PLANNING BOARD

Tuesday, February 27, 2024 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
Maggie 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. 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. Text Amendments to Articles 3 and 12 of the Land Use Code: Floodplain Management and Definitions, City of Portland, Applicant. The Planning Board will hold a hybrid workshop to review text amendments to the Land Use Code within Articles 3 and 12 related to revisions to the State of Maine's model floodplain ordinance and the adoption of the new Flood Insurance Rate Maps (FIRMs) in Cumberland County. FEMA (Federal Emergency Management Agency) conducted a coastal study and generated the new FIRMs with updated flood hazard risk information and flood zone boundaries. The FIRMs are available on the City's website using our on-line GIS mapping system. An electronic copy (PDF) of the preliminary maps are also available at FEMA's website. The draft text amendments and all other application materials will be available on the City's Agenda Center for this meeting.

PUBLIC HEARING - 5:30 PM

1. ROLL CALL AND DECLARATION OF QUORUM

2. COMMUNICATION AND REPORTS

3. REPORT OF ATTENDANCE AT THE MEETING HELD ON FEBRUARY 13, 2024.

Workshop
1 Bean Pot Circle: Barker, Chann, Mazer, Murphy, Silk and Stanley present. Smith absent
186 Woodford Street: Barker, Chann, Mazer, Murphy and Stanley present. Smith absent. Silk recused.

Public Hearing
142 Free Street: Barker, Chann, Mazer, Murphy, Silk and Stanley present. Smith absent

4. REPORTS OF DECISIONS AT THE MEETING HELD ON FEBRUARY 13, 2024.

i. Major Site Plan and Conditional Use; 509 Forest Avenue; DC 509, LLC, Applicant. Barker motioned, and Silk seconded a motion to adopt the draft Planning Board approval letter as the Board's decision, and authorize the Board Chair to sign the letter as drafted. Vote 6-0, Smith absent.

ii. Historic District Designation; 142 Free Street; Portland Museum of Art, Applicant. Murphy motioned, and Silk seconded a motion to table the public hearing to February 27, 2024. Vote 6-0, Smith absent.

5. NEW BUSINESS

i. Historic Preservation Designation; 142 Free Street; Portland Museum of Art, Applicant. The Planning Board will continue its hybrid public hearing, tabled at the Board's February 13th meeting to February 27th, 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 Planning Board will make a recommendation to the City Council regarding the property's designation. Application materials are available on the City's Agenda Center (https://portlandme.portal.civicclerk.com/event/6418/files/agenda/14367) for the February 13, 2024 meeting. No public comment will be taken at this meeting.

ii. Major Site Plan; 2 West Commercial Street; MDOT Port Authority, Applicant. **At the request of the applicant, this item is being tabled to a date certain, Tuesday, March 12, 2024.**

iii. Major Site Plan; 56 Cumberland Avenue; Fafnir Cumberland, LLC, Applicant. The Planning Board will hold a hybrid public hearing to consider a major site plan application intended to facilitate the development of a five-unit residential condominium at 56 Cumberland Avenue. The subject property totals 5,976 square feet, and is zoned R-6 Residential. A project and plan summary are available for viewing on the city's CSS Portal (https://css.portlandmaine.gov/) by referencing Plan Number PL-002733-2023.

To: Chair Mazer and Members of the Portland Planning Board
From: Ann Machado, Zoning Administrator
Cowriters: Kevin Deneault, GIS Mapping Specialist; Nell Donaldson, Director of Special Projects; and, Natasha Kypfer, Senior Planner
Date: February 23, 2024
Subject: Text Amendment to Articles 3 and 12 of the Land Use Code: Definitions and Floodplain Management
Meeting Date: February 27, 2024

I. INTRODUCTION

At the workshop on February 27, the Planning Board will review text amendments to Articles 3 (Definitions) and 12 (Floodplain Management) of the Land Use Code, as required to maintain the City's standing in the National Flood Insurance Program (NFIP). The deadline for adoption of these text amendments by the City Council is June 20, 2024, based upon the State-mandated timeline for the City of Portland to continue to remain as a partner in (and maintain affiliation with) the NFIP.

The Planning and Urban Development Department posted a legal advertisement for this meeting, which ran in the February 17, 2024, and February 20, 2024 editions of the *Portland Press Herald*.

II. BACKGROUND AND CONTEXT

The National Flood Insurance Act of 1968 established the National Flood Insurance Program. The NFIP is managed by FEMA, and is voluntary. Its purpose is to allow residents in participating communities to purchase flood insurance provided through the program. In return the community agrees to adopt specific guidelines to reduce flood risk and loss due to flooding. The City of Portland joined the National Flood Insurance Program and adopted the first floodplain management regulations on July 7, 1986 (Ord. No. 660-86, 7-7-86) creating Div. 26A §§ 14-450.1—14-450.8 in Chapter 14 of the City of Portland Code of Ordinances. The floodplain management regulations in Div. 26A were subsequently amended in 1987 and 1998 (Ord. No. 579-87, 6-15-87; Ord. No. 156-98, 11-16-98). The most recent amended version of the floodplain management regulations went into effect on December 1, 2020, approved by the City Council under Recode Phase 1 (Ord. No. 103-20/21), and are located in Article 12 of the Land Use Code.

The original floodplain management regulations and subsequent amended versions were adopted from model ordinances created by the Maine Floodplain Management Program, currently located in the Maine Department of Agriculture, Conservation & Forestry. As part of the NFIP, the City is required to update the floodplain ordinance anytime FEMA makes major changes, and the Maine Floodplain Management Program Coordinator must approve any changes to the City's floodplain ordinance based on the current model ordinance (Attachment A). Under the current proposed changes, the City has chosen to put the definitions from the model floodplain ordinance into Article 3 of the Land Use Code, so both Article 12 and Article 3 need to be amended.

In addition to the floodplain management regulations, the NFIP also creates Flood Insurance Rate Maps (FIRMs) (Attachment B). These maps indicate the areas within the City that are located in a Special Flood Hazard Area (SFHA) and need to meet the requirements currently outlined in Article 12 of the Land Use

Code. SFHAs are broken down into different categories and include zones A, AE, AO, AH, AR, and VE. All of these zones include a Base Flood Elevation (BFE), except for zone A. The BFE is measured in feet from 0' at mean sea level. The first FEMA FIRMs in the City of Portland went into effect on July 17, 1986. Some of the individual FIRMs were revised in 1998 by FEMA and other FIRMs along the Fore River, the waterfront, and Fall Brook were revised by Letters of Map Revisions (LOMRs) approved by FEMA in 2012 and 2014.

FEMA proposed updated maps for Cumberland County in 2009 and 2013. Both times, the City of Portland, with the assistance of a consultant and in collaboration with surrounding communities, questioned the methodology that FEMA had used, claiming that a more precise methodology existed. Using the more precise methodology, FEMA proposed new FIRMs on April 14, 2017. After FEMA released the maps, there was an appeal period where communities could challenge them. Portland and other communities in Cumberland County hired a consultant and outside legal counsel to request revisions to the FEMA maps. FEMA did not accept the requested revisions at the time, due to a mathematical conversion error.

On December 20, 2023, FEMA issued the Letter of Final Determination (LFD), which is a letter FEMA mails to the Chief Executive Officer of a community stating that a new or updated FIRM will become effective in six months. A certified copy was mailed to the Mayor (Attachment C). Under FEMA requirements, the new FIRMs go into effect on June 20, 2024, six months after the LFD was issued. The City is required to amend its floodplain management regulations (Article 3 and Article 12) and have them accepted by the State Floodplain Management Program in advance of this date. The new FIRMs will be adopted in conjunction with the revisions to Article 3 and Article 12.

It should be noted that, after FEMA denied the City's requested revisions during the appeal period, the City's consultant submitted applications for Letters of Map Revision (LOMRs) for several of the FEMA FIRMs. A LOMR has the effect of modifying a FIRM. FEMA has since approved the LOMRs, which will be incorporated into the FEMA FIRMs effective June 21, 2024 (Attachment D).

Overall, the new FIRMs will have various impacts on the properties that are located along the shoreline and inland water bodies that flood. These changes include:

- Properties being removed from or added to a SFHA
- BFEs increasing or decreasing
- Changes to a property's SFHA designation (zone)

The new FIRMs are available for public viewing at:
https://portlandme.maps.arcgis.com/apps/webappviewer/index.html?id=975da31f7aff455d8da5ae0776efac55

III. PROCESS TO DATE AND PROPOSED TEXT AMENDMENTS

Once the City received the LFD on the FEMA FIRMs, a working group was formed consisting of the City's Emergency Management Coordinator and various members from the Planning and Urban Development Department, the Permitting and Inspections Department, the Public Works Department, and Corporation Counsel. The working group has been meeting periodically to outline the steps that need to be taken to adopt revisions to the City's floodplain management regulations and the FEMA FIRMs in advance of the June 20, 2024 FEMA deadline.

One critical action that was completed by the working group consisted of updating all City website pages referencing the approved FEMA flood maps. In addition, all flood map viewers were updated with new links and attachments, making these materials available for public viewing.

The next step was to update Article 3 (Definitions) and Article 12 (Floodplain Management) based on the model ordinance created by the Maine Floodplain Management Program (Attachment A). Amendments required by the State include:

- Updates to the purpose statement
- The incorporation of new floodplain definitions
- Updates to permit application requirements
- The addition of standards for utilities and physical changes to the natural landscape within SFHAs
- Modifications to standards for manufactured homes, accessory structures, floodways, wharfs, piers, docks, and coastal floodplains within SFHAs
- The addition of a conditional use review procedure
- Modifications to submission requirements for certificates of compliance
- The addition of standards for review of subdivision and site plan
- Updates to variances and appeals language, to add standards for specific variances and to outline appeal procedure

The draft amendments to Article 3 and Article 12 (Attachments E & F) are a direct response to the State's model ordinance, which must be followed as part of the NFIP.

The working group sent the revised articles to the members of the State's Floodplain Management Program for review on February 9, 2024, and we are awaiting comments.

IV. PUBLIC COMMENT

As of the writing of this memo, zero written public comment has been received on this item.

V. NEXT STEPS

Following the February 27 workshop, staff will incorporate feedback from the Board, as well as feedback from the State's Floodplain Management Program, and subsequently return to the Planning Board for a public hearing. Planning, Permitting and Inspections, and Public Works staff as well as our outside counsel, Aga Dixon from Drummond Woodsum, will be available at the workshop and hearing to answer questions that the Board might have. Following the Planning Board public hearing, the text amendments will proceed to City Council. A Council workshop is tentatively scheduled for March 25, 2024.

VI. ATTACHMENTS

A. Model Floodplain Management Ordinance, from Maine Floodplain Management Program
B. Preliminary FEMA FIRMs, Effective June 20, 2024
C. Letter of Final Determination, Issued December 20, 2023
D. LOMRs Memo with FEMA Definitions Sheet
E. Land Use Code, Article 3: Definitions, Redline
F. Land Use Code, Article 12: Floodplain Management, Redline

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

CITY OF PORTLAND, MAINE

ENACTED: _____
Date

EFFECTIVE: _____
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: _____
Print Name

_____
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the City of Portland, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the City of Portland, Maine has chosen to become a participating community in the National Flood Insurance Program and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance.

It is the intent of the City of Portland, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The City of Portland has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Portland having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the City of Portland, Maine.

The areas of special flood hazard, Zones A, AE, AO, AH, and VE for the City of Portland, Cumberland County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Cumberland County, Maine" dated June 20, 2024, with accompanying "Flood Insurance Rate Map" dated June 20, 2024, are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

The Building Authority shall be designated as the local Floodplain Administrator. The Floodplain Administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

Before any construction or other development (as defined in Article XIV), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Building Authority, except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the City of Portland, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Building Authority and shall include:

A. The name, address, and phone number of the applicant, owner, and contractor;

B. An address and a map indicating the location of the construction site;

C. A site plan showing locations of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure and/or development;

E. A statement of the cost of the development including all materials and labor;

F. A statement as to the type of sewage system proposed;

G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum in Zone A only, of the:

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

   a. in Zones AE, AO, AH, and VE from data contained in the "Flood Insurance Study - Cumberland County, Maine," as described in Article I; or,

   b. in Zone A:

      (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.M. and IX.D.; or,

      (2) in the absence of all data described in Article III.H.1.b.(1), information to demonstrate that the structure shall meet the elevation requirement in Article VI.H.4.b., Article VI.I.4.b., or Article VI.J.4.b.

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement;

4. lowest machinery and equipment servicing the building; and,

5. level, in the case of non-residential structures only, to which the structure will be floodproofed.

I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;

J. A written certification by:

1. a Professional Land Surveyor that the grade elevations shown on the application are accurate; and,

2. a Professional Land Surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate.

K. The following certifications as required in Article VI by a registered professional engineer or architect:

1. a Floodproofing Certificate (FEMA Form FF-206-FY-22-153, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article VI.I., and other applicable standards in Article VI;

2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE and Coastal AE Zone, will meet the criteria of Article VI.R.; and other applicable standards in Article VI;

3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.N.2.a.;

4. a certified statement that bridges will meet the standards of Article VI.O.;

5. a certified statement that containment walls will meet the standards of Article VI.P.

L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee as established by the City Council for all minor development and for all new construction or substantial improvements shall be paid to the Building Authority and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant

who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Building Authority shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

B. Utilize, in the review of all Flood Hazard Development Permit applications:

1. the base flood and floodway data contained in the "Flood Insurance Study - Cumberland County, Maine," as described in Article I;

2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Building Authority shall obtain, review, and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.(1); Article VI.M.; and Article IX.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b.(1), the community shall submit that data to the Maine Floodplain Management Program.

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:

1. A two-part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an “under construction” Elevation Certificate completed by a Professional Land Surveyor based on the Part

I permit construction for verifying compliance with the elevation requirements of Article VI, paragraphs H., I., J., or R. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,

2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.I.1. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance, and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. **All Development** - All development shall:

1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water Supply -** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Utilities** - New construction or substantial improvement of any structure (including manufactured homes) located within:

1. Zones A, AE, AO, and AH shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation.

2. Zone VE shall meet the requirements of Article VI.R.2.

G. **Physical Changes to the Natural Landscape -** Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.

   a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.

   b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.

2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance

that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.

3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than 6 months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

H. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least two feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated:

   a. to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;

   b. in the absence of all data described in Article VI.H.4.a., to at least two feet above the highest adjacent grade to the structure.

5. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

I. **Non-Residential** - New construction or substantial improvement of any non-residential structure located within:

1. Zones AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. be floodproofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K., and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. at least two feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

b. at least three feet if no depth number is specified; or,

c. together with attendant utility and sanitary facilities, be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI.I.1.

4. Zone A shall have the lowest floor (including basement) elevated:

a. to at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D., or;

b. in the absence of all data described in Article VI.I.4.a., to at least two feet above the highest adjacent grade to the structure; or,

c. together with attendant utility and sanitary facilities, be floodproofed to two feet above the elevation established in Article VI.I.4.a. or b. and meet the floodproofing standards of Article VI.I.1.a., b., and c.

5. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

J. **Manufactured Homes** - New or substantially improved manufactured homes located within:

1. Zones AE, AO, and AH shall:

a. be elevated such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation;

b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

(1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,

(2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).

(3) All components of the anchoring system described in Article VI.J.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) of the manufactured home elevated above the highest adjacent grade:

a. at least two feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

b. at least three feet if no depth number is specified; and,

c. meet the anchoring requirements of Article VI.J.1.c.

4. Zone A shall:

a. be elevated on a permanent foundation, as described in Article VI.J.1.b., such that the lowest floor (including basement) of the manufactured home is at least two feet above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.(1); Article V.B.; or Article IX.D.; or,

b. in the absence of all data described in Article VI.J.4.a., to at least two feet above the highest adjacent grade to the structure; and,

c. meet the anchoring requirements of VI.J.1.c.

5. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of Article VI.R.

K. **Recreational Vehicles** - Recreational Vehicles located within:

1. Zones A, AE, AO, and AH shall either:

   a. be on the site for fewer than 180 consecutive days; and,

   b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

   c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.J.1.

2. Zone VE and Coastal AE Zone (as defined) shall meet the requirements of either Article VI.K.1.a. and b., or Article VI.R.

L. **Accessory Structures** - New construction or substantial improvement of Accessory Structures, as defined in Article XIV, shall be exempt from the elevation criteria required in Article VI.H. & I. above, if all other requirements of Article VI and all the following requirements are met.

1. Accessory Structures located in Zone A, AE, AO, and AH, shall:

   a. meet the requirements of Article VI.A.1. through 4., as applicable;

   b. be limited in size to a one-story two car garage;

   c. have unfinished interiors and not be used for human habitation;

   d. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and, when possible, outside the Special Flood Hazard Area;

   e. be located outside the floodway;

   f. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure;

   g. have hydraulic openings, as specified in Article VI.N.2., in at least two different walls of the accessory structure; and

   h. be located outside the Coastal AE Zone.

2. Accessory Structures in Zone VE and Coastal A Zones shall meet the requirements of Article VI.R.

M. **Floodways** -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.M.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

    a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

    b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.

3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

N. **Hydraulic Openings/Flood Vents -** New construction or substantial improvement of any structure in Zones A, AE, AO, and AH, that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs H., I., or J. and is elevated on posts, columns, piers, piles, or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIV;

2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

    a. be engineered and certified by a registered professional engineer or architect; or,

    b. meet or exceed the following minimum criteria:

        (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

(2) the bottom of all openings shall be below the base flood elevation and no higher than two feet above the lowest grade; and,

(3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

3. The enclosed area shall not be used for human habitation; and,

4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

O. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, AO, AH, and VE shall be designed such that:

1. when possible, the lowest horizontal member (excluding the pilings or columns) is elevated to at least two feet above the base flood elevation; and,

2. a registered professional engineer shall certify that:

a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.M.; and,

b. the foundation and superstructure attached thereto are designed to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

P. **Containment Walls -** New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, AO, AH, and VE shall:

a. have the containment wall elevated to at least two feet above the base flood elevation;

b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

2. Zones AO and AH shall have adequate drainage paths around containment walls on slopes, to guide floodwater away from the proposed walls.

3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:

   a. at least two feet higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth number is specified; and,

   c. shall meet the requirements of Article VI.P.1.b. & c.

Q. **Wharves, Piers, and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in and over water and seaward of the mean high tide if the following requirements are met:

1. in Zones A, AE, AO, and AH, wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; or,

2. in Zone VE, wharves, piers, and docks shall have a registered professional engineer develop or review the structural design, specifications, and plans for the construction.

R. **Coastal Floodplains** -

1. New construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.R.7.

2. New construction or substantial improvement of any structure located within Zone VE or Coastal AE Zone shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

3. New construction or substantial improvement of any structure located within Zone VE and Coastal AE Zones (as defined) shall:

   a. be elevated on posts or columns such that:

      (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to at least two feet above the base flood elevation;

      (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,

      (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

b. have the space below the lowest floor:

(1) free of obstructions; or,

(2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,

(3) constructed with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

c. require a registered professional engineer or architect to:

(1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,

(2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.R.3.

4. The use of fill for structural support in Zone VE and Coastal AE Zones is prohibited.

5. Human alteration of sand dunes within Zone VE and Coastal AE Zones is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.

6. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.

7. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.I. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.M., and VI.N. are met:

a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

d. The structure shall have unfinished interiors and shall not be used for human habitation.

e. Any mechanical, utility equipment, and fuel storage tanks must be anchored and either elevated or floodproofed to at least two feet above the base flood elevation.

f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and, when possible, outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Building Authority that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied may serve as the permit application for the Conditional Use Permit.

2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.

3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.

4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.

5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Building Authority subject to the following provisions:

A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Building Authority:

    1. an Elevation Certificate completed by a Professional Land Surveyor for compliance with Article VI, paragraphs H., I., J., or R.; and,

    2. for structures in Zone VE and Coastal AE Zone (as defined), certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.R.3.

B. The applicant shall submit written notification to the Building Authority that the development is complete and complies with the provisions of this ordinance.

C. Within 10 working days, the Building Authority shall:

    1. review the required certificate(s) and the applicant's written notification; and,

    2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law, local ordinances or regulations, and all projects on 5 or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The

condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the City of Portland may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

    a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

    b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,

    c. that the granting of a variance will not alter the essential character of the locality; and,

    d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.

D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. the criteria of Article X.A. through C. and Article VI.M. are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

1. the development meets the criteria of Article X.A. through C.; and,

2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

F. Variances may be issued for new construction and substantial improvement of Agricultural Structures being used for the conduct of agricultural uses provided that:

1. the development meets the criteria of Article X.A. through C.; and,

2. the development meets the criteria of Article VI.M. and Article VI.N.

G. Any applicant who meets the criteria of Article X.A. through C. and Article X.D., E., or F. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage; and,

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks, and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

H. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.

3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.

4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing and shall issue a written decision on all appeals.

6. The Board of Appeals shall submit to the Building Authority a report of all variance actions, including justification for the granting of the variance and an authorization for the Building Authority to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

7. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.

B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.

C. In addition to other actions, the Code Enforcement Officer, upon identifying a violation, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. The valid declaration shall consist of:

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;

3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - VALIDITY AND SEVERABILITY

If any section or provision of this Ordinance is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

ARTICLE XIII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIV - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law, and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and not discretionary.

Accessory Structure - a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Adjacent Grade - the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Agricultural Structure - structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Area of Shallow Flooding - a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article I of this Ordinance.

Base Flood - a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - any area of a building that includes a floor that is subgrade (below ground level) on all sides.

Breakaway Wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building - see **Structure**.

Certificate of Compliance - a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance.

Coastal AE Zone - The portion of the Coastal High Hazard Area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal High Hazard Area - An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal High Hazard Areas are designated as Zone VE and Zone AE bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM).

Code Enforcement Officer - a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall - a wall surrounding all sides of an above ground tank to contain any spills or leaks.

Development - any manmade change to improved or unimproved real estate. This includes, but is not limited to, buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials.

Elevated Building - a non-basement building that is:

a. built, in the case of a building in Zones A, AE, AO, or AH, so that the top of the elevated floor, or in the case of a building in Zone VE or Coastal AE Zone, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,

b. adequately anchored to not impair the structural integrity of the building during a flood of up to two feet above the magnitude of the base flood.

In the case of Zones A, AE, AO, or AH, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.N. In the case of Zone VE and Coastal AE Zone, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even

though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.R.3.b.(3).

Elevation Certificate - an official form (FEMA Form FF-206-FY-22-152, as amended) that is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program.

Existing Manufactured Home Park or Subdivision - a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

Flood or Flooding -

a. A general and temporary condition of partial or complete inundation of normally dry land areas from:

    1. The overflow of inland or tidal waters.

    2. The unusual and rapid accumulation or runoff of surface waters from any source.

b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

Flood Elevation Study - an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

Floodplain or Floodprone Area - any land area susceptible to being inundated by water from any source (see **Flood or Flooding**).

Floodplain Management - the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and contents.

Floodway - see **Regulatory Floodway**.

Floodway Encroachment Lines - the lines marking the limits of floodways on federal, state, and local floodplain maps.

Freeboard - a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Functionally Dependent Use - a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

    1. By an approved state program as determined by the Secretary of the Interior, or,

    2. Directly by the Secretary of the Interior in states without approved programs.

Limit of Moderate Wave Action (LiMWA) - The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled “Limit of Moderate Wave Action” (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to

wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally Established Datum - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lowest Floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI.N. of this Ordinance.

Manufactured Home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term manufactured home also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

Manufactured Home Park or Subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level - for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes but is not limited to: accessory structures as provided for in Article VI.L., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and has been called “1929 Mean Sea Level” (MSL).

New Construction - structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

North American Vertical Datum (NAVD) - the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon the vertical data used by other North American countries

such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

a. built on a single chassis;

b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

c. designed to be self-propelled or permanently towable by a motor vehicle; and,

d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

a. the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height, and,

b. when not designated on the community's Flood Insurance Rate Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard.**

Start of Construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

Structure - for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or,

b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Variance - a grant of relief by a community from the terms of a floodplain management regulation.

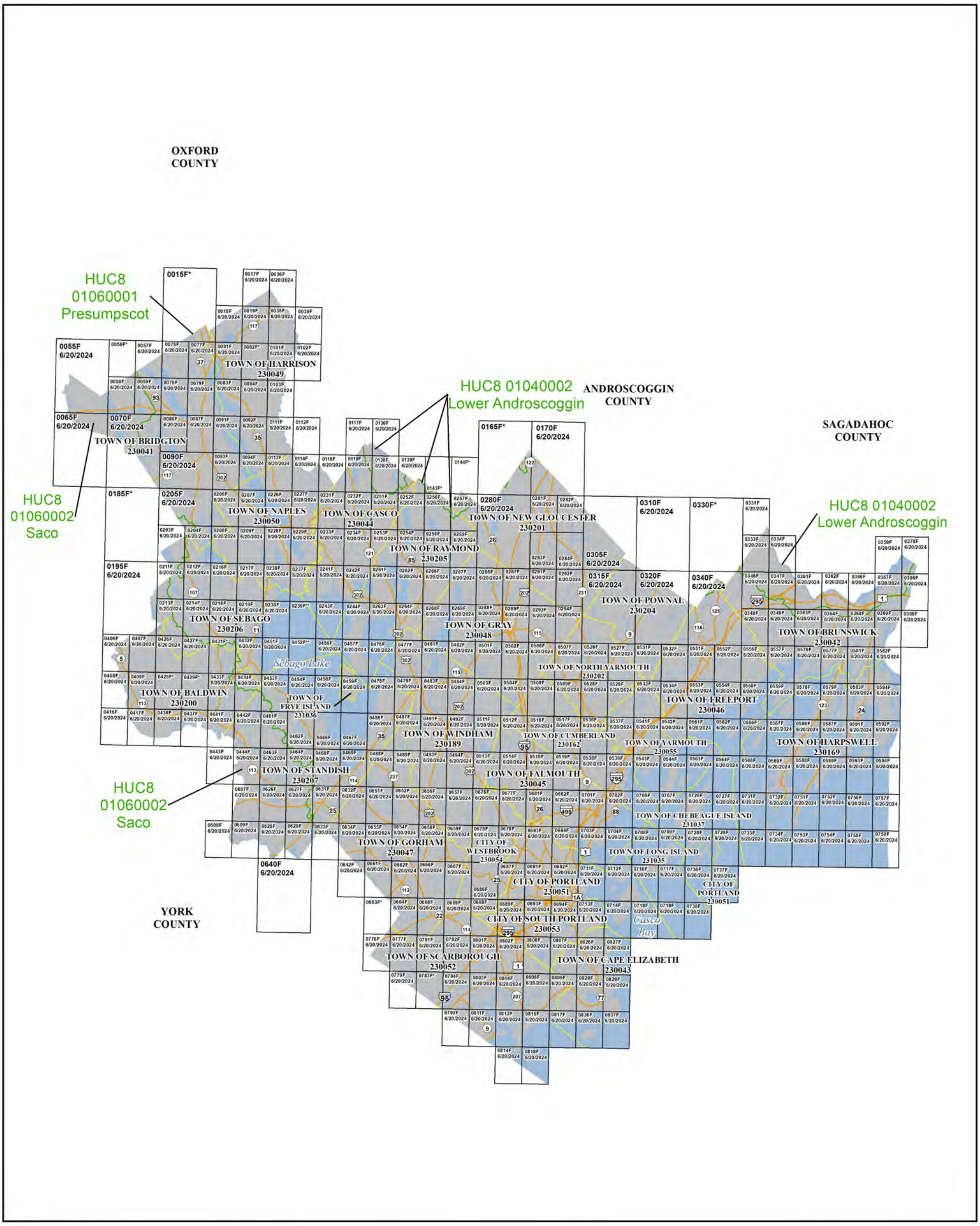
Violation - the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

ARTICLE XVI - DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.



1 inch = 30,143 feet 1:361,721

feet 0 8,500 17,000 34,000 51,000 68,000

Map Projection:
Universal Transverse Mercator Zone 19 North;
North American Datum 1983

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://MSC.FEMA.GOV

SEE FLOOD INSURANCE STUDY FOR ADDITIONAL INFORMATION

* PANEL NOT PRINTED - NO SPECIAL FLOOD HAZARD AREAS
** PANEL NOT PRINTED - AREA WITHIN ZONE AE (EL 267)



NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP INDEX

CUMBERLAND COUNTY, MAINE (All Jurisdictions)

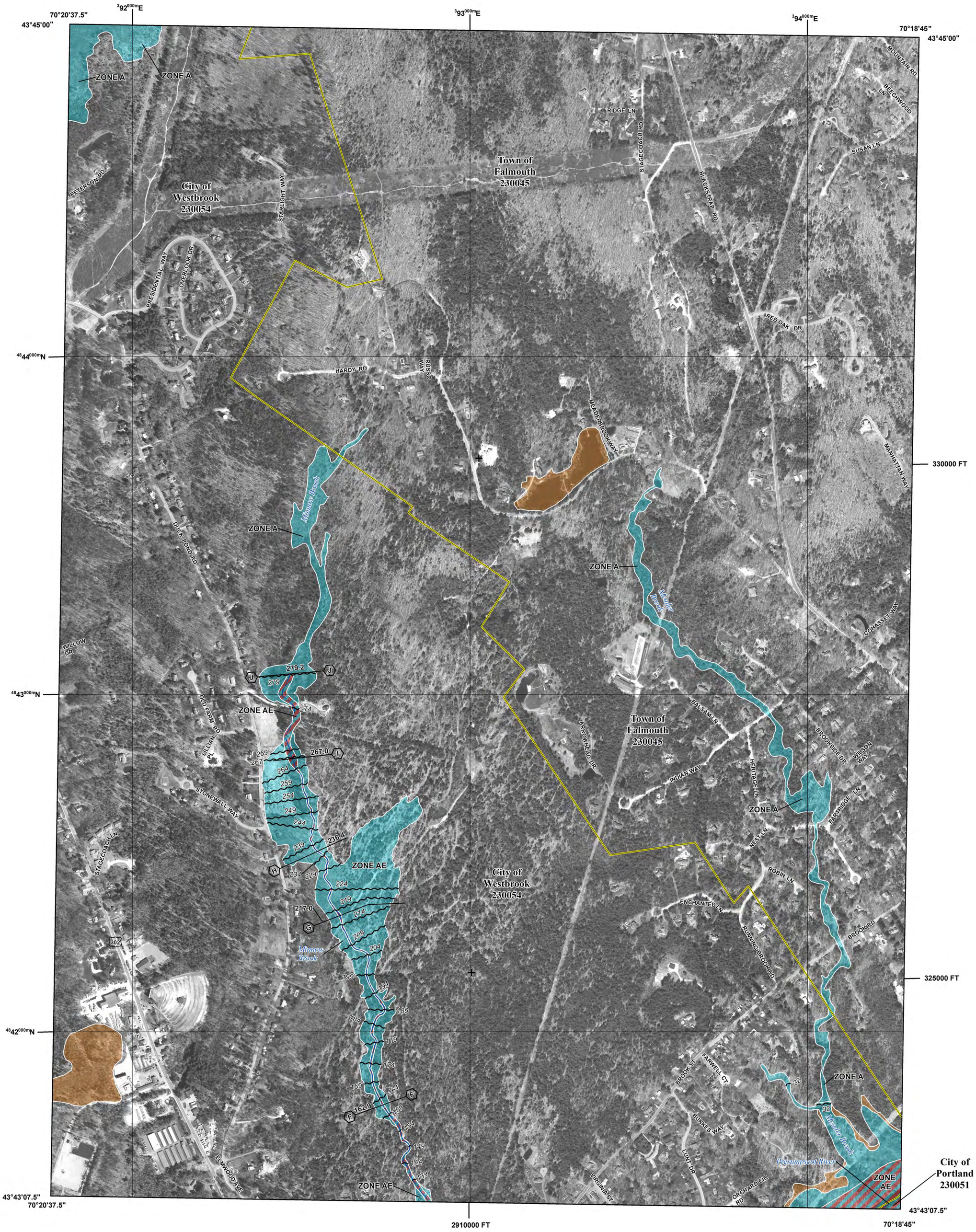
PANELS PRINTED:

0017, 0018, 0019, 0036, 0038, 0039, 0055, 0057, 0058, 0059, 0065, 0070, 0076, 0077, 0078, 0079, 0081, 0083, 0084, 0086, 0087, 0090, 0091, 0092, 0093, 0094, 0101, 0102, 0103, 0111, 0112, 0113, 0114, 0117, 0118, 0119, 0136, 0138, 0139, 0170, 0195, 0203, 0204, 0205, 0206, 0207, 0208, 0209, 0211, 0212, 0213, 0214, 0216, 0217, 0218, 0219, 0226, 0227, 0228, 0229, 0231, 0232, 0233, 0234, 0236, 0237, 0238, 0241, 0242, 0243, 0244, 0251, 0252, 0253, 0254, 0256, 0257, 0258, 0259, 0261, 0262, 0263, 0264, 0266, 0267, 0268, 0269, 0280, 0281, 0282, 0283, 0284, 0286, 0287, 0288, 0289, 0291, 0292, 0293, 0294, 0305, 0310, 0315, 0320, 0331, 0333, 0334, 0340, 0346, 0347, 0348, 0349, 0359, 0361, 0362, 0363, 0364, 0366, 0367, 0368, 0369, 0378, 0386, 0388, 0406, 0407, 0408, 0409, 0416, 0417, 0426, 0427, 0432, 0433, 0434, 0436, 0437, 0441, 0442, 0443, 0444, 0451, 0453, 0454, 0456, 0457, 0458, 0459, 0461, 0462, 0463, 0464, 0466, 0467, 0468, 0469, 0476, 0477, 0478, 0479, 0481, 0482, 0483, 0484, 0486, 0487, 0488, 0489, 0491, 0492, 0493, 0494, 0501, 0502, 0503, 0504, 0506, 0507, 0508, 0509, 0511, 0512, 0513, 0514, 0516, 0517, 0518, 0519, 0526, 0527, 0528, 0529, 0531, 0532, 0533, 0534, 0536, 0537, 0538, 0539, 0541, 0542, 0543, 0544, 0551, 0552, 0553, 0554, 0556, 0557, 0558, 0559, 0561, 0562, 0563, 0564, 0566, 0567, 0568, 0569, 0576, 0577, 0578, 0579, 0581, 0582, 0583, 0584, 0586, 0587, 0588, 0589, 0591, 0592, 0593, 0594, 0607, 0608, 0609, 0626, 0627, 0628, 0629, 0631, 0632, 0633, 0634, 0640, 0642, 0651, 0652, 0653, 0654, 0656, 0657, 0658, 0659, 0661, 0662, 0664, 0666, 0667, 0668, 0669, 0676, 0677, 0678, 0679, 0681, 0682, 0683, 0684, 0686, 0687, 0688, 0689, 0691, 0692, 0693, 0694, 0701, 0702, 0703, 0704, 0706, 0707, 0708, 0709, 0711, 0712, 0713, 0714, 0716, 0717, 0718, 0719, 0726, 0727, 0728, 0729, 0731, 0732, 0733, 0734, 0736, 0737, 0738, 0751, 0752, 0753, 0754, 0756, 0757, 0758, 0759, 0776, 0777, 0779, 0781, 0782, 0784, 0792, 0801, 0802, 0803, 0804, 0806, 0807, 0808, 0809, 0811, 0812, 0814, 0816, 0817, 0818, 0826, 0827, 0828, 0829, 0836, 0837

FEMA

MAP NUMBER
23005CIND0A

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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HTTPS://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

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SCALE

N

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0677 OF 0837

FEMA

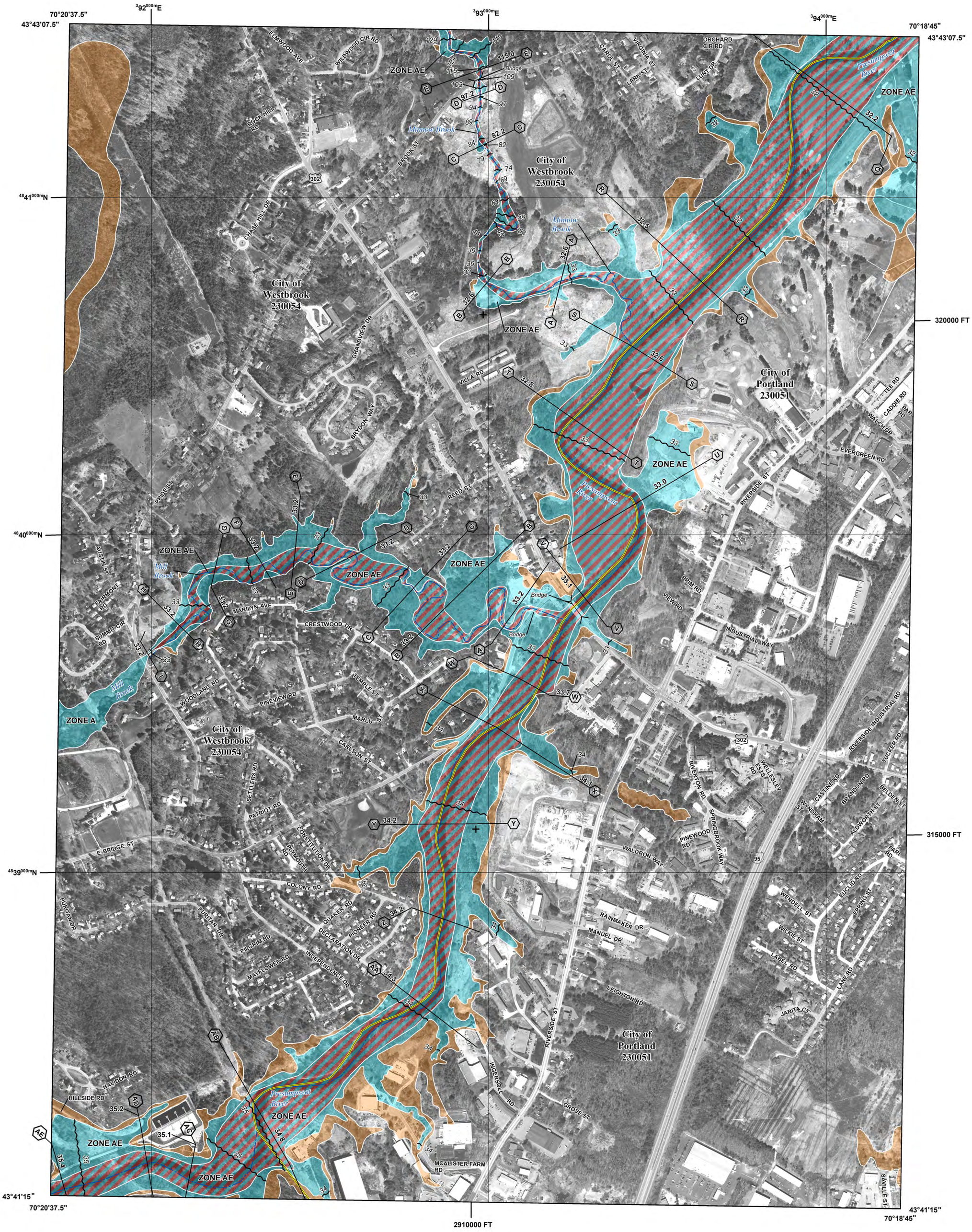
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0677	F
PORTLAND, CITY OF	230051	0677	F
WESTBROOK, CITY OF	230054	0677	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0677F

EFFECTIVE DATE
June 20, 2024



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Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL **0679** OF **0837**

FEMA

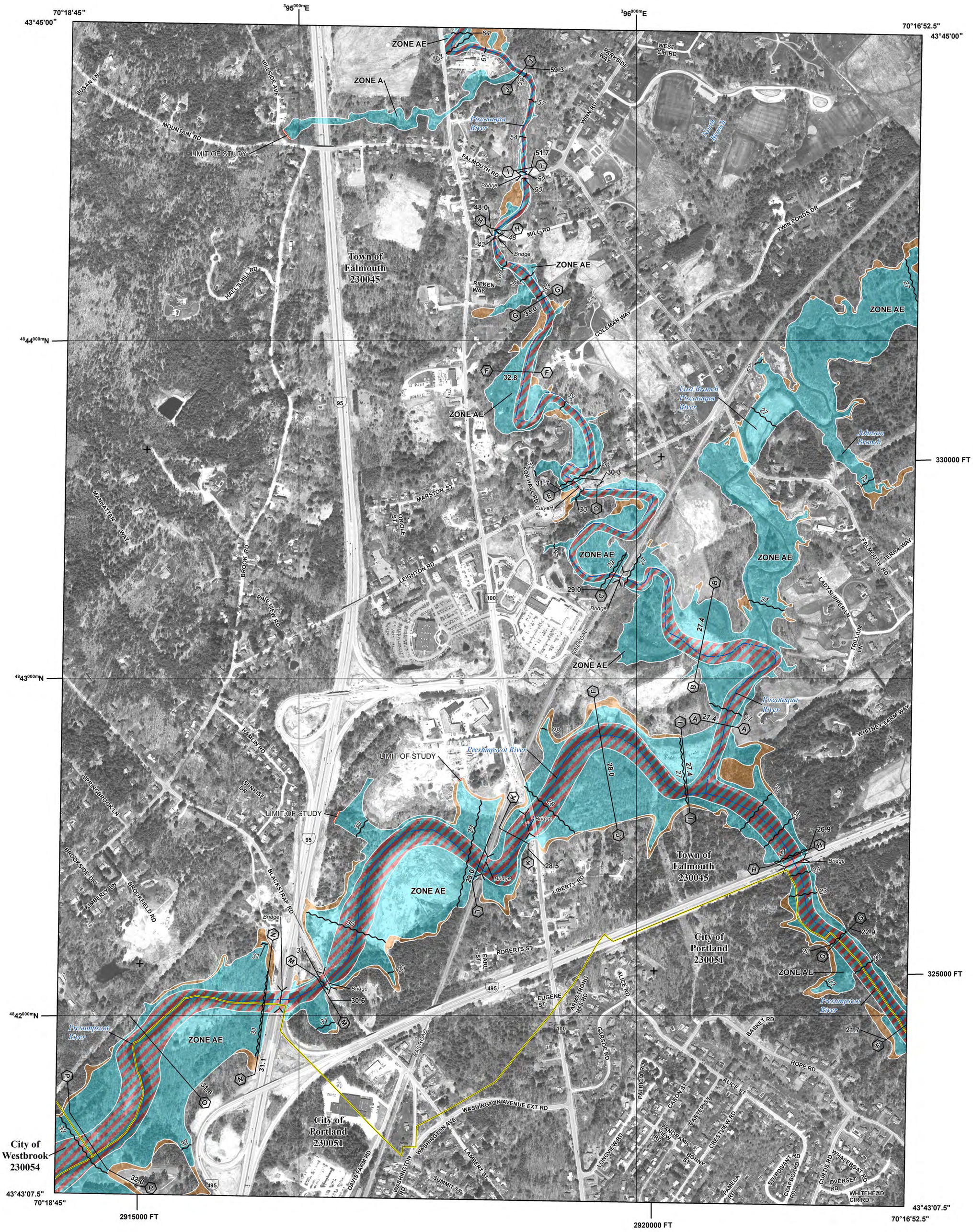
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0679	F
WESTBROOK, CITY OF	230054	0679	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0679F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) *Zone A,V, A99*
	With BFE or Depth *Zone AE, AO, AH, VE, AR*
	Regulatory Floodway
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	Area with Flood Risk due to Levee *Zone D*
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GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
OTHER FEATURES	18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
	8 Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	513 Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

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0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL **0681** OF **0837**

FEMA

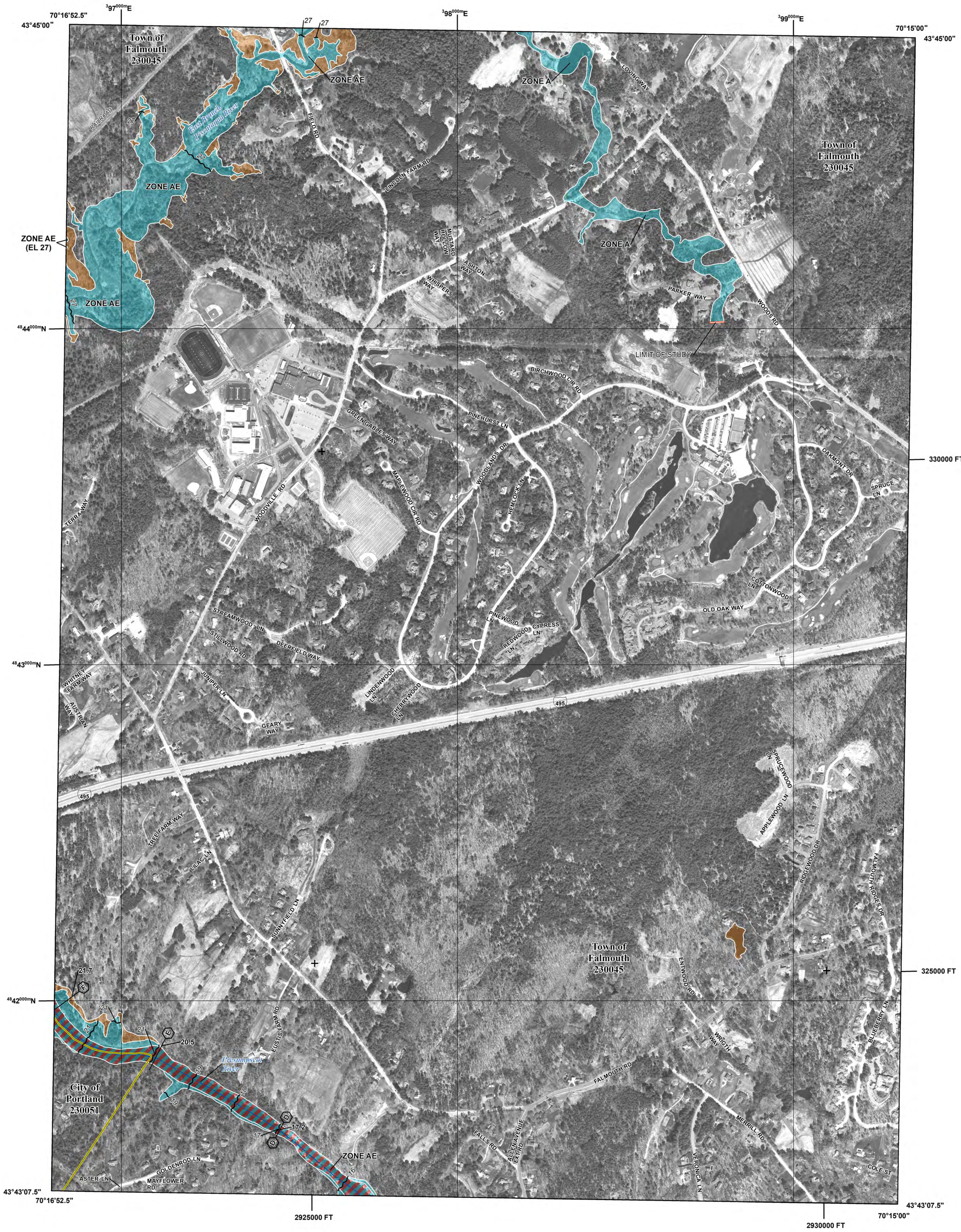
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0681	F
PORTLAND, CITY OF	230051	0681	F
WESTBROOK, CITY OF	230054	0681	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0681F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0682 OF 0837

FEMA

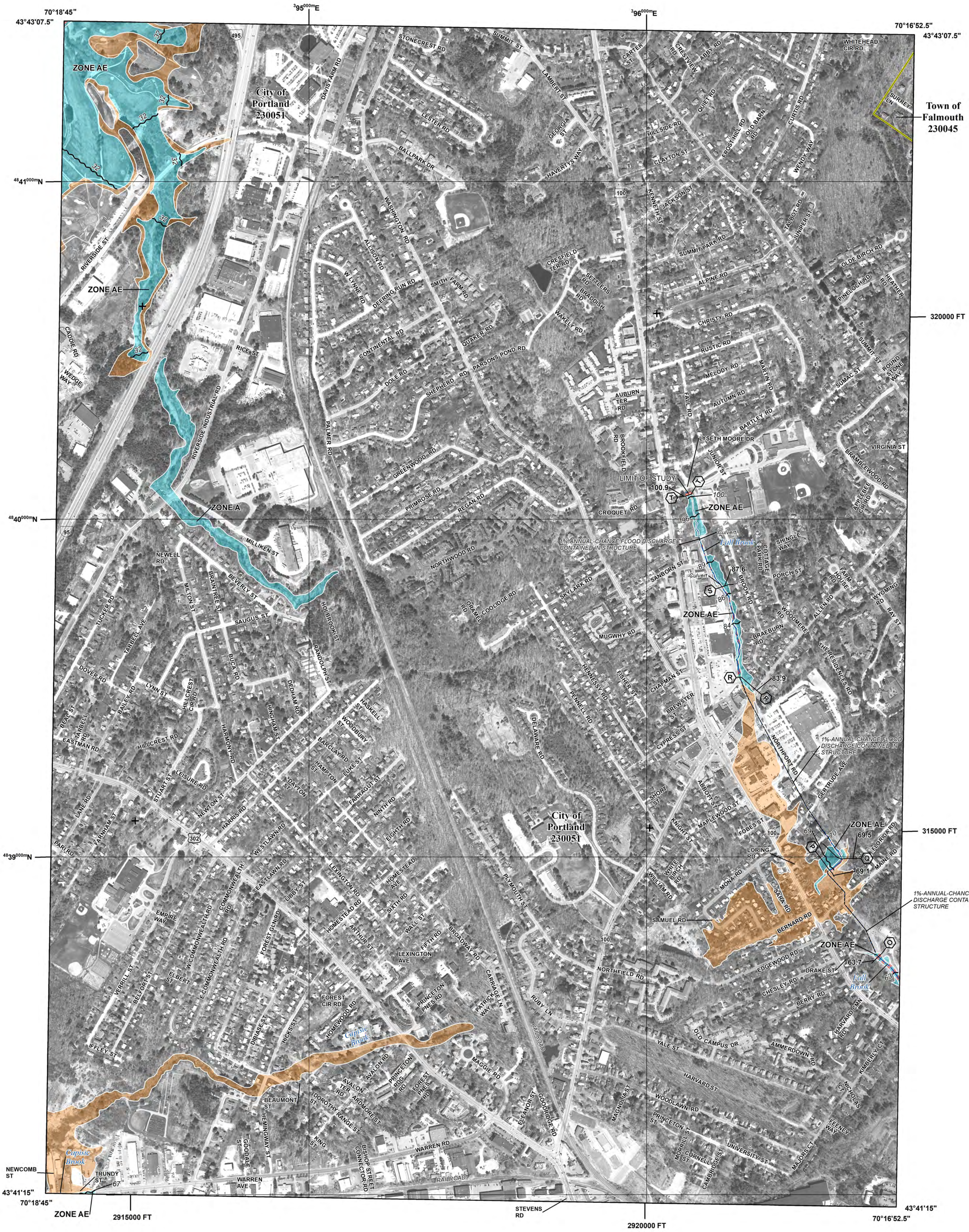
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0682	F
PORTLAND, CITY OF	230051	0682	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0682F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Jurisdiction Boundary

NOTES TO USERS

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SCALE

N

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0683 OF 0837

FEMA

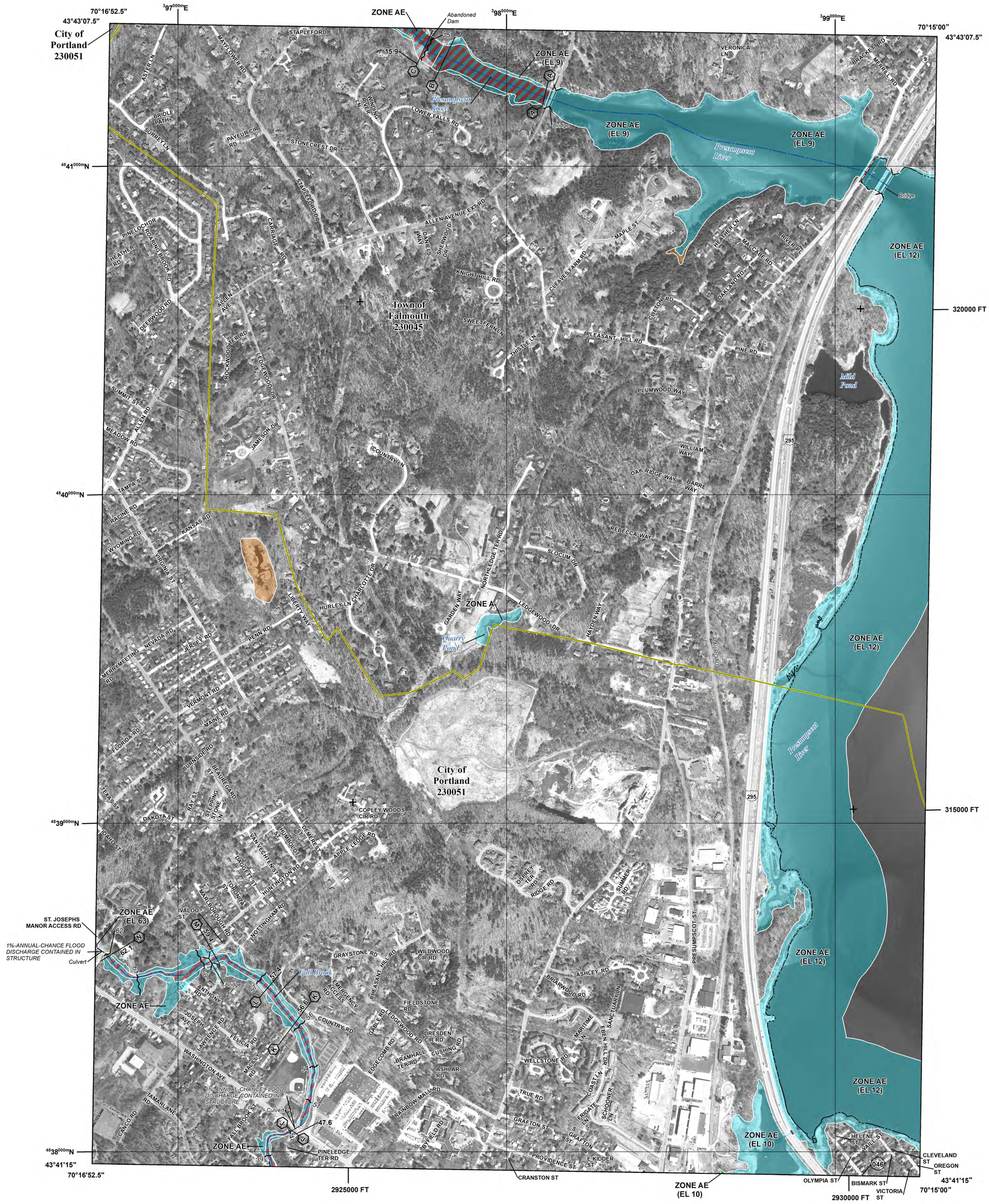
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0683	F
PORTLAND, CITY OF	230051	0683	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0683F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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The AE Zone category has been divided by a Limit of Moderate Wave Action (LiMWA). The LiMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LiMWA (or between the shoreline and the LiMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Limit of Moderate Wave Action (LiMWA)

SCALE

N

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

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0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0684 OF 0837

FEMA

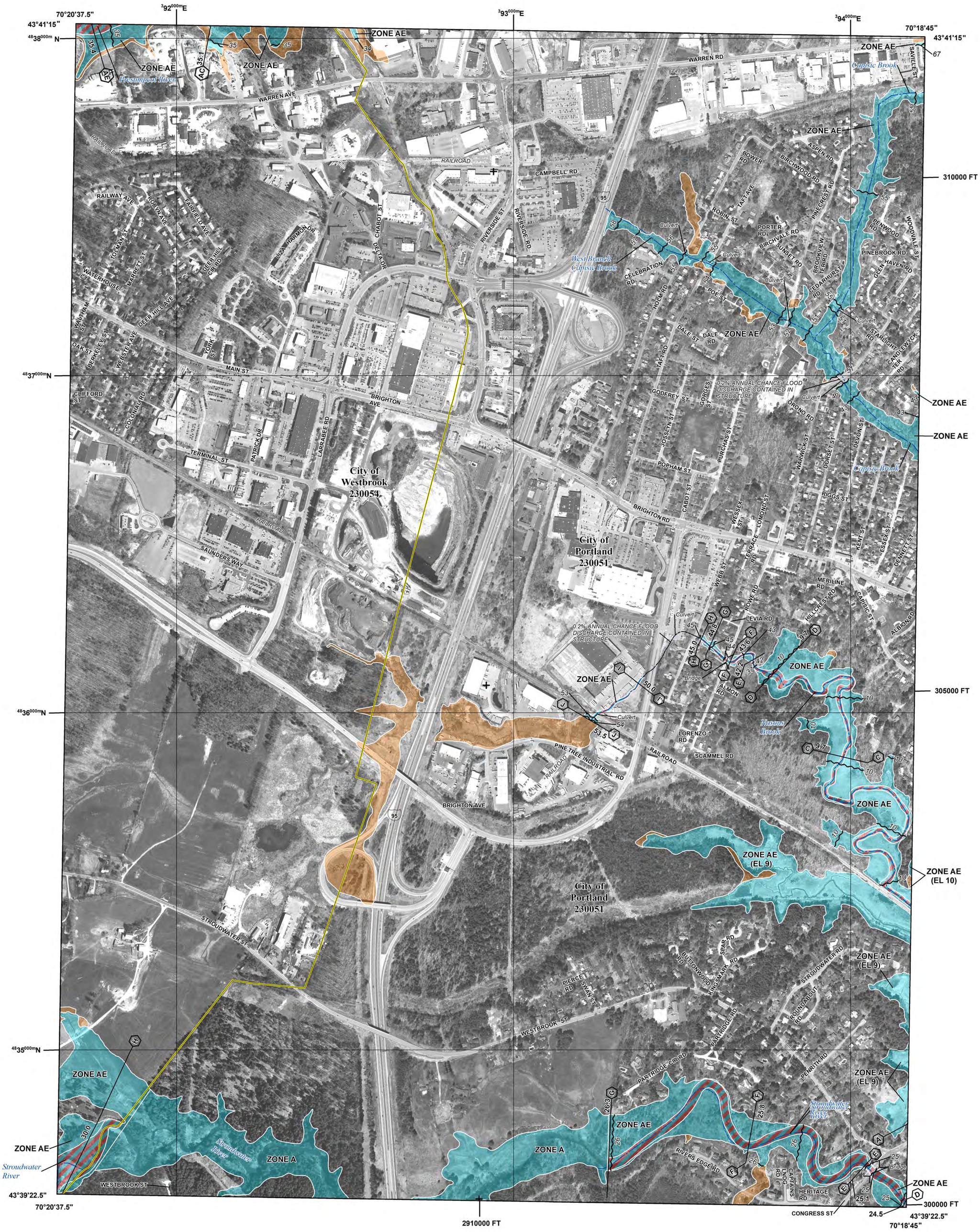
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0684	F
PORTLAND, CITY OF	230051	0684	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0684F

EFFECTIVE DATE
June 20, 2024



Page 41

FLOOD HAZARD INFORMATION

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GENERAL STRUCTURES
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- Limit of Study
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SCALE

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0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0687 OF 0837

FEMA

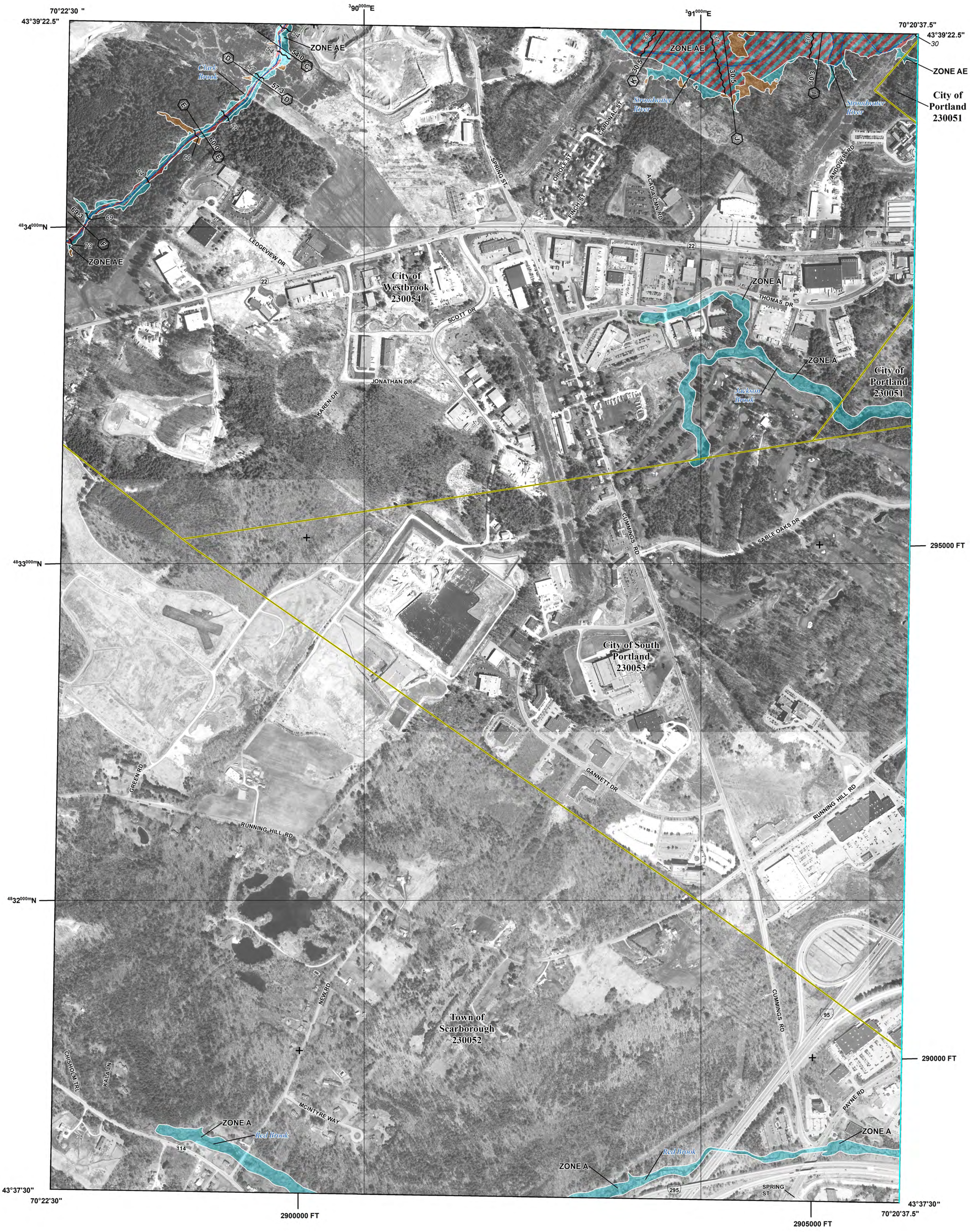
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0687	F
WESTBROOK, CITY OF	230054	0687	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0687F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
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GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
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SCALE

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Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

*PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL **0688** OF **0837**

FEMA

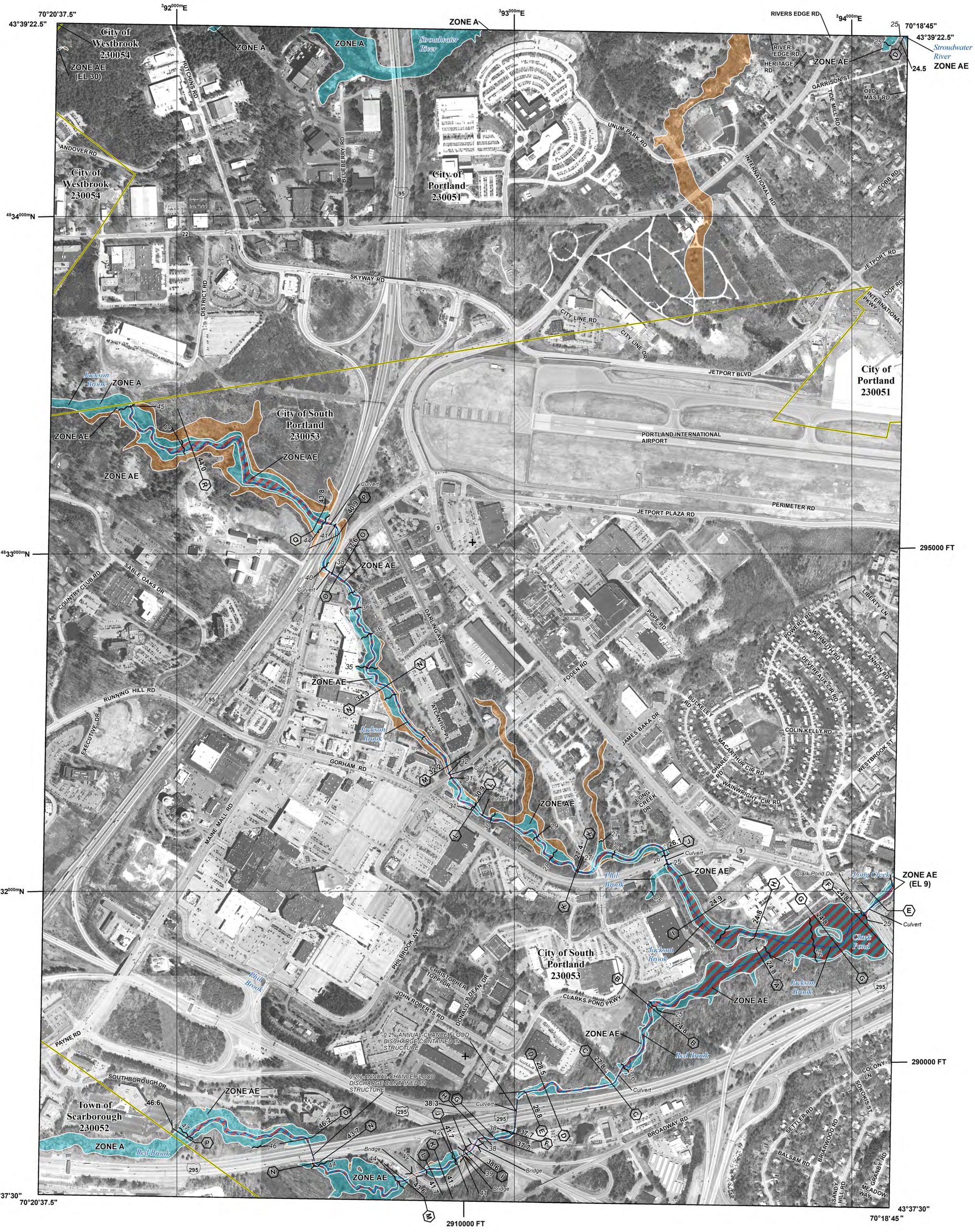
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0688	F
SCARBOROUGH, TOWN OF	230052	0688	F
SOUTH PORTLAND, CITY OF	230053	0688	F
WESTBROOK, CITY OF	230054	0688	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0688F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) *Zone A,V, A99*
	With BFE or Depth *Zone AE, AO, AH, VE, AR*
	Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
	Future Conditions 1% Annual Chance Flood Hazard *Zone X*
	Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
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	Area of Undetermined Flood Hazard *Zone D*
GENERAL STRUCTURES	Channel, Culvert, or Storm Sewer
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OTHER FEATURES	E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
	8 Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	513 Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

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SCALE

N

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Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

*PANEL NOT PRINTED

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0689 OF 0837

FEMA

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0689	F
SCARBOROUGH, TOWN OF	230052	0689	F
SOUTH PORTLAND, CITY OF	230053	0689	F
WESTBROOK, CITY OF	230054	0689	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0689F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

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- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E — 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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SCALE

N

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1 inch = 500 feet — 1:6,000

0 — 500 — 1,000 — 2,000 Feet

0 — 125 — 250 — 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0691 OF 0837

FEMA

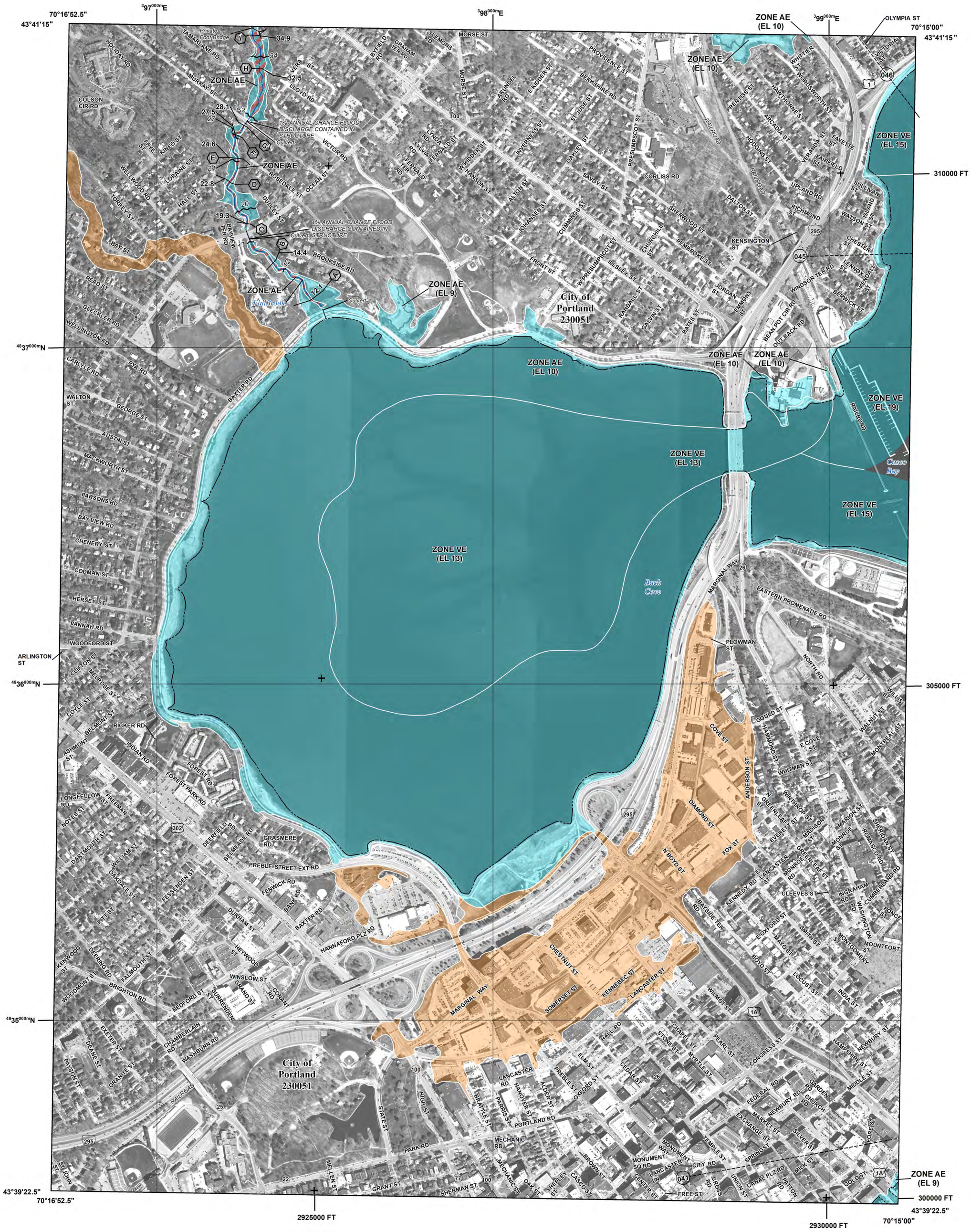
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0691	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0691F

EFFECTIVE DATE
June 20, 2024



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0 500 1,000 2,000 Feet

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0692 OF 0837

FEMA

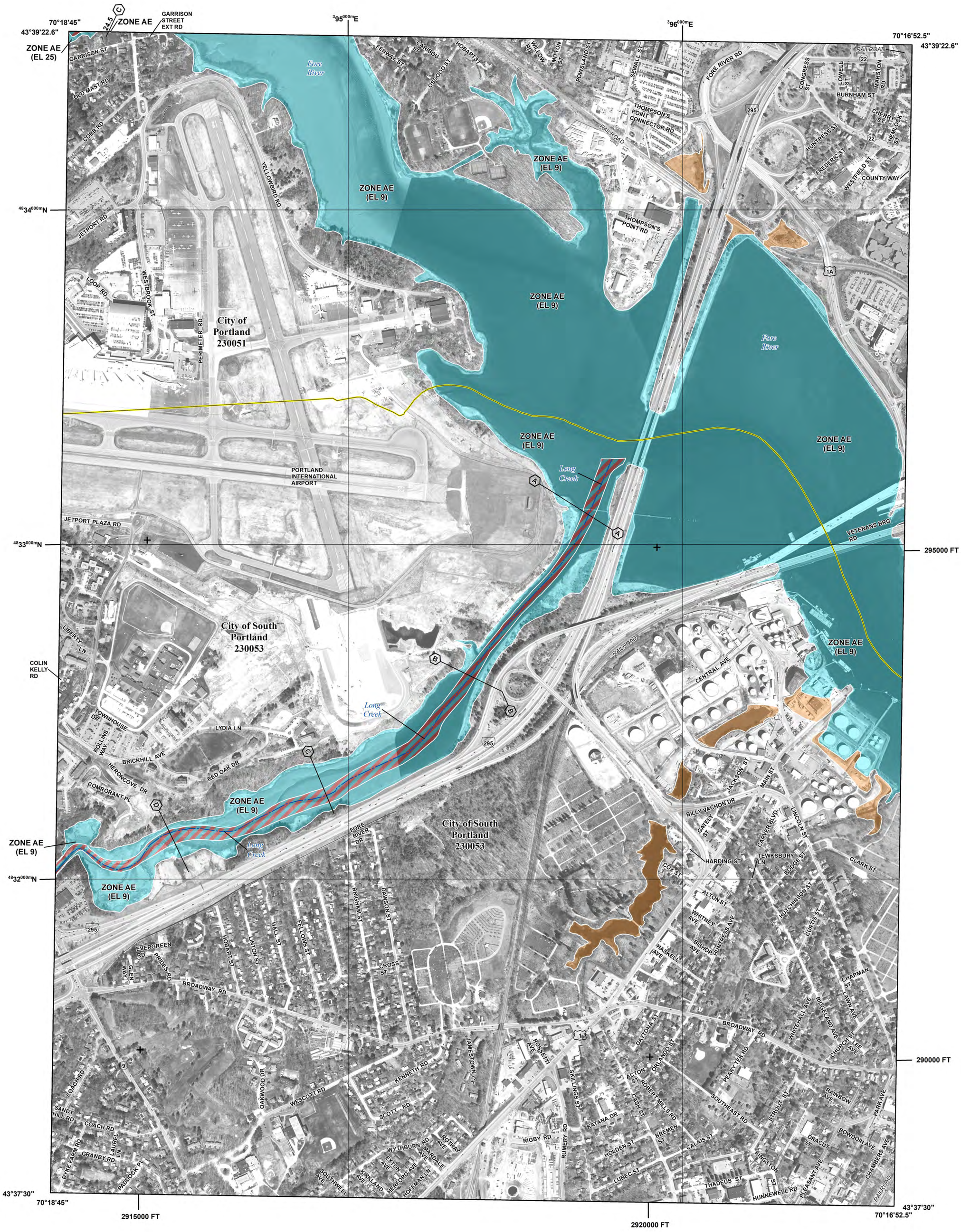
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0692	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0692F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Jurisdiction Boundary

NOTES TO USERS

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SCALE

N

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0693 OF 0837

FEMA

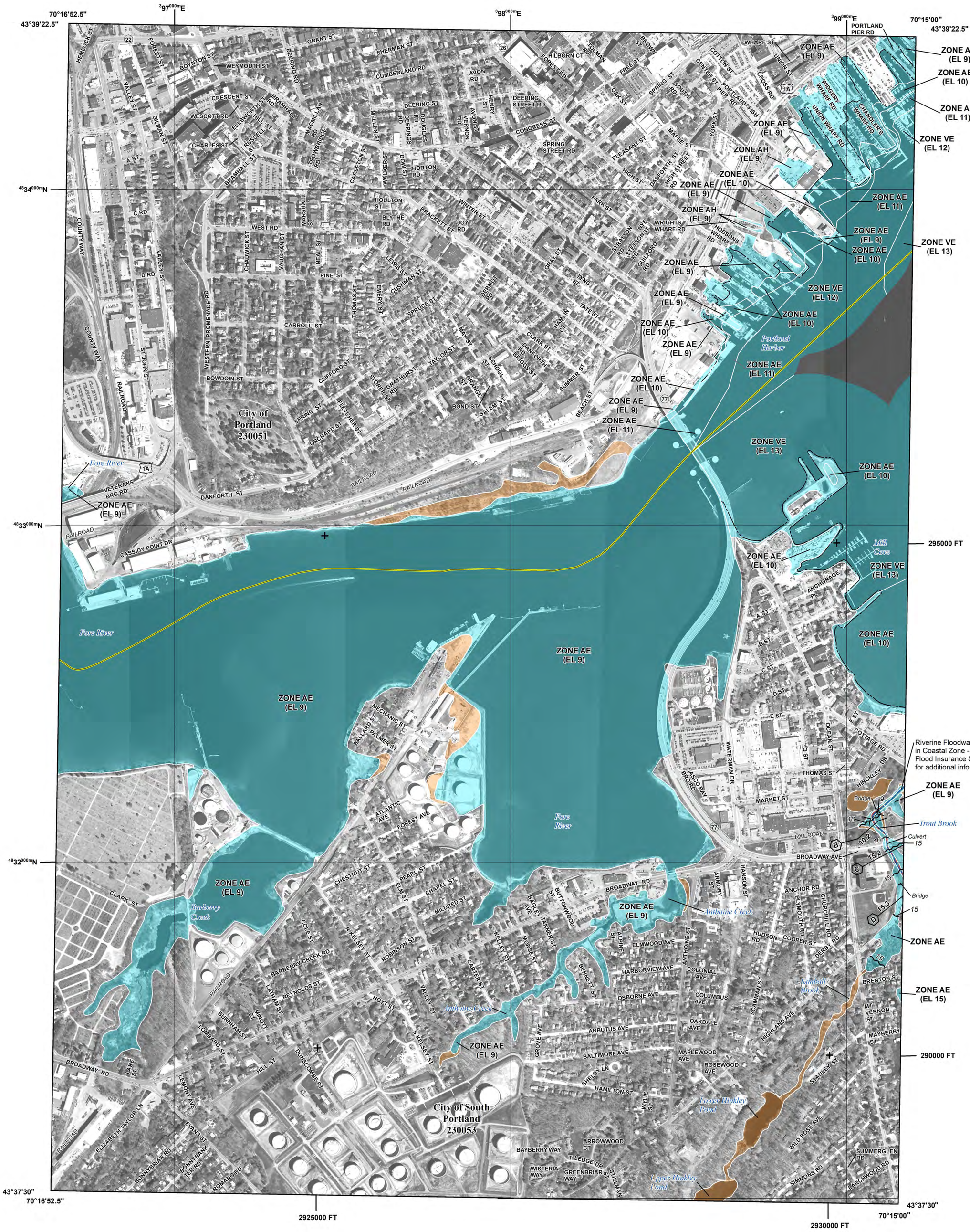
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0693	F
SOUTH PORTLAND, CITY OF	230053	0693	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0693F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT HTTPS://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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SCALE

N

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Western Hemisphere; Vertical Datum: NAVD 88

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0694 OF 0837

FEMA

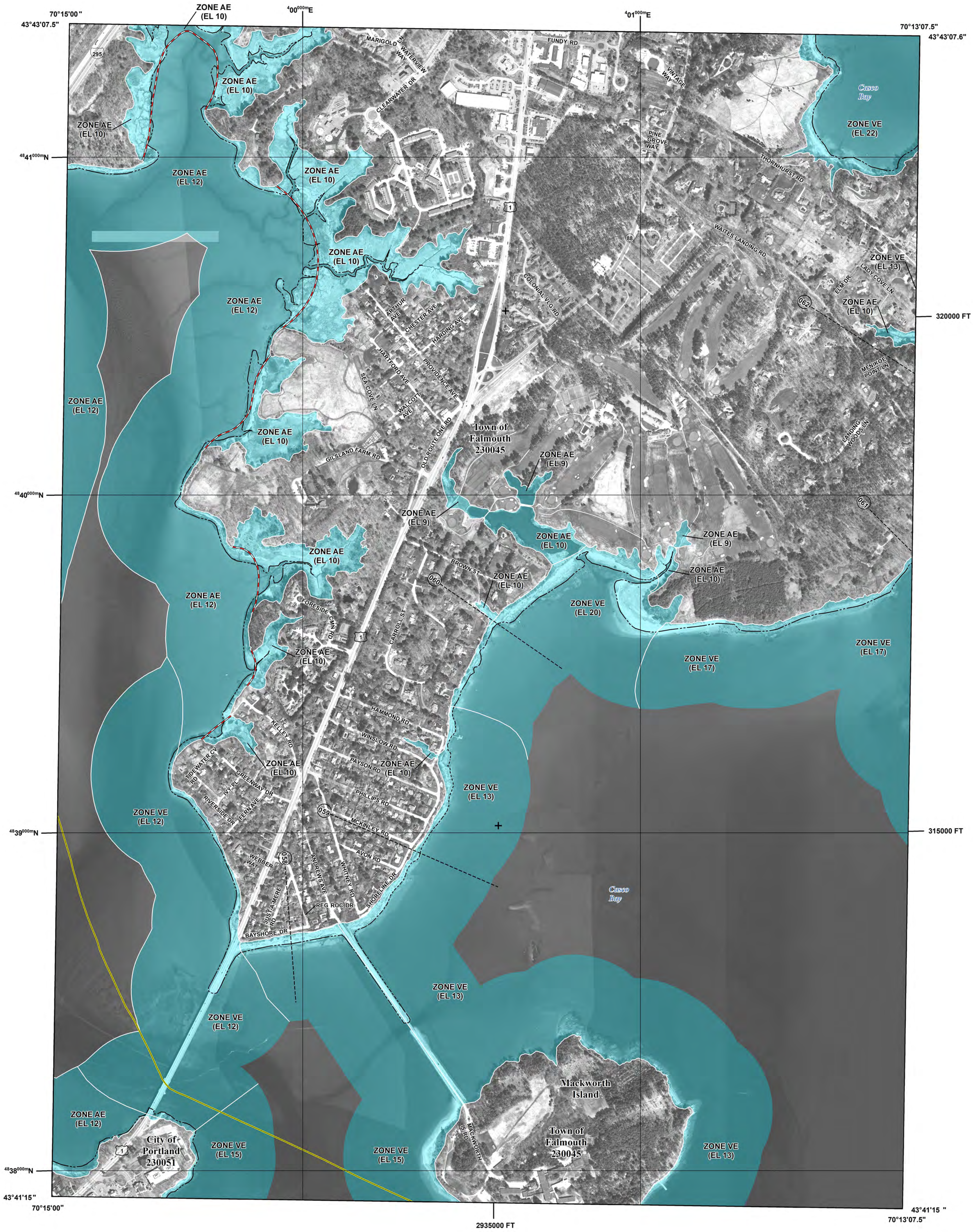
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
PORTLAND, CITY OF	230051	0694	F
SOUTH PORTLAND, CITY OF	230053	0694	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0694F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

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- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
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OTHER AREAS

- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
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The AE Zone category has been divided by a Limit of Moderate Wave Action (LiMWA). The LiMWA represents the approximate landward limit of the 1.5-foot breaking wave. The effects of wave hazards between the VE Zone and the LiMWA (or between the shoreline and the LiMWA for areas where VE Zones are not identified) will be similar to, but less severe than those in the VE Zone.

