PAINTED UTILITY MARKINGS ON THE GROUND SURFACE BY SURVEY INC. NO SUBSURFACE EXPLORATION OR DETAILED FIELD SURVEY OF UTILITY LOCATIONS WERE PERFORMED.

2. THE CONTRACTOR AND OWNER ARE RESPONSIBLE FOR NOTIFYING DIG SAFE AND COORDINATING ALL EXISTING UTILITY RELOCATION AND REPAIR THAT MAY BE NECESSARY.

3. THE ROADWAY AND SIDEWALK REPAIRS SHALL BE DONE IN ACCORDANCE WITH ALL CITY OF PORTLAND REQUIREMENTS AND SPECIFICATIONS.

4. THE WATER SERVICE SIZE WAS NOT DESIGNED OR ANALYZED BY DM ROMA CONSULTING ENGINEERS. THE OWNER IS RESPONSIBLE FOR COORDINATING WITH PORTLAND WATER DISTRICT AND OTHER DESIGN PROFESSIONALS TO DETERMINE THE DESIRED WATER SERVICE SIZE TO SERVE THE SPECIFIC NEEDS OF THE PROJECT.

5. DOMESTIC SERVICE WILL REQUIRE NON-TESTABLE DUAL CHECK BACKFLOW PREVENTION AFTER THE METER. FIRE SERVICE WILL REQUIRE TESTABLE DOUBLE CHECK VALVE ASSEMBLY FOR BACKFLOW PREVENTION PRIOR TO FIRE SPRINKLER RISER.



LEGEND

EXISTING	PROPOSED
PROPERTY LINE/R.O.W.	
ABUTTER PROPERTY LINE	
TIE LINE	
SETBACK	
EASEMENT LINE	
GRANITE MONUMENT	
IRON PIN/DRILL HOLE	
CENTERLINE	
BUILDING	
EDGE OF PAVEMENT/CURB	
EDGE OF GRAVEL	
EDGE OF CONCRETE	
EDGE OF WETLANDS	
CENTERLINE OF STREAM	
CONTOUR LINE	200 — 201
TREELINE	
CATCHBASIN	
DRAINAGE MANHOLE	
CULVERT/STORMDRAIN	
UNDERDRAIN	UD
SEWER MANHOLE	
SANITARY SEWER PIPE	S
FORCE MAIN	FM
WATER MAIN	W
WATER VALVE	
HYDRANT	
UTILITY POLE	
LIGHT POLE	
OVERHEAD UTILITIES	OHU
UNDERGROUND UTILITIES	UGU
TRANSFORMER PAD	T
GAS MAIN	G
GAS VALVE	
RIPRAP	
SILT FENCE	SF

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 310 - 0506

JAYSON R. HASKELL No. 13002 — STATE OF MAINE — REGISTERED PROFESSIONAL ENGINEER — 8-12-19

REV	DATE	BY	DESCRIPTION
A	8-12-19	DMR	ISSUED FOR PERMITTING

GRADING AND UTILITY PLAN

37 MONTREAL STREET
PORTLAND, MAINE

FOR APPLICANT:
McTIGUE CONSTRUCTION
184 MOUNTAIN ROAD
FALMOUTH,ME. 04105

18053	JOB NUMBER:
1" = 10'	SCALE:
8-12-2019	DATE:
--	
C2.0	

CONSTRUCTION MANAGEMENT PLAN

Planning and Urban Development
Kevin Kraft, AICP
Deputy Director

From: Matthew Grooms, AICP – Development Review Services Manager
To: Chair Mazer and the Portland Planning Board
Date: 11/21/2023
Subject: 2 West Commercial Street – Major Site Plan - Tabling

The applicant, Maine DOT Port Authority, has requested that the Major Site Plan for 2 West Commercial Street be removed from the November 14, 2023 Planning Board agenda and tabled indefinitely to allow time to work with City staff to bring the project into compliance with applicable zoning performance standards.

389 Congress Street, Portland, Maine 04101 | ph: 207.874.8430 | kkraft@portlandmaine.gov

Conditional Use Application
75 Oak Street
CU-002672-2023
Slab LLC, Applicant

Submitted to:	Portland Planning Board	**Prepared By:**	Natasha Kypfer
Public Hearing Date:	November 28, 2023	**Date:**	November 21, 2023

I. INTRODUCTION

This application from Slab LLC (whose dining facility presently operates out of 25 Preble Street), proposes the operation of a separate, small commercial production kitchen in which to run a pizza wholesale company, at 75 Oak Street. The location has street frontage on Oak Street and is positioned equidistant between Shepley Street and Congress Street, and is located within the B-3 Downtown Business zone, the Downtown Entertainment Overlay Zone (DEOZ), and the Congress Street Historic District. In total, the business area covers approximately 5,113 square feet, of which 475± square feet will be devoted to the commercial kitchen.

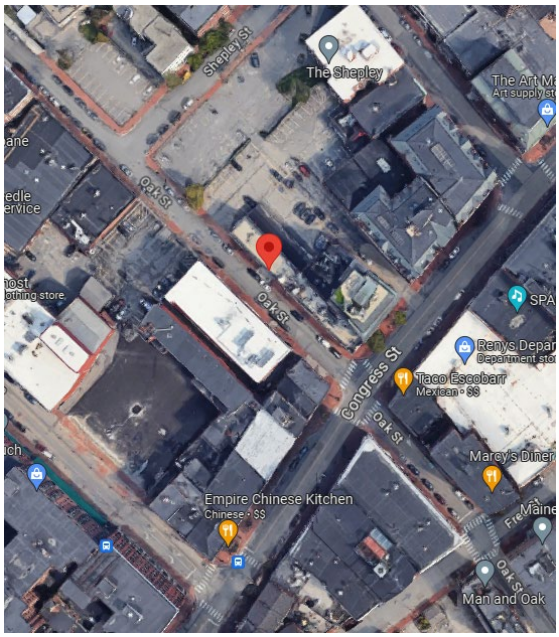


Figure 1. 75 Oak Street Parcel

Commercial kitchens are considered low-impact industrial uses in the City of Portland's Land Use Code. Low-impact industrial uses less than 10,000 square feet are conditional uses in the B-3 zone, therefore, the commercial kitchen portion of this site requires a conditional use application.

The property at 75 Oak Street is occupied by a commercial mixed-use building, a portion of the ground floor of which was formerly operated as a restaurant. No exterior site alterations have been proposed and as such, no site plan application is associated with this proposal.

The application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code General Conditional Use Standards, Section 6.5.2 and Supplemental Use-Specific Conditional Use Standards, Section 6.5.6.

In anticipation of this Planning Board Public Hearing, the Planning and Urban Development Department mailed 133 notices to residences within 500 feet of the subject property. A legal advertisement ran in the November 17, 2023 and November 18, 2023 editions of the *Portland Press Herald.*

Applicant: Slab LLC, Applicant
Applicant Team: Emily Kingsbury, Owner/General Manager

II. PROJECT ACTIONS

Applicant's Proposal	Applicable Standards
Low-impact industrial (<10,000 SF) General Conditional Use	Land Use Code, Section 6.5.2
Low-impact industrial (<10,000 SF) Use-Specific Conditional Use	Land Use Code, Section 6.5.6

III. PROJECT DATA

SUBJECT	*75 Oak Street*
Total area of the site	5,113 square feet / 475± square feet
Existing Zoning	B-3 Downtown Business
Overlay Zone	Downtown Entertainment Overlay Zone (DEOZ)
Historic District	Congress Street Historic District
Existing Use	Multi-Use Commercial
Proposed Use	Multi-Use Commercial; Low-Impact Industrial
Impervious Surface Area --Existing --Proposed --Net Change	 5,113 square feet 5,113 square feet +0 square feet
Building Footprint --Existing --Proposed --Net Change	 5,113 square feet 5,113 square feet +0 square feet
Operation Floor Area --Existing --Proposed --Net Change	 475± square feet 475± square feet +0 square feet
Parking Spaces --Existing --Proposed --Net Change	 0 0 +0

IV. BACKGROUND AND EXISTING CONDITIONS

The property at 75 Oak Street is a lot, equidistant between Congress Street and Shepley Street, currently occupied by a commercial mixed-use building constructed in approximately 1929. A portion of the ground floor of the structure has previously been operated as a restaurant. The building footprint is approximately 5,113 square feet in area, though only a single room on the first floor of the building is leased by the applicant Slab LLC. The total area of the leased space is 475± square feet. The site is located in Downtown Portland, features convenient public transit access, and is zoned B-3 Downtown Business.

V. PROPOSED DEVELOPMENT

The applicant proposes to utilize a portion of the interior first floor space to accommodate an approximately 475± square foot commercial kitchen. No exterior site alterations or improvements are proposed in connection with this proposal. Additionally, no changes to parking are proposed. The aforementioned improvements are below the established thresholds for site plan review as listed in Ch. 14, Table 14-A, and are subject to review by the Permitting and Inspections Office. The application's commercial kitchen is subject to conditional use review by the Planning Board per Sec. 6.5.1.A, which states that the Planning Board shall review all conditional use applications for conditional uses in the B-3 zone. The Land Use Code defines industrial low-impact uses, which are conditional in the B-3 zone, as operations involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material. The operations of Slab LLC meet this definition as they involve preparing, packaging, and distributing frozen pizzas.

VI. RIGHT, TITLE AND INTEREST AND FINANCIAL/TECHNICAL CAPACITY

The operator and lessee of the property, Slab LLC., has provided a lease agreement with the owner of the property, Bentley Building, LLC. This lease includes 475± square feet of the existing mixed-use building. The provided lease is for a duration of ten (10) years and twenty (20) days, commencing on July 11, 2022.

VII. ZONING ANALYSIS

A. DIMENSIONAL AND USE REQUIREMENTS

The property at 75 Oak Street (Parcel 037 C016001), is located in the B-3 Downtown Business zone. Low-impact industrial uses less than 10,000 square feet, including commercial kitchens, are listed as conditional uses in the B-3 zone as described in Table 6-C of the Land Use Code. Therefore, the small, commercial kitchen to be operated by Slab LLC requires a conditional use review, and is subject to the General Conditional Use Standards, Section 6.5.2, as well as, a Supplemental Use-Specific Conditional Use Standards, Section 6.5.6.

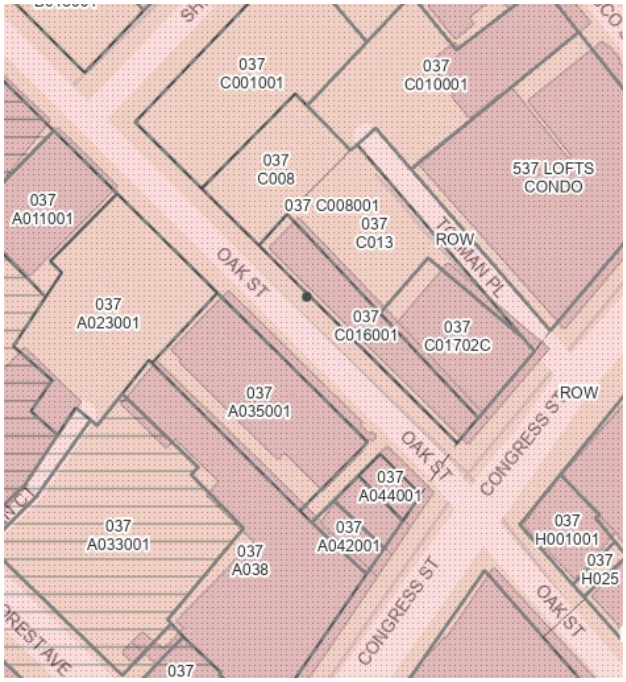


Figure 2. 75 Oak Street in B-3 Zone Context

The dimensional requirements of the B-3 zone are generally very permissive, and are intended to facilitate a dense and pedestrian oriented development form that is intended to help promote the vitality of downtown. Article 7 requires a minimum street frontage of 15 feet, a maximum front setback of 5 feet, and maximum heights of up to 210 feet, as permitted by the Downtown Height Overlay map. The building located at 75 Oak Street is an existing building that conforms with all of these dimensional requirements.

VIII. CONDITIONAL USE REVIEW

A. GENERAL CONDITIONAL USE STANDARDS – SECTION 6.5.2

1. **The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.**

   The proposed use is located within Portland's walkable and transit-accessible downtown, within the B-3 Downtown Business zone, wherein a multitude of businesses exist; many of which are served by

delivery vehicles. The proposed commercial kitchen would expect deliveries to occur one day per week, and for their distributor to pick-up the frozen pizzas one day per week. Furthermore, Slab LLC staff will be on-site from 7:00am to 3:00pm, Monday through Friday. The B-3 zone is Portland's Downtown Business zone and is intended to maintain and enhance the role of downtown as the business and commercial center of the region. Hours of operation for the proposed use will be consistent with other nearby allowable uses in the B-3 zone, which includes bars, restaurants, retail, theaters and performance halls, offices, and general services amongst other uses listed in Table 6-C.

Staff Response:
This standard has been met.

2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
The commercial kitchen use does not differ substantially from the existing allowable restaurant use that is permitted by right within the zone, or other allowable commercial uses permitted in the B-3 zone, and is not expected to produce unsanitary or harmful conditions. The site is in close proximity to a mixture of uses including restaurants, bars, retail establishments, and offices.

Staff Response:
This standard has been met.

3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.
No alterations to landscaping, screening, or the arrangement of structures is proposed.
Signage, waste generation, and materials storage are not expected to differ substantially from the existing allowable restaurant use. Again, Slab LLC proposes deliveries to occur one day per week, and for their distributor to pick-up the frozen pizzas one day per week. Delivery and distribution activity is minimal, and is not anticipated to differ from what is generally acceptable of businesses in the city's Downtown area.

Staff Response:
This standard has been met.

4. The proposed use will meet any additional zone or use-specific standards identified in Tables 6-C to 6-F and Subsections 6.5.6 and 6.5.7.
The proposed use is listed as a conditional use in the B-3 zone in Table 6-C, but is subject to use-specific standards identified in Section 6.5.6(E), which are:

    1. The floor area devoted to industrial use shall not exceed 10,000 square feet. For a building in existence on March 11, 1991, the floor area shall not exceed 10,000 square feet or 50 percent of the total floor area, whichever is greater.
    The floor area devoted to this low industrial use is far below the 10,000 square foot threshold, at 475± square feet. This standard has been met.

2. The associated vehicular loading, unloading, parking, circulation, and traffic volumes on the site and on adjacent public streets shall not have a more intensive impact than any use on the site within the last five years.
   No change is expected to associated vehicular loading, unloading, parking, circulation, and traffic volumes. Additionally, the staff will not need to park on-street, as the business leases a parking spot in the vicinity, at 84 Oak Street. This standard has been met.

3. Any buildings located in a PAD Overlay Zone shall be subject to the requirements of Section 8.8 in addition to the requirements of this subsection.
   The subject property is outside the PAD Overlay Zone and is therefore exempt from this standard.

4. For buildings that either were not in existence on March 11, 1991, or were in existence on that date but were either in use for any permitted use in the B-3 zone or were designed or constructed for any such use:
   i. No tractor trailer trucks or longer vehicles shall be associated with the proposal.
   ii. The proposal shall exclude warehousing and storage as a principal use.
   iii. The use shall not generate more than six delivery or service trips per day between 7:00 a.m. and 7:00 p.m.
   The structure pre-dates 1991, with the building having been constructed in 1929 according to Assessing Records. The applicant has noted that they will adhere to both time limits around deliveries as well as the number of permissible deliveries per day in accordance with the criteria for E.2.d.iii. This standard has been met.

IX. PUBLIC COMMENT

At the time of writing this memo, the Planning Department has received no public comment.

X. STAFF RECOMMENDATION

Subject to the proposed motions listed below, Planning Department staff find that the proposal to include a wholesale commercial kitchen use at 75 Oak Street meets the applicable conditional use standards of the City of Portland's Land Use Code.

XI. PROPOSED MOTIONS

A. CONDITIONAL USE

On the basis of the application, plans, reports and other information submitted by the applicant; findings and recommendations contained in the Planning Board report for the public hearing on November 28, 2023 for application CU-002672-2023 relevant to Land Use Code Section 6.5.2, Section 6.5.6, and the testimony presented at the Planning Board hearing, the Planning Board finds that the plan **is/is not** in conformance with the conditional use standards of the Land Use Code.

B. PLANNING BOARD DECISION

On the basis of the findings, conclusions and recommendations contained in the Planning Board report for the public hearing on November 28, 2023 related to application CU-002672-2023 for 75 Oak Street, which is attached to the draft approval letter and incorporated therein, the Planning Board [adopts/does not adopt] the approval letter as drafted as the Planning Board's decision for application CU-002672-2023, and authorizes the Planning Board Chair to sign the approval letter as drafted.

XII. ATTACHMENTS

A. STAFF ATTACHMENTS

1. Draft Approval Letter – CU-002672-2023
2. City Review Comments

B. APPLICANT'S SUBMITTAL

A. Project Summary Letter
B. Conditional Use Submission Checklist
C. 75 Oak Street Commercial Lease

C. PLANS

Plan 1 – First Floor Plan and Elevation, A1
Plan 2 – First Floor Plan and Elevation, A4

CITY OF PORTLAND, MAINE

PLANNING BOARD

Brandon Mazer, Chair
Justin Barker, Vice Chair
Maggie Stanley
Marpheen Chann
Sean Murphy
David Silk
Austin Smith

November 21, 2023

Emily Kingsbury
SLAB, LLC
75 Oak Street
Portland, ME 04101

Project Name:	Conditional Use for Commercial Kitchen	**Project ID:**	CU-002672-2023
Address:	75 Oak Street	**CBL:**	037-C016-001
Applicant:	SLAB, LLC		
Planner:	Natasha Kypfer		

Dear Emily Kingsbury:

On November 28 2023, the Planning Board approved a conditional use application to permit the operation of a 425 square foot commercial kitchen (low-impact industrial use) at 75 Oak Street, located in the B-3 Downtown Business zone, the Downtown Entertainment Overlay Zone (DEOZ) and the Congress Street Historic District. Based upon the information provided to the Board in the application, plans, reports, through testimony and other information submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in the Planning Board Report for the public hearing on November 28, 2023, which is attached hereto and incorporated herein by reference. Based upon those findings, conclusions and recommendations, the Planning Board found that the application met all relevant standards and voted (insert vote) to approve the application.

Conditional Use

Based upon the information provided to the Board in the application, plans, reports, through testimony and other information as submitted by the applicant, the Planning Board adopted the findings, conclusions and recommendations contained in Section XI of the Planning Board Report for the public hearing on November 28, 2023, which is attached hereto and incorporated herein by reference. The Planning Board voted [insert vote] to find that the proposed conditional use for a commercial kitchen meets the general conditional use standards as listed in Section 6.5.2 in the Land Use Code, and the supplemental conditional use standards for industrial uses in the B-3 zone, as listed in Section 6.5.6.E of the Land Use Code.

The conditional use approval is valid from six months from the date of approval, unless the conditional use has been commenced within that period, consistent with section 6.5.5 of the City of Portland Land Use Code. This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. Separate Building Permits Are Required This approval does not constitute approval of building plans, which must be reviewed and approved by the City of Portland's Permitting and Inspections Department.