Limit of Moderate Wave Action (LiMWA)

SCALE

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NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL **0703** OF **0837**

FEMA

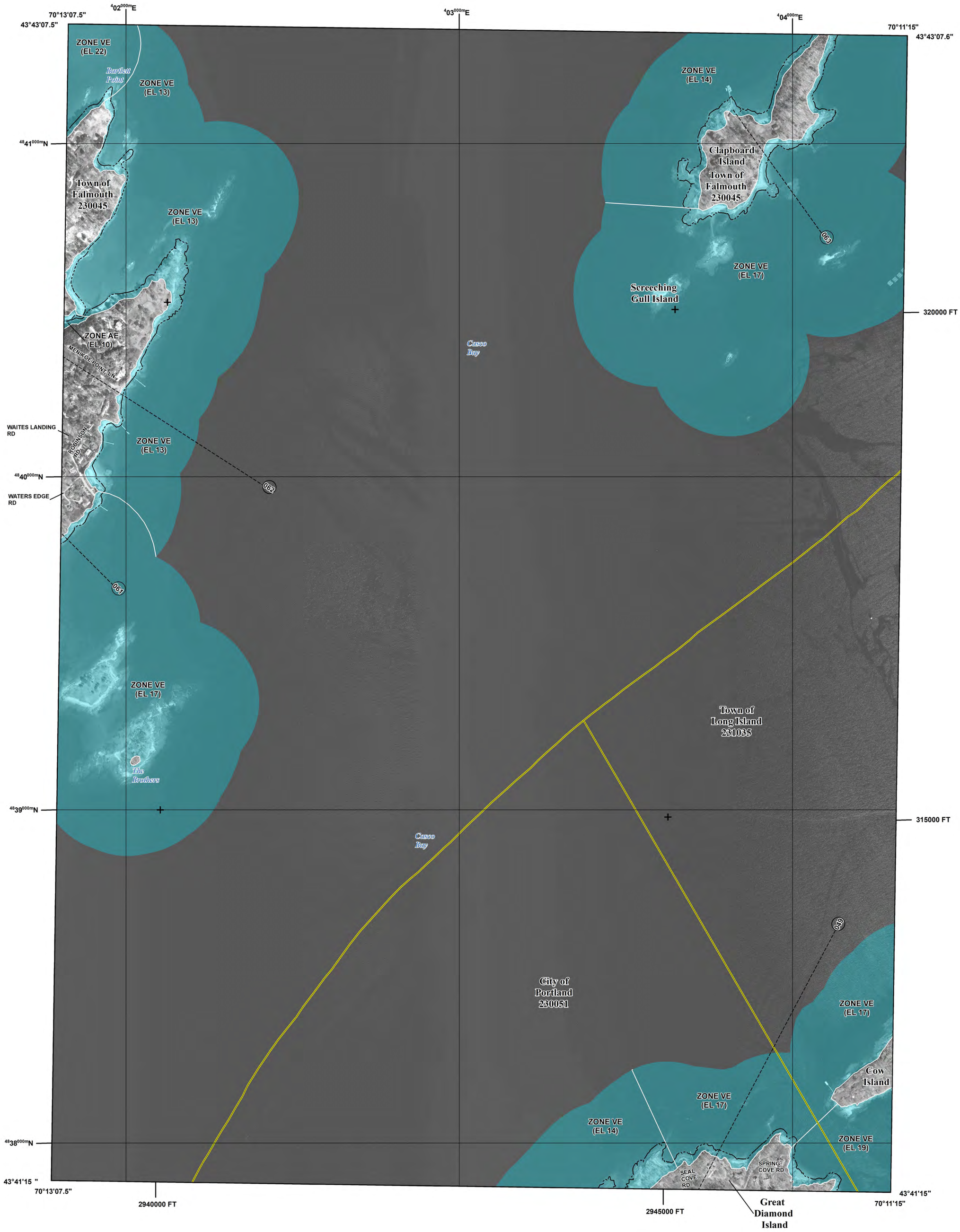
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0703	F
PORTLAND, CITY OF	230051	0703	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0703F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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SCALE

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1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0704 OF 0837

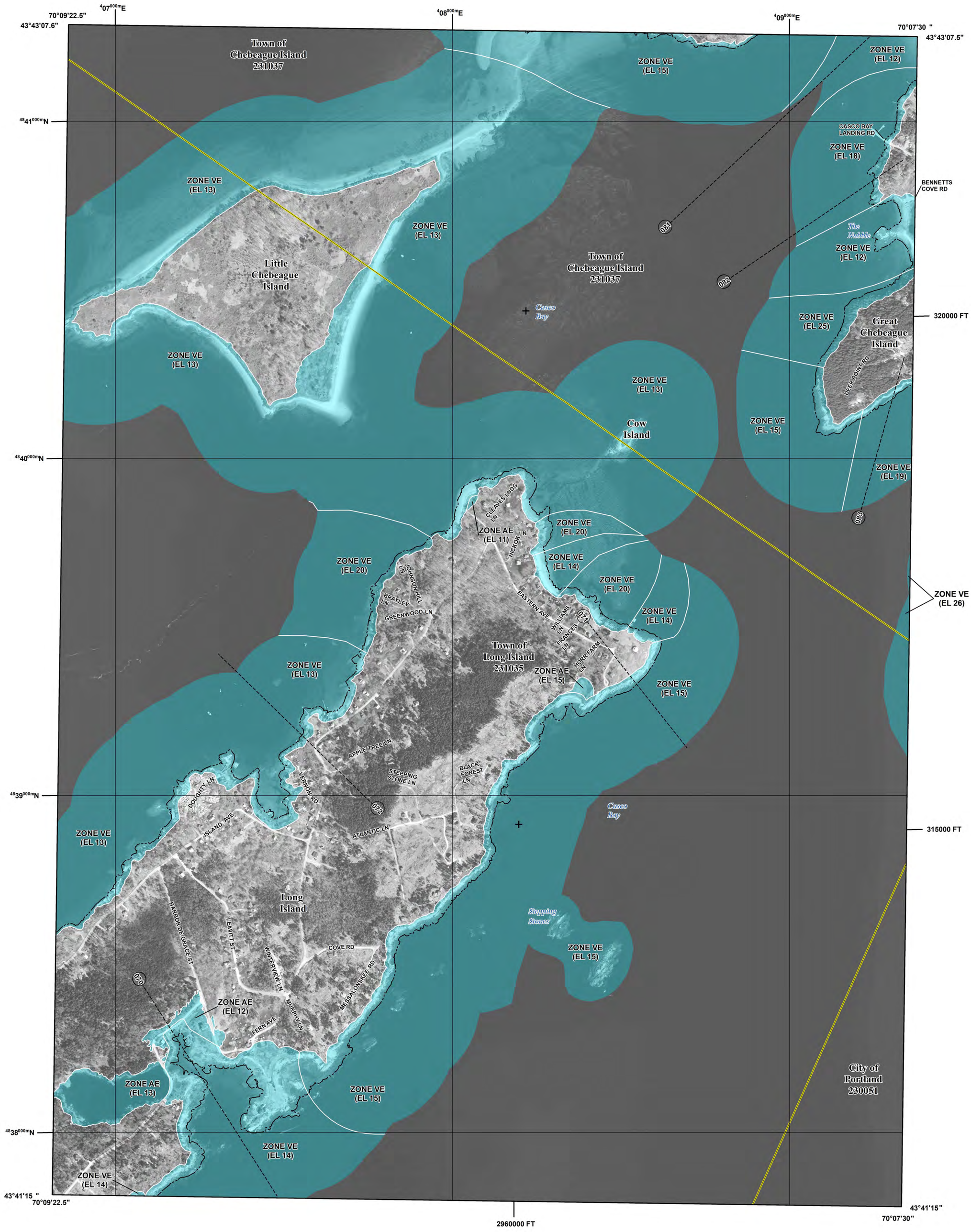
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0704	F
LONG ISLAND, TOWN OF	231035	0704	F
PORTLAND, CITY OF	230051	0704	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0704F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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Coastal Barrier Resources System (CBRS) areas and "otherwise protected areas" (OPAs) are no longer shown on this map panel, but still may be present in this community. Current information on these areas is provided by the U.S. Fish & Wildlife Service (FWS). NFIP flood insurance is not available within CBRS areas for structures that are built or substantially improved on or after the dates indicated by FWS. Users should reference the most up-to-date information provided by FWS to determine NFIP insurance eligibility. The official maps and additional information regarding CBRS areas are provided on the FWS website at: www.fws.gov/cbra. FEMA also includes the official boundaries from FWS on our interactive and dynamic flood maps available through the FEMA Map Service Center.

SCALE

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0709 OF 0837

FEMA

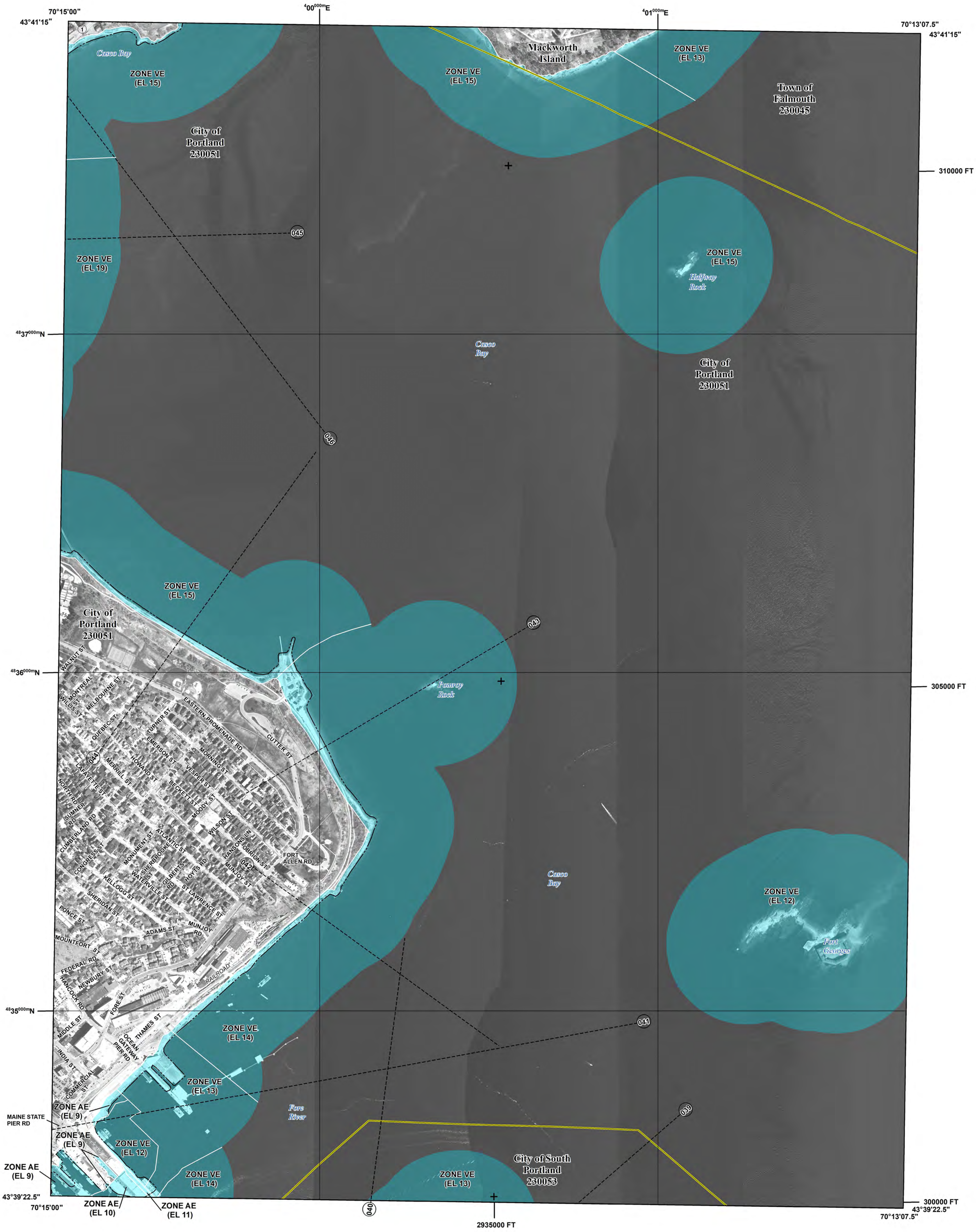
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CHEBEAGUE ISLAND, TOWN OF	231037	0709	F
LONG ISLAND, TOWN OF	231035	0709	F
PORTLAND, CITY OF	230051	0709	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0709F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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SCALE

N

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0711 OF 0837

FEMA

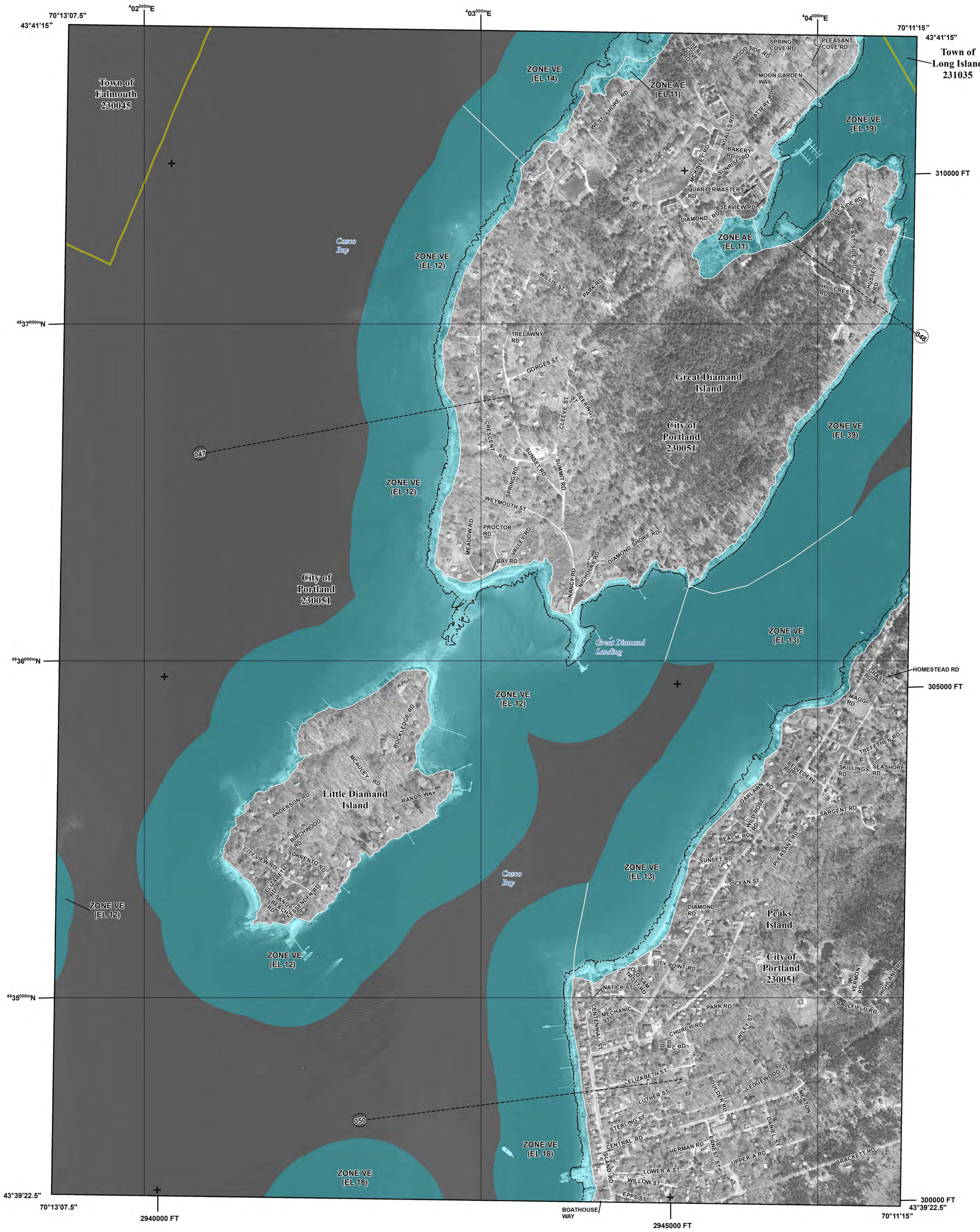
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0711	F
PORTLAND, CITY OF	230051	0711	F
SOUTH PORTLAND, CITY OF	230053	0711	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0711F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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SCALE

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0712 OF 0837

FEMA

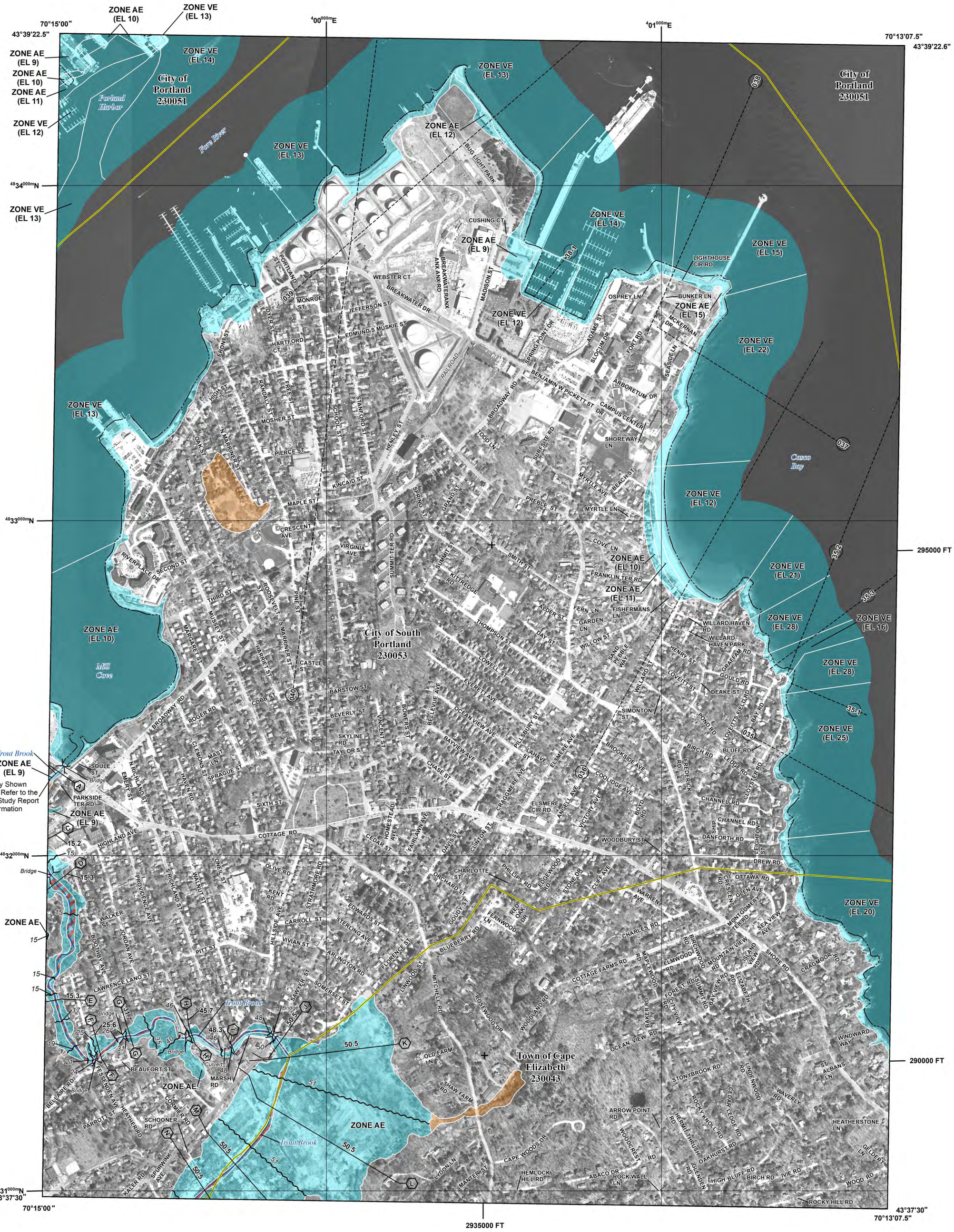
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
FALMOUTH, TOWN OF	230045	0712	F
LONG ISLAND, TOWN OF	231035	0712	F
PORTLAND, CITY OF	230051	0712	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0712F

EFFECTIVE DATE
June 20, 2024



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OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

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SCALE

N

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0713 OF 0837

FEMA

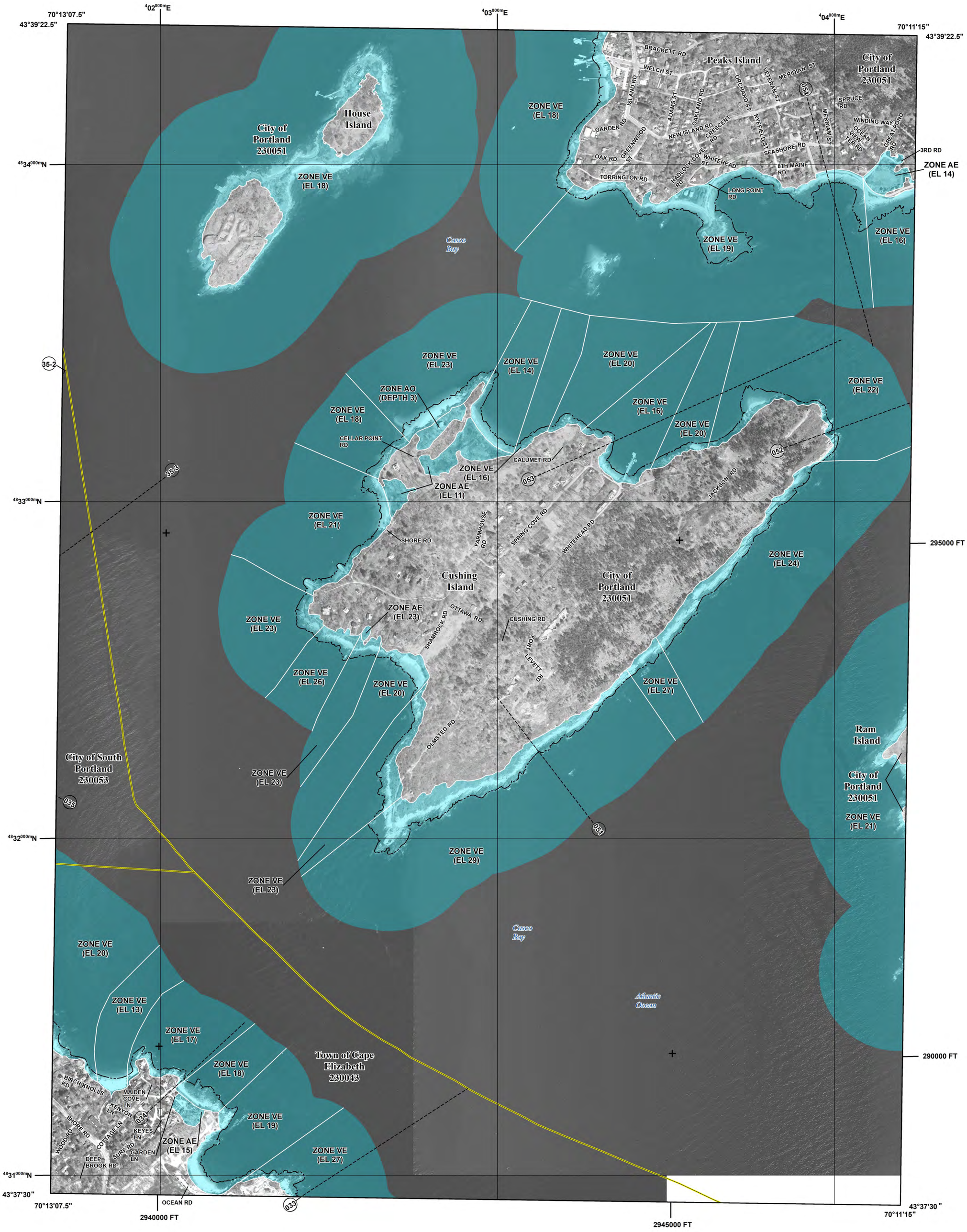
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CAPE ELIZABETH, TOWN OF	230043	0713	F
PORTLAND, CITY OF	230051	0713	F
SOUTH PORTLAND, CITY OF	230053	0713	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0713F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
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OTHER FEATURES

- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
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SCALE

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Western Hemisphere; Vertical Datum: NAVD 88

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0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0714 OF 0837

FEMA

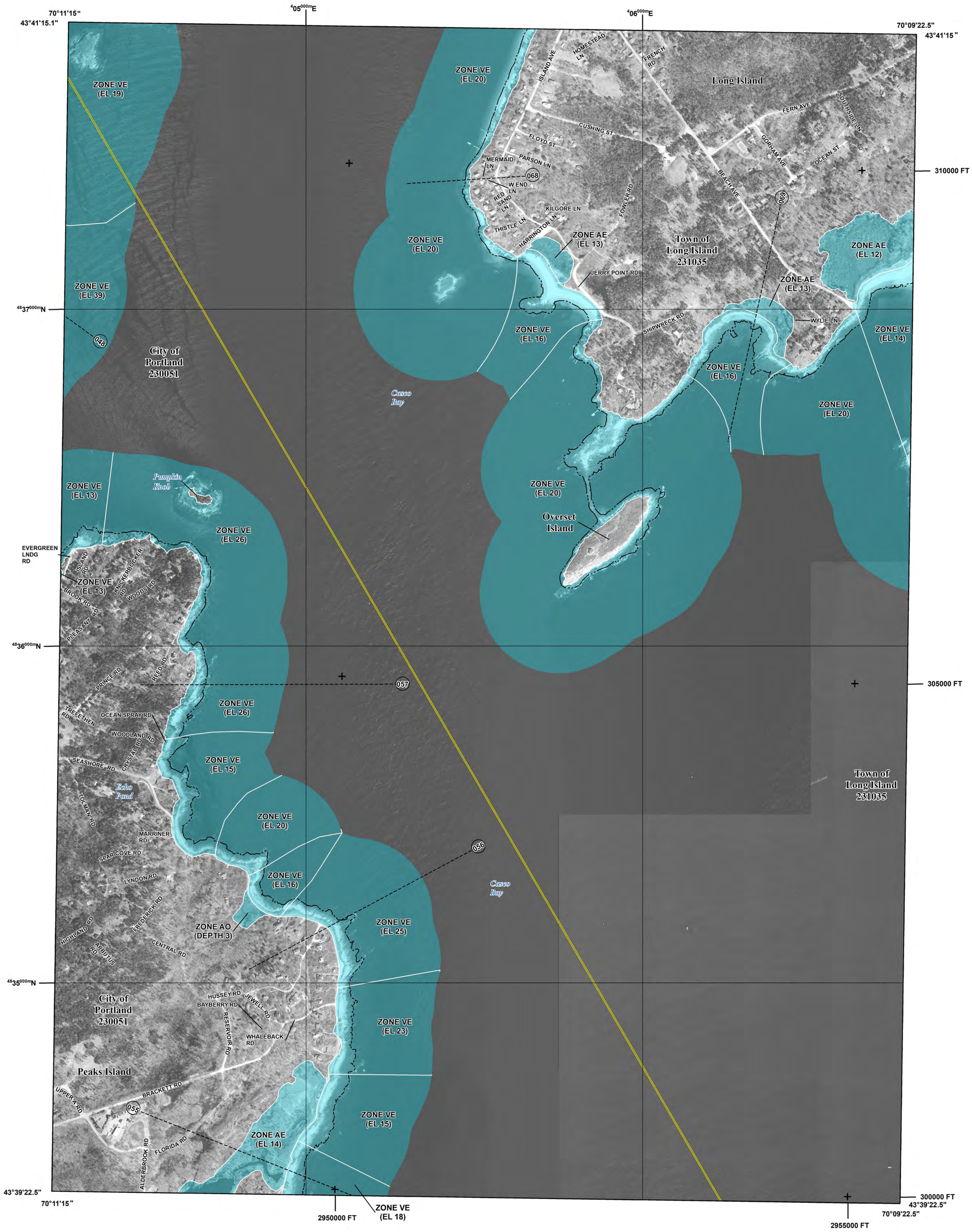
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CAPE ELIZABETH, TOWN OF	230043	0714	F
PORTLAND, CITY OF	230051	0714	F
SOUTH PORTLAND, CITY OF	230053	0714	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0714F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS
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- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
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- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
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OTHER AREAS
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
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SCALE

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NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0716 OF 0837

FEMA

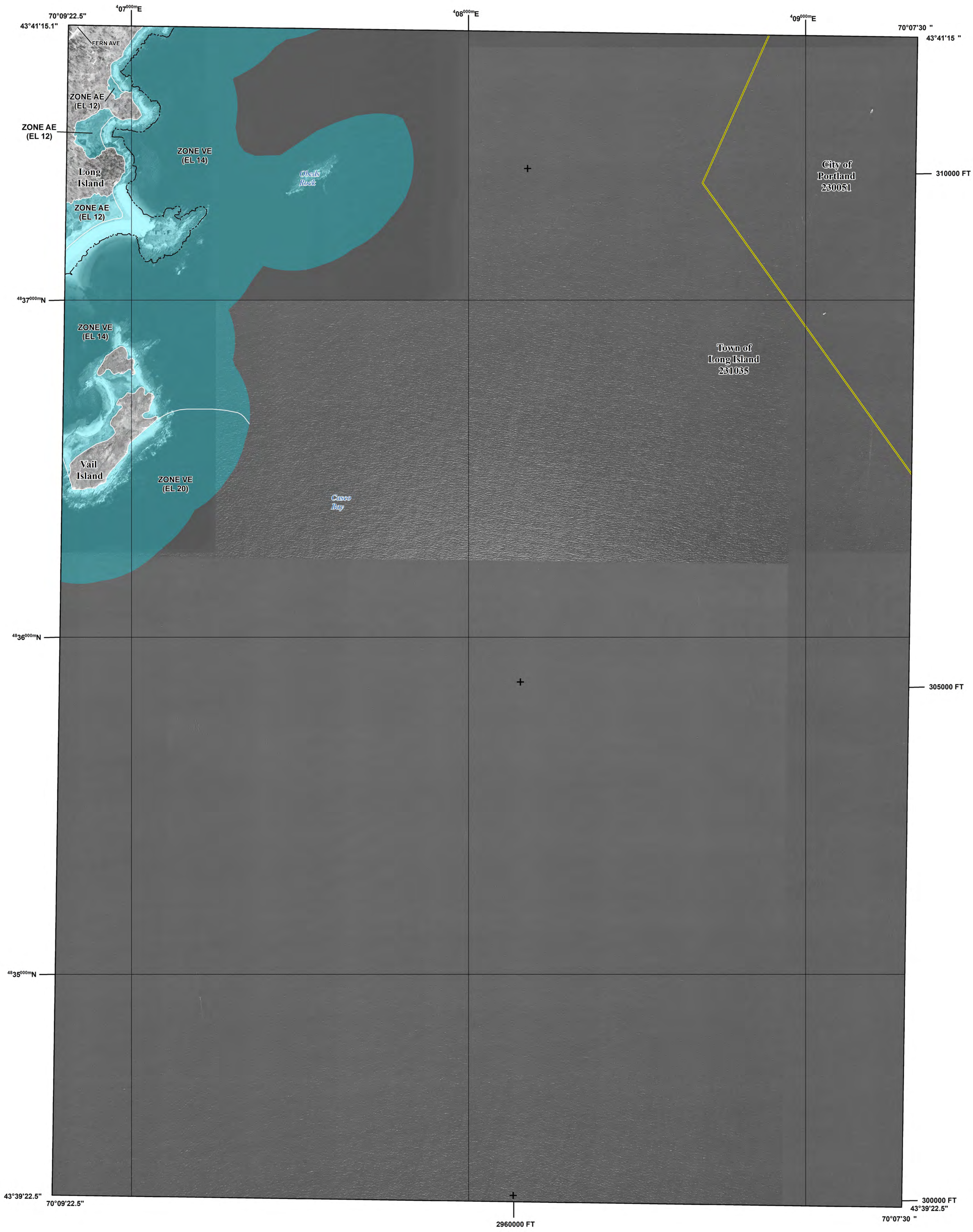
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
LONG ISLAND, TOWN OF	231035	0716	F
PORTLAND, CITY OF	230051	0716	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0716F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

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SPECIAL FLOOD HAZARD AREAS
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OTHER AREAS OF FLOOD HAZARD
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OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
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GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
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- 8 Coastal Transect
- Coastal Transect Baseline
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- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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SCALE

N

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0717 OF 0837

FEMA

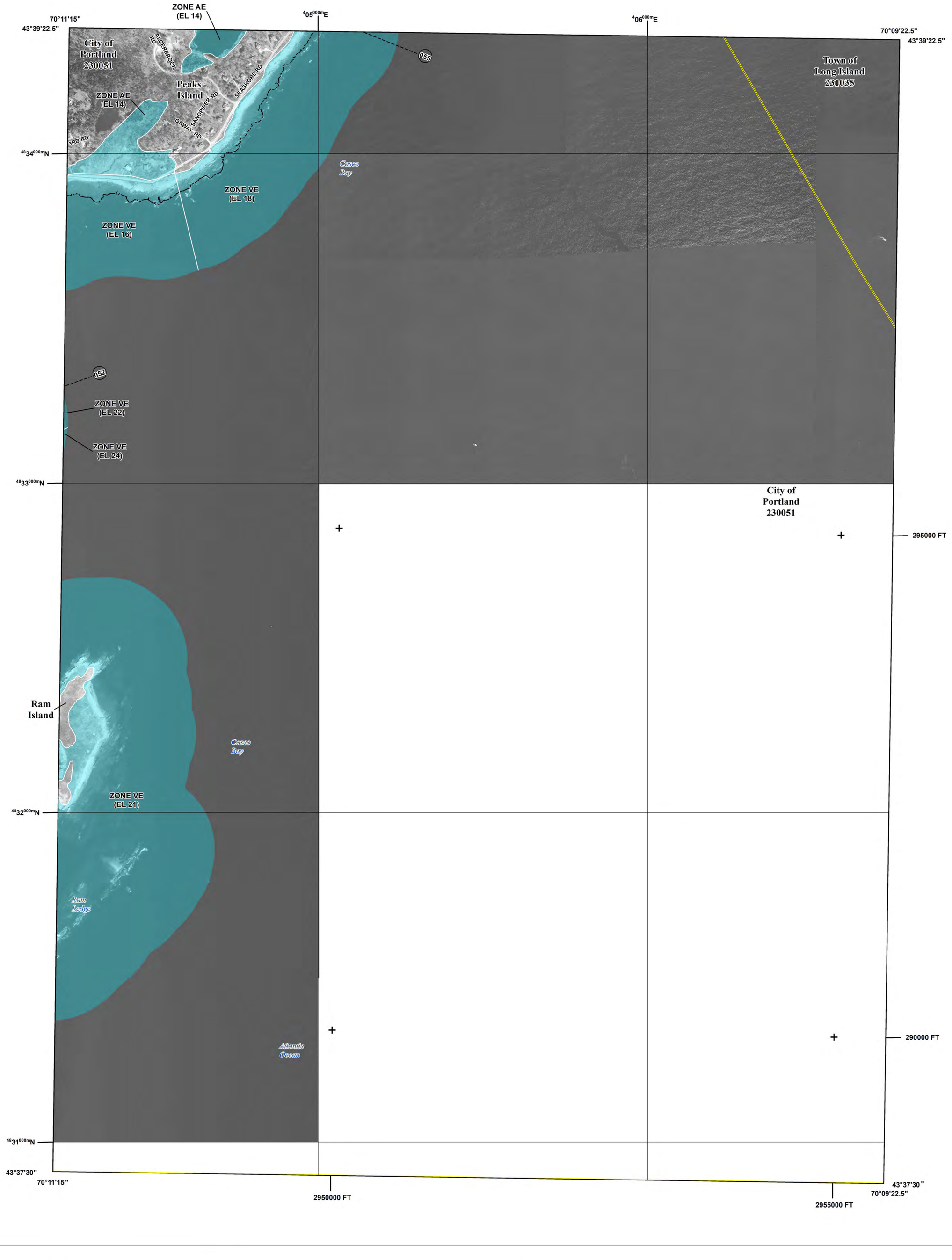
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
LONG ISLAND, TOWN OF	231035	0717	F
PORTLAND, CITY OF	230051	0717	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0717F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- E 18.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

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SCALE

N

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0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0718 OF 0837

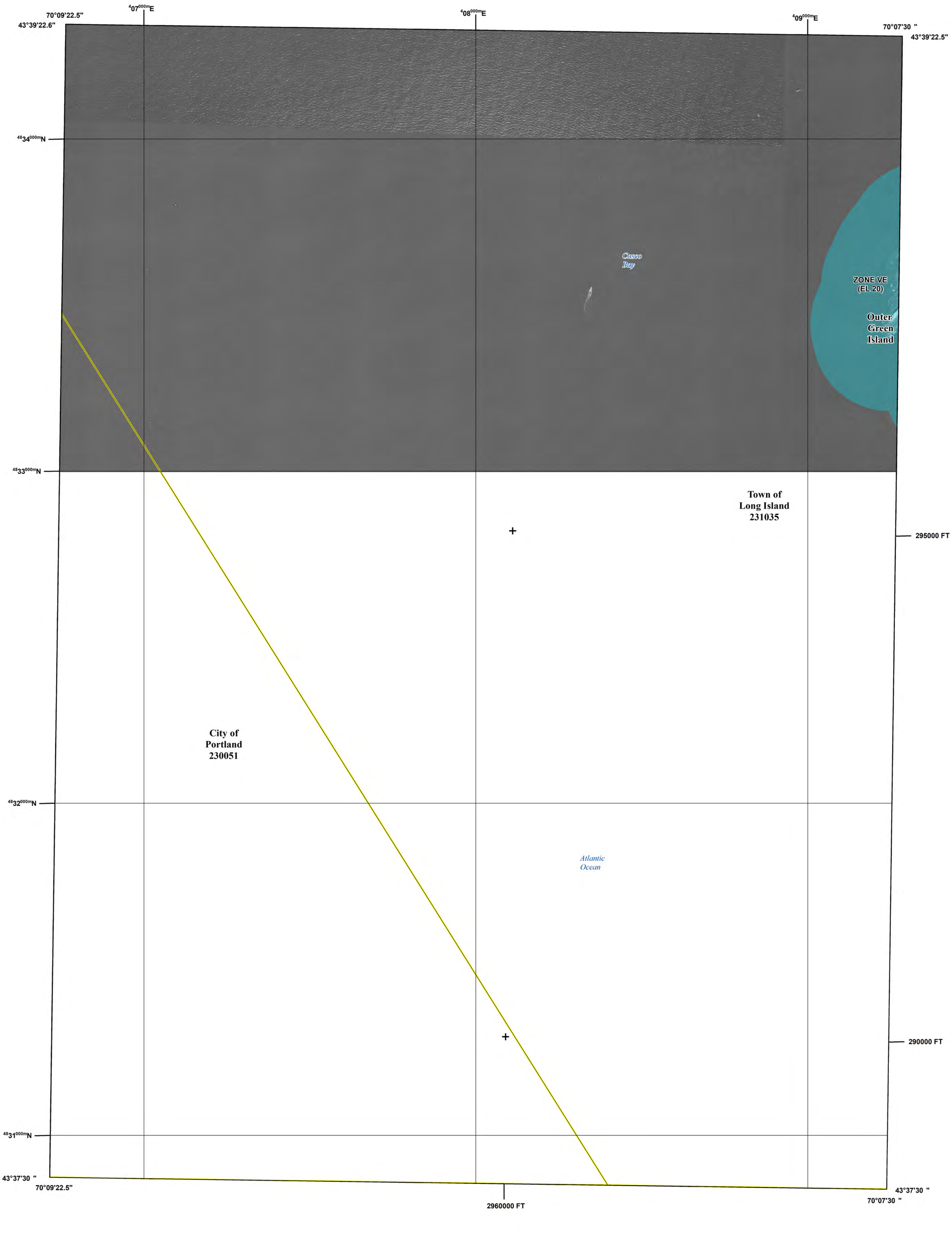
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
LONG ISLAND, TOWN OF	231035	0718	F
PORTLAND, CITY OF	230051	0718	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0718F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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OTHER AREAS OF FLOOD HAZARD
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- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
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GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
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- 8 — Coastal Transect
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SCALE

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0719 OF 0837

FEMA

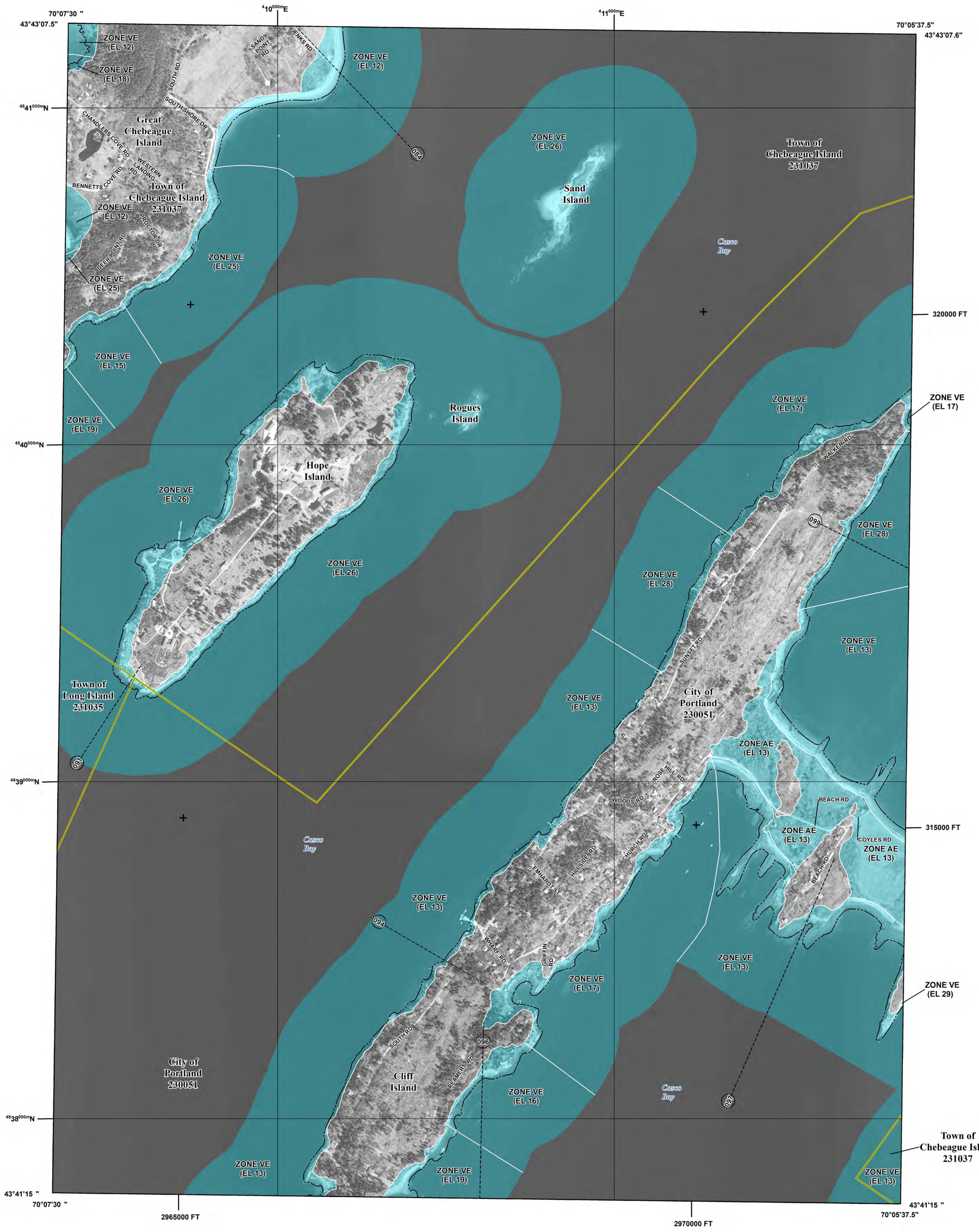
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
LONG ISLAND, TOWN OF	231035	0719	F
PORTLAND, CITY OF	230051	0719	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0719F

EFFECTIVE DATE
June 20, 2024



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Coastal Barrier Resources System (CBRS) areas and "otherwise protected areas" (OPAs) are no longer shown on this map panel, but still may be present in this community. Current information on these areas is provided by the U.S. Fish & Wildlife Service (FWS). NFIP flood insurance is not available within CBRS areas for structures that are built or substantially improved on or after the dates indicated by FWS. Users should reference the most up-to-date information provided by FWS to determine NFIP insurance eligibility. The official maps and additional information regarding CBRS areas are provided on the FWS website at: www.fws.gov/cbra. FEMA also includes the official boundaries from FWS on our interactive and dynamic flood maps available through the FEMA Map Service Center.

SCALE

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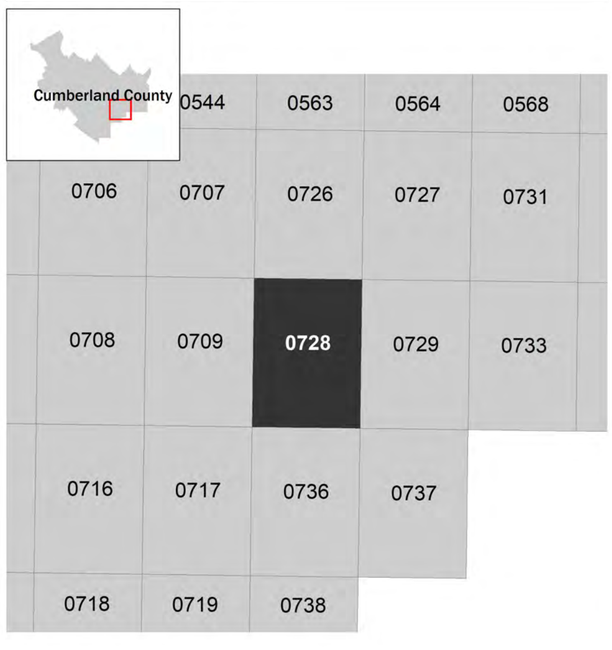
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet 1:6,000

0 500 1,000 2,000 Feet

0 125 250 500 Meters

PANEL LOCATOR



FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL **0728** OF **0837**

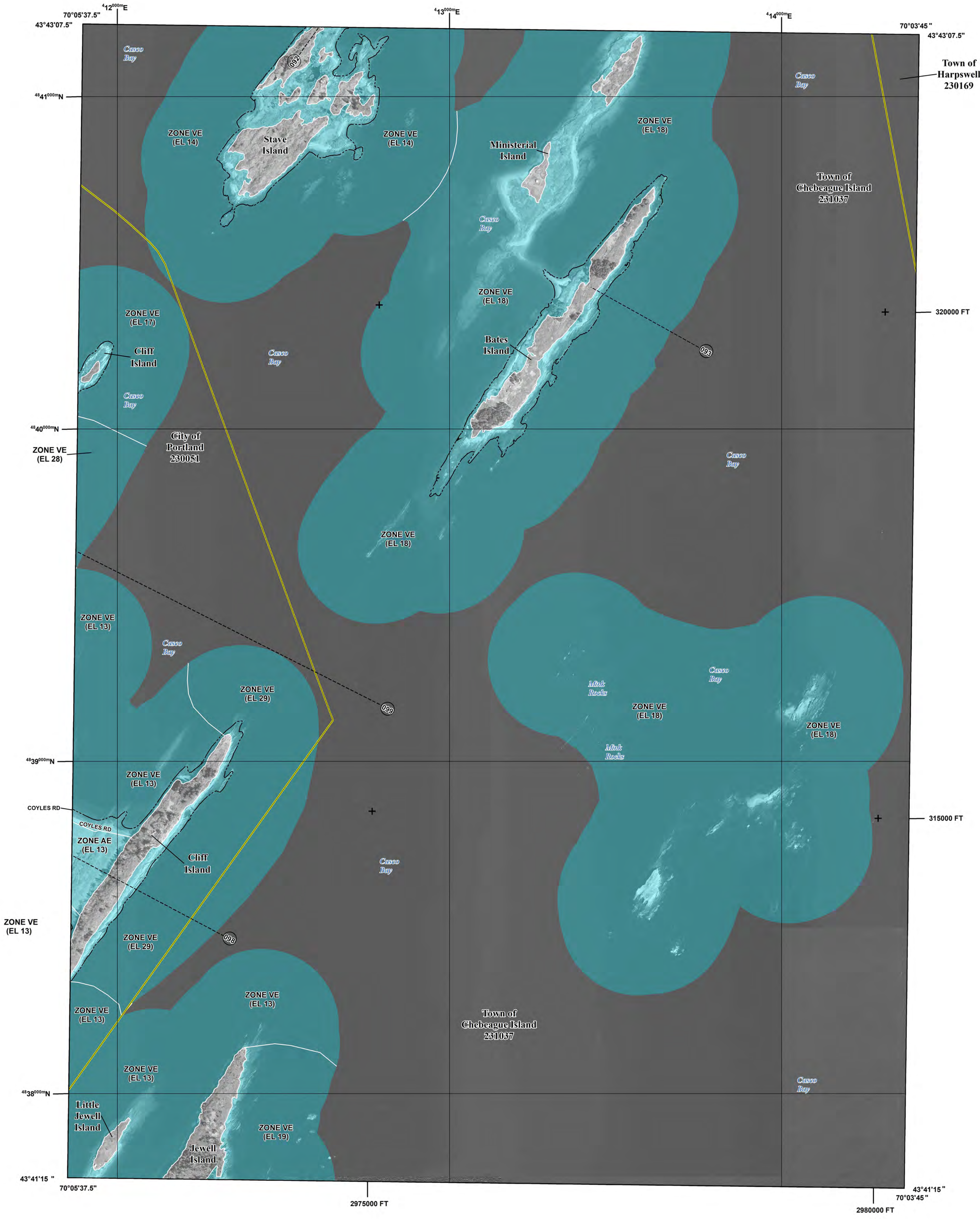
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CHEBEAGUE ISLAND, TOWN OF	231037	0728	F
LONG ISLAND, TOWN OF	231035	0728	F
PORTLAND, CITY OF	230051	0728	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0728F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT

HTTPS://MSC.FEMA.GOV

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A,V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN — Area of Minimal Flood Hazard *Zone X*
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- E 18.2 / 17.5 — Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 — Coastal Transect
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature
- 513 — Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary

NOTES TO USERS

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For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

To determine if flood insurance is available in this community, contact your Insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

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Coastal Barrier Resources System (CBRS) areas and "otherwise protected areas" (OPAs) are no longer shown on this map panel, but still may be present in this community. Current information on these areas is provided by the U.S. Fish & Wildlife Service (FWS). NFIP flood insurance is not available within CBRS areas for structures that are built or substantially improved on or after the dates indicated by FWS. Users should reference the most up-to-date information provided by FWS to determine NFIP insurance eligibility. The official maps and additional information regarding CBRS areas are provided on the FWS website at: www.fws.gov/cbra. FEMA also includes the official boundaries from FWS on our interactive and dynamic flood maps available through the FEMA Map Service Center.

SCALE

Map Projection:
NAD 1983 UTM Zone 19N;
Western Hemisphere; Vertical Datum: NAVD 88

1 inch = 500 feet — 1:6,000

0 — 500 — 1,000 — 2,000 Feet

0 — 125 — 250 — 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL **0729** OF **0837**

FEMA

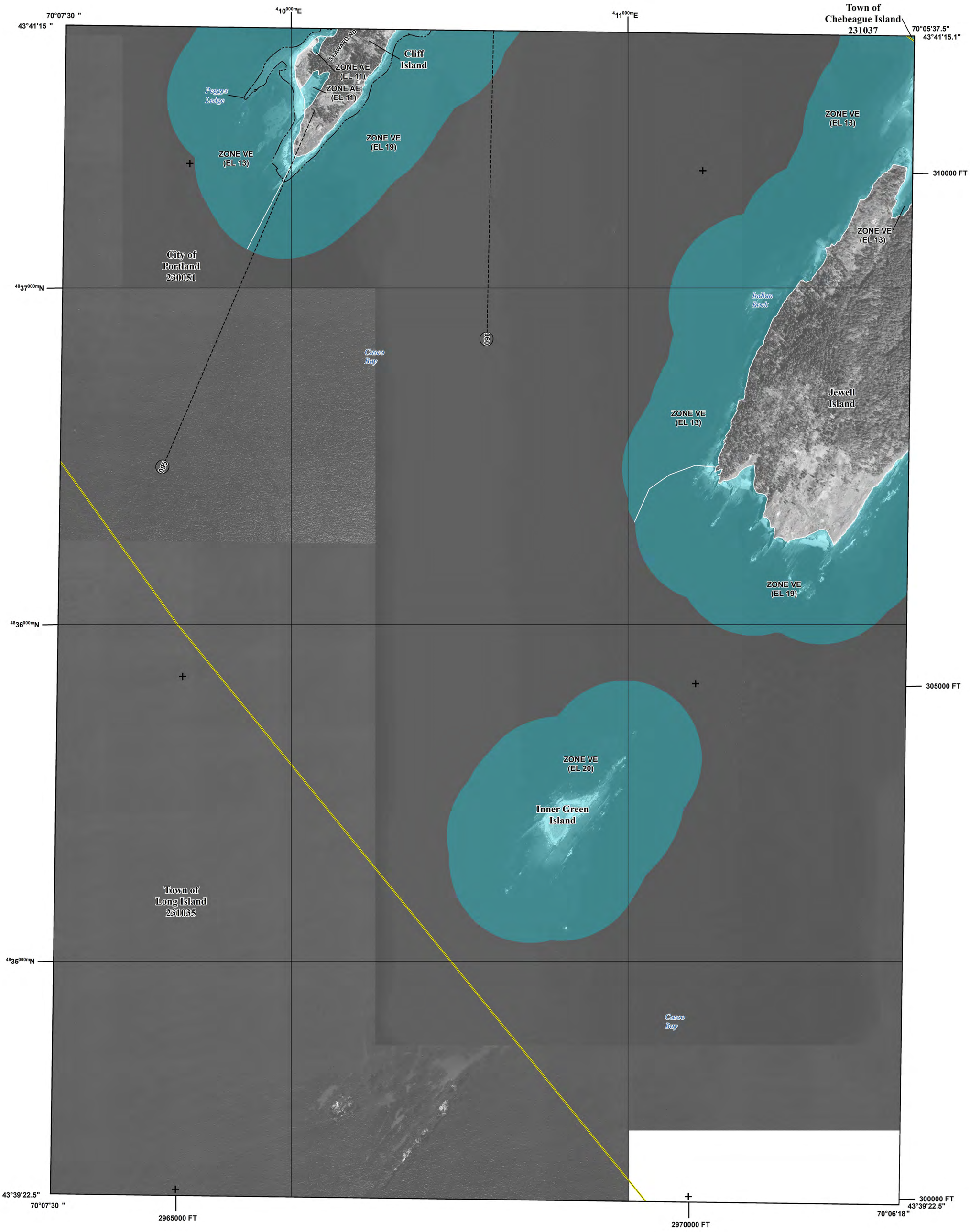
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CHEBEAGUE ISLAND, TOWN OF	231037	0729	F
HARPSWELL, TOWN OF	230169	0729	F
PORTLAND, CITY OF	230051	0729	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0729F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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OTHER AREAS
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GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
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0 — 500 — 1,000 — 2,000 Feet

0 — 125 — 250 — 500 Meters

PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0736 OF 0837

FEMA

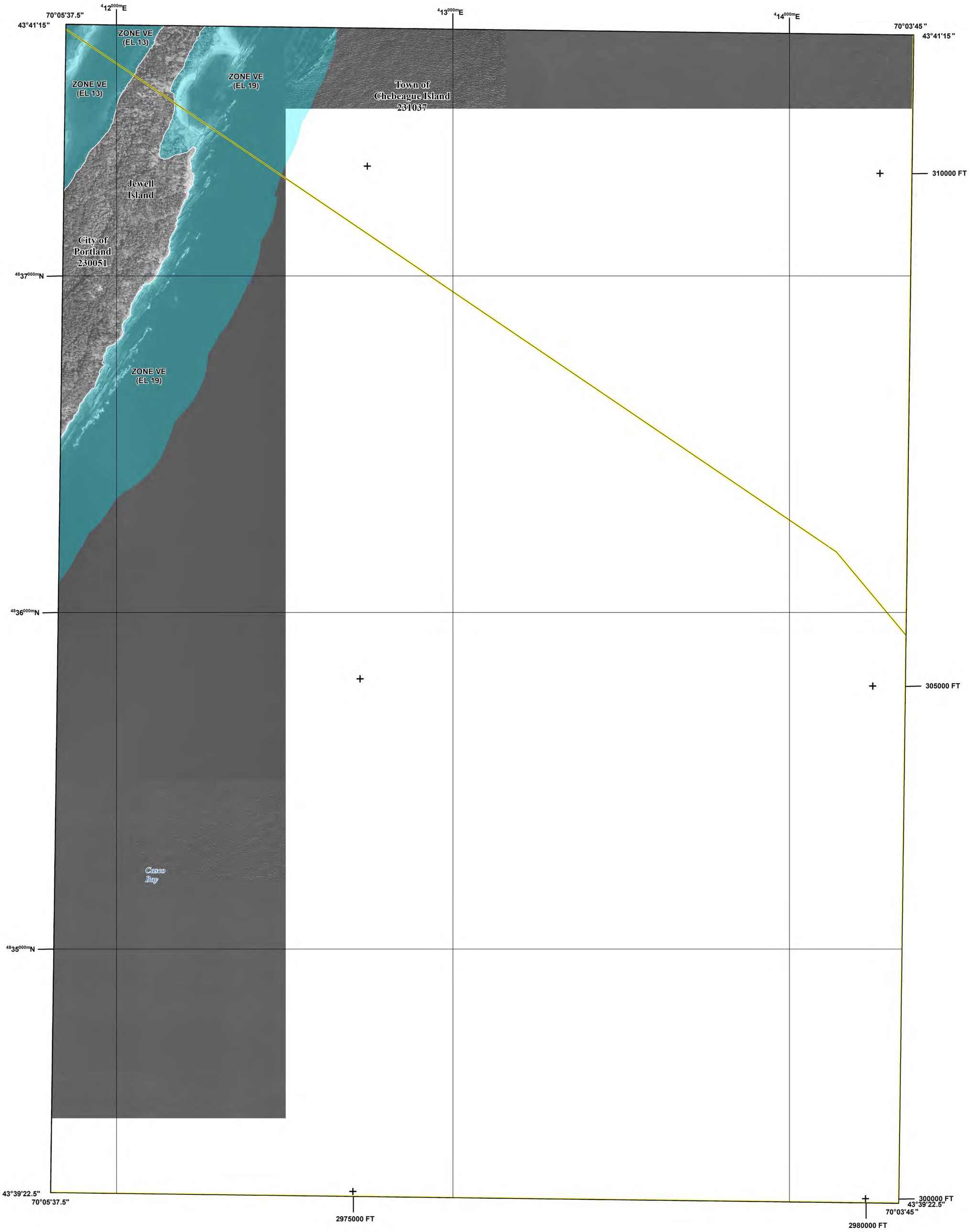
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CHEBEAGUE ISLAND, TOWN OF	231037	0736	F
LONG ISLAND, TOWN OF	231035	0736	F
PORTLAND, CITY OF	230051	0736	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0736F

EFFECTIVE DATE
June 20, 2024



FLOOD HAZARD INFORMATION

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0737 OF 0837

FEMA

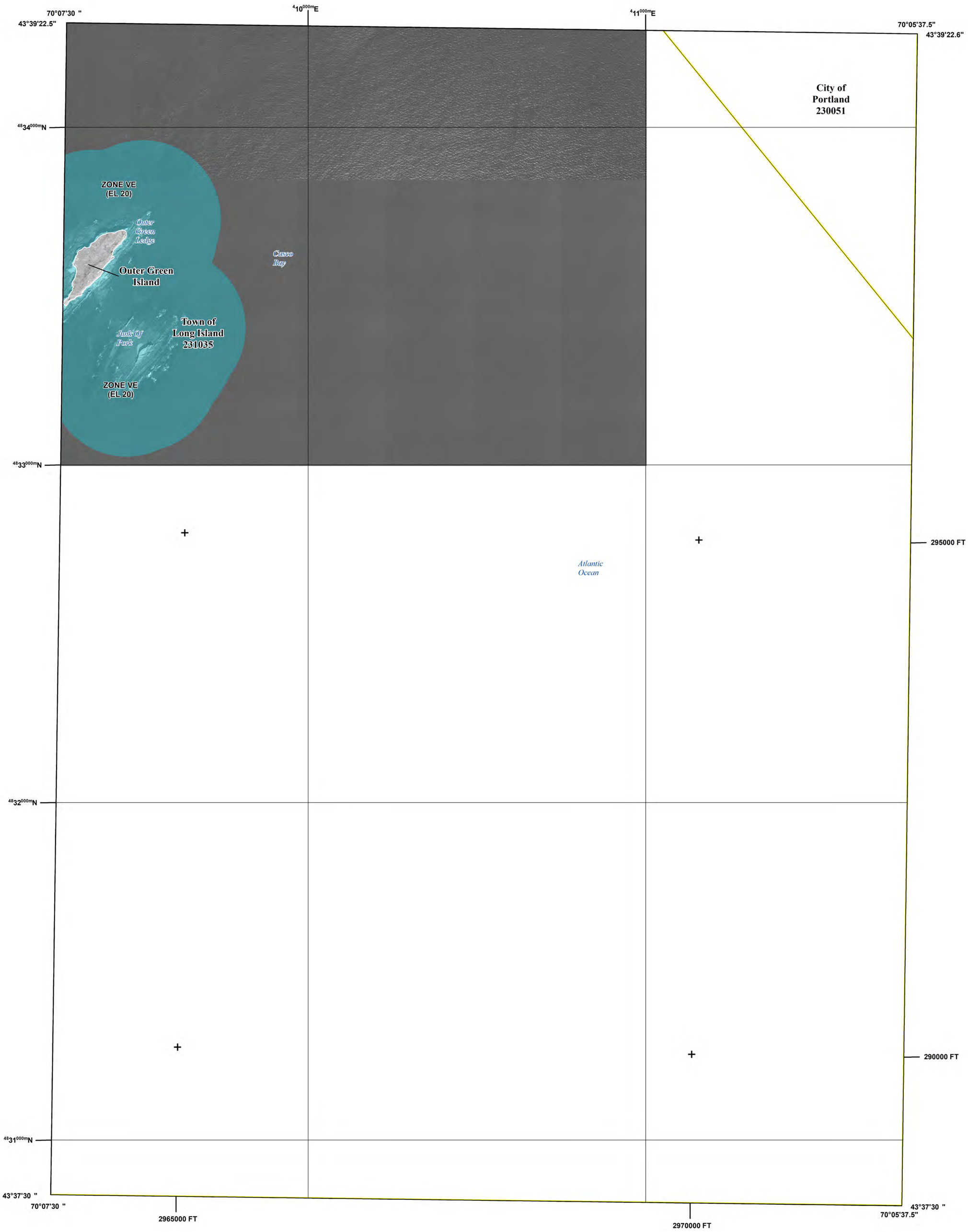
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CHEBEAGUE ISLAND, TOWN OF	231037	0737	F
PORTLAND, CITY OF	230051	0737	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0737F

EFFECTIVE DATE
June 20, 2024



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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE
All Jurisdictions

PANEL 0738 OF 0837

FEMA

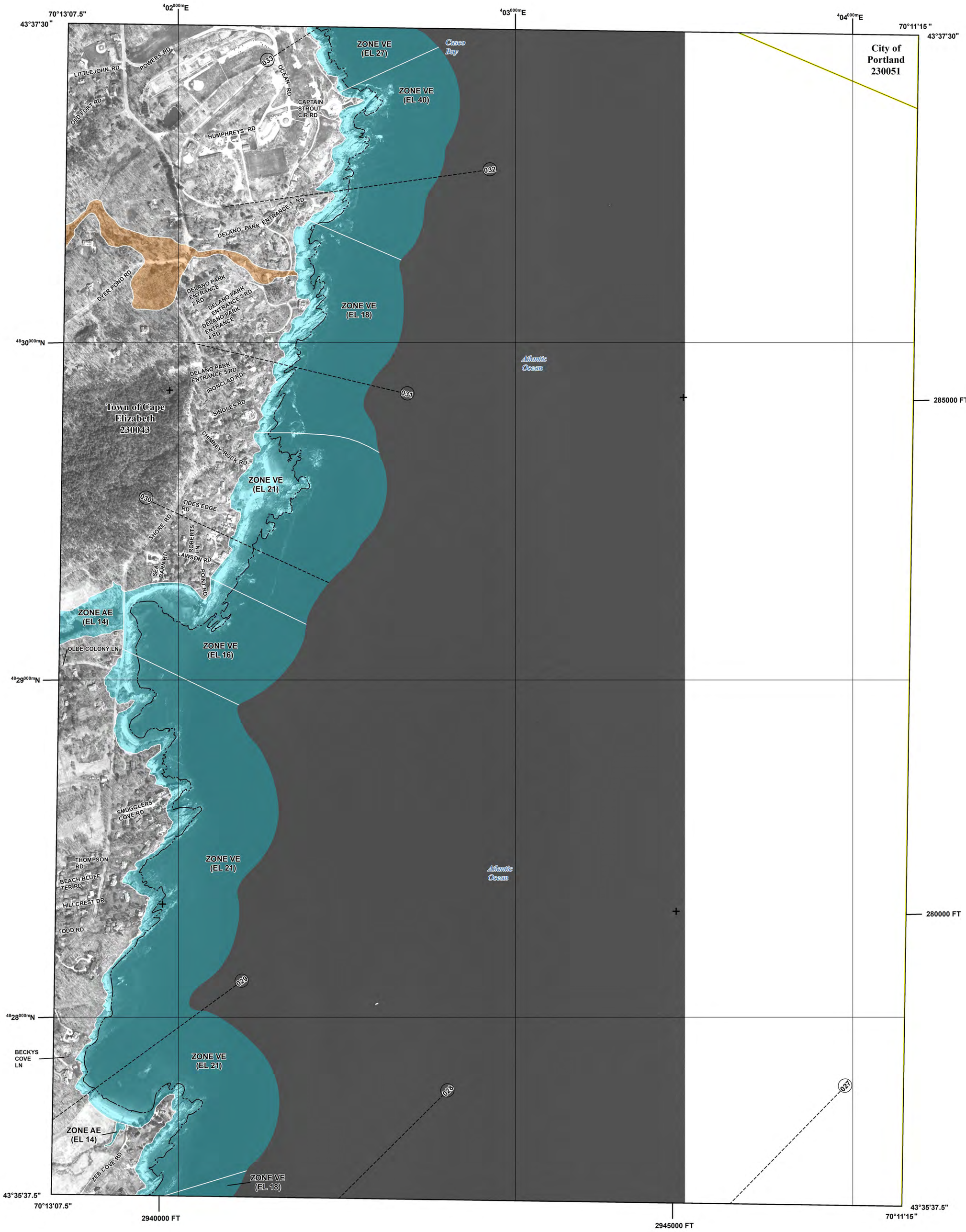
Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
LONG ISLAND, TOWN OF	231035	0738	F
PORTLAND, CITY OF	230051	0738	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0738F

EFFECTIVE DATE
June 20, 2024



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0 500 1,000 2,000 Feet

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PANEL LOCATOR

FEMA

National Flood Insurance Program

NATIONAL FLOOD INSURANCE PROGRAM

FLOOD INSURANCE RATE MAP

CUMBERLAND COUNTY, MAINE

All Jurisdictions

PANEL 0827 OF 0837

FEMA

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
CAPE ELIZABETH, TOWN OF	230043	0827	F
PORTLAND, CITY OF	230051	0827	F

VERSION NUMBER
2.3.2.1

MAP NUMBER
23005C0827F

EFFECTIVE DATE
June 20, 2024

Federal Emergency Management Agency

Washington, D.C. 20472

December 20, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Kate Snyder
Mayor, City of Portland
389 Congress Street
Portland, Maine 04101

Community Name: City of Portland, Cumberland County, Maine
Community No.: 230051
Map Panels Affected: See FIRM Index

Dear Mayor Snyder:

This is to notify you of the final flood hazard determination for Cumberland County, Maine (All Jurisdictions), in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did receive an appeal regarding the proposed flood hazard determinations during that time. The technical data submitted in support of the appeal has been evaluated and the appeal has been resolved in accordance with the requirements of 44 CFR Part 67. We determined that changes were warranted based on the submitted data and have incorporated the applicable changes on the final copies of the Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) for your community.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on June 20, 2024. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) and (e) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d) and (e);

2. Adopting all the standards of 44 CFR Part 60.3(d) and (e) into one new, comprehensive set of regulations; or

3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d) and (e).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) and (e) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at https://www.msc.fema.gov. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Susan Baker, NFIP State Coordinator for Maine by telephone at (207) 287-8063. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region 1 at (617) 956-7576 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at https://www.fema.gov/flood-maps. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.
Director, Engineering and Modeling Division
Risk Management Directorate | Resilience

Enclosure:
Final SOMA

cc: Community Map Repository
Caity Hager, Emergency Management Coordinator, City of Portland

FINAL SUMMARY OF MAP ACTIONS

Community: PORTLAND, CITY OF Community No: 230051

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the effects of the enclosed revised FIRM panels(s) on previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs), Letter of Map Revision based on Fill (LOMR-Fs), and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on June 20, 2024.

1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMR	12-01-0692P	11/09/2012	COMMERICAL STREET PORTLAND ME	2300510013B 2300510014B	23005C0692F 23005C0694F 23005C0711F 23005C0713F
LOMR	13-01-1727P	03/20/2014	FALL BROOK WATERSHED STUDY	2300510002C 2300510007C	23005C0683F 23005C0684F 23005C0692F

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels or will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

FINAL SUMMARY OF MAP ACTIONS

Community: PORTLAND, CITY OF Community No: 230051

2A. LOMCs on Revised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	199500109R01	04/28/1994	46 MAINE AVENUE	2300510007B	23005C0683F
LOMA	199600155R01	07/24/1996	1214 WASHINGTON STREET	2300510007B	23005C0683F
LOMA	98-01-056A	01/09/1998	TAX MAP 109B, BLOCK F, LOT 34 - ISLAND AVENUE	2300510004B	23005C0728F
LOMA	98-01-150A	01/30/1998	TAX MAP 437, BLOCK B, LOT 3 - 35 SARA LANE	2300510007B	23005C0683F
LOMA	98-01-176A	02/18/1998	MEADOW VIEW PARK - LOT 81 - 22 SARA LANE	2300510007B	23005C0683F
LOMA	98-01-780A	07/17/1998	RAY GARDENS - LOTS 36-40 - 10 MARLBOROUGH ROAD	2300510007B	23005C0684F
LOMA	98-01-790A[1]	07/22/1998	ISLAND AVENUE	2300510004B	23005C0709F
LOMA	98-01-830A	07/24/1998	40 BERNARD STREET - ASSESSMENT MAP 437, LOT 87, BLOCK E	2300510007B	23005C0683F
LOMA	98-01-844A	08/07/1998	MEADOW VIEW PARKI - LOT 45 - 25 SARA LANE	2300510007B	23005C0683F
LOMA	98-01-864A	08/12/1998	MEADOW VIEW PARK - LOT 79 - 32 SARA LANE	2300510007B	23005C0683F
LOMA	99-01-160A	12/18/1998	MEADOWVIEW PARK, SECTION C - LOT 1 - 56 MONA ROAD	2300510007C	23005C0683F
LOMA	99-01-260A	12/30/1998	1272 WASHINGTON AVENUE	2300510007C	23005C0683F
LOMA	99-01-320A	02/05/1999	THE PINES, SECTION A - LOTS 16 & 17	2300510007C	23005C0683F
LOMA	99-01-506A	03/19/1999	ASSESSORS MAP 437 - BLOCK E, LOT 92 - 16 BERNARD ROAD	2300510007C	23005C0683F
LOMA	99-01-554A	03/19/1999	20 BERNARD ROAD	2300510007C	23005C0683F
LOMA	99-01-908A	06/16/1999	21 SARA LANE	2300510007C	23005C0683F

FINAL SUMMARY OF MAP ACTIONS

Community: PORTLAND, CITY OF Community No: 230051

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	99-01-922A	06/18/1999	1262 WASHINGTON AVE	2300510007C	23005C0683F
LOMA	99-01-1154A	09/10/1999	29 MAINE AVENUE	2300510007C	23005C0683F
LOMA	99-01-1106A	09/22/1999	1268 WASHINGTON AVENUE	2300510007C	23005C0683F
LOMA	00-01-0140A	12/17/1999	31 SAMUEL ROAD	2300510007C	23005C0683F
LOMA	00-01-0120A	02/11/2000	28 SARA LANE	2300510007C	23005C0683F
LOMA	00-01-1112A	10/12/2000	1220 WASHINGTON AVENUE	2300510007C	23005C0683F
LOMA	00-01-0848A	10/24/2000	1316 WESTBROOK STREET	2300510012C	23005C0687F
LOMA	00-01-1100A	10/24/2000	84 COMMERCIAL STREET	2300510014B	23005C0692F
LOMA	01-01-0388A	02/21/2001	15 EDGEWOOD AVENUE	2300510007C	23005C0683F
LOMA	01-01-1030A	06/29/2001	62 MONA ROAD	2300510007C	23005C0683F
LOMA	01-01-1222A	08/17/2001	83 MONA ROAD	2300510007C	23005C0683F
LOMA	02-01-0600A	03/29/2002	LOT 10, BLOCK D, TAX MAP 433--24-26 VAILL STREET	2300510008B	23005C0684F
LOMA	02-01-1142A	06/05/2002	31 SARA LANE	2300510007C	23005C0683F
LOMA	02-01-1450A	10/04/2002	22 VAILL STREET	2300510008B	23005C0684F
LOMA	04-01-0188A	12/15/2003	66 SAMUEL ROAD - LOT 2, MEADOW VIEW PARK, SECTION D	2300510007C	23005C0683F
LOMA	04-01-0712A	03/04/2004	23 EDGEWOOD AVENUE	2300510007C	23005C0683F
LOMR-F	04-01-1366A	08/09/2004	1259 WASHINGTON AVENUE--LOT 8, WADCO PARK	2300510007C	23005C0683F

FINAL SUMMARY OF MAP ACTIONS

Community: PORTLAND, CITY OF Community No: 230051

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	04-01-1554A	09/16/2004	LOT 83, MEADOW VIEW PARK – 12 SARA LANE	2300510007C	23005C0683F
LOMA	04-01-1666A	10/12/2004	LOT 35, PLAN OF MEADOW VIEW PARK - 23 SAMUEL ROAD	2300510007C	23005C0683F
LOMA	04-01-1734A	10/25/2004	LOT 51, SECTION B, MEADOW VIEW PARK -- 27 SAMUEL ROAD	2300510007C	23005C0683F
LOMA	05-01-0282A	04/01/2005	1282 WASHINGTON AVENUE – TAX MAP 437, BLOCK B, LOT 69	2300510007C	23005C0683F
LOMA	05-01-0540A	06/03/2005	1241 WASHINGTON AVENUE – BLOCK A, TAX LOT 29	2300510007C	23005C0683F
LOMA	07-01-0251A	12/12/2006	MEADOW VIEW PARK, SECTION B, LOTS 33 & 34 – 17 SAMUEL ROAD (ME)	2300510007C	23005C0683F
LOMA	07-01-0282A	12/19/2006	LOT 33, SECTION B, PLAN OF MEADOW VIEW PARK	2300510007C	23005C0683F
LOMA	07-01-0297A	01/04/2007	1245 WASHINGTON AVENUE (ME)	2300510007C	23005C0683F
LOMA	07-01-0408A	02/01/2007	THE PINES, SECTION A, PORTION OF LOTS 3-4 -- 1227 WASHINGTON AVENUE	2300510007C	23005C0683F
LOMA	07-01-0279A	04/19/2007	LOT 72, MEADOW VIEW PARK, SECTION B -- 18 SAMUEL ROAD (ME)	2300510007C	23005C0683F
LOMA	07-01-0785A	05/29/2007	1276 WASHIGNTON AVENUE (ME)	2300510007C	23005C0683F
LOMA	07-01-0933A	07/17/2007	LOT 68 – 40 MONA ROAD	2300510007C	23005C0683F
LOMA	07-01-0909A	07/24/2007	WADCO PARK, LOT 34 – 15 LORING AVENUE (ME)	2300510007C	23005C0683F
LOMR-F	07-01-1104A	10/11/2007	1230 WASHINGTON AVENUE -- TAX MAP 437, BLOCK E, LOT 80	2300510007C	23005C0683F
LOMA	08-01-0089A	01/17/2008	BLOCK H, LOT 1, BUILDINGS 1 & 2 -- 450 COMMERCIAL STREET	2300510013B	23005C0694F
LOMA	08-01-0307A	01/17/2008	LOTS 189-190, THE PINES, SECTION A -- 33 MAINE AVENUE	2300510007C	23005C0683F
LOMA	08-01-0971A	07/10/2008	WASHINGTON PARK, LOT 3 -- 11 EDGEWOOD AVENUE	2300510007C	23005C0683F

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Community: PORTLAND, CITY OF Community No: 230051

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	08-01-0988A	07/15/2008	Lot 5-6, Washington Park Subdivision - 19 Edgewood Avenue	2300510007C	23005C0683F
LOMA	09-01-0346A	12/23/2008	TAX MAP 402, BLOCK C, PARCEL 1 -- 1269 WASHINGTON AVENUE	2300510007C	23005C0683F
LOMA	09-01-0997A	05/19/2009	MEADOW VIEW PARK, LOT 4 -- 19 LORING AVENUE	2300510007C	23005C0683F
LOMA	10-01-0261A	01/08/2010	LOT 6, STROUDWATER WOODS SUBDIVISION -- 120 PARTRIDGE CIRCLE	2300510012C	23005C0687F
LOMA	11-01-0277A	12/23/2010	LOTS 58 AND 59, WINDSOR HEIGHTS -- 32 LENNOX STREET	2300510008B	23005C0692F
LOMA	11-01-1766A	06/28/2011	SPRAGUE E4NERGY PORTLAND TERMINAL, TAX MAP 072, LOT 3--92 CASSIDY POINT ROAD, RUBB BUILDINGS 3 & 5	2300510016B	23005C0694F
LOMA	12-01-1402A	04/12/2012	TAX MAP 433-H-1 -- 11 CLEVELAND STREET	2300510008B	23005C0684F
LOMA	12-01-1938A	07/10/2012	LOT 9, WASHINGTON PARK -- 33 EDGEWOOD AVENUE	2300510007C	23005C0683F
LOMA	12-01-1840A	07/17/2012	BLOCK E, LOT 78 -- 1234 WASHINGTON AVENUE	2300510007C	23005C0683F
LOMA	12-01-2069A	07/24/2012	48 BERNARD ROAD	2300510007C	23005C0683F
LOMA	13-01-0124A	10/23/2012	LOTS 134, 135, 136, OCEAN VIEW PARK-- 29 OREGON STREET	2300510008B	23005C0684F
LOMA	13-01-0220A	11/27/2012	TAX MAP 273, BLOCK J, LOT 16 -- 5 POE STREET	2300510006C	23005C0687F
LOMA	13-01-0538A	01/08/2013	MAP 284, LOT G-20 -- 78 DENNETT STREET	2300510006C	23005C0691F
LOMA	13-01-1198A	02/11/2013	Lot 7, Stroudwater Woods Subdivision - 100 Partridge Circle	2300510012C	23005C0687F
LOMA	13-01-2129A	07/16/2013	TAX MAP 333, BLOCK K, LOT 16 -- 159 BEVERLY STREET	2300510001B	23005C0683F
LOMR-F	13-01-2188A	08/29/2013	TAX MAP 245, BLOCK A, LOT 5 -- 64 BLUEBERRY ROAD	2300510012C	23005C0687F 23005C0689F
LOMA	14-01-0558A	11/21/2013	TAX MAP 437, BLOCK B, LOT 2 -- 41 SARA LANE	2300510007C	23005C0683F

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Community: PORTLAND, CITY OF Community No: 230051

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
LOMA	14-01-1923A	04/29/2014	TAX MAP 105, BLOCK Y – 11 ROCKLEDGE AVENUE	2300510014B	23005C0712F
LOMA	14-01-2181A	07/01/2014	LOT 402C002, BLOCK 402C002 - 1265 Washington Avenue	2300510007C	23005C0683F
LOMA	15-01-0242A	01/08/2015	TAX MAP 31, LOT 34 – 250 COMMERCIAL STREET	2300510013B	23005C0694F
LOMA	15-01-0949A	01/14/2015	Lot Lot #1, Chapman Heights Subdivision - 16 Mayer Road	2300510012C	23005C0691F
LOMA	15-01-1677A	06/09/2015	BERLIN MILLS WHARF -- 400 COMMERCIAL STREET	2300510013B	23005C0694F
LOMR-VZ	17-01-0303A[1]	12/02/2016	OCEAN VIEW LAND COMPANY, LOT 98 -- 143 STEPPING STONE LANE	2300510004B 2300510010B	23005C0709F
LOMA	17-01-2313A	09/01/2017	230 COMMERCIAL STREET	2300510013B	23005C0694F
LOMA	17-01-1809A	09/06/2017	1 UNION WHARF	2300510013B	23005C0694F
LOMA	18-01-2034A[1]	10/19/2018	772 ISLAND AVENUE	2300510004B	23005C0709F
LOMR-VZ	20-01-0090A	11/26/2019	111 REED AVENUE	2300510009B 2300510015B	23005C0716F
LOMA	21-01-0884A	05/17/2021	789 WARREN AVENUE	2300510006C	23005C0679F
LOMR-VZ	21-01-1535A[1]	10/28/2021	PLAN OF OCEAN VIEW LAND COMPANY, LOTS 111 & 112 – 164 ATLANTIC LANE	2300510010B	23005C0709F
LOMA	22-01-0489A	03/18/2022	THOMPSON'S POINT, LOT 8-10 -- 205/207/235 THOMPSONS POINT ROAD	2300510013B	23005C0693F
LOMR-VZ	22-01-0639A	05/13/2022	HOUSE ISLAND	2300510014B	23005C0714F

[1]This LOMC was issued in City of Portland but is now located in Town of Long Island

2B. LOMCs on Unrevised Panels

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

FINAL SUMMARY OF MAP ACTIONS

Community: PORTLAND, CITY OF Community No: 230051

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new or revised flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	199500204R01	02/07/1995	No Information Available	1
LOMA	190100003D&D	01/31/1996	50 PORTLAND PIER	4
LOMA	199600082R01	05/07/1996	No Information Available	1
LOMA	500031652R01	11/20/1997	62 MONA ROAD	6
LOMA	00-01-0118A	05/09/2000	1220 WASHINGTON AVENUE	6
LOMA	04-01-0912A	04/08/2004	LOT 3, NORTH GATE -- 554 SEASHORE AVENUE	3
LOMA	07-01-0539A	05/15/2007	400 COMMERCIAL STREET -- Berlin Mills Wharf (ME)	6
LOMR	11-01-1058P	09/27/2011	GREAT MAINE WHARF	4
LOMR	12-01-0271P	09/14/2012	CUSHING ISLAND	4
LOMA	21-01-0177A	11/20/2020	58 Fore Street	3
LOMA	21-01-1299A	08/30/2021	1 MARINA WAY	3
LOMA	23-01-0233A	01/18/2023	45 EASTERN PROMENADE	3

FINAL SUMMARY OF MAP ACTIONS

Community: PORTLAND, CITY OF Community No: 230051

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.
6. Superseded by another LOMC.

4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures is no longer valid, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and if appropriate issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Original Panel	Current Panel
			NO CASES RECORDED		

City of Portland | Department of Public Works
Kevin Deneault, *GIS Mapping Specialist*

City of Portland, Maine
FEMA Letter of Map Revisions (LOMR)

FEMA approved the Letter of Map Revisions (LOMR) for the City of Portland, Maine on February 5, 2024. These Letter of Map Revisions will be approved by the City on June 21, 2024. A Letter of Map Revision represents any changes to the hydrologic or hydraulic characteristics of a flooding source and any modifications to the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Areas (SFHA). As part of the National Flood Insurance Program process, all revisions are individually submitted and then reviewed by FEMA on an ongoing basis. Once the LOMR's are approved by FEMA, revisions are then incorporated into the offical FEMA flood maps.The FEMA approved LOMR's for the City of Portland are focused on Peaks Island and Cliff Island.