2. Department of Public Works Permits If work or obstructions will occur within the public right-of-way, such as utilities, curb, sidewalk, driveway construction, site deliveries and equipment siting, a Street Opening and/or Occupancy Permits are required for your site. Please contact the Department of Public Works Permit Clerk at (207) 874-8300, ext. 8828. (Only excavators licensed by the City of Portland are eligible.)

3. Impact Fees New development or changes of use that result in net new residential dwelling units, non- residential building square footage, or water meters, are subject to the City of Portland's impact fee ordinance (Chapter 14, Article XVII). Impact fees are calculated at the time of building permit and must be paid prior to the certificate of occupancy. For more information, visit https://www.portlandmaine.gov/2409/Impact-Fees

If there are any questions, please contact Natasha Kypfer at (207) 874-8725 or via email at nkypfer@portlandmaine.gov.

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:

1. Planning Board Report

Att. 2

Dear Emily Kingsbury and Meredith Richardson,

We have completed our review of your application (CU-00672-2023) proposing to develop a 425 square foot space to serve as a commercial kitchen, at 75 Oak Street in the B-3 Downtown Business zone. This development triggers conditional use review by the Planning Board for a low-impact industrial use, and is subject to the following regulations:

- Conditional Use, General – Article 6.5
- Conditional Use, Supplemental use-specific standards – Article 6.5.6.E
- Zoning – Table 6-C

An overview of the City's review can be viewed in the attached project review worksheet and peer review comments.

Next Steps
Please review all feedback and reach out to the project review manager, Natasha Kypfer, if you have any questions or would like to discuss this feedback in more detail.

Based upon the City's findings related to your application, the City will advance this application for a hearing with the Planning Board, the date of which is still being coordinated but, once scheduled, I will advise of the date.

Sincerely,

Natasha Kypfer
Planner

Attachments
1. Conditional Use Worksheet

Conditional Use Review (Sec. 6.5)		
General Conditional Use Standards (Sec. 6.5.2)		
Standard	***Discussion***	***Finding***
Traffic, hours of operation, expanse of pavement, and off-street parking	Overview: This application from Slab LLC (whose dining facility presently operates out of 25 Preble Street), proposes the operation of a separate, small commercial production kitchen in which to run a pizza wholesale company, at 75 Oak Street. The location has street frontage on Oak Street and is positioned equidistance in between Shepley Street and Congress Street. The applicant proposes to utilize solely 425 square feet of space at the subject property; a copy of the lease has been provided with the application. No on-site parking will be needed as part of this application, as reported by applicant: one (1) parking spot is leased at 84 Oak Street. Updates Requested • No action is required.	Met
Will not cause unsanitary or harmful conditions	Overview: The applicant proposes no environmental impact with the change of use of this space, and the collection of trash/recycling created on the premises will be disposed of at the designated bin receptacle. Updates Requested • Peer reviewer requests that: *It is assumed that any grease trap requirements for the proposed kitchen will be worked out as part of the building permitting process.*	Met
Design and operation of the proposed use will not have substantially greater impact than other allowable uses in the zone	Overview: This site is entirely built out, and the project does not involve any change to the existing structure. Per the applicant, staff will be on-site Monday-Friday's between 7:00am and 3:00pm only. Additionally, food deliveries will occur 1x/week and the distributor will pick-up the frozen pizzas 1x/week. Updates Requested • No action is required.	Met
Use Specific Conditional Use Standards (Sec. 6.5.6.E)		
Standard	***Discussion***	***Finding***
In the B-3 zone	Overview: ➢ The floor area devoted to this low industrial use is far below the 10,000 square foot threshold, at 425 square feet. ➢ No change is expected to associated vehicular loading, unloading, parking, circulation, and traffic volumes. ➢ The subject property is not in the PAD Overlay Zone. ➢ The structure pre-dates 1991, and the times specified under criteria E.2.d.iii. will be adhered to with regard to delivery trips and their frequency. Updates Requested • While this section was indicated as "N/A" on the submittal checklist, the provided project review letter provides the needed information.	Met

September 27, 2023

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

RE: 75 Oak Street

To The Planning Board of Appeals,

I am submitting this on behalf of Slab LLC, asking for a conditional, low-impact industrial use (commercial kitchen) zoning allowance for 75 Oak Street. Currently 75 Oak St. is zoned for retail and has most recently been used by the former owners of Nosh Kitchen Bar as a production kitchen for the restaurant. We are looking to use the space as a production kitchen for a small frozen pizza wholesale company.

We are leasing the 425 square foot space at 75 Oak Street from Meredith Richardson with Bentley Building LLC. You can find our lease attached to this application.

There will be no change or potentially less traffic for Oak Street with this use change. We lease a parking spot in the lot up the street at 84 Oak St. so our small staff does not need to park on the street. Our staff will be in the space from 7am until 3pm Monday through Friday. Food deliveries occur one day a week and our distributor picks up pizza one day a week.

There will be no environmental impact with the change in use of this space. Any trash or recycling created on the premise is disposed of in our designated bin at 84 Oak St, the same bin used by the previous tenants in the space. No change will happen to the structure and there will be no impact to the surrounding properties.

We look forward to working with you and the Planning Staff in the review of this project. Please feel free to contact me to discuss any questions or concerns you may have regarding the application.

Sincerely,
Emily Kingsbury
Slab LLC

CITY OF PORTLAND
Planning & Urban Development Department

CONDITIONAL USE – PLANNING BOARD REVIEW SUBMISSION CHECKLIST

Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

Conditional uses are listed in the land use code for each zone. The applicant must address the general standards as well as any use- or zone-based conditional use standards contained in Article 6.5 of the land use code in the written application.

GENERAL APPLICATION DOCUMENTS		
Yes	N/A	**Project Description** • Cover letter with detailed project description
Yes	N/A	**Completed Checklist – Conditional Use** (this document)
Yes	N/A	**Evidence of Right, Title and Interest** • Deeds, leases, or purchase and sales agreements
CONDITIONAL USE STANDARDS AND CRITERIA		
Yes	N/A	**Traffic** • Demonstrate that the volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the zone.
Yes	N/A	**Environmental Impacts** • Demonstrate that the proposed use will not create any unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.
Yes	N/A	**Design and Operation** • Demonstrate that the design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.
Yes	N/A	**Use- and Zone-Specific Criteria** • Address any use- or zone-specific standards in Sections 6.5.6 and 6.5.7 of the land use code.

COMMERCIAL LEASE (MODIFIED GROSS/GROSS)

1. PARTIES	Bentley Building LLC, with a mailing address of 104 Main St Unit 1671, Blue Hill, ME 04614, ("LANDLORD"), hereby leases to Slab LLC, with a mailing address of 25 Preble Street, Portland, Maine, 04101. ("TENANT"), and TENANT hereby leases from LANDLORD the following demised premises:
2. LEASED PREMISES	("Leased Premises")
A. DEMISED PREMISES	The Leased Premises are located at Bentley Building, 75 Oak Street, Portland, Cumberland County, Maine at the corner of Congress Street and Oak Street. The Leased Premises are deemed to contain approximately 475 +/- square feet. The Leased Premises are accepted in "as is" condition. TENANT acknowledges that: (a) LANDLORD has made no representations, and TENANT is not relying on any representations, about the Leased Premises, their suitability for any particular use and/or the physical condition thereof; and (b) that TENANT has conducted its own due diligence inquiries with respect to the Leased Premises and is satisfied with the results thereof.
3. TERM	The term of this Lease shall be for Ten (10) years and Twenty (20) days, unless sooner terminated as herein provided, commencing on July 11 2022 (the "Commencement Date") and ending on July 31 2032. LANDLORD shall deliver possession of the Leased Premises to TENANT on or before July 11 2022 All of TENANT's obligations under this Lease shall commence upon delivery of possession of the Leased Premises, except for those obligations that expressly commence on the Commencement Date.
4. RENT	Commencing on the Commencement Date, TENANT shall pay to LANDLORD the following base rent:

Lease Year	Annual Base Rent (Modified Gross/Gross)	Monthly Rent (Modified Gross/Gross)
1	$18,000.00	$1,500.00

payable in advance in equal monthly installments on the first day of each month during the term of this Lease, without deduction or setoff. Said base rent shall be prorated for portions of a calendar month at the beginning or end of said Lease term.

All payments of base rent and other amounts due to LANDLORD pursuant to this Lease are to be made to LANDLORD or to such agent and at such place as LANDLORD shall from time to time in writing designate. If TENANT does not pay base rent, supplemental and additional rents, or other fees and charges when due pursuant to the term of this Lease, then LANDLORD, in its sole discretion, may charge, in addition to any other remedies it may have, a late charge for each month or part thereof that TENANT fails to pay the amount due after the due date. The late charge shall be equal to five percent (5%) of the amount due LANDLORD each month in addition to the rent then due.

The monthly Base Rent shall be increased on August 1, 2023 and each succeeding August 1 during the Initial Term by the annual percentage increase in the all Northeast Region CPI-U, all items index, all urban consumers, not seasonally adjusted 1982-84=100 CPI Index between the two most recent months of June preceding each August 1 increase. (Found on bls.gov) Notwithstanding the above, in no instance shall Base Rent be less than three and one half percent (3.5%) over the Base Rent paid in the last year of the initial term (or any extension thereof).

5. RENEWAL OPTION	So long as TENANT is not in default of this Lease at the time of exercise of TENANT's renewal option, TENANT shall have the option to renew this Lease for Two (2) term(s) of Five (5) year(s). In order to exercise TENANT's option, TENANT shall notify LANDLORD in writing of its intention to exercise its option no later than one hundred and eighty (180) days (February 1, 2032) prior to the end of the then-current Lease term, said renewal to be upon the same terms and conditions set forth in this Lease except for base rent, which shall be as follows:

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	FIRST RENEWAL TERM: The base rent for the first renewal term shall be set at fair market value for a first-class restaurant based on the then current market conditions, provided, however, in no event shall the base rent during the first year of the renewal term be less than the year 10 base rent of the current lease plus the annual increase (the "Floor Rent"). Annual increases during the renewal term shall be CPI (as defined above in Item 4.) or 3.5%, whichever is greater. If the TENANT fails to provide the renewal notice in a timely manner, the TENANT'S renewal option shall expire on February 1, 2032. The LANDLORD and TENANT shall make reasonable efforts to agree on the fair market value prior to March 1, 2032. If they are unable to agree on the rent, the LANDLORD and TENANT shall agree on a commercial real estate appraiser or broker whose determination of rent for the renewal term shall be binding (subject to the Floor Rent requirement set forth above). During the renewal term, this Lease shall remain in effect and the TENANT and LANDLORD shall execute a written agreement confirming the renewal and the base rent prior to April 1, 2032. SECOND RENEWAL TERM: The base rent for the second renewal term shall be set at fair market value for a first-class restaurant based on the then current market conditions, provided, however, in no event shall the base rent during the first year of the renewal term be less than the year 5 base rent of the first renewal term plus the annual increase (the "Floor Rent"). Annual increases during the renewal term shall be CPI (as defined above in Item 4.) or 3.5%, whichever is greater. If the TENANT fails to provide the renewal notice in a timely manner, the TENANT'S renewal option shall expire on February 1, 2037. The LANDLORD and TENANT shall make reasonable efforts to agree on the fair market value prior to March 1, 2037. If they are unable to agree on the rent, the LANDLORD and TENANT shall agree on a commercial real estate appraiser or broker whose determination of rent for the renewal term shall be binding (subject to the Floor Rent requirement set forth above). During the renewal term, this Lease shall remain in effect and the TENANT and LANDLORD shall execute a written agreement confirming the renewal and the base rent prior to April 1, 2037. In the event that TENANT fails to perform its obligations under this Article, the option shall be deemed not to have been exercised.
6. SECURITY DEPOSIT	Upon execution of this Lease, TENANT shall pay to LANDLORD the amount of one thousand five hundred Dollars ($1,500.00) ("Security Deposit"), which shall be held as a security for TENANT's performance as herein provided. LANDLORD, at its option and at any time, may use the Security Deposit in whole or in part to cure any default of TENANT hereunder. LANDLORD shall promptly notify TENANT of any such use of the Security Deposit. TENANT shall immediately replenish the Security Deposit to its full amount any time that all or any portion thereof is applied or used by LANDLORD to cure any default of TENANT hereunder. Any unused portion of the Security Deposit shall be refunded to TENANT without interest at the end of this Lease provided that TENANT has satisfactorily complied with the terms and conditions of this Lease.
7. RENT ADJUSTMENT	
A. TAXES	Commencing on the Commencement Date if, in any tax year commencing with the fiscal year 2023, the real estate taxes on the land and buildings of which the Leased Premises are a part, are in excess of the amount of the real estate taxes thereon for the fiscal year 2022 (hereinafter called the "Tax Base Year"), TENANT will pay LANDLORD as additional rent hereunder, in accordance with subparagraph C of this Article, five and one tenths percent (5.1%) of the excess of the real estate taxes for the relevant tax year over those for the Tax Base Year, in each year of the term of this Lease and any extension or renewal thereof, and a prorated amount thereof for any part of a fiscal year in which this Lease commences or ends. If LANDLORD obtains an abatement of any such excess real estate taxes, a proportionate share of such abatement, less the reasonable fees and costs incurred in obtaining the same, if any, shall be refunded to TENANT.

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B. OPERATING COSTS	Commencing on Commencement Date, TENANT shall pay to LANDLORD as additional rent due hereunder, in accordance with subparagraph C of this Article, five and one tenths percent (5.1%) of any increase in "operating expenses" for each year of the Lease term and any extension or renewal thereof, and a prorated amount thereof for any part of any fiscal year in which this Lease commences or ends, over the amount of such operating expenses incurred during the calendar year 2022 ("Operating Base Year"). "Operating expenses" are defined for the purposes of this Lease as the operating expenses per annum of the building and its appurtenances and all exterior areas, yards, plazas, sidewalks, landscaping, parking areas, and the like that are then (i.e., as of the last day of the relevant calendar year) located outside of the building but related thereto and the parcels of land on which they are located (said building, appurtenances, exterior areas, and land hereinafter referred to in total as the "Property"). Operating expenses include, but are not limited to: (i) all costs of furnishing electricity, heat, air conditioning, water and sewer and other utility services and facilities to the Property; (ii) all costs of any insurance carried by LANDLORD related to the Property; (iii) all costs for common area cleaning and janitorial services; (iv) all costs of maintaining the Property including the operation and repair of heating and air conditioning equipment and any other common building equipment, non-capital roof repairs and all other repairs, improvements and replacements required by law or necessary to keep the Property in a well maintained condition; (v) all costs of snow and ice removal, landscaping and grounds care; (vi) all other costs of the management of the Property, including, without limitation property management fees; and (vii) all other reasonable costs relating directly to the ownership, operation, maintenance and management of the Property by LANDLORD.
C. PAYMENT OF RENT ADJUSTMENTS	During each year of the term of this Lease and any extension or renewal thereof, TENANT shall make monthly estimated payments to LANDLORD, as additional rent for TENANT'S share of the increase in real estate taxes and operating expenses (as described in subparagraphs A. and B. above) for the then-current year. Said estimated monthly payments shall be made along with base rent payments and shall be equal to one twelfth (1/12) OF TENANT'S annualized share of the projected increase in taxes and expenses for the current year. After the end of each calendar year, LANDLORD shall deliver to TENANT a statement showing the amount of such taxes and expenses and also showing TENANT'S share of the same. Such statement shall be deemed accurate by TENANT unless LANDLORD receives written objection thereto from TENANT within sixty (60) days of receipt by TENANT of such statement. TENANT shall, within thirty (30) days after such delivery, pay TENANT'S share to LANDLORD, as additional rent, less any estimated payments. If the estimated payments exceed TENANT'S share, then the excess shall be applied to the next year's monthly payments for estimated additional rent, or, at the termination of this Lease, shall be refunded to TENANT if TENANT is current with respect to all payments due under this Lease.
8. UTILITIES	TENANT shall pay, as they become due, all bills for electricity and other utilities (whether they are used for furnishing heat or other purposes) that are furnished to the Leased Premises whether separately metered or billed back by LANDLORD to TENANT on a pro rata share basis, all bills for fuel furnished to a separate tank servicing the Leased Premises exclusively, and all charges for telephone or other communication systems used at and supplied to the Leased Premises. TENANT shall also reimburse LANDLORD for TENANT'S share of LANDLORD'S water and sewer costs, as determined by a water flow meter, within ten (10) business days of delivery of a bill to TENANT therefor. In the even that utilities supplied to the lease premises are not separately metered, TENANT shall pay LANDLORD within ten (10) business days of presentation of a statement therefor, TENANT'S proportionate share of such utilities as such proportionate share is reasonable determined by LANDLORD. LANDLORD shall have no obligation to provide utilities or equipment other than the utilities and equipment within the Leased Premises as of the commencement date of this Lease. In the event TENANT requires additional utilities or equipment, the installation and maintenance thereof shall be TENANT's sole obligation, provided that such installation shall be subject to the written consent of LANDLORD.
9. USE OF LEASED PREMISES	TENANT shall use the Leased Premises only for the purpose of: food preparation. TENANT shall comply with all of the terms and conditions of the Restaurant Rider attached hereto as Exhibit A, which Rider is incorporated herein by reference. Neither LANDLORD nor LANDLORD's BROKER have made any representations to TENANT regarding the uses of the Leased Premises allowed under applicable law or