The individual LOMR affected panels from the FEMA Flood Insurance Rate Maps (FIRMs) include 23005C0714F, 23005C0716F, 23005C0718F, and 23005C0728F. The majority of these changes focused around the Special Flood Hazard Areas (SFHA): Zone VE, Zone AE, Zone AO, and Zone AH. **Zone VE**, also known as a coastal high hazard area where storm surge, wave action, and fast-moving water can cause extensive damage during a base flood event. In order to address the added wave hazard, more stringent building practices are required in Zone VE. On newer maps or revisions, Zone VE may be used rather than numbered V Zones to accommodate current FEMA methodologies and mapping practices. Next, **Zone AE** indicates areas that have at least a 1%-annual-chance of being flooded, but where wave heights are less than 3 feet. **Zone AO** are areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. Finally, **Zone AH** refers to areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet.

On Peaks Island, there were a couple of focus areas where the LOMR changes occurred. These include areas along the north side of the island adjacent to Pumpkin Knob. The revisions in this area of the island include changes to the velocity zone elevations and transects. Essentially the mapping and modeling lowered the velocity zone elevations from what was previously represented, due to an increase in wave exposure and the steepness of the shoreline. This mapping can be seen on FIRM Panel 716. Further, at the southeastern end of Peaks Island just northeast of Cushing, there are LOMR changes to the velocity zone elevations and base flood elevations (BFE) due to lowered transects, modeling calculations, and the steepness of the shoreline. The mapping of this area is outlined in FIRM Panels 714 and 718.

Cliff Island is another area where LOMR changes occurred. The focus area on Cliff Island was towards the east-facing side of the island closest to Griffin Road and along Church Road. These changes included lowering of velocity zone elevations and resizing the VE zone to a much smaller area to account for changes to wave exposure and the steepness of the shoreline. These adjustments can be seen on FIRM Panel 728.

If there are any further questions or concerns regarding these LOMR changes, please do not hesitate to reach out to the City's Zoning Administrator, Ann Machado.

Definitions of FEMA Flood Zone Designations

Flood zones are geographic areas that the FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM) or Flood Hazard Boundary Map. Each zone reflects the severity or type of flooding in the area.

Moderate to Low Risk Areas

In communities that participate in the NFIP, flood insurance is available to all property owners and renters in these zones:

ZONE	DESCRIPTION
B and X (shaded)	Area of moderate flood hazard, usually the area between the limits of the 100-year and 500-year floods. B Zones are also used to designate base floodplains of lesser hazards, such as areas protected by levees from 100-year flood, or shallow flooding areas with average depths of less than one foot or drainage areas less than 1 square mile.
C and X (unshaded)	Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level. Zone C may have ponding and local drainage problems that don't warrant a detailed study or designation as base floodplain. Zone X is the area determined to be outside the 500-year flood and protected by levee from 100-year flood.

High Risk Areas

In communities that participate in the NFIP, mandatory flood insurance purchase requirements apply to all of these zones:

ZONE	DESCRIPTION
A	Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.
AE	The base floodplain where base flood elevations are provided. AE Zones are now used on new format FIRMs instead of A1-A30 Zones.
A1-30	These are known as numbered A Zones (e.g., A7 or A14). This is the base floodplain where the FIRM shows a BFE (old format).
AH	Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.
AO	River or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones.
AR	Areas with a temporarily increased flood risk due to the building or restoration of a flood control system (such as a levee or a dam). Mandatory flood insurance purchase requirements will apply, but rates will not exceed the rates for unnumbered A zones if the structure is built or restored in compliance with Zone AR floodplain management regulations.
A99	Areas with a 1% annual chance of flooding that will be protected by a Federal flood control system where construction has reached specified legal requirements. No depths or base flood elevations are shown within these zones.

High Risk - Coastal Areas

In communities that participate in the NFIP, mandatory flood insurance purchase requirements apply to all of these zones.

ZONE	DESCRIPTION
V	Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves. These areas have a 26% chance of flooding over the life of a 30-year mortgage. No base flood elevations are shown within these zones.
VE, V1 - 30	Coastal areas with a 1% or greater chance of flooding and an additional hazard associated with storm waves. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.

Undetermined Risk Areas

ZONE	DESCRIPTION
D	Areas with possible but undetermined flood hazards. No flood hazard analysis has been conducted. Flood insurance rates are commensurate with the uncertainty of the flood risk.

From FEMA Map Service Center:
https://msc.fema.gov/portal/resources/productsandtools



3 DEFINITIONS

Accessory dwelling unit. A dwelling unit subordinate in size to the principal residential structure(s) on a lot and located either within the principal residential structure(s) or in an accessory structure.

Adjacent grade (within the floodplain). The natural elevation of the ground surface prior to the construction next to the proposed wall of a structure.

Adult business establishment. Any business, including but not limited to any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade, or theater, which:

A. Keeps for public patronage or permits or allows the operation of any adult amusement device as defined in Chapter 4 of the City of Portland Code of Ordinances; or

B. Customarily, meaning more often than an average of one calendar week during any calendar month of operation, exhibits motion pictures or displays any other visual representation described or advertised as being "X rated" or "for adults only," or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such, or similar, phrases; or

C. Is adjudged to be in violation of 17 M.R.S. §§ 2911, 2912.

Affordable housing. Housing for which the percentage of income a household is charged in rent and other housing expenses or must pay in monthly mortgage payments (including condominium/HOA fees, mortgage insurance, other insurance and real estate taxes), does not exceed 30% of a household's income, or other amount established in City regulations that does not vary significantly from this amount.

After-hours entertainment license. Any of the music, dancing, and special entertainment licenses required or authorized by Chapter 4, Article III of the City of Portland Code of Ordinances.

Agricultural structure. Structures that are used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Agriculture. The practice of farming, including the cultivation of the soil for the growing of crops and rearing of animals to provide food and other products. Agriculture may include nurseries, greenhouses, and truck gardens, provided that there is no sale of products not produced on the premises.

Airport restricted access areas. Runways, taxiways, and other areas of the Jetport accessible to aircraft, whether access is restricted by the Federal Aviation Administration or not.

Alley. Any way designed primarily for vehicular and pedestrian or utility access to the back or side of premises otherwise abutting on a street, except driveways unless officially designated otherwise.



DEFINITIONS

Animal-related services. Establishments principally for the training or boarding of animals. Such uses shall not include veterinary services.

Approval. An affirmative decision on an application, including an approval with conditions.

Appurtenance. A device or structure not designed for human occupancy and attached to the exterior of a building.

Area of shallow flooding. Area designated AO and AH zone on the Flood Insurance Rate Map (FIRM) with a 1 % or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The land in the flood plain having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.

Auto service station. A business selling gasoline, diesel, or propane fuel, providing services specific to electric vehicles, or providing motor vehicle repairs including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities. Such businesses may also include car-washes and/or vacuums.

Back office use. An office-related use with minimal public visitation and minimal direct service to the general public, primarily to provide support services to larger organizations such as educational institutions, social service agencies, or business headquarters.

Bar. Any establishment required to be licensed to sell alcoholic beverages for on-premises consumption, which is not regularly used for the purpose of providing full-course meals, as defined in Title 28-A of the Maine Revised Statutes, on the premises.

Base flood. The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).

Basement. Area of building that includes a floor that is subgrade (below ground level) on all sides.

Bed and breakfast. A building that contains between two and nine guest rooms; is used to provide or offer overnight accommodations for transient guests; has an owner, manager, or operator living in the building as a permanent resident; does not provide cooking facilities in any of the guest rooms; and does not provide meals other than breakfast, which shall be offered only to overnight guests.

Blasting operations. The use of explosives for purposes of breaking up and removing soil, rock, and ledge, related to construction and development of real estate within the city.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without damage to the elevated portion of the building or supporting foundation system.



Building. A roofed and walled structure built for permanent use.

Building, accessory. A detached roofed and walled structure that is incidental and subordinate in area and extent, and/or use to the principal building(s) on the property. A lot may have more than one accessory building.

Building addition. Any increase to footprint, floor area, or volume of an existing building.

Building alteration. A change or rearrangement in the structural supports, exterior appearance, or removing from or otherwise affecting the exterior appearance of a building.

Buildings, attached. Two or more independent buildings that share at least one common party wall but have full building separation and independent principal entries; not free-standing. Attached buildings may or may not have common ownership.

Building, principal. The main roofed and walled structure on a lot having the predominant area, extent, and/or use. A lot may have more than one principal building. When a garage is attached to the principal building in a substantial manner as by an enclosed area with roof or common wall, it shall be considered as a part of the principal building.

Clinics. Any establishment where patients are examined and treated by one or more health care providers, such as, but not limited to, physicians, dentists, psychologists, or social workers. Clinics may include laboratory services and facilities for ambulatory or outpatient surgical procedures.

Coastal AE Zone. The portion of the coastal high hazard area with wave heights between 1.5 feet and 3.0 feet and bounded by a line labeled the "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). VE Zone floodplain construction standards are applied to development, new construction, and substantial improvements in the Coastal AE Zone.

Coastal high hazard area. The area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on the flood insurance rate map as zone V1 30.

Coastal wetland. All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and that occurs primarily in a salt water or estuarine habitat; and/or any swamp, marsh, bog, beach, flat, or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

Containment wall. Wall surrounding all sides of an above ground tank to contain any spills or leaks.

Commercial vessel. Any watercraft used principally in a business or trade, including common carriers of passenger or freight, whether for governmental, nonprofit, or emergency purposes, but not including pleasure craft used principally for recreational purposes.



Common areas. Portions of a lodging house which are available for use by all residents of the lodging house. Common areas shall include, but are not limited to, one or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways, and storage areas shall not be counted as common areas.

Communication studio. A commercial or public communication facility, including radio and television broadcasting and receiving stations and studios.

Community hall. A building or portion of a building used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings, or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Condominium. Any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S. § 560 et seq., or its equivalent, as it may from time to time be amended.

Congregate care facility. A residential development intended to facilitate aging in place that includes individual dwelling units with support services which provide assistance to residents. The population of a congregate care facility shall consist of persons 55 years of age or older and their spouses. A congregate care facility may also accommodate the needs of persons with disabilities and their spouses that are younger than 55 years of age, provided the majority of the residents are 55 years of age or older. Services to be provided shall include the following:

A. Transportation for essential support activities.
B. Provision of at least one meal per day.
C. Programmed social activities which are facilitated by staff.
D. Provision of personal care services including, but not limited to, housekeeping, laundry, and minimal health monitoring.
E. Installation of emergency call buttons or systems in each unit.

Correctional pre-release facility. A facility housing up to 12 persons, plus staff, serving a primary clientele of persons in correctional pre-release programs.

Development. Any human-made change to improved or unimproved real estate, including but not limited to, the construction of, alteration to, or addition to any buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, ~~or~~ storage of equipment or materials, and other activities that disturb land areas.

Commented [A1]: Does not match floodplain entirely, as we are working with a definition that also needs to apply to other sections of the ordinance.

Drive-through. A facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations.



Drive-through features. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical devices, etc.

Dwelling unit. One or more rooms forming a single unit for habitation by one family, including food preparation, living, sanitary, and sleeping facilities.

Dwelling, multi-family. A building or portion thereof containing three or more dwelling units.

Dwelling, single-family. A single building containing one dwelling unit.

Dwelling, two-family. A single building containing two dwelling units.

Earth-moving activity. Any removal or placement, excavation, filling, stockpiling, or grading of soil, earth, loam, sand, gravel, rock, and other mineral deposits.

Easement. A right, privilege, or liberty which one has in land owned by another for some special and definite purpose.

Emergency operations. Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

Emergency shelter. A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

Entrance, principal. The main point of access for pedestrians into a building. A building may have more than one principal entrance.

Esplanade. That portion of a street which is located between the curbline and the edge of the sidewalk closest to the street.

Essential services. The construction, alteration, or maintenance of gas, electrical, or communication facilities; steam, fuel, electric power, or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection, or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Explosives. Any material or container containing a chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion and that contains any oxidizing and combustible materials or other ingredients in such proportions, quantities, or packaging that an ignition by fire, by friction, by compound or mixture may cause such a sudden generation of highly heated gasses that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects, but shall not mean the components for handloading rifle, pistol and shotgun ammunition, or fireworks.



Family. One or more individuals related by blood, marriage, civil union, adoption, or guardianship and/or up to eight unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit.

Fill. Soil, earth, loam, sand, gravel, rock and other mineral deposits.

Filling. The placement of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling shall include stockpiling.

Fixture, fully shielded. A light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the light fixture, is projected below the horizontal. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Flag. A fabric sheet of square, rectangular, or triangular shape having no enclosing or supporting framework that is typically mounted on a pole.

Flood or flooding.

A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   1. The overflow of inland or tidal waters.
   2. The unusual and rapid accumulation or runoff of surface waters from any source.

B. The collapse or subsidence of land along a shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined above.

Flood boundary and floodway map. The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.

Flood elevation study. An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.

Floodplain or floodprone area. Land area susceptible to being inundated by water from any source.

Floodproofing. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures, and their contents.



Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain, as measured from the normal high-water mark to the upland limit of the flood plain.

Floodway encroachment lines. The lines marking the limits of floodways on federal, state, and local floodplain maps.

Foundation. The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material.

Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Freshwater wetland. Freshwater swamps, marshes, bogs, and/or similar areas which are both:

F. Of ten or more contiguous acres or of less than ten contiguous acres and adjacent to a surface water body except for any river, stream or brook such that, in a natural state, the combined surface area is in excess of ten acres or of less than ten acres that is depicted on the Shoreland Zoning map.

G. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Functionally-dependent use (within the floodplain). A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

General office. An office for the conducting or managing of a business or the practice of a profession, including that of a licensed health care provider, so long as such office does not include laboratory services and facilities for ambulatory surgical procedures.

General services. Establishment primarily engaged in rendering services to persons or business on a fee basis, including but not limited to banks, health clubs, laundries, employment services, management services, personnel services, or maintenance services.



Handicapped family unit. A dwelling unit which provides living facilities for handicapped persons. A handicapped family unit may also provide counseling and support services. Staff members may also be included in the population.

Helistop. An area used for the landing of helicopters at any location other than an airport. Such area shall include a landing area or pad, and may include parking required for access to the landing area or pad, a loading and unloading area for emergency vehicles, and other related facilities other than maintenance and repair facilities.

Hospital. An institution providing health services, primarily on an inpatient basis, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

Hostel. An overnight lodging facility for transient guests that provides sleeping rooms and common spaces for cooking. A hostel shall not be used as an emergency shelter.

Hotel. A building used for more or less temporary occupancy of individuals who are lodged with or without meals.

Impervious surface. Area covered with low-permeability material that is highly resistant to infiltration by water, such as asphalt, concrete, or rooftop, and areas such as gravel roads and unpaved parking areas that will be compacted through design or use to reduce their permeability.

Industrial, high-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from either raw materials or previously prepared material which are generally incompatible with residential, commercial, and lower-impact industrial uses and sensitive natural areas due to their high generation of traffic, noise levels, emissions, lighting, and odors.

Industrial, low-impact. Industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including but not limited to the following: artist studios, bakeries; breweries; distilleries; bottling; coffee roasters; commercial kitchens; pharmaceuticals; machine shops; watchmakers; makers of precision instruments, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry; assembly of electrical components; canteen services; tool and die shops; plant and tree nurseries; and the packaging of foods. Low-impact industrial uses do not include the processing of raw materials or salvaging operations. Low-impact industrial uses are generally compatible, due to their size and nature of impact, with residential, commercial and other low impact industrial uses.

Intermediate care facility. A facility which provides, on a regular basis, health-related care and services for more than 13 individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care, residential care facility or equivalent pursuant to the regulations



promulgated by the State of Maine Department of Health and Human Services.

Kitchen facilities. Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food.

Limit of Moderate Wave Action (LiMWA). The landward limit of the 1.5 foot breaking wave within a Coastal AE Zone. These areas are bounded by a line labeled "Limit of Moderate Wave Action" (LiMWA) on a Flood Insurance Rate Map (FIRM). The LiMWA line delineates that portion of the Special Flood Hazard Area (SFHA) landward of a VE zone in which the principal sources of flooding are astronomical high tides, storm surges, or tsunamis, not riverine sources. These areas may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces. The floodplain development and construction standards for VE Zones will be applied in the Coastal AE Zone.

Locally-established datum. For purposes of the floodplain ordinance, an elevation established for a specific site to which other elevation at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Lodging house. A house, building or portion thereof containing two or more rooming units, as well as common areas, and providing such units to individuals on not less than a monthly basis for compensation.

Long-term or extended care facility. An institution or a distinct part of an institution that is licensed or approved to provide full-time convalescent or chronic care, or health care under medical supervision for 24 or more consecutive hours, to nine or more individuals who, by reason of advanced age, illness, or infirmity are unable to care for themselves, and who are not related to the governing authority by marriage, blood, or adoption.

Lot. A parcel or area of land that is designated as an individual unit for use, development, or ownership that is either: a) a parcel or area of land that is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds; b) a contiguous combination of such lots under common ownership and designated as one unit for development; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.

Lot of record. A nonconforming parcel or area of land that: a) is separately described in a deed or on a plan recorded in the Cumberland County Registry of Deeds as of the date designated in the relevant provision of this chapter and b) conformed to the requirements of this chapter as of the date designated in the relevant provision of this chapter.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure



in violation of the applicable non-elevation design requirements of this division.

Low-income household. A household having an income not exceeding 80% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Low-income housing unit for rent. A dwelling unit for which:

A. The rent is affordable to a household earning 80% or less of Area Median Income (AMI) as defined by the United States Department of Housing and Urban Development (HUD).

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Low-income housing unit for sale. A dwelling unit for which:

A. The sale price is affordable to a household earning 100% or less of Area Median Income (AMI~~).~~.

B. The unit is sold to a household earning 100% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for future sales for the applicable length of time in this ordinance.

Manufactured housing. A structural unit or units designed for residential occupancy and constructed in a manufacturing facility and then transported by the use of its own chassis or placement on an independent chassis to a building site. The term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. For purposes of this article, two types of manufactured housing are included. They are:

A. Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the standards required by the United States Government Department of Housing and Urban Development, as such standards are from time to time revised or amended, meaning structures, transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained therein. This term also includes any structure which meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401 et seq.; and

B. Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the state's



Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning, or electrical systems contained therein.

Any unit which does not fall within the definitions of this section and which is legally sited within the city on December 18, 1989, may be relocated to any location in the city in which manufactured housing is allowed.

Manufactured housing park. A parcel of land under unified ownership approved by the Planning Board under 30-A M.R.S. § 4358 for the placement of single-component manufactured housing.

Marijuana cultivation facility. A cultivation facility required to be licensed pursuant to 28-B M.R.S. § 201 or any other facility engaged primarily in the business of planting, propagation, growing, harvesting, drying, curing, grading, trimming, or other processing of marijuana, including mature marijuana plants, immature marijuana plants, seedlings, and marijuana seeds, for use or sale.

Marijuana manufacturing facility. A manufacturing facility required to be licensed pursuant to 22 M.R.S. § 2423-F or 28-B M.R.S. § 201.

Marijuana product. As defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marijuana retail store. A retail establishment licensed to sell marijuana, marijuana products, immature marijuana plants, and seedlings to adult use or medical marijuana customers. A marijuana retail store is only authorized as a principal use, and is not permitted as an accessory use. A marijuana retail store may not exceed a maximum gross floor area of 2,000 square feet. A marijuana retail store shall not include a registered dispensary.

Marijuana testing facility. A facility licensed to develop, research and test marijuana, marijuana products and other substances as defined by 22 M.R.S. § 2422 or 28-B M.R.S. § 102.

Marina. A commercial operation providing floats, slips, and piers intended primarily for berthing of noncommercial vessels and the provision of related services such as supplies, fuel, equipment and repairs, which may be provided both to tenants and non-tenants.

Mean sea level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD), or other datum, to which base flood elevations shown on the City's FIRM are referenced.

Military personnel berthing. A building, or portion thereof, which is primarily used as, and intended for, temporary living quarters for military personnel.

Moderate-income household. A household having an income not exceeding 120% of median income for area of residence as set forth in regulations promulgated from time to time by the United Sates Department of Housing and Urban Development pursuant to 42 U.S.C. sections 1437 et seq.

Multi-family development. The construction or creation of three or more dwelling units on any



parcel of land or the addition of two or more dwelling units cumulatively within a three-year period.

Multiplex. A residential development consisting of three or more horizontally or vertically attached dwelling units, or a series of such attached dwelling units, and the construction of at least one building.

National Geodetic Vertical Datum (NGVD). The national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

Neighborhood center. A building or portion of a building used for recreational, artistic, social, educational, health, culture, or similar activities and services, usually owned and operated by a public or nonprofit group or agency. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Non-commercial vessel berthing. The use of berthing space for berthing of watercraft other than commercial vessels. Berthing space used in the following manner shall not be included in the calculation of the number of linear feet under this use category:

A. Space used principally for sale or repair of vessels.

B. Commercial vessel tenant space used by a noncommercial vessel for a period not exceeding ten consecutive days while the primary commercial vessel tenant is conducting its business or trade.

Normal high-water line (non-tidal waters). That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river during the period of normal high-water are considered part of the river.

North American Vertical Datum (NAVD). The national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound and subsidence, and the increasing use of satellite technology.

Office park. Separate office buildings planned, constructed, or managed on an integrated coordinated basis.

Off-peninsula. All land located north of I-295.

On-peninsula. All land located south of I-295.

Open space. Any park and any other area outside of a building open to the public.

Owner. Any person that has any interest, legal or beneficial, in any parcel or lot.



Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland, temporary. Structures which remain in or over the water for less than seven months in any period of 12 consecutive months.

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland, permanent. Structures which remain in or over the water for seven months or more in any period of 12 consecutive months.

Place of assembly. A building or portion of a building used as a community hall, neighborhood center, private club, or fraternal organization, or place of religious assembly. This definition shall not include buildings or portions of buildings used as a community hall, neighborhood center, private and fraternal organization, or place of religious assembly where 15 or fewer people, not including the permanent residents of a single-family dwelling, assemble.

Place of **religious** assembly. A building or portion of a building used for religious worship or instruction including, but not limited to, churches, synagogues, masjids, mosques, and other places of worship.
Planned residential unit development (PRUD). A residential subdivision consisting of attached or detached dwellings intended for separate ownership and land to be owned and used in common, with open spaces, recreational areas, access ways, and buildings which are designed, built, and managed in accordance with a unified development plan.

Planned unit development (PUD). A development consisting of either detached or attached single-family dwelling units and commercial or other uses, on substantially-sized properties of greater than 20 acres and designed to be compatible with the surrounding built and natural environment.

Plant canopy. As defined by 28-B M.R.S. § 102.

Preschool facility. Facility which provides a regular program of care and protection for children generally younger than those attending elementary school, which may also encompass daycare facilities.

Private club or non-profit social and recreational facility. A private club or nonprofit social and recreational facility is open exclusively to members and to their bona fide guests accompanying them, in order to promote fellowship, social living, proper recreation, civic responsibility, neighborhood responsibility, community welfare, or other endeavors. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facility are available and are provided within all regulations of this Land Use Code and other applicable codes and ordinances.

Recent flood plain soils. Recent flood plain soils include the following soil series as described and identified by the National Cooperative Soil Survey: Alluvial. Charles, Cornish, Fryeburg, Hadley, Limerick, Lovewell, Medomak, Ondawa, Podunk, Rumney, Saco, Suncook, and Winooski.

Recreational Vehicle. A vehicle that is:
A. Built on a single chassis;



B. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
C. Designed to be self-propelled or permanently towable by a motor vehicle; and,
D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreation and amusement centers. Facilities equipped for the conduct of sports or indoor leisure time recreation activities, including games of skill or games of chance licensed either by the City of Portland or by the State of Maine. Such facilities may limit admission either to members or to persons paying an entrance fee.

Regulatory floodway.
A. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and,
B. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Registered dispensary. A registered medical marijuana dispensary as defined by 22 M.R.S. § 2422.

Registered patient. As defined by 22 M.R.S. § 2422.

Repair services. Establishments primarily engaged in rendering services related to the maintenance or repair of goods. In industrial zones only, repair services shall include motor vehicle repair services.
Restaurant. Any food service establishment with indoor seating capacity for ten or more patrons.

Retail. Any shop or store offering goods or merchandise to the general public for direct consumption and not for resale, or food service establishment with indoor seating capacity for nine or fewer patrons. Retail shall not include gasoline, diesel, or propane fuel sales.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Roadway. That portion of a street between the regularly established curblines, or that part of a street or alley devoted to vehicular traffic.

Rooming unit. One or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes by an individual or a family, but not designed for food preparation. In a suite of rooms, each room that provides sleeping accommodations shall be counted as one rooming unit for the purpose of this chapter.

Self-storage facility. A fully enclosed building with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Sexually explicit. The display or depiction of sex organs during actual or simulated sexual intercourse or sexual acts as defined in 17 A M.R.S. § 251.



Sheltered care group home. A facility which, in addition to providing food and shelter to a defined population of up to 12 individuals, provides guidance or counseling services as a primary function of the facility.

Shore frontage. The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Sidewalk. That portion of a street not included in the roadway, and devoted in whole or part to pedestrian traffic.

Site. All contiguous land under the same ownership or control, whether proposed for development or not, except where development is limited to a lot or lots within a subdivision.

Small-scale marijuana caregiver. A registered caregiver who sells or dispenses marijuana to no more than five individual registered patients in any one calendar month; does not process or manufacture marijuana using chemicals or solvents; and cultivates no more than: 1) 250 square feet of plant canopy where located in a single-family dwelling or commercial space; or 2) 125 square feet of plant canopy where located in a dwelling unit within a two-family or multi-family building.

Solar access. Space open to the sun and clear of overhangs or shade, including orientation of buildings and lots to the sun, so as to permit the use of active and/or passive solar energy systems on individual properties.

Solar energy system. A complete assembly consisting of one or more solar collectors and associated mounting hardware or equipment, intended to provide for the collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or solar/thermal hot water systems. Solar energy systems shall include the following:

A. Accessory solar **energy system.** A system as defined above where power generation is incidental to a principal use, which may take the form of either a building integrated or roof-mounted solar array of any size, or a ground-mounted array occupying less than 1,000 square feet of air-space over ground area.

B. Minor solar **energy system.** A system as defined above where power generation is considered a principal use, which may take the form of either a building- or roof-mounted solar array of any size, or a ground-mounted system occupying between 1,000 and 9,999 square feet of ground area.

C. Major solar **energy system.** A system as defined above where power generation is considered a principal use, which may take the form of either a building or roof-mounted solar array of any size, or a ground-mounted system occupying greater than 10,000 square feet of ground area.

Solar energy system, building-integrated. A solar energy system that is an integral part of a principal or accessory building and include, but are not limited to, photovoltaic or hot water systems that are contained within roofing materials, windows, walls, skylights and awnings.



Solar energy system, ground-mounted. Also known as free-standing solar energy systems, a solar energy system that is structurally mounted to the ground. The panels may be stationary or revolving and of any size.

Solar energy system, roof-mounted. A solar energy system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

Sounds, impulse. Sound events characterized by brief excursions of sound pressure, each with a duration of less than 1 second.

Sounds, tonal. Sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.

Special needs independent dwelling unit. A dwelling unit developed and managed by a nonprofit organization for habitation by persons with special social, physical or mental needs beyond strictly economic needs. Such persons shall be provided required levels of supervision, care and/or counseling services appropriate to their special needs, and the services shall be provided by either the sponsoring nonprofit agency or through another entity with which the agency has entered into a contractual arrangement.

Sports complex. One or more facilities located on the same parcel of land where athletic events are held and with a combined seating capacity of at least 6,000 seats.

Stockpiling. Any placement or creation of piles or loads of soil, loam, sand, gravel, rock, or other mineral deposits upon a site for the purpose of storage, warehousing, or reserving for future use.

Stormwater retention area. A pond or basin used for the permanent storage of stormwater runoff.

Stormwater detention area. A storage area for the temporary storage of stormwater runoff which does not contain water during non-storm conditions.

Stream. A free-flowing body of water from the outlet of the confluence of two perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area, or any stream designated within a Stream Protection Zone.

Street. A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

Street line. The line of demarcation between private property and a street.

Street, cul-de-sac or dead end. A street with only one outlet.

Structure. 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.

Studios for artists and craftspeople. A facility for the production of arts and crafts products such as paintings, sculpture, or other arts, or the practice of arts such as music or dance, or the production of custom, hand-crafted, or limited production of products such as furniture, wood, clay, and metal products, publications, and similar low-impact arts and crafts activities.

Subdivider. Any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity commencing proceedings under these regulations to effect a subdivision of land hereunder for himself, herself, or for another.

Subdivision. As defined in 30 A M.R.S. § 4401 and 4402.

Tasting room. A facility for the sampling of beer, wine, spirits, other alcoholic or non-alcoholic beverages, or food.

Telecommunication tower. Radio masts or tower structures built primarily to hold telecommunication antennas.

Tenant. Any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Theater or performance hall. Any establishment devoted to showing motion pictures, or for dramatic, musical, or live performances.

Transient guest. A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than 15 days out of any 60-day period.

Tributary stream. A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. Tributary stream does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

Upland edge of a wetland. The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation, or where the soils support the growth of wetland vegetation but such vegetation is dominated by woody stems that are six meters or taller.

Use. The purpose for which land or structures thereon is designed, arranged, or intended to be occupied, or for which it is occupied, maintained, rented, or leased.



Utility substation. Any sewage or water pumping station, electric power substation, transformer station, telephone equipment enclosures, or other similar structures owned or operated by a utility.

Vegetation. All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over and under four inches in diameter, measured at four and one-half feet above ground level.

Very low-income household. A household having an income not exceeding 50% of median income for area of residence as set forth in regulations promulgated from time to time by the United States Department of Housing and Urban Development pursuant to 42 U.S.C. section 1437 et seq.

Warehousing, storage, and distribution. The storage of goods, wares, and merchandise in a warehouse from which distribution occurs. May include wholesale use, but not retail or direct sales to consumers.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in a definite direction or course, either continuously or intermittently, or which has a definite channel, bed, and banks, and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Water-dependent uses. Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and which cannot be located away from these waters.

Wetlands (outside of shoreland zones). Those areas which have two or more of the following:

A. A water table at or near the surface during the growing season;

B. Very poorly drained soils, including Sebago mucky peat; or

C. Obligate wetland vegetation.

Very poorly drained soils and obligate wetland vegetation shall be as defined and illustrated in the United States Department of Interior, Fish and Wildlife Service publication of Wetland Plants of the State of Maine (1986).

A. Wind energy system. A wind energy generator and all associated facilities.

Wind energy system, useful life. The period for which the system has been designed by the manufacturer to operate in a safe manner, including the period during which new parts and refurbishment allow it to continue operating safely.

Wholesale. Sale for resale, not for direct consumption.

Workforce housing unit for rent. A dwelling unit for which:

A. The rent is affordable to a household earning 80% or less than of AMI.

B. The unit is rented to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

Workforce housing unit for sale. A dwelling unit for which:



A. The purchase price is affordable to a household earning 80% or less of AMI.

B. The unit is sold to a household earning 80% or less of AMI.

C. The requirements of (A) and (B) above are limited by deed restriction or other legally binding agreement for the applicable length of time in this ordinance.

12 FLOODPLAIN MANAGEMENT

12.1 PURPOSE

Certain areas of the City of Portland, Maine are subject to periodic flooding, causing serious damage to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968. Therefore, ~~T~~the City of Portland, Maine~~,~~ has chosen to become a participating community in the National Flood Insurance Program and agrees~~elects~~ to comply with the ~~42 USC Section 4001 et seq.~~ requirements of the National Flood Insurance Act of 1968 (P.L. 90-448), as amended from time to time an as delineated in this article. It is the intent of the City of Portland to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The National Flood Insurance Program, established in the aforesaid act, provides that areas of the city having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures, including the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations. The term describes state and local regulations which provide standards for the purpose of flood damage prevention and reduction, be applied in such flood hazard areas. This article establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the city. The purposes of this article are to reduce future flood risks and losses, protect against financial and human loss resulting from flood disasters, and to control the placement of structures, construction materials, and methods used to minimize potential property damage due to flooding. The City of Portland has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S. § 2001-3007, 4352, 4401-4407, and Title 38 M.R.S. § 440.

12.2 APPLICABILITY

This article applies to all land areas, uses, structures, and land use activities lying in the special flood hazard areas, Zones A, AE, AO, AH, and VE, as identified by the Federal Emergency Management Agency in a report entitled *Flood Insurance Study - ~~City of Portland,~~Cumberland County, Maine~~, County of Cumberland~~*, with accompanying "Flood Insurance Rate Map," dated ~~July 17, 1986~~June 20, 2024. This *Flood Insurance Study* with accompanying maps, and any subsequent amendments thereto, including Letters of Map Revision approved by FEMA, is hereby adopted by reference and declared to be a part of this Land Use Code.

12.3 ~~DEFINITIONS~~CLASSIFICATIONS OF WORK

~~**Area of special flood hazard.** The land in the~~ floodplain ~~having a 1% or greater chance of flooding in any given year as specifically identified in the most recently adopted FEMA Flood Insurance Study for the City of Portland.~~

~~**Base flood.** The flood having a 1% chance of being hereof or exceeded in any given year (i.e., a 100-year storm).~~

~~**Coastal high hazard area.** The area subject to high velocity waters, including but not limited to, hurricane wave wash or tsunamis. The area is designated on the flood insurance rate map as zone V1 30.~~

~~**Development.** Any man-made change to improved or unimproved real estate, including but not limited to, the construction of, alteration to, or addition to any buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.~~

~~**Flood boundary and floodway map.** The official map issued by the Federal Emergency Management Agency (FEMA) on which the boundaries of the flood have been designated. This may alternatively be referred to as a flood hazard boundary map.~~

~~**Flood insurance rate map.** The official map (FIRM) on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazard and the risk premium zones applicable to the city.~~

~~**Floodproofing.** Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real estate, to water and sanitary facilities, structures, and their contents.~~

~~**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot as designated on the flood boundary and floodway map. When not designated on the flood boundary and floodway map, it is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the flood plain, as measured from the normal high-water mark to the upland limit of the flood plain.~~

~~**Lowest floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.~~

~~**Mean high tide.** The mean height of tidal high waters at a particular point or station over a period of time to such length that increasing its length does not appreciably change this mean. For tidal waters, the cycle of change covers a period of 19 years, and mean high tide is defined as the average of the high waters over a 19 period.~~

~~**Mean sea level.** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the city's FIRM are referenced.~~

~~**Structure.**~~

12.3.1 Structure types

For the purposes of this article, the following types of structures shall have the following meanings:

A. Structure shall mean ~~A~~a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, or manufactured housing. "Principally above

ground," as used above, means either that at least 2/3 of its floor to ceiling height is above the average adjoining ground level, or at least 51% of the actual cash value of the structure, less land value, is above ground.

B. Accessory structure shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

C. Elevated building shall mean a non-basement building that is:

1. Built, in the case of a building in Zones A, AE, AO, or AH, so that the top of the elevated floor, or in the case of a building in Zones VE or Coastal AE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, posts, or piers; and,
2. Adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A, AE, AO, or AH, elevated building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zones VE or Coastal AE, elevated building also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of subsection 12.4.5(R)(2).(b).(iii).

D. Existing manufactured home park or subdivision shall mean a manufactured home park or subdivision that was recorded in the deed registry prior to the adoption date of the community's first floodplain management regulations.

12.3.2 Development classifications

A. **New construction.** Structures for which the "start of construction" commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. For purposes of this article, start of construction shall mean the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that

alteration affects the external dimensions of the building.

B. **Minor development.** All development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided in subsection 12.4.5(J), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers

C. **Substantial damage.** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

~~A.~~D. **Substantial improvement.** Any repair, reconstruction, addition to or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

12.4 FLOOD HAZARD DEVELOPMENT PERMIT

12.4.1 Permit required

A. The Zoning Administrator shall be designated as the local floodplain administrator. The floodplain administrator shall have the authority to implement the commitment made to administer and enforce the requirements for participation in the National Flood Insurance Program.

~~A.~~B. Before any construction or other development begins-, including the placement of manufactured homes, within any areas of special flood hazard, a Flood Hazard Development Permit shall be obtained from the Building Authority, except as established in Section 12.5. This permit shall be required prior to issuance of a building permit, if one is required, and shall be in addition to any other permit, site plan, and subdivision review which may be required pursuant to the codes and ordinances of the City of Portland. If only a site plan is required for a development, the Flood Hazard Development Permit shall be obtained prior to approval of the site plan.

12.4.2 Filing of application

The application for a Flood Hazard Development Permit shall be submitted in writing to the Building Authority and shall include the following:

A. A final site plan, where applicable, showing information as required by Article 14.

B. A final subdivision plat, where applicable, providing information as required in Article 15.

C. For any development which does not meet the minimum threshold as a development requiring site plan review under Article 14, the following information shall be provided:

1. The name, address, and phone number of the applicant, owner, and contractor.
2. A map with address indicating the location of the development site.
3. A ~~site~~ plan showing the location of existing and proposed development, including but not limited to specific dimensions of existing and proposed structure(s), wastewater disposal facilities, water supply facilities, areas to be developed, and the dimensions of the lot.
4. A statement of the intended use of any structure and/or ~~other~~ development.
5. A statement of the cost of the development including all materials and labor.
6. A statement of the type of wastewater disposal system proposed.
7. ~~6.~~ Specification of dimensions of the proposed structure and/or development

D. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or to a locally established datum for Zone A only, of the:

1. Base flood at the proposed site of all new or substantially improved structures, which is determined:
   a. ~~i~~In Zones ~~A1-30,~~ AE, AO, AH, ~~V1-30~~, and VE from data contained in the *Flood Insurance Study — ~~City of~~ ~~Portland,~~ Cumberland County,* Maine, or
   ~~a.~~b. ~~in Zone A, to be the elevation of the ground at the intersection of the flood plain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building~~In Zone A:~~.~~
      i. From any base flood elevation data from federal, state, or ~~o~~other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Subsection 12.4.5(M) and 12.7).
      ~~i.~~ii. In the absence of all data described in Subsection 12.4.2(D)(1)(b)(i), information to demonstrate that the structure shall meet the elevation requirement in Subsections 12.4.5(H)(4)(b), 12.4.5(I)(b), or 12.4.5(J)(4)(b).
2. ~~7.~~ Highest and lowest grades at the site adjacent to the walls of the proposed building.
3. ~~8.~~ Lowest floor, including basement, and whether or not such structures contain a basement.
4. Lowest machinery and equipment servicing the building.
5. ~~9.~~ Level, in the case of nonresidential structures only, to which the structure will be floodproofed.

E. A description of an elevation reference point established on the site of all new developments ~~or substantially improved structures~~ for which

elevation standards apply as required in Subsection 12.4.5.

F. A written certification by:

1. A professional land surveyor that the grade elevations shown on the application are accurate, and

~~1.~~2. A professional land surveyor, registered professional engineer or architect that the base flood elevation shown on the application is accurate~~Either an elevation certificate (FEMA Form 81-31, 03/97, as amended) completed by a professional land surveyor, registered professional engineer, or architect, or, for nonresidential structures to be floodproofed, a floodproofing certificate (FEMA Form 81-65, 05/93, as amended) completed by a registered professional engineer or architect. These certificates verify that the elevations shown on the application are accurate.~~

G. Certifications by a registered professional engineer or architect that structures meet the review standards of Subsection 12.4.5~~.~~, including:

1. A floodproofing certificate (FEMA form FF-206-FY-22-153, as amended) to verify that the floodproofing methods for any nonresidential structures will meet the floodproofing criteria of Subsection 12.4.5(I); and other applicable standards of Subsection 12.4.5;

2. A V-Zone Certificate to verify that the construction in coastal high hazard areas, Zones VE and Coastal AE, will meet the criteria of Subsection 12.4.5(R); and other applicable standards in Subsection 12.4.5;

3. A Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Subsection 12.4.5(N)(2)(a);

4. A certified statement that bridges will meet the standards of Subsection 12.4.5(O); or

~~10.~~5. A certified statement that containment walls will meet the standards of Subsection 12.4.5(P).

H. A description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

I. A statement of construction plans describing in detail how each applicable development standard in Subsection 12.4.5 will be met.

J. Cross section(s) of the site acceptable to the Public Works Authority.

12.4.3 Fee

A nonrefundable Flood Hazard Development Permit fee as established by the City Council for all minor development and for all new construction and substantial improvements shall be paid to the Building Authority, and a copy of a receipt for the same shall accompany the application. An additional fee may be charged if the Code Enforcement Officer, Planning Board, and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the City submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for issuance of a stop work order. An expert shall not be hired by the City at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An

applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

12.4.4 Review procedure

A. Upon determination by the Building Authority that an application is complete, the Building Authority shall coordinate review of the application by the City. No permit shall be issued until the Building Authority finds that the development proposal is in compliance with the standards of this article. Compliance with the provisions of this article shall be required prior to beginning any development as defined herein.

B. The Building Authority shall, when reviewing subdivisions and other proposed developments that require review under federal law, state law, or local ordinances or regulations and all projects on five or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

1. All such proposals are consistent with the need to minimize flood damage.
2. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. All proposals include base flood elevations, flood boundaries and, in a ravine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
5. Any proposed development plan must include a condition of plan approval requiring that structures on lots in the development be constructed in accordance with Subsection 12.4.5 of this article. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement. The construction requirement shall also be clearly stated on any map, plat, or plan as part of the approval process.

~~B.~~C. In the review of all Flood Hazard Development Permit applications for compliance with the standards herein:

1. The Building Authority shall utilize the base flood and floodway data contained in the *Flood Insurance Study – Cumberland County, Maine,* as described in Section 12.2. In special flood hazard areas where base flood elevation and floodway data are not provided in the above cited study, the ~~Planning~~ Building Authority~~, or Planning Board as appropriate,~~ shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from federal, state, or other ~~reasonably reliable~~technical sources, including information obtained pursuant to Subsection 12.4.2(D), 12.4.5, and 12.7, in order to administer this article. The Building Authority shall make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 12.2.
2. Prior to approval of issuance of the Flood Hazard Development Permit, the Building Authority shall determine that all necessary permits have been obtained from those

federal, state, and local authorities from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1334 as may be amended from time to time), provided, however, that conditional approval may be granted pending proof of receipt of any required permits, but no Flood Hazard Development Permit shall be finally issued until proof of issuance of all such other permits is received by the Building Authority.

3. The Building Authority shall notify adjacent municipalities, the Maine Department of Environmental Protection and the Maine Floodplain Management Program, prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency.
4. The Building Authority shall maintain, as a permanent record, copies of all Flood Hazard Development Permit applications, corresponding permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Section 12.6 of this article, and copies of elevation certificates, meaning an official form (FEMA form FF-206-FY-22-152) used to verify compliance with the floodplain management regulations of the National Flood Insurance Program, floodproofing certificates, certificates of compliance, and certifications of design standards required under the provisions of Sections 12.4 and 12.5.

12.4.5 Review standards

A. **All development.** All development shall:
   1. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
   2. Use construction materials that are resistant to flood damage;
   3. Use construction methods and practices that will minimize flood damage; and
   4. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. **Water supply.** All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. **Sanitary sewage systems.** All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. **On-site waste disposal systems.** On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. **Altered or relocated watercourses.** All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Utilities.** New construction or substantial improvement of any structure (including manufactured homes) located within:

1. Zones A, AE, AO, and AH shall have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation.
2. Zone VE shall meet the requirements of Subsection 12.4.5(R)(2).

G. **Physical changes to the natural landscape.** Certain development projects, including but not limited to, retaining walls, sea walls, levees, berms, and rip rap, can cause physical changes that affect flooding conditions.

1. All development projects in Zones AE and VE that cause physical changes to the natural landscape shall be reviewed by a Professional Engineer to determine whether or not the project changes the base flood elevation, zone, and/or the flood hazard boundary line.
   a. If the Professional Engineer determines, through the use of engineering judgement, that the project would not necessitate a Letter of Map Revision (LOMR), a certified statement shall be provided.
   b. If the Professional Engineer determines that the project may cause a change, a hydrologic and hydraulic analysis that meets current FEMA standards shall be performed.
2. If the hydrologic and hydraulic analysis performed indicates a change to the base flood elevation, zone, and/or the flood hazard boundary line, the applicant may submit a Conditional Letter of Map Revision (C-LOMR) request to the Federal Emergency Management Agency for assurance that the as-built project will result in a change to the Flood Insurance Rate Map. Once the development is completed, a request for a Letter of Map Revision (LOMR) shall be initiated.
3. If the hydrologic and hydraulic analysis performed show a change to the base flood elevation, zone, and/or the flood hazard boundary line, as soon as practicable, but no later than six months after the completion of the project, the applicant shall submit the technical data to FEMA in the form of a Letter of Map Revision request.

~~F.~~H. **Residential.** New construction or substantial improvement of any residential structure located within:

1. Zones ~~A1-30,~~ AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. At least two feet higher than the depth specified in feet on the

~~community's~~ Flood Insurance Rate Map, or

b. At least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated:

a. T~~t~~o at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(1~~D~~)(~~2~~), 12.4.4(~~B~~C)(~~4~~), or 12.~~4.4(C)(1)~~7, or~~.~~

~~a.~~b. In the absence of all data described above, to at least two feet above the highest adjacent grade to the structure.

~~4.~~5. Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of Subsection 12.4.5(~~P~~R).

~~G.~~I. **Nonresidential.** New construction or substantial improvement of any nonresidential structure located within:

1. Zones ~~A1-30,~~ AE, AO, and AH shall have the lowest floor (including basement) elevated to at least two feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:

a. Be floodproofed to at least two feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water~~.~~;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy~~.~~; and

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Subsection 12.4.2(G) and shall include a record of the elevation above mean sea level to which the structure is floodproofed.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

a. At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map~~,~~; or

b. At least three feet if no depth number is specified~~,~~; or

c. Together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this subsection and floodproofing standards of Subsection 12.4.5(~~G~~I).

4. Zone A shall have the lowest floor (including basement) elevated:

a. T~~t~~o at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(D)(~~12~~)(b), 12.4.4(~~B~~C)(~~4~~), 12.~~7~~4.4(C)(1); or~~.~~

b. In the absence of all data described above, to at least two feet above the

highest adjacent grade to the structure; or

~~a.~~c. Together with attendant utility and sanitary facilities, be floodproofed to two feet above the base elevation established in Subsection 12.4.5(I)(4)(a) or (b) above and meet the floodproofing standards of Subsection 12.4.5(I)(1)(a), (b), and (c).

~~4.~~5. Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of Subsection 12.4.5(~~P~~R).

~~H.~~J. **Manufactured homes.** New or substantially improved manufactured homes located within:

1. Zones ~~A1-30,~~ AE, AO, and AH shall:
   a. Be elevated on a permanent foundation such that the lowest floor is at least two feet above the base flood elevation~~.~~;
   ~~a.~~b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and
   ~~b.~~c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
      i. Over the top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by~~.~~
      ii. Frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
      iii. All components of the anchoring system shall be capable of carrying a force of 4,800 pounds.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide flood water away from the proposed structures.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
   a. At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map, or
   b. At least three feet if no depth number is specified, and
   c. Meet the requirements of Subsection 12.4.5(~~H~~J)(1)(~~b~~c).
4. Zone A shall:
   a. Be elevated on a permanent foundation, as described in Subsection 12.4.5(J)(1)(b), such that the lowest floor (including basement of the manufactured home is at least two feet above the base flood elevation utilizing information obtained pursuant to Subsection ~~12.4.2(D)(2),~~ 12.4.2(D)(1)(b), 12.4.4(~~B~~C)~~(4)~~, or 12.~~4.4(C)(1)~~7; or~~.~~

~~a.~~b. In the absence of all data described in Section 12.4.5(J)(4)(a), to at least two feet above the highest adjacent grade to the structure; and

~~b.~~c. Meet the anchorage requirements of Subsection 12.4.~~4~~5(~~J~~B)(~~2~~1)(c).

5. Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of Subsection 12.4.5(~~P~~R).

~~I.~~K. **Recreational vehicles.** Recreational vehicles located within:

1. Zones AE, AO, ~~A1-30,~~ and AH~~, and AE~~ shall either:
   a. Be on the site for fewer than 180 consecutive days~~;~~. ~~or~~and
   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only be quick disconnect type utilities and security devices, and has no permanently attached additions; or~~.~~
   ~~b.~~c. Be permitted in accordance with the elevation and anchoring requirements for manufactured homes in Subsection 12.4.5(J)(1).
2. Zones ~~V1-30 and~~ VE and Coastal AE shall meet the requirements of either Subsection 12.4.5(~~I~~K)(1)(a) and~~,~~ ~~12.4.5(I)(1)~~(b), or 12.4.5(~~P~~R).

L. **Accessory structures.** New construction or substantial improvement of accessory structures, as defined in Subsection 12.3.1, shall be exempt from the elevation criteria required Subsections 12.4.5(H) and (I) if all other requirements of Subsection 12.4.5 and all the following requirements are met.

a. Accessory structures located within Zones A~~1-30~~, AE, AO, AH~~, and A~~ shall ~~be exempt from the elevation criteria required in Subsection 12.4.5(F) and 12.4.5(G) if all other requirements of Subsection 12.4.5 and all the following requirements are met. Accessory structures shall~~:
   a. Meet the requirements of Subsection 12.4.5(A)(1) to (4) as applicable.
   ~~1. Be 500 square feet or less and have a value less than $3,000.~~
   b. Be limited in size to a one-story two-car garage.
   ~~a.~~c. Have unfinished interiors and not be used for human habitation.
   ~~b.~~d. Have hydraulic openings, as specified in Subsection 12.4.5(~~I~~N), in at least two different walls of the accessory structure.
   ~~c.~~e. Be located outside the floodway.
   ~~d.~~f. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters and be placed further from the source of flooding than is the primary structure.
   g. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.
   h. Be located outside the Coastal AE Zone.
2. Accessory structures in Zones VE and Coastal A shall meet the requirements of Subsection 12.4.5(R).

~~J.~~M. Floodways

1. In Zones ~~A1-30 and~~ AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway~~in ravine areas, for which a regulatory floodway is~~ designated on the ~~community's~~ Flood Insurance Rate Map ~~or flood boundary and floodway map,~~ unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A~~1-30~~ and AE riverine areas~~,~~ for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in (3) below, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
   a. Will not increase the water surface elevation of the base flood more than one foot at any point within the ~~community~~community; and~~.~~
   b. Is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping. ~~Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study — Guidelines and Specifications for Study Contractors* (FEMA 37/January 1995, as amended).~~
3. In Zones A~~1-30,~~ and AE~~, and A~~ riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other watercourse and the adjacent land areas to a distance of 1/2 the width of the floodplain as measured from the normal high-water mark to the upland limit of the floodplain. Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of (2) above.

~~K.~~N. ~~Enclosed areas below the lowest floor~~Hydraulic openings/flood vents. New construction or substantial improvement of any structure in Zones A~~1-30~~, AE, AO, and AH~~, and A~~ that meets the development standards of Subsection 12.4.5, including the elevation requirements of Subsection 12.4.5(H~~F~~), (~~G~~I), or (J~~H~~) and is elevated on posts, columns, piers, piles, "stilts," or crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not basements.
2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

a. Be engineered and certified by a registered professional engineer or architect, or
b. Meet or exceed the following minimum criteria:
   i. A minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area~~.~~;
   ii. The bottom of all openings shall be no higher than one foot above the lowest grade~~.~~; and
   iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means.

3. The enclosed area shall not be used for human habitation.
4. The enclosed areas are usable solely for building access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

~~L.~~O. **Bridges**. New construction or substantial improvement of any bridge in Zones A~~1-30~~, AE, AO, AH, ~~A, V1-30,~~ and VE shall be designed such that:

1. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least two feet above the base flood elevation.
2. A registered professional engineer shall certify that:
   a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Subsection 12.4.5(~~K~~M); and~~.~~
   b. The foundation and superstructure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

~~M.~~P. **Containment walls.** New construction or substantial improvement of any containment wall shall meet the following requirements by zone:

1. Zones A, ~~A1-30,~~ AE, AO, AH, ~~V1-30,~~ and VE shall:
   a. ~~H~~have the containment wall elevated to at least two feet above the base flood elevation;
   b. ~~,h~~Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy~~,~~; and
   ~~a.~~c. ~~b~~Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Subsection 12.4.2.
2. Zones AO and AH shall have adequate drainage paths around containment walls

on slopes, to guide flood water away from the proposed walls.

3. Zone AO shall have the top of the containment wall elevated above the highest adjacent grade:

a. ~~a~~At least two feet higher than the depth specified in feet on the ~~community's~~ Flood Insurance Rate Map; ~~,~~ or

b. ~~a~~At least three feet if no depth number is specified; and

~~a.~~c. Shall meet the requirements of Subsection 12.4.5(P)(1)(b) and (c). ~~.~~

~~3. Zone A shall have the containment wall elevated to at least two feet above the base flood elevation utilizing information obtained pursuant to Subsections 12.4.2(D)(2), 12.4.4(B)(4), or 12.4.4(C)(1).~~

~~N.~~Q. **Wharves, piers, and docks.** New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, ~~A1-30,~~ AE, AO, AH, ~~V1-30,~~ and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; or.
2. Commercial wharves, piers, and docks involving fill shall adhere to the design and construction standards contained in the U.S. Army Corps of Engineers' Shore Protection Manual. A registered professional engineer shall develop or review the structural design, specifications, and plans for the construction of commercial wharves, piers, and docks.

~~O.~~R. **Coastal floodplains**

1. All new construction located within Zones ~~A1-30,~~ AE, A, ~~V1-30,~~ and VE shall comply with all applicable local, state, and federal regulations and be located landward of the reach of mean high tide except as provided in Subsection 12.4.5(R)(6)..
2. New construction or substantial improvement of any structure located within Zones ~~V1-30 or~~ VE or Coastal AE shall:

a. have the bottom of all electrical, heating, plumbing, ventilation and air conditioning equipment, permanent fixtures and components, HVAC ductwork and duct systems, and any other utility service equipment, facilities, machinery, or connections servicing a structure, elevated to at least two feet above the base flood elevation. Systems, fixtures, equipment, and components shall not be mounted on or penetrate through walls intended to break away under flood loads.

~~a.~~b. ~~b~~Be elevated on posts or columns such that:

i. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to two feet above the base flood elevation.

ii. The pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.

iii. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.

c. ~~New construction or substantial improvement of any structure located within Zones V1-30 or VE shall~~H ~~h~~ave the space below the lowest floor:
   i. Free of obstructions, or
   ii. Constructed with open wood lattice work~~,~~ or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns, or
   iii. Constructed with non-supporting breakaway walls which have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.

d. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual* (FEMA-55~~/February, 1986~~).

e. A registered professional engineer or architect shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Subsections 12.4.5(R~~P~~)(2)(b) ~~and (3)~~.

3. The use of fill for structural support in Zones ~~V1-30 and~~ VE and Coastal AE is prohibited.
4. Human alteration of sand dunes within Zones ~~V1-30 and~~ VE and Coastal AE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The ~~enclosed areas~~area below the lowest floor may be used solely for parking vehicles, building access, and storage.
6. Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Subsection 12.4.5(I~~G~~) only ~~upon~~ if ~~r~~eview and approved as a conditional use ~~al~~ by the ~~Planning Authority or Planning Board~~Building Authority or Zoning Board of Appeals, as provided in Section 12.5, and if all the following requirements of Subsections 12.4.5(A), (~~K~~M), and (~~L~~N) are met:
   a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.
   b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
   c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.

d. The structure shall have unfinished interiors and shall not be used for human habitation.

e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to two-feet above the base flood elevation.

All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the special flood hazard area. If a flood hazard permit application is granted, the applicant shall be notified in writing that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

12.4.6 Permit

Upon determination that the development or substantial improvement plan is in compliance with this article, the Building Authority shall issue one of the following Flood Hazard Development Permits based on the type of development:

A. **Two-part Flood Hazard Development Permit for elevated structures.** Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second elevation certificate (FEMA form FF-206-FY-22-152) completed by a professional land surveyor, registered professional engineer or architect based on the Part I permit construction, "as built," for verifying compliance with the elevation requirements of Subsections 12.4.5(~~F~~H), (~~G~~I), (~~H~~J), or (~~P~~R). Following review of the elevation certificate data, which shall take place within 72 hours of receipt of the application, or as soon as practicable thereafter, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project.

B. **Flood Hazard Development Permit for floodproofing of nonresidential structures.** This permit shall apply for nonresidential structures that are new construction or substantially improved nonresidential structures that are not being elevated but that meet the floodproofing standards of Subsection 12.4.5(~~I~~G)(1). The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect.

C. **Flood Hazard Development Permit for minor development.** This permit shall apply for all other development and building permits that are not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. This includes, but is not limited to: accessory structures as provided for in Subsection 12.4.5(~~J~~L), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures, and nonstructural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

12.5 CONDITIONAL USE REVIEW

The Zoning Board of Appeals shall hear and approve, approve with conditions, or disapprove all applications for conditional uses provided for in this article. An applicant informed by the Building Authority that a conditional use approval is required shall file an application for the permit with the Zoning Board of Appeals.

12.5.1 Review procedure

C. The Flood Hazard Development Permit application with additional information attached addressing how each of the conditional use criteria specified in this article will be satisfied may serve as the application for the conditional use review.

D. Before deciding any application, the Zoning Board of Appeals shall hold a public hearing on the application within thirty days of their receipt of the application.

E. If the Zoning Board of Appeals finds that the application satisfies all relevant requirements of this article, the Zoning Board of Appeals must approve the application or approve with conditions within 45 days of the date of the public hearing.

F. A conditional use approval issued under the provisions of this article shall expire if the work or change involved is not commenced within 180 days of the approval by the Zoning Board of Appeals.

G. The applicant shall be notified in writing that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

12.5.2 Expansion of conditional uses

No existing building or use of premises may be expanded or enlarged without approval under this section if that building or use was stablished or constructed under a previous conditional use approval or if it is a building or use which would require a conditional use approval if being newly-established or constructed under this article.

~~12.5~~12.6 CERTIFICATE OF COMPLIANCE

A. No land in an area of special flood hazard shall be occupied or used in violation of this article, and no structure in such an area which is developed or substantially improved shall be occupied until a ~~Certificate~~ certificate of ~~C~~compliance is issued by the Building Authority. Said ~~C~~certificate of ~~C~~compliance shall be a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this article. Said certificate shall be issued only after the Building Authority has received all permits and certificates from the applicant as required by this article.

B. For new construction or substantial improvement of any elevated structure, the applicant shall submit to the Building Authority:

1. An elevation certificate (FEMA form FF-206-FY-22-152) completed by a professional land surveyor, registered professional engineer, or architect, for compliance with Subsection 12.4.5(H), (I), (J), or (R), and

2. For structures in Zones ~~V1-30 and~~ VE and Coastal AE and for floodproofed structures, a written certification by a registered professional engineer or architect shall be provided to the Building

Authority stating that the design and methods of construction used are in compliance with the applicable provisions of Subsection 12.4.5(R)(b).

C. The applicant shall submit written notification to the Building Authority that the development is complete and complies with the provisions of this article.

~~A.~~D. Within ~~3~~10 working days, the Building Authority shall review the elevation certificate (FEMA form FF-206-FY-22-152) and the applicant's written notification and, upon determination that the development conforms with the provisions of this article, shall issue a certificate of compliance.

12.7 REVIEW OF SUBDIVISION AND DEVELOPMENT

The Planning Board shall, when reviewing subdivisions under Article 15 and other proposed development that requires review under Article 14 or other federal law, state law, local ordinances or regulations, and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided in order to reduce exposure to flood hazards.

D. All proposals include base flood elevations, flood boundaries, and in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with subsection 12.4.5 of this article. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest.

F. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the review authority as part of the approval process.

~~12.6~~12.8 VARIANCES AND APPEALS

12.8.1 Authority

A. The Board of Appeals of the City of Portland may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this article.

~~A.~~B. The Board of Appeals may authorize variances from the provisions of this article as authorized in Subsection 2.3.11 except:

1. As otherwise expressly provided in Subsection 2.3.11(E).
2. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

12.8.2 Standards

Subsection 2.3.11 notwithstanding, variances from the requirements of this article shall be granted only upon:

A. A showing of good and sufficient cause.

B. A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, or public expense, or create nuisances, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

C. A showing that the issuance of the variance will not conflict with other state, federal, or local laws or ordinances.

D. A determination that failure to grant the variance would result in "undue hardship," which in this subsection means:

1. That the land in question cannot yield a reasonable return unless a variance is granted.
2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.
3. That the granting of a variance will not alter the essential character of the locality.
4. That the hardship is not the result of action taken by the applicant or a prior owner.

E. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.

12.8.3 Standards for specific variances

A. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally-dependent use provided that:

1. The criteria in Subsection 12.8.2 and 12..5.(M) are met.
2. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

~~A.~~B. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of historic structures upon the determination that:

1. The development meets the criteria of Subsection 12.~~8~~6.2.
2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

~~B.~~C. Variances may be issued for new construction~~,~~ and substantial improvement~~s, or other development for the conduct of a functionally dependent use~~ of agricultural structures being used for the conduct of agricultural uses provided that:

1. The development meets the criteria of Subsection 12.8.26 and Subsection 12.4.5 are met.
2. The development meets the criteria of Subsection 12.4.5 (M) and (N).
2. ~~The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.~~

12.8.4 Notice to applicants

Any applicant who meets the criteria of ~~this section~~Subsections 12.8.2 and 12.8.3 shall be notified by the Board of Appeals in writing with the signature of the Chair of the Board of Appeals that:

A. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage.
B. Such construction below the base flood level increases risks to life and property.
C. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

~~B. The above Subsections 12.6.4(A)(1), (2), and (3) shall be included with or on all applications for a variance hereunder, as well as the following statements:~~

~~1. The applicant understands and is fully aware of all of the risks inherent in the use of land subject to flooding and understands and agrees that they are fully assuming any potential or actual liability resulting therefrom. Applicant agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use the land located in a flood plain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a flood plain. Applicant further understands and agrees that the City has no responsibility therefore, and in the event a variance is granted to applicant, applicant agrees to inform any purchaser, assignee, or other transferee of applicant of the existence of said variance and of this agreement.~~
~~2. Applicant shall signify in writing that they have read, understands, and agrees to all of the stipulations in this Subsections 12.6.4(A) and (B).~~

12.8.5 Record of variances

The Board of Appeals shall submit to the Building Authority a report of all variance actions, including justification for the granting of the variance and an authorization for the Building Authority to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

12.8.6 Appeal procedure

A. An administrative appeal may be taken to the Board of Appeals by an aggrieved party within

30 days after receipt of a written decision of the Building Authority.

B. Upon being notified of an appeal, the Building Authority shall transmit to the Board of Appeals all of the documents constituting the record of the decision appealed from.

C. The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

D. The person filing the appeal shall have the burden of proof.

E. The Board of Appeals shall decide all appeals within 35 days after the close of the hearing and shall issue a written decision on all appeals.

F. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with state laws within 45 days from the date of any decision of the Board of Appeals.

~~12.7~~12.9 RECORDS & REPORTING

A. The Building Authority shall maintain, as a permanent record, copies of all Flood Hazard Development Permits issued, certificates of compliance and data relevant thereto, including reports of the Board of Appeals on variances granted hereunder.

B. The Building Authority shall be responsible for filing such annual reports regarding participation in the National Flood Insurance Program as may be required by FEMA. Said annual reports shall include, but not be limited to, a report on implementation of this article and on any variances granted hereunder. A copy of such annual reports shall also be sent to the Maine Floodplain Management Program.

~~12.8~~12.10 PENALTIES

It shall be the duty of the Building Authority to enforce the provisions of this ordinance pursuant to Title 30-A M.R.S. § 4452. The penalties contained in Title 30-A M.R.S. § 4452 shall apply to any violation of this ordinance. In addition to any other actions, the Building Authority, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

A. The name of the property owner and address or legal description of the property sufficient to confirm its identity and location.

B. A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance.

C. A clear statement that the public body making the declaration has authority to do so and a citation to that authority.
Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance.

D. A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

12.11 DISCLAIMER OF LIABILITY

The degree of flood protection required by the ordinance is considered reasonable but does not imply total flood protection.

Proposed Historic District Amendment – Reclassification of 142 Free Street
142 Free Street | CBL: 039 B003001
Minimum Criteria for Designation & Integrity of Landmarks & Historic Districts
Portland Museum of Art, Applicant

Submitted to:	Portland Planning Board	**Prepared By:**	Kevin Kraft, AICP
Public Hearing Date:	February 13, 2024	**Date:**	February 12, 2024

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 building 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 building. 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.

The Planning & Urban Development Department mailed 209 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the February 2 and February 3, 2024 editions of the *Portland Press Herald*.

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 17.4.1(A) and Section 17.4.2 (Attachment 6).

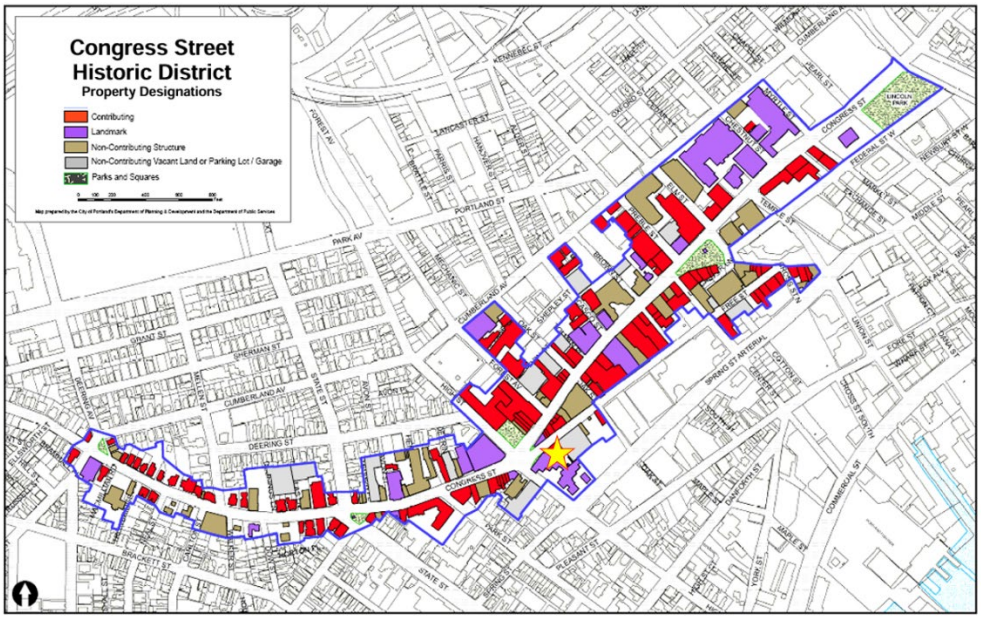

Figure 1: Map of Congress Street Historic District showing location of 142 Free Street (Contributing Structure) with star.



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. 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. PREVIOUS PLANNING BOARD WORKSHOP

During the November 28, 2023 Planning Board workshop, the applicant presented background information on the proposed expansion of the Portland Museum of Art campus, provided a brief overview of the PMA campus unification + expansion international design competition, preliminary information on their planned future development, shared an overview of their existing campus and historic structures, and also presented why they believed the building should be reclassified to noncontributing. Board members asked the applicant about whether consideration had been given to reusing the 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 designs that considered adaptively reusing the building. As part of their design competition, PMA did note that one of four shortlisted teams incorporated

the existing building's façade in their conceptual design. Board member Barker asked if the PMA studied the economic impact of adaptively reusing the building as part of their December 2022 study "*The Economic Contribution and Impact of the Portland Museum of Art in Maine*." Board member Stanley asked if the reclassification would impact other properties within the Congress Street Historic District from being eligible to utilize state and federal historic tax credits and expressed concern about making a recommendation on the reclassification request without understanding the potential effects district-wide. City Staff informed the Board that the City's Historic Preservation Program Manager contacted the State Historic Preservation Office and the National Park Service regarding this matter and were still awaiting an official response. Also, Board members requested clarification from staff regarding the Board's purview and relevant review standards.

Several public comments were provided expressing opposition to the application. It was stated by many commenters that the existing building at 142 Free Street retains its historic integrity, meets the criteria for contributing status under the historic preservation ordinance, exemplifies a significant architectural style and was designed by prominent architect, John Calvin Stevens. Several individuals expressed their belief that the PMA's proposed expansion should incorporate the existing building rather than tear it down. Other members of the public expressed concern that the reclassification of 142 Free Street to non-contributing would compromise the integrity and purpose of the historic preservation ordinance.

Several other members of the public also expressed support for the reclassification request. One resident shared that the building at 142 Free Street is of very minor significance and does not contribute to the current or future conditions of Congress Square and that Portland is in need of a high-quality, high-profile building in a high-visibility location. Another member of the public expressed their support for the project due to an overabundance of preserved John Calvin Stevens structures in Portland and that the past should not suffocate the energy and creativity of our community's future.

The information below provides additional information related to specific questions asked.

Questions:

1. **Is the effect of historic designation on aspects of the City's Comprehensive Plan a discrete criterion for the Planning Board and City Council to consider when reviewing an amendment or rescission of any historic designation?** Unlike designation of an area or landmark, according to *Section 17.5.9 Amendment or rescission of designation,* when the Planning Board and City Council are reviewing amendments or rescissions of any historic district, they are not to consider the effect of an amendment on aspects of the Comprehensive Plan. Similar to the Historic Preservation Board, the Planning Board and City Council are required to limit their consideration to the criteria specified in Sections 17.4.1(A) and (B) and 17.4.2. Therefore, the Planning Board and City Council will not be reviewing the request for comprehensive plan consistency. The relevant review standards for the Planning Board's consideration are described in Section VI below.

2. **Does changing the classification of the building at 142 Free Street from contributing to non-contributing impact the certification of the Congress Street Historic District and thus impact the ability of other property owners within the District to obtain historic tax credits?** City staff provided the National Parks Service (NPS) with requested information related to this question. On Sunday, February 11th, 2024, NPS informed City Staff that changing 142 Free Street's classification from contributing to non-contributing would be considered an amendment to the district and would need to be submitted for NPS review following a final determination by the City

Council (Attachment 11). The Applicant also had a conversation with the NPS on this issue. A summary of the applicant's discussion with NPS can be found in Attachment 1A.

IV. 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.



Figure 3: 142 Free Street building over time (1856 – 1958)

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.

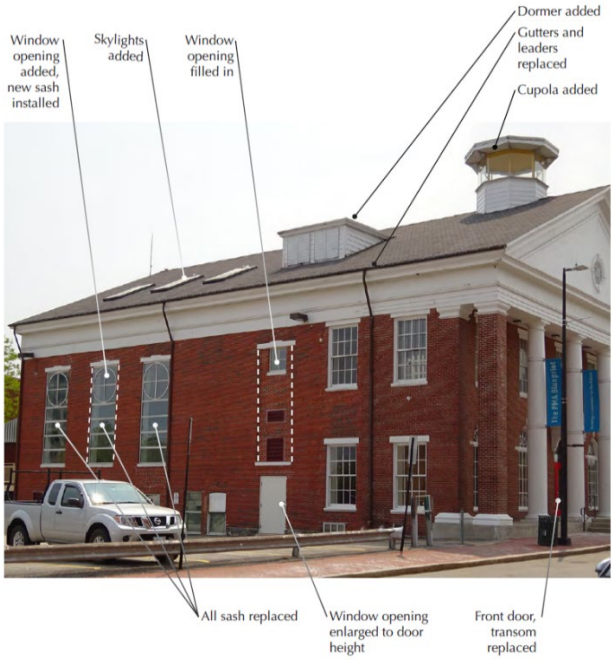

Figure 4: Exterior Alterations to 142 Free Street made for the Children's Museum in the early 1990s

In 1976, the Spring Street Historic District was added to the National Register of Historic Places. 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.

Local Congress Street Historic Designation

In 2009, the building located at 142 Free Street was also listed as a contributing structure within the local Congress Street Historic District. 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.

The description of 142 Free Street in the Congress Street Historic District (Attachment 3) is as follows:

> 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 fullwidth 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.

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 PMA commissioned 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

Present

In 2019, the PMA purchased the building at 142 Free Street from the Children's Museum & Theater of Maine, who relocated to a new state-of-the-art museum at Thompson's Point. In 2022, the PMA launched the Portland Museum of Art Campus Unification + Expansion International Design Competition and Request for Qualifications, inviting designers to develop a concept design for campus expansion and unification as part of the PMA Blueprint. PMA received 104 entries, submitted by architectural teams from 20 different countries. Four finalists were chosen, Adjaye Associates, LEVER Architecture, MVRDV, and Toshikio Mori Architect. LEVER Architecture was selected as the winning firm of the International Design Competition for their conceptual design (Figure 5).



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

V. 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.

On October 4, 2023, the Historic Preservation Board held an initial workshop on the reclassification request. 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 conceptual design of the new building. 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 but noted that the review 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.

VI. PLANNING BOARD CONSIDERATIONS

ANALYSIS OF APPLICABLE REVIEW STANDARDS

The argument rests primarily on the questions of whether the building at 142 Free Street meets the Minimum Criteria for Designation outlined in Section 17.4.1(A) and whether the building meets the Integrity of Landmarks and Historic Districts outlined in Section 17.4.2.

The applicant submitted materials to the Planning Board in a letter dated November 8, 2023 (Attachment 1). Following the Planning Board workshop, the applicant submitted updated materials on January 31, 2024 (Attachment 1A). The revised materials (Attachment 1A) attempt to address questions and comments that

arose during the first Planning Board workshop and provide additional information regarding why the applicant believes the building at 142 Free Street does not meet the Minimum Criteria for Designation (Section 17.4.1(A)) and the Integrity of Landmarks and Historic Districts (Section 17.4.2).

Section 17.4.1.A Minimum Criteria for Designation

During the Historic Preservation Board review process, the Board requested that the applicant confirm that the basis for their application for reclassification was being limited to a question of the integrity of the structure pursuant to Section 17.4.2 and that the applicant was not questioning whether the building met the Minimum Criteria for Designation in Section 17.4.1.A. At that time, the applicant confirmed that the argument presented rested on the question of the building's Integrity (Section 17.4.2), and that no information addressing the minimum criteria outlined in Section 17.4.1.A was presented. Therefore, the Historic Preservation Board did not interrogate the building against the minimum criteria for designation standards and found that the building located at 142 Free Street met the minimum criteria for designation as outlined in Section 17.4.1.A.

The applicant has since submitted materials arguing that 142 Free Street does not contribute to the Congress Street Historic District, as the building does not contribute to the Minimum Criteria for Designation which the District is significant, and that it lacks integrity (Attachment 1A). A summary of the standards and analysis is provided below:

The Historic Preservation Board (Planning 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:
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.
Staff Comments
The applicant has stated that they believe the building is not a significant example of cultural, historic, architectural, archeological, or related aspect of the heritage of the City, the State, New England region, or the United States. The Congress Street Historic District description provides a history of the development of Congress Street, its evolution from a residential corridor at the edge of town to a commercial one, speaking to the district's importance as the city's eventual "Main Street." The 142 Free Street description notes the building's evolution from a theater, to a church, and then its civic/commercial use by the Chamber of Commerce. The Board should determine whether the information provided by the applicant and the information provided in the Congress Street Historic description and 142 Free Street descriptions demonstrate that 142 Free Street contributes to the district under this criterion, or whether the information provided is erroneous.
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.
Staff Comments
The applicant has stated that they believe that the building's location is not a site of a significant historic or prehistoric event or activity which may have taken place within the building at 142 Free Street, or which involved the use of any existing structure on the property.

Neither the Congress Street Historic District nor the 142 Free Street descriptions identify any significant events associated with this structure, so this criterion is not applicable.

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.

Staff Comments

The applicant has stated that they believe that the building does not identify 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.

Neither the Congress Street Historic District nor the 142 Free Street descriptions identify any significant identification with a person associated with this structure, so this criterion is not applicable. It should be noted that any association with John Calvin Stevens has been identified under Criterion 5: *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*.

Its exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.

Staff Comments

The applicant has stated that they believe that the building is not an exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship.

The Congress Street Historic District description states that the visual character of the district is rich and varied, with structures exhibiting architectural styles and types from across three centuries as well as differing scales and uses including small-scale residential, medium-scale civic and institutional buildings, and large-scale commercial and mixed-use structures. The 142 Free Street description notes that the building's current form is temple-fronted in the Colonial Revival Style as constructed for use by the Chamber of Commerce.

The Board should determine whether the information provided by the applicant and the information provided in the Congress Street Historic Descript and 142 Free Street descriptions demonstrate that 142 Free Street contributes to the district under this criterion or whether the information provided is erroneous.

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.

Staff Comments

The applicant has stated that they believe that the building does not identify 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.

The Congress Street Historic District description states that the district includes works of many prominent 19th- and 20th-century architects, with John Calvin Stevens among them. The description of 142 Free Street notes that John Calvin Stevens was documented as the architect of the 1926 renovation commissioned by the Chamber of Commerce.

The Board should determine whether the information provided by the applicant and the information provided in the Congress Street Historic Descript and 142 Free Street descriptions demonstrate that 142 Free Street contributes to the district under this criterion or whether the information provided is erroneous.
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.
Staff Comments
The applicant has stated that they believe that the building does not represent 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 Congress Street Historic District description speaks to the theme of the evolution and change of Congress Street over the centuries from a residential to a commercial corridor. The 142 Free Street description notes the building's evolution from a theater, to a church, and then its civic/commercial use by the Chamber of Commerce. The Board should determine whether the information provided by the applicant and the information provided in the Congress Street Historic Descript and 142 Free Street descriptions demonstrate that 142 Free Street contributes to the district under this criterion or whether the information provided is erroneous.

Section 17.4.2. Integrity of Landmarks and Historic District

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). The applicable review standards associated with Section 17.4.2 Integrity of Landmarks and Historic Standards is provided below:

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; however, the applicant argues that the building lacks any historic integrity and is surrounded by parking lots and a circa 1983 building (the Payson Wing).
Design
Staff Comments
The applicant has pointed to a number of alterations made to the design of the structure (see Figure 4 above), which include the addition of a highly visible octagonal cupola located toward the front of the building, skylights, replacement windows along the east elevation, alteration of the eastern façade to add one new window opening and fill in another window opening on the second story, and alterations to basement openings, with one being added and another filled in. Additionally, the applicant points out that the existing entry doors are incompatible replacements from a design and materiality standpoint, and that the entrance walkway and stairs have been altered to create a poured-in-place concrete stair and handicap ramp, which the applicant argues is not in character with any of the entrances on the previous iterations of the building.

The Board should determine whether these alterations have irretrievably destroyed the character of the Chamber of Commerce building at 142 Free Street.
Condition
Staff Comments
The applicant had noted that the building is generally in good structural condition as a result of renovations completed by the Children's Museum, that included an all new steel structural frame, including the roof. The applicant previously noted to staff that the building would require extensive interior upgrades and improvements in order to be usable and accessible.
Materials
Staff Comments
The applicant noted that historic materials have been lost through the replacement of windows at the east elevation and basement, as neither are wood and one window was replaced by a door at the west elevation. According to the applicant, the primary entry door and transom over the door were replaced, and are metal. The Board should determine whether these alterations have irretrievably destroyed the character of the Chamber of Commerce building at 142 Free Street.
Workmanship
Staff Comments
The applicant has noted that through the replacement of windows and doors, the structure has lost a sense of workmanship; in particular with respect to the windows on the east elevation, which do not match the historic appearance of those windows, and the primary entry door. The applicant instead states that the building more prominently reflects the renovations completed by the Children's Museum. The applicant has also pointed out that the added dormer alters the roofline and that the cupola changes the formal feel of the building. The Board should determine whether these alterations have irretrievably destroyed the character of the Chamber of Commerce building at 142 Free Street.

VII. PUBLIC COMMENT

Throughout the course of the review there have been numerous submitted written public comments and public testimony provided both in favor of and in opposition of the request to reclassify the building at 142 Free Street from contributing to noncontributing. Written public comments submitted to the Historic Preservation Board are provided in Attachment 8. Written public comment submitted to the Planning Board for the November 28, 2023 workshop can be found in Attachment 9. All written public comments submitted after the November 28th Planning Board workshop can be found in Attachment 10.

VIII. MOTIONS

On the basis of the November 1, 2023 recommendation of the Historic Preservation Board, materials and documentation submitted by the applicant, public comment and the information provided at the public hearing on February 13, 2024, and/or other findings, the Planning Board finds that the building at 142 Free Street **[meets/fails to meet]** the Minimum Criteria for Designation in Section 17.4.1(A) and pursuant to Section 17.4.2 Integrity of Landmarks and Historic Districts the building at 142 Free Street **[demonstrates/does not demonstrate]** sufficient integrity. Therefore, the Planning Board **[recommends/does not recommend]** to the City Council that the building at 142 Free Street be reclassified from a contributing to a noncontributing structure within the Congress Street Historic District.

IX. ATTACHMENTS

Att. 1 – PMA Application to PB 11.8.23
Att. 1A – PMA Updated Application to PB 1.31.24
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
Att. 9 – Public Comment PB Workshop 11.28.23
Att. 10 – Public Comment PB Public Hearing 2.13.24
Att. 11 – NPS Certified Local District

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MEMORANDUM

To: Chair Brandon Mazer and Members of the Portland Planning Board

From: Amy McNally, Associate Corporation Counsel

Date: February 23, 2024

Subject: Proposal to Amend Classification of 142 Free Street

Introduction

Our office was asked to provide a legal opinion on the Planning Board's scope of review of the proposal submitted by Portland Museum of Art ("PMA") to amend the existing designation applicable to 142 Free Street so as to reclassify the building from a contributing structure to a noncontributing structure in the Congress Street Historic District under Article 17 of the City's Land Use Code ("Proposal"). The purpose of this memo is to provide legal guidance as to whether the Planning Board may consider the Comprehensive Plan in its analysis of PMA's Proposal, or if it is limited to the designation standards provided in Section 17.4.1 (A) and (B) when it makes its recommendation to the City Council pursuant to Section 17.5.9.

Background

Section 17.5 of the Land Use Code governs the nomination, consideration and designation of historical landmarks and districts in the City. Nominations can be initiated for designation of an area, site, structure or object. Sections 17.5.2 through 17.5.8 outline the procedure for a nomination, consideration and designation which includes review and consideration by the City's Historical Preservation Board, the Planning Board and the City Council.

The Planning Board's procedure for making its recommendation to the City Council is set forth in Section 17.5.6. The Board is tasked with making a "determination including written findings as to whether the nominated district meets the criteria for designation in Section 17.4." As the Board is aware, Sections 17.4.1.(A)(1)-(6) outline the criteria the Board must consider when making a determination on a proposed nomination. Sections 17.4.1 (B) & (C) are not applicable to the Proposal currently pending before the Board. In addition to the criteria in section 17.4.1

(A) (and subsections (B) and (C) where applicable), Section 17.4.1. (D) requires the Planning Board and City Council to apply the "historic preservation goals included in the City's Comprehensive Plan" and consider "the effect of such designation on other aspects of the Comprehensive Plan of the City" when making a determination on a proposed nomination. Under Section 17.4.2, any structure up for nomination must also have "sufficient integrity of location, design, condition, material and workmanship to make it worthy of preservation or restoration."

Section 17.5.8, which sets forth the City Council's action following the Planning Board's recommendation regarding designation of a district, includes the following in subsection (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." (emphasis added)

Section 17.5.9, which is separately titled and immediately follows 17.5.8 in sequence, speaks to the process required for the amendment or rescission of any designation. Specifically:

> "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." (emphasis added)

Question Presented

I understand a question was raised at the Board's most recent meeting as to whether the portion of Section 17.5.8 (B) underlined above or Section 17.5.9 titled "Amendment or rescission of designation" governs the Board's review of PMA's pending Proposal. This is a threshold question because if Section 17.5.9 applies, the Board may only consider Subsections 17.4.1(A) and (B) and 17.4.2. In the alternative, if Section 17.5.8(B) controls, the Board may also consider the City's Comprehensive Plan pursuant to Section 17.4.1(D) which is expressly omitted under Section 17.5.9.