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	other restrictions of record, and TENANT acknowledges and agrees that TENANT assumes all responsibility and risk for investigating the same.
10. COMPLIANCE WITH LAWS	TENANT agrees to conform to the following provisions during the entire term of this Lease and any extensions and renewals hereof: (i) TENANT shall not injure or deface the Leased Premises, the building, or any portion of the Property; (ii) No auction sale, inflammable fluids, chemicals, nuisance, or objectionable noise or odor shall be permitted on the Leased Premises or any portion of the Property; (iii) TENANT shall not permit the use of the Leased Premises or any portion of the Property for any purpose other than set forth herein or any use thereof which is improper, offensive, contrary to law or ordinance, or liable to invalidate or increase the premiums for any insurance on the Leased Premises, the building and its contents, or any portion of the Property, or liable to render necessary any alterations or additions to the building or the Property; and (iv) TENANT shall not obstruct in any manner any portion of the building or the Property not hereby demised or the sidewalks or approaches to said building or any inside or outside windows or doors; however, outside tables and chairs shall be permitted in compliance with municipal ordinances and provided that such tables and chairs do not in any way obstruct the Congress Street entrance to the second floor of the building. TENANT shall not plan any music in the leased premises that is audible from the sidewalk or any space outside the walls of the leased premises prior to 6:00 pm, and TENANT shall make efforts not to offend or annoy occupants of adjacent space with music, whether liver or pre-recorded, played in the leased premises and shall comply with all applicable laws, regulations, codes, and ordinances with respect to noise. TENANT shall install, at TENANT'S expense, a sound deadening wall on the exposed brick wall between the existing kitchen and bar area and other recommended noise mitigation measures if LANDLORD or the City or Portland receive complaints regarding noise from the occupants of the building or other buildings in the vicinity of the building. The sound deadening wall and other noise mitigation measures shall be constructed according to the recommendations of and a design prepared by a sound engineer, the cost of such design to be borne by TENANT, which design must be acceptable to LANDLORD in its reasonable discretion. TENANT shall observe and comply with all codes, ordinances, laws, regulations, and other governmental or quasi-governmental orders or inspections affecting TENANT, the Leased Premises, the Property and/or TENANT's use thereof, and all reasonable rules and security regulations now or hereafter made by LANDLORD for the care and use of the Leased Premises, the building, and the Property. TENANT agrees to keep the Leased Premises equipped with all safety appliances and make all accessibility alterations, improvements or installations to the building, and/or accommodations in TENANT's use thereof, as are required by law or any public authority, including without limitation the Americans with Disabilities Act, as a result of TENANT's use or occupancy of the Leased Premises or TENANT's alterations or additions thereto, which alterations, improvements and installations shall be subject to LANDLORD's written consent as provided in this Lease. TENANT shall not place, or allow to be place, on any windows in the leased premises any stickers, flyers, posters or other materials taped or otherwise stuck to the windows.
11. MAINTENANCE	
A. TENANT'S OBLIGATIONS	TENANT acknowledges by entry thereupon that the Leased Premises are in good and satisfactory order, repair, and condition, and covenants during the Lease term and such further time as TENANT holds any part of the Leased Premises to keep said Leased Premises (including without limitation windows, doors and systems exclusively serving the Leased Premises) in as good order, repair and condition as the same are in at the commencement of the Lease term, or may be put in thereafter, damage by fire or unavoidable casualty and reasonable use and wear only excepted. Notwithstanding anything to the contrary herein, if TENANT has leased ground floor space, TENANT covenants to keep all plate glass windows appurtenant to the Leased Premises in good repair and condition, including replacing windows with failed seals, and to carry adequate insurance to provide for the replacement of any such plate glass which is damaged or destroyed. Notwithstanding anything to the contrary herein, TENANT shall be responsible for the expense of any and all maintenance and repairs to the Leased Premises, the building, and the Property arising out of the negligence or willful misconduct of TENANT or any of its employees, contractors, agents, customers, or invitees, and TENANT shall pay all such amounts promptly upon request by LANDLORD.

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	All of TENANT'S work to the leased premises, including TENANT'S signage, shall be at TENANT'S sole expense and shall be subject to review and prior written approval of LANDLORD, which approval shall not be unreasonable withheld, conditioned or delayed. Any of TENANT'S work to the leased premises shall be performed (i) in a good and workmanlike manner to a standard compatible with the finish of the leased premises and (ii) in accordance with all applicable laws, regulations, codes and ordinances and in accordance with the terms of the Lease and (iii) performed by contractors acceptable to LANDLORD, in LANDLORD'S reasonable discretion, and by licensed contractors where licensing is required by law.
B. LANDLORD'S OBLIGATIONS	LANDLORD agrees to maintain and repair the roof, exterior walls and structure of the building of which the Leased Premises are a part, in the same condition as they are at the commencement of the Lease term or as it may be put in during the term of this Lease, excepting only reasonable wear and tear, damage by fire and other casualty, unless such maintenance or repair is made necessary by fault or neglect of TENANT or the employees, contractors, agents or invitees of TENANT, in which case such maintenance or repair shall be at the expense of TENANT and TENANT shall pay all costs therefor. LANDLORD shall provide general sidewalk snow removal and sanding after snowstorms, but TENANT shall be responsible for removal of interim accumulations of snow during snowstorms and for mitigation of icing directly in front of the entrance and exit doors of the leased premises.
12. ALTERATIONS-ADDITIONS	TENANT shall not make any alterations or additions to the Leased Premises, the building or the Property, or permit the making of any holes in any part of said building (except nail holes for hanging art), or paint or place any signs, drapes, curtains, shades, awnings, aerials or flagpoles or the like without LANDLORD'S written consent in each instance, such consent not to be unreasonably withheld. With respect to alterations or additions that are (i) structural, (ii) affect in any manner the ornate plaster ceiling or involve painting or covering the exposed brick walls, or (iii) that alter the exterior appearance of the building from the street (including window treatments), LANDLORD shall be entitled to withhold its consent in its sole discretion. TENANT shall not permit anyone except TENANT to use any part of the Leased Premises for desk space for mailing privileges without on each occasion obtaining prior written consent of LANDLORD. TENANT shall not suffer or permit any lien of any nature or description to be placed against the building, the Leased Premises, the Property or any portion thereof. In the case of any such lien attaching, TENANT shall immediately pay and remove the same; provided, that this provision shall not be interpreted as meaning that TENANT has any authority or power to permit any lien of any nature or description to attach or to be placed upon LANDLORD's title or interest in the building, the Leased Premises, the Property or any portion thereof.
13. ASSIGNMENT-SUBLEASING	TENANT shall not by operation of law or otherwise, assign, mortgage or encumber this Lease, or sublet or permit the Leased Premises or any part thereof to be used by others, without LANDLORD's prior express written consent in each instance [which consent shall not be unreasonably withheld] (*cross out if not applicable*), In any case where LANDLORD shall consent to such assignment or subletting, TENANT named herein shall remain fully liable for the obligations of TENANT hereunder, including, without limitation, the obligation to pay rent and other amounts provided under this Lease. For purposes of this Lease, the sale of controlling interest in the stock of a corporate TENANT, sale of the controlling membership interest in an LLC or similar entity, or the change of a general partner of a partnership TENANT shall constitute an assignment of this Lease.
14. SUBORDINATION AND QUIET ENJOYMENT	This Lease automatically shall be subject and subordinate to any and all mortgages, deeds of trust and other instruments in the nature of a mortgage, that are now or at any time hereafter a lien or liens on the Property, and TENANT shall, within ten (10) days after they are requested, promptly execute and deliver such written instruments as shall be necessary to show the subordination of this Lease to said mortgages, deeds of trust or other such instruments in the nature of a mortgage. Provided TENANT performs all of its obligations and complies with all terms and conditions set forth in this Lease, TENANT shall be entitled to the quiet enjoyment of the Leased Premises; provided, that TENANT covenants that it holds the Premises subject to all easements, covenants and other matters of record, and agrees to abide by same to

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	the extent the same affect the Leased Premises. TENANT agrees to sign within ten (10) days after they are requested, such estoppel certificates as are requested by LANDLORD or LANDLORD's lender.
15. LANDLORD'S ACCESS	LANDLORD or agents of LANDLORD may, at all reasonable times during the term of this Lease, enter the Leased Premises; (i) to examine the Leased Premises and, if LANDLORD shall so elect, to make any repairs or additions LANDLORD may deem necessary and, at TENANT's expense, to remove any alterations, additions, signs, drapes, curtains, shades, awnings, aerials or flagpoles, or the like, not consented to by LANDLORD in writing; (ii) to show the Leased Premises to prospective purchasers or mortgagees; and (iii) to show the Leased Premises to prospective tenants during the nine (9) months preceding the expiration of this Lease. LANDLORD reserves the right at any time within nine (9) months before the expiration of this Lease to affix to any suitable part of the Leased Premises a notice for leasing the Leased Premises and to keep the signage affixed without hindrance or molestation. LANDLORD also reserves the right at any time to affix to any suitable part of the Leased Premises a notice for selling the Leased Premises or property of which the Leased Premises are a part and to keep the signage affixed without hindrance or molestation. TENANT acknowledges and agrees that LANDLORD may need do work on the exterior of the building and that such work may require the temporary erection of scaffolding on the exterior of the building and that, provide LANDLORD uses commercially reasonable efforts to mitigate the disruption of TENANT'S business caused by such activities, such activities shall not be a breach of the Lease or of the covenant of quiet enjoyment or result in a constructive eviction.
16. INDEMNIFICA-TION AND LIABILITY	
A. TENANT'S INDEMNIFICA-TION	TENANT will defend and indemnify LANDLORD and its owners, employees, agents and management company for , and save them harmless from, any and all injury, loss, claim, damage, liability, and expense (including reasonable attorneys' fees) in connection with loss of life, personal injury, or damage to property or business, arising from, related to, or in connection with the occupancy or use by TENANT of the Leased Premises or any part of the Property, or occasioned wholly or in part by any act or omission of TENANT, its contractors, subcontractors, subtenants, licensees, invitees, customers or concessionaries, or its or their respective owners, agents, servants or employees while on or about the Leased Premises or the Property; provided, that the foregoing indemnification obligation shall not apply to any injury, loss, claim, damage, liability, and expense caused solely by the negligence or willful conduct of LANDLORD. TENANT shall pay all expenses, including reasonable attorneys' fees, incurred by LANDLORD in successfully enforcing any obligation, covenant, or agreement of this Lease or resulting from TENANT's breach of any provisions of this Lease (including without limitation any attorneys' fees incurred to monitor or intervene in any bankruptcy proceeding involving TENANT), or TENANT's breach of the provisions of any document, settlement or other agreement related to this Lease. TENANT agrees not to assert immunity under workers' compensation laws as a defense to the enforcement by LANDLORD of the foregoing indemnity. The provisions of this Article shall survive the termination or earlier expiration of the term of this Lease. Except as set forth in subparagraph B of this Article, and without limitation of any other provision herein, neither LANDLORD nor its owners, employees, agents or management company shall be liable for, and TENANT hereby releases such persons from all claims for, any loss of life or injuries to any person, or damages to property or business, sustained by TENANT or any person claiming through TENANT due to the building, the Property or any part thereof (including the Leased Premises), or any appurtenances thereof, being in need of repair or due to the happening of any accident in or about the Leased Premises or the Property, or due to any act or negligence by TENANT or of any owner, agent, employee, customer, invitee or visitor of TENANT. Without limitation, this provision shall apply to injuries or damage caused by nature, rain, snow, ice, wind, frost, water, steam, gas or odors in any form or by the bursting or leaking of windows, doors, walls, ceilings, floors, pipes, gutters, or other fixtures; and to damage caused to fixtures, furniture, equipment and the like situated at the Leased Premises, whether owned by TENANT or others.
17. TENANT'S LIABILITY INSURANCE	TENANT shall (i) insure TENANT and LANDLORD, and LANDLORD'S mortgagee as additional named insureds, with commercial general liability coverage, on an occurrence basis and in such amounts and with such Maine-admitted companies and against such risks as LANDLORD shall reasonably require

	and approve, but in amounts not less than two million Dollars ($2,000,000) combined single limit with deductibles of not more than $5,000 per occurrence, and (ii) insure LANDLORD and TENANT, as their interests appear, against loss of the contents and improvements of the Leased Premises under standard MAINE all risk perils form, or its equivalent, in such amounts and with such Maine admitted companies as LANDLORD shall reasonably require and approve, with waiver of subrogation if such waiver can be obtained without charge. TENANT shall deposit with LANDLORD certificates for such insurance at or prior to the commencement of the term, and thereafter within thirty (30) days prior to the expiration of any such policies, and TENANT promptly shall deliver to LANDLORD complete copies of TENANT's insurance policies upon request from LANDLORD. All of the foregoing insurance policies shall provide that such policies shall not be cancelled without at least thirty (30) days prior written notice to each insured named therein. TENANT shall list LANDLORD as an additional named insured or loss payee, as the case may be, in all policies required by this Article.
18. FIRE CASUALTY-EMINENT DOMAIN	Should a substantial portion of the Leased Premises, or of the Property, be damaged by fire or other casualty, or be taken by eminent domain, LANDLORD may elect to terminate this Lease. When such fire, casualty, or taking renders the Leased Premises unfit for use and occupation and LANDLORD does not so elect to terminate this Lease, a just and proportionate abatement of rent shall be made until the Leased Premises, or, in the case of a partial taking, what may remain thereof, shall have been put in proper condition for the use and occupation. LANDLORD reserves and excepts all rights to damages to the Leased Premises, the building, the Property and the leasehold hereby created, accrued or subsequently accruing by reason of anything lawfully done in pursuance of any public, or other, authority; and by way of confirmation, TENANT grants to LANDLORD all TENANT's rights to such damages and covenants to execute and deliver such further instruments of assignment thereof as LANDLORD may from time to time request. LANDLORD shall give TENANT notice of its decision to terminate this Lease or restore the premises within ninety (30) days after any occurrence giving rise to LANDLORD's right to so terminate or restore. Notwithstanding anything to the contrary contained herein, LANDLORD's obligation to put the Leased Premises, the building or the Property in proper condition for use and occupation shall be limited to the amount of the proceeds from any insurance policy or policies or of damages which accrue by reason of any taking by a public or other authority, which are available to LANDLORD for such use.
19. DEFAULT AND BANKRUPTCY	In the event that: (a) TENANT shall default in the payment of any installment of rent or other sum herein specified when due, which default is not corrected within seven (7) days after written notice thereof; or (b) TENANT shall default in the observance or performance of any other of the TENANT's covenants, agreements, or obligations hereunder and such default shall not be corrected within ten (10) days after written notice thereof; or (c) The leasehold hereby created shall be taken on execution, or by other process of law; or (d) Any assignment shall be made of TENANT's property for the benefit of creditors, or a receiver, guardian, conservator, trustee in bankruptcy or similar officer shall be appointed by a court of competent jurisdiction to take charge of all or any part of TENANT's property, or a petition is filed by TENANT under any bankruptcy, insolvency or other debtor relief law, then and in any of said cases (notwithstanding any license of any former breach of covenant or waiver of the benefit hereof or consent in a former instance), LANDLORD shall be entitled to all remedies available to LANDLORD at law and equity including, without limitation, the remedy of forcible entry and detainer, and LANDLORD lawfully may, immediately or at any time thereafter, and without demand or notice, mail a notice of termination to TENANT, or, if permitted by law, enter into and upon the Leased Premises or any part thereof in the name of the whole and repossess the same as of its former estate, and expel TENANT and those claiming through or under it and remove it or their effects without being deemed guilty of any manner of trespass, and without prejudice to any remedies which might otherwise be used for arrears of rent or preceding breach of covenant, and upon such mailing or entry as aforesaid, this Lease shall terminate; and TENANT covenants and agrees, notwithstanding any entry or re-entry by LANDLORD, whether by summary proceedings, termination or otherwise, that TENANT shall, as of the date of such termination, immediately be liable for and pay to LANDLORD the entire unpaid rental and all other balances due under this Lease for the remainder of the term. In addition, TENANT agrees to pay

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	to LANDLORD, as damages for any above described breach, all costs of reletting the Leased Premises including without limitation real estate commissions and costs of renovating the premises to suit any new tenant, and TENANT agrees to reimburse LANDLORD for all attorneys' and paralegals' fees incurred by LANDLORD in connection with a TENANT default, including without limitation such fees incurred in connection with a bankruptcy proceeding.
20. NOTICE	Any notice from LANDLORD to TENANT relating to the Leased Premises or to the occupancy thereof, shall be deemed duly served, if left at the Leased Premises addressed to TENANT, or upon mailing to the Leased Premises, certified mail, return receipt requested, postage prepaid, addressed to TENANT. Such notice shall be deemed served on the date of hand delivery to the Leased Premises or on the date postmarked, and any time period in this Lease running from the date of notice shall commence on the date of delivery or postmark. Any notice from TENANT to LANDLORD relating to the Leased Premises or to the occupancy thereof, shall be deemed duly served, if mailed to LANDLORD by certified mail, return receipt requested, postage prepaid, addressed to LANDLORD at LANDLORD's address set forth in Article I, or at such other address as LANDLORD from time to time advise in writing.
21. SURRENDER	TENANT shall at the expiration or other termination of this Lease peaceably yield up the Leased Premises and all additions, alterations, fixtures (including those installed by TENANT), and improvements thereto in good order, repair and condition, damage by fire, unavoidable casualty, and reasonable wear and tear only excepted, first removing all goods and effects not attached to the Leased Premises, repairing all damage caused by such removal, and leaving the Leased Premises clean and tenantable. Notwithstanding anything in this Lease to the contrary, under no circumstances shall TENANT remove from the leased premises the kitchen ventilation system ductwork, and sinks, the bar, related shelfing, cabinetry, ventilation hood, ventilation system, and the halon fire suppression system. If LANDLORD in writing permits TENANT to leave any such goods and chattels at the Leased Premises, and TENANT does so, TENANT shall have no further claims and rights in such goods and chattels as against LANDLORD or those claiming by, through or under LANDLORD, and TENANT shall be deemed to have conveyed such items to LANDLORD unless LANDLORD elects to reject acceptance of the same.
22. HAZARDOUS MATERIALS	TENANT covenants and agrees that, with respect to any hazardous, toxic or special wastes, materials or substances including asbestos, waste oil and petroleum products (the "Hazardous Materials") which TENANT, its agents or employees, may use, handle, store or generate in the conduct of its business at the Leased Premises, TENANT will: (i) comply with all applicable laws, ordinances and regulations which relate to the treatment, storage, transportation and handling of the Hazardous Materials; (ii) that TENANT will in no event permit or cause any disposal of Hazardous Materials in, on or about the Leased Premises or the Property and in particular will not deposit any Hazardous Materials in, on or about the floor or in any drainage system or in the trash containers which are customarily used for the disposal of solid waste; (iii) that TENANT will, with advance notice and at all reasonable times, permit LANDLORD or its agents or employees to enter the Leased Premises to inspect the same for compliance with the terms of this Article and will further provide, upon five (5) days notice from LANDLORD, copies of all records which TENANT may be obligated by federal, state and/or local law to obtain and keep; (iv) that upon termination of this Lease, TENANT will at its expense, remove all Hazardous Materials, which came to exist on, in, or under the Leased Premises during the term of this Lease or any extensions thereof, from the Leased Premises, and comply with all local, state and federal laws as the same may be amended from time to time; and (v) TENANT further agrees to deliver the Leased Premises to LANDLORD at the termination of this Lease free of all Hazardous Materials which came to exist on, in, or under the Leased Premises during the term of this Lease or any extensions thereof. The terms used in this paragraph shall include, without limitation, all substances, materials, etc., designated by such terms under any laws, ordinances or regulations, whether federal, state or local.
23. LIMITATION OF LIABILITY	TENANT agrees to look solely to LANDLORD's interest in the Property for recovery of any judgment from LANDLORD or any of LANDLORD's partners, managers or owners, it being agreed that LANDLORD and any other such party is not personally liable for any such judgment. The provision contained in the foregoing sentence shall not limit any right that TENANT might otherwise have to obtain an injunctive relief against LANDLORD or LANDLORD's successors in interest, or any other such action