Analysis

There are several guiding principles of ordinance interpretation that are helpful in this circumstance. First, Maine courts have been clear that language must be given its "plain and ordinary meaning" and examined "in the context of the entire ordinance." *Rockland Plaza Realty Corp. v. City of Rockland*, 2001 ME 81, ¶ 12, 772 A.2d 256; *Convery v. Town of Wells*, 2022 ME 35, ¶ 10, 276 A.3d 504. Ordinances must also not be interpreted to create "absurd, inconsistent, unreasonable or illogical results." *Odiorne Lane Solar, LLC v. Town of Eliot*, 2023 ME 67, ¶14, 304 A.3d 253. Additionally, words in the ordinance "must be given meaning and not treated as meaningless and superfluous." *Wong v. Hawk*, 2012 ME 125, ¶ 8, 55 A.3d 425.

The plain language of the first sentence in Section 17.5.9 states that it applies to the amendment or rescission of "*any*" designation. Noting the explicit lack of restriction in the introductory sentence, it is reasonable for this Board to interpret Section 17.5.9 to apply broadly. A building such as 142 Free Street, which was previously identified as a contributing structure, is a part of the existing historic district designation in which it lies. The change in the classification of the building from contributing to noncontributing would thereby amend the designation and would fall within the broad scope contemplated by Section 17.5.9.

The closing sentence of Section 17.5.9 indicates that 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*." I understand the applicant argues that this last sentence was intended to bring a limited subset of amendments under Section 17.5.9 and leave all the rest to be amended as part of the "list" in the City Council's purview under Section 17.5.8. The plain language of Section 17.5.9 does not support that interpretation. Instead, the use of "may" is indicative of nonexclusive examples of amendments for illustrative purposes only, and is clearly not intended to otherwise limit the scope of the section. In fact, the language signals that reclassification of a building, or a part thereof, is considered an amendment to the designation. This is telling because even reclassification of part of a structure would spur an amendment to the list under Section 17.5.8(B). It makes little practical sense to interpret Section 17.5.9 to carve out reclassification of a portion of a contributory building as the one outlier that falls under 17.5.9, while reclassification of an entire building would not be considered an amendment that triggered the same section. Interpreting the final sentence as limiting its applicability to those specific examples listed would directly conflict with the first sentence of Section 17.5.9 (which references the "[a]mendment or rescission of <u>any</u> designation"), render it meaningless and create an absurd and illogical result. Therefore, the examples listed in Section 17.5.9 should not be interpreted to be exclusive but should instead be interpreted to provide examples of some unobvious circumstances to which the section applies.

Additionally, if the language in Section 17.5.8 (B) underlined in the excerpt herein controlled all changes to the "list," it would apply so broadly it would subsume Section 17.5.9 entirely and render it meaningless. For example, significant changes to the list could effectively rescind an

entire district if enough buildings or landmarks were removed from the list. Likewise, additions or deletions from the list have the ability to amend the boundaries of a district so as to make it unrecognizable from its original designation. Allowing such significant amendments to designations by virtue of amending the list without invoking Section 17.5.9 runs contrary to the plain language of the ordinance and would create an absurd and illogical result.

Finally, Section 1.6.2 of the Land Use Code directs that "[i]f any provision of this Land Use Code contains an actual, implied, or apparent conflict with another provision of this code, the more restrictive provision shall control." Here, Section 17.5.9 provides an explicit and more restrictive analysis governing amendments or rescissions of any designation. Because PMA's Proposal seeks to amend the existing designation by reclassifying a structure within a district, this Board should review it under Section 17.5.9.

Conclusion

For the above reasons, this Board should look to Section 17.5.9 as controlling when it reviews the Proposal submitted by PMA.

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Shareholder
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February 21, 2024

Portland Planning Board
389 Congress Street
Portland, ME 04101

Re: Proposed Reclassification of 142 Free Street

Dear Board Members:

I am writing on behalf of the Portland Museum of Art to provide information regarding the scope of the Board's review of their application to reclassify the building at 142 Free Street from contributing to noncontributing. At the end of the public hearing on February 13th, the Board questioned whether Section 17.5.8 or Section 17.5.9 applied to the Museum's reclassification request and tabled your deliberation until you received further guidance. While we believe the Board can find that the building is noncontributing under either section of the code, we do believe that Section 7.5.8 governs amendments to the list of buildings in a district that accompanies a designation and therefore applies to the museum's request.

First, we strongly believe that the Planning Board can find that the building at 142 Free Street does not contribute to the Congress Street Historic District by applying either Section 17.5.8 or 17.5.9. We laid out our rationale supporting a lack of characteristics that would contribute to the Congress Street District and also supporting a lack of integrity of design, setting, materials, workmanship, and association of the building. The overwhelming alignment with the comprehensive plan for the revitalization of Congress Square with a new addition to the museum on Free Street in place of the current building just adds further support to the argument that the building should be reclassified.

Nevertheless, if pressed to choose, we believe that Section 17.5.8 applies to the Board's review.

Section 17.5.8(B) states as follows:

> 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. <u>This list may be amended thereafter by the City Council upon recommendation from the Historic Preservation Board and Planning Board under</u>

> 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.

Section 17.5.9 states as follows:

> 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.

The primary difference between the two section is that Section 17.5.8 directs the review in accordance with all provisions above, including a review of the comprehensive plan under Section 17.4.1(D); Section 17.5.9 limits the review to Section 17.4.1(A) and (B) and Section 17.4.2.

Section 17.5.8(B) clearly applies specifically to the *"list"* that accompanies the designation and allows the Council to amend the list, whereas Section 17.5.9 applies to an amendment to the *"designation."* By asking for the building at 142 Free Street to be reclassified from contributing to noncontributing, the museum is asking the Council to amend the list that accompanies the designation, not the designation itself. Because it is an amendment to the list, Section 17.5.8 applies.

The only thing that calls into question whether the Board should apply 17.5.8 or 17.5.9 is a fragment of a sentence in 17.5.9. The language that is underlined above in Section 17.5.9 was added recently during the first phase of ReCode. I have attached a comparison of Sections 17.5.8 and 17.5.9 before and after ReCode for your reference. You will see that there was also an amendment to Section 17.5.8. The Historic Preservation Board was added in addition to the Planning Board to recommend amendments to the list. Because both sections were amended at the same time and Section 17.5.8 clearly applies to amendments to the list, it can only be concluded that the specific situation called for in the new language of 17.5.9 was intended to bring one specific type of amendment to the list into the realm of review under 17.5.9.

This is not a situation where there is a conflict between two sections of an ordinance and the most stringent applies. Rather, Section 17.5.8 still clearly applies to amendments to the list that accompanies a designation and Section 17.5.9 still clearly applies to amendments to a district. The new language in 17.5.9 calls out one type of amendment to the list that would be reviewed under that section. To read otherwise would be to completely undermine the existence of 17.5.8. If the intention during ReCode was to bring all amendments to the list under review according to 17.5.9, that change would have been made at that time. It was not. Therefore, because we are not proposing

to reclassify a portion of a contributing property to noncontributing status, Section 17.5.9 does not apply.

We appreciate your time and consideration.

Sincerely,



Mary E. Costigan

~~Sec. 14-610.~~17.4.1 Minimum criteria for designation~~.~~

~~(a)~~A. The ~~historic preservation board~~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~~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, ~~archeological~~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~~; or~~.

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

~~(b)~~B. In the case of a nominated historic district, the ~~historic preservation board~~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~~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 ~~overall visual characteristics of the significant properties, sites, structures or objects located within it~~significance and visual character of the district as a whole.

~~(c)~~C. In the case of a nominated historic landscape district, the ~~historic preservation board~~Historic Preservation Board shall also consider its significance as a ~~geologic~~geological, natural, or ~~man-made~~designed 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)~~D. The ~~planning board and council~~Planning Board and City Council shall apply the criteria of ~~subsections~~ (~~a~~A), (~~b~~B), and (~~c~~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~~Comprehensive Plan of the ~~city~~City.

~~Sec. 14-611.~~17.4.2 Integrity of landmarks and historic districts**~~.~~**

Any area, structure, or object that meets the criteria in ~~section 14-610~~Section 17.4.1 must also have sufficient integrity of location, design, condition, materials, and workmanship to make it worthy of preservation or restoration.

~~Sec. 14-622.~~17.5.8 Action by **~~city council.~~**City Council

~~(a)~~A. Within ~~sixty (~~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~~City Clerk pursuant to ~~section 14-620~~Section 17.5.6, the ~~council~~City Council shall designate the landmark or district or reject designation. Any designation ~~ordinance~~ may include specific design guidelines for the designated landmark or district.

~~(b)~~B. Designation of a district shall be accompanied by a list, including the address, of every site, structure and object in the district ~~which is determined to be a~~. Every site, structure, or object shall be assigned a classification of landmark ~~or considered to be~~, contributing, or noncontributing, indicating their degree of cultural, historic, architectural, or ~~archeological~~archaeological significance. This list may be amended thereafter by the ~~council~~City Council upon recommendation from the ~~planning board~~Historic Preservation Board and Planning Board under the same procedures as set forth above. Where there are no express findings by the ~~council~~City Council in the designation ordinance, there shall be a presumption that the ~~council~~City Council found that all requirements of ~~sections 14-610 and 14-611~~Section 17.4 were met.

~~(c)~~C. Notice of the proposed action of the ~~council~~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 ~~council~~City Council action. ~~The notice shall include a copy of the resolution or designation ordinance and design guidelines.~~

~~(d)~~D. Notice of ~~council~~City Council action to the same persons shall be sent within ~~ten business~~14 days following the ~~council~~City Council action. A copy of each designation ~~ordinance~~ and any design guidelines shall be sent to the ~~planning board, the historic preservation board and the department.~~ 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 ~~department as part of the design manual~~Planning Authority and shall be available online or for public inspection and copying during ordinary business hours.

~~Sec. 14-623.~~17.5.9 Amendment **~~and~~**or rescission of designation**~~.~~**

Amendment ~~and~~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 ~~council~~City Council, and shall follow the procedure set forth in ~~division 4~~Section 17.5 for designation. The ~~council~~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 ~~committee, planning board and council~~Historic Preservation Board, Planning Board, and City Council shall be limited to those provided in ~~section 14-610~~Subsections 17.4.1(~~a~~A) and ~~section 14-611~~(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 ~~ordinance~~.

Summary report: Litera Compare for Word 11.7.0.54 Document comparison done on 2/16/2024 11:14:22 AM	
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Intelligent Table Comparison: Active	
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~~Delete~~	73
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Table Insert	0
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~~Table moves from~~	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	156

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.

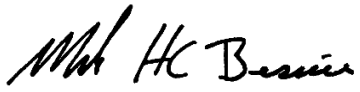
***The PMA Blueprint* embodies goal after goal of the city's vision.** And our plan for 142 Free Street is the only way to grow while maintaining a primary relationship with Congress Square, a place we've anchored since our Payson wing replaced the Libby building in 1983. The alternative is not an idyllic 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.

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.

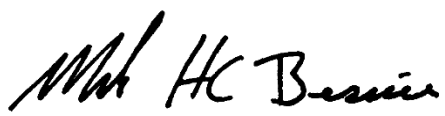
3. **Promote sustainability and spark revitalization across our state.** True to the spirit of the City of Portland's comprehensive plan and dedication to sustainability, our new building will showcase innovative construction materials and techniques that are on the forefront of sustainability. The building 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

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]

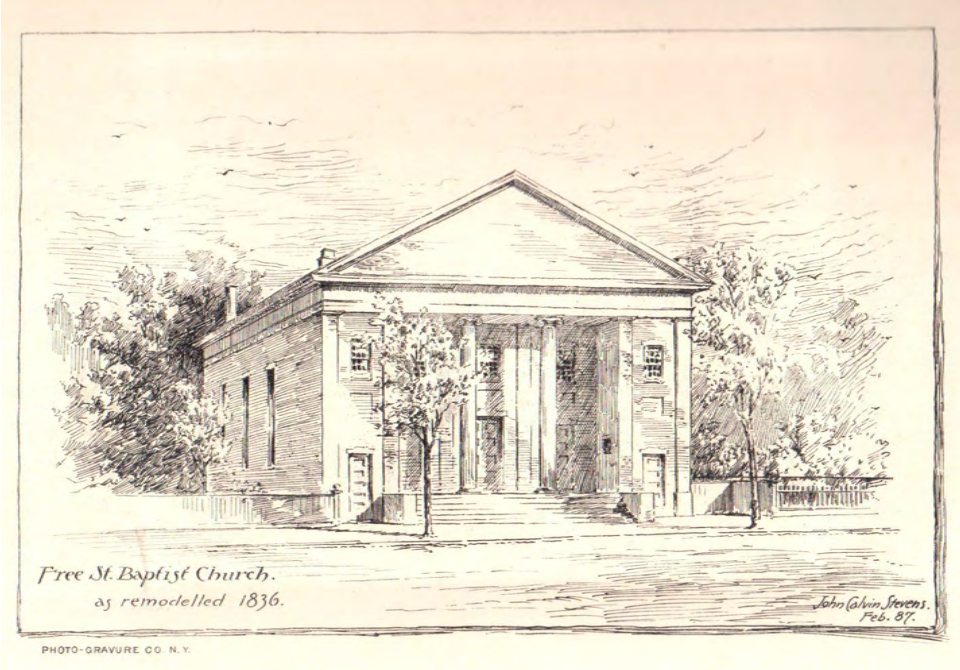
The Church made major alteration campaigns to its building every twenty years – in 1836, 1856, and 1876 – that resulted in significant changes to the appearance of the building. A final remodeling in 1926 by the subsequent owner erased all remnants of the earlier church building from the front facade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

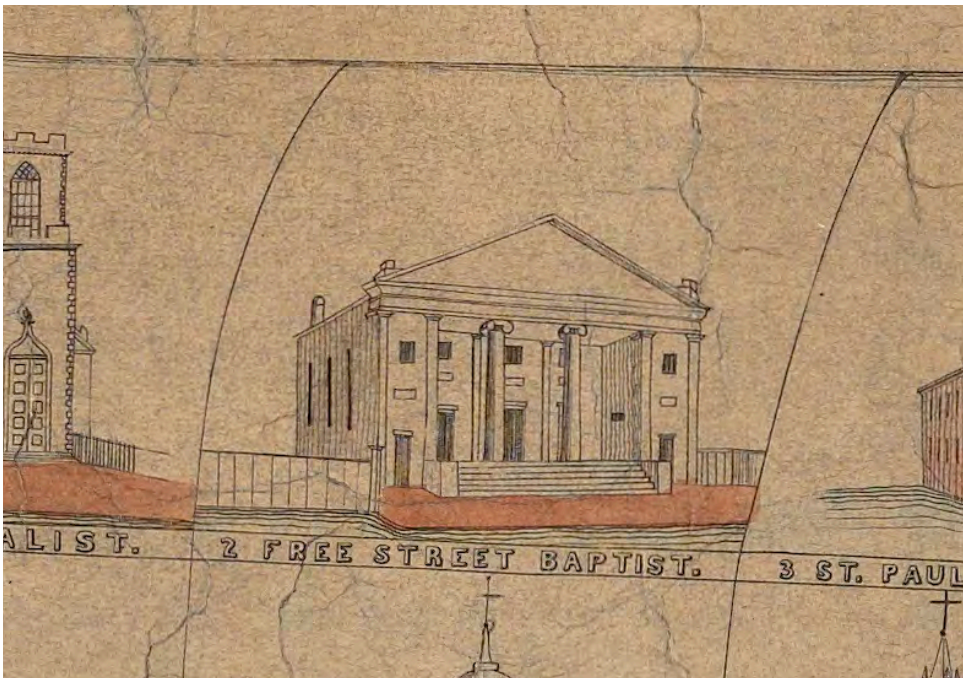
The alterations cost $15,000[14] and included adding a new "front" to the building which brought the primary facade out to the street line. This new facade was Italianate in style, and included two asymmetrical towers. The taller of the two towers was 185 feet tall and dominated the neighborhood around 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).

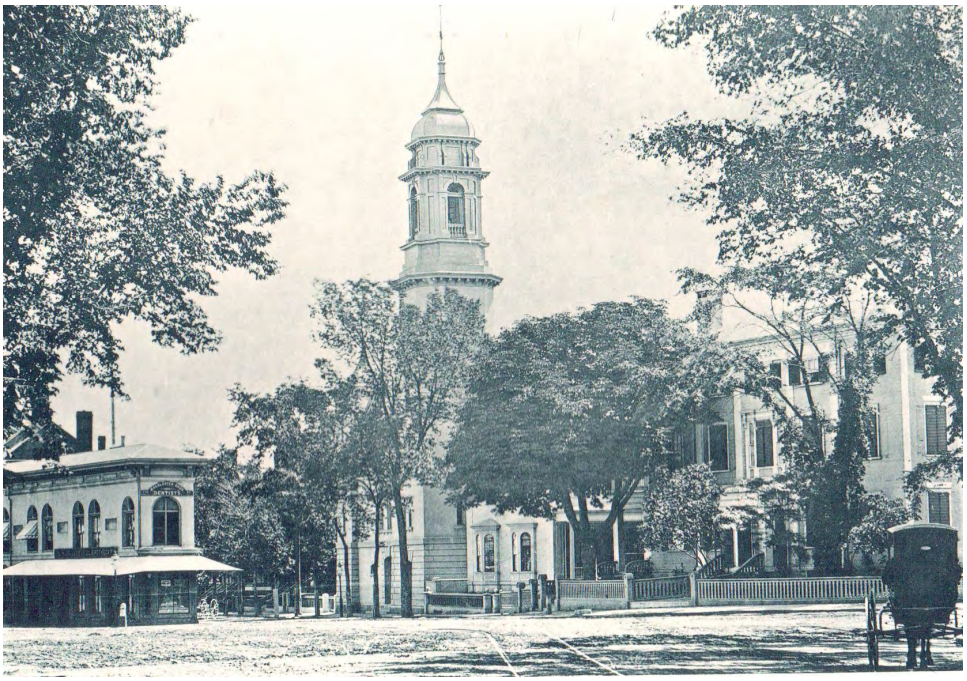
In 1887, the Free Street Baptist Church spent $6,500 on a "thorough improving" of the Church and a few years after that, stained glass windows were installed in the building.[16] In 1894, five-sixths of the lath-and-plaster ceiling fell down, including the furring, landing on and damaging some of the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

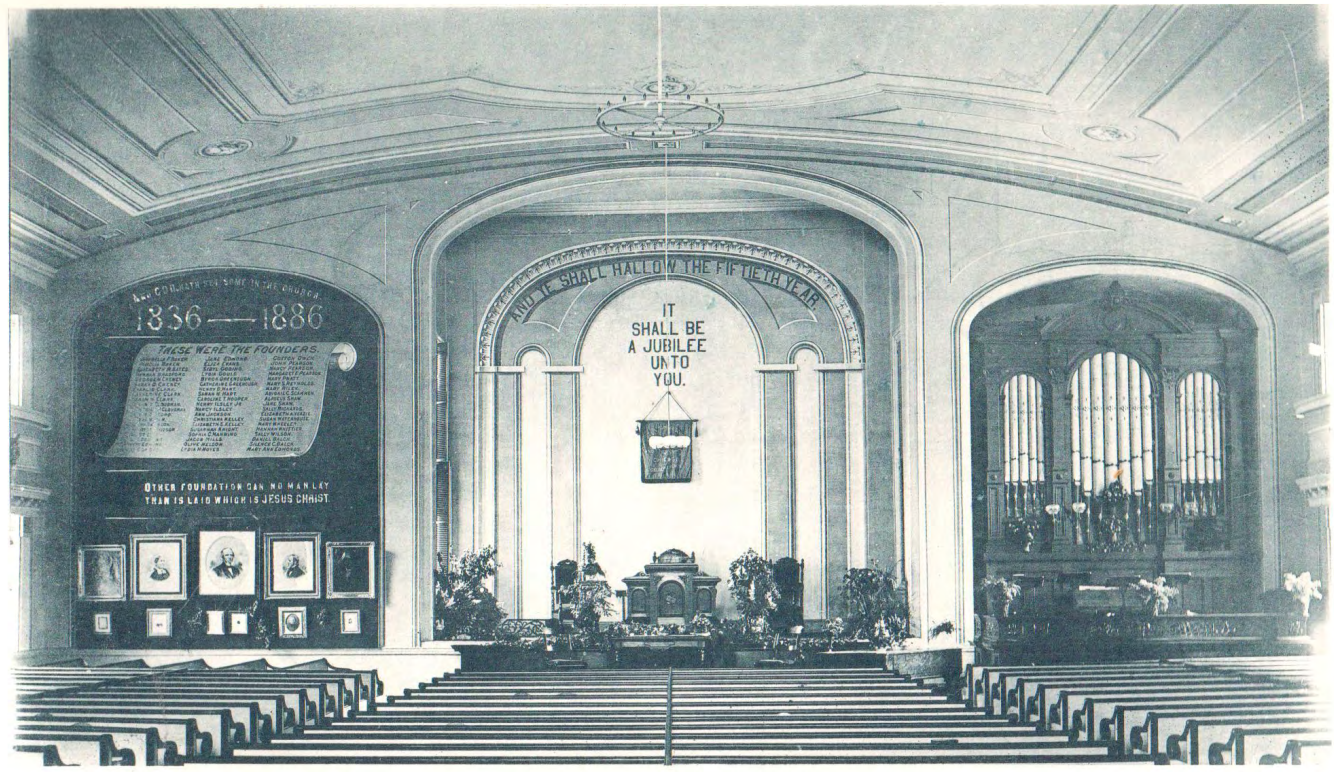
In 1922, the Free Street Baptist Church and the First Free Baptist Church merged and formed the Immanuel Baptist Church. The newly formed congregation decided to build a new, shared church at the corner of Deering and High Streets. On October 15, 1926, the Immanuel Baptist Church sold its building at 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.

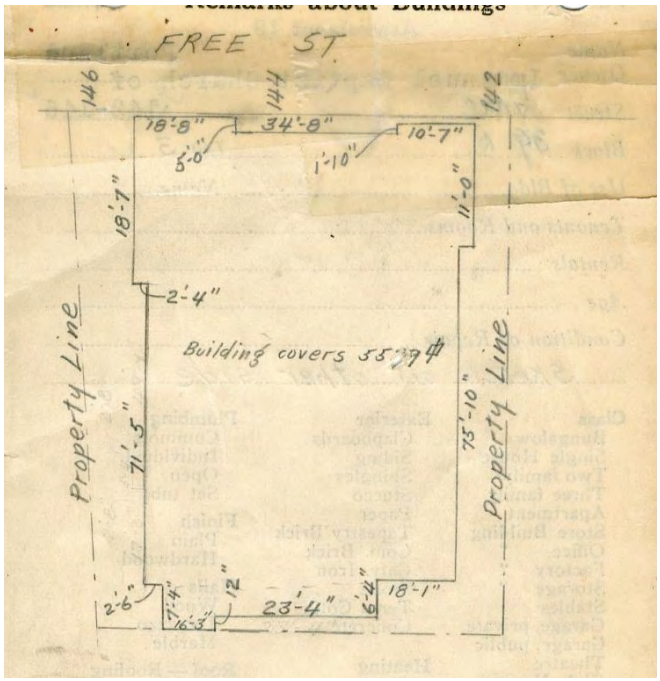
Source: *Free Street Baptist Church Semi-Centennial 1836-1886.*

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.



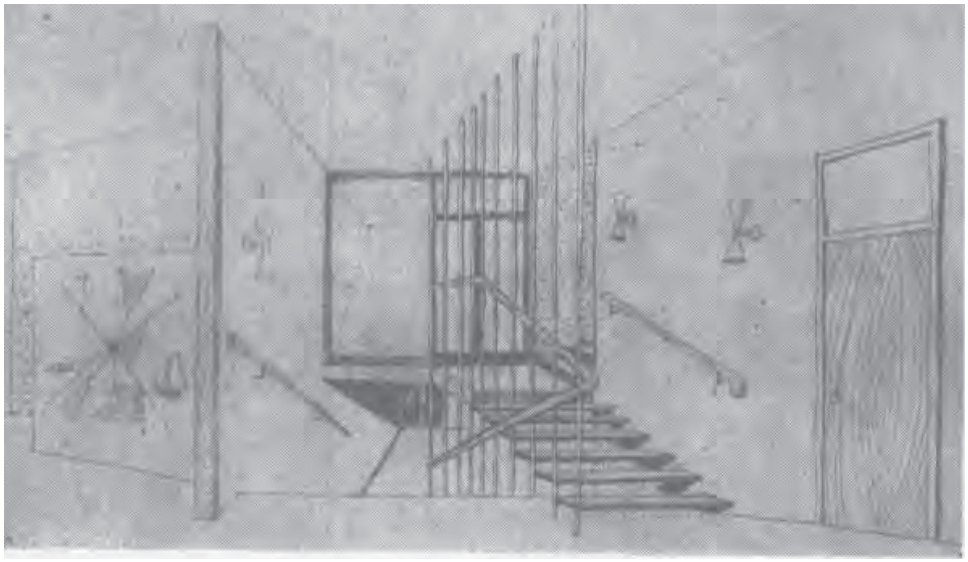


The Free Street Baptist Church in 1925 (above) and the Chamber of Commerce in 1958 (below). Without these two views to compare, it is difficult to see how the Church building was remodeled into the Chamber. The Free Street end of the building (at the right in these images) was completely replaced, and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

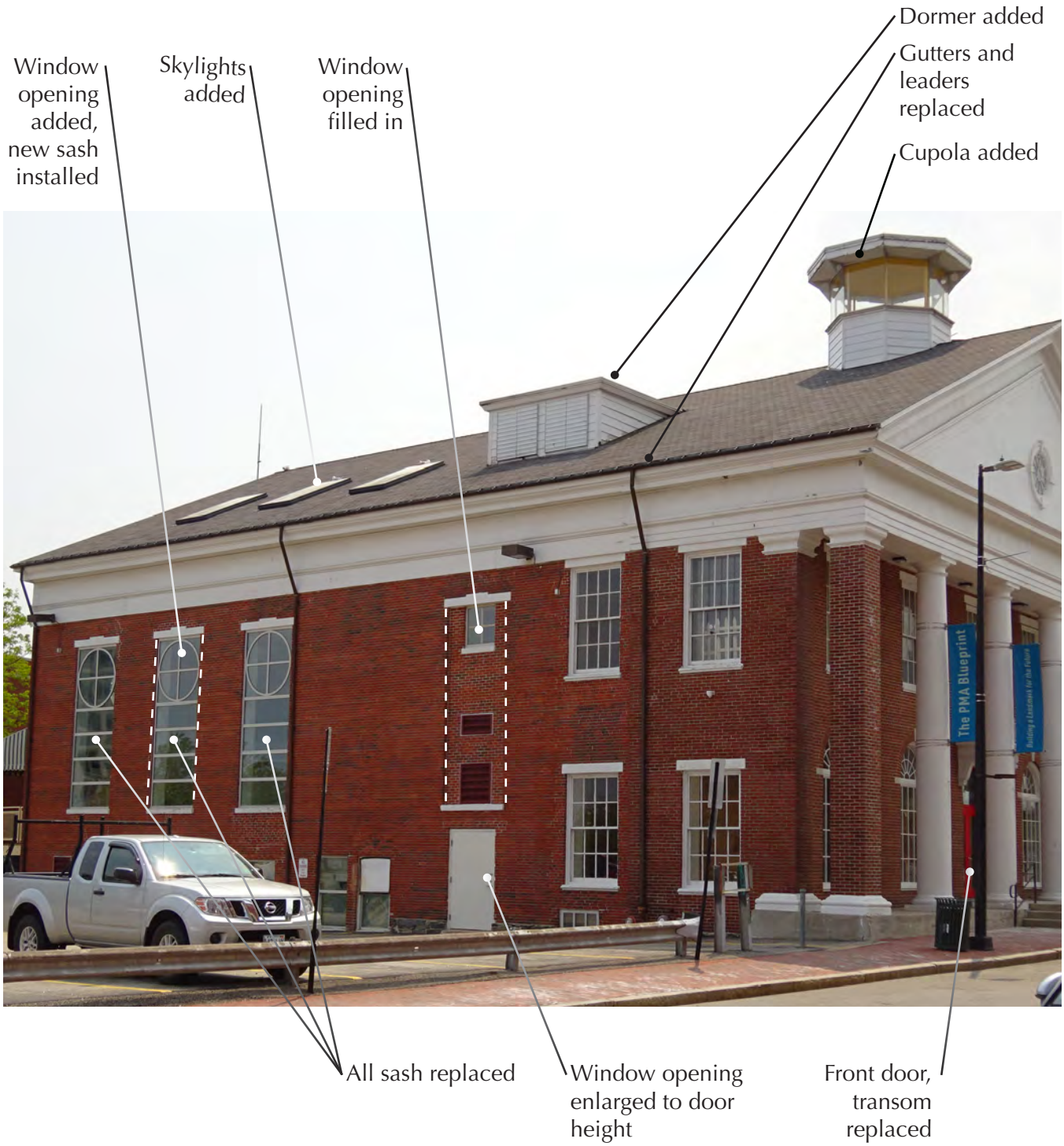
The renovations for the future Children's Museum occurred in 1992, two years after Portland enacted its historic preservation ordinance. A 1997 building permit noted the building was "Not in District or Landmark" and "Does not Require Review."[35] Had the alterations been reviewed for compliance with 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.

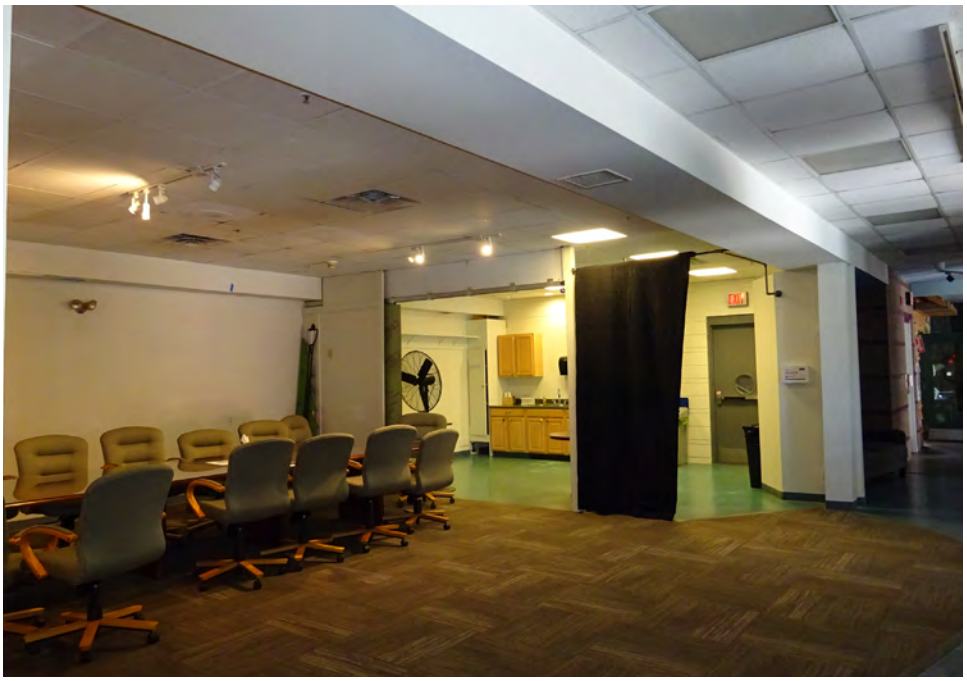
34. City of Portland, Permitting and Inspections, 142 Free Street file, undated elevation drawing.
35. City of Portland, Permitting and Inspections, Permit No. 971138, issued October 20, 1997.
36. City of Portland, Permitting and Inspections, 142 Free Street file, Con Test Lab, Inc. "Report of Compressive 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).

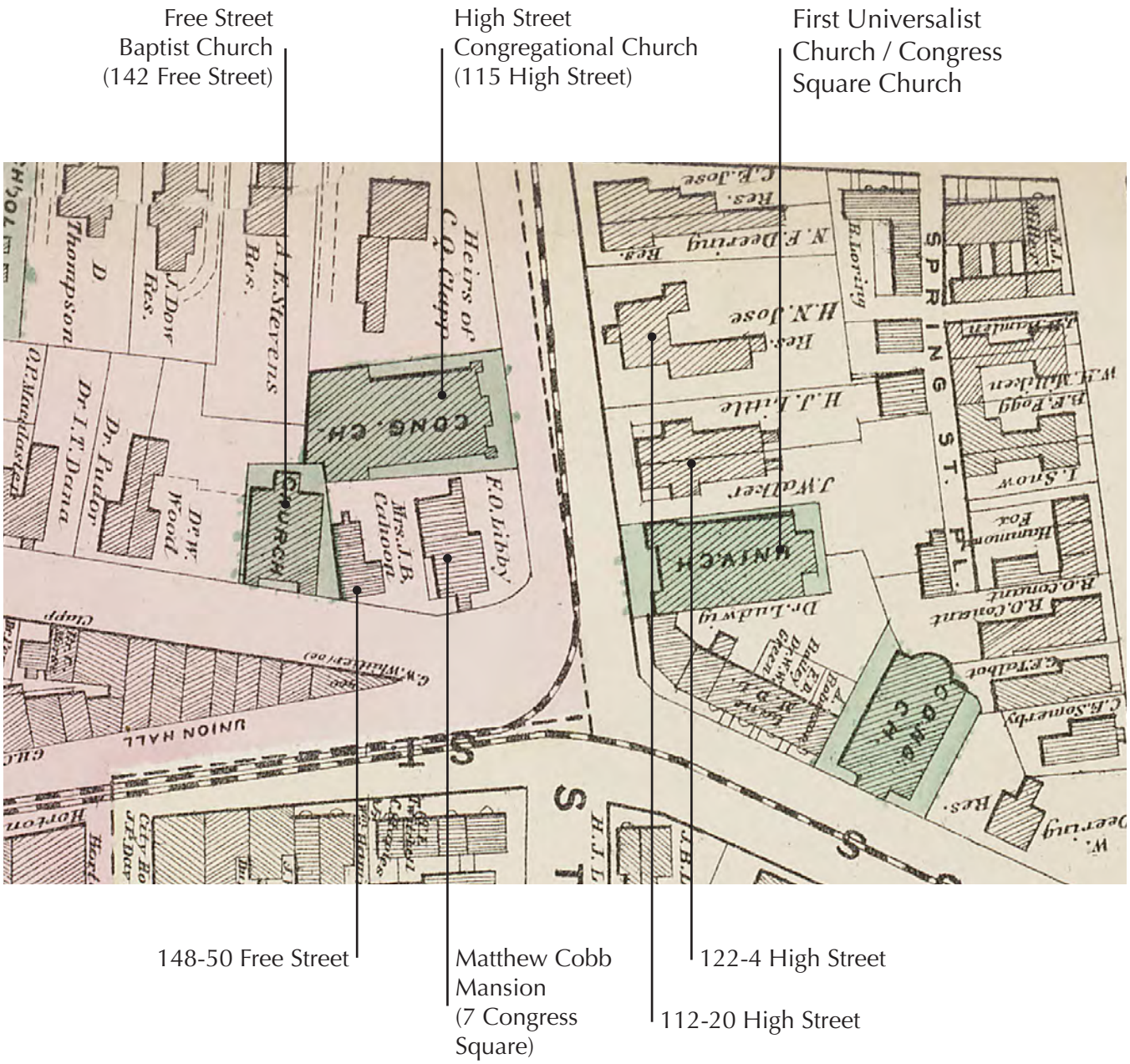
Source: *Sanborn Fire Insurance Map from Portland, Cumberland County, Maine,* Plate 12 (above) and Plate 24 (below). 1886.





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.

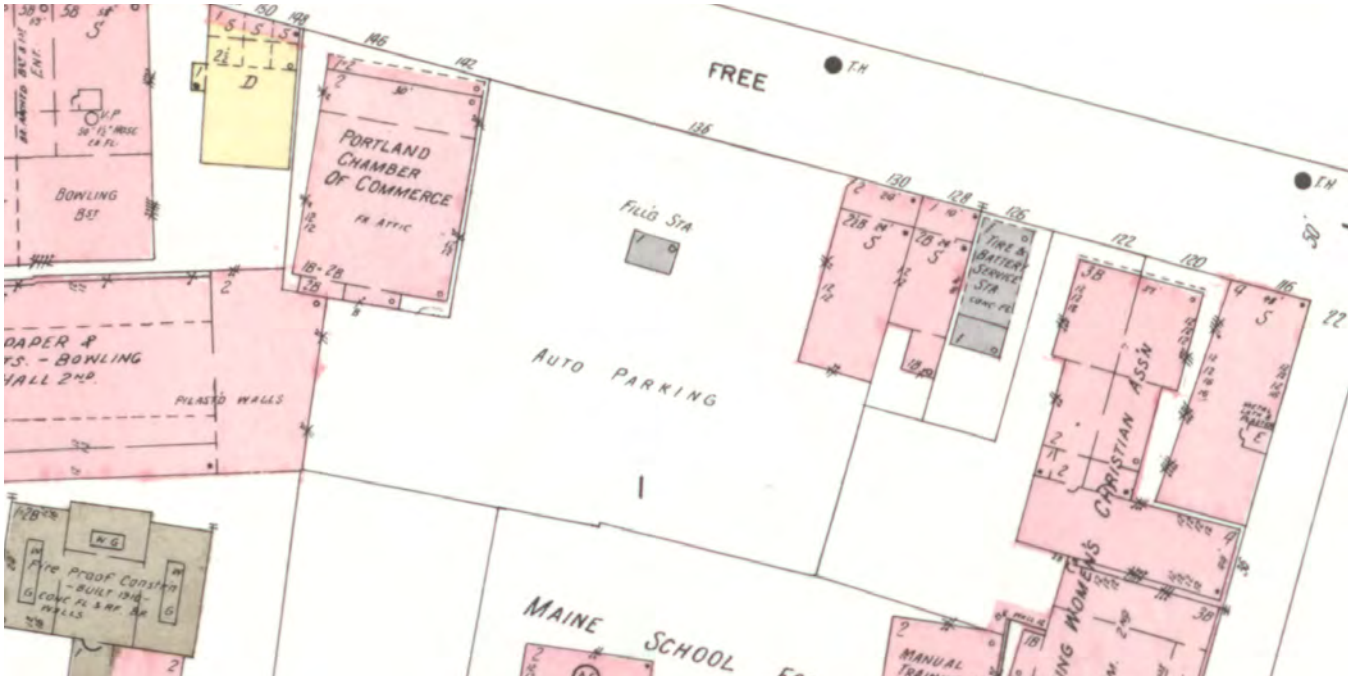
The 1886 Sanborn map recorded that the Cobb Mansion (7 Congress Square) was then home to the Cumberland Club. By 1890, the Cumberland Club had moved to the Stephen McLellan Mansion (116 High Street). The Cobb Mansion was demolished and replaced in 1897 by a five-story tall brick building for the Young 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



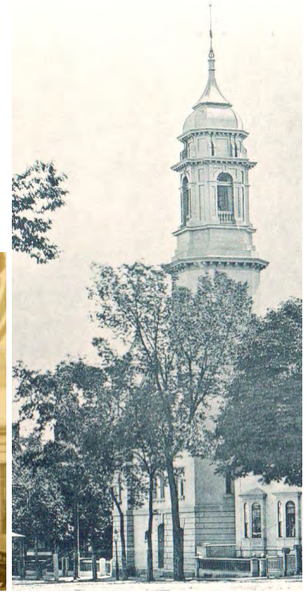
126 Free Street
Demolished before 1954
128 Free Street
Extant; altered and non-contributing
130 Free Street
Demolished after 1975



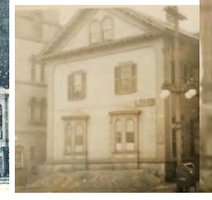
134-6 Free Street
Demolished before 1960



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.

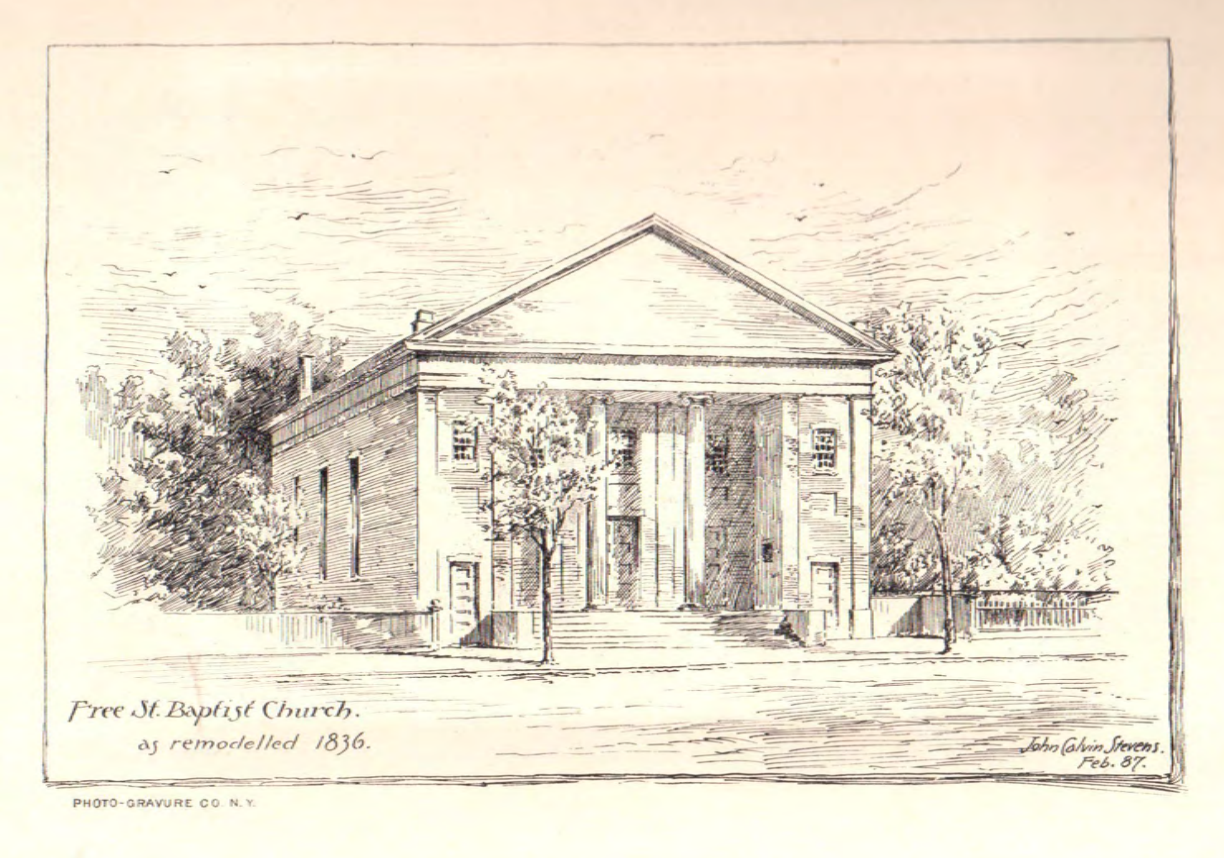
Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

Illustrations



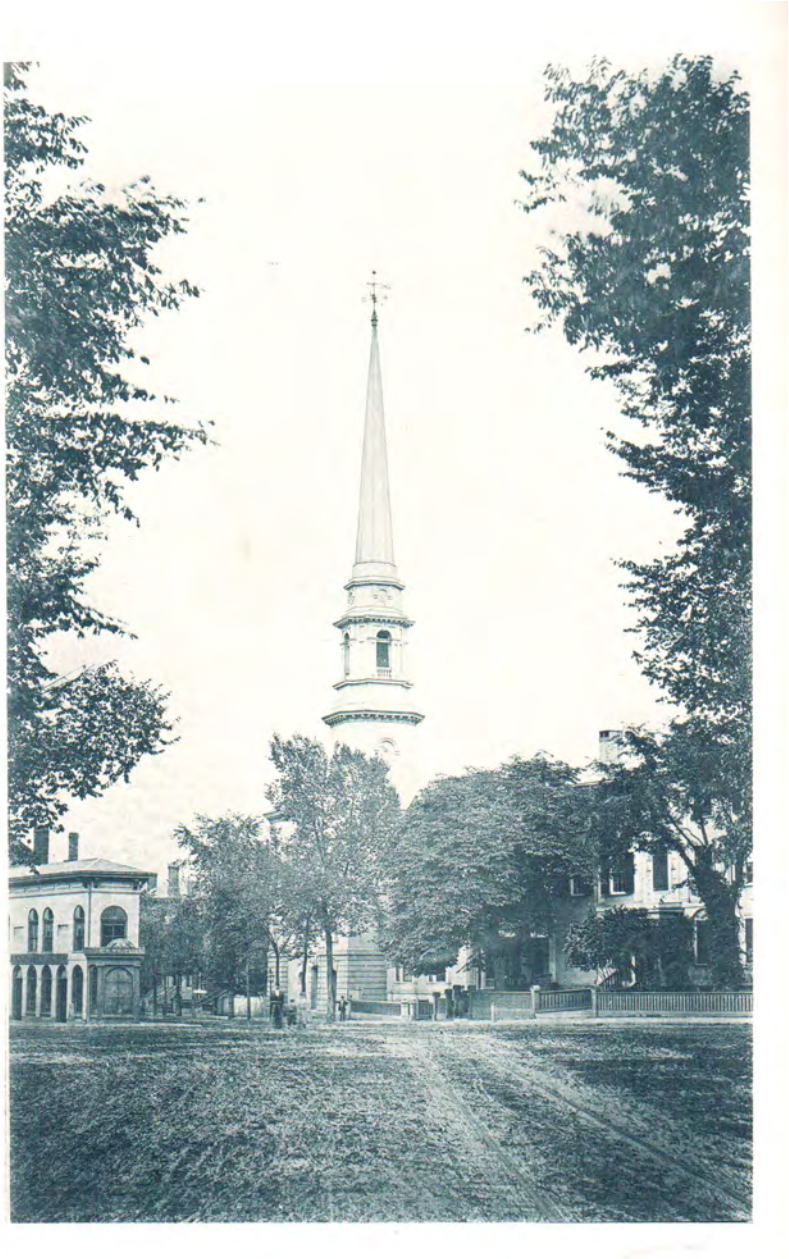
This 1836 map includes a line drawing showing the Free Street Baptist Church in 1836.

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.



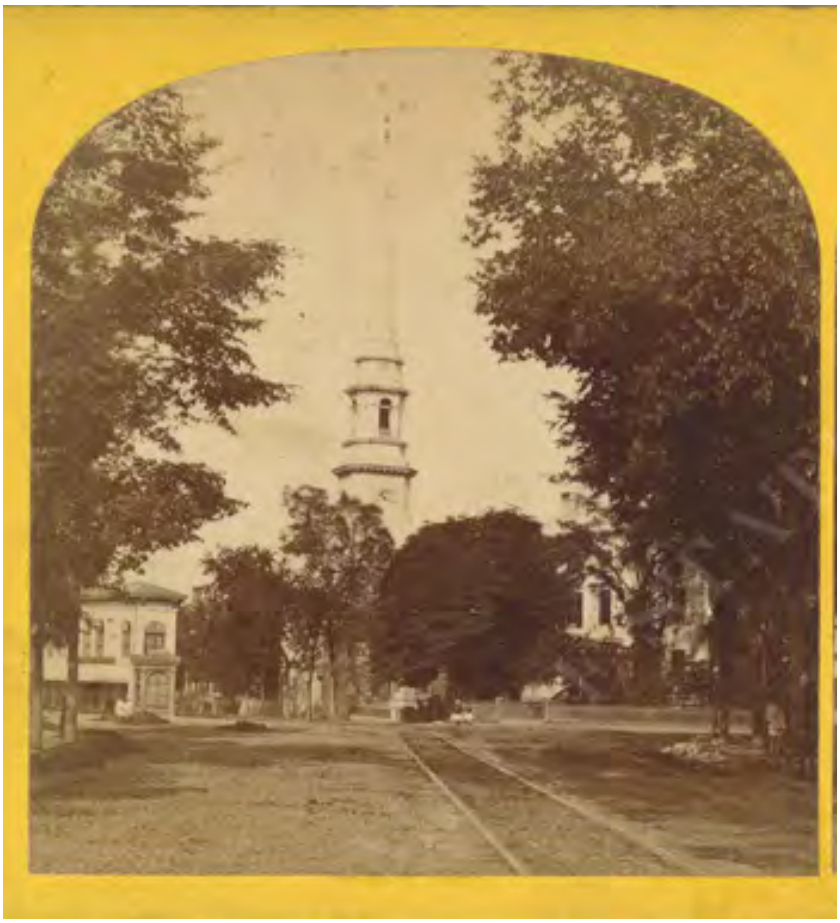
John Calvin Steven's sketch of the possible appearance of the Free Street Baptist Church prior to the 1856 remodeling campaign.

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



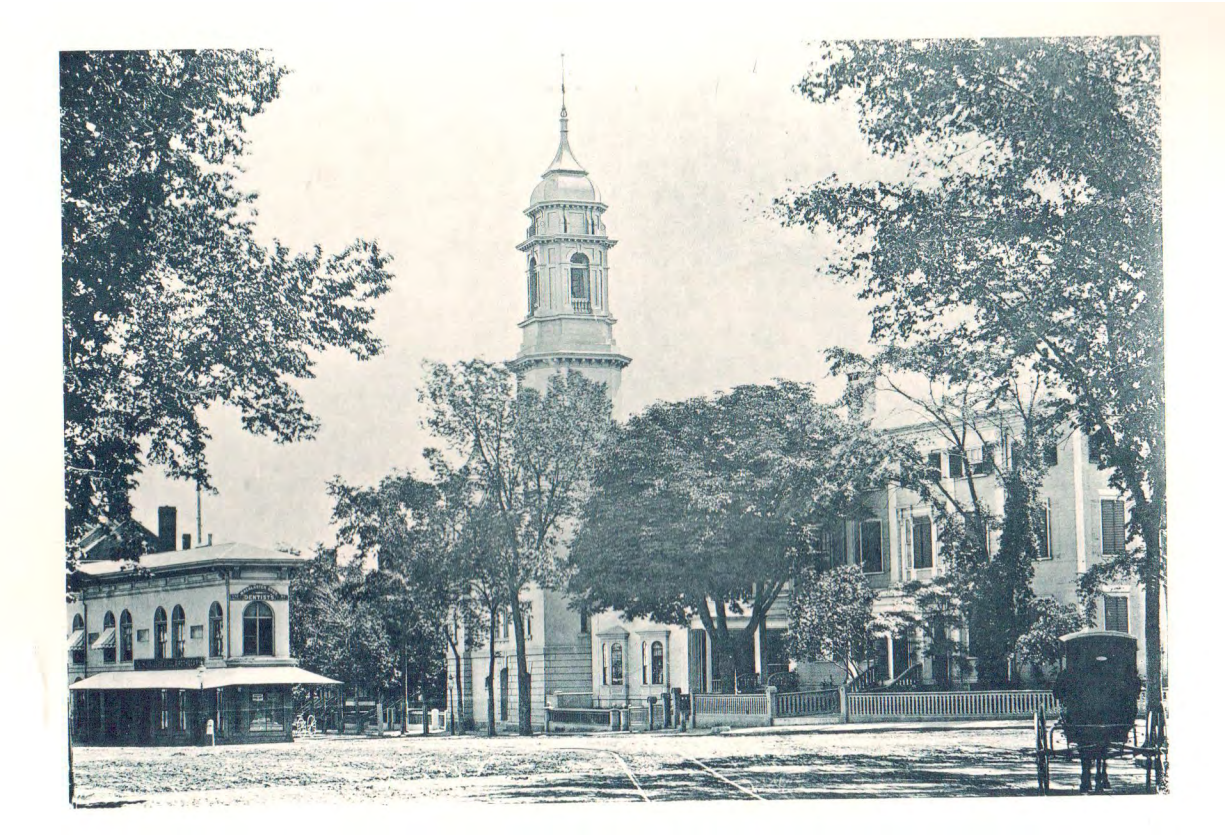
An early photograph of the Free Street Baptist Church - note the original, ca. 1856 steeple is still in place. The Hay Building is only two stories high.

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.



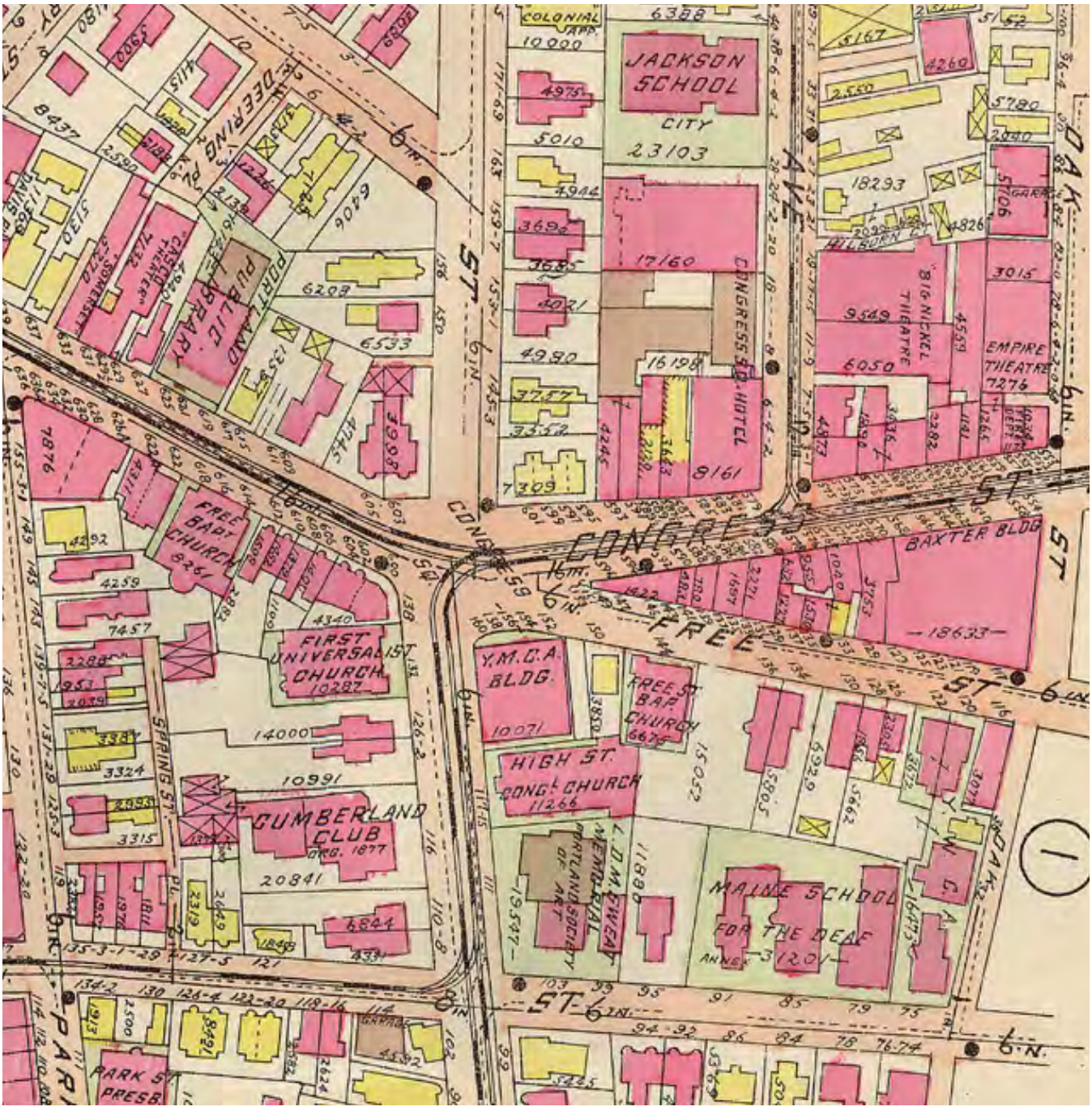
An 1882 map of Congress Square.

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)

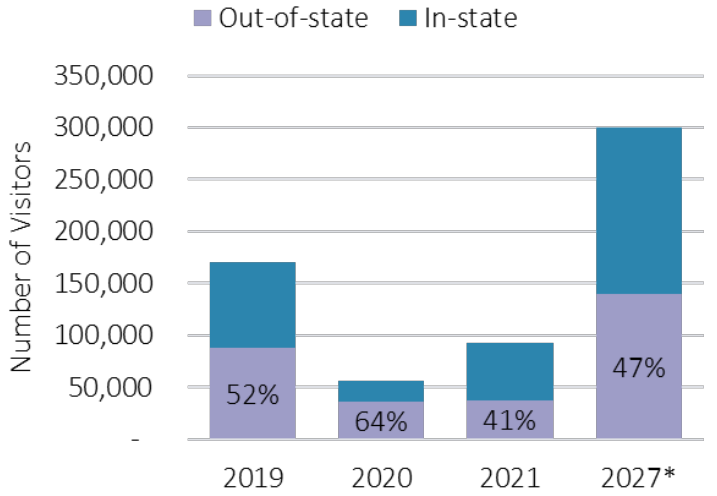
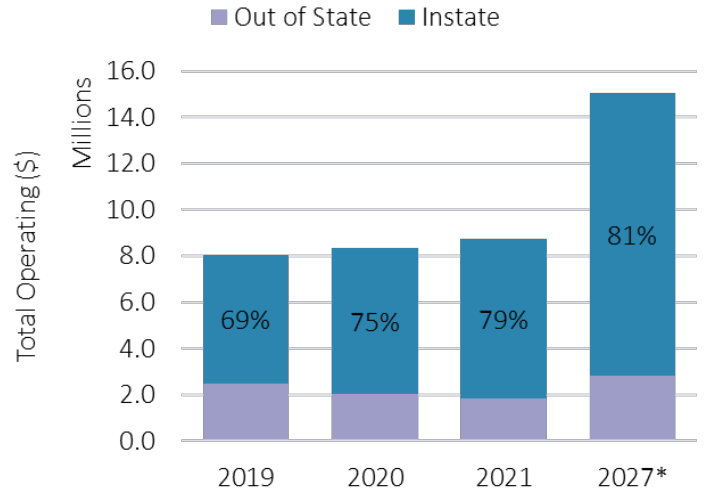


Figure 2. Annual operating costs (with future projections)



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

Visitor Estimates and Assumptions

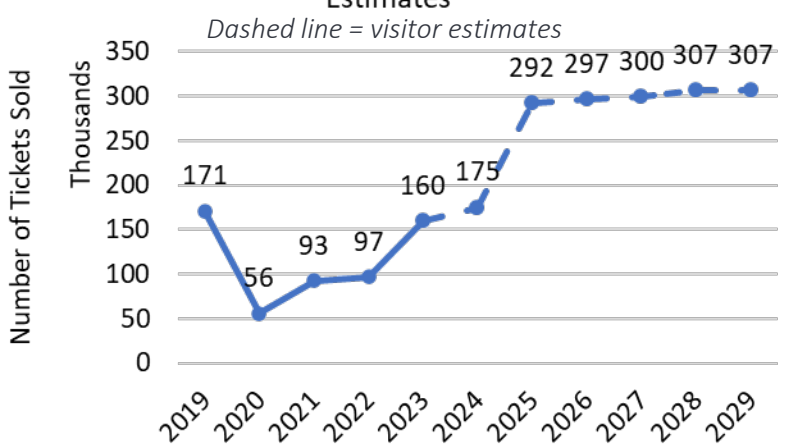
Introduction & Methods

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. **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

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.***

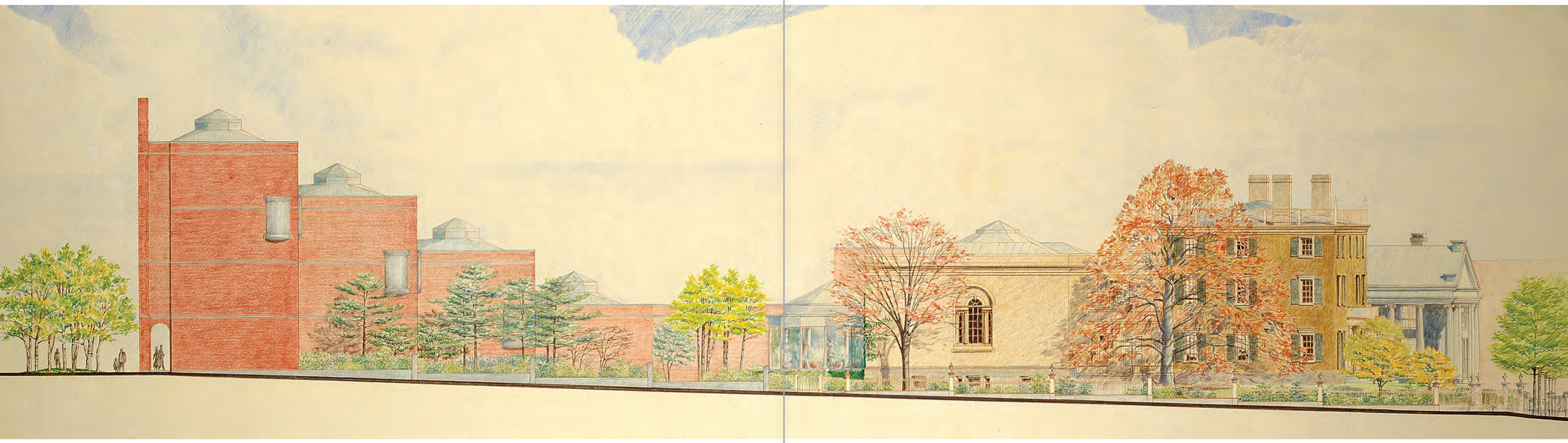
Mark H.C. Bessire
Judy and Leonard Lauder Director

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.

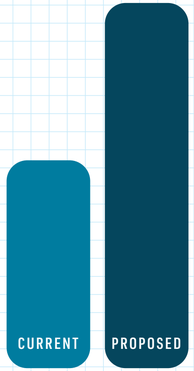
serves

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.

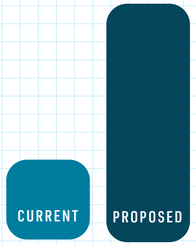
OUR PARADIGM SHIFT IS DEFINED BY EQUITY, SUSTAINABILITY, AND FLEXIBILITY.



21,556 SF 38,070 SF

+ 77%

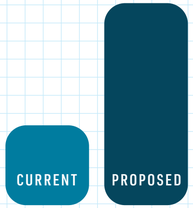
Space for Art



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.**

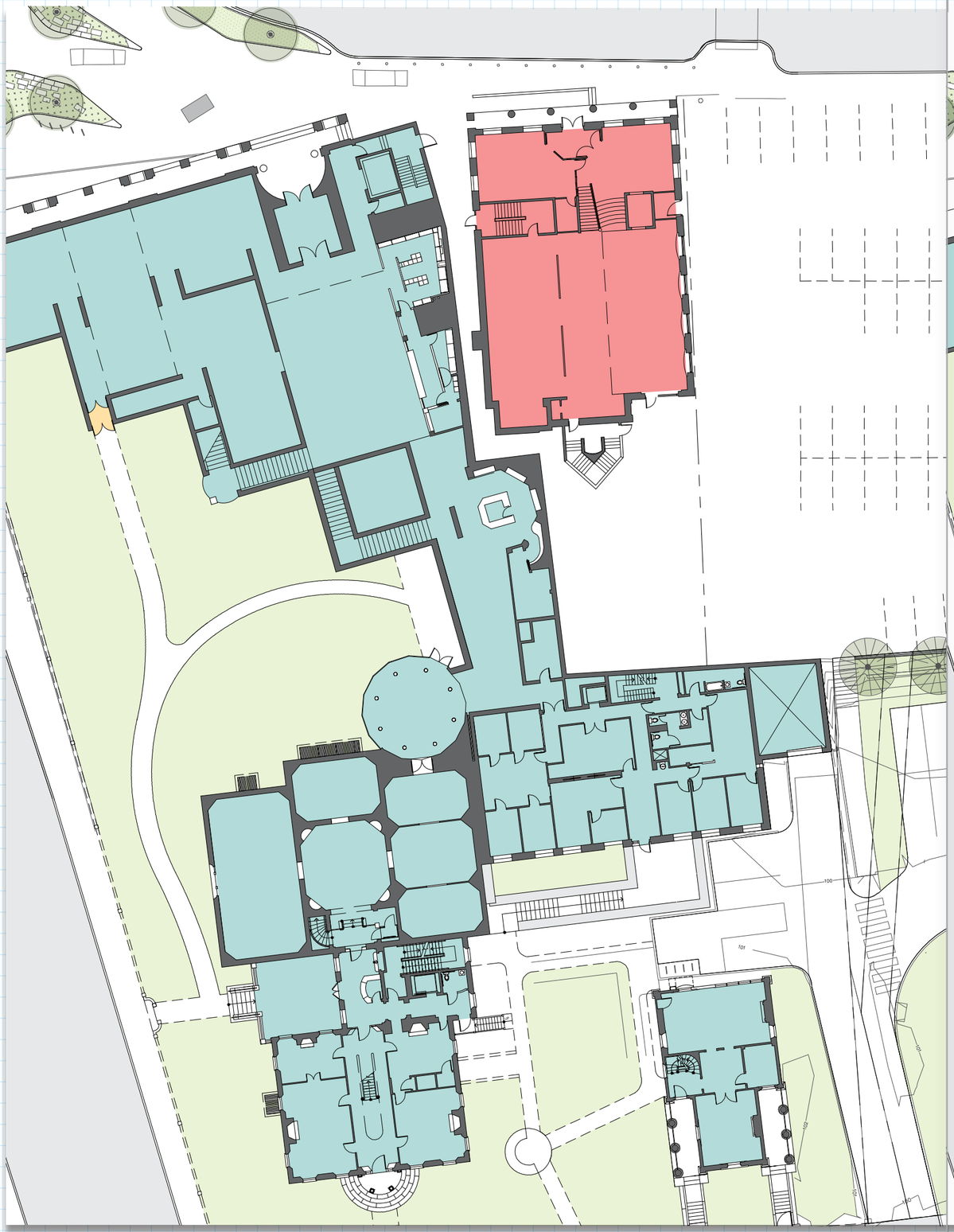
A key component of the new PMA building at 142 Free Street will be **home to a photography study center** that teaches and inspires our youth, partners with seasoned photographers, and analyzes the historical and contemporary fields of photography. This dedicated space could fully support the field of 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.

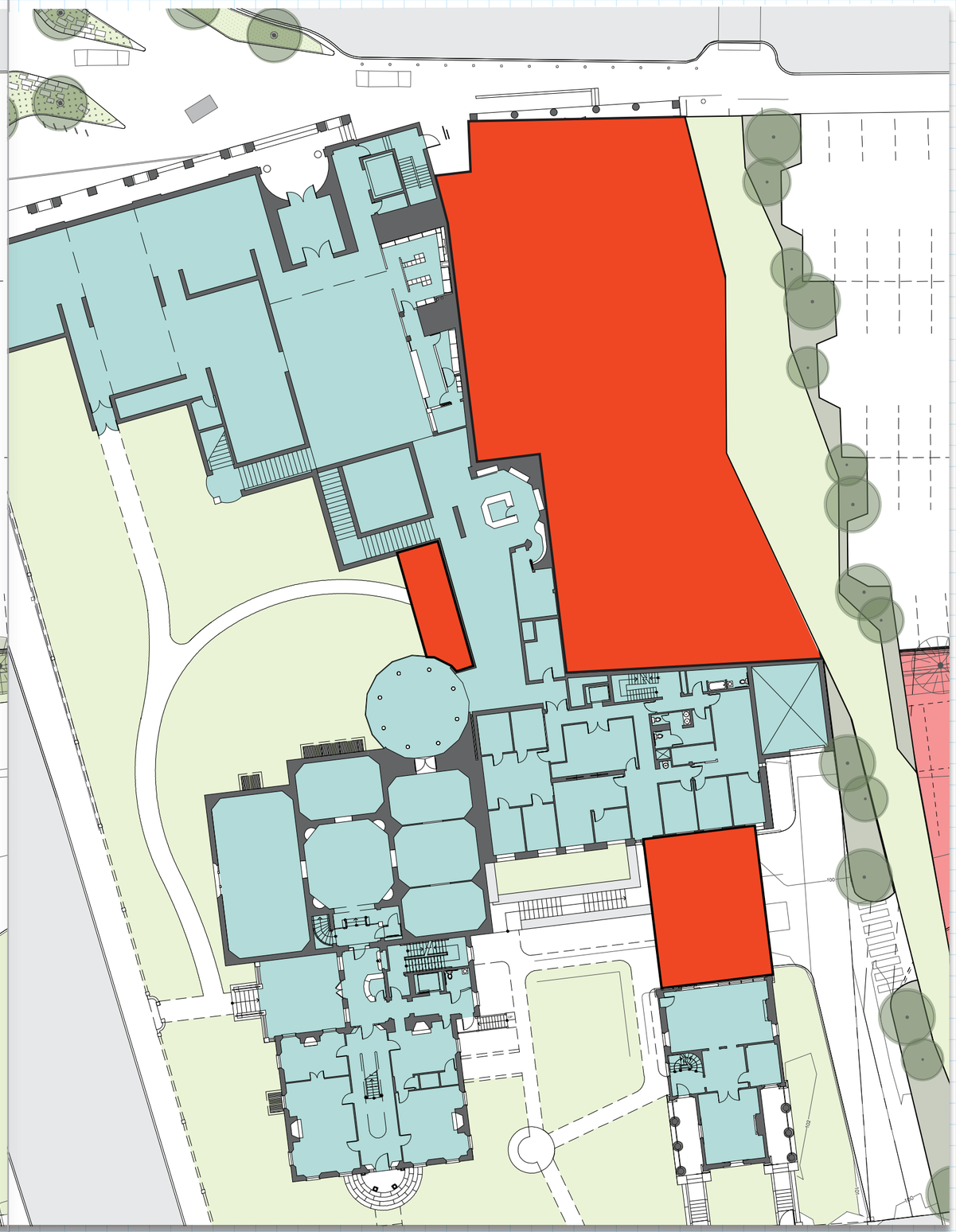


IT'S TIME.

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

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...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

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.**

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

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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> 10:10 AM (12 minutes ago)
to hp@portlandmaine.gov

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?

PC13

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

Portland Planning Board
389 Congress Street
Portland, ME 04101

RE: Proposed Reclassification of 142 Free Street

January 31, 2024

Dear Board Members:

The purpose of this submission is to address questions and comments that arose during the workshop and to provide additional information regarding why the building at 142 Free Street does not meet the definition of "contributing structure" under the Land Use Code.

At the November workshop, members of the Board asked for clarification, context, and information about The PMA Blueprint's background, city's ordinances and processes, and questions about the district.

The requests, as we understood them, included:

1. Clarify why the museum believes that 142 Free Street should not be considered a contributing structure to the Congress Street Historic District.
2. Address questions pertaining to tax credits for owners within the district, should 142 Free Street be reclassified.
3. Demonstrate the work that went into assessing the Spring Street lot as a possible location for Phase 1 expansion and explain our findings.

Please find the included memos from Mary Costigan of Bernstein Shur and Scott Simons of Simons Architects that address these requests. We hope that these materials lay the foundation for more discussion at the public hearing and assist in the Board's decision.

We believe the Planning Board can recommend the removal of 142 Free Street's "contributing" classification to the City Council, because the building does not qualify as a contributing building under the Land Use Code and the project:

- Will not set a precedent and will be contingent on approval of the PMA's building permit for a museum expansion.
- Does not qualify as an amendment to the district and therefore does not alter the NPS's tax credit program.
- Cannot be accomplished through Phase 1 development of Spring Street lot nor the renovation of 142 Free Street.
- Creates a new landmark economic and cultural anchor for our communities by replacing a non-landmark building.

We appreciate your time and consideration, and look forward to a discussion on February 13.

Sincerely,

Mark H.C. Bessire

BERN
STEIN
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Mary E. Costigan
Shareholder
207-228-7147 direct
mcostigan@bernsteinshur.com

January 31, 2024

Portland Planning Board
389 Congress Street
Portland, ME 04101

Re: Proposed Reclassification of 142 Free Street

Dear Board Members:

I am writing on behalf of the Portland Museum of Art to support their request to reclassify the building at 142 Free Street from contributing to noncontributing. Their initial submission focused primarily on the Comprehensive Plan and economic benefits of the planned museum expansion. The purpose of this submission is to provide additional information regarding why the building at 142 Free Street does not meet the definition of "contributing structure" under the Land Use Code and to provide additional information on two issues that were raised at the workshop. We are requesting that the Planning Board recommend to the Council that the building at 142 Free Street be reclassified from contributing to noncontributing for the following reasons which are supported by the Land Use Code.

PMA's Request

As noted above, PMA is requesting that the Planning Board recommend to the City Council that the building at 142 Free Street be reclassified from contributing to noncontributing. To that end, it is instructive to begin with the definitions of those terms as set forth in Section 17.2 of the Land Use Code:

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.

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.
As we will explain in more detail below, the building at 142 Free Street is noncontributing because 1) it does not contribute generally to the qualities that give the Congress Street Historic District cultural, historic, architectural, or archeological significance as embodied in the criteria for designation as historic district; and 2) the design, setting, materials, workmanship, and association have been so altered that the overall integrity of the structure has been irretrievably lost.

Congress Street Historic District

The Congress Street Historic District was established in 2009. The description of Congress Street Historic District describes the history of Congress Street as follows:

> 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.

One questions why, if Congress Street can be best described with the word "change," the City decided to halt change on many of the properties in the District, including 142 Free Street, without a clear rationale as to why progress on those particular lots should be stopped. The building on 142 Free Street is a great example of the kind of change that has occurred in that area over time (until 2009). Beginning as a theater in 1830, the building was significantly remodeled to a church in 1936; then significantly remodeled again in 1926 for the Chamber of Commerce; and finally remodeled again for the Children's Museum in 1991. The museum's current plans to utilize the site for a modern expansion of the museum to further its mission of *Art for All* is more in line with the history of Congress Street than freezing a building in its 2009 form.

It is difficult to discern from the description and documentation from the nomination process what the precise qualities of Congress Street are that "give the historic district cultural, historic, architectural, or archaeological significance as embodied in the criteria for designating a historic district." Several reasons were given for the District, including access to tax credits and greater control over renovations. The architecture is described as "rich and varied" because the period of significance stretches over 173 years, and John Calvin Stevens is included among a list of fifteen different notable architects and firms.

Based upon the description and documentation of the Congress Street Historic District, we believe that a brand-new use of 142 Free Street is more in line with the history of that site than preserving the significantly altered building that is currently on the site.

142 Free Street

Originally built as a theater in 1830, the building at 142 Free Street has undergone the following renovations (many, but not all occurring within the 173-year period of significance for the Congress Street Historic District):

- 1836 - 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.
- 1856 - a new front was added 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.
- 1876 - the spire and its base were removed and replaced with a shorter, eight-sided, curved dome roof on a new base.
- 1887 - stained glass windows were installed in the building
- 1926 - the two projecting towers on the Free Street facade were removed, and the 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.
- Photographs of the east facade from 1925 and 1958 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 but very little else of the building's past as a Church building appears to have survived.
- 1992 (after the end of the period of significance date of 1958) - 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. The northernmost window was removed, the opening was infilled with brick, and two, smaller windows 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. Other changes to the exterior of the building included a new addition to the south facade for an egress stair.

The description of 142 Free Street in the Congress Street District listing is as follows:

> 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 fullwidth 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.

Noncontributing Building

A building is considered noncontributing when 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. The building at 142 Free Street does not contribute generally to the qualities that give the Congress Street Historic District significance as embodied in the designation criteria. In addition, the design, materials, and workmanship have been so altered that the overall integrity of the structure has been irretrievably lost. While we believe the building at 142 Free Street meets two of the above categories, the Planning Board need only find that the building meets one of the above to be considered noncontributing.

In addition, Section 17.5.9 of the Code directs the Board to review proposed amendments to the District in accordance with the standards provided in Subsections 17.4.1(A) and (B) and Subsection 17.4.2. As reviewed against those standards, the building at 142 Free Street should be reclassified to noncontributing.

Section 17.4.1(A)

In reviewing the criteria for designation in Section 17.4.1(A), the building at 142 Free Street does not generally contribute to any of the criteria that would have given the Congress Street District its significance for listing. (1) The building is not a significant example of cultural, historic, architectural, archeological, or related aspect of the City, the State, New England region, or the United States. (2) The building's location is not 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) The building does not identify 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) The building is not an exemplification of a significant architectural type, style, or design distinguished by innovation, rarity, uniqueness, or overall quality of design, detail, materials, or craftsmanship. (5) The building does not identify 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. Although the significant renovation of the building in 1926 for the Chamber of Commerce was the work of John Calvin Stevens and his son John Howard Stevens, the drawings for the renovations were not retained and the project is a renovation, not an original design by John Calvin Stevens, of which there are many examples of his work that are located in Portland. (6) Finally, the building does not

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

Section 17.4.1(B)

In reviewing the criteria for designation in Section 17.4.1(B), there is no interrelationship between the building at 142 Free Street and other resources in the District. Therefore, the building at 142 Free Street does not meet this standard for designation.

Section 17.4.2

Due to the vast extent of renovations to the building both during and after the period of significance, the building lacks integrity of design, setting, materials, workmanship, and association to make it worthy of preservation or restoration, in accordance with Section 17.4.2 of the Code. Focusing only on the changes to the building since the 1926 Chamber of Commerce iteration, the following alterations to that version of the building by the Children's Museum are significant:

The integrity of the design has been significantly altered by the following:

- The form of the building is compromised by the addition of a highly visible dormer and cupola.
- Highly visible skylights were added.
- 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.
- Several of the original large wood windows have been removed and replaced with incompatible windows (fixed metal sash, flat muntins, different configuration).
- The extent entry doors are incompatible (design, material) replacements.
- The entrance walkway and stairs have been altered to create a poured-in-place concrete stair and handicap ramp which are not in character with any of the entrances on the previous iterations of the building.

The building setting lacks any historic integrity:

- The building is surrounded by parking lots and a ca. 1983 building (the Payson wing) that post-dates the District's Period of Significance.

The integrity of the materials has been significantly altered by the following:

- Large windows on the highly visible east facade are no longer wood.
- Basement windows, east facade are not wood.
- Front (main entry) doors, transom over same replaced with modern, metal doors.

- The building interior was gutted and an entirely new structural frame was installed when the Children's Museum renovation was undertaken. This included all new steel frame including the roof.

The integrity of the workmanship has been significantly altered by the following:

- 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.

The integrity of association has been significantly altered by the following:

- The cupola changes the formal *feel* of the building.
- The added dormer alters the roofline, a critical feature on this formal design.
- Incompatible replacement entry doors and windows on east facade are too modern for the building.

Based on the above analysis, we believe that a determination that the building at 142 Free Street is noncontributing to the Congress Street Historic District is supported by the provisions of the Land Use Code.

Precedent & Tax Credits

In addition to questions regarding the above analysis, two other issues were raised at the workshop that we would like to address. First, some Board members expressed concern with the Museum selling the property and thus allowing anyone to demolish the building and replace it with any approved building. In order to ensure the Board and the public that it is not the Museum's intention to ever sell the property or utilize it for any purpose other than the expansion, we propose the following condition:

> "Notwithstanding the building's classification as noncontributing, no demolition permit may be issued prior to the issuance of a building permit for an approved expansion of the Portland Museum of Art that includes demolition of the building at 142 Free Street. The demolition permit may be issued concurrently with the building permit for the expansion project."

We believe this condition is sufficient to allay any concerns.

Finally, there was concern expressed regarding whether changing the classification of the building from contributing to noncontributing would impact the certification of the Congress Street Historic District and thus impact the ability for owners of buildings within the District to obtain tax credits. We understand that City staff have been in contact with the National Park Service ("NPS") regarding this issue. As of the date of this letter, the staff has not received a response to their inquiry. However, we were able to have a conversation with NPS on this issue, which was enlightening and has led us to the conclusion that certification is not threatened by reclassifying a single building in the Congress Street Historic District.

According to NPS, the following regulation applies to amendments to certified historic districts:

> 36 CFR §67.9(i) State or local governments, as appropriate, shall notify the Secretary if a certified district designation is amended (including boundary changes) or repealed. If a certified district designation is amended, the duly authorized representative shall submit documentation describing the change(s) and, if the district has been increased in size, information on the new areas as outlined in § 67.9. A revised statement of significance for the district as a whole shall also be included to reflect any changes in overall significance as a result of the addition or deletion of areas. Review procedures shall follow those outlined in § 67.9 (d) and (e). The Secretary will withdraw certification of repealed or inappropriately amended certified district designations, thereby disqualifying them as registered historic districts.

NPS noted that "amend" is not defined in the regulation, but it could be that something is considered an amendment at the local level but would not be an amendment under the federal regulation. In the experience of the individual we spoke with at NPS, changing the classification of one building in a district has not previously been reviewed as an amendment to a district. Amendments that are reviewed by NPS are typically revisions to the period of significance or modifications to the boundaries of a district. It is questionable whether the City would even have to notify NPS of the change in classification of one building. In addition, an amendment does not automatically impact the certification. Rather, NPS will review the district as amended (if they determine it is in fact an amendment) to determine whether it still meets the standards for certification. We were unable to find any instance of a district being de-certified by NPS for reclassification of a single building to noncontributing.

We appreciate your time and consideration.

Sincerely,



Mary E. Costigan

simons architects
designed for human potential

PORTLAND MUSEUM OF ART

Planning Board Presentation: February 2024

INTRODUCTION

My name is Scott Simons. I am the founding principal of Simons Architects, a company that has practiced architecture in Portland for almost 30 years and designed some noteworthy buildings and renovations for our City, including the Portland Public Library, the Casco Bay Ferry Terminal, and the Waynflete School Theater and Lower School Buildings, among many others. We are working with the LEVER Architects team as Architects of Record and have been asked to present our thoughts about the Portland Museum of Art expansion project.

CONTEXT & HISTORY

Simons Architects has been working closely with the Museum for the past ten years on a number of projects. We developed the 2015 Campus Master Plan, completed several significant interior renovations projects, and prepared the 2022 Campus Framework Plan which set the stage for the Museum's "Art for All" Design Competition. We are intimately familiar with the programmatic and spatial requirements of the Museum as well as its plans and goals for their community gathering and art gallery spaces in the future.

During the 2015 Campus Master Plan process, Simons Architects and the Museum met with the City's planning staff and members of the historic preservation community to discuss the idea of removing the 142 Free Street building. At the time, there was discussion that there was a possibility the building could be removed. The federal tax credit program had not been put in place, and the conversation centered around the comprehensive plan and how the Museum expansion would be a benefit to the community that would outweigh the relative historic value of the existing 142 Free Street building. During our conversations, the only portion of the building that was considered to have significant historic value was the 1926 front facade, which was designed by John Calvin Stevens' office. In conversations with the City's planning staff regarding plans for the competition, the Museum was encouraged not to prescribe removal of the building one way or the other, to allow applicants full creative license and considerations for the context in their proposals.

PROGRAMMATIC CONSIDERATIONS

During the course of the 2022 Campus Plan and the Design Competition, the Museum articulated the specific requirements that would enable them to meet the goals of their Strategic Plan. Many of the existing spaces do not meet those needs, for example: for traveling shows, the Museum's largest gallery space is currently 4,500 SF with 10' high ceilings. To attract larger and more important exhibitions, a flexible gallery space of 8,000 SF is required, with ceilings at least 16' high. For lectures and presentations, the Museum's current auditorium can only seat 176 people. To accommodate the programs necessary to meet the needs of the community, an auditorium with over 250 seats is required. To meet the goals of their
"Art for All" initiative, community studios and gathering spaces are required. There are currently no spaces for these programs. The proposed expansion provides more than 2,000 SF of space at the very front of the building, right off Congress Square, to support these programs and encourage much wider community participation in the museum's programs.

QUESTIONS RAISED IN WORKSHOPS WITH THE HISTORIC PRESERVATION COMMITTEE

Since the Museum's front door and facade form the southern edge of Congress Square, the development of the PMA's community and art programs has alway had a direct relationship to the development of Congress Square and the Arts District. It is the Museum's goal to have the proposed expansion strengthen and enhance that relationship by bringing more inclusive and community programming, excitement, and business activity to Congress Square.

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One question has been asked repeatedly is why the 142 Free Street building cannot be renovated to accommodate the Museum's program requirements. In order to make this building work for the museum, all that would remain of the 1926 renovation would be the facade of the building. In 1992 when the building was renovated to house the Children's Museum, the entire interior structure and the roof of the building were removed. Over 50 tons of new steel structure were brought in to the support the Children's Museum program spaces. Almost nothing of the original 19th century building remained after that renovation, and what is there now is not in any way suitable for the Museum's requirements. It's floors are misaligned with the Payson wing's floors and are structurally inadequate (the Museum structure will require much greater lives loads to support their exhibitions and audiences). The Museum's program will not fit withinthe existing building as it exists, necessitationg extensive expansion both outward and upward, and it would require a significant amount of demolition of the site at the Free Street elevation, including the plinth, steps, and ramp at the front of the building to make the entrance and interior floor levels accessible.

Another question raised was the suitability of the Museum's Spring Street property to accommodate their program requirements. Of primary importance to any museum is that the galleries and museum spaces be connected for both functional and environmental reasons. A museum expansion on Spring Street would not make any sense because it would not be connected to the primary galleries of the Payson Wing and would not contribute to the life Congress Square and the Arts District.

FOR YOUR CONSIDERATION
We feel a more meaningful approach would be to allow the Museum to remove the building and build their proposed expansion, but to honor the legacy and convey the history of the site with a Memorial timeline. This timeline would not start with the building of the Theater Building in 1830, but with the history of the site starting from before it was settled and developed in the 1600's.

The Museum would design an exhibition that could be read and discovered as people entered the building, telling the story of the Wabanaki people and how they used the land, the early settlers of what is now Portland, the Great Fire of 1866, the history of the building that was originally built on this site, and how it has changed over its 100 year history, all of this inlaid into the polished concrete floor with bronze or stainless steel letters and drawings. We propose that the Footprint of the 142 Street building be made visible in all four of its iterations, making an even more compelling story and memory of the history of the site than the saving of the facade from one of the many changes to a building that does not speak to the time, place, and opportunity that is before us at this moment in history.

Cities and buildings are not static, they change with the times. This particular site has housed multiple functions over time and has adapted as the community's needs changed. The PMA's proposed expansion represents the next stage in next stage in the site's growth and development, one that will provide extraordinary benefits to the City and the history of Congress Square.

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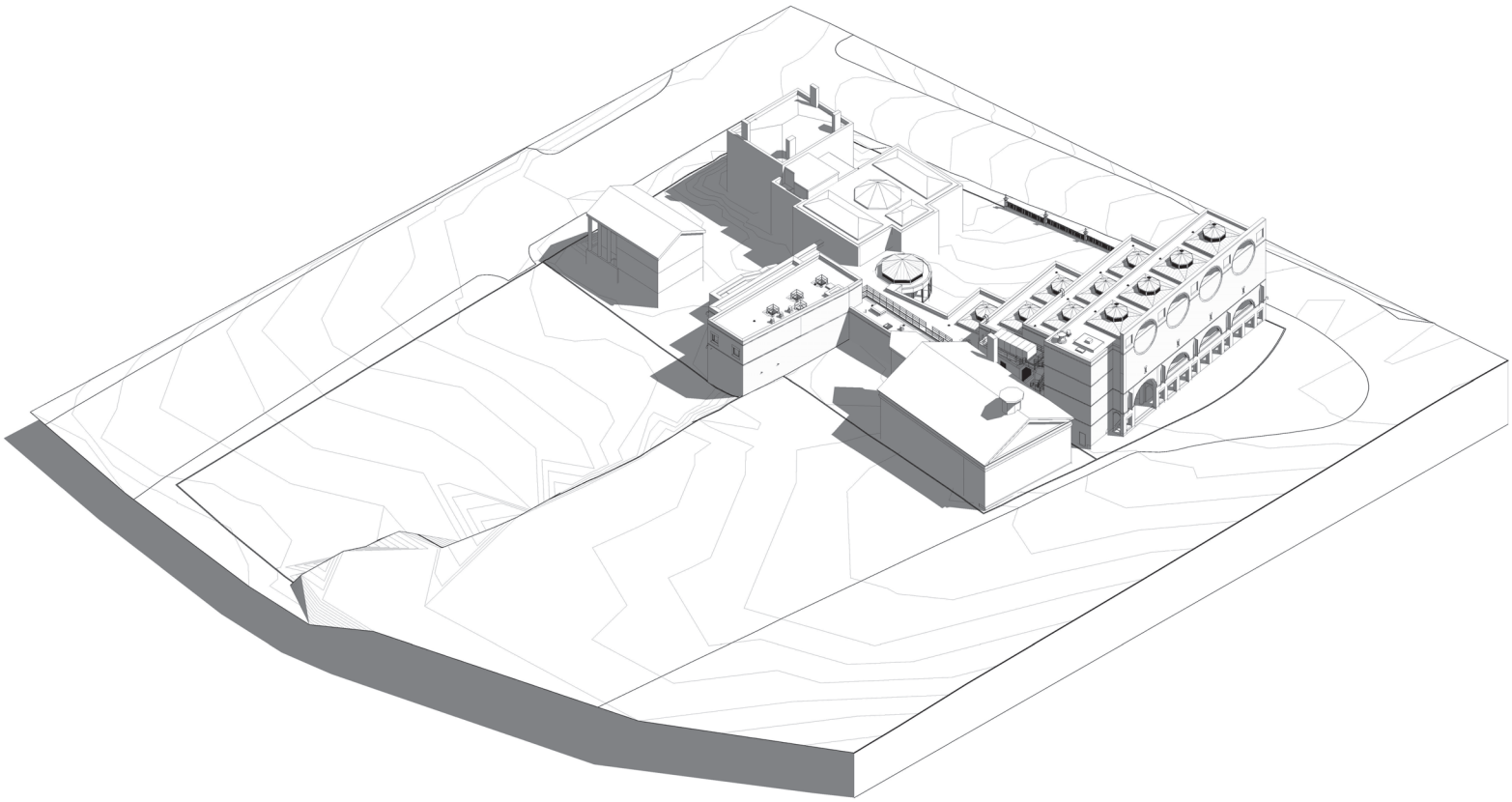

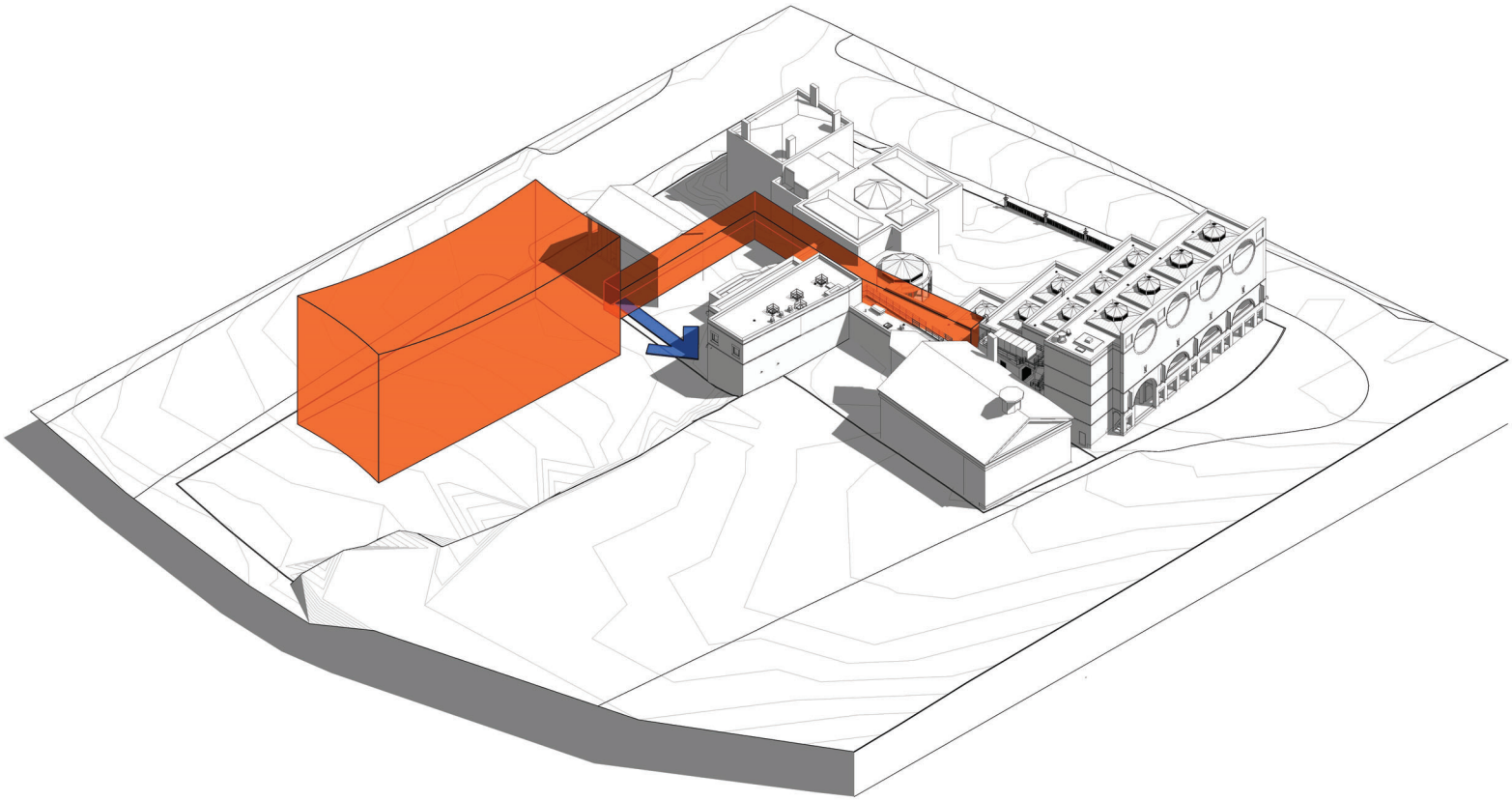

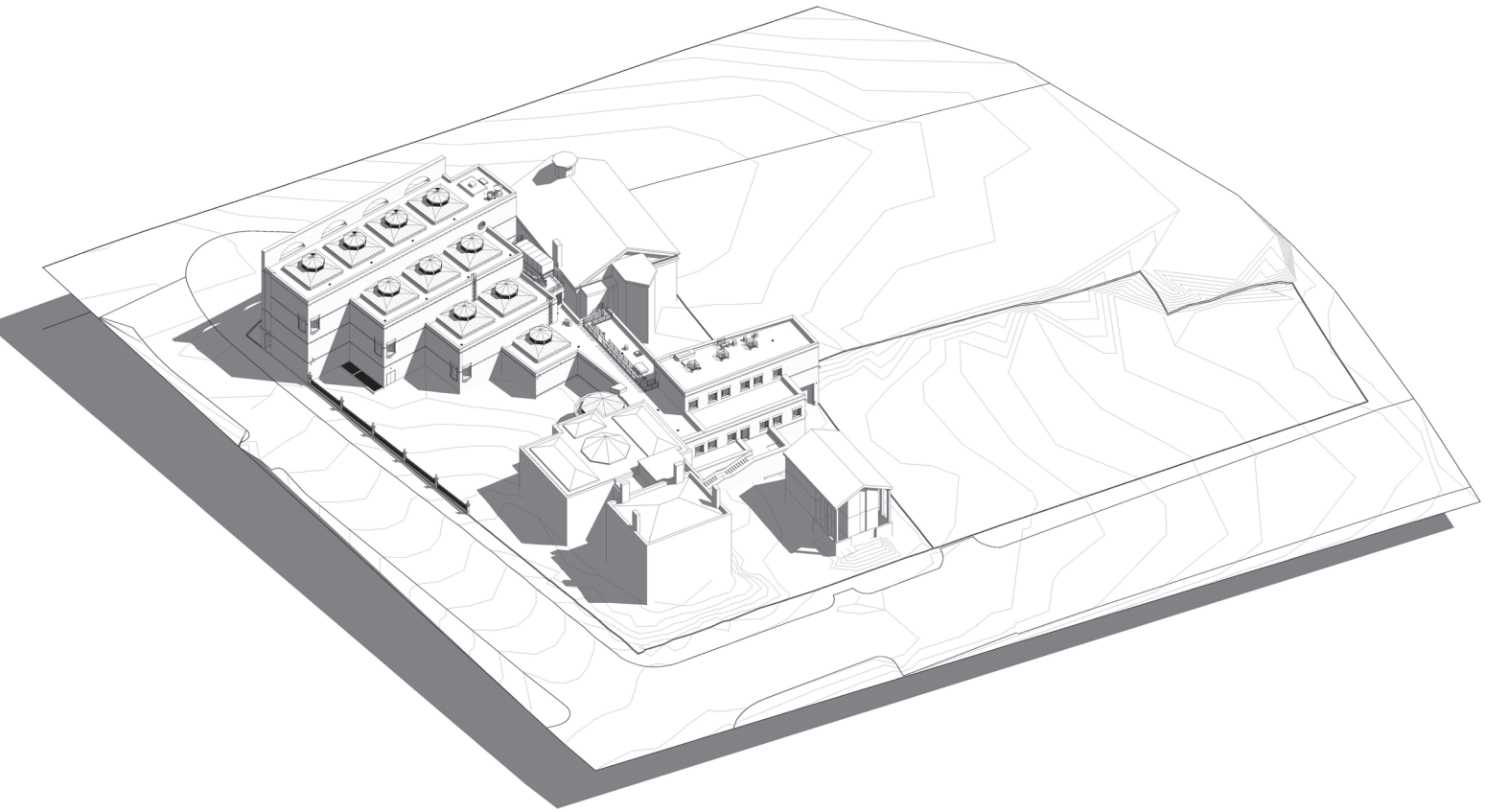

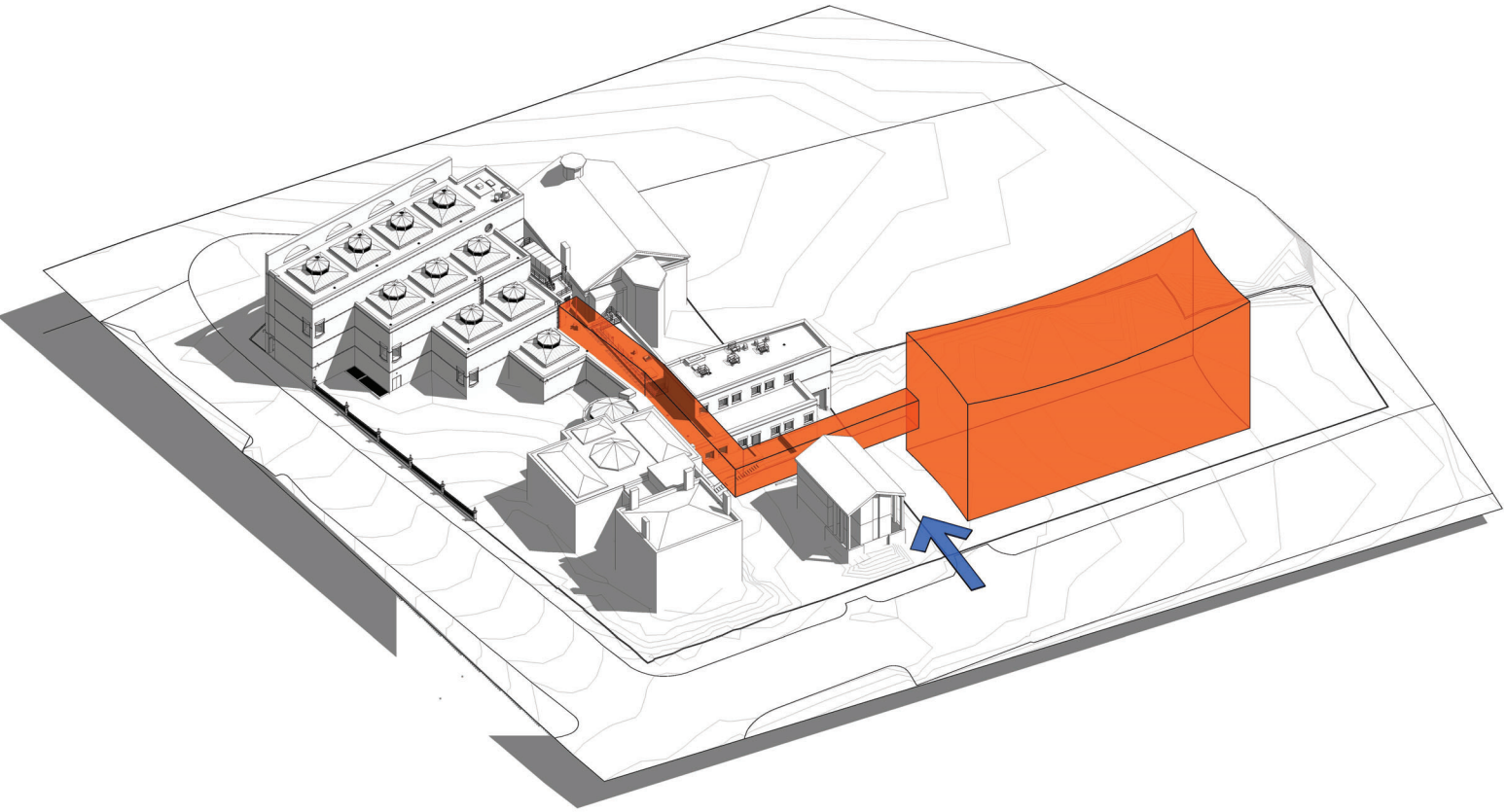

CONGRESS STREET HISTORIC DISTRICT

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

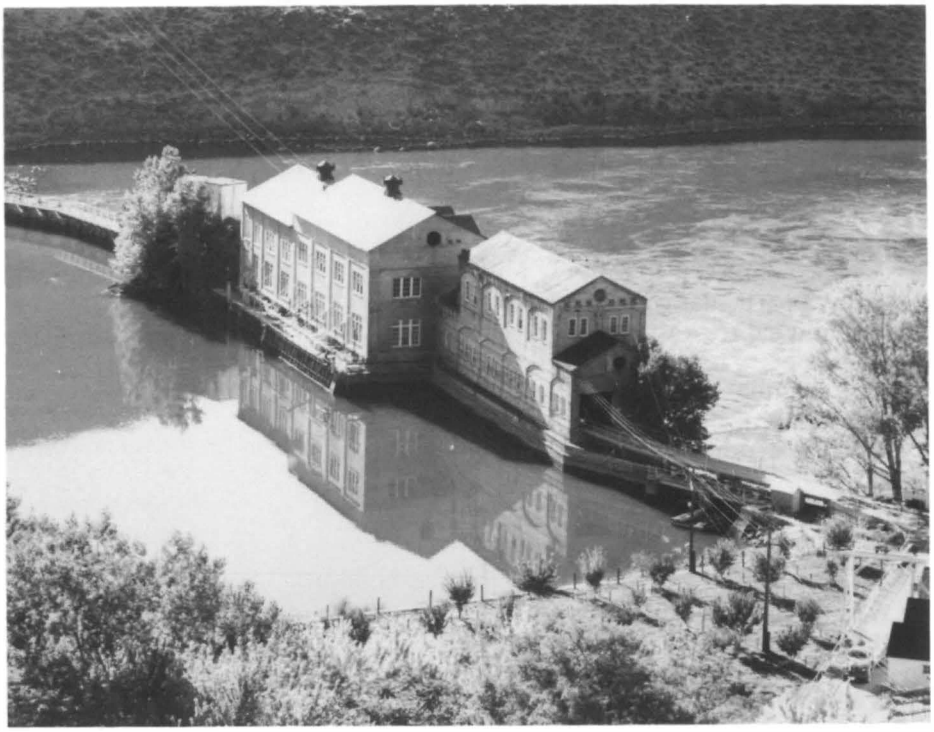
- A commercial building with some Art Deco detailing is not eligible under Criterion C if the detailing was added merely as an afterthought, rather than fully integrated with overall lines and massing typical of the Art Deco style or the transition between that and another style.
- A designed landscape 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

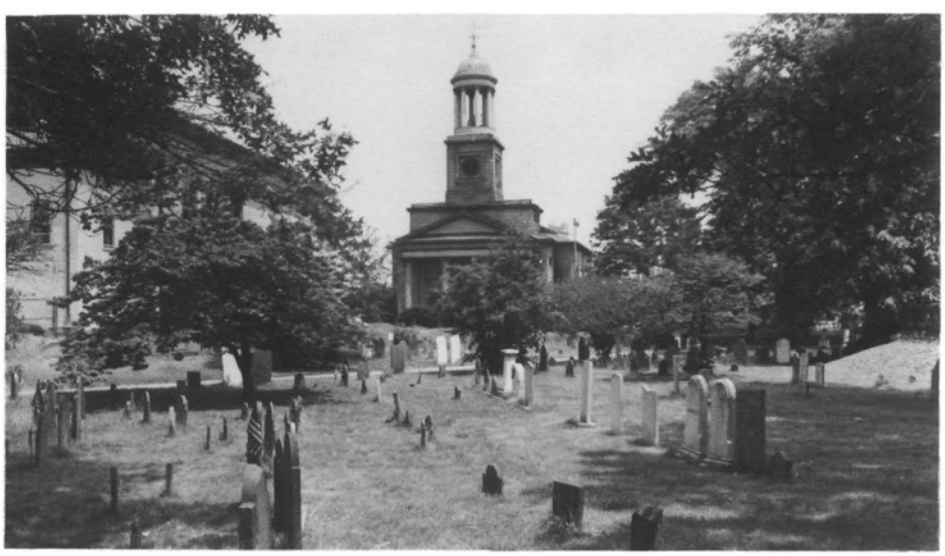
A cemetery is a collection of graves that is marked by stones or other artifacts or that is unmarked but recognizable by features such as fencing or depressions, or through maps, or by means of testing. Cemeteries serve as a primary means of an individual's recognition of family history and as expressions 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 principlesrelated 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 *

How to Improve the Quality of Photographs for National Register Nominations

National Register Casebook: Examples of Documentation *

Using the UTM Grid System to Record Historic Sites

To order these publications, write to: National Register of Historic Places, National Park Service, 1849 C St., NC 400, NW, Washington, D.C. 20240, or e-mail at: nr_reference@nps.gov. Publications marked with an asterisk (*) are also available in electronic form at **www.cr.nps.gov/nr**.

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.

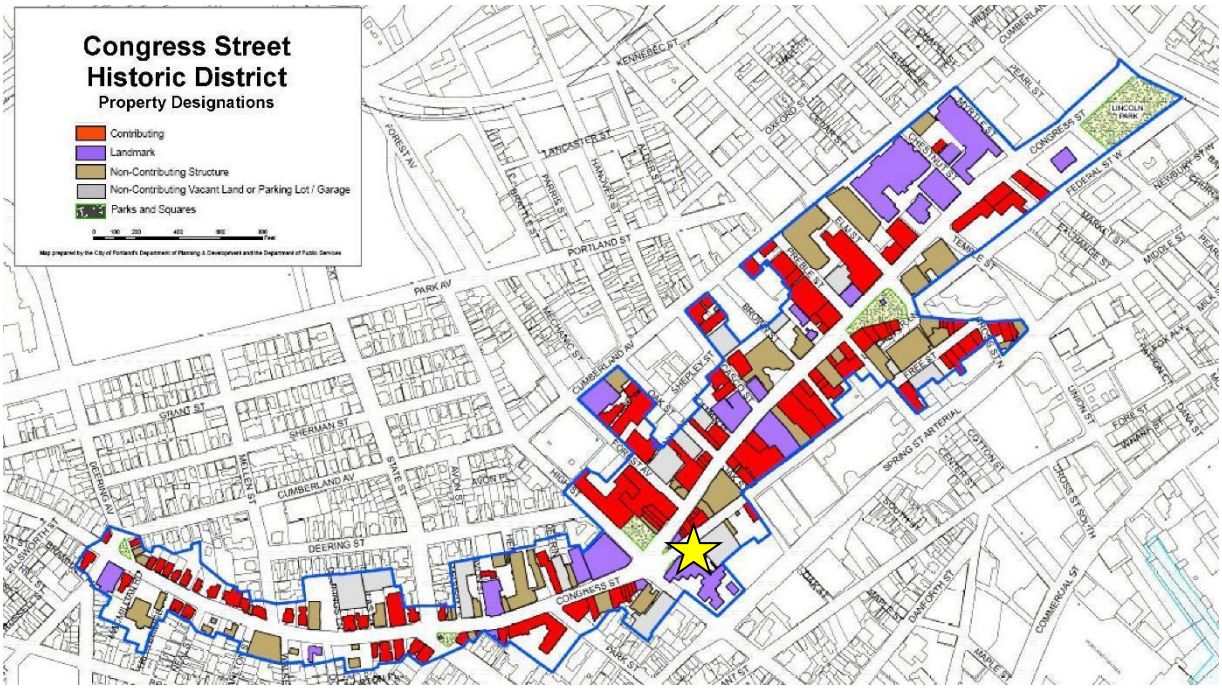


Figure 1: Map of Congress Street Historic District showing location of 142 Free Street with a star.

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.

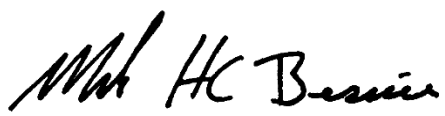
3. **Promote sustainability and spark revitalization across our state.** True to the spirit of the City of Portland's comprehensive plan and dedication to sustainability, our new building will showcase innovative construction materials and techniques that are on the forefront of sustainability. The building 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.

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]

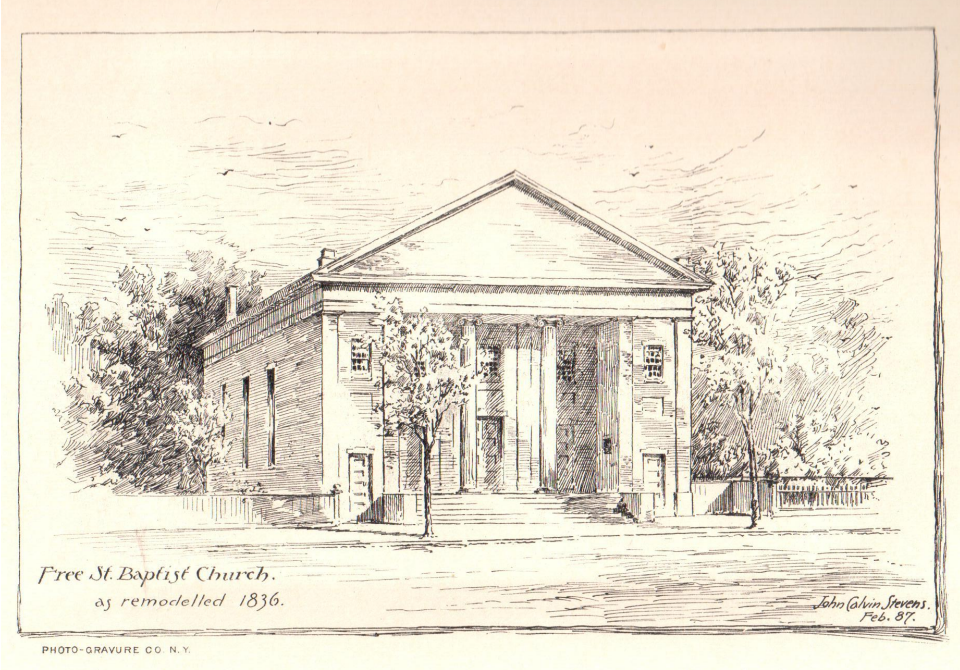
The Church made major alteration campaigns to its building every twenty years – in 1836, 1856, and 1876 – that resulted in significant changes to the appearance of the building. A final remodeling in 1926 by the subsequent owner erased all remnants of the earlier church building from the front facade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

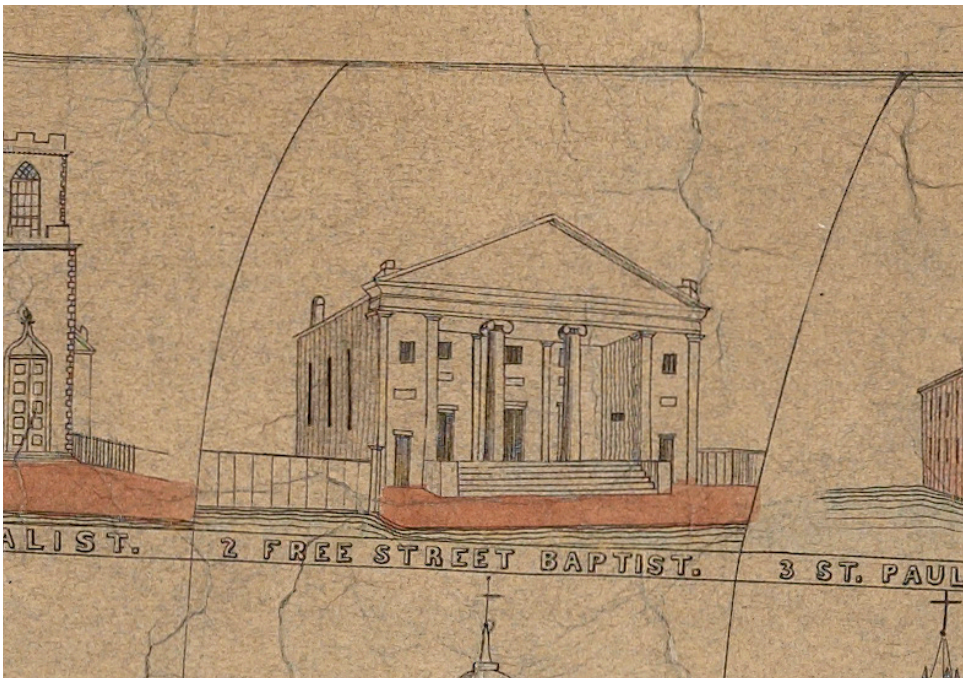
The alterations cost $15,000[14] and included adding a new "front" to the building which brought the primary facade out to the street line. This new facade was Italianate in style, and included two asymmetrical towers. The taller of the two towers was 185 feet tall and dominated the neighborhood around 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).

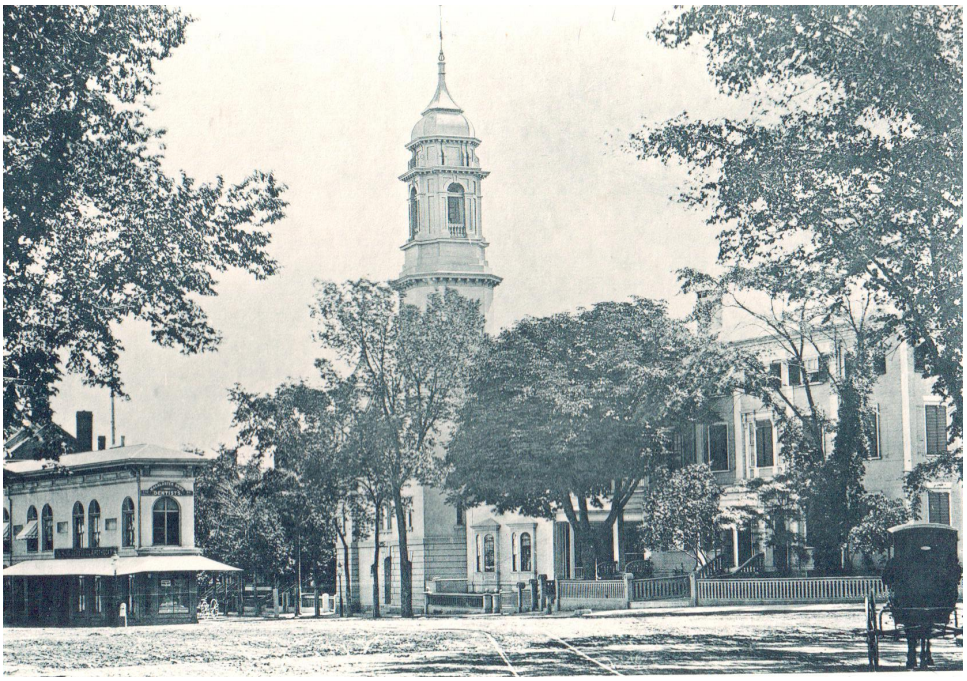
In 1887, the Free Street Baptist Church spent $6,500 on a "thorough improving" of the Church and a few years after that, stained glass windows were installed in the building.[16] In 1894, five-sixths of the lath-and-plaster ceiling fell down, including the furring, landing on and damaging some of the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

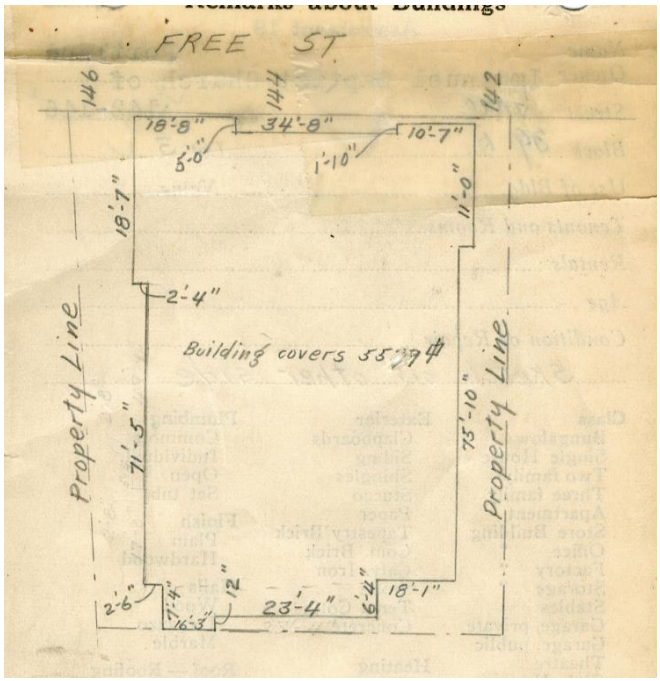
Source: *Free Street Baptist Church Semi-Centennial 1836-1886.*

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.



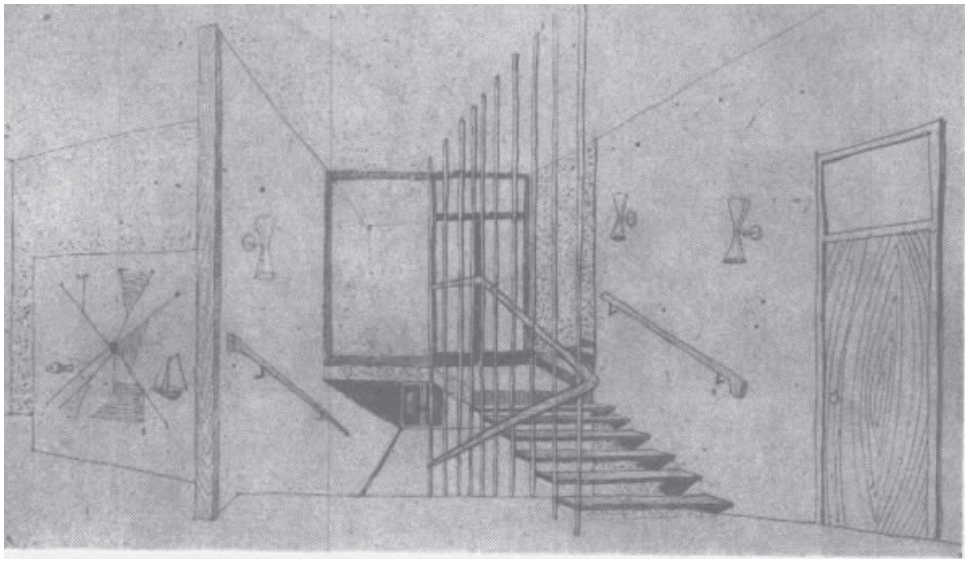
The Free Street Baptist Church in 1925 (above) and the Chamber of Commerce in 1958 (below). Without these two views to compare, it is difficult to see how the Church building was remodeled into the Chamber. The Free Street end of the building (at the right in these images) was completely replaced, and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

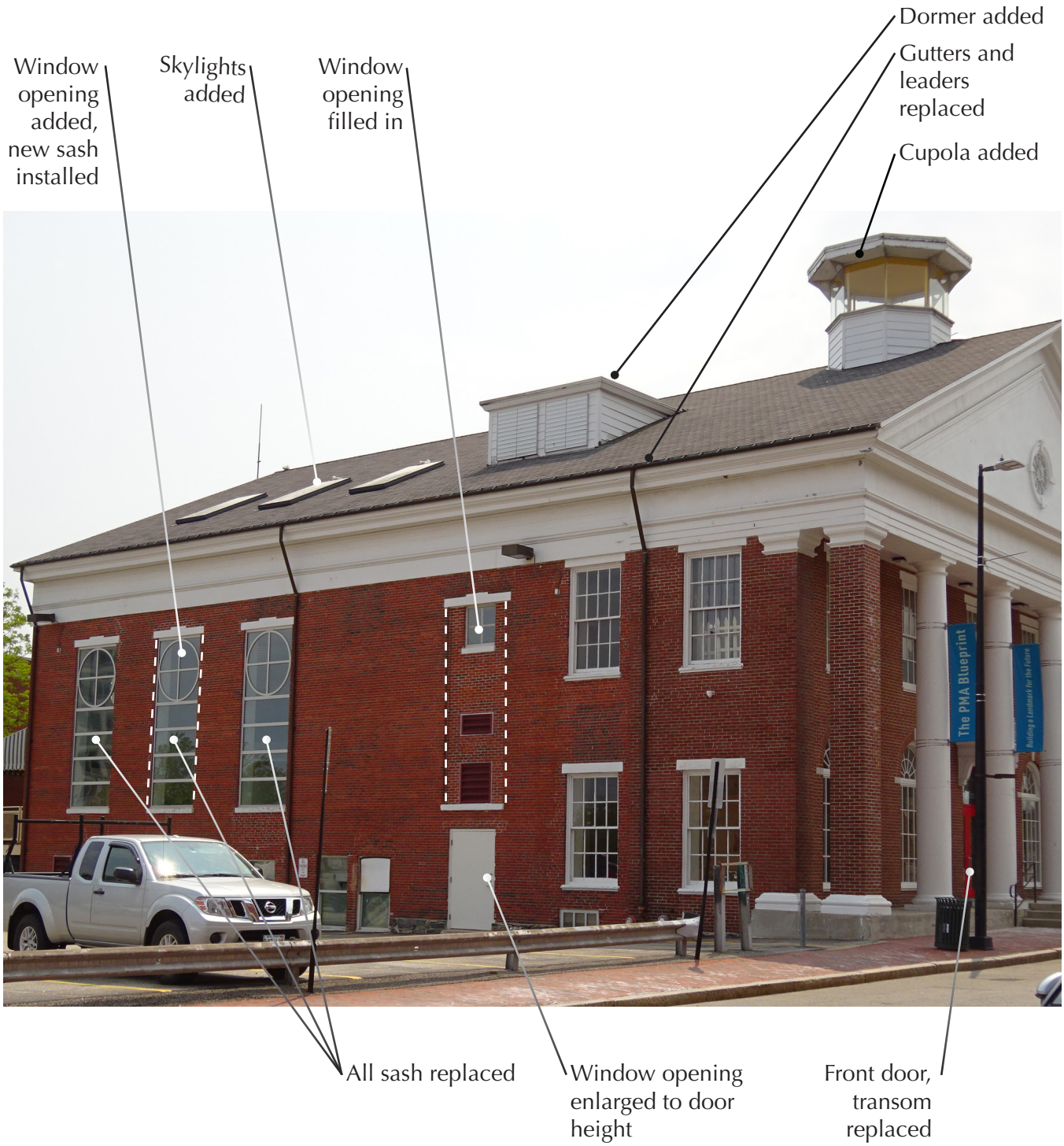
The renovations for the future Children's Museum occurred in 1992, two years after Portland enacted its historic preservation ordinance. A 1997 building permit noted the building was "Not in District or Landmark" and "Does not Require Review."[35] Had the alterations been reviewed for compliance with 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.

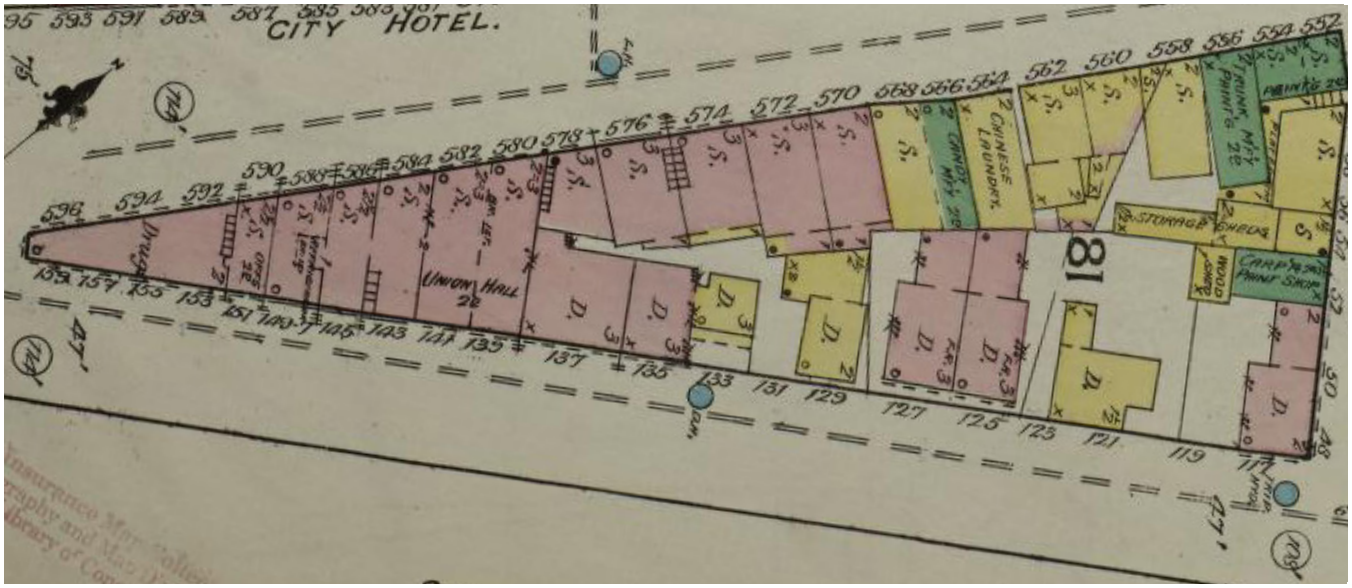
By the early-nineteenth century, Congress Square was a wealthy residential neighborhood lined with some of Portland's finest homes. Noted residences here included the Cobb Mansion, a ca. 1801 Federal-style home designed by Alexander Parris at present-day 7 Congress Square. Further down High Street and 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).

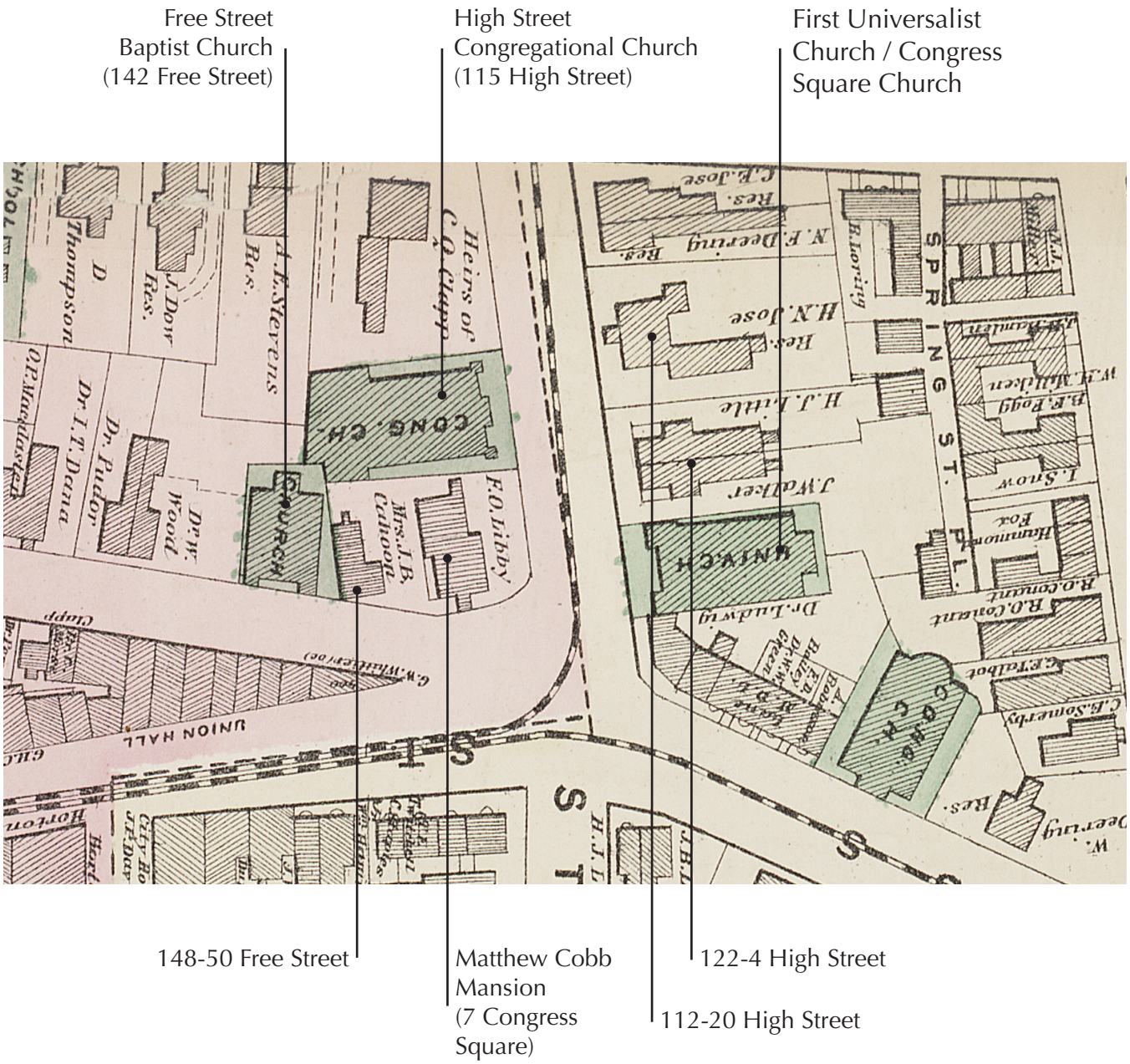
Source: *Sanborn Fire Insurance Map from Portland, Cumberland County, Maine,* Plate 12 (above) and Plate 24 (below). 1886.





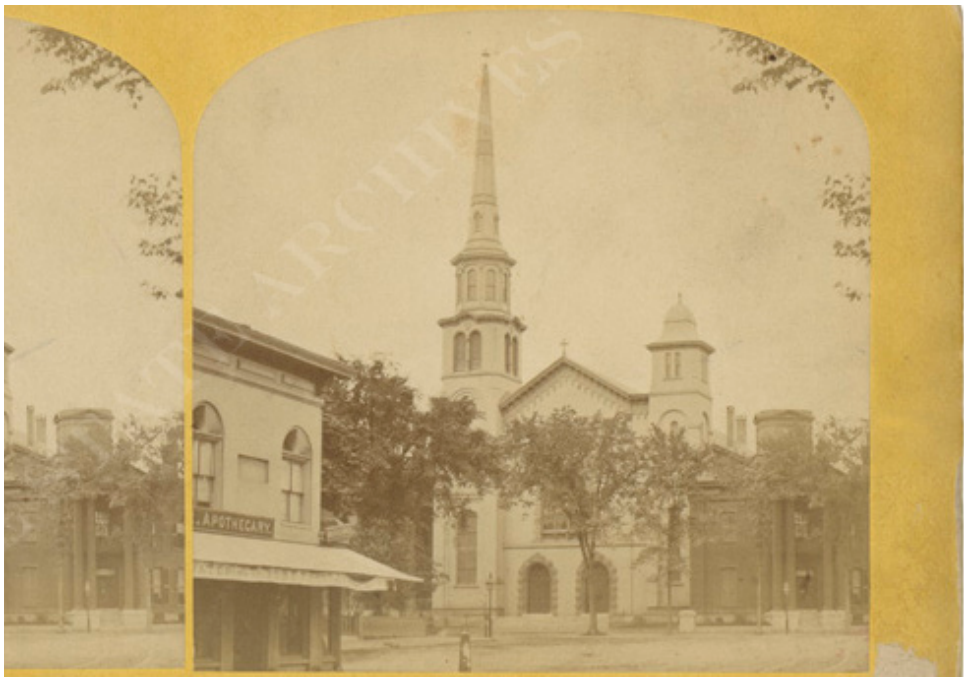
Photograph of the area around Congress Square ca. 1885.

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.

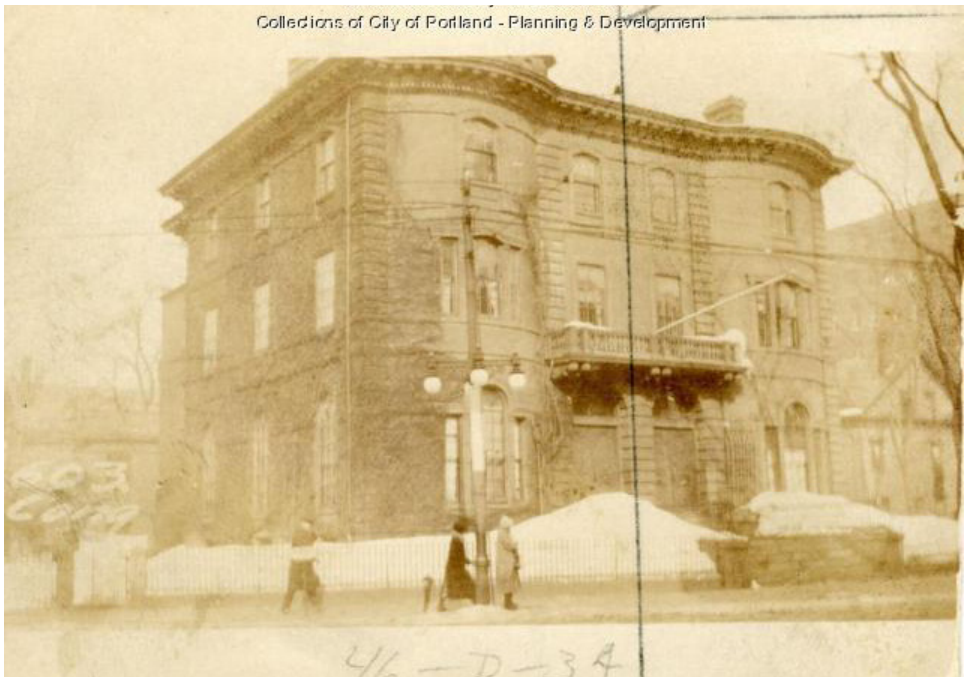
Source: Stereoview Photograph Collection, Maine State Archives.

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.

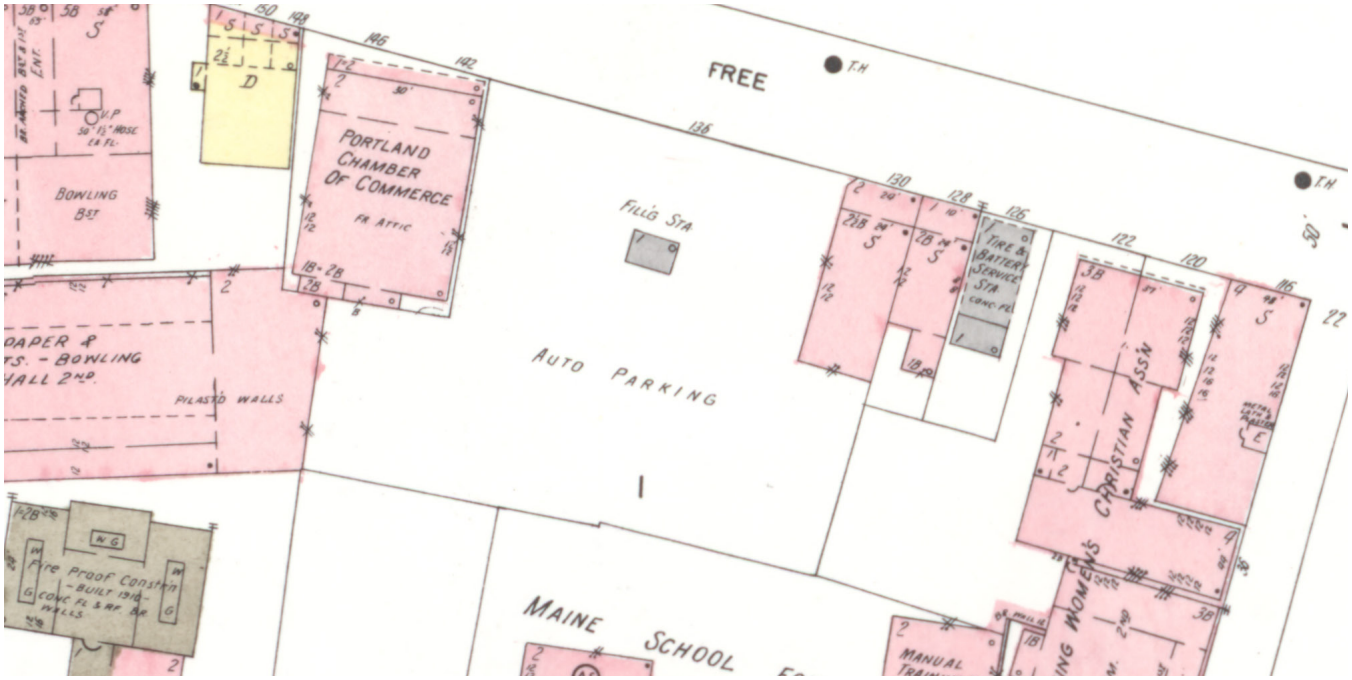
The 1886 Sanborn map recorded that the Cobb Mansion (7 Congress Square) was then home to the Cumberland Club. By 1890, the Cumberland Club had moved to the Stephen McLellan Mansion (116 High Street). The Cobb Mansion was demolished and replaced in 1897 by a five-story tall brick building for the Young 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



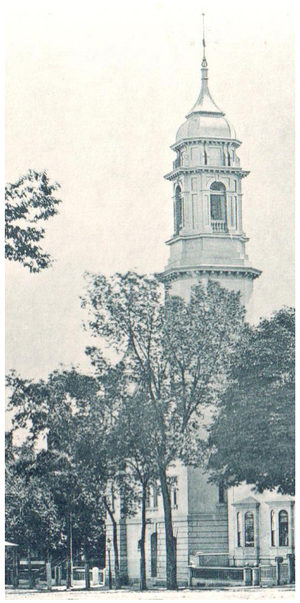
126 Free Street
Demolished before 1954
128 Free Street
Extant; altered and non-contributing
130 Free Street
Demolished after 1975



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.

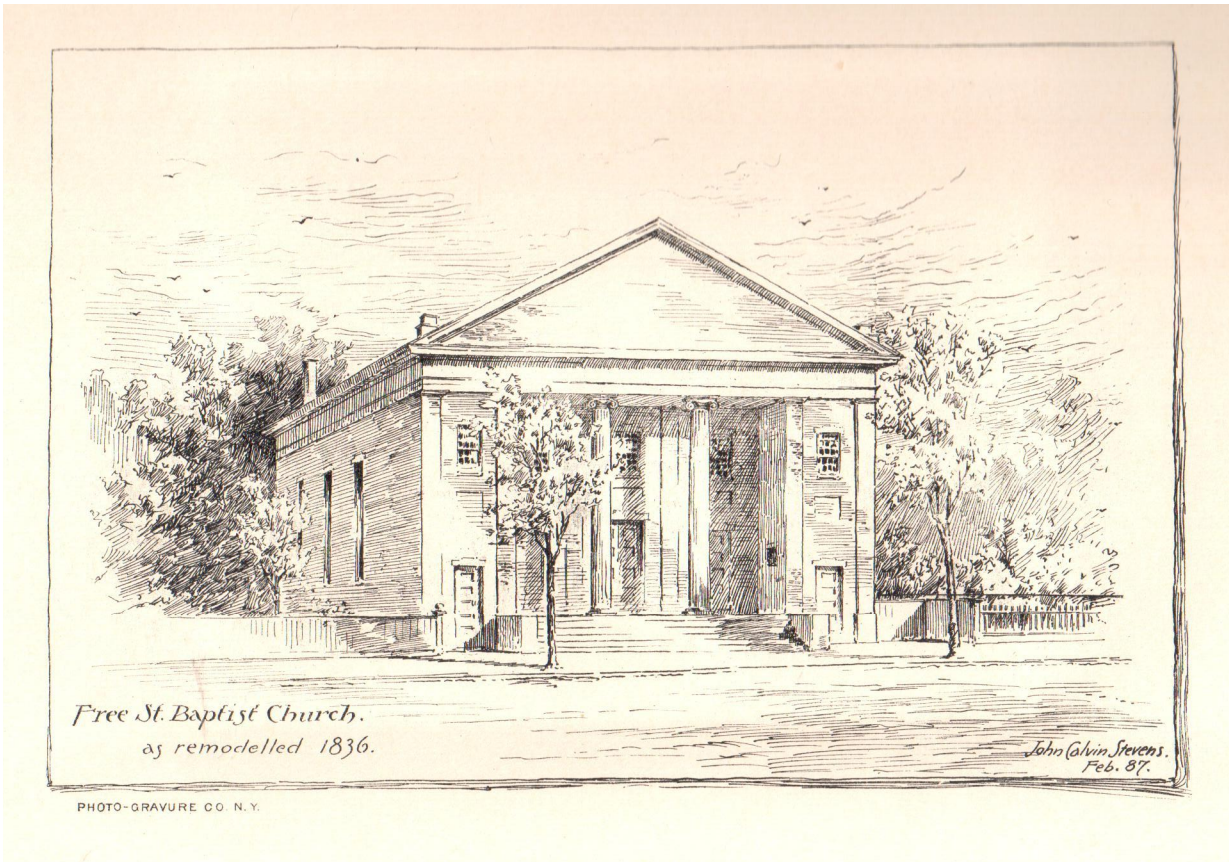
Source: Portland Press Herald Still-Film Negatives Collection, Portland Public Library.

Illustrations



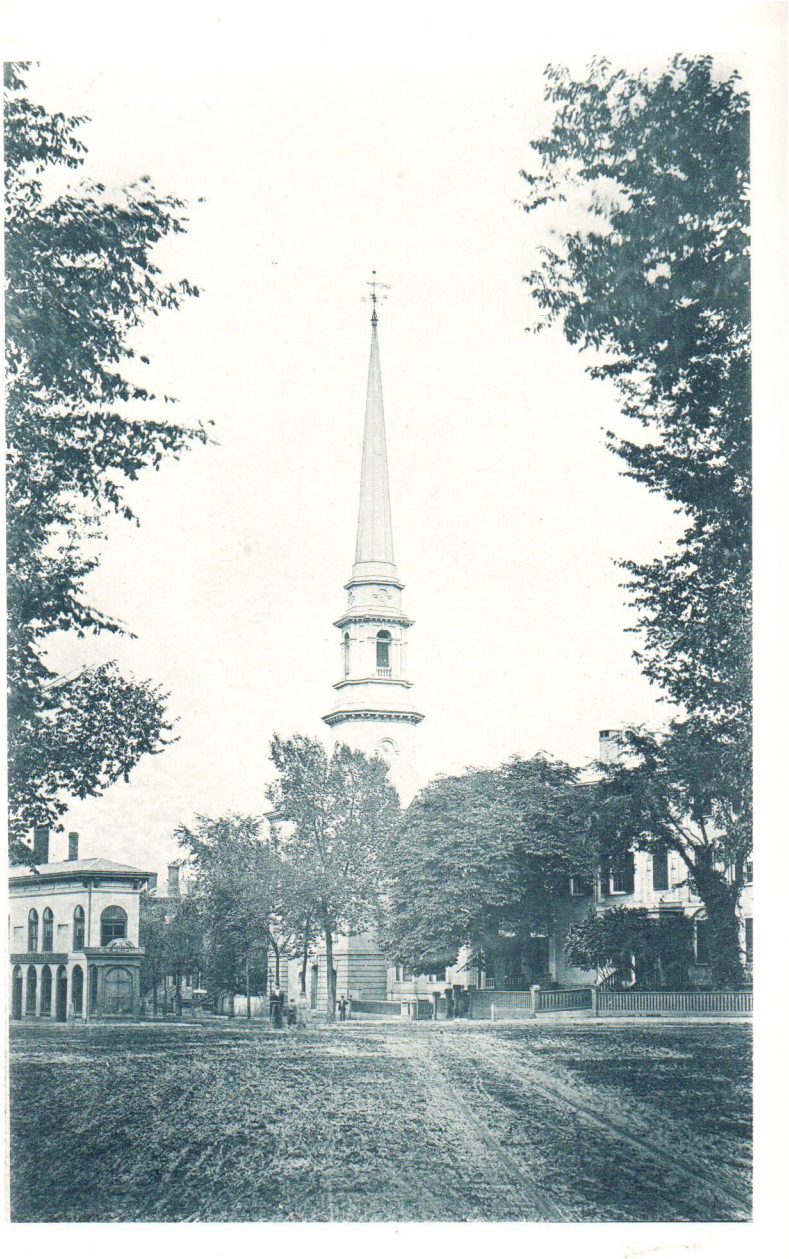
This 1836 map includes a line drawing showing the Free Street Baptist Church in 1836.

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.



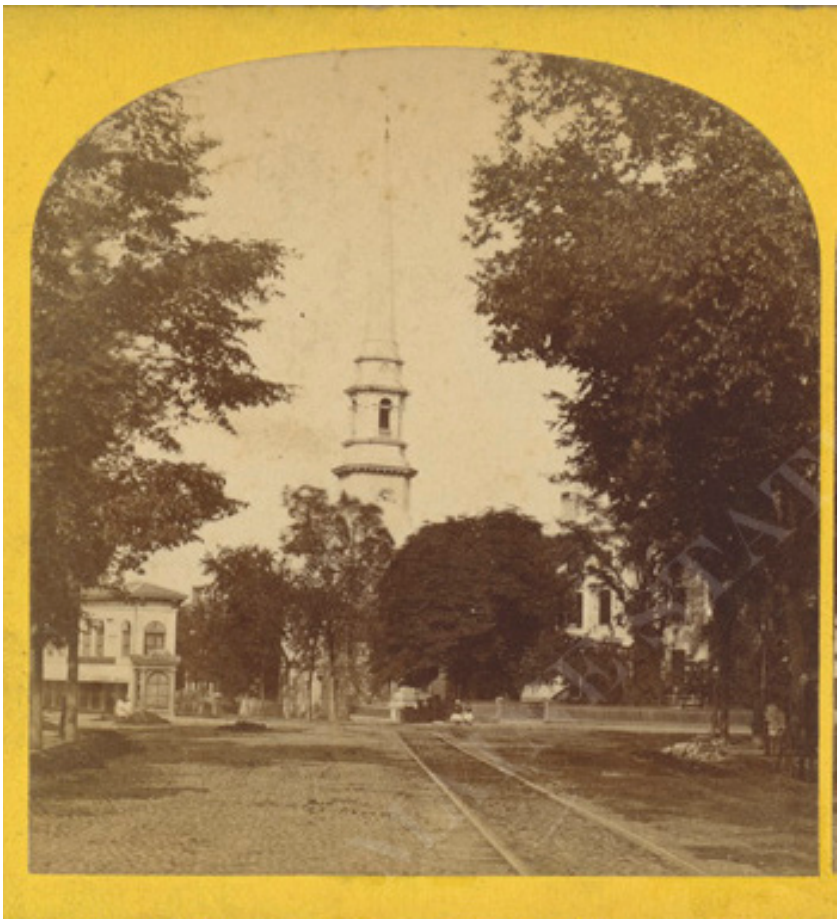
John Calvin Steven's sketch of the possible appearance of the Free Street Baptist Church prior to the 1856 remodeling campaign.

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.



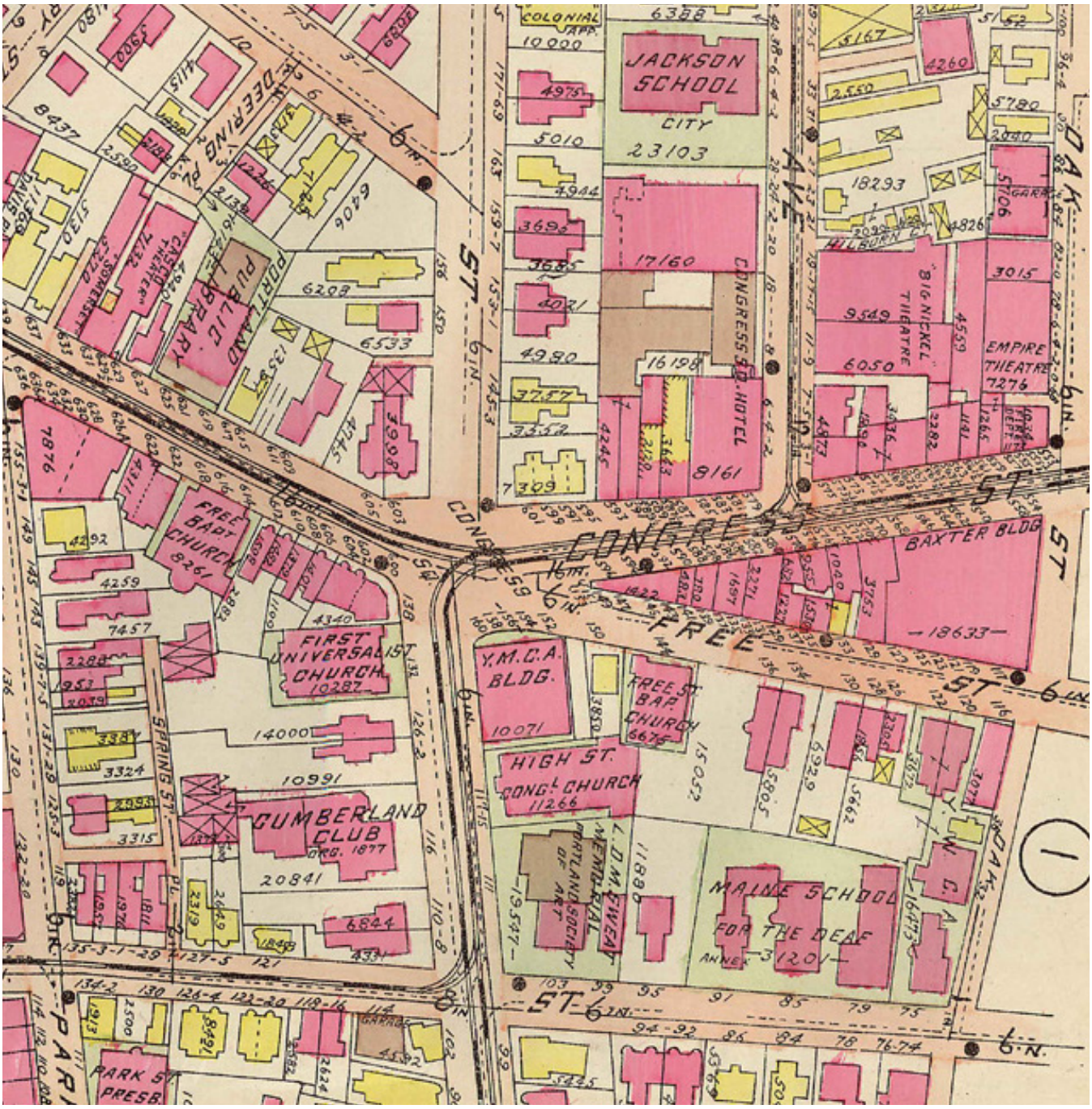
An 1882 map of Congress Square.

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)

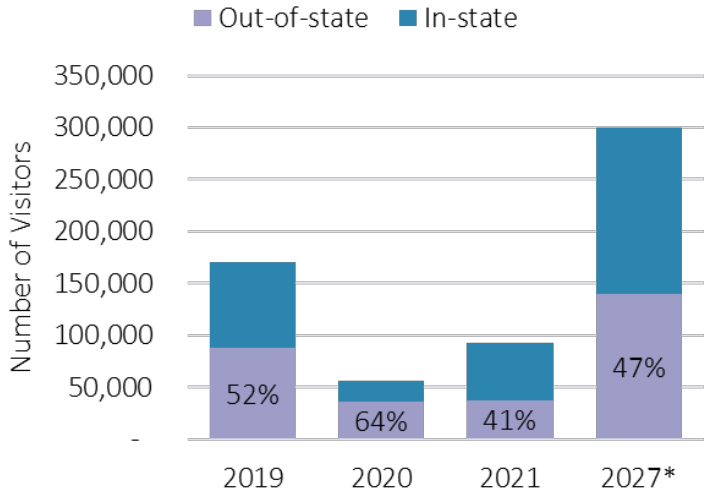
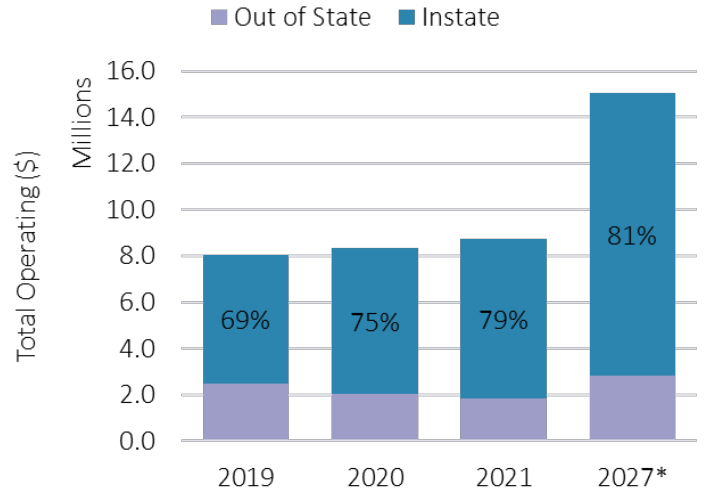


Figure 2. Annual operating costs (with future projections)



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

Visitor Estimates and Assumptions

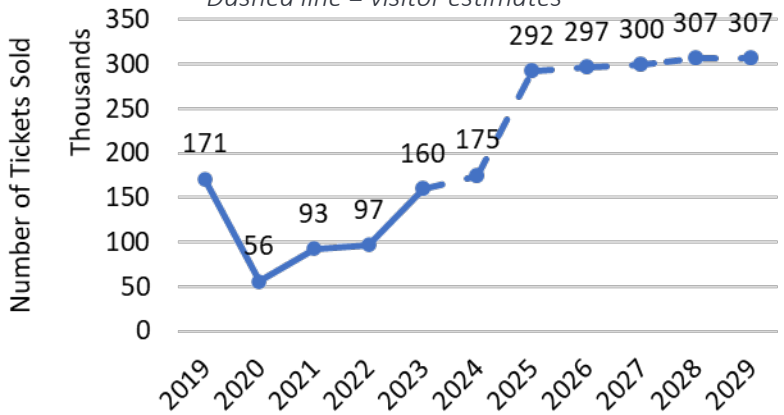
Introduction & Methods

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.

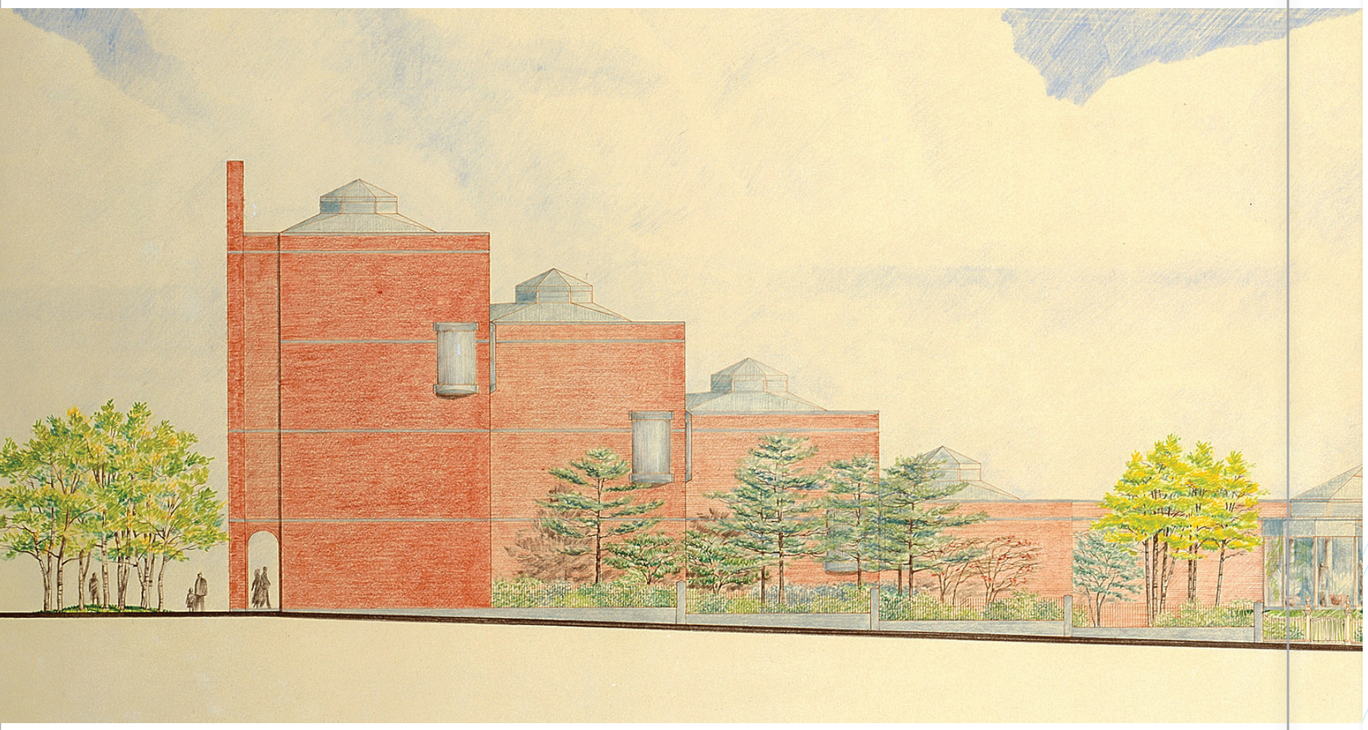
MUSEUMS NEED A PARADIGM SHIFT THAT DELIVERS ON THE PROMISE OF *ART FOR ALL.*

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. **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.***

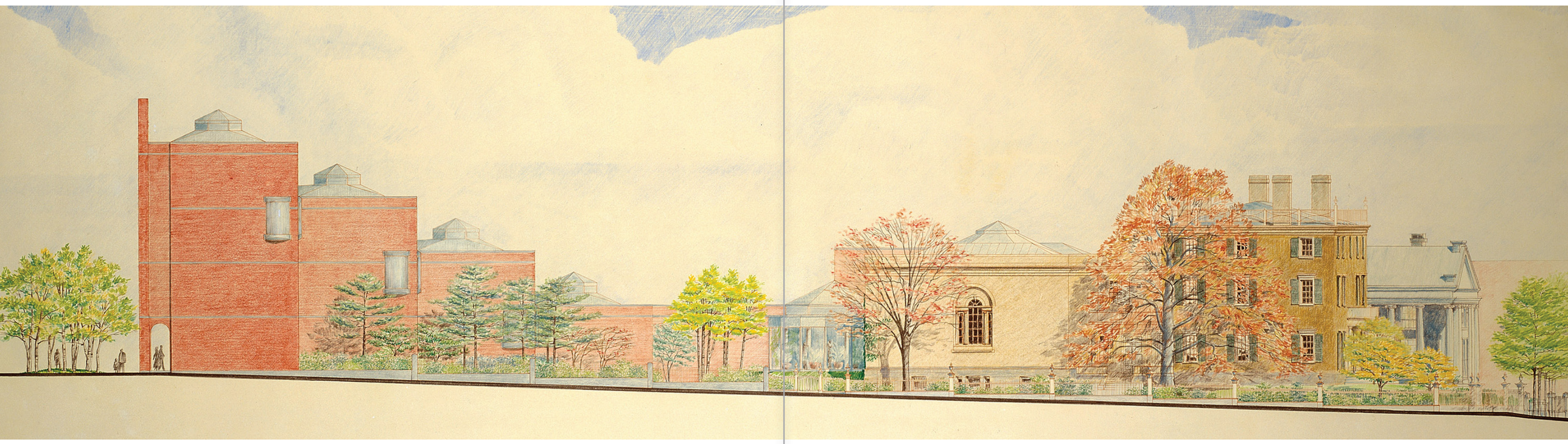
Mark H.C. Bessire
Judy and Leonard Lauder Director

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

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.

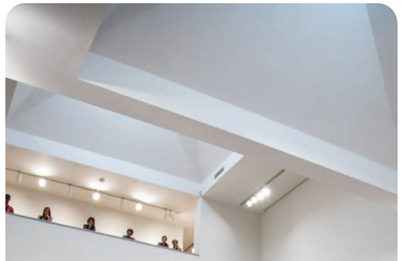
In just five years of our current pace of growth, we will exceed

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.

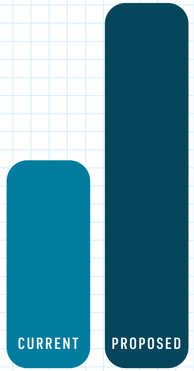
serves

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.

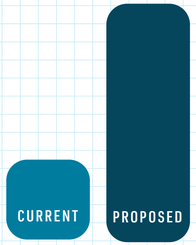
OUR PARADIGM SHIFT IS DEFINED BY EQUITY, SUSTAINABILITY, AND FLEXIBILITY.



21,556 SF 38,070 SF

+ 77%

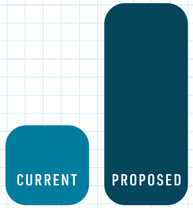
Space for Art



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.**

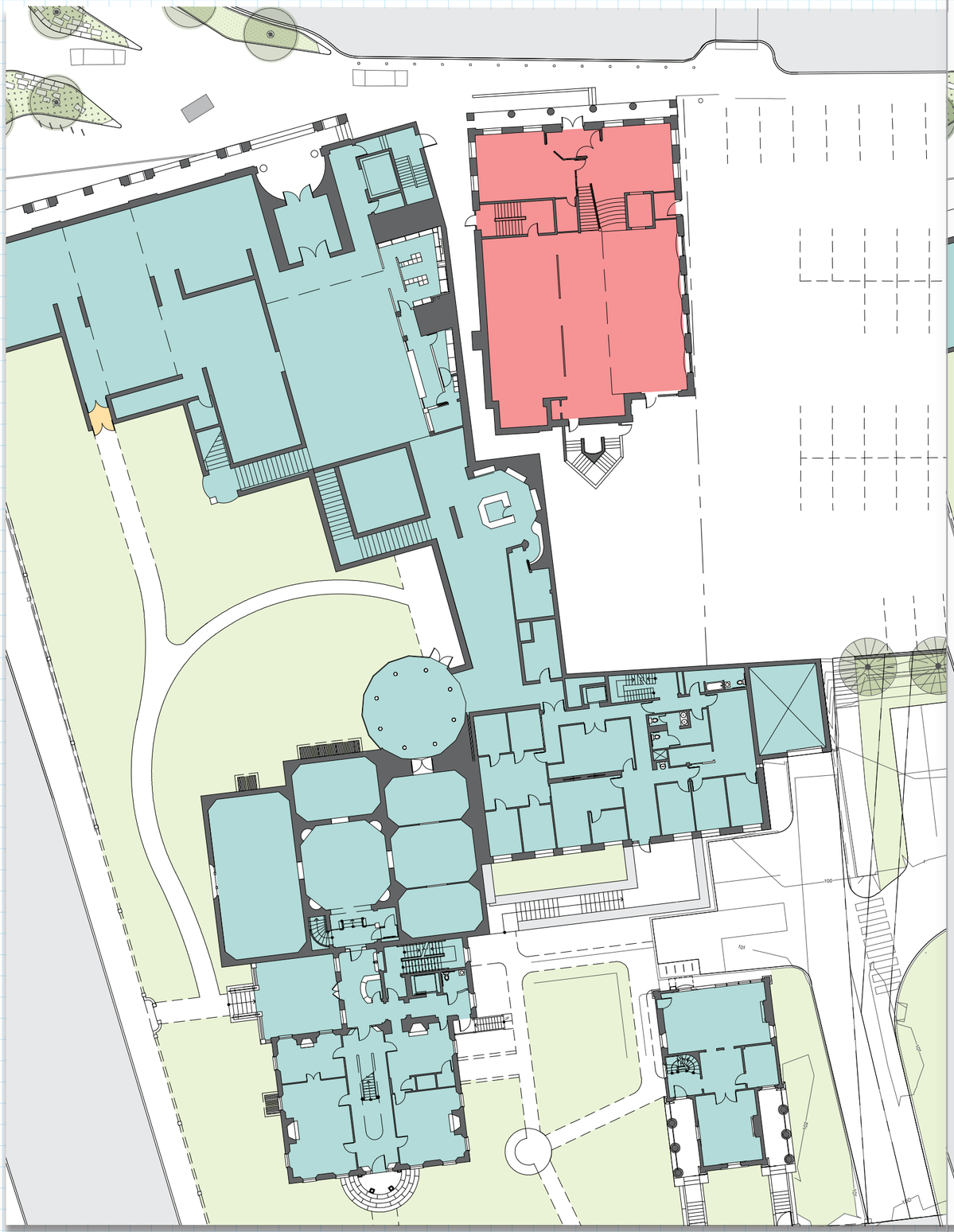
A key component of the new PMA building at 142 Free Street will be **home to a photography study center** that teaches and inspires our youth, partners with seasoned photographers, and analyzes the historical and contemporary fields of photography. This dedicated space could fully support the field of 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.

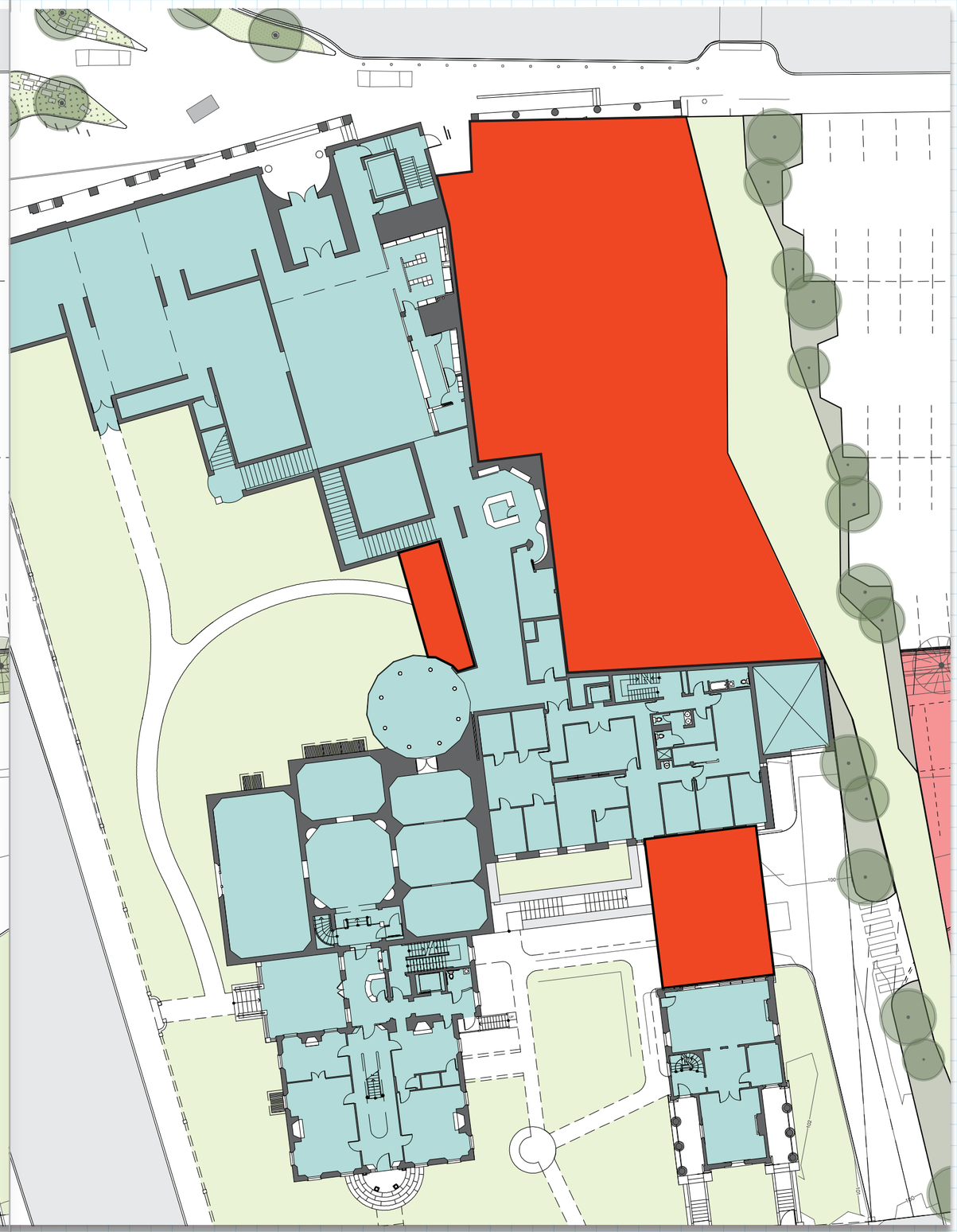


IT'S TIME.