TENANT _____ LANDLORD _____

INITIAL ABOVE

	not involving the personal liability of LANDLORD and any other such party. Under no circumstances shall LANDLORD ever be liable for lost profits, indirect or consequential damages.
24. LANDLORD DEFAULT	LANDLORD shall in no event be in default in the performance of any of its obligations hereunder unless and until LANDLORD shall have failed to perform such obligations within thirty (30) days or such additional time as is reasonably required to correct any such default after notice by TENANT to LANDLORD properly specifying wherein LANDLORD has failed to perform any such obligation. Further, if the holder of the mortgage on the building of which the Leased Premises are a part notifies TENANT that such holder has taken over LANDLORD's rights under this Lease, TENANT shall not assert any right to deduct the cost of repairs or any monetary claim against lender or holder from rent thereafter due and accruing, but shall look solely to LANDLORD for satisfaction of such claim.
25. WAIVER OF RIGHTS	No consent or waiver, express or implied, by either party to or of any breach of any covenant, condition or duty of the other, shall be construed as a consent or waiver to or of any other breach of the same or other covenant, condition or duty.
26. SUCCESSORS AND ASSIGNS	The covenants and agreements of LANDLORD and TENANT shall run with the land and be binding upon and inure to the benefit of them and their respective heirs, executors, administrators, successors and assigns, but no covenant or agreement of LANDLORD, express or implied, shall be binding upon any person except for defaults occurring during such person's period of ownership nor binding individually upon any fiduciary, any shareholder or any beneficiary under any trust.
27. HOLDOVER	If TENANT fails to vacate the Leased Premises at the termination of this Lease, then the terms of this Lease shall be applicable during said holdover period, except for base rent, which shall be increased to two (2) times the then-current base rent for the period immediately preceding such termination; but this provision shall not be interpreted as consent or permission by LANDLORD for TENANT to holdover at the termination of this Lease and the terms of this holdover provision shall not preclude LANDLORD from recovering any other damages which it incurs as a result of TENANT's failure to vacate the Leased Premises at the termination of this Lease.
28. JURY TRIAL WAIVER	NOTWITHSTANDING ANYTHING IN THIS LEASE TO THE CONTRARY, TENANT AND LANDLORD, FOR THEMSELVES AND THEIR SUCCESSORS AND ASSIGNS, HEREBY KNOWINGLY, WILLINGLY, AND VOLUNTARILY WAIVE ANY AND ALL RIGHTS TENANT AND/OR LANDLORD MAY HAVE TO A TRIAL BY JURY IN ANY FORCIBLE ENTRY AND DETAINER ("FED") ACTION OR PROCEEDING BROUGHT BY LANDLORD OR LANDLORD'S SUCCESSORS AND/OR ASSIGNS BASED UPON ON RELATED TO THE PROVISIONS OF THIS LEASE. LANDLORD AND TENANT HEREBY AGREE THAT ANY SUCH FED ACTION OR PROCEEDING SHALL BE HEARD BEFORE A SINGLE JUDGE OF THE APPROPRIATE DISTRICT COURT OR A SINGLE JUDGE OF THE APPROPRIATE SUPERIOR COURT, OR A FEDERAL DISTRICT COURT JUDGE SITTING IN THE DISTRICT OF MAINE.
29. MISCELLANEOUS	If TENANT is more than one person or party, TENANT's obligations shall be joint and several. Unless repugnant to the context, "LANDLORD" and "TENANT" mean the person or persons, natural or corporate, named above as LANDLORD and TENANT respectively, and their respective heirs, executors, administrators, successors or assigns. LANDLORD and TENANT agree that this Lease shall not be recordable but each party hereto agrees, on the request of the other, to execute a Memorandum of Lease in recordable form and mutually satisfactory to the parties. If any provision of this Lease or its application to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease and the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by law. The submission of this Lease or a summary of some or all of its provisions for examination by TENANT does not constitute a reservation of or option for the Leased Premises or an offer to lease said premises, and this document shall become effective and binding only upon the execution and delivery hereof by both LANDLORD and TENANT. Employees or agents of LANDLORD have no authority to make or agree to make a lease or any other agreement or undertaking in connection herewith. All negotiations, considerations, representations and understandings between LANDLORD and TENANT are incorporated herein and no prior agreements or understandings, written

TENANT MR LANDLORD

INITIAL ABOVE

	or oral, shall be effective for any purpose. No provision of this Lease may be modified or altered except by agreement in writing between LANDLORD and TENANT, and no act or omission of any employee or agent of LANDLORD shall alter, change, or modify any of the provisions hereof. Time is of the essence of this agreement. This Lease shall be governed exclusively by the provisions hereof and by the laws of the State of Maine. The headings herein contained are for convenience only and shall not be considered a part of this Lease.
30. BROKERAGE	TENANT warrants and represents to LANDLORD that it has not dealt with any broker, finder or similar person concerning the leasing of the Leased Premises. In the event of any brokerage claims against LANDLORD by TENANT's BROKER or any other person making such a claim through TENANT, TENANT agrees to defend the same and indemnify LANDLORD against any such claim. LANDLORD warrants and represents to TENANT that it has not dealt with any broker, finder or similar person concerning the leasing of the Leased Premises
31. OTHER PROVISIONS	It is also understood and agreed that: TENANT shall have continued use of 1-2 cans for trash storage at the 84 Oak Street parking lot until September 30, 2023. Subsequent to September 30, 2023 the LANDLORD shall have the right to terminate the TENANT'S rights to trash storage at 84 Oak Street parking lot (and any other rights to the 84 Oak Street property) by providing 30 days advance written notice of termination to the TENANT. In the event the LANDLORD terminates the TENANT'S rights to the 84 Oak Street property, LANDLORD and TENANT shall work together to find a location to store trash. TENANT will clean and degrease the 75 Oak Street entrance as needed.

DISCLAIMER: THIS IS A LEGAL DOCUMENT. IF NOT FULLY UNDERSTOOD, CONSULT AN ATTORNEY.

(Signature Page Follows)

MR

TENANT LANDLORD

INITIAL ABOVE

32. GUARANTY

For value received, and in consideration for, and as an inducement to LANDLORD to enter into the foregoing Lease with TENANT, the undersigned, jointly and severally (together, "GUARANTOR"), do hereby unconditionally guaranty to LANDLORD the complete and due performance of each and every agreement, covenant, term and condition of the Lease to be performed by TENANT, including without limitation the payment of all sums of money stated in the Lease to be payable by TENANT. The validity of this guaranty and the obligations of the GUARANTOR hereunder shall not be terminated, affected or impaired by reason of the granting by LANDLORD of any indulgences to TENANT. This guaranty shall remain and continue in full force and effect as to any renewal, modification, assignment, subletting or extension of the Lease, whether or not GUARANTOR shall have received any notice of or consented to such renewal, modification, assignment, subletting or extension. GUARANTOR hereby waives notice of acceptance of this guaranty by LANDLORD, notice of default by TENANT under the Lease, and all suretyship and guarantorship defenses generally. The liability of GUARANTOR under this guaranty shall be primary, and in any right of action which shall accrue to LANDLORD under the Lease, LANDLORD may proceed against GUARANTOR and TENANT, jointly and severally, and may proceed against GUARANTOR without having commenced any action against or having obtained any judgment against TENANT. All of the terms and provisions of this guaranty shall inure to the benefit of the successors and assigns of LANDLORD and shall be binding upon the successors and assigns of GUARANTOR.

IN WITNESS WHEREOF, GUARANTOR has executed this Guaranty this 18th day of July, 2022.

GUARANTOR:

Matthew Moran
Legal Name of Guarantor

Signature

Witness to Guarantor

GUARANTOR:

Jason Loring
Legal Name of Guarantor

Signature

Witness to Guarantor

GUARANTOR:

Emily Kingsbury
Legal Name of Guarantor

Signature

Witness to Guarantor

TENANT LANDLORD

INITIAL ABOVE

IN WITNESS WHEREOF, the said parties hereunto set their hands and seals this 18th day of July, 2022.

TENANT: SLAB LLC

Signature

MATHEW J MORAN
BY:

Witness to TENANT

LANDLORD: BENTLEY BUILDING LLC

Signature

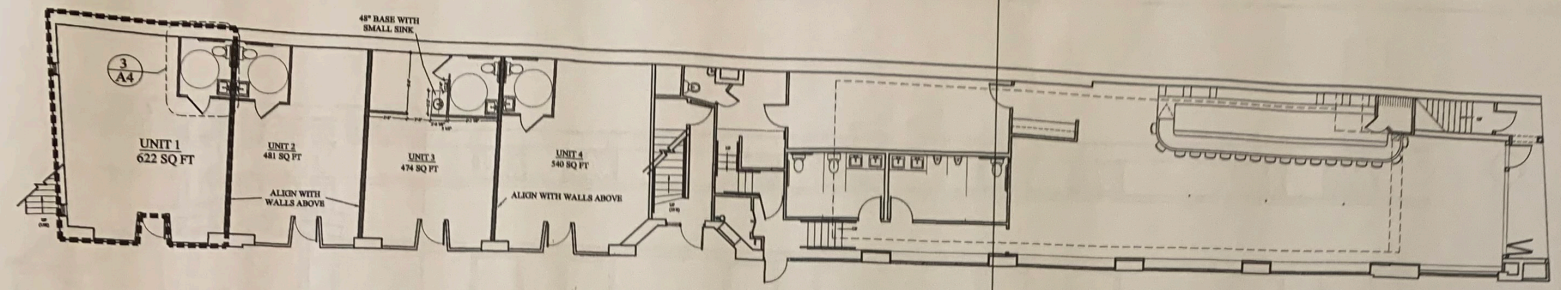
Meredith Richardson, Manager
NAME/TITLE

TOBEY MOULTON
Witness to TENANT

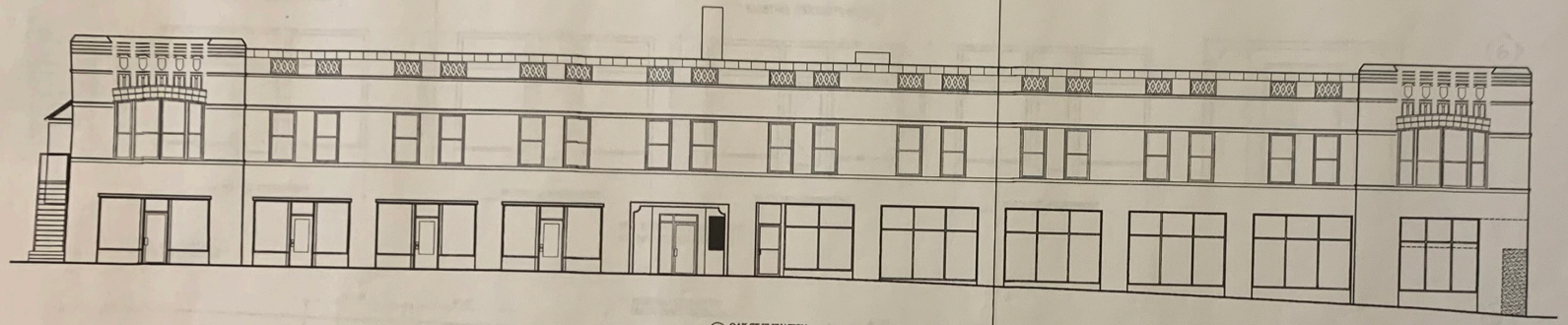
(Remainder of this page is blank. Guaranty Page Follows)