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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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. **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.**



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

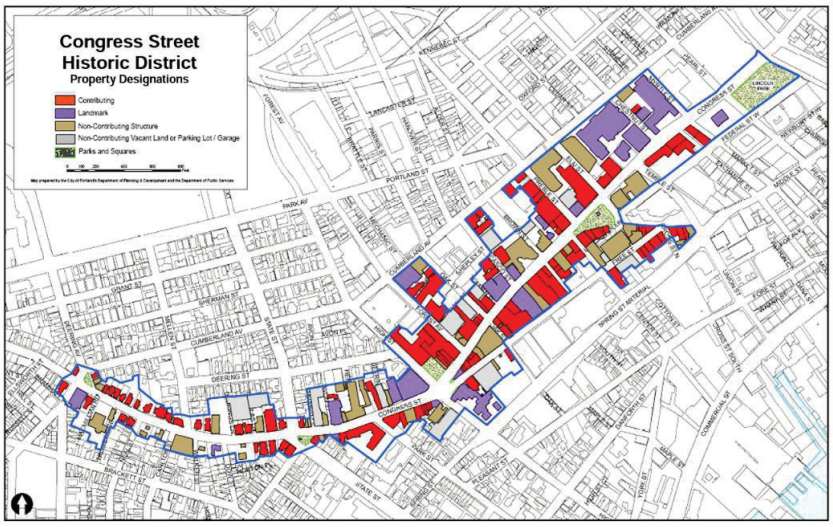
28 September 2023

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.

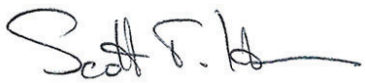
Returning to Margaret Gaertner's report. To suggest that a 1926 façade alteration for the Portland Chamber of Commerce by Maine's leading architect renders the building Non-Contributing in a district with Commerce and Architecture as Areas of Significance and a Period of Significance extending from 1785 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

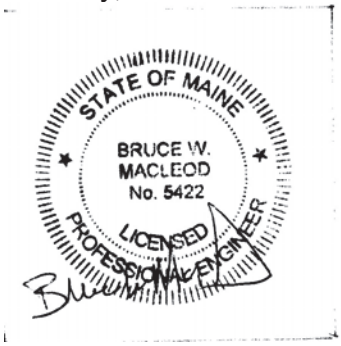
At you request, I recently visited the subject property to observe the building condition in consideration of the potential for renovating the building. The owner of the home is currently assessing the viability of renovating the home. The purpose of my inspection was to assess the structural condition 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

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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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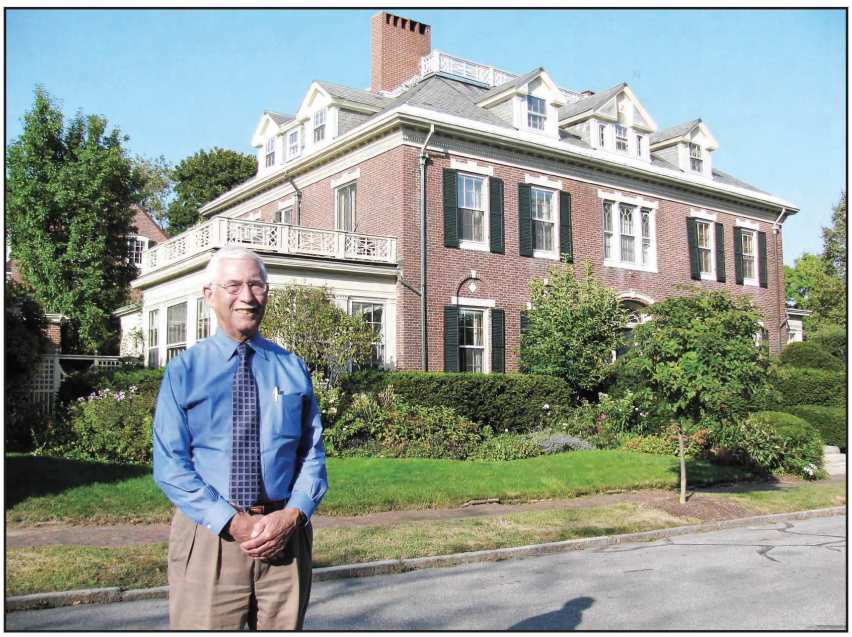

Paul Stevens, a fourth-generation architect, stands in front of the Richard Webb house at 29 Bowdoin St. in Portland's West End. The building is one of the best examples of work by his great-grandfather, John Calvin Stevens. ***(Billings photo)***

'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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INSIDE



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Fall FITNESS
Special advertising section
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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.

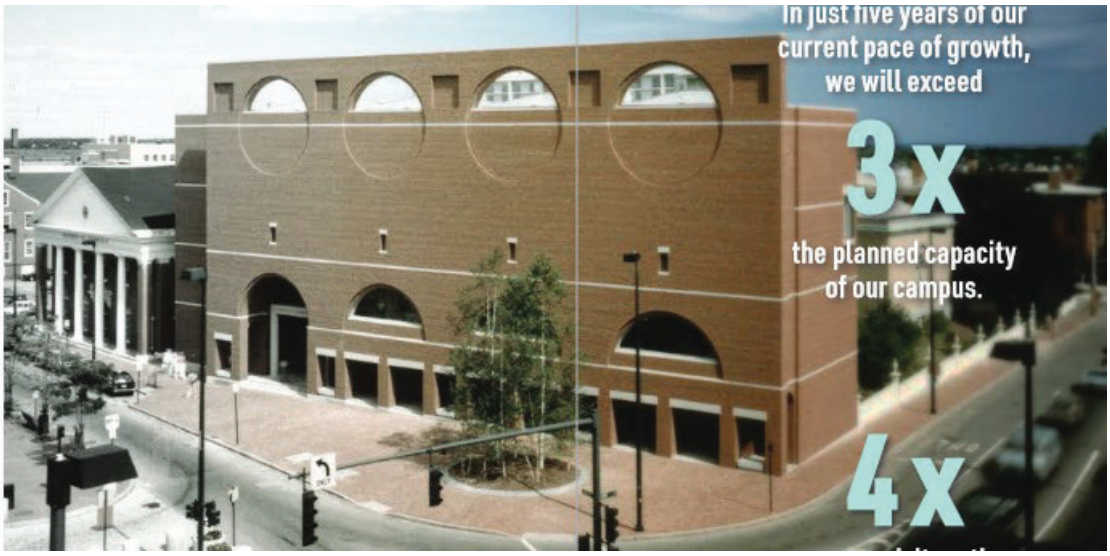
After reviewing the application [much, too much of which is not relevant to the question before the HP Board] seeking redesignation of 142 Free Street as a non-contributing building, based on experience writing, editing and/or reviewing National Register historic district nominations, I conclude 142 Free Street is, indeed, a contributing building in the context of the Commerce Street Historic District.

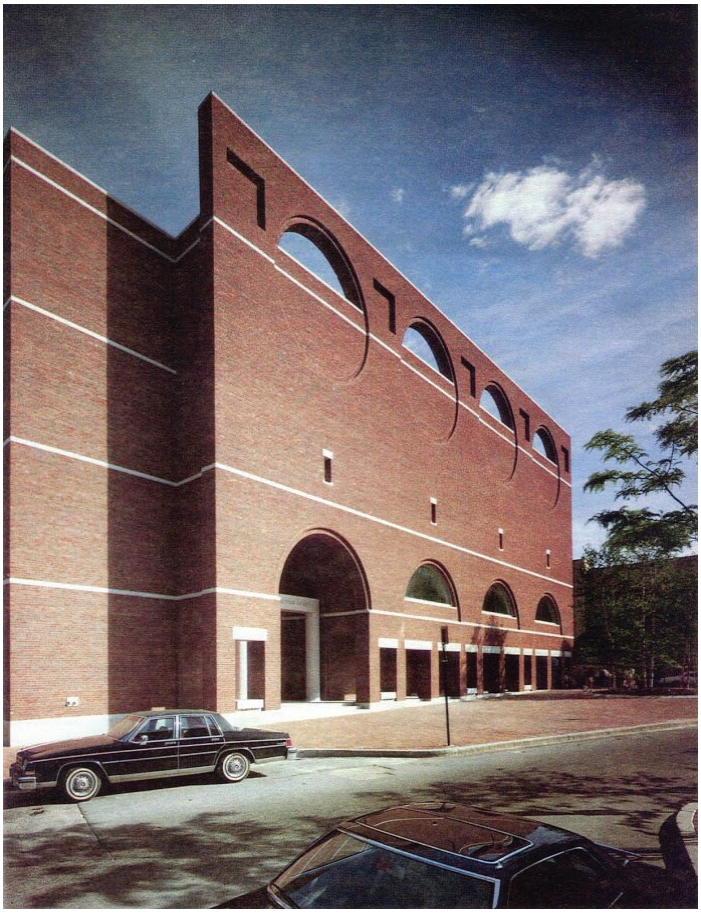
Its 1926 Stevens-designed façade for the Chamber of Commerce has design merit, design integrity and historic significance. Its elegant, history-inflected neoclassicism is very much part of what organizations like the C of C sought in that era – that quintessential era of commerce.
One sees other examples 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.

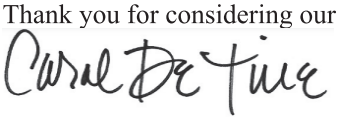
The Portland Museum of Art's collection is significant to the art history and culture of Maine. The largest pieces in the PMA's collection are its five historic buildings. This expansion project is an opportunity to further unify *all* the varied historic buildings on the museum's campus. Greater Portland 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!

PC46

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> 11:41 AM (13 minutes ago)
to hp@portlandmaine.gov

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>
to hp@portlandmaine.gov

11:55 AM (1 hour ago)

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>
to hp@portlandmaine.gov

1:39 PM (9 minutes ago)

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, 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>
to hp@portlandmaine.gov

10:52 AM (16 minutes ago)

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

Hanson Historic Consulting

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.

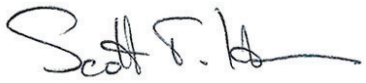
The Congress Street Historic District was certified by the National Park Service on May 25, 2010, for the purpose of allowing the owners of contributing buildings to access state and federal historic tax credits. This certification is based upon documentation that the local historic district is essentially 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

PC69

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.

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>
to hp@portlandmaine.gov

2:04 PM (1 hour ago)

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> 10:52 AM (5 hours ago)

to hp@portlandmaine.gov

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

Dugan Murphy <dugan@duganmurphy.com> Nov 22, 2023, 5:32:54 PM (4 days ago)
to planningboard@portlandmaine.gov

Dear Planning Board,

I am writing in regards to the Portland Museum of Art's request to reclassify the former Chamber of Commerce Building at 142 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 Historic Preservation Board unanimously agrees that this request should be rejected. Please respect their expertise and issue a concurring decision. Doing so would also match public sentiment, as evidenced by the public comments submitted to the Historic Preservation Board in favor of rejection, by a wide margin.

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 adheres to the law and suits their needs *and* the needs of the broader community by preserving the Chamber building.

Thank you for thoughtfully considering this issue.

Dugan Murphy
(he/him)
61 India St #3, Portland

Debbie J <dpjonpeaks@gmail.com> Nov 22, 2023, 5:38:42 PM (4 days ago)
to planningboard@portlandmaine.gov

To the Members of the Portland Planning Board:

I am writing in support of the preservation of 142 Free Street, the former Children's Museum and Chamber of Commerce building.

This beautiful and historic building clearly meets the criteria for contributing status. There is no reason for it to be demolished! The PMA can meet their expansion goals while preserving 142 State Street by reconsidering their design concept.

Please do not weaken our city's Historic Preservation Ordinance.

Please do not make the mistake that was made with our beautiful Union Station.

Thank you.

Deborah P. Jordan
33 Lyndon Avenue
Peaks Island, Maine 04108
207-766-5801

Debbie <debjs13@aol.com> Nov 22, 2023, 7:33:55 PM (4 days ago)

to planningboard@portlandmaine.gov

Please keep 142 Free Street as an historic building. Think of what was lost at the St John's Street train station!!
Deborah Johnson
107 Read Street

Doug McCown <douamcc@gmail.com> Nov 22, 2023, 7:41:09 PM (4 days ago)

to planningboard@portlandmaine.gov

Hi, Planning Board. Just to let you know, that I would like to see the facade of that building remain. Thanks, Doug McCown

Sue Yandell <sueyandell@gmail.com> Nov 22, 2023, 8:13:00 PM (4 days ago)

to planningboard@portlandmaine.gov

The original building should have been planned around during the PMA expansion plan. Please preserve the building at 142 Free Street. It is an important historic building in the Portland Downtown. Tearing it down to build something new is against the historic district purpose.

Thank you for your consideration,

Susan Yandell
51 Monument St.
Portland ME 04101

Zack Barowitz <zbarowitz@gmail.com> Nov 22, 2023, 9:13:25 PM (4 days ago)
to Planning Board, George Rheault, Aimee Bessire, Ashley Keenan, Robert J. OBrien

Honorable Members:
As a disproportioned neo-classical example from the eclectic period, 142 Free Street is of very minor significance and, though it may be a contributing building if it were in another location (such as the Western Promenade), it does not contribute to the current or future conditions of Congress Square. It is not contextual to the urban renewal projects (the PMA, Holiday Inn, Congress Square Park, or the Eastland Park Hotel), nor does it contribute to other significant buildings in the vicinity which are styled in a proto-modern vein (the State Theater, et al.).

Congress Square is in dire need of help. Two-way traffic would be an important step, but a landmark piece of architecture would really define the space. Portland is long overdue to have a high-quality, high-profile building in a high visibility location. (In fact, I can't name a great building that has been constructed in my lifetime or even my parents' lifetime.)

Please don't allow past mediocrities ruin a great opportunity for the future.

Respectfully,
Zack Barowitz

Nov 22, 2023, 9:23:37 PM (4 days ago)

jim dougherty <jdougherty101@gmail.com>
to planningboard@portlandmaine.gov

Preserve, please. We have lost too many buildings that are part of our history, only to later how they have been replaced by much less distinctive development.
Preserve 142, please!
Diane Bartholomew
Freeport Maine

Stuart Watson <shw1957@gmail.com> Nov 23, 2023, 7:53:24 AM (4 days ago)

to planningboard@portlandmaine.gov

I completely support the PMA's designation change request.

Stuart Watson
6 Bowdoin St.

Miles Parker <milesparker04101@yahoo.com> Nov 23, 2023, 4:54:45 PM (3 days ago)
to planningboard@portlandmaine.gov

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.

I was so pleased to see that the Historic Preservation Planning Board unanimously decided not to alter the status of 142 Free St. 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

Demolition of this enduring Portland landmark would only be met with dismay by very many Portlanders .

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

Nancy Noble <nnoble@mainehistory.org>
to planningboard@portlandmaine.gov

Nov 24, 2023, 9:08:57 AM (3 days ago)

Dear Planning Board,

I am writing in support of keeping 142 Free Street as a building on Free Street, as part of our city's landscape. As a church historian, and involved for 20 years in Methodist church history organizations (Commission for Archives and History of the New England Conference of the United Methodist Church, and New England United Methodist Church Historical Society), I have seen churches close, which is heartbreaking enough, but to see church buildings destroyed really saddens my soul. I also work with church records in my role as the Archivist at the Maine Historical Society, and throughout history church buildings were torn down, and a bit of that history is lost every time a church building is destroyed. If you look at the historical record of Portland many of the big beautiful old churches downtown have been torn down to make room for other buildings, not as beautiful. Even though churches often close due to lack of members, the soul of the church should live on, through creative repurposing. I applaud the Children's Museum for keeping the building on Free Street as a museum for many years, and I hope that the Portland Museum of Art will also do so, keeping that history alive through the building.

(Look at the Farnsworth Museum - their Wyeth Center as a beautiful example of showcasing art in a historic church:

https://www.farnsworthmuseum.org/campus/wyeth-center/)

The Free Street building was not only a church, but an important building in our fair city, and tells the history of theater and business in Portland:

https://www.mainememory.net/record/25661

https://www.mainememory.net/record/25662

Thank you so much for the opportunity to speak.

Nancy Noble

Clifford Tremblay <cliff.tremblay@gmail.com> Nov 24, 2023, 3:18:24 PM (2 days ago)

to planningboard@portlandmaine.gov

I am writing to express my deep concern regarding the potential fate of the Chamber of Commerce Building on Free Street and its impact on our community's commitment to historical preservation.

It is not just about a single building; rather, it is about upholding the principles and processes we have diligently established to protect our city's historic fabric. Failure to treat the Chamber of Commerce Building with the respect it deserves would set a detrimental precedent, allowing entities with financial means to disregard the vital procedures in place for preserving our sense of place.

While I may not personally have an affinity for the architecture of the Chamber of Commerce Building, I firmly believe that the Portland Museum of Art should approach its fate with thoughtful consideration. Preservation is not solely about personal preferences; it is about safeguarding our collective history and maintaining the integrity of the processes we have instituted for such purposes.

I implore the PMA to explore alternative options, especially considering their possession of vacant buildings and land along Spring Street. By doing so, they can demonstrate a commitment to responsible development while respecting the essence of our city's history.

I appreciate your attention to this matter and trust that, together, we can ensure the continued preservation of our architectural heritage.

Best regards,

Clifford Tremblay LEED AP

Bruce Wood <bruceweb607@gmail.com> Nov 24, 2023, 6:07:04 PM (2 days ago)
to planningboard@portlandmaine.gov

142 Free Street is an historic building dating back to the early 1800s and is a key part of the Congress Square neighborhood. The building has had several uses over the years but none have significantly changed the external appearance of the building.

The PMA proposal to tear it down and replace it with a new, much larger building would change the appearance and character of the Congress Square neighborhood for the worse. The PMA has space behind 142 Free Street to expand into without impacting the street front appearance of the historic district in which 142 Free Street resides.They also could better use another historic building they own, the Clapp building on Spring Street, which they currently use only for storage, a disgraceful use of a beautiful building.

Require PMA to return to the drawing board and better utilize its buildings and space without destroying the character of its neighborhood.

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

Rhoda Renschler <rsrensch@msn.com> Nov 25, 2023, 11:40:59 AM (yesterday)
to planningboard@portlandmaine.gov

To Members of the Planning Board,

Please respect and maintain the historic preservation ordinance of 142 Free Street. By changing the zoning we are reducing the integrity of our committees and the designation process which consisted of multiple hours of thoughtful and careful discernment. A change in zoning of this building jeopardizes the usefulness of further zoning and citizens' participation in their city.

The zoning for 142 Free Street was clear and yet it appears PMA felt it could be above abiding by the law by not clarifying to the competing architects that 142 Free Street was not to be demolished.

A future design could bring forth a fabulous and equally compelling vision for our beloved museum and thereby respect the people's decision to keep 142 Free Street as part of our cityscape.

Rhoda Renschler
37 Channel Road
South Portland, ME
04106

Anita Day <jrzygirl659@yahoo.com> Nov 26, 2023, 8:26:51 AM (yesterday)
to planningboard@portlandmaine.gov

Dear Sir/Madam:

Please do not demolish this beautiful building. I fell in love with the City of Portland when I first visited it in 1992. It felt like a home town rather than a city because it was so clean and safe with lovely parks, old buildings and working waterfront. It had retained so much of its original charm. It was unique. I never thought I would move here, but my circumstances changed and, in 1994, I did move here.

In the years I have lived here, I have seen changes that are slowly eroding the charm and uniqueness of the city. The horrible demolition and new builds on Munjoy Hill, the beggars on every corner, homeless tent camps in the lovely parks and along the streets.

And now you want to demolish a beautiful building. Please protect it; don't destroy it.

Thank you.

Anita Day
7 Celebration Court
Portland, ME 04102

Greater Portland Landmarks
Historic character enriches our lives

PO Box 17533, Portland, ME 04112

24 November 2023

RE: CONGRESS STREET H.D. - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair Mazer and Members of the Planning Board,

Greater Portland Landmarks urges you to concur with the Historic Preservation Board's unanimous finding to maintain the designation of the former Chamber of Commerce Building, more recently known as the Children's Museum, as a contributing building within the Congress Street Historic District.

- It more than meets the criteria for contributing status.
- There is strong public support for preserving the building.
- It meets the Portland Plan 2030 goals.
- The Portland Museum of Art's expansion and preservation goals are not mutually exclusive.
- It is important to maintain the fair application and integrity of the historic preservation ordinance.

Clearly Meets Criteria For Contributing Status
Although minor reversible alterations have been made to the exterior, it retains its integrity through 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.

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.

- 17.4.1.A.1 It is significant to the cultural, historic, and architectural heritage of the city as an example of Congress Street's commercial significance in the first half of the 20th century.

- 17.4.1.A.4 It exemplifies a significant architectural style from its 1926 redesign by architects John Calvin Stevens and John Howard Stevens in the Colonial Revival Style, the most popular style of the period.

- 17.4.1.A.5 It is the work of architect John Calvin Stevens and his son John Howard Stevens, whose individual work is significant in the history and development of the City. John Calvin Steven's 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*

- 17.4.1.A.6. 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.





A recent image of the building (left) and a 1958 image from the Portland Press Herald (right).

Public Comment on the Importance of Retaining the Chamber of Commerce Building
During the Historic Preservation Board deliberations, the retention of the former Chamber of Commerce building received significant support from the public, with 59 of the 68 public comments submitted to the city opposed to its demolition. The reclassification and demolition of a contributing historic building within one of Portland's historic districts would set a dangerous precedent. One of the public comments regarding the proposed demolition:

"*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." Bryan Kaenrath, Waterville City Manager*

In place for more than thirty years, the ordinance has set out expectations for all applicants to follow. Its fair and equitable application has helped to enhance the city's economic and cultural success. The recently released "Trends in Portland's Historic Districts" report states "Portland's historic character is a…fundamental part of the city's identity, as expressed throughout the City's vision statement and comprehensive City goals."

The Camiros report offers the City recommendations based on comparing Portland's Plan 2030 goals to current land use regulations in order to better align the Land Use Code with the Comp Plan. It recommends that the Recode project "…involve considerations for ensuring that new development respects the city's rich history and that, in the face of new development, essential elements of the city's history are preserved."

Preservation of 142 Free Street Meets Portland's Plan 2030 Goals
"*Portland has been built and rebuilt to endure; we will balance our historic fabric, sound infrastructure, and the best of new technology and design for the future." From the Vision Statement, Portland's Plan 2030.*

The City and the community have invested significant time and funds into improvements to Congress Square, a significant node within the Arts District and the Congress Street Historic District. The PMA's plan, which would necessitate the removal of the former Chamber of Commerce Building, would also remove the existing main entrance to the museum from Congress Square and locate a new entrance on High Street. In our opinion this is counter to the Comprehensive Plan's goals to enhance the downtown, the Arts District, and undermines the ongoing planning and implementation to revitalize Congress Square.

Museum Expansion and Preservation Goals Are Not Mutually Exclusive
Although the applicant has a design proposal that necessitates the former Chamber of Commerce Building's removal, the PMA purchased the building knowing its historic designation and solicited design proposals without acknowledging the building's historic designation to design teams. In fact, the map included with the museum's RFP had no building shown in the location of the Chamber of Commerce Building. Greater Portland Landmarks

supports the PMA's desire to expand, but strongly believes there remains opportunity in the design process to reconsider the demolition of a contributing historic resource and the potential impact of the new addition on Congress Square. The architect's job is to take complex program elements and creatively synthesize those with the existing site. We strongly encourage the PMA to reconsider its proposal and we urge you to agree.



"Developable Space" Site plan of the PMA's existing campus included in the design RFP. 142 Free Street was not depicted.

Reconsideration of the current design path is not unprecedented. In New York State, the Buffalo AKG museum's initial expansion plans by OMA were fundamentally changed based on public reaction to the initial plans. The new building addition, which opened recently, honors the museum's 1905 original building, its 1962 modern addition, and improves the dialogue between the museum and the Frederick Law Olmsted designed park in which the museum sits. The transformed AKG Museum meets all of the museum's goals while preserving and respecting the museum's architectural history.

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 historic venue that with its state of the art acoustics, has continued to serve as a cultural hub supporting a diverse variety of programming.

Fair Application of the Ordinance

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

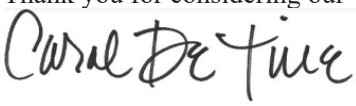
The Historic Preservation Ordinance clearly limits the Planning Board's consideration to those Standards found in Section 17.4.1 (A) and (B). The Historic Preservation Board, although sympathetic to the desire of the PMA to expand, unanimously determined that the former Chamber of Commerce Building meets the standards laid out in

Subsections 17.4.1(A) and (B) and Subsection 17.4.2. The former Chamber of Commerce building continues to warrant its designation as a contributing building within the historic district. Moreover, its retention helps meet key goals of Portland's Plan 2030. We hope that through your careful deliberations, you will agree that the evidence supports its current designation.

Conclusion

The PMA must reconsider its options for expansion. The city block occupied by the PMA includes several surface parking lots, including one owned by the PMA. The reclassification and demolition of a historic building which contributes to the character of the Congress Street corridor and Congress Square, a significant urban gathering space, cannot be allowed when other options exist to meet the museum's space needs while further enhancing the city's streetscapes. We hope that you will reject the PMA's proposal and encourage them to return with a project that retains the integrity of the Congress Street Historic District and creates a world class museum.

Thank you for considering our views,



Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Barbara Vestal <vestal@chesterandvestal.com> Nov 26, 2023, 12:46:37 PM (21 hours ago)
to planningboard@portlandmaine.gov

Chair Mazer and Planning Board Members:

I served as 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 drafted Portland's ordinance 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 the 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 when it purchased the building.

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, which has been an important part of our regulatory system for over 30 years. Safeguarding the City's historic resources is identified as one of eight overriding policy guides in the comprehensive plan, Portland's Plan 2030. The recently completed analysis of the economic impact of Portland's historic preservation program documents the significant contributions it has over the last 30 years.

Ensuring that all owners of similarly situated historic properties receive the same carefully considered, fair and consistent treatment in compliance with the ordinance is critical to the integrity of the program. Regardless of whether a decision on applicability of the historic preservation ordinance is made by the Historic Preservation Board, the Planning Board or the City Council, 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 former 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. It has other paths it can follow to achieve its programmatic goals while also complying with Portland's ordinances and comprehensive plan.

Thank you for your consideration of this matter.

Regards,

Barbara Vestal
7 Fore Street
Portland, Maine 04101

Dabeard35 <jamie.a.beals@gmail.com> Nov 26, 2023, 10:00:34 PM (12 hours ago)

to planningboard@portlandmaine.gov

Hello,

I am writing in regard to the Portland Museum of Art's plans for this building. Not only would it be a shame to destroy this building in a city where so many historic buildings are being destroyed and replaced with cookie-cutter ugliness, but I feel like it is important that the Historic Preservation Ordinance be applied fairly, holding the PMA to the same standard as other businesses / entities.

The Historic Preservation Ordinance states that the Planning Board and the Council are required to review the PMA's application under the same criteria that the Historic Planning Board was required to apply. It is important that the Planning Board go along with the recommendation of the Historic Preservation Board and uphold the integrity of the Ordinance. I believe that the PMA should be held to the same standards of review of any other applicant, regardless of the vision and goals for their campus; additionally, I think it is possible for the PMA to meet its goals while at the same time preserving the former Chamber of Commerce Building.

Thank you for your time,
Jamie Beals
11 Deering Ave.
Portland

Fwd: 142 Free Street 0 views

Subscribe



Meredith Tipton <mltipton1@gmail.com> 7:05 AM (3 hours ago)

to planningboard@portlandmaine.gov

---------- Forwarded message ---------
From: **Meredith Tipton** <mltipton1@gmail.com>
Date: Sat, Nov 25, 2023, 7:09 AM
Subject: 142 Free Street
To: <planningboard@maine.gov>

I am writing to request that the planning board not allow the demolition of this beautiful historic property on Free Street. We moved from our oceanside home to the historic Westend to immerse ourselves in this unique quality of Portland. I have deep reverence for Portland's historic past. We need to retain and respect all that contributes to this rich history.
The PMA is a wonderful institution and in their quest for expansion should not not have included 142 Free St as part of the available space for development. PMA and it's designers need to get back to the drawing table and make the new design work sans 142 Free St.
Thank you for your thoughtful decision to preserve our historic district.
Meredith Lentz Tipton PhD
75 State Street
Portland, Maine 04101

Berry Manter <berrymanter@yahoo.com>
to Planning Board

8:40 AM (1 hour ago)

Dear Planning board members,

I want to add to the city-wide and urgent support to CONTINUE the designation of the Free Street (former Children's Museum) 1830's structure as "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's treatment of their historic obligations…)

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

To: Portland Planning Board
From: Earle G. Shettleworth, Jr.
37 Academy Street
Hallowell, Maine 04347
November 27, 2023

Agenda Item: Proposed Historic District Amendment; Congress Street Historic District – Reclassification of 142 Free Street as non-contributing.

I am writing to ask that the Planning Board support the Historic Preservation Board's unanimous finding to maintain the designation of 142 Free Street as a contributing building to the Congress Street Historic District.

As a native of Portland who has studied the history and architecture of the city for sixty years, I can affirm the significance of 142 Free Street as a work of the noted architect John Calvin Stevens that contributes to the historic district. As you consider the request before you to reclassify 142 Free Street as non-contributing to the district, I would like 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 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 judgement of the Board to maintain the integrity and purpose of the ordinance as it reviews this application.

November 27, 2023

Re: Congress Street Historic District – Reclassification of 142 Free Street as Noncontributing

Chair Mazer and Members of the Planning Board,

I urge you to uphold the unanimous decision of Portland's Historic Preservation Board to maintain the Contributing status for the former Chamber of Commerce building at 142 Free Street. This building clearly meets the criteria as a Contributing building within this historic district and it also retains its integrity to the time in 1926 when it was redesigned by John Calvin Stevens for the Chamber of Commerce. The Chamber used this building as its principal office for nearly 60 years. It is a signature building in this historic district that celebrates the commercial, social and architectural development of the city from 1780 to 1958.

Equally significant as a consideration in this request for reclassification is the importance of upholding and implementing with an even hand Portland's Historic Preservation Ordinance that has been in effect for over 30 years. There has been strong emphasis placed by both our City Council and our City staff on implementing Portland's Land Use Code in a manner that is equitable with predictability and equal treatment for all. The Portland Museum of Art's request to reclassify 142 Free Street asks you to ignore the time-tested provisions of the City's Historic Preservation Ordinance and to make an exception to the rules of that ordinance. Such a decision risks undermining the ordinance which has been responsible for substantial economic investment in this City with millions of dollars of projects using the Historic Rehabilitation Tax Credit and national accolades offered for Portland's authentic historic character and ambiance as a draw for residents and tourists alike.

In summary, I urge you to use your careful deliberations to consider the merits of the Contributing status of 142 Free Street and the integrity of Portland's Historic Preservation Ordinance and to uphold this Contributing designation.

Thank you for considering my views.

Sally Oldham
118 Congress Street

ellen kanner <ellen.t.kanner@gmail.com> 10:01 AM (1 hour ago)

to planningboard@portlandmaine.gov

Greetings,
My vote is to retain and preserve the 142 Free Street building as it offers unique characteristics that make Portland special. What if every building in downtown Portland was modernized and so much history removed (as is happening on the east end and elsewhere in the city!).
Please do not allow the PMA to remove this building. Their architectural design concepts should have encompassed this building as part of the PMA's future plans. Please accept the Historic Preservation (HP) Board's recommendation and preserve this building with its unique architecture, character and history.

Elle Kanner
Business owner, Portland ME
--

City of Portland Planning Board

Re: 142 Free Street – 28 November Workshop

Date: 27 November 2023

Members of the Planning Board,

I am requesting that the Portland Art Museum's (PMA) request to demolish the 142 Free St. building NOT be approved. I have listened carefully to the numerous, changing and mostly flawed statements that PMA representatives have delivered at two Historic Preservation Board (HPB) hearings. Please consider the following:

+ The Historic Preservation Board voted unanimously NOT to accept the PMA's request to demolish the building.

+ The Planning Board is charged with the same zoning ordinance regulations as the HPB. In order to maintain the integrity of the zoning ordinance, the board should likewise vote NOT to approve the PMA request.

+ The PMA has been very well aware of the clearly written historic preservation ordinance in their zone from the start of this project, yet chose to ignore it.

+ Contrary to the PMA's statements that their request is in the public's interest, the PMA did not make any effort to encourage or suggest, and may have dissuaded, the design teams from considering reusing 142 Free St. as a design solution. That action was not in the public's interest as the public was not allowed to view and comment on competition designs retaining the 142 Free St. building.

+ Sustainability with Portland buildings is a city goal. The PMA argues that wood timber, a design feature in the final selected design, is sustainable. Yet, building design professionals understand that reusing an existing structure is more sustainable (less environmental impact) than building new. 142 Free St. is currently classified for museum use and up to building codes for that use - it is a sound structure.

Thank you, Robert Kahn
94 Rackleff St.
Portland, ME

Jack Vreeland
447 Deering Ave., Portland ME 04103
jackvreeland@gmail.com 207-879-9152

November 26, 2023

City of Portland Planning Board
389 Congress St, 4th Floor, Portland, ME 04101

Subject: Public Comment on Historic Preservation Designation;
142 Free Street; Portland Museum of Art, Applicant

Dear Chair Brandon Mazer and Members of the Planning Board,

As a four-decade resident of Portland who has witnessed the positive impact historic preservation has had on our community, I urge you to concur with the Historic Preservation Board's unanimous finding to maintain the designation of the former Chamber of Commerce Building as a contributing building within the Congress Street Historic District and to encourage the Portland Museum of Art to develop a world-class plan while respecting the long-standing Historic Preservation Ordinance.

I recall when Exchange and Commercial Streets were in disrepair, dark and depressing. Congress Street had boarded-up storefronts. Mansions on the Western Promenade were used for storage. Yet visionary community leaders realized that our historic built environment, with proper stewardship, could be a driving force in making this community the thriving place it now is.

Today with the City's recent "Trends in Historic Preservation" document we have the data to confirm just how right they were and how preservation is not a luxury enjoyed by some, but a powerful building block for our entire community with ramifications that include affordability, diversity, and sustainability. The report states: "*Portland's historic character is a critical part of what makes the city special. It is a fundamental part of the city's identity, as expressed throughout the City's vision statement and comprehensive City goals.*"

For this to continue the report recommends: "*Ensure clarity and predictability in the historic preservation regulations and its supporting materials moving forward.*"

"Maintaining a development review and approval process that is fair, consistent, expedient, and understandable helps ensure that real estate investment continues with minimal confusion or cost increases associated with a project's location in a historic district."

The issue before you is, in many ways, the opposite of this recommendation. It would not be fair to other applicants lacking the stature of the PMA. To somehow rely on a loophole carved out for the PMA would be an exception to the rules, not consistent. This process could have been expedient if the PMA had chosen to respect the Historic Preservation Ordinance from the start. The protection of 142 Free Street by the Preservation Ordinance is the same now as it was the day they bought the property. The road to minimal confusion or cost was not the road taken by the PMA.

The PMA clearly was aware of what they own. From their RFP:
Located in the heart of downtown Portland, one of the country's most beloved cities, the museum encompasses a full city block of historically and architecturally significant buildings.

" …*a full city block."* And it states: *142 Free St. is located within the Congress St. Historic District.*

And yet, the site map in the RFP 142 Free Street is just not there.

Simply put, I have one question that perhaps this board can pose to the Portland Museum of Art: At what point in their process did it determine it would not have to follow the provisions of the Historic Preservation Ordinance? Even though the building meets 4 out of the 6 criteria laid out in Subsection 17.4.1.A of Portland's Historic Preservation Ordinance. Were they never advised this would be problematic?

On what grounds did they decide to move forward? I do not like to think, as it was stated at Historic Preservation Board meeting by a PMA representative, "There is only one Portland Museum of Art". To claim special status seems to fly in the face of "Art for All". I think that I and other supporters of the PMA want to think better of them than this outlook would indicate.

The PMA, of course, can make an argument that this expansion will bring jobs and income to Portland and is thus justified. The benefits of an expanded museum do not go away if 142 Free Street is included in the plan. The benefits to our city of historic preservation also have benefits. Again, from the "Trends in Historic Preservation" document: *In addition, Portland's historic character makes its real estate more desirable and valuable and plays a role in bringing visitors to Portland.*

The PMA has stated they investigated keeping the 142 Free Street but determined that would not work. Which seems a major lack of imagination for a creative institution. There are examples all over the world of historic buildings integrated into modern museums. This was such a missed opportunity. But it is not too late for you to direct them to a better way forward.

I implore the board to encourage the PMA to recognize and respect the importance of our Historic Preservation Ordinance while pursuing their admirable goal of a world-class museum expansion. Both objectives are achievable, and I appeal for equitable enforcement of the Congress Street Historic District's provisions.

I sincerely anticipate revised plans that harmonize the PMA's aspirations with our shared commitment to preserving Portland's historical legacy. I thank the board for considering this input and eagerly await further discussions on this matter.

Sincerely,

Jack Vreeland

George Rheault <george.rheault@gmail.com> 11:00 AM (19 minutes ago)

to Planning Board, jmy, Abigail Reed, kkraft

The inclusion of my October 3, 2023 public comment in the Planning Board packet omitted the attachment I had originally included in the October 3rd email (the attachment is a news story about the City's declaration of "John Calvin Stevens Day" in 2009).

The Historic Preservation Board appears to not have considered for a single moment the idea that since our city is peppered with a great many John Calvin Stevens designed structures, it can afford to lose one of them to no great detriment to our built environment, particularly since 142 Free Street is hands-down one of his schlockiest efforts.

---------- Forwarded message ---------
From: **George Rheault** <george.rheault@gmail.com>
Date: Tue, Oct 3, 2023 at 11:07 AM
Subject: HP Public Comment - 142 Free Street: Haven't we venerated John Calvin Stevens ENOUGH?
To: HIstoric Preservation <hp@portlandmaine.gov>

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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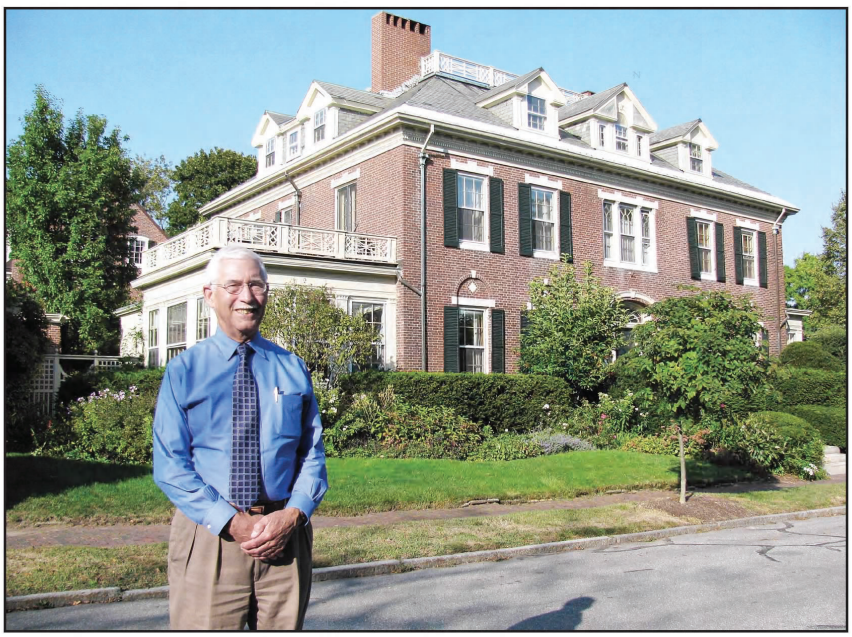

Paul Stevens, a fourth-generation architect, stands in front of the Richard Webb house at 29 Bowdoin St. in Portland's West End. The building is one of the best examples of work by his great-grandfather, John Calvin Stevens. ***(Billings photo)***

'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

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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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Fall FITNESS
Special advertising section
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Seth Sprague <sethsprague310@gmail.com> 11:02 AM (22 minutes ago)
to planningboard@portlandmaine.gov

Dear Members of the City of Portland Planning Board

We are Seth and Laura Sprague and reside at 28 Orchard Street in the West End Historic District. We urge the Planning Board to uphold the Historic Preservation Board's decision 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 Portland's 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 support the City's other cultural resources, in this case 142 Free Street and the Congress Street Historic District, rather than seek their destruction. Approving a reclassification that would allow 142 Free Street to be demolished sets a dangerous precedent, especially given that the Museum has not made a good faith effort to incorporate the building in a new design. If the Planning Board 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 the historic districts or your effectiveness as the Planning Board.

Nothing has happened or changed at 142 Free Street that warrants 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

28 Orchard St.

George Rheault <george.rheault@gmail.com> 11:20 AM (8 minutes ago)

to Planning Board, jmy, Abigail Reed, kkraft

A 2009 news story (see attachments) indicates that when the locally-designated Congress Street Historic District was created by the City Council, an amendment was tacked on as part of the designation requiring that an annual report be generated (presumably by the Planning Department) detailing development activity taking place in the new Congress Street Historic District. See highlighted sentence at the end of the news article.

Whatever happened to this requirement? Did a subsequent City Council remove this requirement or was it simply never followed through upon?

The Planning Staff should ask the City Clerk's Office for the original Council order, as passed in 2009, to see what the precise language for the annual report was at the time of passage. An explanation should be given to the public regarding what was done to satisfy the requirement and any reports that were actually completed.

It is apparent that the fears of those who opposed the Congress Street Historic District were largely realized. It was a development killer and investment within the Historic District was severely stifled. But the lack of the annual reports (assuming they were never submitted despite the City Council mandating their creation and delivery) makes it hard to chart the development history since the 2009 district designation. It should also be noted that it was ONLY in 2019 that the Congress Street Historic District was certified by the National Park Service for tax credit eligibility - a full TEN years after its initial local designation which was pushed mostly on the basis of properties being able to take advantage of federal historic tax credits.

FYI: The news article is from "The Forecaster," back when it was independent of the Press Herald.

Congress St.

from page 3

than new construction.

Humstone was also among several speakers who touted tax credits as a benefit for property owners within historic districts.

"More than 130 properties can take advantage of (the) tax credits," she said.

Scott Simons, president of the Portland Society of Architects, said his group also supports the proposal. The society questioned several elements of the proposal when it was first released, including height limitations it would impose on the tallest part of the city and confusion relating the the role of the Historic Preservation Board and the Planning Board.

"The modifications to the proposal have made us feel better about it," he said.

Three property owners spoke against the designation.

Chris Campbell said the district would stymie future development and freeze Congress Street in its current state.

Wan Park said he was concerned about added costs and process if he should pursue fixing up his properties on Congress Street.

Ric Quesada, who owns several properties within the district, said that although he is usually a proponent of historic preservation, he does not support the proposal. He said taking advantage of tax credits requires substantial up-front costs for property owners and meeting federal standards. He also expressed disappointment that three of his buildings are included in the district, including one that is surrounded by a parking lot.

The council, however, overwhelmingly supported designating Congress Street and the surrounding area, including a large part of Free Street, as historic. The district runs from Lincoln Park to Bramhall Square.

An amendment was made and passed requiring city staff to report back annually regarding development in the district.

Kate Bucklin can be reached at 781-3661 ext. 106 or kbucklin@theforecaster.net.

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Portland City Council OKs Congress St. historic designation

By Kate Bucklin

PORTLAND — Nearly 200 downtown properties are now part of the city's newest historic district, a designation the City Council unanimously approved Monday following a couple hours of public testimony from historic preservation advocates.

The Congress Street Historic District encompasses about 75 acres along Congress Street and surrounding streets. The historic designation means that any changes proposed to buildings or lots in the district will be subject to the city's Historic Preservation review, either by staff or the Historic Preservation Board, depending on the scope of the project.

Planning the new district began in January 2006 at the direction of the City Council, following a burst of redevelopment along the city's main commercial street. Historic Preservation staff spent nearly two years researching properties in the proposed zone and coming up with a proposal. About a year ago the city began holding forums for property owners and spent several months tweaking the district boundaries to reflect concerns from those property and business owners.

The district was approved by the Historic Preservation Board and the Planning Board in January.

At the public hearing Monday night, historic preservation advocates and fans blitzed City Council Chambers and took turns at the podium, repeatedly promoting the benefits of designating Congress Street as historic.

Arguments in favor of the district ranged from historic preservation being connected to the creative economy and retaining Maine's youth, to property owners being able to take advantage of special tax credits.

Beth Humstone called the district a "catalyst for economic development." She said that rehabilitation is often better

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November 27, 2023
To: Members of the Portland Planning Board
Re: 142 Free Street Agenda Item Comments

Thank you for the opportunity to submit comments on this agenda item.

Reclassifying a building that clearly meets the criteria for a Contributing building of the Congress Street Historic District in order to allow the property owner to demolish the historic structure is not in the best interest of the culture and community of Portland.

Though I will never qualify as Mainer, my connection to Portland is strong and long. My great grandparents immigrated from the Russian Pale to Portland in 1882, joining their uncle who had arrived in 1876. My grandmother was born in 1889 on Middle Street. She was my only grandparent born in the United States.

I spent my summers in Maine as a child and moved “home” to Portland about 100 years after my family first arrived. My career as an educator - and now volunteer docent for Greater Portland Landmarks – has been in the Portland/South Portland area ever since.

My great grandfather was a peddler, who died of tuberculosis in his early 40s. His youngest son opened a cigar store a few doors down Congress Street from Hays Drugstore when he was old enough to do so.

The Hays Building, 142 Free Street, and other Contributing structures in the Congress Street Historic District are beautiful examples of how older buildings can remain vibrant and functional. I have serious concerns that the proposal to reclassify 142 Free Street could set a dangerous precedent and destroy the intent of the ordinance. It would make the designation of Historic Districts and Contributing buildings meaningless and undermine the mission of the ordinance. It feels irresponsible. I urge the Planning Board to hold the PMA to the same standards as any applicant; the integrity of the ordinance should be maintained.

The Portland Museum of Art (PMA) expansion goals and the City’s preservation goals are not mutually exclusive. If the Museum had encouraged proposals that retained the Chamber of Commerce Building, which has been successfully repurposed in the past (including the 1926 redesign by John Calvin Stevens), 21st century architects could have created compelling designs for the expansion that incorporated the 142 Free Street building. I urge the PMA to reconsider their concept design and incorporate the historic building at 142 Free Street.

Thank you for your consideration of these comments,

Faye Y. Gmeiner
15 Tideview Terrace
Kennebunk, ME 04043

George Rheault <george.rheault@gmail.com> 11:35 AM (2 minutes ago)
to Planning Board, jmy, Abigail Reed, kkraft

Please see attached a 2009 Deb Andrews memo to the City Council describing the process leading up to the City Council's decision to create the Congress Street Historic District.

The attachments are missing, but presumably the planning department can find them and post them to the record so the public has a much better sense of what happened back in 2009 to get us to this point.

The question of whether to allow the demolition of 142 Free Street must be contextualized as part of the entire debate between 2006 to 2009 over whether the Congress Street Historic District was a good idea.

As the Deb Andrews memo makes clear, this was a completely political debate with very little to do with actual history or architecture. Indeed the original district was shrunk by over 25% to buy off key elements of the opposition allowing the anti-growth preservationists to emerge victorious.

It is obvious that much of the Congress Street Historic District's properties were arbitrarily arrived at and since politics played such a key role, it is completely fine to once again let politics decide the question. And this is fine - because our decision-makers SHOULD have the discretion to change their minds about the significance and integrity of a "historic" building if the present gives us the opportunity to do something much better at this location.

Recommendation of the Planning Board and Historic Preservation Board

Regarding

1) **DESIGNATION OF "CONGRESS STREET HISTORIC DISTRICT" under the provisions of Article IX of the Land Use Code;**

2) **AMENDMENTS TO HISTORIC PRESERVATION ORDINANCE (Article IX of the Land Use Code); and**

3) **AMENDMENTS TO SITE PLAN ORDINANCE (Article V of the Land Use Code)**

February 9, 2009 Workshop Memo
Portland City Council
Portland, Maine

Submitted by:
Deborah Andrews
Historic Preservation Program Manager

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II. RECOMMENDATIONS OF THE HISTORIC PRESERVATION BOARD AND PLANNING BOARD

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IV. AMENDMENTS TO HISTORIC PRESERVATION ORDINANCE (Article IX of the Land Use Code)

V. AMENDMENTS TO SITE PLAN ORDINANCE (Article V of the Land Use Code.)

I. INTRODUCTION

The Council will soon begin formal deliberations on recommendations from the Historic Preservation Board and Planning Board regarding:

1) Designation of a portion of Congress Street and its immediate environs as a local historic district (to be known as the "Congress Street Historic District"), subject to the provisions of Article IX (Historic Preservation) of the Land Use Code;

2) Amendments to Article IX of the Land Use Code (historic preservation ordinance); and

3) Amendments to Article V of the Land Use Code (site plan ordinance)

On February 9th, a workshop session has been scheduled to provide an overview of the proposed Congress Street Historic District. Historic Preservation staff will review the history of the initiative, the intent behind designation, and the process by which the district boundaries were developed. Information will also be provided on federal and state historic tax credits that will become available to owners of historic properties within the downtown should the district be approved.

II. RECOMMENDATIONS OF THE HISTORIC PRESERVATION BOARD AND PLANNING BOARD

Historic Preservation Board Recommendation. On November 19, 2008, following a public hearing and final deliberations, the Historic Preservation Board voted unanimously to recommend to the Planning Board (and by extension, the City Council) designation of the proposed "Congress Street Historic District" as delineated in the district boundary maps enclosed as ATTACHMENTS 1a and 1b and as described in the accompanying designation report – ATTACHMENT 2. The Historic Preservation Board's formal recommendation followed a lengthy preliminary review process that included three workshops on the proposal. The proposal itself was the product of almost three years of documentation, analysis and public outreach and was developed by a subcommittee of the Historic Preservation Board and historic preservation staff at the direction of the City Council's Community Development Committee. (A detailed history of the review process is provided in ATTACHMENT 5 of this report.)

Also on November 19th, the Historic Preservation Board voted unanimously to recommend a series of amendments to the historic preservation ordinance and site plan ordinance. Although brought forward in conjunction with the Congress Street Historic District initiative, the proposed amendments, with only one exception, do not relate specifically to the Congress Street district. The historic preservation ordinance amendments are intended to address long-identified ambiguities in the text and to clarify existing provisions. They do not substantively change the nature or scope of the historic preservation regulations or review process. The proposed site plan ordinance amendments are intended to clarify the review process for major developments where

designated landmarks, properties within designated historic districts, or properties immediately adjacent to landmarks or historic district boundaries are involved.

As prescribed in Portland's historic preservation ordinance, the Historic Preservation Board's role in proposed historic district designations is to determine whether the proposed district meets the ordinance's minimum requirements for designation (see ATTACHMENT 13, Division 3. Sec. 14-610) and make a recommendation regarding designation to the Planning Board. The Planning Board's role, in turn, is to review the recommendation and accompanying report of the Historic Preservation Board and make an independent determination as to 1) whether the designation criteria have been met and 2) whether designation of the new district is consistent with the City's Comprehensive Plan. Following its own deliberations, the Planning Board forwards its recommendation regarding district designation to the City Council. Ultimately, the Council has the authority to approve or disapprove the proposed designation.

The review process for proposed ordinance amendments is the same as that for historic district designations.

Planning Board Recommendation. On January 27, 2009, following a public hearing and formal deliberations, the Planning Board voted 5-2 (Silk, Lowry, Patterson, Tevanian and Hall in favor; Odokara and Lewis opposed) to recommend to the City Council designation of the Congress Street Historic District as delineated by the Historic Preservation Board. As a result of their deliberations, the Planning Board recommended one additional text revision to the designation report (which is reflected in the enclosed final report.)

In making its decision to recommend the proposed Congress Street Historic District designation to the Council, the Planning Board was guided by the formal recommendation and accompanying final report of the Historic Preservation Board, but also by its own extensive deliberations, which included three substantive workshops on the initiative. The Planning Board based its recommendation on the Designation Report which sets forth the architectural, historical and cultural significance of the proposed district, information provided in several written staff reports and illustrated presentations, and public testimony received throughout the review process. The Planning Board's formal deliberations on January 27th followed three preliminary workshops on the initiative.

Also on January 27th, the Planning Board voted 5-2 (Odokara, Lewis opposed) to recommend the proposed amendments to the historic preservation ordinance, with one additional clarifying text revision. The Board voted 7-0 to recommend the proposed amendments to the site plan ordinance, again with one final clarifying text revision.

The ordinance amendments enclosed as ATTACHMENTS 13 and 14 incorporate the final text changes recommended by the Planning Board.

III. CONGRESS STREET HISTORIC DISTRICT DESIGNATION

A. Components of the Congress Street Historic District Designation Report

As required by the historic preservation ordinance (see Sec. 14-617), any recommendation for historic district designation must be accompanied by a report that includes the following information:

(a) Explanation of the significance or lack of significance of the nominated district as it relates to the criteria for designation.
(b) Explanation of the integrity or lack of integrity of a nominated historic district.
(c) Relationship of the nominated district to the ongoing effort by the Board to identify and nominate all potential areas, sites, structures and objects that meet the criteria for designation.
(d) A map showing the boundaries of the nominated district.
(e) 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.

ATTACHMENTS 1a and 1b, 2 & 3, together with the content of this staff report, address the ordinance requirements for documentation and analysis.

B. History of Initiative and Public Review Process

In January 2006, the City's Council's Housing and Community Development Committees held a joint workshop to discuss the current designation status of historic properties on the Portland peninsula and to determine whether there was support among Committee members for expanding Portland's historic preservation program to include additional areas for protection. Staff was asked to provide a status report and to illustrate the areas and properties of historic and/or architectural significance that currently fall outside Portland's preservation program.

Although a number of properties and areas were identified, Council members focused primarily on the Congress Street corridor as warranting further protection. It was noted that although several key historic properties have been individually-designated as local Landmarks (City Hall and the Wadsworth Longfellow House as examples), many historically and/or architecturally notable buildings in the downtown core are not currently recognized or protected under Portland's ordinance. It was noted that any new infill development adjacent to historic structures had the potential to significantly impact these historic resources.

Following the staff presentation and discussion, Council committee members instructed the Historic Preservation Board and staff to begin the documentation and analysis required for designation and to solicit public input from potentially affected property owners.

An extensive research, analysis and public outreach process has taken place since that 2006 workshop, resulting in the proposal now before the City Council. A detailed description of the analysis and review process is enclosed as ATTACHMENT 5.

C. Scope of Proposed District

The proposed Congress Street Historic District is an area of 73 acres encompassing the core of Portland's historic commercial downtown between Lincoln Park and Bramhall Square. The district includes 25 Landmark buildings, 115 Contributing buildings, and 51 vacant parcels or Non-contributing structures, which are available for future redevelopment. The boundaries define the concentration of historic structures that have an historical, cultural, and/or architectural relationship to each other, as required for district certification by the National Park Service. Approximately 130 buildings would be eligible for preservation tax credits.

D. Intent of Proposed District Designation

For more than 100 years, Congress Street (and its immediate environs) has functioned as Portland's 'Main Street', serving as the city's commercial, cultural, social and governmental center. Although its role in the city has changed over the last few decades, Congress Street's impressive historic structures tell a story unique to Portland and remain today as valuable community assets. As has been demonstrated in the Old Port, the preservation of historic assets is an important catalyst for economic development and community vitality. Designating Congress Street and its immediate environs as a historic district will not only ensure the preservation and enhancement of valuable historic resources within the downtown now and into the future, but also encourage quality new development and economic vitality.

The specific goals of the proposed district designation are as follows:

* To fulfill a stated objective of the Comprehensive Plan, which calls for the protection of Portland's historic resources through the ongoing identification and designation of eligible landmarks and districts.

* To formally recognize the unique history and architecture that defines Congress Street and its immediate environs.

* To provide future generations the opportunity to experience the many layers and periods of development represented along Portland's "Main Street."

* To ensure that alterations to historic structures within the area are compatible with the buildings' historic character and to prevent the incremental loss of character that can occur through small inappropriate changes over time.

* To ensure that new development within the downtown is commensurate in quality and compatible in character with the historic structures that define the area.

* To stabilize and enhance property values and economic vitality by increasing the attractiveness of the area as a place to live, work and do business.

* To increase the attractiveness of the downtown and arts district to tourists, helping to spread tourism dollars from the Old Port to a wider portion of the city.

* To provide property owners access to federal and state tax incentives available for the rehabilitation of historic properties.

In older cities throughout the country, the establishment of downtown historic districts has proven to be an effective regulatory tool in ensuring that the traditional building stock and visual characteristics that set one community apart from another are maintained and enhanced. Historic districting is based on the premise that by capitalizing on a community's unique assets, you can more effectively avoid the kind of homogenization that increasingly characterizes many American cities. As economist Donovan Rypkema puts it: "the strength of a city is its differentiation from anywhere else…More than any other place a city's downtown with its historic buildings is the concentration of the city's differentiation." The 2007 Brookings Institution Report echoed this view, identifying protection of Maine's unique "quality of place" as one of the highest imperatives if the state is to achieve and sustain economic growth and prosperity. The report specifically named Maine's historic downtowns, along with its forests and coast, as critical to its "quality of place."

Although historic preservation regulations do not govern the use of a building or limit the type of tenants that may occupy the storefronts, they can require that the tenants—be they national corporate entities or local entrepreneurs—conform to review standards aimed at avoiding generic design solutions and reinforcing local character. Once controversial, this form of land use regulation has been in widespread use since the 1960's and is now commonly accepted as a powerful economic development tool.

To date, over 2,300 towns and cities throughout the country have adopted historic district overlay zoning. In many of these communities, all or part of their downtown core is included in a historic district, where façade and storefront renovations, as well as signs and awnings, are subject to review. Many of these local commercial districts host national franchises and chains as well as local businesses. From Charleston, South Carolina to Santa Fe, New Mexico to nearby Portsmouth, New Hampshire, these communities have been successful in using historic preservation standards to achieve architectural and signage solutions that are appropriate to the local context.

What can historic district designation do for Congress Street? Although the upper floors of most of Congress Street's older buildings remain relatively unaltered, a number of the storefronts have suffered from multiple rounds of renovations that have often altered and detracted from the building's historic character. As part of the historic preservation review process, applicants proposing storefront alterations are encouraged to revisit the building's original storefront design or develop a contemporary scheme that complements the historic structure and surrounding context. (The City's collection of 1924 tax photos, which document the early appearance of every taxable structure within the city limits as of that date, is an invaluable tool in guiding applicants toward a successful solution.) In the case of non-contributing buildings that currently detract from the visual character of the downtown, the review process ensures that any new renovation be architecturally cohesive and exhibit quality materials.

While the current site plan review process and B3 design standards can address large scale projects, particularly new construction, they do not come into play for small scale projects. The visual character and integrity of historic buildings can be fundamentally altered as a result of small renovation projects, particularly in the aggregate. By addressing both incremental exterior changes as well as major renovations and new construction, the historic preservation review process is a more effective tool than those currently in place in helping the Congress Street area maintain and enhance its visual appeal and hence, its desirability as a major commercial/cultural destination.

E. Relationship to the Comprehensive Plan

Historic Preservation is identified as a high priority in numerous sections of Portland's Comprehensive Plan. Following are excerpts from the Comp Plan that address historic preservation in the context of future development in the downtown.

The Downtown Vision plan of 1991 makes multiple references to the importance of historic preservation within the downtown and includes the following stated goal:

> *"Preserve and promote the positive qualities and attributes which comprise the Downtown's unique identify and historic fabric, including historic parks and open spaces, and sense of place through the re-use of existing structures and the development of new construction respectful of the built and nature surroundings."*

The Downtown Height Study of 1989 identifies the Congress Street corridor as the appropriate location for tall development on the peninsula. The study recommends that the overall height allowances be achieved through a series of stepbacks to respect the surrounding building fabric. This concept is embodied in the zoning height map currently in effect for the B3 zone.

From the Community Visioning Exercise of 1991, participants cited Portland as

> *"a city that values its natural, architectural and cultural heritage"* and recommended that Portland *"build upon the distinctive fabric of Portland's built environment by rehabilitating historic resources and by developing buildings that respect the scale and character of traditional development patterns"*

From the Historic Preservation Chapter of the Comp Plan:

> "Some of America's most appealing cities are those which possess a distinct or unique flavor or appearance. An important element in a City's distinctiveness is its historic areas and architectural landmarks."

The Sustainable Portland report also identifies historic preservation as an important aspect of the city's efforts to become a sustainable community. From the report:

Environment

Reuse and maintenance of buildings and materials:

- Saves energy and reduces external costs of new construction
- Saves land - Historic Preservation is the *opposite of sprawl.*

Economy

Historic preservation:

- Retains investment in historic business districts
- Promotes tourism, creating a signature "brand" for Portland
- Supports small business and *increases property values* district wide.

Community

Historic preservation:

- Stabilizes neighborhoods
- Generates public value from Portland's unique identity and heritage
- Reinforces community *pride of place*.

See ATTACHMENT 9 for a more detailed discussion of the relationship between sustainability and historic preservation.

F. Economic Impact of Historic Preservation

Portland's historic preservation ordinance has been in place for more than 18 years. Comparing the Old Port in 1989 to the Old Port in 2009 demonstrates that historic district designation has had tangible benefits—not only in the appearance of the buildings, old and new, but also in the vitality of the area. Although it has been documented that commercial rents in the Old Port are higher than in other commercial districts of the city and that the area has high property values, no formal study of the economic impact of historic preservation has been undertaken in Portland. Throughout the country where this type of study and analysis has been done, the findings invariably demonstrate the substantial economic value created through historic preservation programs.

A 2003 report, *Strengthening Communities through Historic Preservation*, produced for the Washington State Community Trade and Economic Development Office, compiled and analyzed studies and data about the economic impact of historic preservation from across the U.S. (Excerpts from this report are found in ATTACHMENT 8.) This and other similar research indicates that investing in historic preservation provides real and significant economic benefits. Recent studies in states such as Maryland, New Jersey, North Carolina, Texas, and Virginia, have collected and analyzed comprehensive data on the economic impacts of preservation. In each instance, the states have discovered that not only have historic preservation initiatives made a demonstrable positive economic impact, but also that the results compare favorably with those of other investment strategies. Historic preservation is much more than the rehabilitation of buildings; according to the data, it is a proven partner in developing local economies. Examples of these findings are presented in the excerpts to the aforementioned report, ATTACHMENT 8. The benefits documented include job creation, tax revenue generation, local trade and merchant

income, environmental benefits, enhanced heritage tourism, protection of architectural character, increased property values, and increased investments in property improvements.

Coming back to Maine, in a 2008 lecture in Biddeford, nationally recognized expert on the economics of historic preservation, Donovan Rypkema, said:

> *Many people think of economic development in terms of manufacturing. For the average manufacturing concern in Maine, 16.8 jobs are created for every million dollars of production. But the same million dollars invested in the rehabilitation of an historic building here in Maine creates 23.6 jobs.*
>
> *A million dollars of manufacturing output in Maine will add, on average, about $524,000 to local household incomes. But a million dollars of rehabilitation will add nearly $783,000. Additionally, since most building components have a life of between 25 and 40 years, a community could rehabilitate 2 to 3 percent of its building stock per year and have perpetual employment in the building trades. And these jobs can't be shipped overseas.*

In summary, the economic benefits of historic preservation are well documented. Since the 1970s, mounting evidence has shown that historic preservation can be a powerful community and economic development strategy. Evidence includes statistics compiled from annual surveys conducted by the National Trust for Historic Preservation and statewide Main Street programs, state-level tourism and economic impact studies, and studies that have analyzed the impact of specific actions such as historic designation, tax credits, and revolving loan funds. Among the findings:

- Creation of local historic districts stabilizes, and often increases residential and commercial property values.
- Increases in property values in historic districts are typically greater than increases in the community at large.
- Historic building rehabilitation, which is more labor intensive and requires greater specialization and higher skills levels, creates more jobs and results in more local business than does new construction.
- Heritage tourism provides substantial economic benefits. Tourists drawn by a community's historic character typically stay longer and spend more during their visit than other tourists.
- Historic rehabilitation encourages additional neighborhood investment and produces a high return for municipal dollars spent.
- Use of a city or town's existing, historic building stock can support growth management policies by increasing the availability of centrally located housing.

G. District Certification and Access to Historic Tax Credits

From the outset of the designation review process, it has been the City's intention to insure that the proposed district meets the National Park Service's requirements for a "Certified Local Historic District." This is important for two reasons. First, in 2005 Portland achieved the designation of Certified Local Government (CLG) by the National Park Service, signifying that

the City's historic preservation ordinance meets federal standards. As a CLG, not only is the City eligible to receive federal funding for its historic preservation program, but it is also guided by National Park Service requirements when designating historic districts.

Second, and perhaps more importantly, a Certified Local Historic District would make all owners of Landmark or Contributing historic properties within the district eligible for state and/or federal tax credits when rehabilitating their buildings. With the recent passage of LD 262, the State of Maine has created a significant new tax incentive program to encourage investment in historic structures and traditional downtown centers. The state tax credit program includes a 25% refundable tax credit for rehabilitation expenses. For affordable housing projects, the credit is 30%. The program also includes a "small projects provision" for rehab projects costing as little as $50,000. (See ATTACHMENT 9 for more information about the state historic tax credit program.) In addition to the state historic tax credit, there is a 20% federal historic tax credit available as well. Although an owner does not have to be part of a certified district to access these credits, their building would have to meet the eligibility requirements for individual listing in the National Register of Historic Places. The qualification requirements for individual listing are much more stringent than for contributing buildings in a district. Some buildings that would qualify *as part of the district* would not achieve Register eligibility status on their own and would therefore not be able to take advantage of the tax credit.

While access to tax credits was not the driving force behind designation of the Congress Street Historic District—indeed, the revised state tax credit program was announced well after this study was commenced—it would seem imprudent not to ensure that the proposed district meets all the necessary requirements for owners within the designated area to gain access to this important financial incentive. By staff's calculation, *130 properties within the proposed district would be eligible for historic tax credits.*

Historic Preservation staff worked closely with the Maine Historic Preservation Commission throughout the development of this proposal to ensure that the proposal, to the extent possible, meets National Park Service requirements. While the Maine Historic Preservation Commission does not have the authority to certify the district, the National Park Service asks for comment from the Commission in evaluating the City's request for district certification.

A letter from the Maine Historic Preservation Commission is enclosed as ATTACHMENT 6. Note that the few outstanding areas identified in MHPC's letter have been addressed to MHPC's satisfaction in the final district boundary map being recommended by the Historic Preservation Board.

H. Summary of Historic Preservation Board Review, Final Recommendation Regarding District Designation

The Historic Preservation Board held three preliminary workshops on the draft proposal before scheduling a public hearing and final deliberations. Workshops were held on September 17, October 1 and October 15. At the second workshop and again at the public hearing, the HP Board spent a considerable amount of time discussing several parcels at the edges of the proposed district that had been called into question by PDD or individual property owners during the first informal workshop. In preparation for these discussions, staff consulted again with the

Maine Historic Preservation Commission on the status of these edge properties and whether removing them from the district would jeopardize efforts to have the new district certified by the National Park Service. MHPC's analysis of and position on these parcels is included in their letter of November 14--see ATTACHMENT 6.) These discussions and analysis ultimately informed the final boundary revisions that the HP Board made in their final deliberations on November 19.

On November 19th, the Historic Preservation Board concluded its review, following a public hearing and formal deliberations. The Board voted unanimously to recommend designation of the "Congress Street Historic District" as delineated in maps enclosed as ATTACHMENTS 1a and1b and as documented in the formal designation report (ATTACHMENT 2) and building inventory (ATTACHMENT 3.)

Note that as a result of the Historic Preservation Board's final deliberations, the historic district boundary map was amended to eliminate a number of additional properties at the edges of the district.

In reviewing the evolution of this proposal, the most significant change from the preliminary proposal first presented to property owners last April to the final recommendation presented to the Planning Board was the reduction in the size of the district. Through a series of boundary revisions, the district was contracted to include only the area with the strongest concentration of historic building stock. The final proposed district encompasses an area of approximately 73 acres, as compared to the 99-acre district originally envisioned—a 26% reduction. In the final proposal, 31 properties originally considered for inclusion in the district are now removed from the boundaries. Please refer to ATTACHMENT 1c for a comparison of the original and final proposed district boundaries.

The initial draft boundaries encompassed a number of areas at the edge of the district without significant concentrations of historic structures. Including these areas would have created a buffer zone ensuring that future development immediately adjacent to key historic structures would be reviewed by the Historic Preservation Board. Inclusion of these areas also would have provided a mechanism to protect and reinforce important gateways into the district. Ultimately, the decision was made to take a more conservative approach and contract the district boundaries. (The rationale behind contracting the district is described in more detail in the HP Board's formal written recommendation to the Planning Board—ATTACHMENT 4.)

Also on November 19th, the Historic Preservation Board voted to recommend a series of amendments to the historic preservation ordinance and site plan ordinance. The proposed text amendments are discussed in the following sections of this report.

I. Summary of Planning Board Review, Final Recommendation Regarding District Designation

The Planning Board held three workshops prior to its formal deliberations on January 27th. The first two workshops were held in close sequence with those of the Historic Preservation Board in order for comments and suggestions from each of the respective boards to be incorporated in the

final draft proposal. A final workshop was held after the Historic Preservation Board had forwarded its formal recommendation to the Planning Board.

At the Planning Board's January 27th public hearing, twenty members of the public offered comment. Those speaking included residents, architects, property owners, developers, real estate professionals, an expert in historic tax credits as well as representatives from Portland's Downtown District, Greater Portland Landmarks, Portland Society of Architects, Maine Historical Society and Maine Preservation. Sixteen individuals spoke in support of the designation, including the representatives of each of the organizations listed above. Four individuals spoke against the proposal.

In deliberations, Chair Silk reminded members that their charge, by ordinance, was to determine whether the minimum criteria for designation under the ordinance were met and whether or not the designation is in compliance with the Comprehensive Plan.

- The majority of the members stated that the proposal clearly meets the minimum criteria requirements of the ordinance for a new district and is consistent with the Comprehensive Plan.
- One member felt that other portions of the Comprehensive Plan could be in conflict with the portions that the proposal is in compliance with, and expressed concerns about the economic impact. He also stated that property owners have done well by Congress St without designation, noting that he "couldn't see where it is broke".
- Others stated that they felt strongly that the proposal is clearly in compliance with the Comp. Plan, noting that new historic districts are planned for and expected in the Comp. Plan, and that the City Council anticipated additional districts when approving the preservation ordinance in 1990.
- A member stated that the aspects of the Comp. Plan calling for new development in the downtown are not contradicted by the designation, as new construction is allowed in districts, and suggested that new buildings in historic districts have generally been better buildings than those outside districts.
- One member noted that the area west of High Street has a different density of landmarks than the area to the east, and wondered whether it was equally qualified for designation. (Staff was allowed to answer -- noting that historic districts typically do not have the density of landmarks found at the core of downtown, pointing out that the entire Old Port district has only six designated Landmarks within its boundaries).
- One member felt the district is too big and that designation might present unintended consequences.
- A member noted that the text changes address issues of duplicative reviews and clarify jurisdictions of the two Boards.

Following deliberations, the Planning Board voted 5-2 (Silk, Lowry, Patterson, Tevanian and Hall in favor; Odokara and Lewis opposed) to recommend to the City Council designation of the Congress Street Historic District as delineated by the Historic Preservation Board.

IV. RECOMMENDED AMENDMENTS TO HISTORIC PRESERVATION ORDINANCE

Although brought forward in conjunction with the Congress Street Historic District initiative, the proposed amendments were not specifically driven by the establishment of a new district. Rather, they are the result of a careful review of the existing ordinance language, which was done during the course of the Congress Street district study. The amendments are intended primarily to address a number of omissions or ambiguities that have long been identified in the existing text. The amendments do not substantively change the nature or scope of the historic preservation regulations or review process; they only clarify them.

Only one amendment relates specifically to the Congress Street Historic District. A provision was added stating that in the Congress Street Historic District new construction within the B3 zone shall follow the dimensional requirements of the underlying zone--- see Sec. 14-651 (a). While this intent is made clear in the district designation report, members of the business community requested that it be added to the ordinance text itself.

ATTACHMENT 13 is a copy of the full text of the historic preservation ordinance with the proposed amendments highlighted.

V. RECOMMENDED AMENDMENTS TO SITE PLAN ORDINANCE

The proposed site plan ordinance amendments are intended to more clearly define the respective jurisdictions and responsibilities of the planning board and historic preservation board where reviews by both boards are required. They are also intended to provide more guidance to the Planning Board when reviewing major projects abutting the boundaries of historic districts.

Based on concerns expressed by the business community about the potential for duplicative design review processes in those instances where a major development falls within a historic district, a new provision has been added. (See ATTACHMENT 14, Sec. 14-526 (a) 18 a.) The provision makes clear that design review authority rests with the Historic Preservation Board where there is overlapping jurisdiction. The provision also makes clear that developments subject to review under the historic preservation ordinance are exempted from the otherwise applicable design standards within the site plan ordinance, with the exception of a small number of specifically identified standards. These outstanding standards relate to issues not typically reviewed by the Historic Preservation Board, such as wind and shadow impacts, and will remain within the jurisdiction of the Planning Board.

In addition to the recommended new standard, an existing review standard is to proposed to be amended. The current standard has been amended to provide more guidance to the Planning Board in its review of projects within 100 feet of a designated individual landmark or historic district boundary—see ATTACHMENT 14, Sec. 14-526 (a) 18 b. Under the existing language, the Planning Board must find that the proposed development is "not incongruous" to the character of the subject landmark or abutting portion of the district. Although "not incongruous" is an accepted term of art within the preservation field and appears in ordinances throughout the country, the Planning

Board has long expressed the view that the terminology is ambiguous and that the standard includes little guidance as to how "not incongruous" is to be determined. Alternative language has been developed which is intended to provide more guidance to the Planning Board. During its final deliberations, the Planning Board appeared to be satisfied that the amended ordinance standard addresses their identified concerns.

See ATTACHMENT 14 for proposed site plan ordinance amendments.

ATTACHMENTS

District Designation

1. Maps
    a. Final recommended district boundary map
    b. District boundary map with individual building classifications
    c. Map showing evolution of district boundaries
2. Designation report
3. List of designated properties
4. Formal recommendation of the HP Board to Planning Board
5. History of Initiative and Public Review Process
6. Letter from Maine Historic Preservation Commission
7. Information on state historic preservation tax credit program
8. Economic impact of historic preservation
9. Sustainability and historic preservation
10. Summary of public outreach and notes from early public forums
11. Letters and e-mails received to date
12. Photos of historic rehab and new construction projects approved under historic preservation ordinance standards

Text Amendments

13. Historic preservation ordinance text, with proposed amendments
14. Proposed site plan ordinance text amendments

Amy Fischer <amy@amyfischerdesign.com> 12:57 PM (1 hour ago)

to planningboard@portlandmaine.gov

To The Portland Planning Board members:

I am writing to support the rejection of the PMA's request to reclassify 142 Free Street. I lived in Portland from 1976 until 1982 and I consider this building a significant structure historically. I do not believe this building should be reclassified as a non-contributing building in the Congress Street Historic District.

I was always shocked by the loss of the Railroad Station, which I knew when I first came to Portland, Maine.

We have learned by now, that once gone, these historic buildings become an architectural loss to the fabric of a city.

Why the Museum did not insist that this building be incorporated into their design as an entry to whatever more modern addition they needed for expansion absolutely stymies me.

Please do not allow this change in classification to occur.

Sincerely,
AMY FISCHER
Camden, ME

russo@maine.rr.com <russo@maine.rr.com> Nov 27, 2023, 4:20:29 PM (16 hours ago)
to planningboard@portlandmaine.gov

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!

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….

Jean Russo

Harborcity Realty

Portland, Maine

William Hall <wpeaks@earthlink.net> 10:31 AM (18 minutes ago)

to planningboard@portlandmaine.gov

To the chair and members of the Portland Planning Board:
For today's workshop I would like to emphasize just one point from Greater Portland Landmarks' position statement:

- 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.

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

Solange Kellermann <solangekell@hotmail.com> 10:59 AM (4 hours ago)

to planning@portlandmaine.gov

Regarding the PMA's request to remove the old Childrens' Museum's historical significance status - wouldn't it have made more sense to make this request before spending a large sum of money to get plans for that plot of land? That poor planning aside, I am opposed to this building being torn down. Portland needs to keep it - it's part of Portland's history.

Solange Kellermann

Andrea Krasker Gavin <andreakrasker@hotmail.com>
to planning@portlandmaine.gov

Feb 5, 2024, 7:44:19 PM (12 hours ago)

Dear Members of the Portland Planning Board,
I am writing to express my support for the former children's museum at 142 Free Street, and my objections to the PMA's plan to demolish the building.
The PMA purchased the building knowing that it exists within the historic district, is itself an historic building and is subject to the rules outlined in Portland's historic ordinance. These rules exist to protect our beautiful city, to allow us to grow while protecting our history and character and to prevent Portland from turning into Anytown, USA.
142 Free Street has stood proudly in Congress Square for years. It is a recognizable landmark. Generations of families made wonderful memories in the building when it served as the children's museum.
As a member of one of those families, I was happy to see the former children's museum become a part of the PMA and looked forward to visiting the building again with my family as an addition to the art museum. I still am hopeful for that outcome. I believe that the PMA is acting with complete disregard for Portland's history and current rules and regulations. They have made no real effort to work with the building that they chose to purchase, or to solicit architectural designs that make use of the current building. Their conduct is disrespectful to the City of Portland and its rules and ordinances as well as disdainful of our history. The PMA should not be allowed to proceed as if rules do not apply to them. They should work with the building that they purchased. As an arts organization, I am confident that they have access to an abundance of creativity in considering how to configure the space to best meet their needs. They have the capacity to be a good neighbor and community member.
Please require the PMA to follow city rules. Please do not allow the destruction of the building at 142 Free Street.
Thank you for your consideration.
Andrea Krasker Gavin
Arlington Street, Portland

Andy Lilienthal <andy@campwinnebago.com> Dec 13, 2023, 3:00:39 PM (19 hours ago)
to planningboard@portlandmaine.gov, Jennifer Graves

Dear Planning Board,

I am writing in support of the Portland Museum of Art's proposed campus expansion. As a student of history, I realize that the loss of the old Children's museum represents a precedent for some and hopefully, this seminal project can be an exception rather than the rule. Such an exception is needed if we are going to continue to help Portland become a regional and national beacon that will attract a diverse population of visitors and those who choose to settle in the city.

Here are some of the most salient and important reasons to allow the project to move forward

1. **The value of this project is what it adds** to Congress Square, Portland, and our communities, not what it takes away.
    a. Once-in-a-lifetime opportunity to define our region by culture.
    b. About way more than HPB or Planning Board—about the city's character, values, and future and should be championed.
    c. We are committed to Congress Square's dynamism.
2. This is phase one of an expansion *and unification* project that will integrate our landmark buildings and maximize our properties holistically.
    a. Free Street provides most economical and integrated art experience with existing campus and orientation, as well as Congress Square (we think that's important)
    b. Spring Street has been identified as a site for support (potential admin, infrastructure, other use) and is targeted for phase 3.
3. Portland's Plan 2030 is rooted in vibrant, diverse, and complete neighborhoods, and **this gets the city on track.**
    a. Thoughtful development, sustainably planned, in partnership with our communities, leading to an economic and cultural city center rooted in the arts, equity, and belonging.
4. **Congress Square, and Portland, needs this now.**
    a. Businesses are closing
    b. Buildings are vacant
    c. City plan in disarray
    d. Other neighborhoods (Washington Ave, Bayside) are thriving and the center of our city is wallowing
5. 142 Free Street is **an outlier of the PMA's campus**
    a. Not a landmark building
    b. Not a highlight of John Calvin Stevens (we should know bc we have 2 that are: Sweat and Homer Studio)
    c. Has problematic history that doesn't speak to Portland's future(Chamber's direct connection with KKK, DeForest Perkins, and the façade's creation)
    d. Has physical features that deter audiences and contrast with Portland Plan vision (formal columns were cited by Children's Museum as a physical barrier for families, new Mainers, and communities of color. They undermined the CMTM's mission and values as a cultural institution.
    e. Again, this is not Union Station 2.0, this is replacing a non-landmark building in a struggling and disconnected neighborhood surrounded by vacant buildings with a landmark, visionary economic driver and grounding cultural epicenter that is collaboratively envisioned, sustainably built, and centered in belonging. A beacon!

1. This is a campus unification and expansion project in 3 phases, sparked by the growth and potential of our mission, *Art for All*.

2. *Art for All* is an innovative mission and vision that drives everything we do through a set of inclusive values. We were the first museum in the country to align our mission and values this way.

3. It's led to a period of unprecedented growth at the museum, with a record number of visitors in 2019, just before the pandemic. But we are running out of room, for people, for events, and for art.

4. Collectors, artists, foundations, and donors from around the world are looking to our museum as a place for their artworks—not New York or larger cities. In the last few years alone we have diversified our collection more significantly than any time in our 140 year history.

5. With *Art For All* as our foundation, it's time to unify and expand our campus and ensure Portland is defined by arts and culture. Developing 142 Free St. is the primary goal of the first phase.

6. The concept is by LEVER Architecture. Led by Chandra Robinson, LEVER is a leader in sustainable and innovative architecture, and one of the few firms in the world led by a woman of color.

7. The choice to partner with LEVER stemmed from a juried, international design competition, with more than 100 teams from 20 countries submitting proposals, and 46% of all lead firms led by women and people of color.

8. It was informed by more than 2,000 responses from our communities, via feedback from comment cards, listening sessions, forums, surveys and more. And as we get closer to breaking ground, we have continued to engage in substantial outreach to communities who have never felt like they belong in museums.

9. Of the 4 finalists, 47% preferred LEVER's concept—something we saw reflected in the PPH's online poll as well with a clear majority voting for LEVER. And of all feedback specific to LEVER's design, 93% was positive.

10. As we were conducting our competition, we also reached out to USM, who conducted an economic impact study based on our RFQ. They found that, when completed, adding 60k Sq. Ft. will double our economic impact across the board—significantly more jobs, labor income, sales, taxes, and direct tourism spending for our communities, businesses, and families.

11. What also excites us is the potential to impact rural and urban communities throughout Maine because of Mass Timber, the primary building material that defines the concept and LEVER's projects. As the most forested state, we have the opportunity to revitalize Maine communities far from Portland's economic center.