TENANT LANDLORD

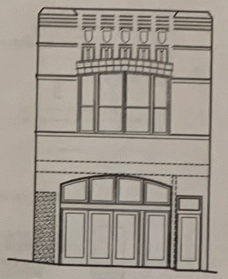
INITIAL ABOVE



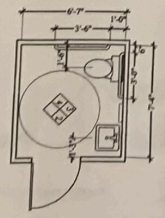
1 1ST FLOOR PLAN
SCALE: 1/8"= 1'



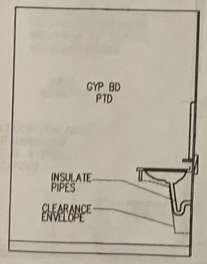
2 OAK ST ELEVATION
SCALE: 1/8"= 1'



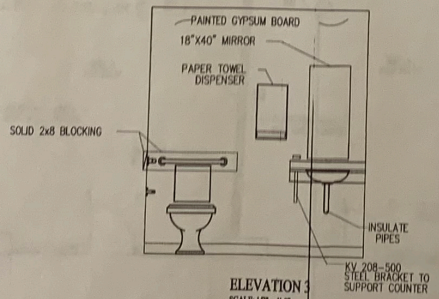
4 CONGRESS ST ELEVATION
SCALE: 1/8"= 1'



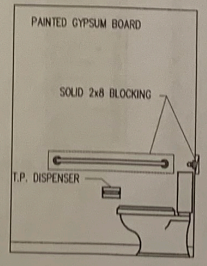
3 TYPICAL BATHROOM
SCALE: 1/4"= 1'



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



ELEVATION 3
SCALE: 1/2" = 1'-0"



ELEVATION 4
SCALE: 1/2" = 1'-0"

OWNER:

ARCHETYPE, P.A.
ARCHITECTS
48 Union Wharf Portland, Maine 04101
(207) 772-6023 Fax (207) 772-6036

Project:
73 OAK ST
OAK ST
PORTLAND, ME

Date
JAN 11, 2006
Revisions:
FEB 16, 2006

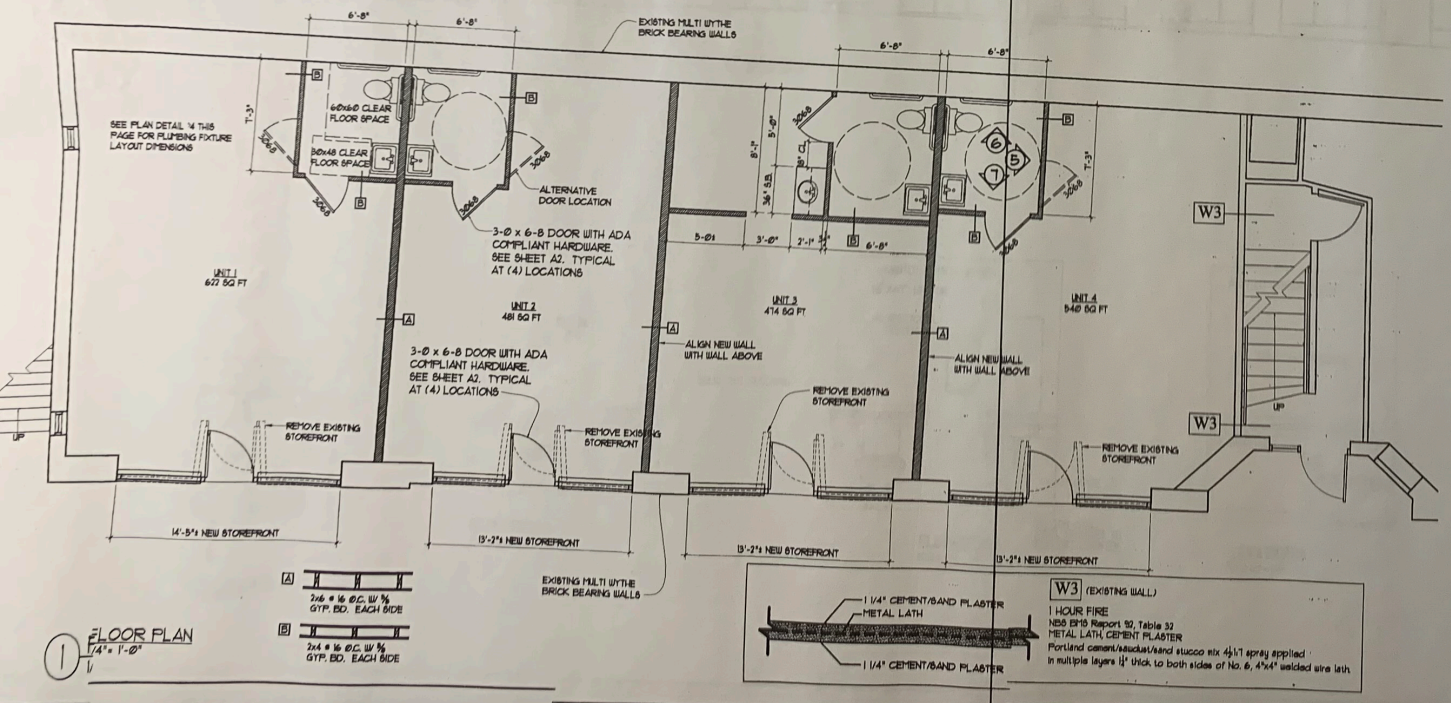
Scale
AS NOTED

1ST FLR PLAN & ELEV

A-4

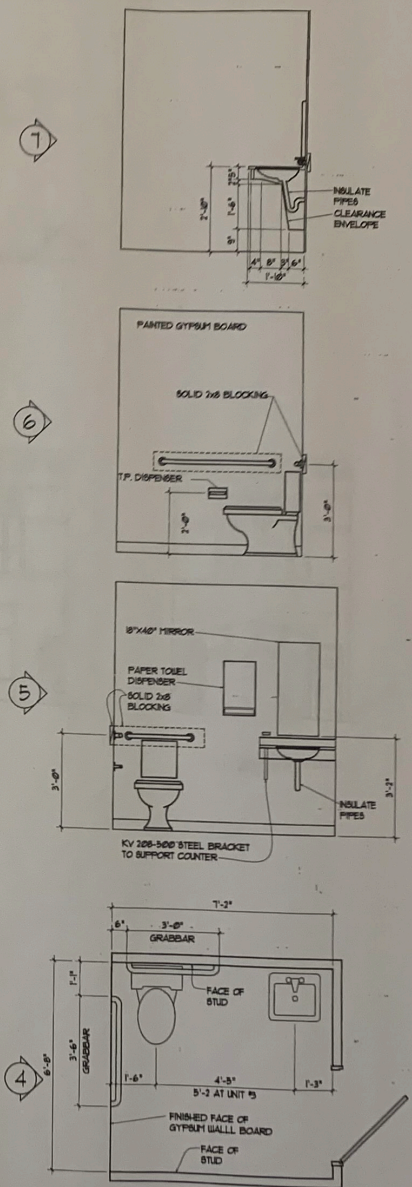
SEE SHEET a2 FOR WOOD STORFONT DETAILS

2 ELEVATION
1/4"= 1'-0"



1 FLOOR PLAN
1/4"= 1'-0"

W3 (EXISTING WALL)
1 HOUR FIRE
NBS BMS Report 92, Table 32
METAL LATH, CEMENT PLASTER
Portland cement/saudust/sand stucco mix 4½:1 spray applied in multiple layers ¼" thick to both sides of No. 6, 4"x4" welded wire lath



Toilet Room Accessories, including paper towel dispensers, automatic drying units, waste receptacles, toilet paper dispensers, sanitary napkin receptacles, soap dispensers, and purse shelves shall be mounted at heights and clearances to comply with ADA Technical Guidelines. Contractor shall provide code official with manufacturer's cut sheets on each accessory, with instructions for ADA compliant mounting highlighted.

3 ACCESSIBLE BATHROOM DETAILS
1/2"= 1'-0"

OWNER:

ARCHETYPE, P.A.
ARCHITECTS
48 Union Wharf Portland, Maine 04101
(207) 772-6022 Fax (207) 772-4056

Project:
73 OAK ST.
OAK ST
PORTLAND, ME

Scale: AS NOTED
Date: 5/3/06
Revisions:

1ST FLR PLAN & ELEV

a1