12. And we're working to capitalize on Mass Timber's potential by partnering with our representatives, government officials, indigenous leaders, environmental advocates, municipalities, community organizations, and business owners throughout Maine. It's why this project has the backing of USDA, New England Forestry Foundation, US Dept of Housing and Urban Development, and more.

13. Most importantly for our city, this project activates and furthers Portland's Comprehensive Plan 2030 in major ways.

14. When looking at Free Street, you can clearly see the legacy of poor urban planning following WWII. Our neighborhood was razed to make way for redevelopment that never materialized. As the leading cultural organization in the city and oldest arts institution in the state, we now have an opportunity to repair and reinvigorate our neighborhood.

15. The PMA Blueprint dovetails right into the values and structure of Portland's Plan, providing the city with a tailormade project that checks off a host of desired outcomes. From economic goals to connecting the chain to reinforcing the center and completing neighborhoods, The PMA Blueprint is essentially an action plan for the city to leverage.

16. It's particularly aligned around the city's goals for diversity and equity, sustainability, identity, economy, and growth.

17. And The PMA Blueprint couldn't be timelier, because post-pandemic, we need a jolt. Congress Square is failing, with businesses closing at rapid paces, pedestrian traffic incredibly low, and vacant building languishing in what should be the heart of our city.

18. The Schwartz Building has stood vacant for more than 15 years, and local institutions such as Coffee By Design have determined Congress Square is not worth it.

19. We've lost longtime tenants such as Starbucks, Dogfish, and more. Even Harmon's Florists, who had been on Congress Square since 1887, decided to leave this year.

20. Combined with a city redevelopment project for Congress Square and the park that has been mismanaged and left unfinished, the time is now to enable the museum to lead our neighborhood and revitalize our city through this one-in-a-lifetime opportunity.

21. And we have the support of our neighbors, who know this is the right path forward to a vibrant and sustainable future.

22. When looked at holistically and considering the goals of Portland, the cultural and economic impacts, and the post-pandemic realities of our urban needs, we hope the PPH will join the thousands of people who have informed and supported this project. We believe it is exactly what the city needs at this time and for our future.

Many thanks for your consideration.

Best wishes,
Andy

Becky McKinnell <becky@ibeccreative.com> Jan 19, 2024, 3:43:59 PM (5 days ago)

to planningboard@portlandmaine.gov, Graeme Kennedy

To the Portland Planning Board:

My name is Becky McKinnell and I'm the owner of iBec Creative, a local digital agency, and Wildwood Oyster Co., a handbag company headquartered at 177 High Street in Portland.

I am writing in support of the new building that PMA has proposed at 142 Free Street.

I am originally from Massachusetts and went to school at USM in 2003. I fell in love with Portland because of its proximity to the ocean, quaint size, art scene, and unique character. I loved Portland so much that I decided to stay in Maine and start my entrepreneurial journey here.

Even though I appreciate the historic charm of Portland, I am in support of the new building that PMA has proposed because this new building will become the next iconic building in Portland that will last hundreds of years. The PMA Blueprint has been developed with the input of thousands of Portlanders and represents the vision and needs of our diverse and vibrant communities. The economic impacts of The PMA Blueprint will transform our city and revitalize Congress Square.

There are exceptions to every rule and there is no better exception to make than for this thoughtful, inclusive, community building.

Sincerely,
Becky McKinnell

Brian Chin <brian@p3maine.com> Nov 30, 2023, 11:57:19 AM (3 days ago)

to planningboard@portlandmaine.gov, Graeme Kennedy

Dear Members of the Planning Board,

I am writing to you on behalf of p3 Maine, a Portland business located at 434 Cumberland Avenue to express our enthusiastic support for the Portland Museum of Art's Blueprint initiative. As a neighboring business and an active member of our community, we have closely followed the development of this visionary project and believe it represents a critical opportunity for our city.

The PMA Blueprint is not just a plan; it is a culmination of the aspirations and inputs of thousands of Portland residents. It reflects the diverse and vibrant spirit of our communities and offers a tangible expression of our collective vision for the future. The meticulous process of gathering community input has ensured that the Blueprint aligns with the needs and desires of Portland's citizens, making it a true representation of our city's aspirations.

This project is a once-in-a-lifetime opportunity for Portland. It stands to significantly enhance our city's cultural and economic landscape. The full support of the Planning Board is essential to bring this vision to fruition. By backing this initiative, the Board will be championing a project that not only aligns with but also actively promotes the City of Portland's Comprehensive Plan 2030. The PMA Blueprint is more than an expansion of a museum; it is a vital step toward realizing our city's comprehensive plan for the future.

Moreover, the economic impacts of the PMA Blueprint cannot be overstated. It promises to transform our city, bringing a new dynamism to Congress Square and the surrounding areas. The revitalization that this project will bring is crucial for the economic growth and sustainability of Portland. It will enhance the city's appeal to residents, visitors, and businesses alike, creating a ripple effect of positive change throughout the region.

In conclusion, we at p3 firmly believe that the PMA Blueprint is a key to unlocking a brighter, more prosperous future for Portland. We urge the Planning Board to give this project its full and enthusiastic support. Together, we have the opportunity to shape a future that reflects the best of what our city can be.

Thank you for considering our perspective on this matter. We look forward to seeing the positive changes that the PMA Blueprint will bring to our beloved city.

Sincerely,
BRIAN CHIN

Bruce Wood <bruceweb607@gmail.com> Feb 6, 2024, 1:17:11 PM (yesterday)

to planning@portlandmaine.gov

I am writing to support continued historical designation for the structure at 142 Free Street in Portland. This building is substantially unchanged on its exterior from when it was built in the mid-1800s and is a contributing structure in the Congress Street Historic District. It is a key structure in that historic district due to its exterior integrity, representing a kind of structure left over from that era that needs to be preserved for its unique history.

The PMA has vacant land elsewhere in the block that it can expand into without destroying such a contributing building. It could build behind 142 Free Street and tie both the subject building and its other historic buildingsu on Spring Street into the main building without damaging the street appearance of any of them.

Please deny the PMA request and encourage the PMA to consider expanding in another direction.

Bruce Wood
607 Chandler’s Wharf
Portland, Maine 04101

Candice Lee <cthorntonlee@gmail.com> 10:47 AM (2 hours ago)

to planning@portlandmaine.gov

As someone who has been a historic preservations since my preteens when I first saw a historic house, i feel the value of preserving our buildings of note. A great deal of thought and work was done to put through the historic preservation ordinance to protect our buildings. These building are integral to the beauty of our city. Without these buildings our city would be less impressive——danger of being cookie-cutter! if this ordinance is overturned, it would be like opening Pandora's Box. In the future if a historic building is in the way of a developer , they can just use this case as a president and tear down whatever they like. the PMA knew of this ordinance and chose to ignore it. They have space to do what they want to do. They should work with the building and bring harmony to this town as a result. Candice Lee, former board member Greater Portland Landmarks and Victoria Mansion

Carol De Tine Statement to Planning Board Workshop re PMA
28 November 2023

I'm Carol DeTine, 144 Vaughan Street in Portland. I am an architect and have been actively engaged in historic preservation in Portland for many years, including serving on the board of Greater Portland Landmarks.

I have to say that I have never, nor would I ever, advise a client of mine to move forward with design as far as the Museum has, without first going through *this process* to determine whether 142 Free St could be demolished. It was the Museum's choice, and theirs alone, to do that.

They knew that 142 Free Street was protected from demolition when they bought it in 2019. They knew that when they embarked upon a much touted international design competition for the Museum's expansion. Yet, the site map they included in their RFP doesn't even show this building – just a blank space colored in red and labeled "Developable land".

I want to stress that this does not need to be an "either-or" situation. As a native of Buffalo, New York, I followed the design process for the new addition to the Albright Knox Art Gallery in Buffalo very closely. After publicly announcing their design, in the face of objections from the preservation community and the general public, the Albright Knox shifted gears.

They redesigned their project to respect the 1905 original building and the 1962 internationally acclaimed modern addition. Now called the AKG Museum, the new museum opened in September to much fanfare. One attendee said that it was like being at a Bills game. Executive Director Janne Siren said that the new museum was better because of preservation.

Like the Albright Knox, the Portland Museum of Art needs to reconsider its expansion plans. They are still in the Concept Design phase. As Mark Bessire said in his remarks before the Museum's public presentations of the four finalists' designs, quote:

"As we hear from our finalists and experience their visions for the PMA and our region, I'd like to underscore that we are viewing *concepts, not plans*. The

challenge presented to these teams was not to design *THE* new building, rather (to) develop ideas for what our campus *could be*, rooted in our values and in our mission of *Art for All*. The concepts presented ~~(tonight)~~ represent the qualities and character that make each of these finalist teams unique—(they are) not to provide exact blueprints for what's to come." (End quote.)[1]

This statement seems to say that the designs that the Museum is showing all of us are not actually what will be built. Please keep that in mind as you consider the Museum's application.
Reject their application.
Send them back to the Drawing Board.
They can achieve their goals without demolishing 142 Free Street.
Thank you.

[1] from the PMA website. Emphases (italics, all caps) are in the original text; parentheses are my additions/deletions to clarify the statement for reading at the Planning Board workshop.

Catherine Hatchett <catherinehatchett12@gmail.com> Dec 18, 2023, 3:33:51 PM (17 hours ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org, lbrenner@portlandmuseum.org

Hello,

My name is Catherine and I'm writing on behalf of my family to show our support for the Portland Museum of Art's Blueprint project. My husband and I moved to Portland from the Washington, DC area over six years ago, and having left behind such an incredible museum scene we were grateful to find a place at the Portland Museum of Art.

However, it's important to us that as we grow our family, the community around us grows. Portland has done such a great job of that by opening the brand new children's museum, which we are also members of. We'd like to transition our son to a museum he can be proud of as he gets older, and this project seems like a step in that direction.

Thank you for your time, projects like the Blueprint project are why we decided to stay and raise our family in this community.

-Catherine, Walker, and Gus Hatchett

Newell, Christopher <christopher.newell@uconn.edu> Dec 4, 2023, 11:30:24 AM (2 days ago)
to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org

To the City of Portland Planning Board,

My name is Chris Newell and I am a citizen of the Passamaquoddy Tribe at Motahkmikuhk where I was born and raised. I am writing this letter in support of the Portland Museum of Art's effort to expand its campus and, in turn, expand Portland's knowledge of its own history, which will require the removal of the existing building known as 142 Free Street.

Let me first be up front and say that I am a member of the winning design team working with LEVER Architecture to design the new wing for the PMA. I hope that knowledge does not deter from the value of what I have to say.

As someone who was on the ground floor with the current winning design before pen was ever put to paper on a proposal, I have intimate knowledge of how the concepts of the design proposal were created and what ultimately pushed the LEVER design over all others.

The most potent qualities of the design LEVER proposed are not just design itself, but the care the principal architect Chandra Robinson took in learning about Wabanaki peoples and our cosmologies and how that inspired the current design that is on the table. The new expansion features a swooping upside down arch roofline that is designed to be aligned to cradle the morning sun on the summer solstice. An important time not just to Wabanaki peoples, but to all peoples.

This care in incorporating Wabanaki peoples and our 12,000 year relational history to the landscape we now call Portland, ME is a nod to a history far beyond the colonial history the current building at 142 Free Street now represents. Colonial history and indeed the creation of Portland itself as a city are the end portions of the story of this current landscape. 142 Free Street represents the needs of colonial America from the 1800's on. The multiple uses of the building are a reflection of that. However, in its current state, it is not a building that can cater to the needs of Portland of the future.

Portland of the future will include children raised from k-12 with Wabanaki curriculum fully imbedded in their education. When those children become adults they will seek out places to educate their own children that reflect the values they were taught. The PMA Blueprint is looking to the very near future and very wisely choosing to expand its view of history to include Wabanaki peoples and our 12,000+ year relation to the land now known as Portland.

Knowing this benefits Portland, but more importantly, all of the region. The new PMA is a look ahead to a new understanding of what history actually is and who the storytellers actually are. It is also in line with the city's current efforts at incorporating Wabanaki histories and contemporary realities in education, but also in the arts. I cite the success of Portland Ovations new show Wabanaki Stories which has now shown to four sold-out crowds at the Merrill Auditorium. Portland is at a beautiful crossroads of awakening and becoming a leader of the country in doing this work in meaningful ways that will effect generations to come.

For the above reasons, please accept my full endorsement of a move ahead with the new PMA Blueprint and the LEVER design. A new building, that will turn the idea of an art museum on its head, and will also signal a new day of inclusive histories of all people of this land.

The ask is to remove the historic landmark designation from 142 Free Street to make way for a better, more informed Portland.

Kci woliwon (Thank you),

Chris Newell
Co-founder
Akomawt Educational Initiative

classical
Uprising

ORATORIO CHORALE • PORTLAND BACH EXPERIENCE • HORIZON VOICES

The City of Portland Planning Board
389 Congress St, 4th Floor
Portland, ME 04101

November 30, 2023

To whom it may concern,

On behalf of Classical Uprising, a Portland-based performing arts nonprofit, it is my great privilege to write in support of the Portland Museum of Art's *Blueprint* project.

As the Artistic Director of Classical Uprising, I have worked in collaboration with the Portland Museum of Art on many occasions and find it to be a beacon of acceptance, cultural appreciation, and a place with deep ties to, and love for, our community. As our city continues to grow and expand, we must remain unified in our goal of nurturing our beloved Portland into a place of creativity and belonging. *Blueprint* is a once-in-a-lifetime opportunity for our city and essential to the health of Maine's artistic ecosystem. It deserves the full support of the City of Portland's Planning Board.

Investing in the arts contributes to many facets of our city, both tangible and intangible. Tangibly, supporting local art and creative placemaking contributes significantly to a strong economy by increasing tourism and creating new jobs, and can be a catalyst for urban renewal and the revitalization of neighborhoods. I urge you to see that *Blueprint* activates and enhances the City of Portland's admirable Comprehensive Plan 2030, specifically speaking to the portion of the plan which reinforces the recognition that downtown Portland remains a predominant locus of arts and culture, economic, and civic health. The arts also play a crucial role in shaping and expressing the intangibles of community identity, fostering a sense of belonging and social cohesion, and even boosting mental health and well-being among Mainers.

Blueprint has been developed with deep respect for and input from thousands of Portlanders, representing the vision and needs of our diverse and vibrant communities. I am excited and fully supportive of the proposed expansion of the Portland Museum of Art and wholeheartedly believe that *Blueprint* will only enhance and embrace the growing performing arts scene in our community and the entire arts ecosystem as a whole.

If you have any questions, I can be reached at emily.isaacson@gmail.com or 207-522-6533.

Sincerely,



Emily Isaacson
Artistic Director

Colin Jones <colin.f.jones@gmail.com> 11:50 AM (25 minutes ago)
to planningboard@portlandmaine.gov

Dear Members of the City of Portland Planning Board,

As a long time member of the Portland Museum of Art and spouse of someone who has dedicated her career to the advancement of the PMA, I am writing to express my unwavering **support for the PMA's request to re-classify 142 Free Street as "non-contributing"** to the Congress Street historic district.

The Portland Museum of Art stands as a beacon for the arts in Portland. The museum enriches the lives of local residents through its programming and exhibitions and serves as a magnet to bring visitors to Portland. The diverse range of programs, workshops, and events cater to individuals of all ages and backgrounds, fostering creativity, sparking dialogue, and nurturing a deeper understanding of art's significance in our lives.

As the Planning Board considers the PMA's request, it should consider the architectural significance of the proposed new building and the economic and cultural benefits that will accrue to Portland from building such an architecturally significant project.

Portland is at a crossroads. The Planning Board should embrace a project that can truly revitalize Congress Square businesses and spur economic development in the surrounding neighborhood.

This building is for the next generation and I urge you to support the PMA's request and support the PMA's vision for 142 Free Street.

Sincerely,
Colin Jones
Yarmouth, Maine

Craig Lorimer <cg4501@icloud.com> Feb 7, 2024, 1:44:01 PM (19 hours ago)
to planning@portlandmaine.gov

February 7, 2024

To: Portland's Planning Board

Dear Board Members:

I would like to offer some comments to the Planning Board against the request of the Portland Museum of Art to override the Historic Preservation criteria and allow the former Chamber of Commerce/ Childrens' Museum Building at 142 Free Street to be reclassified and demolished.

I was born in Portland, lived for 20 years in the Greater Portland area, and have been a frequent return visitor to the city since then. 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 has been part of this harmonious blending of historic architecture in Congress Square. 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. Buildings with Greek Revival architectural elements (portico with columns) were once a prominent feature on the Portland peninsula, but 142 Free Street is one of only three that remain.

Another significant 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 Portland Museum of Art had other options for achieving its expansion goals without destroying a historic building. It is disappointing that these options were not seriously considered by the museum.

The Planning Board is no doubt 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 whenever a developer wants to build a big glass and steel structure.

I earnestly hope that Portland's Planning Board will deny the request to reclassify and demolish the historic building at 142 Free Street.

Thank you.

Sincerely,

Craig Lorimer

4501 Gregg Road, Madison, WI 53705

Dana Friis-Hansen <dana@danafriis-hansen.com> 5:47 AM (3 hours ago)
to planning@portlandmaine.gov, Mark H. C. Bessire

Dear Planning Board Members,

I'm writing to address the historic preservation designation of 142 Free Street.

Portland is an amazing—and very actively changing—city. The Portland Museum of Art has a rich, 140-year-old history of which everyone should be proud. And yet, I am so impressed by the ways its leadership, through a broad community conversation and alignment with *Portland's Plan 2030*, is aggressively addressing the institutional limitations of its current physical infrastructure, with creativity, ambition, and inclusion by focusing on the credo, "Art for All."

I make these comments both as the recently retired Director and CEO of the Grand Rapids Art Museum who has worked in museums since 1982, and a PMA visitor since childhood. In fact, my early exposure to the PMA on trips with my grandmother led to my profession in the arts. I love this city, and return often since most of my family still live here, and am a summer resident (since birth).

The Portland Museum of Art has been an essential cultural institution for the city and the state since 1882. In past few decades, it has become recognized nationally and internationally for its art and educational programs and as a leader with innovative approaches to equity, community engagement, and sustainability. The PMA Blueprint, the global reach of open call for architects and selection process, and especially the role of a rigorous public feedback process along the way, represents a level of community commitment rare in the museum world. These processes serve as a solid platform to achieve the projected economic, cultural, and quality of life impact that will come from the completion of a major expansion.

The Grand Rapids Museum of Art, founded in 1910, did not thrive until it moved forward in 2007 to build its current facility, with the mandate to serve as a civic and cultural anchor. With its dramatic building by a then-emerging architect Kulapat Yantrasast, visitors are welcomed from multiple angles and entrances, as well as a broad public terrace, considered "the front porch of the city." Today's museums need to evolve to serve the expectations of current and future generations, with welcoming, engaging, flexible spaces, and the PMA proposal from LEVER Architects and their collaborators does just that—and very well.

Imagining a future based on the pillars of community, collection and campus, the PMA is wise to frame its expanded vision to incorporate and celebrate the cultural significance of its prime location on Congress Square, and it existing structures--the McLellan House, the L.D.M Sweat Memorial Galleries, the Clapp House, and the Payson Building. while addressing the needs and benefits of a 21st century museum facility on adjacent property to serve a growing, increasingly diverse audience within Maine and for those who visit.

I believe deeply in the importance of historic preservation, and with it, opportunity for review in relation to meet community needs and changing times. After reading the detailed report made by Historic Consultant Margaret Gaertner, and viewing the building from all angles in person, I believe a reconsideration and reclassification is due. Claims of its excellence in historical stature, architectural consistency, and community significance no longer holds. Too many alterations have been made across its lifetime to support "Contributing Status" of 142 Free Street, especially with the roofline, cupola, windows, and modern doors when renovated for the Children's' Museum. Viewed within the context of other District properties, including those which the Museum has stewarded with renovations and care, the historical significance of the former Chamber of Commerce is diminished.

I urge you to to weigh the potential of an expanded potential for the Portland Museum of Art in relation to the relative importance of 142 Free Street as it is today.

Sincerely,

Dana Friis-Hansen

706 West Avenue, Austin Texas, 78701

david m. blumenthal <davidblu@msn.com> Feb 2, 2024, 2:47:40 PM (3 days ago)
to planning@portlandmaine.gov, info@portlandlandmarks.org

To: City of Portland Planning Board Members:

I am a former resident of Portland and I have always been interested in the preservation of Portland's buildings
having both architectural and historic merit.

The PMA can achieve its expansion plans without demolishing the former Chamber of Commerce/ Children's Museum Building.

142 Free Street is a contributing structure in both the Spring Street National Historic District (1970) and in the Congress Street Local Historic District (2009).

Do not allow the PMA to destroy one of the City's most attractive and historic buildings.

DMB

David M. Blumenthal, Esq.

TO THE PORTLAND PLANNING BOARD:
142 FREE STREET / PORTLAND MUSEUM OF ART APPLICATION
TO RECLASSIFY THE BUILDING AS NON-CONTRIBUTING
TO THE CONGRESS STREET HISTORIC DISTRICT

10 January 2024

Contrary to the PMA position, 142 Free Street—as transformed in 1926-27 for the Portland Chamber of Commerce—remains a contributing building in the historic district. This has been demonstrated by the city's Historic Preservation Board, testimony submitted by Greater Portland Landmarks, and others.

However, more needs to be stated in refutation of PMA's dog-whistle slur against 142 Free Street. According to the museum's submission, "142 Free Street's current façade…was erected during the Jim Crow era. Our region is one that is striving to become more inclusive, dynamic, and diverse…and some architectural styles can carry unfortunate legacies of the past into the future that undermine these values and goals." Where is the proof? This argument condemns via baseless defamation. At least half the historic buildings in Portland date to the Jim Crow era. What is their future—what future for historic preservation in the city—if the museum's critique prevails? Or is it just Classical Revival buildings that carry "unfortunate legacies of the past"? By PMA's logic, the temple-front US Supreme Court should be demolished. What of the museum's own Classical Revival Sweat Memorial Galleries and Greek Revival Charles Clapp House?

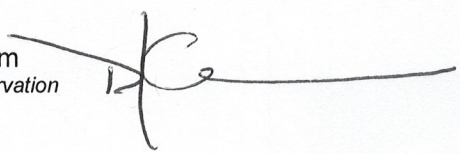
PMA's leadership doesn't acknowledge the Sweat Galleries honor Congressman L.D.M. Sweat, a racist. Sweat voted against repealing the Fugitive Slave Law in 1864. In 1865 he voted against ending slavery through the 13th Amendment. Rather than tarring 142 Free Street with the brush of racism, the museum needs to own its own history. Portland's Victoria Mansion addresses ties to slavery: PMA should too.

Because PMA has no valid case for reclassifying 142 Free Street as non-contributing to the Congress Street Historic District, its submission focuses on a shiny addition designed by LEVER Architecture, touting how it could contribute to diversity and inclusion, how it might make Portland more "welcoming" (ironic, since 142 Free was the city's welcome center for decades). Padded with unsubstantiated assertions, qualifiers and ballyhoo, the proposal states the project "will forever change Maine and New England. We will redefine our region, unite our communities, and sustain our economy for generations to come." Massive overreach. The proposed addition could bring real benefit, but the design is not going to "unite our communities" any more than another design could. Perhaps the most concrete impediment to diversity among PMA visitors is its $25 entrance fee. Make the museum free to city residents; they will come. The economic boost the proposal trumpets is not specific to the LEVER design. All the chest-thumping masks the fact another design incorporating 142 Free Street could do just as much for museum goals, and more for the city's.

Although the PMA Blueprint professes commitment to community values, it fails to acknowledge the museum stands at the center of a historic district valued by the community. Historic preservation has been key to Portland's revival. It too is incorporated into the city's comprehensive plan. In assessing new construction here, context should be considered in that sense. Henry Cobb's Payson Building is a masterpiece of contextualism, yet modern. LEVER Architecture's context-be-damned proposal would fit Portland, Oregon, better than Portland, Maine. Mass timber is a technology centered in the Pacific Northwest. The mass timber fabrication plant nearest Maine stands in Quebec, 500 miles off. The nearest US plant is 1000 miles away. What is "green" about shipping tons of material hundreds, if not thousands of miles? By contrast, the nation's premier maker of brick, equal to that Cobb specified for the Payson Building, is 43 miles from the museum in Auburn, Maine.

Reclassifying 142 Free Street is unwarranted. PMA should reconsider its building plans with a new commitment to its built context and reusing this historic structure.

Thank you for your consideration,
David Chase, York / chase.email@maine.rr.com
PMA member. Four decades' experience in historic preservation & design review of new construction in historic districts



David Chase <chase.email@maine.rr.com> Feb 6, 2024, 4:59:32 PM (21 hours ago)

to planning@portlandmaine.gov

Please confirm that the testimony I submitted in January re historic classification for 142 Free Street will be in the package going to Planning Board members and available to the public on your website.

Thank you for your consideration,
David Chase

David Eaton <deaton@totalmortgage.com> Feb 7, 2024, 3:52:55 PM (17 hours ago)
to planning@portlandmaine.gov

As a former member of the Portland Planning Board, I was involved in a vote to recommend the reclassification of a building in the Portland Company Historic District on Fore Street. I offer this to add some perspective to your current decision. A 1957 building was deemed contributing by the HP Board, but the developer wanted it removed to make room for a large walkway and outdoor plaza between Fore Street and the Eastern Waterfront walkway. City staff negotiated a permanent easement for public access and while the walkway is not yet finished, it will offer a great public asset for all to enjoy in perpetuity. To me at the time, it seemed like a great opportunity at a reasonable cost, and I spoke in favor of the reclassification. The Board agreed and so did the city council a few weeks later. I think the Planning Board's recommendation was that the reclassification was warranted due to the broader public interest served by the plan.

I believe the same logic should apply here. While I am not qualified to comment on the design, there is no doubt an expanded museum it will be a great asset, and open to the public. I know some find the design out of character, and I would leave it to others to weigh in whether any changes are necessary. But the city now has the leverage to fashion a compromise that will make most people satisfied, just as it did on Fore Street. I urge you to be bold and recommend reclassification of the building in question, perhaps with conditions. I believe this will allow the Downtown Historic District will maintain its architectural integrity, while embracing the opportunity to create new Landmarks. A great city should have a great art museum, and you can play a role in that result. Thank you.

David Eaton

52 Neal Street

David Eaton

David Gaines <davegaines@live.com>
to planning@portlandmaine.gov

Feb 6, 2024, 4:02:23 PM (22 hours ago)

Subjedct: Historic Preservation Designation - 142 Free St.

Commenter: David K. Gaines, 49 Deering Street, Portland ME 04101

I support the position of Greater Portland Landmarks that the building at 142 Free Street is a contributing historic building and that the PMA should not be allowed to tear it down and replace it with a building that does not contribute to Portland's sense of place.

The building at 142 Free Street, when seen with the H.H. Hay building and the Payson building of the PMA is an iconic symbol of Portland. It is recognized nearly as much as the Observatory and City Hall. The architects who designed the Payson building in 1980 did so under the assumption that the building at 142 Free Street would be preserved. Demolition of 142 Free Street would degrade the impact of the Payson design as well as the impact of the Hay building. The PMA is a museum in a neighborhood that is itself a museum. 142 Free Street should be preserved, and it should retain its status as a contributing historic structure.

The PMA initiated a public opinion campaign to sway public opinion against preserving 142 Free Street. They implied that the building at 142 Free Street symbolized white racist, Jim Crow culture in Maine. There is no historical evidence to support those remarks. Jim Crow was not in Maine. The PMA should not be rewarded for using such underhanded tactics. Please deny the PMA request to tear down 142 Free Street. It is an important contributor to Portland's sense of place.



David Greenham Consulting

December 5, 2023

Honorable members of the Portland Planning Board and City Council –

Please accept this letter of support for the Portland Museum of Art's Blueprint Project, and their important new building designed by the team at LEVER Architecture.

My name is David Greenham and I have been involved with arts and culture in Maine for more than 30 years. I have been following PMA's Blueprint Project since its inception. I understand and appreciate the concerns raised about replacing the former Chamber of Commerce Building with this new design.

I have great respect for the work of Greater Portland Landmarks and tremendous admiration for state historian Earle Shuttleworth and others who have recommended that this project be redesigned to feature the Stevens-dsigned building. They say that to allow the PMA project to move forward would be 'precedent-setting.'

They're right. It would be unprecedented. That's precisely why you should embrace the plan and remove the historic designation of the former Chamber of Commerce building.

It would be precedent-setting for the current leaders of the city of Portland to support the construction of a building that is not only honors Maine's rich lumbering heritage but is also specifically designed to acknowledge and celebrate the debt that we owe to the Indigenous peoples of our region.

From the beginning of planning LEVER has included Passamaquoddy citizen and former Executive Director of the Abbe Museum Chris Newell as the team's exclusion advisor. Chris is an inspirational and thoughtful leader. "I had always been raised with the worldview that all of the roads, the buildings, everything is an overlay above what our ancestors lived on for 12,000 years sustainably," Newell has said. Through his guidance, the design team and leaders of the PMA embraced the commitment to environmental stewardship and accessibility by adopting Indigenous practices and ideologies. This new building is representative of that commitment.

Greater Portland Landmarks was established in 1964 in the aftermath of the destruction of Portland's famous Union Station a few years earlier. They have realized tremendous success in preserving so many of Portland's important buildings. In partnership with Maine Historic Preservation Commission, and Maine Preservation, and the state's highly successful historic tax credit program many historic properties in Maine have been saved.

But please remember, this isn't a case where a beautiful building like Union Station will be demolished and replaced with a strip mall and a parking lot, or some other kind of 'non-contributing' building. It will be replaced with an iconic and important architectural jewel.

And it's a jewel that is long overdue in Portland and the state of Maine.

Despite the leadership of the aforementioned agencies, and the historic tax credits, there is not a single re-development project that has been so cognizant of ensuring that Maine's Indigenous history is recognized. Most of the projects simply continue to be what Chris Newell and others refer to as "artifacts of colonialism."

The PMA will take one historic structure that has outlived its usefulness and replace it with a stunning, thoughtful, and exciting building that will enhance the experience of a visit to downtown Portland.

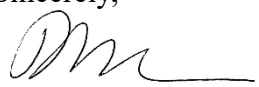
We can learn so much from our Indigenous neighbors. Our job is to recognize that we stand on the shoulders of those who came before us, and we must prepare to support the generations to come. In many cultures this is referred to being 'shoulder ready.'

With their innovative and open design for their building expansion, attached to their already significant architectural holdings, the PMA is making sure that they are shoulder ready to support generations of artists and visitors to Portland.

There are so many challenging issues facing Portland and our state in the coming years. The approval of PMA's request for a designation change will ensure that we have a shining and exciting new landmark that celebrates our wonderful past, while looking brightly towards the future.

I urge your support for the PMA request.

Sincerely,



David Greenham
Principal
David Greenham Arts and Culture Consulting

CÅLM <heycalmcartel@gmail.com> Dec 1, 2023, 7:40:42 AM (3 days ago)

to planningboard@portlandmaine.gov, Gkennedy@portlandmuseum.org

Dear Planning Board Members,

I wholeheartedly support the construction of the new Portland Museum of Art (PMA) building. The current Children's Museum, which we consider to be a preservation of history, lacks any original architecture and serves no purpose in its current state. It has been gutted multiple times, rendering it obsolete. In contrast, the new PMA building offers us the opportunity to preserve the historic pillars and stained glass windows from the old museum while creating a new installation that truly revitalizes our city's cultural landscape.

Let us not cling to a relic that has lost its purpose. By embracing the new PMA building, we can create a landmark that combines the preservation of cherished elements from the past with a dynamic and meaningful contemporary space. This approach will not only honor our history but also invigorate our city's economy, attracting tourism and stimulating growth in our community.

I urge the Planning Board to support the construction of the new Portland Museum of Art building, leveraging the historic elements from the old Children's Museum in a fresh and innovative way. This will provide us with a space that simultaneously honors our heritage and propels us into a vibrant future of culture and economic prosperity.

Thank you for your thoughtful consideration.

Sincerely,

Dax L.

--
Lauren LeMatty
302.377.7546

CALM APOTHECARY

Deborah Fell
377 Cumberland Avenue
Portland, ME 04101

Members of the Planning Board,

I am writing in support of the Portland Museum of Art's expansion plan. The expansion will help create an invigorated downtown through the added infusion of art in a venue that encourages community engagement. The reason not to do it simply perpetuates a tired status quo.

Downtown Portland could use a boost. One sees numerous empty storefronts and office spaces up for lease. It does not feel like a thriving business district.

The negative response to the expansion plan being made by those wanting to keep the old children's museum building takes a narrow outlook. Preserving Portland's historic richness is certainly important. However, is this building, while indeed old, truly central to maintaining the stature of Portland architecture?

The PMA plan will create a setting that is positive for Portland, one that promotes community participation and involvement. It will provide a wide audience with access to art, theater and music and make downtown Portland and Congress Street a desirable destination. More people will mean better opportunities for local businesses to succeed and grow.

Of course, the beauty and history of Portland should be valued and preserved and change can be seen as a loss. However, such choices can be balanced with concerns for the common good. In this case, future gains for the community and the potential for building a new history outweigh holding to the past.

Sincerely,
Deborah Fell

Debbie J <dpjonpeaks@gmail.com> Feb 6, 2024, 5:03:55 PM (21 hours ago)
to planning@portlandmaine.gov

To the Members of the Planning Board:

Why is the demolition of a property protected by Portland's Historic Preservation Ordinance even being considered?

Are all our civic leaders unfamiliar with our city's history, and/or too young to remember the demolition of Portland's beautiful Union Station in 1961?

142 Free Street, the former Children's Museum, meets four of the six criteria for protection, when only meeting one criterion is all that is required. What is the point of having a Historic Preservation Ordinance if it can be cast aside when convenient?

Must we destroy another of our city's historic buildings before we wake up and realize that we are destroying our city?

Please vote against reclassifying and demolishing 142 Free Street.

Thank you.

Deborah P. Jordan
33 Lyndon Avenue
Peaks Island, Maine 04108
207-766-5801

Dee Dee Wacksman <dswacks@hotmail.com> 9:14 AM (4 hours ago)

to planning@portlandmaine.gov

As a new resident of Cumberland county I have been impressed with the quality and number of historic buildings in the community. I have always been drawn to places of significance in the communities where I reside. It seems that the former Children's Museum building is one with a rich history and strong memories for downtown Portland. It would be a shame to destroy it when alternative reuse is available . Remember, once they are gone there's no bringing the back… train depot.
Edith Wacksman
14 Lilac Lane Scarborough

Public Comment: 142 Free Street Reclassification Isaue

Subscribe

0 views



Dela Murphy @DelaHere <dela@delahere.com> 9:57 AM (1 minute ago)

to planning

Dear Planning Board,

I understand the Portland Museum of Art has requested special consideration to reclassify the former Chamber of Commerce Building at 142 Free Street to non-contributing so they may demolish the building. I ask that you concur with the Historic Preservation Board and deny this request.

- Based on the Historic Preservation Ordinance, 142 Free Street meets four of the six criteria to be considered contributing. The law and the building's status under that law is clear.
- The PMA was aware of this status when the building was purchased; however, they launched a design process with the intent to ignore the law. They are acting in bad faith in this redevelopment scheme.
- Special treatment undermines the Historic Preservation Ordinance and runs counter to it's intent. No matter how "prestigious" or "charismatic" a project or entity proffered is, our primary concern under this law should be for the long-term preservation of the buildings and assets we've already established define our city's existing character. New projects like the PMA's have endless opportunities for alternative development that don't chip away at or destroy existing contributing assets.

Please deny this request and affirm the law. Thank you for your thoughtful consideration.

Dela Murphy
61 India St #3, Portland

Hello,

I am writing to the Planning Board in the hope that you will approve the expansion of the Portland Museum of Art's expansion proposal. I am a long-time supporter of the PMA and view the museum as the premier cultural institution in Portland. I have been following with interest the PMA's expansion plans for several years. I was thrilled to see the model of the new facility and was pleased to see that the plans were vetted by the entire Portland community.

I believe that the old Children's Museum building, which is currently owned by the PMA, falls under the auspices of the Historical Preservation Commission and that body has (at least temporarily) blocked the museum's plans for expansion. The Planning Board has the ultimate say in this matter and I urge you to allow the museum to proceed. When the Planning Board weighs the benefits to the citizens of Portland of the multi-million-dollar PMA expansion, against the dubious benefit of preserving the shell of a vacant building, there is simply no comparison.

The newly renovated building will be an architectural gem, showcasing state-of-the-art environmental practices and paying homage in its design and construction materials to Portland's rich Native American history. The architectural plan integrates the various PMA buildings into a unified campus, improving accessibility and drawing both residents and visitors into the heart of Portland, an area that unfortunately has languished The expansion will give new life to this area of the city.

At the present time businesses in the area around the museum are in trouble. Storefronts are vacant, and the trend seems to be accelerating. A multi-million-dollar expansion of the museum, financed largely by individual donors, will send a positive signal to the business community. It will spur growth and show that Portland is a city which is committed to moving forward, a city that values its cultural assets and a city which supports its public institutions. Portland's 2030 Plan lays out these guidelines in some detail.

In general, I am in favor of preserving historical neighborhoods, but I don't think the old Childrens Museum building should be a offered special protection. It has the grim exterior of a courthouse and I understand that it had a rather dubious history as well. What is the benefit to the city of keeping such an isolated structure intact? Is anyone going to come to Portland to look at it? Does it contribute in any way to the city? Who and what does it represent?

Could the old building be somehow incorporated into the new structure as some have proposed? The short answer is NO. Trying to somehow mash the two buildings together would look awful and would be enormously expensive to boot. If the PMA's application is denied, there is really nothing that the museum could really do with the old building other than to sell it, but I can't imagine any business that would want to buy it. It is also likely that many of the donors who have pledged money for the new building would withdraw their pledges, leaving the PMA, and the city of Portland worse off than before.

This is a once in a lifetime opportunity which will not come again. The museum has already raised tens of millions of dollars for construction and it isl likely that they will be able to raise even more money when the project is fully approved by the Planning Commission.

After considering the benefits to the citizens of Portland, I am certain that the board will approve the Portland Museum of Art's proposal as submitted.

Sincerely,

Richard Fleming

TESTIMONY CONCERNING HISTORIC PRESERVATION DESIGNATION—142 FREE ST.

TO: THE PORTLAND PLANNING BOARD

As a young architect in the late 1970's I was proud to be a member of the design team working directly with Harry Cobb of I.M. Pei & Partners on the Payson addition to the Portland Museum of Art (PMA), a design largely based on the preservation and enhancement of historic buildings on the site.

I fully support the idea of PMA expansion, but not as currently proposed. The demolition of the former Chamber of Commerce Building (former Children's Museum) is unnecessary.

After fourteen years at the Pei firm, I entered the real estate business, leading the planning and implementation of several large urban projects. These complicated sites included historic structures, resulting in challenging but ultimately solvable preservation issues.

I subsequently served as President of the Los Angeles Conservancy, by membership the largest local preservation entity in the country. This three-part background---architecture, development and preservation---has convinced me that solutions exist for even the most challenging conflicts these endeavors may face. I believe that this is relevant to the Portland Museum expansion.

The former Chamber of Commerce Building---142 Free Street—is an historic building that has graced Portland for almost 100 years. The PMA leadership has framed their expansion argument as follows: we need adjacent land for expansion and therefore must demolish 142 Free Street. Without this land, expansion is impossible, and the public will reap none of the enormous community benefits that have been advertised.

This either/or proposition is just plain wrong.

The 142 Free Street site is 9800 square feet in size. PMA has jammed its proposed 60,000 square foot expansion into this tight site, resulting in a costly five-story structure that dwarfs its historic neighbors. PMA proposes a glassy new entry on Free Street, permanently closing off the Congress Square entry to the Payson Building, ironically just as the City of Portland is pursuing an expensive re-design of Congress Square that will only enhance the Payson entrance.

All of this, PMA states, is necessary for its expansion. But this position is misleading.

In 2006, PMA purchased the adjacent 38,000 square foot YWCA site in order to "secure the museum's future options and flexibility", to quote the PMA's own website. Now a parking lot and sparsely planted open space that is four times the size of the 142 Free Street property, the YWCA site could easily accommodate expansion with great visibility, its own entrance,

connection to the existing museum buildings, and sufficient land area to yield a cost-effective solution better scaled to the surrounding buildings.

PMA has rejected the YWCA site, claiming that it does not provide a good connection to the Payson Building. I dispute this conclusion; I believe that a motivated architect could create a compelling solution.

But even if PMA is correct, there is yet another alternative: demolish the Administration Wing of the original Payson Building, which is identical in size to 142 Free Street. This would provide an expansion site central to the entire museum complex and would facilitate connection to all museum components, while enabling future expansion to the YWCA site and maintaining the current museum entry fronting on Congress Square. 142 Free Street could house PMA administrative functions.

As one who worked on the original design, I would prefer that the Payson Building remain intact, but it is far better to replace a portion of it than to destroy 142 Free Street.

Portland's unique historic fabric need not be sacrificed in order to facilitate growth. The two are not mutually exclusive, as PMA has unfortunately framed the issue. A win-win outcome can be achieved if pursued in good faith.

PMA's claim that its expansion is totally dependent on the destruction of 142 Free Street is shortsighted and misguided. It deserves to be forcefully challenged by the city and soundly rejected.

Douglas Gardner
4064 Cresthaven Dr.
Westlake Village, CA 91362

PMA's request to permit removal of 142 Free St

Subscribe

0 views



Douglas Howell <doug.howell813@gmail.c… Jan 8, 2024, 8:52:19 PM (13 hours ago)
to planningboard@portlandmaine.gov

Dear Portland Planning Board members.

I am writing this letter to support the Portland Museum of Art's petition to consider removal of the building at 142 Free Street which is currently classified as a contributing historical structure in the Congress Street Historical District.

As long-term supporters of both the Portland Museum of Art and the Greater Portland Landmarks, my wife and I understand and appreciate the value of historic preservation. We purchased a circa 1760 Cape Cod home in 1979. We worked with Ursula Baier at Landmarks, Donald Philbrick JD, President, of Maine, Historical Society and craftsman from Strawberry Bank Museum to restore and expand our home, using historically correct materials. This house, although simple and even basic, has significant value to the town of Cape Elizabeth, as one of the few remaining colonial homes with connections to antiquity. The original homesteader was born in 1690 and arrived in the Massachusetts territory of Maine in about 1725. His lineage includes Sarah Elwell, accused of witchcraft in Salem and Senator Daniel Webster.

I hope to draw a distinction between our 30 year long home project and the building at 142 Free Street.

The appeal of the PMA to ask that the planning board reclassify 142 Free Street as a non-contributing building permits a dramatic, innovative, new landmark art building to proceed. The failure to do so requires careful analysis of the consequence and the negative impact on the city of Portland Comprehensive Plan, 2030.

During my 45 years as a physician at Maine Medical Center, I have witnessed major positive changes in our beloved city. Many of these have resulted from an influx of citizens of varied backgrounds, religions, ethnicities, and education. Their social, business and cultural sophistication need and want this revitalizing expansion that has been carefully developed and presented. We know that, after a lengthy competitive process, worldwide enthusiasm elicited one hundred four applications from top architectural firms in twenty countries. The process to select a winner was presented openly over many months, yielded over two thousand positive responses from local citizens and art devotees in a completely transparent way.

What we have come to realize is that Portland needs a new concept art museum – open, inviting to all, interactive, innovative – to help bind together our newly diverse community. The new major expansion of the PMA promises to become the center of the community, even more than it will function as a community center. At present, I know of no other art museum that has attempted this bold step.

Analysis of the economic, social and cultural impact on Portland of this project, as designed, is projected to be huge. The reigning example of such an innovative project is the Frank Gehry designed Guggenheim Museum Bilbao in Spain. Opened in 1997 in a small city of 350,000, over 4 million visitors toured in the first three years. To date, Time Magazine reported that just

economic activity alone has brought over €3 billion Euros to the Basque region after an overall investment of €100 million. The PMA's proposal is of similar scale, but will be sustainably built of Maine massed timber. This promises to be a once in a lifetime creation of a landmark building built for generations to come.

As planning board members, you are weighing the impact of continuing to list 142 Free Street as a contributing building. Many do not agree. Its historical integrity has been deeply altered from flawed major renovations, and yet, despite four attempted enterprises, it remains a failed building. Its history of failure includes use as a theater, a church, the Chamber of Commerce, and finally the Children's Museum of Maine. The last owners were unable to accomplish their goal of a children's museum serving all of our community and moved to a new modern expanded building. Their frustration with 142 Free Street has been expressed.

Architecturally, little remains of the original building. The most recent renovation in the 1920s by John Calvin Stevens, resulted in the addition of the white columns and portico, hardly a unique or an original feature copied throughout 20th century America. Removal of this minor achievement is justified in my opinion, considering his multiple existing major contributions throughout Portland and our region. We have been told that even his grandson assures us his grandfather would favor removal to permit the planned PMA vision.

In closing, the city and state have much to gain if removing 142 Free Street is allowed. To favor retention of this vastly altered and failed building will harm our city's future. Ironically, that is not the contribution intended by the Congress Street Historic District's creation in 2009.

Douglas Howell MD
South Portland, ME

Dugan Murphy <dugan@duganmurphy.com> Feb 3, 2024, 9:12:07 AM (2 days ago)

to planning@portlandmaine.gov

Dear Planning Board,

I am writing in regards to the Portland Museum of Art's request to reclassify the former Chamber of Commerce Building at 142 Free Street to noncontributing status within the Congress Street Historic District. 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.

Whether or not to reclassify a building is a decision to be made based on the language of the Historic Preservation Ordinance. According to the ordinance, 142 Free Street is contributing. It meets four of the six criteria necessary to achieve this status. The ordinance only requires it to meet *one* of those criteria! So by law, the status is clear.

The Portland Museum of Art knew this when they purchased the building. It was absolutely no secret that there were protections already in place before they acquired it. If they are acting surprised, they are being disingenuous.

The Historic Preservation Board unanimously agrees that this request should be rejected. Please respect their expertise and issue a concurring decision. Doing so would also match public sentiment, as evidenced by the public comments so far, by a wide margin.

The Portland Museum of Art has a lot of property at their disposal. By law, they have many options for developing it, so they really have no grounds for asking the Planning Board to offer them unequal treatment of the law. They have been sitting for decades on the amazing, historic Clapp House without using it for anything the public can access. They have the ability to 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. They could find a new use for that underutilized parking lot and adjacent, unusable green space they put in its place. They could redesign the interior of 142 Free Street , 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 adheres to the law and suits their needs and the needs of the broader community by preserving the Chamber building.

Thank you for thoughtfully considering this issue.

Dugan Murphy
(he/him)
61 India St #3, Portland

To: Portland Planning Board
From: Earle G. Shettleworth, Jr.
37 Academy Street
Hallowell, Maine 04347
February 8, 2024

Agenda Item: Proposed Historic District Amendment, Congress Square Historic District. Reclassification of 142 Free Street as non-contributing.

I am writing to ask that the Planning Board support the Historic Preservation Board's unanimous finding to maintain the designation of 142 Free Street as a contributing building to the Congress Street Historic District. As a native of Portland who has studied the history and architecture of the city for sixty years, I want to affirm the significance of 142 Free Street as a work of John Calvin Stevens that contributes to the district.

While I question many of the statements made by attorney Mary E. Costigan in her January 31, 2024, letter to the Board on behalf of the Portland Museum of Art, I especially dispute her comments regarding Section 17.4.1.(A).

John Calvin Stevens (1855-1940) of Portland is recognized as Maine's leading late 19th-early 20th century architect. His sixty-year practice earned him a national reputation and a place in American architectural history. By the early 1900s, the Colonial Revival was Stevens' style of choice, as it was for many of his contemporaries. Thus, in 1926, when commissioned to transform the Free Street Baptist Church into the Portland Chamber of Commerce, he 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 a drawing of the building in 1836, the façade is Stevens' original design that expresses his own vision of a classical building to enhance the public space of Congress Square. Columned buildings were then in vogue from Colby College's Miller Library to the U.S. Supreme Court Building.

Moreover, John Calvin Stevens' design for the Portland Chamber of Commerce reflects his advocacy for the early 20th century 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 a perfect companion for the Post-Modern classicism of Henry Cobb's Payson Building of 1983.

Based on my knowledge of Stevens' 1926 Portland Chamber of Commerce, I find Mary Costigan's statement that this project is "not an original design of John Calvin Stevens" to be without merit. Moreover, the fact that Stevens' drawings for the project do not survive should not be interpreted as a lack of significance. It was common practice in Stevens' office to discard drawings unlikely to be needed for future work. When the architect's grandson gave the firm's remaining drawings to the Maine Historical Society in 1972, they accounted for only fifty percent of the office's work.

The architectural significance of 142 Free Street that I have outlined is a primary reason for its listing as a contribution resource to Portland's Congress Street Historic District. Contrary to the Portland Museum's assertion, the City of Portland was correct in including 142 Free Street as a contributing building when it created the Congress Street 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.

Edward Budway <EBudway@egcu.org> 2:02 PM (1 hour ago)

to planningboard@portlandmaine.gov, Gkennedy@portlandmuseum.org

Dear Portland Planning Board,

I am writing to you in support of the Portland Museum of Art (PMA). My organization and I have proudly worked alongside the team at the PMA as they've been an Evergreen Credit Union Community Partner for many years. Like other Portlanders and Mainers, we are very excited for the museum to realize the *The PMA Blueprint* vision and transform Portland's art experience for all.

A collaborative partner, the PMA is embracing the excitement and feedback of the greater Portland Community during their design process. The new blueprint represents a place of growth and opportunity for artists of all types in this city and around the world. With this new facility, the PMA may influence more aspiring artists who need space to learn and grow. Their new museum will also feature community gathering areas which can bring flexibility and opportunities to local organizations and businesses.

The Evergreen team and I are confident that *The PMA Blueprint* can transform our city and can help revitalize Congress Square. Portland Planning Board operations have already made great strides in making the city more walkable and open. The PMA's new facility will help further this work and bring more foot traffic into that area, benefitting local artists, art viewers and businesses alike. My team at Evergreen and I support the museum expansion plans, and we believe that their efforts should be encouraged and supported by those in Portland and beyond.

Sincerely,

Ed Budway

Vice President, Marketing

Evergreen Credit Union

Eileen Gillespie <etgillespie@gmail.com> Nov 28, 2023, 4:11:19 PM (16 hours ago)
to planningboard@portlandmaine.gov

Dear Portland Planning Board,

I am in full support of re-classifying 142 Free Street to non-contributing status.

The PMA Blueprint Project is a once-in-a-lifetime opportunity to revitalize Congress Square and our beautiful city of Portland. The project serves our diverse communities, strengthens our neighborhoods, educates visitors, grows our economies, welcomes all.

The economic impact of this project will transform our city as it activates and enhances the City of Portland's Comprehensive Plan 2030.

I urge the Planning Board to fully support this project.

Thank you!

Eileen Gillespie

Elizabeth Cullen <cullenelizabeth@hotmail.com> Dec 11, 2023, 2:17:14 PM (19 hours ago)

to planningboard@portlandmaine.gov, Graeme Kennedy

To whom it may concern:

I am writing this letter in support of the Portland Museum's Blueprint project.

I am a longtime resident of Brunswick, and an educator in the Brunswick school district for many years.

I am excited to learn of this new proposal for many reasons. The first that comes to mind is that Portland will be able to provide quality activities for our Maine youth, beyond the limitations of the current museum, and at the same time enhance Portland's cultural experiences for our growing diverse population.

Sincerely,

Elizabeth J Cullen

Ella Hudson <ella.hudson@gmail.com> 4:01 PM (2 minutes ago)
to planning@portlandmaine.gov

We are residents of Portland. We believe it would be a mistake to demolish the building at 142 Free Street to allow for expansion at PMA. We have read many opinions and letters that support the expansion (as do I) but without demolishing the building. Greater Portland Landmarks states it thus, "...They [law firm] have counseled us that the decision to redesignate 142 Free Street must be based on the Criteria in the Ordinance. It cannot be based on any other document, such as the new comprehensive plan, “Portland’s Plan 2030”.

The standards for rescission are clearly defined. The Planning Board and the City Council are limited to making their decisions based only on the Ordinance, the same standards the Historic Preservation Board applied in making their November decision.

While 142 Free Street is the focus of our advocacy, the issue is much larger: **Can the City of Portland ignore its own clearly defined ordinance to the benefit of one property owner? The land use rules are clearly set so everyone knows what is possible when they acquire a protected property.** There are many opinions on whether the proposed or the existing building is preferable. However, the City’s Historic Preservation Ordinance, which has been instrumental in Portland’s resurgence over the last thirty years, is very clear."

The rules are definitely clear.

Ella and Knapp Hudson
164 Deepwood Drive
Portland

Emma Gregg Brego
Director of Production
p3 Maine
434 Cumberland Ave
Portland, ME 04101
11/30/23

Planning Board
City of Portland
389 Congress Street
Portland, ME 04101

Dear Members of the Planning Board,

I am writing in my capacity as Director of Production at p3 Maine (and a lover of art!) to express my strong support for the Portland Museum of Art's (PMA) Blueprint. As someone who has been deeply involved in the cultural and economic development of our city, I am convinced that this project is of paramount importance to Portland's future.

The PMA Blueprint is a reflection of extensive community engagement and insight. It stands as a testament to the museum's commitment to embracing the diverse voices and visions of Portland's citizens. This project is more than an expansion; it is a bridge connecting the museum's historical legacy with the future aspirations of our community. The Blueprint's alignment with the input of thousands of Portlanders guarantees that it is not just a plan for the museum, but a plan for the people of Portland.

This initiative represents a transformative opportunity for our city. It is not merely an enhancement of our cultural infrastructure but a catalyst for broader urban renewal and economic growth. The Planning Board's support for the PMA Blueprint is crucial in realizing a project that embodies the spirit and objectives of the City of Portland's Comprehensive Plan 2030.

The economic implications of the PMA Blueprint are particularly compelling. The revitalization of Congress Square and the surrounding areas will spur economic growth, create jobs, and attract tourism. This project will serve as a cornerstone for further development and investment in our city, setting a precedent for thoughtful, community-driven urban planning.

I urge the Planning Board to recognize the transformative potential of the PMA Blueprint and offer it your full support. This project is a unique and critical opportunity to shape the future of Portland in a way that honors our heritage, celebrates our diversity, and embraces the possibilities of the future.

Thank you for your consideration of this important matter. I, along with many others in our community, am eager to witness the positive impact that the PMA Blueprint will have on our city.

Warm regards,



Emma Gregg Brego

Eric Handley <ewhcom@gmail.com> Feb 2, 2024, 6:26:13 PM (3 days ago)

to planning@portlandmaine.gov

Hi

A comment on the proposed reclassification of 142 Free Street by the Portland Museum Of Art.

The reclassification is unnecessary and completely unjustified.

I agree with Portland Landmarks that the museum knew when they bought the building that it is a protected site within the National Register District.

I am a long term PMA member and enjoy multiple visits per year. Especially enjoying the area around High Street with the many older buildings some of which the PMA owns.
The plans submitted by the PMA are out of touch with the area, it would be nicer to see a more integrated expansion plan.

I am against the reclassification and the plans to demolish the building.

Eric Handley
56 Wilson Street Unit 4
Portland 04101

Eric Stark <eric.stark@maine.edu> Feb 6, 2024, 1:12:58 PM (yesterday)

to planning@portlandmaine.gov

Hello Portland Planning
I am writing regarding 142 Free Street and the Portland Museum's desire to reclassify that building. I am an architect and professor of architecture at the University of Maine at Augusta. I live in Portland at 71 Beckett Street in a historic neighborhood (Munjoy Hill).

I strongly urge you to reclassify this building and allow the PMA to progress with their plans for the site and expansion of the museum. Given my experience as an architect, teacher, and homeowner, I am well versed in aspects of historic preservation. In fact, I am a proud member of Greater Portland Landmarks.

However, I strongly disagree with the GPL stand on 142 Free Street. While this building has history (it is old), it does not offer historic significance. It is a fairly nondescript Greek revival structure that has outlived its usefulness. At this point in Portland's history, the PMA has the financial and visionary opportunity to create a world-class museum complex. The benefits of the complex to Portland's cultural and artistic future is clear. In addition, the economic effects to greater Portland should also be clearly understood.

You have a chance to make Portland better for decades to come. Please do not let the small fact that a building was constructed some years ago stand in the way of Portland's progress!

Respectfully submitted,
Eric Stark
71 Beckett St
Portland, ME 04101

Erik Hayward <erik.hayward@gmail.com> Dec 7, 2023, 9:58:58 AM (23 hours ago)

to planningboard@portlandmaine.gov, officeofthedirector@portlandmuseum.org

Dear Members of the Portland Planning Board:

I write to express my full support of the plans presented by the Portland Museum of Art (PMA) as part of its Blueprint Campus Unification Project. The proposed project represents a significant opportunity to bring vitality and progress to the city's arts district and Congress Square, which has not seen the revitalization underway on other parts of the peninsula.

From my experience working in Portland for twenty years and as a Trustee of the PMA, it appears that there is a very vocal minority of citizens opposed to this project based solely on the historic designation (misplaced in my opinion) of 142 Free Street. While I understand their concerns, I wish to convey to the Planning Board that there are many more people in support of this once-in-a-lifetime opportunity.

The regrettable loss of Portland's historic Union Station has served as the galvanizing force for the city's strong preference toward preservation. This is admirable, but it can only be extrapolated so far. The PMA's proposal compares in almost no way to that unfortunate loss which occurred in favor of the development of an uninspiring strip mall on St. John Street.

142 Free street will be replaced with a world-class cultural institution, developed by a renowned group of architects and designed with input from thousands of community members. The building itself, as much as the art and the programming contained therein, will be an attraction to Portland for generations. It will be accessible to all, and it will serve a far better and higher use than any possible reconfiguration of the current structure of 142 Free Street.

I strongly encourage the Portland Planning Board to give its full support to the PMA Blueprint project.

Thank you,
Erik Hayward

Members of the Portland Planning Board:

Following is my letter to Portland Press Herald which speaks in opposition to PMA's request to raze the building at 142 Free Street. Please deny that application.

As the owner and developer of a number of properties in southern Maine, including four past projects on the National Register of Historic Places, I am troubled by the Portland Museum of Art's current attempt to make an end-run around Portland's historic preservation ordinance. Preserved historic buildings are a meaningful part of what has made Portland so widely celebrated as a unique place. This newspaper's longtime home, now the Press Hotel, is a prime example of how historic buildings can be modernized and given new life.

While it is often easier and less costly to tear down an old structure and build new, rehabilitating historic buildings benefits the entire community – and the environment – and the availability of historic tax credits often helps the developer offset added costs.

In Portland, the rules are clear. If a building is deemed a contributing structure within a historic district, as is the 142 Free St. building, it cannot be demolished for reasons of expediency– regardless of who the owner is. The granting of historic preservation status to a building or district is a thorough and deliberative process; it is not a temporary condition until something "bigger and better" comes along. The PMA knew this when they purchased the building just a few years ago.

I hope that the Portland City Council will not bow to the pressure being applied by the PMA, and will uphold the city's historic preservation ordinance. While working with historic buildings requires creativity and extra diligence, there are many of us who have found ways to develop successful projects within Portland's historic districts.

What's important is that we all play by the same rules. That includes the PMA.

Ford Reiche
Freeport

George Brown <georgebrown06@gmail.com> 8:47 AM (2 minutes ago)

to planning@portlandmaine.gov

I'm 75 yrs old and have always admired the lines and design of this landmark. I also remember the Libby building that was torn down to make room for the PMA. 142 High has always been a significant building on the corner of High and Congress. You might as go after the HH Hays building while you're at it. It certainly won't fit into PMA vision for Congress St, it's too old.
Sent from my iPhone

Hailie Posey <hailieposey@gmail.com> Dec 5, 2023, 4:39:25 PM (23 hours ago)
to planningboard@portlandmaine.gov

Dear Planning Board,

Please accept this email in support of the Portland Museum of Art's Blueprint Project. I believe that the exciting vision outlined in the Blueprint Project would be of benefit to Portland and all of Maine by bringing forth enhanced access to art, community engagement around the PMA collections, and economic revitalization. This is such an exciting project and opportunity for Portland.

As a supporter of the revitalization of PMA, I also support the necessary removal of the former Children's Museum building at 142 Free Street. The cultural and economic benefits of the proposed PMA building expansion far outweigh the historical significance of the Children's Museum building. The building has a problematic past, and the columned facade evokes a neoclassical vision that is steeped in prejudice and racism. Preservation of this particular building and its columns should not be the primary impediment to the expansion of the PMA. The former Children's Museum building does not embody the open, equitable, and accessible future we envision for Portland or our region.

Thank you for taking my position into account. I hope that the value of the proposed PMA building including its galleries, performance spaces, and community meeting spaces will remain at top of mind as you make your decision regarding 142 Free Street.

Sincerely,

Hailie Posey
21 Rumery Street
Saco, ME 04072

Hanson Historic Consulting

February 8, 2024

Portland Planning Board
389 Congress Street
Portland, ME 04101

Re: Proposed Reclassification of 142 Free Street

Dear Planning Board Members:

Please let me start by apologizing for the length of this letter. As one of the principal figures involved in the creation and certification of the Congress Street Historic District in 2008-2010, I have first-hand knowledge of how 142 Free Street's classification as "Contributing" was determined. With the personnel turnover in City Hall and the Portland Museum of Art since 2010, I hope the information I have to share can clarify many points of confusion about this question.

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, 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.

Portland's Historic Preservation Ordinance does not require identification of a period of significance when designating a district, unlike the National Register. What is does instead is require that a building be 50 years or older to be considered "contributing" to a district. By default, this creates a period of significance from the construction date of the oldest building in the district until 50 years before the time of designation. For the Congress Street district, this is 1789 to 1960. Alterations made to buildings in the district prior to 1960 are considered historically significant. This, of course, includes the 1926 alterations to the Chamber of Commerce Building by John Calvin Stevens.

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.

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 Guy Lapsley 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.

Needless to say, a building substantially altered to accommodate the Chamber of Commerce in a district with "Commerce" as a primary Area of Significance is significant in that Area and significant to the district. Its architectural significance as a building substantially redesigned by John Calvin Stevens in 1926 hardly needs explanation.

As noted above, Certification of a local historic district allows owners of Contributing buildings access to state and federal historic tax credits. 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. I am aware of at least five other historic tax credit projects currently being planned in the Congress Street Historic District. 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.

You have a January 31, 2024, letter from attorney Mary Costigan, representing PMA, offering her opinions about the contributing status of Chamber of Commerce Building and some statements about recent communications with the National Park Service staff regarding possible effects changing the status of the Chamber of Commerce Building's designation status might have on the certification of the district. She then focuses on the "amendment" of certified local historic districts and speculates, "It is questionable whether the City would even have to notify NPS of the change in classification of one building." She also ignores the very relevant question of "why" the museum wants to reclassify the building – which is to demolish it.

As clearly described in the "Portland's Certified Local Government Status - Elimination of Project of Special Merit Provision by City Council – 2005" Memo in your packet, a provision in the Ordinance that would have allowed demolition of contributing buildings for "exceptional" new buildings had to be removed to achieve Certified Local Government status. For Ms. Costigan to argue that finding a loophole in the ordinance to achieve the same result as the rejected "Project of Special Merit" provision would have allowed, would not create any concerns for NPS is wishful thinking.

It is important to understand the differences between a Certified Local Historic District, a Certified Historic Preservation Ordinance, and a Certified Local Government, and how each plays into this issue. They are all distinct certifications by the National Park Service, and all apply to the Portland historic preservation program in different ways. All are potentially negatively affected by the demolition of a Contributing building in a Certified Historic District – in a domino effect. If the Certified District status is lost due the city allowing demolition of a Contributing building, it brings into question whether the Ordinance protections are adequate to quality for Certification of the Ordinance, which then would threaten the Certified Local Government status providing access to historic preservation grant funds.

A local preservation ordinance that allows the demolition of structurally sound Contributing buildings, by whatever means, clearly does not meet NPS requirements for a Certified Ordinance, placing in jeopardy Portland's CLG designation and the NPS Certification of the Congress Street, Waterfront, and Munjoy Hill historic districts. Speculating about the meaning of "amend" in the NPS regulation does not change the very clear meaning of "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

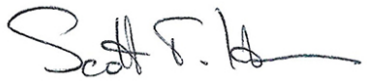
continued benefits under the above laws" in the NPS letter certifying the Congress Street Historic District.

In the real world, changing the designation status for the Chamber of Commerce Building for the purpose of demolishing it would at minimum create uncertainty and confusion for the property owners, developers, investors, and others involved in current and planned historic tax credit projects in Portland's certified historic districts. Projects will be delayed (best case) or cancelled due to this uncertainty. The ability of the City to continue accessing Certified Local Government grant funding would equally become unclear, as this newly created loophole in the preservation ordinance will undermine the City's CLG status.

In conclusion, as the unanimous vote of the Historic Preservation Board makes clear, 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." Furthermore, doing so would create enormous uncertainty for other property owners in Portland's certified historic districts. The NPS letter certifying the Congress Street 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*.

I urge the Board to unanimously reject this request.

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

Ian Jacob <iancasperjacob@gmail.com> 10:50 AM (5 hours ago)
to planning@portlandmaine.gov

Chair Mazer and members of the Planning Board,

Given that Portland's Land Use Code is clear about guidance for Amendment or Rescission of Designation (Subsection 17.5.9), it is NOT a question whether one supports or does not support 142 Free St either remaining Contributing or reclassified as Non-Contributing. You must follow the Land Use Code.

Subsection 17.5.9. states you are **only** to follow Subsections 17.4.1 (A) and (B) and Subsection 17.4.2. It does **not** say you are to look to the Comprehensive Plan for guidance. It does **not** say you are to take into account the applicant. The HP Board followed the Land Use Code and so should the Planning Board.

Your task is clear - follow the Subsection 17.5.9.

Thank you for your time and service.

Ian Jacob
59 State St.

Jack Montgomery <jackmontgomeryphotography@gmail.com> 8:50 AM (7 hours ago)
to planningboard@portlandmaine.gov

Dear Members of the Planning Board

I am writing in support of the Portland Museum of Art application for the reclassification of 142 Free Street. I know you have received a lot of communications on this matter, so I will keep mine brief. I spent fifty years studying and practicing law in Portland. I am also a photographer and continue to exhibit my work there as I have for thirty years.. While my wife and I live in Freeport, I have looked to the city as the cultural center of my life for more than half a century.

First, you have an opportunity to allow the construction of a world class facility that will be a great asset to Portland for the decades ahead. It will fill dead space (an empty white elephant of a building) with a dynamic structure that will be a hub for exciting and creative activities, that will draw art lovers to the city, will invigorate the neighborhood surrounding it and will engage every diverse cohort of our growing community.

Second, the so-called “risk of setting a precedent” is illusory. You are not bound by the rules of a court. You make decisions based upon the evidence. You are not bound in any way in future deliberations. Moreover, this circumstance is unique. This application involves a public project of the greatest cultural value. It is not a shopping mall or hotel that is at issue. Please, don’t lock this district in amber at the expense of enhancing Portland as the most dynamic art and cultural center in Northern New England

Third, I would urge you to treat skeptically the argument “I think it’s a great idea but it needs to be done a bit differently and somewhere else”. This deflection can only assure that the idea will die or be pushed out so far into the future that it will not be realized in our lifetime. Please, be bold. Let’s make this wonderful opportunity a reality.

Thank you.

Very truly yours,

Jack Montgomery
Freeport

Jack Vreeland (NMDI) <jackvreeland@gmail.com> 9:48 AM (7 minutes ago)
to planningboard@portlandmaine.gov

Jack Vreeland
447 Deering Ave., Portland ME 04103
jackvreeland@gmail.com

February 7, 2024

City of Portland Planning Board
389 Congress St, 4th Floor, Portland, ME 04101

Subject: Public Comment on Historic Preservation Designation;
142 Free Street; Portland Museum of Art, Applicant

Dear Chair Brandon Mazer and Members of the Planning Board,

I have listened to the meetings of the Historic Preservation Board and Planning Board on the PMA's request. It is now clear that the Historic Preservation Ordinance details the process for the removal of a contributing building. The Greater Portland Landmarks' detailed analysis of this is clear: 142 Free Street is protected. The HPB rightly confirmed this position.

From your last meeting, the question was raised as to what options the Planning Board had in making its decision. It is becoming evident that you are required to adhere to the HP ordinance in making your decision.

The PMA either did not explore this prospect when they purchased the historic contributing building that was and is 142 Free Street, or simply chose to ignore the warnings they were given and assumed they would be given preferential treatment. The consequences of that risk-taking are now apparent. The PMA asking you to not follow the ordinance transfers all the risks they have taken to you. It opens the door to all sorts of questions, not just of basic equity about following our own City's rules but also of undermining the ordinance, which will certainly cause others to insist on the same treatment in the future.

Clarity is essential to the process, and the clear answer is to deny the PMA's request.

My hope is that the Planning Board will ask the PMA to step back and do what they should have done from the start: design a world-class museum that does not require a violation of the historic preservation ordinance.

The PMA insists their proposal is the best and only option. This is simply not true. There are creative examples all over the world of museums that have incorporated historic structures in exciting ways.

It can be done. The ordinance allows great flexibility in incorporating and modifying a contributing building. The Children's Museum's changes to 142 Street are evidence of this fact.

The PMA attaches many projected benefits to their expansion. All of which I support. Please encourage them to come to you with a creative solution that meets their objectives without asking you to ignore the HP ordinance.

Merrill Auditorium, as it stands today, is the product of a similar situation. A plan was put forward that would have demolished the historic features of the auditorium. The "Second Opinion Committee" showed that a better option could attain the acoustics without destroying the horseshoe balconies. Fortunately, this path was taken. We all benefit from this change of direction: a magnificent interior as well as better acoustics.

I hope everyone can now start to work towards a creative solution that will draw broad support. Please deny the PMA's request and encourage them to seek other solutions.

Thank you for your attention.

Sincerely,

Jack Vreeland

Janet Antich <jajantich@gmail.com> Dec 2, 2023, 10:27:21 AM (yesterday)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org

To Members of the Planning Board:

We are writing to voice our support for the PMA Blueprint Project as it faces opposition from Portland Greater Landmarks.

As community members and neighbors to the PMA, we were involved as part of the Architect Selection Process Committee, which allowed us insight into the thoughtful and careful process with which the PMA began developing the design and concept for reunifying the museum campus.

Their initial intention, and the design they selected, represent a unique vision to make a space that will meet the needs of our diverse and vibrant communities. While the facade of a building holds importance, architecture is also about the space(s) created, and about the people who will enjoy those spaces. The new design aims to create a place that is open and welcoming to all, one in which the facade does not read as impenetrable.

Realizing that not all people may feel that a museum is a safe space for them, making the design itself open and engaging will be a clear message of inclusivity. The design calls for use of sustainable mass timber, materials which also help make this an exciting and unique approach.

The PMA plan presents an opportunity for Portland to walk the talk, to create spaces for this community to be present and be represented...to create a new landmark which is not something that has been seen before, but is proudly forward thinking.

We do understand the importance of historical landmarks ... there are places where a building like this might not make sense. But in this site and location, within the landscape of buildings and development of public spaces in downtown Portland, we believe the plans for the new PMA building would only bring positive transformation and deserves the full support of the planning board.

Thank you for your consideration.

Janet E Antich

russo@maine.rr.com <russo@maine.rr.com> 10:19 AM (3 hours ago)
to planning@portlandmaine.gov, Info

My comments for the record against razing 142 Free Street.

As a Portland native, lifelong resident, and long-time Realtor, I am against demolishing this historic building. The museum's current building and the proposed addition are too futuristic for this city. Please preserve this piece of Portland history (as Portland Landmarks works so hard to do) 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. Let's go with the plan that incorporates this historical building into the new building and keep the architectural integrity intact. Why bother having historical zoning if you are not going to abide by it?

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….

Jean Russo

Harborcity Realty

Portland, Maine

207 775-1991

Jennifer Graves <jenhgraves@gmail.com> Dec 7, 2023, 9:45:51 AM (23 hours ago)
to planningboard@portlandmaine.gov

Dear Members of the City of Portland Planning Board,

I am writing to express my support for the Portland Museum of Art's request to remove the designation of 142 Free Street as a "contributing building" to the Congress Street historic district.

I am a former resident of Morning Street in Portland (2000-2006) and a 23-year employee of the Portland Museum of Art. As such, it's been a privilege to witness the tremendous amount of time, effort, and passion that my colleagues and our board have dedicated to planning for an expansion that will not only accommodate the extraordinary growth we are experiencing in our collections and programs but will also be a world-class example of inclusivity and accessibility for museums: the PMA Blueprint.

I have listened with interest to the Historic Preservation Board's meetings on this matter, as well as the November 28th Planning Board meeting. I understand the complexities that the Planning Board and the City are facing with respect to un-designating a contributing building. However, I urge you to think long-term about the impact that the museum's growth could have on our community if the PMA is allowed to move forward. Our staff and board leadership have dedicated years of research and discussion to bring the organization to this point—it has not happened in a vacuum. There is reason and thought behind each decision that has gone into the creation of the PMA Blueprint.

Who in this community would benefit from 142 Free Street continuing to sit empty, falling further into disrepair and being ignored by prospective buyers, had the PMA not purchased the building from the Children's Museum? Does Congress Square need another vacant, dilapidated space marred by graffiti? What a heartbreaking prospect for those who love the City of Portland.

The PMA Blueprint expansion and campus unification project is, without a doubt, a once-in-a-lifetime opportunity for Portland. Let's work together—the PMA, the preservation community, and the City of Portland—to make the PMA Blueprint happen. The value that the PMA and the Blueprint project bring to this community far outweighs any value that 142 Free Street, in its current state, could ever possibly offer.

Thank you for your service to the City of Portland.

Sincerely,
Jennifer Graves
Cumberland

Jen Roth <jjroth315@yahoo.com> Dec 1, 2023, 3:56:41 PM (2 days ago)

to planningboard@portlandmaine.gov, Allyson Martin, Graeme Kennedy

Dear Portland Planning Board-

I write to you today to ask for your support in the progress of The Portland Museum of Art Blueprint project. This project, and your support, will help to create new jobs, and stimulate the economy in an integral and important part of town much in need of a *boost*. The project will provide a safe and inclusive space for **all community** members to gather.

Congress Square sees businesses closing their doors daily and this is not okay. Why not support a project that will have such a positive impact on the growth, development, and inclusivity of Congress Square? This is truly a once-in-a-lifetime opportunity for the community and the city of Portland. This project deserves the full support of the Planning Board. The PMA Blueprint has been developed with input from thousands of Portlanders and (the PMA Blueprint) represents the vision and needs of our diverse and vibrant communities. This is a project that only has positive and long-lasting benefits for Portland.

I encourage you to support this initiative. It will be an amazing addition to a city in need of a boost. Thank you for your time and consideration.

Jennifer Roth
Proud PMA supporter

Letter in support of PMA's "Blueprint Project"

Subscribe

0 views



Jim Scherer <jim@jimscherer.com> Dec 6, 2023, 4:45:32 PM (16 hours ago)

to planningboard@portlandmaine.gov

To the Planning Board:

I am a member at the PMA and a 6 year resident in Falmouth ME, and I write to you to support the Museum's project.

Among Portland's cultural attractions, the PMA is right at the front. When we moved here 6 years ago from Boston, having a museum like the PMA made a difference in making our decision to move here. The vision for the new museum simply confirms that we made the right choice

It dismays me to know that there is resistance to this plan on the part of some. The Museum has clearly done its due diligence over at least two years, in consultation with multiple parties. In my opinion, the current structure at 142 Free Street has seen its day.

The Blueprint Project envisions a vibrant future for the entire city - let's embrace that!

With appreciation for letting me share these thoughts,
Jim Scherer
77 Babbidge Road
Falmouth, ME 04105

Jo Israelson <welcomingthestrangerart@gmail.com> Feb 5, 2024, 5:55:00 PM (14 hours ago)
to planning@portlandmaine.gov

February 6, 2024
TO: Planning Board
FR: Jo Israelson (former Munjoy Hill resident)
RE: **Children's Museum**

As an advocate for historic districts, I am challenging a request by the Portland Museum of Art to change the historic status of the former Chamber of Commerce/Children's Museum of Maine building at 142 Free Street so that the museum can demolish the building as part of its planned expansion.

As an artist, I am opposed to reclassifying and demolishing the **Children's Museum,** a "contributing structure" within the Congress Street Historic District, for these reasons:

- The building meets four of the six criteria under Portland's Historic Preservation Ordinance (when only one is necessary);
- There is strong public support for preserving the building;
- It is important to maintain fair application and integrity of the Historic Preservation Ordinance.

David Chase, noted preservationist has recently written:

> *Destroying 142 Free Street and trashing the Payson Building smack of contempt for history, contempt for context, contempt for local ordinances."*

No property owner should have the ability to arbitrarily demolish a historic structure, even if they feel that a new building replacement will be more "beautiful." Beauty is in the eye of the beholder.

The Children's Museum represents a different kind of beauty - much like a broken Japanese ceramic bowl repaired using Kintsugi technique. The bowl holds history – of the clay, of the artist and of its heritage. Its beauty is 'preserved' to be shared by everyone. The Childrens' Museum – as a container-does the same.

Joan Troccoli <jctroccoli@gmail.com> 3:55 PM (6 minutes ago)
to planningboard@portlandmaine.gov, Jennifer Graves

To: Portland Planning Commission
From: Joan Carpenter Troccoli, Ph. D.
Date: 8 February 2024

I am writing in support of the Portland Museum of Art's request that the current building at 142 Free Street be reclassified as "non-contributing" to the Congress Street Historic District, thus permitting the construction of LEVER Architects' design for an addition to the PMA to proceed.

My professional career as an art historian, curator, and museum administrator was centered around the preservation and interpretation of works of art. In retirement it has been my privilege to serve on the Board of Trustees of the PMA and contribute my enthusiastic support to its staff, who share my belief that art has a unique capacity to promote our understanding of the past and our appreciation for works of the human imagination across many cultures. At the same time, we believe that art museums are much more than repositories of things made by artists who lived long ago or far away. Art museums address our community's present and help shape its future. To fulfill their mission, museums must dedicate themselves to helping living people discover the myriad sources of enrichment, spiritual solace, and creative inspiration that reside in works of art.

Portland is growing rapidly, and it is natural to worry that the city may lose its historic character. The PMA has demonstrated its respect for Portland's past in its stewardship of the historic buildings on its downtown campus as well as its rescue and restoration of Winslow Homer's studio on Prouts Neck.

Successful cities are dynamic entities in which past, present, and future coexist in mutually beneficial ways. No building going up in Portland today will more effectively contribute to the essential interplay of old and new than that envisioned by LEVER for the PMA. The warmth of its mass timber structure and the tantalizing transparency of its walls of glass will invite citizens and visitors to explore the wonders within. At night, this building will be a beacon of light on Free Street and Congress Square. At every hour it will furnish panoramic views of the city and its natural setting.

It demands a tremendous investment of time, money, talent, courage, and goodwill to add a building of such quality and transformative potential to our cityscape. Much has already been done to realize this visionary work of architecture and the program it will contain. It would be a tragedy for the city to reject such an extraordinary opportunity. Please support the declassification of 142 Free Street.

Yours sincerely,

Joan Carpenter Troccoli, Ph. D.

Joanne Sterling <jsterling@rcn.com>
to planningboard@portlandmaine.gov

Jan 6, 2024, 3:47:05 PM (3 days ago)

To the Portland Planning Board:

I am writing to support the declassification of 142 Free Street as a historically significant building to facilitate the Portland Museum of Art's expansion plans into Congress Square. Even though its exterior was designed by John Calvin Stevens, the building currently at 142 Free Street is not a landmark building. It has undergone many renovations both inside and out. The building's physical features would hinder the PMA from implementing its plans to build a cultural epicenter that is collaboratively envisioned and sustainably built.

The PMA's plan to integrate a new building with its existing landmark buildings will orient the campus toward Congress Square and add to its dynamism, not take something away. An enhanced PMA campus in the Congress Square location will further define the area as "The Arts District." It will also create an attractive blend of historically-preserved buildings and a new sustainably-built contemporary one.

Portland’s Plan 2030 is rooted in vibrant, diverse, and complete neighborhoods, and the PMA's proposal is on track with this plan. This is not Union Stations 2.0; it's a well-thought-out plan that will lead to a cultural city center rooted in the arts that builds community.

Approving the PMA's plan for expansion will give Congress Square the momentum that will help it thrive. I urge the Portland Planning Board to recommend that 142 Free Street be declassified as a historically significant building to enable the Portland Museum of Art to implement its ground-breaking plan for renovation.

Regards,
Joanne Sterling
107 Pleasant Ave.
Peaks Island, Maine
04108

Jody Sataloff <jsataloff@gmail.com> 11:22 AM (1 hour ago)
to planningboard@portlandmaine.gov, Graeme Kennedy

Good morning,

I'm writing this letter on behalf of the Portland Museum of Art's Blueprint Project.

After studying the various points raised by both sides of the issue, I am convinced that moving forward with this project is in the best interest of the city of Portland. Most compelling to me, perhaps, is the very fact that the exterior of 142 Free Street has, over the years, been changed on several occasions and in different ways without any concern for historic preservation and accuracy. Clearly historic preservation did not impede that work! That, coupled with the fact that the Greek Revival columns on the building connote a time of prejudice and racism as they were constructed by a Portland Chamber of Commerce that had close ties to the Ku Klux Klan. Even the Children's Museum itself, which formerly occupied the space, felt the effects of the negative impact of said columns and as a result offers its full support of the Blueprint Project.

It seems that the Project's positive effect on the city of Portland, both culturally and economically, outweighs any historical value of the building itself, and I urge you all to put aside your concerns and support the Museum's moving forward with the project.

I thank you for your time,
Most sincerely,

Jody Sataloff

9:53 AM (1 hour ago)

John Coleman <jcoleman@theviaagency.com>
to planningboard@portlandmaine.gov, Mark Bessire

Dear Planning Board and City Council Members,

My name is John Coleman, I am a citizen of Portland and I love this great City and want to see it prosper in the years to come. I am writing to give my full support to the new building expansion proposed by the Portland Museum of Art that will replace the old children's museum building. As way of background, I am the owner of the Baxter Library Building at 619 Congress St. I spent a great deal of my time and money renovating and protecting this great historical landmark, and see that the integrity and historical value of the Baxter Library Building is an important asset to our community. I believe some buildings are worth saving. But I also believe some aren't and every generation has an imperative to mark its epic with bold and visionary statements that claim their moment in time. The new PMA building is that kind of statement.

A few reasons why I believe this to be true:

1. A powerful and inclusive community statement: It's hard to do anything that is bold AND inclusive. Competing voices and needs can water things down. Watching how the PMA conducted their design process - that allowed for many points of input from many different constituents - gave me great confidence that the resulting design will serve the needs of the broadest array of our community members and while retaining its impact and uniqueness. In all honesty, the winning design wasn't necessarily my personal favorite, but I so believed in the process that I completely trust the best design and team was chosen.

2. Portland needs to be loud and proud: I am also the Chair and Founder of The VIA Agency, and spending decades of my life in advertising I have learned that real change happens when people have the courage to pursue big ideas. This new building is a BIG idea. And it will transform the entire City, if we are brave enough to bring it into existence. In our section of the City, Congress Square, I have seen its life slowly slip away with too many empty storefronts and not enough people and energy. This new building will be a dramatic shot of adrenaline that will be felt throughout our City and beyond.

3. Letting go can be liberating: There are times when the best path forward can only be followed by letting go of the things that hold us back. One of the goals of the museum expansion is to invite everyone to feel part of our creative community and to have more people feel engaged by the power of art. Too often museums are places that make people feel not wanted or welcomed. The false facade of the old children's museum, that is scabbed onto a blocky nondescript brick building that has seen many alterations over the years, seems to convey memories of plantations and palaces that were built to say "some of us are welcome, others are definitely not ". We should let go of this old relic and do everything we can to support the building of the inviting and visionary new PMA building.

Thank you all for your dedication and service to our great City.

With appreciation and gratitude,

John Coleman

JUDITH SANER <jasaner@aol.com> Dec 7, 2023, 9:46:33 AM (23 hours ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org

To Portland Planning Board -
I am writing in support of the Portland Art Museum's proposed Blueprint Project for expansion with the adjacent property. This will be a "win-win" for museum attendees and for the city. The additional space and plans for use of the areas will open up incredible opportunities for broader community involvement and activities for all ages. A chance to continue to bring in a diverse audience, including more space for children's programs. And enhanced spaces for adults to enjoy too. The new building will bring people from near and far to see the innovative architecture and experience the site and the incredible collection of art inside.
The Portland Art Museum has been a draw for me for many years, and when I'm there I also patronize the restaurants and shops. I look forward to continuing this experience when the new building is completed. Please give it your approval.
Sincerely,
Judith Saner
York, Maine

Greater Portland Landmarks
Historic character enriches our lives
PO Box 17533, Portland, ME 04112

8 February 2024

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair Mazer and Members of the Planning Board,

We offer the following comments in addition to the letter submitted by our attorneys at Murray, Plumb & Murray.

Greater Portland Landmarks supports the expansion of the Portland Museum of Art but does not believe that the expansion necessitates the demolition of 142 Free Street, an action that would occur if the building was reclassified as non-contributing. Landmarks believes that the former Chamber of Commerce Building at 142 Free Street (more recently known as the Children's Museum building), clearly meets the historic preservation ordinance's criteria for designation as a contributing structure in a historic district. Landmarks strongly believes that the evidence that led to the building's original designation as a contributing building in the historic district continues to exist and meets the minimum criteria set forth in the Ordinance.

EVALUATION BASED ON CRITERIA
During any district designation process, each structure or site is carefully evaluated and assigned a classification of Landmark, contributing, or non-contributing. This was done for the Congress Street Historic District and documentation on each building was included as part of the required designation materials that were reviewed and approved by the Historic Preservation Board, the Planning Board, and the City Council.

Section 17.5.9 of the Ordinance, *"Amendment or Recission of a Designation"* identifies the standards for recission or amendment. The standards for a decision by the Planning Board are limited to those provided in Subsections 17.4.1(A) and (B), and Subsection 17.4.2. Subsection 17.4.1(A), sets out the minimum criteria for determining a building's significance, Subsection 17.4.1(B) sets out the criteria for determining if a historic district possesses a significant concentration, linkage, or continuity of structures, and Subsection 17.4.2, sets out the criteria for assessing the building's integrity, meaning its ability to convey its historical associations or attributes. The status of 142 Free Street was carefully considered. As we demonstrate below, the building met all of the criteria when it was originally classified as contributing. No significant changes to the building since that date or new information regarding its structural instability have been presented by the applicant that justify a change in the original determination. We encourage the Planning Board to consider the following in your discussion of the owner's request to reclassify the former Chamber of Commerce Building to noncontributing.

142 Free Street Still Meets the Minimum Criteria for Determining Significance

17.4.1.A. The ordinance limits consideration by the Board 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 20th 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.

142 Free Street Still Possesses a Significant Linkage with Other Structures within the Historic District.

17.4.1.B. In the case of a nominated historic district, the 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.

- While this section applies to historic districts, as stated above, the former Chamber of Commerce Building is a contributing building within the Congress Street Historic District. The Congress Street Historic District's commercial and civic buildings form a cohesive corridor that are physically related. They are also thematically related by their significant role in the commercial, social, and architectural development of the city. The former Chamber of Commerce Building expresses the commercial theme of the district and contributes to the district's visual character through its relationship to other historic buildings at Congress Square.

    - Although adjacent to a large parking lot, the Chamber of Commerce Building is visually related to its neighbors across Free Street, 133-135 Free Street (c1810-1820) and the Landmark-designated Charles Q Clapp Block/HH Hay Block at 588 Congress Street (built 1826 and altered 1922 by John Calvin Stevens). The Chamber of Commerce Building is also thematically related to 133-135 Free Street and the HH Hay Block. All three are early buildings 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. The Payson Building, although built less than 50 years ago, is considered part of the Landmark-designated Museum campus. Together the two buildings' monumental facades help to define the eastern boundary of Congress Square, a significant node within the historic district.

142 Free Street Still Meets the Criteria of Building Integrity

The National Parks Service standards upon which Portland's ordinance is based, do not require the materials, features, and spaces of buildings to be original to be considered "historic" and "character-defining." A structure 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 to illustrate changing tastes, attitudes, and uses over a period of time. The Congress Street Historic District is largely significant as a commercial corridor, and the 1926 alterations of the 142 Free Street building reflect the evolving commercial character of Congress Square in the early 20th century. The period of its history from 1926 onward is the time-period from which its integrity is considered.

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 possesses integrity of location** as it remains in its historic Free Street location.
- **The building retains its integrity of design**, although altered by replacement windows and doors, and additions necessary for code requirements and its use as a museum, the major Colonial Revival design features of the Chamber of Commerce building as designed by the Stevens firm (in particular at the Free Street elevation) have not been irretrievably destroyed. The building 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. In the technical language of the historic preservation ordinance, the building retains its design integrity, its ability to convey the historical association and the physical attributes that were present during the nearly 60 years the building served as the Chamber's headquarters.
- **The building retains its integrity of condition,** as it is structurally sound according to the applicant's statements before the Historic Preservation Board, although like any building that has not been updated for a period of time, it would need to have some alterations for code requirements for any potential new use.
- **The building retains its integrity of materials**, although 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 of the temple front. 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.

- **The building retains its integrity of workmanship**, although some historic workmanship was lost through the replacement of windows and doors, the structure still retains significant evidence of historic workmanship in the masonry walls and in the extensive decorative trim and details of the front façade. The loss of original window, door, and storefront materials is typical in the historic district.

The Chamber of Commerce Building was first identified as historically significant when it was included within the boundary of the Spring Street Historic District when that district was added to the National Register of Historic Places in 1970. After that listing, the building's exterior was minimally altered for its use by the Children's Museum in the early 1990s. Alterations to accommodate new uses are not necessarily evidence of lack of integrity, in fact the review standards are intentionally flexible to accommodate changes that facilitate a building's reuse (see attached images). When the building was documented for the Congress Street Historic District's designation report, the code required additions and rooftop alterations by the Children's Museum were noted and the alterations did not affect its contributing status. The alterations are reversible and therefore the altered features are not "irretrievably lost". The alterations have not significantly altered the character defining features of the building's Colonial Revival style, form, and primary facade, and do not detract from the overall appearance of the building.

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 nearly 60 year 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. In the technical language of the historic preservation ordinance, the building retains its integrity, its ability to convey its

historical association and the physical attributes that were present during the nearly 60 years the building served as the headquarters of Portland's Chamber of Commerce.

The former Chamber of Commerce building continues to warrant its designation as a contributing building within the historic district. There is no basis for rescinding its designation. We hope that through your careful deliberations, you will agree that the evidence supports its current designation.

We urge the applicant to work with their consultants to incorporate142 Free Street into their proposal, and to return to the Historic Preservation Board to obtain a Certificate of Appropriateness so that they may move forward with their expansion plans to create a more welcoming and inclusive museum.

Thank you for considering our views,



Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Attachment:
Images of altered buildings which retain their historic character and significance in Portland's historic districts.

Changes

Alterations and additions do not render a building non-historic. Often alterations are part of a building's story and are examples of the district's evolution as the following examples illustrate.



Maine Historical Society


Library of Congress

In 1922 John Calvin Stevens altered the Charles Q. Clapp Block, adding a third story to the 1826 building. The building, long the home of the Hay Drug Store, was listed as an individual Landmark in the National Register of Historic Places in 1978. The substantial addition did not affect the building's eligibility for designation.

MECA's home, the former Porteous Mitchell and Braun Department Store, was initially only three bays wide, when built in 1904. It was doubled in size in 1911, and expanded to the rear (1917-1928) until it reached through the block to Free Street in 1953. Despite this series of expansions and a comprehensive redesign of its storefront, the building was found eligible for listing in the National Register in 1996. In 2009, the building was included as a landmark structure within the locally-designated Congress Street Historic District.









The George Hunt Block at 660 Congress (left), designated a Landmark building in the Congress Street Historic District, was built in 1886 as a residence, but significantly altered at the turn-of-the century with the addition of two storefronts for commercial use. Around the corner, the Dr. Israel Dana House at Longfellow Square was altered by a commercial storefront addition for the Maine Publicity Bureau in 1921. It is a contributing building in the Congress Street Historic District. These buildings, with their significant later modifications, tell a story about the area's evolution from a primarily residential neighborhood to Portland's commercial "Main Street", and contribute to one's understanding of Congress Street's development.

Alterations

Alterations and additions like the cupola and dormers added to accommodate the Children's Museum have not destroyed the architectural integrity of 142 Free Street. Guided by the Preservation Ordinance's *Review Standards* alterations and additions are often approved to accommodate new uses in historic buildings.





Dormers are often approved in Portland's historic districts. Several former warehouse buildings along Commercial Street in the Waterfront Historic District, including the Blake Building (left) have dormer additions. The dormers were found to meet the Preservation Ordinance's review standards and do not materially alter the building's historic character. Note also the significant modern addition to the left of the original building which was reviewed and approved by the Historic Preservation Board to accommodate a new use. These alterations and the addition do not affect the original building's contributing status within the historic district. Similarly the long shed dormer on the Chase Block (right) at 217 Commercial Street was reviewed and approved by the Historic Preservation Board to accommodate a new use and does not affect the original building's contributing status within the Waterfront Historic District.





The Historic Preservation Ordinance and its review standards (which are based on the Secretary of the Interior's *Standards*) are purposely flexible to accommodate changes needed for new uses and to meet code requirements. A new ADA entrance at the Rackleff Block at 129 Middle Street (left) replaces an original raised entrance. The building is individually listed on the National Register of Historic Places and is a landmark in the Waterfront Historic District. At 10 Dana Street (right), a new stair and elevator addition provides access to the upper floors of the McLaughlin Block, a contributing building in the Waterfront Historic District.

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February 7, 2024

Sent by email
Brandon Mazer, Chair
City of Portland Planning Board
389 Congress Street
4th Floor
Portland, Maine 04101
planningboard@portlandmaine.gov

Re: Planning Board Consideration of Reclassification of 142 Free Street as Noncontributing

Dear Chair Mazer and Members of the City of Portland Planning Board:

This firm serves as counsel to Greater Portland Landmarks (hereinafter "**Landmarks**"), which has worked tirelessly for more than half a century to ensure that Portland preserves its sense of place for all by advocating for the preservation and revitalization of the city's rich architectural history. In furtherance of this critical objective, Landmarks opposes the request (the "**Request**") by the Portland Museum of Art (the "**PMA**") to reclassify the Chamber of Commerce building (the "**Building**") located at 142 Free Street as not contributing to the Congress Street Historic District.

Landmarks will provide public comment objecting to the reclassification of the Building on the grounds that the building continues to satisfy the criteria set forth in section 17.4.1.A of the City of Portland zoning ordinance, the "**Recode**," and section 17.4.2 of the ReCode (collectively the "**Criteria**").

We write separately on behalf of Landmark to explain to the Board that the ReCode expressly forbids the Board from considering any provisions in the City's comprehensive plan, "Portland's Plan 2030" (the "**Plan**"), when it contemplates whether to recommend to the City Council that the Building be reclassified. Because the Board *only* has the authority to recommend a change to the classification of the Building by applying the Criteria, it would be a legal error for the Board to recommend the reclassification of the Building based on any provision of the Plan. Moreover, as Carol DeTine, Vice President of Greater Portland Landmarks illustrates in the attached letter, when the Board assesses 142 Free Street under the Criteria, the only conclusion the Board can come to is that the building should retain its classification.

We also wish to provide clarity with respect to the question of what impact the declassification and subsequent demolition of 142 Free Street may have on the Congress Street Certified Historic District.[1]

[1] Mary Costigan's January 31, 2024 letter to the Board speculates about the impact on the certification of the Historic District as possibly having a de minimus effect but no clearly defined answer. The attached Park Service letter proves otherwise.

The attached letter from the National Park Service, issued in 2010, states unequivocally: "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 law." What that means in practical terms is when the Certified District status is lost due to the City allowing demolition of 142 Free Street (a contributing building) it brings into question whether the Ordinance protections are adequate to qualify for Certification of the Ordinance, which then would threaten the Certified Local Government status providing access to historic preservation grant funds. The negative domino effect will ripple well beyond the loss of "just" one historic building.

I. The Criteria are the only substantive standards the Board may consider when reviewing the Request.

Any request to reclassify a structure is governed by ReCode § 17.5.9.[2] It provides:

> 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.[3]

This means that (a) the process outlined in Recode § 17.5 provides the *exclusive* procedure by which the Historic Preservation Board, the Board and the City Council consider a request for the redesignation of a structure and (b) the ultimate decision as to whether to redesignate that structure *must* be based on compliance with the Criteria—not the Plan.

There are other scenarios when the Recode either requires or allows for the Board or Council to consider the Plan. When review occurs in accordance with ReCode § 17.4.1.D, the Board and Council are required to consider not only the criteria set forth in subsection A but also "the historic preservation goals included in [the Plan]" and "the effect of such designation on other aspects of the [Plan]."[4] The ReCode also authorizes the Board, when making its recommendation to the Council regarding the *designation* of a historic district or structure, to articulate "recommendations with respect to the [Plan] relating to the proposed designation.[5]

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[2] The ReCode uses the term "amendment" to describe the process by which the classification of a structure is changed. *See* ReCode § 17.5.9.

[3] ReCode § 17.5.9 (emphasis added).

[4] ReCode § 17.4.1.D.

[5] ReCode § 17.5.7. The authority to provide such a recommendation is an exercise of the Board's broad power to prepare and recommend proposed revisions to the Plan to the Council. ReCode § 21.10.B ("[T]he [Board] shall have the following jurisdiction and authority: . . . . To prepare and recommend to the [Council] changes in and amendments to the [Plan].")

The presence of language in other provisions of Article 17 of the ReCode expressly providing the Board and Council the authority to make a historic designation based on the Plan and the absence of that language in ReCode § 17.5.9 can only be reasonably interpreted as a purposeful decision by the drafters of the ReCode to *not* allow the Board and Council to rely on its interpretation of the Plan in deciding whether or not to allow for rescission of the designation of the structure.[6] Therefore, the recommendation of the Board and the decision of the Council *must be* based on the Criteria—nothing more, nothing less.

The Criteria are listed in ReCode § 17.4.1.A ("Minimum criteria for designation") and ReCode § 17.4.2 ("Integrity of landmarks and historic districts"). They require the Board and Council to limit its consideration of the Request to the following characteristics of the Building:

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."[7]

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."[8]

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."[9]

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."[10]

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."[11]

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.[12]

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[6] *See Aydelott v. City of Portland*, 2010 ME 25, ¶ 12, 990 A.2d 1024 (Holding that the absence of a standard in one section of an ordinance present in another "suggests an intentional distinction"); *see also Russello v. United States*, 464 U.S. 16, 23 (1983) ("Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." (alterations omitted)).
[7] ReCode § 17.4.1.A.1.
[8] ReCode § 17.4.1.A.2.
[9] ReCode § 17.4.1.A.3.
[10] ReCode § 17.4.1.A.4.
[11] ReCode § 17.4.1.A.5.
[12] ReCode § 17.4.1.A.6.

7. "Any . . . structure . . . 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."[13]

ReCode § 17.5.9 expressly provides that the Board cannot consider factors beyond the Criteria in reviewing a request to redesignate a structure.[14] Thus, by the plain terms of the ReCode, the Board is prohibited from considering anything other than the Criteria when assessing whether the Building should be redesignated.

II. The Board lacks the authority to consider the Plan because that power is not expressly provided to it by ordinance or statute.

Even if the ReCode did not expressly prevent the Board from considering factors other than the Criteria, the fact that the ReCode does not expressly grant that power to the Board means they do not have the authority to review the Request based on its compliance with other standards, such as the provisions of the Plan.

Municipalities lack the inherent authority to regulate private property.[15] Rather, "[m]unicipal corporations, as public bodies, may exercise only such powers as the Legislature has conferred upon them by law or which may have been granted to them directly by the Constitution."[16] By extension, if a power a municipal board purports to exercise is not expressly granted to it by statute or ordinance, then the board simply lacks the legal authority to act in that manner and any decision it reached based on an exercise of such authority is *ultra vires* and void.[17]

Furthermore, municipal boards cannot reach a decision based on its interpretation of a comprehensive plan unless expressly authorized to do so because the plan's provisions are *not* standards to be applied in the context of considering a particular application or request. By statute, municipalities may control the use of private property through the implementation of zoning regulations if those regulations are "consistent with" the comprehensive plan and the municipality adopts a zoning map.[18] The provisions of the comprehensive plan are not themselves regulations: "the comprehensive plan is just that—a

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[13] ReCode § 17.4.2.

[14] ReCode § 17.5.9 ("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." (emphasis added)).

[15] *Town of Windham v. LaPointe*, 308 A.2d 286, 290 (Me. 1973) ("A town has no right to appropriate or interfere with private property, except so far as that right has been conferred by statute, either expressly or by necessary implication."). As the Law Court explained in *Pike Indus., Inc. v. City of Westbrook:*

> Land use regulation is an area in which the Legislature has explicitly restricted the home rule authority of municipal governments. Thus, municipalities may not, under the guise of home rule authority, circumvent the zoning procedures of the land use regulation statute.

2012 ME 78, ¶ 17, 45 A.3d 707.

[16] *Schwanda v. Bonney,* 418 A.2d 163, 165 (Me. 1980).

[17] *See Robinson v. Bd. of Appeals of Town of Kennebunk*, 356 A.2d 196, 200 (Me. 1976) (instructing that when a municipal board "clothe[s] its actions with a discretion nowhere granted to it by the [o]rdinance," then "[t]he [b]oard's action is therefore ultra vires and void").

[18] 30-A M.R.S.A. § 4352.

plan—and the ordinances adopted pursuant to the plan are its regulatory teeth."[19] Whereas the comprehensive plan "sets out what is to be accomplished," the ordinance provisions adopted by the municipality sets out concrete standards to ensure that the plan's objectives are realized."[20] As a result, the Board may only decide whether to recommend to the Council that the Building be reclassified based on the substantive review standards set forth in the ReCode (i.e., the Criteria) and not the Plan.

We look forward to appearing before you when the Board takes up this matter at a future hearing. Until then, please let us know if the Board has any questions.

All our best,

Elizabeth A. Boepple, Bar No. 4422
eboepple@mpmlaw.com

Sean R. Turley, Bar No. 6351
sturley@mpmlaw.com

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[19] Nestle Waters N. Am., Inc. v. Town of Fryeburg, 2009 ME 30, ¶ 19, 967 A.2d 702.
[20] *Id.* ¶ 24 ("The ordinance is the translation of the comprehensive plan's goals into measurable requirements for applicants.")

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

Letter of Support: Historic Preservation Designation - 142 Free Street

Subscribe

0 views

Justin Alfond <jalfond@gmail.com> 11:51 AM (4 hours ago)
to planningboard@portlandmaine.gov

Historic Preservation Designation - 142 Free Street

February 8th, 2024

Dear Chair Mazer and esteemed members of the Portland Planning Board,

My name is Justin Alfond and I live at 143 Vaughan Street in Portland. I am writing to support the Portland Museum of Art's Blueprint Forward project and the re-classifying of 142 Free Street to "non-contributing" status.

I spent eight years representing the City of Portland in the Maine State Senate. During my public service, I learned a lot about listening to multiple viewpoints and appreciating the passion of those involved. With complex policy decisions, I believe one of the best approaches is to ask: "what will be better for the entire community?" After reviewing all sides' best arguments, I believe that approving the PMA's re-classifying is the best option for our entire community today and long into the future.

Walking around Congress Square illustrates major challenges for our city. It has been under construction for years, and recently three major businesses adjacent to the square have closed. Vacancies, combined with the possibility that future additional phases of Congress Square improvements by the city appear to be on hold, makes this decision even more pressing to our community.

Hundreds of community members have engaged with the PMA's vision for this project. Area businesses, arts institutions and many in the neighborhood and across our city are supportive of this relevant and forward-looking vision.

Supporting the PMA project will allow our community to enjoy a world-class building and educational and gathering space. Supporting the PMA project will allow their programming to flourish. Re-classifying will translate into tangible investments throughout Portland's economy. Finally, as your board knows better than most, the museum's plan is consistent with - and enhances - the City of Portland's Comprehensive 2030 Plan.

I urge you to fully support the re-classifying 142 Free Street to "non-contributing" status for the betterment of our fine city.

Sincerely,

Justin Alfond
143 Vaughan Street
Portland, ME 04102

Justin Alfond <jalfond@gmail.com> Nov 28, 2023, 5:34:59 PM (15 hours ago)
to planningboard@portlandmaine.gov

Dear Chair Mazer and esteemed members of the Portland Planning Board,

My name is Justin Alfond and I live at 143 Vaughan Street in Portland. I am writing to support the re-classifying of 142 Free Street to “non-contributing” status.

The Portland Museum of Art has spent years working on a transformation project to replace the former Children's Museum and Theater of Maine. Their process of engaging the community was thorough and thoughtful. It's my understanding that the PMA Blueprint had thousands of Portlanders involved. The PMA request for proposal attracted architectural teams from around the globe and shined a bright light on the Portland community, architecture and its future. We are on the cusp of a once in a lifetime opportunity to support an inclusive design and programming in the heart of downtown.

It's worth noting that the PMA Blueprint is consistent with the City of Portland's Comprehensive 2030 Plan and enhances it. Additionally, the economic impact during and after the completion of the building will be dramatic for our city and state. Once completed the PMA building will further the revitalization plan for Congress Square.

I fully support the re-classifying 142 Free Street to “non-contributing” status and believe that it should receive full support from the Planning Board.

Sincerely,

Justin Alfond
143 Vaughan Street
Portland, ME 04120

Karen Snyder <karsny@yahoo.com> 8:04 AM (1 hour ago)
to Planning and Urban Development

Dear Planning Board Members,

I support the continued designation of 142 Free St. as a "contributing" status within Congress Street Historic District for just some of the following reasons:

- In the **Historic Preservation Ordinance, subsection 17.4.1.A**, only 1 of 6 criteria status can legally be met to become a "contributing" status. **142 Free St. building meets 4 of 6 of this criteria status in subsection 17.4.1.A.**

- The PMA's expansion can ACCOMODATE this building to showcase what architects in the past could build unlike what is being built now which it seems only cold, unimaginative, big square boxes with rectangular shapes with no open space or vegetation can only be mustered. Consequently, this architectural style of building will NEVER be replicated again and should continue to be protected.

- To remove a "contributing" designation status **would set a bad precedence for the future of Portland' historical buildings** that any building can illegally be stripped of historical protection in order for any organization no matter what reason given to disrespect and disregard's Portland's historical buildings.

- For Portland Art Museum management and benefactors to respect the "historical and cultural contribution" from artists but yet disregard and disrespect the 142 Free St. building's "cultural, architectural, and historical contribution" is quite disingenuous and hypocritical of them.

Consequently, the above primary reason that 142 Free St. LEGALLY adheres to the Historic Preservation ordinance to remain as "contributing" designation status in the Congress St Historic District should be enough for the Planning Board to ensure the "contributing" status designation within the Congress St. Historic District remains intact.

Regards,
Karen Snyder
D1 72 Waterville St

Karen Watson <kbwats@me.com> Dec 11, 2023, 10:13:55 PM (11 hours ago)

to planningboard@portlandmaine.gov, Jennifer Graves

Dear members of the planning board,
I am writing in support of the Portland Museum of Art's plan to expand.
The new building at 142 Free Street will benefit all residents and visitors to our city. The expansion will create an open space for all.
Please consider the future and help bring vibrancy and this welcoming new building to life.
The museum draws visitors from all over the country. Portland Museum of Art is ready to take the museum and the city forward.
Please vote to allow this exciting new chapter unfold.

Sincerely,
Karen Watson
6 Bowdoin St
Portland Maine

Dear Portland Planning Board: Marpheen Chan, Brandon Mazer, Justin Baker, Maggie Stanley, Sean Murphy, David Silk and Austin Smith,

My name is Kristin Valdmanis and I am the President of the Board of Directors of the Children's Museum and Theatre of Maine. I am writing today to express my full support for the PMA's visionary project at our former home, 142 Free Street.

Here is a bit of real estate background. In 2019, CMTM and PMA entered into an agreement to sell our building. This arrangement was crucial for us. With the proceeds of the sale, we could finally move to Thompson's Point. For years, we struggled to find a buyer, chasing lowball offers, changing agents and companies, and aggressively marketing the space to our local community. There was no serious interest in 142 Free Street from any organizations in Portland. We attempted to bargain with all kinds of entities, including other non-profits, retail operations and government agencies. No luck.

In my opinion, no one in our city stepped up to shepherd the space. The only other possible offer that we considered was from a California-based supermarket chain that wanted to convert the building into a warehouse. Picturing that active corner of our city as cold storage space for an out of state group broke my heart as an art lover, as community leader and as a citizen. I strongly advocated to sell to the PMA because I believe that Portland will be stronger and better because of their stewardship.

The PMA is uniquely situated to turn that land into something revolutionary- a building that has been collectively developed with input of thousands of Portlanders and represents the vision and needs of our diverse and vibrant communities. This is a once-in-a-lifetime opportunity for our city, and deserves full support from the Planning Board. The PMA Blueprint activates and enhances the City of Portland's Comprehensive Plan 2030 and the economic impacts of The PMA Blueprint will transform our city and revitalize Congress Square.

In addition to serving on CMTM's board, I am also a board member of the PMA and MECA&D. I have also assisted in the revitalization of TEMPOArt, a public art forum in town. I care deeply about our creative community and work tirelessly to support their work. I believe wholeheartedly in the PMA's mission "ART FOR ALL", an admirable and bravely bold idea in the museum world where art is often hidden from the public behind imposing and opaque walls. Imagine the message we will send to all of the people of Portland and Maine when the transparent, glass walls rise from the old brick foundation of the Children's Museum and clearly, openly invite everyone to take part in the inspiring, eclectic collection at the PMA.

To that end, please note that the columns at 142 Free Street were often viewed by our CMTM visitors as an impediment. Many families (especially New Mainers) reported to us that they did not feel welcome entering our building because the formal, antiquated entrance created both a physical barrier (which could be much more ADA compliant) as well as psychologically intimidating. A large impetus for us to move to a modern, more generous space on Thompson's

Point was the misplaced, misused and out of date architecture of 142 Free St. To our board and staff, those columns silently spoke volumes to our visitorship. They seemed to imply that our museum was a formal institution that controlled the experience and the message. We at CMTM deeply value belonging, but our space clearly did not communicate that to the public.

Finally, on a personal note, I am a lover of old things. I am the daughter of both a museum educator and a historian. I am a collector of antiques and the keeper of many family heirlooms. I lived for years in the Richard Webb House at 29 Bowdoin Street in the West End and I painstakingly renovated a late 1800's cottage in Scarborough to bring it back to life. I do not believe in change for change sake. All things considered, I prefer to preserve things from the past for future generations. And yet, I find the insistence on protecting 142 Free Street as it stands to be misguided and overly academic. I do not proclaim to understand all of the nuances of the historic code and the legal issues connected to classification. But I do understand people. People want to feel inspired, connected and appreciated. Our buildings should reflect that welcoming desire. 142 Free Street does not. A new PMA building will do that beautifully.

Thank you very much for your service to our city and commitment to our growth and development. I respect your time and effort. Thank you for considering my point of view.

Sincerely,
Kristin Kellogg Valdmanis
35 Winslow Homer Road
Scarborough, ME 04074
kvaldmanis@hotmail.com
617-365-0345

December 4, 2023

Dear Portland Planning Board,

Re: The PMA Blueprint

I have enjoyed a decades long relationship with the Portland Museum of Art, both professionally and personally. I am writing this letter to urge you to support The PMA Blueprint.

The state of the world, our Country, Maine, and Portland is such that anyone trying to see a project through from concept to completion faces a dizzying number of obstacles. Sadly, we have gotten much better at stopping things from happening than we are at facilitating things. In my opinion Greater Portland Landmarks is another example of a well-intended group that believes its narrow view of what constitutes acceptable development should trump the views of the thousands of Portlanders who engaged with the PMA during the initial phases of The PMA Blueprint. The Portland Planning Board has the opportunity to take a larger view; to recognize what a unique and rare opportunity the PMA Blueprint presents; to realize how well it aligns with the City of Portland's Comprehensive Plan 2030; and to facilitate the revitalization of an entire sector of the city.

My experience with the PMA is that they are very thoughtful and highly genuine in their approach to their role in our community. I have never worked with any organization more committed to being truly inclusive for all the right reasons and with the correct perspective that it is the only path to real prosperity for everyone.

Years of being in a leadership position have taught me that no decision is popular with everyone, and I am sure that your service on the Planning Board reinforces that. I would encourage you to side with the considerable number of us who are confident that for decades to come the Portland Museum of Art as depicted in the PMA Blueprint will contribute far more to the people of Portland than the existing structure.

Sincerely,

Larry Wold

Lauren Collins <lauren.elis.collins@gmail.com>
to planningboard@portlandmaine.gov

Dec 1, 2023, 7:22:24 AM (3 days ago)

Dear Planning Board Members,

I am writing to passionately express my unwavering support for the construction of the new Portland Museum of Art (PMA) building in our beloved city. This exciting project holds tremendous economic potential, and we need not fear that embracing new architecture will undermine the preservation of our historic buildings. Just look to our neighboring city of Boston as an example of how new and historic architecture can beautifully coexist.

Boston has long been hailed as a city that embraces both innovation and history. It effortlessly blends modern architectural marvels with its rich historic landmarks, creating a captivating urban landscape. The Hancock Tower, for instance, stands tall and sleek amidst the iconic brownstone buildings of Beacon Hill. This harmonious blend showcases how a city can appreciate and celebrate its past while paving the way for a vibrant and prosperous future.

The new Portland Museum of Art building presents a similar opportunity for our city. By embracing this project, we can follow in Boston's footsteps and strike that perfect balance between preserving our historical charm and embracing the economic benefits that the PMA building will undoubtedly bring.

In conclusion, I implore the Planning Board to seize this once-in-a-lifetime opportunity by supporting the construction of the new Portland Museum of Art building. Let us draw inspiration from cities like Boston and create a harmonious blend of new and historic architecture that showcases our commitment to progress and our rich cultural heritage.

Thank you for considering my viewpoint on this vital matter. I trust that the Planning Board will make a well-informed decision in the best interest of our community.

Sincerely,

Lauren Collins

Portland, Maine

Lauren Fensterstocknew <lauren@laurenfensterstock.co… Jan 7, 2024, 9:50:44 AM (2 days ago)
to planningboard@portlandmaine.gov, mdion@portlandmaine.gov, Graeme Kennedy, Elizabeth Jones, mbessire@portlandmuseum.org

January 7, 2024

Dear Mayor Dion and Planning Committee,

As a Portland resident of 24 years and an artist, I have been teeming with excitement at the prospect of our city building a world class museum campus that broadcasts all Maine has to offer and boldly leads our city into a green future. When I planned to write this letter, I was going to tell you how I followed the long inclusive process Portland Museum of Art took to develop the proposed site. I planned to write about the many levels of outreach I was able to participate in as a community member: sitting in on a listening session with artists; attending three community meetings before, during, and after the architecture selection process; and watching the live public presentations by architects. But having just received an advocacy letter against the project, I am struck by the larger issue at hand: *who does historic districting serve?*

Portland is home to numerous complete and original John Calvin Stevens buildings preserving the work and legacy of an architect who built over 1000 buildings in Maine. The structure at 142 Free St, formerly the home of the Children's Museum, was not built but *renovated* by Stevens. This shows that the architect himself valued the role of updating, innovating, and revisiting the needs of a community as it evolves. In keeping with this ethos, the building has been altered and changed numerous times over the years.

In the 24 years I have lived in Maine, this city has changed dramatically. So has our world. As a city, we have become more diverse and we have begun to speak with greater clarity about the inequities of our great nation's past. Portland Museum of Art has played a significant role in these changes: as they diversified their staff in major leadership positions, and emphasized programming that tells the history of our state through previously unheard voices.

A recent letter in the Press Herald argues that the historic ordinance "was designed so that we all play by the same rules and that no private property owner, developer, or public institution – regardless of its power and influence – gets to choose which buildings remain and which can be destroyed." The truth is that we don't all get to play by the same rules when historic districting preserves an inequitable past in favor of building a meaningful future. Families of influence and long tenure have been able to build and preserve a city that supports white Protestant legacies. In 1923, at just about the time of the John Calvin Stevens's Free Street renovation, Portland's Committee of 100 was instituted with help from Portland's active chapter of the KKK to limit the power of Jews, Catholics, and other "people from away" in this city. This white Protestant lock on municipal power was cemented just before the 1926 renovation of 142 Free St. with John Calvin Stevens's Colonial Revival facade, an architectural style that glorifies an idealized American mythos and reverberates with contemporaneous efforts to decrease the power of rising civil rights movements and growth in immigration.

An unyielding emphasis on preserving the past assures that those who have been in power remain in power. Portland's history is vibrant, and I am proud to be a part of this city. But as a Jew living in Portland, I wince when I hear anecdotal stories of The Cumberland Club and the Portland Country Club's refusal to admit Jews, the loss of a major Synagogue

to arson, and the removal of the Armenian and Jewish neighborhoods that were destroyed to lay Franklin arterial in 1967. A rigid emphasis on preserving a selective architectural past allows those in power to preserve their narratives and remain in positions of urban prominence while creating a stranglehold on others to have a voice or place.

For our city to be truly equitable, to be forward looking rather than backward, we must take brave steps. This involves embracing uncomfortable change and a willingness to create space for diverse narratives in the very heart of our public squares. If new voices can only speak on empty lots and peripheral parcels, they will remain forever marginalized. To prioritize equity, we must be willing to make space for it to occur. There are greater examples of JCS's work throughout the state of Maine, that show his vision more clearly than this much built and rebuilt structure. What does it say about our community when we cannot loosen our grasp on any small shard of history to make space for something truly extraordinary and groundbreaking?

Ultimately, I want to move toward beauty in all its forms. The possibility of adding an exciting, innovative building that draws from Wabanaki traditions and utilizes state-of-the-art ecological technologies to forefront Maine's timber industry is a breathtakingly exciting prospect. I ask that we take a moment to appreciate the enormity of this proposal: what it means to the diverse people of Maine, what these free public spaces and programming will inspire, and what this prominent example of a green future will yield. The press and audiences this project will draw will raise the profile of Maine's creative economy and further a tourist boom. The green innovations will encourage more sustainable building and show Maine as a leader in the urgent ecological crisis of our moment. It will also be beautiful. The benefits of this project outweigh any loss of a previous structure. This is a chance to look forward. Let us not miss the opportunities ahead, because we are unable to let go. Holding onto the past, makes us who we thought we were. Let's become who we can be.

Lauren Fensterstock.

Portland, Maine

Lauren Fensterstock

January 7, 2024

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As a Portland resident of 24 years and an artist, I have been teeming with excitement at the prospect of our city building a world class museum campus that broadcasts all Maine has to offer and boldly leads our city into a green future. When I planned to write this letter, I was going to tell you how I followed the long inclusive process Portland Museum of Art took to develop the proposed site. I planned to write about the many levels of outreach I was able to participate in as a community member: sitting in on a listening session with artists; attending three community meetings before, during, and after the architecture selection process; and watching the live public presentations by architects. But having just received an advocacy letter against the project, I am struck by the larger issue at hand: *who does historic districting serve?*

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Lauren Fensterstock.
Portland, Maine

Lauren LeMatty <laurenlematty@gmail.com> Nov 30, 2023, 7:51:15 PM (3 days ago)
to planningboard@portlandmaine.gov

Dear Planning Board Members,

I am writing to passionately express my unwavering support for the construction of the new Portland Museum of Art (PMA) building in our beloved city. This exciting project is of immense significance to our community, and for good reason. The PMA Blueprint has been developed in collaboration with thousands of Portlanders- a blueprint that mirrors our collective vision and needs, making this a project that belongs to our diverse and vibrant communities. Denying support for this ambitious development would be a significant disservice to the people of Portland and deprive us of a rare opportunity to enhance our cultural landscape.

Large art museums bring inclusive benefits to diverse communities. They embody welcoming spaces that draw people from various backgrounds together to appreciate and engage with art. The new PMA building will be no exception, boasting accessibility measures to ensure everyone can participate and enjoy the cultural and artistic offerings seamlessly. From wheelchair ramps to glass walls that let everyone see in, a higher caliber of space for programming that promotes inclusivity, these institutions create a unifying environment where people can convene and celebrate the diversity defining our communities. By embracing the input of our diverse communities in the shaping of the museum's vision and programming, it becomes a potent instrument for community engagement, fostering a sense of pride and ownership among fellow community members.

Additionally, the economic impact of the new Portland Museum of Art building cannot be overstated. It presents an incredible opportunity for Portland to benefit from an increase in foot traffic, tourism, and cultural activities that the project brings to Congress Square. This influx of visitors will provide an infusion of economic revival, breathing much-needed life into the surrounding area. A perfect example is the Guggenheim Museum Bilbao- a museum that transformed Bilbao's economy and attracted tourists from around the world. The project proved to be a catalyst for economic transformation, leading to the emergence of new hospitality, entertainment, and creative sectors. The economic legacy of this museum is a testament to how a new museum can transform a city's fortunes, and we cannot afford to miss out on such an incredible opportunity!

In conclusion, I urge the Planning Board to embrace the new Portland Museum of Art building project. It is a once-in-a-lifetime opportunity that we must not pass up. By giving it full support, we contribute to the realization of the city's long-term goals and objectives. It is time to act and embrace the winds of change positively. Let's create a culturally rich, vibrant, and inclusive city that we can all be proud of.

Thank you for considering my perspective on this critical matter. I trust that the Planning Board will make a well-informed decision in the best interest of our community.

Sincerely,

Lauren LeMatty

Elizabeth Parsons <ecparsons33@hotmail.com> Nov 30, 2023, 12:21:49 PM (3 days ago)

to planningboard@portlandmaine.gov, Victoria Pelletier

As historic district property owners who have had significant interaction with HP board and staff, we cannot imagine designing a major change to our residence that we knew ahead of time would go against the rules. Rationales given for the PMA's request seem a bit of a stretch—to put it mildly: the building dates from the Jim Crow era (What's the specific connection?); Congress Square is "struggling" (By what measures?): a new building will accord with the Comp Plan (How does creating enormous waste then using enormous amounts of new materials demonstrate eco-consciousness—a theme that runs throughout the plan?).

Our suggestion: recommend that the Council tell the PMA to abide by the same rules as the rest of us.

Lin and Elizabeth Parsons
44 Winter Street

marcgup@maine.rr.com <marcgup@maine.rr.com> 11:40 AM (1 hour ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org, Lane Brenner

To the Portland Planning Board,

I am a member of the Portland Museum of Art and a past member of Greater Portland Landmarks. I have also been a supporter of both organizations over the years and wanted to express my deepest support for the PMA Blueprint project. I also am an active community member and support many local organizations from Equality Maine, the Animal Refuge League, Portland Recovery Center, and the South Portland Food Cupboard.

A new innovative museum building at 142 Free Street will allow for more gallery space, performance space, and free community space. The winning design proposal will help with the continued economic revitalization of Portland in addition to providing a positive cultural impact for the city.

Increased jobs, more tourism, and more tax revenue along with a space that is welcoming and inclusive makes this an easy choice for me. I hope that the Planning Board will allow this project to move forward. The Blueprint project will be a wonderful addition to downtown Portland.

Best, Marc Gup

Dear Chair Mazer and esteemed members of the Portland Planning Board,

I am the co-founder of Indigo Arts Alliance. My husband Daniel Minter is the other founder of IAA. We have lived in Portland Maine for over twenty years and throughout our time have been very active in arts and culture across the state of Maine. I currently serve on the Maine Arts Commission and Daniel is a Board member of Creative Portland. We live at 441 Deering Ave in Portland.

I am writing to support the re-classifying of 142 Free Street to "non-contributing" status.
It is clear that the PMA Blueprint is consistent with the City of Portland's Comprehensive 2030 Plan and significantly adds to the vision of said plan. The economic impact during and after the completion of the building will benefit our city and state greatly. I was one of the many community members who was asked to participate in the informational sessions for this initiative. I have no doubt the new museum will make Portland a downtown destination that will enliven the currently un-welcoming corner of Free Street. The new museum structure reflects the inclusive vision of every community member who participated in the process of visioning the what the new museum could and should be.

As a person of color living in the state of Maine, this is a moment to undo the associations with the Ku Klux Klan (Chamber's direct connection with KKK, DeForest Perkins, and the façade's creation) and instead celebrate the diversity, values, and aspirations of ALL community members. Historic preservation has its benefits but not always. Especially when the existing structure is not even a landmark building. I grew up in Richmond, VA where there are countless "historically significant" structures. The uprisings of 2020 illuminated the fact that history has many stories, not all of which are factual or useful for all citizens. In the case of that state, the people were heard and many of those structures came down. This took bravery along with an innovative mindset toward progress.

I truly hope that you will take my advocacy for the PMA Blueprint seriously. The project has been thoughtfully developed and will surely lead to an economic and cultural city center rooted in the arts, equity, and belonging.

Most Sincerely,
Márçia Minter, PhD hc | She, Her
Chief Officer of Strategic Growth and Innovation
Indigo Arts Alliance
60 Cove St. Portland, ME 04101

Matt Cahill <matt@hogfish.org> Dec 6, 2023, 6:58:39 PM (13 hours ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org, Lane Brenner, Edwin Cahill

To the Portland Planning Board,

I am the co-founder & director of Hogfish, a regenerative arts production company and artist residency in Cape Elizabeth and Portland. My husband and Hogfish co-founder and director Edwin Cahill was born at Maine Med and raised in Scarborough. His parents, Jon and Jan Cahill, were elementary school teachers in the Scarborough Public School system. His father Jon Cahill founded the popular “Gym Dandies” children’s circus group in Scarborough.

Edwin’s artistic and performance career began in Portland: from leading roles at Portland Players, to piano recitals, to dancing as the Rat King in Maine State Ballet's “Nutcracker”, and led him all the way to Broadway, starring alongside such legends as Judy Kaye and Donna Murphy as well as working with Hal Prince and Stephen Sondheim.

When Edwin and I first met as artists in New York City in 2012, we realized that we both shared the experience of gay men trying to work in a field where stories about people like us were minimal to non-existent. We dreamed of a new company that was truly for all: where we and artists from other under-represented backgrounds on stage and film could be fully themselves, where audiences could see and be inspired by the true cornucopia of the human experience, where a community could be strengthened through arts that show a world where everyone truly matters and has a voice. That dream became Hogfish.

At first we thought this dream would stay in New York City. Edwin speaks about leaving Portland as a gay artistic teenager in the 90’s, feeling that it was a city that did not welcome him as he fully was, eager for the diversity and artistic excellence of big cities. A classic brain/talent drain scenario.

And yet, on visits to Portland for the holidays and to see Edwin’s family, we both started to get the sense that it might be possible after all to return to Maine as our full selves, a gay married couple, artists, and producers of Hogfish. Maine’s recognition of same-sex marriage in 2012, federal recognition in 2015, a food scene far more diverse than Edwin's childhood favorites of Carburs and the Village Cafe, and the region and field leading work in the visual arts done by the Portland Museum of Art which so closely mirrored are dreams with Hogfish of making art for truly for all, eventually inspired Edwin to once again call Maine home in 2018 and for us to begin our own non-profit arts company Hogfish in 2021.

As a new arts company in Portland with a kindred mission to the regional anchor of the PMA, we know that the PMA’s leadership in the field has not only been a large part of what led us to call Maine home, but many other diverse artists and humans, whom we rely upon to build our community, make our art, and draw ever more diverse and talented people to the city. We also know from experience as producers that the greatest necessities for our work always boil down to time, space, and money. And featuring work by artists who have traditionally been excluded from the canon means we need more space. Either you choose one at the exclusion of the other, past colonial masterworks at the expense of marginalized voices, or marginalized voices at the expense of past colonial masterworks, or you create more space to hold both, and create a dialogue between them, where all can feel seen, heard, and welcome. It seems to us that is what the PMA is doing with its Blueprint project.

The whole country is slowly coming to terms with our colonial past and how to have conversations around it that feel fruitful and like they lead towards a greater sense of community rather than a diminished one. Statues and buildings are being torn down, names taken off buildings, because when space is limited, as it is for the PMA in Portland, the only realistic way to move forward for all is to say goodbye to stories, statues, and buildings that no longer serve the community we want to be, and to make new space, buildings, and programming that start to help us imagine a better world together. The PMA and their new building are doing just that, and I urge you with every fiber of my being as a new resident, artist, and small non-profit director of the greater Portland area and family member and friend of many Portland residents to support the PMA’s Blueprint project.

Thank you for your time and consideration,
Matt Cahill

Maury Bohan <bohanm@icloud.com> 2:21 PM (2 hours ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org, Lane Brenner

To the Portland Planning Board,

When my husband and I moved to the Portland area in 2019 to be closer to grandchildren, we were excited to find that, in addition to the beauty and warmth of the area, we could also enjoy a community rich in cultural settings and events. To us, the Portland Museum of Art offered a lovely collection to enjoy on a rainy day, or a place to which we could bring guests visiting our city. We are thrilled, now, by the plans for expansion, and expect that in the future, the PMA will be the centerpiece of our visits to Portland, rather than just a filler. This is because the plan calls not for simply a new "structure". Rather, we will see a world-class, expertly designed building (envisioned alongside Maine's Indigenous communities), with three-times the gallery and performance space, a welcoming first floor meant for community gathering, and restaurant space to ensure that one can truly spend the day enjoying the art. This will be a true landmark for the city, and a major step in revitalizing the Congress Square neighborhood.

We understand the concerns that some people have about the removal of the old Children's Museum. The building as it stands now, however, is not the same one that was built in 1830. Those Greek columns added in 1926 make for a tight, unwelcoming entrance with which the former occupants struggled. The new structure, on the other hand, with its breathtaking open facade, is expected to double the current number of PMA jobs, and add in 2027 approximately $4.2 million in state and local tax revenue.

Given that thousands of visitors left their suggestions during the comments period of the design phase (and their winning vote honored), we feel that there is great support for the city to approve this one-in-a-lifetime cultural centerpiece for our region and ensure a vibrant, arts-focused, community. We hope the Planning Board will agree!

Sincerely,
Maury Bohan

MURRAY PLUMB & MURRAY
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February 7, 2024

Sent by email
Brandon Mazer, Chair
City of Portland Planning Board
389 Congress Street
4th Floor
Portland, Maine 04101
planningboard@portlandmaine.gov

Re: Planning Board Consideration of Reclassification of 142 Free Street as Noncontributing

Dear Chair Mazer and Members of the City of Portland Planning Board:

This firm serves as counsel to Greater Portland Landmarks (hereinafter "**Landmarks**"), which has worked tirelessly for more than half a century to ensure that Portland preserves its sense of place for all by advocating for the preservation and revitalization of the city's rich architectural history. In furtherance of this critical objective, Landmarks opposes the request (the "**Request**") by the Portland Museum of Art (the "**PMA**") to reclassify the Chamber of Commerce building (the "**Building**") located at 142 Free Street as not contributing to the Congress Street Historic District.

Landmarks will provide public comment objecting to the reclassification of the Building on the grounds that the building continues to satisfy the criteria set forth in section 17.4.1.A of the City of Portland zoning ordinance, the "**Recode**," and section 17.4.2 of the ReCode (collectively the "**Criteria**").

We write separately on behalf of Landmark to explain to the Board that the ReCode expressly forbids the Board from considering any provisions in the City's comprehensive plan, "Portland's Plan 2030" (the "**Plan**"), when it contemplates whether to recommend to the City Council that the Building be reclassified. Because the Board *only* has the authority to recommend a change to the classification of the Building by applying the Criteria, it would be a legal error for the Board to recommend the reclassification of the Building based on any provision of the Plan. Moreover, as Carol DeTine, Vice President of Greater Portland Landmarks illustrates in the attached letter, when the Board assesses 142 Free Street under the Criteria, the only conclusion the Board can come to is that the building should retain its classification.

We also wish to provide clarity with respect to the question of what impact the declassification and subsequent demolition of 142 Free Street may have on the Congress Street Certified Historic District.[1]

[1] Mary Costigan's January 31, 2024 letter to the Board speculates about the impact on the certification of the Historic District as possibly having a de minimus effect but no clearly defined answer. The attached Park Service letter proves otherwise.

The attached letter from the National Park Service, issued in 2010, states unequivocally: "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 law." What that means in practical terms is when the Certified District status is lost due to the City allowing demolition of 142 Free Street (a contributing building) it brings into question whether the Ordinance protections are adequate to qualify for Certification of the Ordinance, which then would threaten the Certified Local Government status providing access to historic preservation grant funds. The negative domino effect will ripple well beyond the loss of "just" one historic building.

I. The Criteria are the only substantive standards the Board may consider when reviewing the Request.

Any request to reclassify a structure is governed by ReCode § 17.5.9.[2] It provides:

> 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.[3]

This means that (a) the process outlined in Recode § 17.5 provides the *exclusive* procedure by which the Historic Preservation Board, the Board and the City Council consider a request for the redesignation of a structure and (b) the ultimate decision as to whether to redesignate that structure *must* be based on compliance with the Criteria—not the Plan.

There are other scenarios when the Recode either requires or allows for the Board or Council to consider the Plan. When review occurs in accordance with ReCode § 17.4.1.D, the Board and Council are required to consider not only the criteria set forth in subsection A but also "the historic preservation goals included in [the Plan]" and "the effect of such designation on other aspects of the [Plan]."[4] The ReCode also authorizes the Board, when making its recommendation to the Council regarding the *designation* of a historic district or structure, to articulate "recommendations with respect to the [Plan] relating to the proposed designation.[5]

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[2] The ReCode uses the term "amendment" to describe the process by which the classification of a structure is changed. *See* ReCode § 17.5.9.

[3] ReCode § 17.5.9 (emphasis added).

[4] ReCode § 17.4.1.D.

[5] ReCode § 17.5.7. The authority to provide such a recommendation is an exercise of the Board's broad power to prepare and recommend proposed revisions to the Plan to the Council. ReCode § 21.10.B ("[T]he [Board] shall have the following jurisdiction and authority: . . . . To prepare and recommend to the [Council] changes in and amendments to the [Plan].")

The presence of language in other provisions of Article 17 of the ReCode expressly providing the Board and Council the authority to make a historic designation based on the Plan and the absence of that language in ReCode § 17.5.9 can only be reasonably interpreted as a purposeful decision by the drafters of the ReCode to *not* allow the Board and Council to rely on its interpretation of the Plan in deciding whether or not to allow for rescission of the designation of the structure.[6] Therefore, the recommendation of the Board and the decision of the Council *must be* based on the Criteria—nothing more, nothing less.

The Criteria are listed in ReCode § 17.4.1.A ("Minimum criteria for designation") and ReCode § 17.4.2 ("Integrity of landmarks and historic districts"). They require the Board and Council to limit its consideration of the Request to the following characteristics of the Building:

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."[7]

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."[8]

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."[9]

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."[10]

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."[11]

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.[12]

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[6] *See Aydelott v. City of Portland*, 2010 ME 25, ¶ 12, 990 A.2d 1024 (Holding that the absence of a standard in one section of an ordinance present in another "suggests an intentional distinction"); *see also Russello v. United States*, 464 U.S. 16, 23 (1983) ("Where Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." (alterations omitted)).
[7] ReCode § 17.4.1.A.1.
[8] ReCode § 17.4.1.A.2.
[9] ReCode § 17.4.1.A.3.
[10] ReCode § 17.4.1.A.4.
[11] ReCode § 17.4.1.A.5.
[12] ReCode § 17.4.1.A.6.

7. "Any . . . structure . . . 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."[13]

ReCode § 17.5.9 expressly provides that the Board cannot consider factors beyond the Criteria in reviewing a request to redesignate a structure.[14] Thus, by the plain terms of the ReCode, the Board is prohibited from considering anything other than the Criteria when assessing whether the Building should be redesignated.

II. The Board lacks the authority to consider the Plan because that power is not expressly provided to it by ordinance or statute.

Even if the ReCode did not expressly prevent the Board from considering factors other than the Criteria, the fact that the ReCode does not expressly grant that power to the Board means they do not have the authority to review the Request based on its compliance with other standards, such as the provisions of the Plan.

Municipalities lack the inherent authority to regulate private property.[15] Rather, "[m]unicipal corporations, as public bodies, may exercise only such powers as the Legislature has conferred upon them by law or which may have been granted to them directly by the Constitution."[16] By extension, if a power a municipal board purports to exercise is not expressly granted to it by statute or ordinance, then the board simply lacks the legal authority to act in that manner and any decision it reached based on an exercise of such authority is *ultra vires* and void.[17]

Furthermore, municipal boards cannot reach a decision based on its interpretation of a comprehensive plan unless expressly authorized to do so because the plan's provisions are *not* standards to be applied in the context of considering a particular application or request. By statute, municipalities may control the use of private property through the implementation of zoning regulations if those regulations are "consistent with" the comprehensive plan and the municipality adopts a zoning map.[18] The provisions of the comprehensive plan are not themselves regulations: "the comprehensive plan is just that—a

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[13] ReCode § 17.4.2.

[14] ReCode § 17.5.9 ("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." (emphasis added)).

[15] *Town of Windham v. LaPointe*, 308 A.2d 286, 290 (Me. 1973) ("A town has no right to appropriate or interfere with private property, except so far as that right has been conferred by statute, either expressly or by necessary implication."). As the Law Court explained in *Pike Indus., Inc. v. City of Westbrook:*

> Land use regulation is an area in which the Legislature has explicitly restricted the home rule authority of municipal governments. Thus, municipalities may not, under the guise of home rule authority, circumvent the zoning procedures of the land use regulation statute.

2012 ME 78, ¶ 17, 45 A.3d 707.

[16] *Schwanda v. Bonney,* 418 A.2d 163, 165 (Me. 1980).

[17] *See Robinson v. Bd. of Appeals of Town of Kennebunk*, 356 A.2d 196, 200 (Me. 1976) (instructing that when a municipal board "clothe[s] its actions with a discretion nowhere granted to it by the [o]rdinance," then "[t]he [b]oard's action is therefore ultra vires and void").

[18] 30-A M.R.S.A. § 4352.

plan—and the ordinances adopted pursuant to the plan are its regulatory teeth."[19] Whereas the comprehensive plan "sets out what is to be accomplished," the ordinance provisions adopted by the municipality sets out concrete standards to ensure that the plan's objectives are realized."[20] As a result, the Board may only decide whether to recommend to the Council that the Building be reclassified based on the substantive review standards set forth in the ReCode (i.e., the Criteria) and not the Plan.

We look forward to appearing before you when the Board takes up this matter at a future hearing. Until then, please let us know if the Board has any questions.

All our best,

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[19] Nestle Waters N. Am., Inc. v. Town of Fryeburg, 2009 ME 30, ¶ 19, 967 A.2d 702.
[20] *Id.* ¶ 24 ("The ordinance is the translation of the comprehensive plan's goals into measurable requirements for applicants.")

Greater Portland Landmarks
Historic character enriches our lives
PO Box 17533, Portland, ME 04112

8 February 2024

RE: CONGRESS STREET HISTORIC DISTRICT - RECLASSIFICATION OF 142 FREE STREET AS NONCONTRIBUTING

Chair Mazer and Members of the Planning Board,

We offer the following comments in addition to the letter submitted by our attorneys at Murray, Plumb & Murray.

Greater Portland Landmarks supports the expansion of the Portland Museum of Art but does not believe that the expansion necessitates the demolition of 142 Free Street, an action that would occur if the building was reclassified as non-contributing. Landmarks believes that the former Chamber of Commerce Building at 142 Free Street (more recently known as the Children's Museum building), clearly meets the historic preservation ordinance's criteria for designation as a contributing structure in a historic district. Landmarks strongly believes that the evidence that led to the building's original designation as a contributing building in the historic district continues to exist and meets the minimum criteria set forth in the Ordinance.

EVALUATION BASED ON CRITERIA
During any district designation process, each structure or site is carefully evaluated and assigned a classification of Landmark, contributing, or non-contributing. This was done for the Congress Street Historic District and documentation on each building was included as part of the required designation materials that were reviewed and approved by the Historic Preservation Board, the Planning Board, and the City Council.

Section 17.5.9 of the Ordinance, *"Amendment or Recission of a Designation"* identifies the standards for recission or amendment. The standards for a decision by the Planning Board are limited to those provided in Subsections 17.4.1(A) and (B), and Subsection 17.4.2. Subsection 17.4.1(A), sets out the minimum criteria for determining a building's significance, Subsection 17.4.1(B) sets out the criteria for determining if a historic district possesses a significant concentration, linkage, or continuity of structures, and Subsection 17.4.2, sets out the criteria for assessing the building's integrity, meaning its ability to convey its historical associations or attributes. The status of 142 Free Street was carefully considered. As we demonstrate below, the building met all of the criteria when it was originally classified as contributing. No significant changes to the building since that date or new information regarding its structural instability have been presented by the applicant that justify a change in the original determination. We encourage the Planning Board to consider the following in your discussion of the owner's request to reclassify the former Chamber of Commerce Building to noncontributing.

142 Free Street Still Meets the Minimum Criteria for Determining Significance

17.4.1.A. The ordinance limits consideration by the Board 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 20th 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.

142 Free Street Still Possesses a Significant Linkage with Other Structures within the Historic District.

17.4.1.B. In the case of a nominated historic district, the 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.

- While this section applies to historic districts, as stated above, the former Chamber of Commerce Building is a contributing building within the Congress Street Historic District. The Congress Street Historic District's commercial and civic buildings form a cohesive corridor that are physically related. They are also thematically related by their significant role in the commercial, social, and architectural development of the city. The former Chamber of Commerce Building expresses the commercial theme of the district and contributes to the district's visual character through its relationship to other historic buildings at Congress Square.

    - Although adjacent to a large parking lot, the Chamber of Commerce Building is visually related to its neighbors across Free Street, 133-135 Free Street (c1810-1820) and the Landmark-designated Charles Q Clapp Block/HH Hay Block at 588 Congress Street (built 1826 and altered 1922 by John Calvin Stevens). The Chamber of Commerce Building is also thematically related to 133-135 Free Street and the HH Hay Block. All three are early buildings 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. The Payson Building, although built less than 50 years ago, is considered part of the Landmark-designated Museum campus. Together the two buildings' monumental facades help to define the eastern boundary of Congress Square, a significant node within the historic district.

142 Free Street Still Meets the Criteria of Building Integrity

The National Parks Service standards upon which Portland's ordinance is based, do not require the materials, features, and spaces of buildings to be original to be considered "historic" and "character-defining." A structure 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 to illustrate changing tastes, attitudes, and uses over a period of time. The Congress Street Historic District is largely significant as a commercial corridor, and the 1926 alterations of the 142 Free Street building reflect the evolving commercial character of Congress Square in the early 20th century. The period of its history from 1926 onward is the time-period from which its integrity is considered.

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 possesses integrity of location** as it remains in its historic Free Street location.
- **The building retains its integrity of design**, although altered by replacement windows and doors, and additions necessary for code requirements and its use as a museum, the major Colonial Revival design features of the Chamber of Commerce building as designed by the Stevens firm (in particular at the Free Street elevation) have not been irretrievably destroyed. The building 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. In the technical language of the historic preservation ordinance, the building retains its design integrity, its ability to convey the historical association and the physical attributes that were present during the nearly 60 years the building served as the Chamber's headquarters.
- **The building retains its integrity of condition,** as it is structurally sound according to the applicant's statements before the Historic Preservation Board, although like any building that has not been updated for a period of time, it would need to have some alterations for code requirements for any potential new use.
- **The building retains its integrity of materials**, although 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 of the temple front. 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.

- **The building retains its integrity of workmanship**, although some historic workmanship was lost through the replacement of windows and doors, the structure still retains significant evidence of historic workmanship in the masonry walls and in the extensive decorative trim and details of the front façade. The loss of original window, door, and storefront materials is typical in the historic district.

The Chamber of Commerce Building was first identified as historically significant when it was included within the boundary of the Spring Street Historic District when that district was added to the National Register of Historic Places in 1970. After that listing, the building's exterior was minimally altered for its use by the Children's Museum in the early 1990s. Alterations to accommodate new uses are not necessarily evidence of lack of integrity, in fact the review standards are intentionally flexible to accommodate changes that facilitate a building's reuse (see attached images). When the building was documented for the Congress Street Historic District's designation report, the code required additions and rooftop alterations by the Children's Museum were noted and the alterations did not affect its contributing status. The alterations are reversible and therefore the altered features are not "irretrievably lost". The alterations have not significantly altered the character defining features of the building's Colonial Revival style, form, and primary facade, and do not detract from the overall appearance of the building.

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 nearly 60 year 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. In the technical language of the historic preservation ordinance, the building retains its integrity, its ability to convey its

historical association and the physical attributes that were present during the nearly 60 years the building served as the headquarters of Portland's Chamber of Commerce.

The former Chamber of Commerce building continues to warrant its designation as a contributing building within the historic district. There is no basis for rescinding its designation. We hope that through your careful deliberations, you will agree that the evidence supports its current designation.

We urge the applicant to work with their consultants to incorporate142 Free Street into their proposal, and to return to the Historic Preservation Board to obtain a Certificate of Appropriateness so that they may move forward with their expansion plans to create a more welcoming and inclusive museum.

Thank you for considering our views,



Carol De Tine
Vice President of the Board of Trustees
Greater Portland Landmarks

Attachment:
Images of altered buildings which retain their historic character and significance in Portland's historic districts.

Changes

Alterations and additions do not render a building non-historic. Often alterations are part of a building's story and are examples of the district's evolution as the following examples illustrate.



Maine Historical Society


Library of Congress

In 1922 John Calvin Stevens altered the Charles Q. Clapp Block, adding a third story to the 1826 building. The building, long the home of the Hay Drug Store, was listed as an individual Landmark in the National Register of Historic Places in 1978. The substantial addition did not affect the building's eligibility for designation.

MECA's home, the former Porteous Mitchell and Braun Department Store, was initially only three bays wide, when built in 1904. It was doubled in size in 1911, and expanded to the rear (1917-1928) until it reached through the block to Free Street in 1953. Despite this series of expansions and a comprehensive redesign of its storefront, the building was found eligible for listing in the National Register in 1996. In 2009, the building was included as a landmark structure within the locally-designated Congress Street Historic District.









The George Hunt Block at 660 Congress (left), designated a Landmark building in the Congress Street Historic District, was built in 1886 as a residence, but significantly altered at the turn-of-the century with the addition of two storefronts for commercial use. Around the corner, the Dr. Israel Dana House at Longfellow Square was altered by a commercial storefront addition for the Maine Publicity Bureau in 1921. It is a contributing building in the Congress Street Historic District. These buildings, with their significant later modifications, tell a story about the area's evolution from a primarily residential neighborhood to Portland's commercial "Main Street", and contribute to one's understanding of Congress Street's development.

Alterations

Alterations and additions like the cupola and dormers added to accommodate the Children's Museum have not destroyed the architectural integrity of 142 Free Street. Guided by the Preservation Ordinance's *Review Standards* alterations and additions are often approved to accommodate new uses in historic buildings.





Dormers are often approved in Portland's historic districts. Several former warehouse buildings along Commercial Street in the Waterfront Historic District, including the Blake Building (left) have dormer additions. The dormers were found to meet the Preservation Ordinance's review standards and do not materially alter the building's historic character. Note also the significant modern addition to the left of the original building which was reviewed and approved by the Historic Preservation Board to accommodate a new use. These alterations and the addition do not affect the original building's contributing status within the historic district. Similarly the long shed dormer on the Chase Block (right) at 217 Commercial Street was reviewed and approved by the Historic Preservation Board to accommodate a new use and does not affect the original building's contributing status within the Waterfront Historic District.





The Historic Preservation Ordinance and its review standards (which are based on the Secretary of the Interior's *Standards*) are purposely flexible to accommodate changes needed for new uses and to meet code requirements. A new ADA entrance at the Rackleff Block at 129 Middle Street (left) replaces an original raised entrance. The building is individually listed on the National Register of Historic Places and is a landmark in the Waterfront Historic District. At 10 Dana Street (right), a new stair and elevator addition provides access to the upper floors of the McLaughlin Block, a contributing building in the Waterfront Historic District.

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 THE PORTLAN PLANNING BOARD

As a native Portlander and former resident of the city, I am writing to you, imploring you, in fact, to allow the Portland Museum of Art to pursue its goal of enhancing, improving and revitalizing Congress Square Park by allowing the museum to replace 142 Free St with a building more appropriate to the times.

I cannot fathom why there is so much opposition to this investment in the future. The building's many iterations over the last 150 years most recently morphed into The Childrens' Museum. A worthy cause, a worthy building – but not its original intent. The museum would take this initiative to the next generation as a custodian of enrichment to the landscape and its architecture. Imagine the economic impact the structure would have on the city, transforming Congress Square into a community for all. Not that the current updates have not helped; far from it. But this project would complete the picture and bring the entire area even into the next century.

This is a once-in-a-lifetime opportunity to represent the vision of our vibrant community. For the sake of the future, I urge the Planning Board to support the Museum's proposal.

As a trustee of the Museum for over 20 years, I of course have a bias; but I want that bias to be recognized by championing the Museum's Plan for the Future.

Cordially,
Nancy Kaye, Trustee Emeritus
Portland Museum of Art

February 8, 2024

Subject: Public Comment on Historic Preservation Designation; 142 Free Street; Portland Museum of Art, Applicant

City of Portland Planning Board
389 Congress St, 4th Floor
Portland, ME 04101

Dear Chair Brandon Mazer and Members of the Planning Board,

Despite supporting the idea of a PMA expansion, I am writing once again to encourage you each to reject the Portland Museum of Art's lengthy, but unconvincing arguments reclassify to 142 Free Street as non-contributing.

Here is why:
1) **No less an authority than former State Historian Earle Shettleworth has vouched for the architectural integrity and historical significance** of the "changed" 142 Free Street.

2) Architectural Historian Scott Stevens has personally **written to vouch for the thorough vetting process when 142 Free was designated.** Thus, its incarnation as City's Chamber of Commerce was significant and embodies the theme of Congress Street's commercial Historic District between 1780-1958.

3) **The minor exterior changes** (what the HPO governs) made during its adaptation to the Children's Museum are not enough to destroy its character as Colonial Revival style and the ongoing impression we get as we walk Congress Street — much as it made during its life as a center of the City's business and industry for 60 years.

4) That the plans to our own and other John Calvin Stevens buildings were discarded by the hundreds when the architects moved offices is irrelevant.

5) **The Historic Preservation Ordinance and its fair even-handed application and clear processes** has contributed greatly to our City. (See the Economic Impact report).

6) **The PMA is a steward of multiple historic building**s — both the unused Children's Museum and the Clapp House.
Why can not radically inclusive and respectful redesign of their historic campus be possible? I include the I.M. Pei/Cobb building, of course.
Museums and campuses all over the world have successfully employed other architects **less wedded to former plans**.
Why not try?

7) Art for All? **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.

8) **How could ignoring** Historic Preservation protections of a contributing structure **NOT be precedent-setting**?

Please encourage the PMA to revisit their design plans and find a more creative solution that respects their significant historic assets. **It should be possible to have a win/win for** creative adaptive re-use of a **protected historic building and an exciting museum expansion.**

Please oppose reclassification and demolition of the former Chamber of Commerce building at 142 Free Street.
I count on you to **support the integrity of the H. P. Ordinance by applying it equally to everybody.**

Thank you for listening.

Sincerely,

Nancy Montgomery, interpretive designer
Montgomery Design Inc.

447 Deering Ave., Portland, ME 04103
montgomerydesign@me.com

Nonsee Oumkasem <NOumkasem@portlandmuseum.org> 2:28 PM (1 hour ago)
to planningboard@portlandmaine.gov, Graeme Kennedy

Hi,

I would like to share my original ideas that initially came to mind, and I also respect other people's ideas, avoiding political discussions.

Firstly, the city of Portland is flourishing, attracting people from around the world to want to move here. Expanding the PMA will create jobs for the community and attract more visitors, providing a venue for out of state seminars and art appreciation. Local businesses need visitors from various locations to boost their services, contributing to economic growth.

These will greatly benefit our incredible city!

Nonsee
Manager of Visitor Experience & Safety
Pronouns: He/Him/His
Portland Museum of Art
Seven Congress Square
(Shipping: 99 Spring Street)
Portland, Maine 04101

Paige Carter <paige.davis@gmail.com> 10:41 AM (2 minutes ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org

To Portland Planning Board Members,

Today I write in support of the Portland Museum of Art's Project Blueprint, because of the importance to the city of Portland and more broadly to our great state. This is a once-in-a-lifetime opportunity for our city and deserves full support from the Planning Board.

The details of this project have not been planned and developed in a vacuum. Rather, the PMA Blueprint has been developed with input of thousands of Portlanders and represents the vision and needs of our diverse and vibrant communities.

Not only has the Museum incorporated perspectives from the community, we have also aligned to Portland's long term planning. The Blueprint Project activates and enhances the City of Portland’s Comprehensive Plan 2030.

The economic impacts of this initiative will help to drive the transformation of our city and revitalize Congress Square.

It is my hope that the Portland Planning Board will join us in support of the Blueprint Project.

Best,
Paige Carter, Portland Museum of Art Trustee

patricia barber <rugbyvet88@yahoo.com> 8:15 AM (27 minutes ago)

to planning@portlandmaine.gov, patricia barber

To the Portland Planning Board
Jan 8, 2024
From: Patty Barber 21 King St Hiram Maine 04041
Regarding: Historic Designation Preservation 142 Free Street

Dear Planning Board Members;
I am writing in opposition to any redesignation of this Historic District or any buildings within, especially 142 Free Street.
I cannot believe that this item is even up for consideration. Did we learn nothing from the destruction of Union Station?
These Historic Buildings are the backbone of Portland. They are the link to the past, and the hope of the future stating that we in Maine are respectful of our roots, and treat all history with the reverence it deserves. Once these buildings are gone, they can never come back. Any attempt to 'reproduce it' will fall far short and be a mockery of the original. And the idea being floated to 'keep the facade' and tear down the rest is ludicrous.
These buildings have a soul and a personality and have withstood and witnessed much, similar to my elderly grandmother, and great uncle who came as immigrants to Portland and whose descendants have flourished here in Maine.
I urge you to vote no on any redesignation of 142 Free Street and retain the original building in whole. Portland made a promise to preserve these structures. Please don't renege on that promise to us.

Sincerely,
Patty Barber
whose ancestors came to Portland in the early 1900's and embraced its traditions

Patrick Boothe <boothepr@gmail.com> Feb 7, 2024, 4:20:48 PM (16 hours ago)
to planningboard@portlandmaine.gov

To The Members of the Planning Board, City Council, and Portland community,

As a resident of Portland and a dedicated architect within our vibrant community, I often stand at the intersection of history and innovation, advocating passionately for the preservation of our cherished heritage while embracing the boundless possibilities of contemporary design. It is with great enthusiasm that I offer my unwavering support for the reclassification of 142 Free Street within the Congress Street Historic District.

With a career steeped in the restoration of our architectural treasures, I have witnessed firsthand the transformative power of preserving our past. Guided by principles of the National Park Standards for Historic Rehabilitation, I have had the privilege of breathing new life into more than a dozen buildings, each a testament to our collective commitment to honoring our roots.

In researching the question at 142 Free Street, I read Margaret Gaertner's illuminating report, "A History of 142 Free Street and Free Street at Congress Square," dated 7/5/2023, it becomes abundantly clear that the evolution of this building warrants a reconsideration of its classification. The layers of time, marked by alterations and the shifting landscape of Free Street, paint a portrait of change and adaptation that cannot be overlooked.

Yet, beyond the confines of history, I am compelled to acknowledge the potential in front of us. The proposal put forth by the Portland Museum of Art expansion represents not only a remarkable architectural endeavor but also a beacon of inspiration for our community. In its boldness, we find a promise of renewal, a symbol of progress that speaks to the limitless horizons of our collective imagination.

In supporting this endeavor, we affirm our commitment not only to preserving our past but also to fostering a future rich with innovation and creativity. It is in the delicate balance between tradition and innovation that we find the true essence of our identity as a community.

With gratitude for the opportunity to lend my voice to this important discussion, I extend my wholehearted endorsement for the reclassification of 142 Free Street to be a non-contributing building of the historic district. May we continue to chart a course guided by reverence for our heritage and boundless optimism for the future.

Warm regards,

Patrick Boothe, AIA
Maine Licensed Architect
86 Woodford Street, Portland, Maine 04103

PC Pollard <mloretta60@gmail.com> Jan 14, 2024, 6:35:18 PM (2 days ago)
to planningboard@portlandmaine.gov

To the Chair and members of the Planning Board,

Please recognize that the Directors of the PMA's assertion that *why* they propose to ignore 142 Free Street's status as a contributing building in the Congress St. historic district is because the new building they intend to replace it with is so special, is hardly justification for ignoring the law.

The Historic Preservation Ordinance requires the same level of scrutiny to *remove* a building from its contributing status as was required in the first place to *include* it. Nothing about the building has so significantly changed that could justify its demolition according to the law.

Thank you,
Penny Pollard
29 Deering St.

eter Callnan <pcallnan@honeckotoole.com> 9:26 AM (3 hours ago)
to planning@portlandmaine.gov

This message was sent securely using Zix®

I've lived in Portland since 1985 and have always thought the building to be impressive and elegant. Let's not make a big mistake and destroy it. It can surely be put to good use and be an important part of redesigning Congress Square.

Thank you for your consideration.

Peter J Callnan, CPA

104 North Street
Portland, Me 04101

February 7, 2024

Portland Planning Board
City Hall
389 Congress Street
Portland, ME 04101

By E-mail to planningboard@portlandmaine.gov and planning@portlandmaine.gov

Re: 142 Free Street – Application for declassification as a "contributing structure" in the Congress Street Historic District

Dear Members of the Portland Planning Board:

It is exciting that the Portland Museum of Art is planning a significant expansion of its landmark headquarters between Spring Street and Congress Square. There is a concern, however, that its focus on the site of the former Chamber of Commerce/Children's Museum building next door may violate both the letter and the spirit of Portland's laws and ordinances regulating the historic character of large parts of the city.

Over the last half-century, Portland has established some 11 historic districts covering a good part of the Peninsula. Some of these are National Register Historic Districts, accepted and approved by the National Park Service. Others were established under Portland's own historic preservation ordinance and then certified by the National Park Service as Certified Local Historic Districts.

Under both regimens, the standards for becoming a historic district are similar. The area in question must contain a certain proportion of "contributing" buildings or structures that impart to the district a distinct sense of historical authenticity. This is determined by a painstaking inventory of the structures within the proposed boundaries to determine which ones can be considered "contributing" based on a number of defined criteria. These inventories are usually assembled with the help of expert consultants. They are then reviewed successively, first by the Portland Historic Preservation Board, then by the Planning Board and finally by the City Council.

Once a building has been finally classified as "contributing" to a historic district, however, it can legally be "declassified" only upon a positive finding by Portland's governing body that 1) the building was wrongly classified in the first instance and does not in fact meet the criteria with which it was associated, or 2) the building has become seriously deteriorated since it was classified. There is no provision that permits declassifying a contributing building because its owner would like to replace it with a new, even a splendid new, structure. There is no provision that permits declassifying a contributing building because the City's comprehensive plan has come to promote development of a different kind.

These are the rules by which City and its various departments and Boards are required to play. And it is easy to see that these rules are vital and necessary to maintenance of historic districts and the advantages that they bring. The historic districts would have little meaning or stability if city officials could declassify a protected structure based on a proposal to build something new and attractive in its place.

It might be noted that the stability of historic districts is very important to the National Park Service. If it gets the impression that a city is not faithfully adhering to the rules by which historic districts are created and maintained, it is empowered to withdraw its certification of the district or the city as a sponsor of districts and cut of access to millions of dollars in tax credits as well as direct grants for historic preservation purposes.

As the Planning Board considers the request of the Portland Museum of Art to declassify the contributing structure here in question, the only consideration should be whether the original classification was in error. There does not appear to be any suggestion that the building has deteriorated to an extent to warrant declassification on that ground. While it is not the purpose of this letter to address this point, it does appear that the building in question was originally found to satisfy not merely one, but several of the criteria to be classified as "contributing." It would be remarkable if, upon reexamination, it is found to have satisfied none of them.

Portland's historic districts have effectively preserved a sense of past epochs of Portland's history. They play a major role in making Portland an attractive goal for tourists and visitors as well as a special place within which to live and work. As documented in a recent third-party evaluation, the presence of Portland's historic districts has brought a net economic benefit to the city.

More specifically, redevelopers of contributing buildings in both National Register and certified local historic districts are eligible for Federal and State income tax credits for restoring and repurposing their properties. Portland property owners have received tens of millions of dollars in such tax credits, and pending projects stand to receive millions of dollars more.

It is respectfully requested that the Portland Planning Board, in considering the PMA case, will be guided by governing law and ordinances and will reach a decision that respects the integrity of Portland's historic districts. While the PMA is to be applauded and encouraged in its plans for expansion, such expansion must respect the legally protected fabric of the city in which it has its home.

Sincerely,



Peter L. Murray

Peter Quesada <pquesada@forerivercompany.com> Feb 6, 2024, 1:26:01 PM (yesterday)
to planningboard@portlandmaine.gov, Ric Quesada

I am writing regarding the upcoming public hearing to consider the request of the Portland Museum of Art to reclassify the former Children's Museum as a non-contributing building in the Congress Street Historic District. Terbax Realty, of which we are the shareholders, owns the building at 562 Congress Street and 123 Free Street, on the corner of Free and Oak Streets in the Historic District. We are in favor of the re-classification. We believe the building has been so modified over the years that there is little left to justify considering the building 'contributing,' that the change will not jeopardize the integrity or atmosphere of that portion of the Historic District, and that the proposed redevelopment will in fact enhance the Portland Museum, a or perhaps the core component of the Historic District. Thank you for this opportunity to comment.

Peter Quesada
Terbax Realty
5 Milk Street
PO Box 7525
Portland, ME 04112
(207) 772-6404
(207) 772-9078 fax
Direct line: (207) 772-8286 x203
pquesada@forerivercompany.com

Philip Pendleton <pependle@gmail.com> Feb 7, 2024, 1:49:15 PM (19 hours ago)
to planning@portlandmaine.gov

I am Philip E Pendleton, Portland resident and an architectural historian and historic preservation professional for some 35 years.

The PMA is an impressive cultural institution, and practically everyone in town is looking forward to seeing the museum expand its facilities and its exhibit presentation.

However, that does not give the PMA management the right to run roughshod over the city's historic architectural landscape, or over the city's legal structure of safeguards that were implemented to protect and promote its architectural integrity and status as a livable community.

The PMS is fully capable of adjusting its plans to protect 142 Free Street and integrate that structure into the plan as a contributing component.

Sincerely,

Phil Pendleton
77 Park Street, Apt D
Sent from my iPhone

Randy Harding <rzharding@gmail.com> Dec 10, 2023, 10:27:13 AM (22 hours ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org

Dear Planning Board members,

I am writing to you in support of the proposed expansion for the Portland Museum of Art (PMA).

I support removing the historic designation of the former Children's Museum and Theatre of Maine building needed to allow them to proceed with the expansion.

PMA's new building with its mass timber, terracotta, and glass, and with nods to Maine communities and history, will be a stunning new cultural landmark. They sponsored an international design competition which included several months of taking community input. The result is a design from the winning firm LEVER architectural that is truly for people and for communities and tailored specific to Portland and all of Maine.

This will far exceed the community value of maintaining an older building that is relatively unknown and insignificant when compared to other historic landmarks.

Thank you
Randy Harding

Rebecca Falzano <rebecca.falzano@gmail.com> Dec 12, 2023, 12:38:33 PM (20 hours ago)
to planningboard@portlandmaine.gov, Graeme Kennedy

Dear Members of the Portland Planning Board,

I am writing to express my wholehearted support for the Portland Museum of Art's ambitious Blueprint project and the proposed reclassification of the existing structure at 142 Free Street. As a concerned and engaged member of the community and a Portland business owner, I firmly believe that this project represents a crucial step towards revitalizing our city both economically and culturally.

The PMA's commitment to engaging with the community over the past two years through extensive sessions, workshops, town halls, and surveys is commendable. The inclusive approach taken in the open and juried international design competition, which involved showcasing 3D models of proposed designs for public feedback, demonstrates a genuine effort to ensure that the project aligns with the values and aspirations of the diverse communities it serves.

Here are some key reasons why I support the PMA Blueprint project and the reclassification of 142 Free Street:

1. **Economic Revitalization:** The transformation of Congress Square and the doubling of the museum's impact are promising prospects for downtown Portland. Bringing in over 300,000 visitors annually will undoubtedly have a positive economic impact, providing new opportunities for local businesses and contributing to the overall vibrancy of our city.
2. **Cultural Impact:** In the face of global challenges such as the pandemic and climate change, it is evident that strong cultural centers are essential for the resilience and sustainability of cities. The PMA, with its rich collection and commitment to fostering a sense of belonging for all, plays a pivotal role in securing Portland's cultural heart.

While acknowledging the importance of preserving our history, I believe there are instances where exceptions are warranted. In the case of 142 Free Street, the building's troubled history and the need for growth make a compelling case for reclassification. The changes made to the structure over the years, coupled with its association with the Ku Klux Klan, underscore the importance of reassessing its status.

The columns and Neoclassical design, while historically significant, carry a troubling legacy that inhibits the inclusive and welcoming atmosphere that the PMA aims to create. Understanding the potential interpretations of architectural styles is crucial, and I believe that supporting a structure with such a problematic past may hinder the city's progress toward a more inclusive and equitable future.

In conclusion, I applaud the PMA's vision for the future and its dedication to creating a museum that reflects the values, diversity, and aspirations of our community. I urge you to consider the broader impact of the PMA Blueprint project on our city's economic and cultural landscape and support the reclassification of 142 Free Street as a step towards building a more inclusive and forward-looking Portland.

Thank you for your time and consideration. I look forward to witnessing the positive transformation that the PMA Blueprint project will bring to our beloved city.

Sincerely,

Rebecca Falzano
4 Mountain Road
Falmouth, ME 04105
rebecca.falzano@gmail.com

reene patterson <reenemaine@gmail.com> Feb 2, 2024, 2:11:59 PM (3 days ago)

to planning@portlandmaine.gov

Dear Planning Board Members,

I am writing to you to express my sincere regret that we could possibly lose another irreplaceable historic building in the City of Portland. And the fact that it is the Portland Museum of Art that wants to remove the old Chamber of Commerce building and replace it with a modern addition to the existing Museum is unconscionable. It definitely has made me consider ending my Museum membership.

I volunteer for Greater Portland Landmarks at both the Observatory and at the 5th Maine Regiment Memorial Hall on Peaks Island. This organization has worked very hard to bring attention to the residents of Portland, and the entire State, of the importance of maintaining our important historic structures. We have only to remember the loss of Union Station to understand that once gone, these beautiful buildings can never be replaced.

I am sure the PMA can incorporate 142 Free St. into their new expansion plans. Just like the Current Museum building integrated the McClellan House and the Sweat Memorial Galleries, the old Chamber of Commerce building needs to remain in place.

Please consider the fact that once a building is gone, it is gone forever.

Thank you,
Reene Patterson
19 Maple Street, Apt. C
Brunswick ME 04011

Rhoda Renschler <rsrensch@msn.com> 8:36 AM (7 minutes ago)
to planning@portlandmaine.gov

Thank you all for your service to our community.

Please retain the zoning that was put in place to protect the historic fabric of our community and save 142 Free Street. Support an alternative to the museum expansion for a new design could be spectacular and more innovative.

Portland can have both: historic districts with exciting new designs.

Rhoda Renschler
37 Channel Road
South Portland, Maine
04106

Richard Barnes <richard.barnes05@gmail.com> 11:34 AM (1 hour ago)

to planning@portlandmaine.gov

Dear Planning Board members,

This building is covered by the Portland Historic District ordinance, which has been in place since 1970 and re-confirmed in 2009. PMA Trustees knew this when they purchased the building, and it was known to the four architectural firms that were invited to submit to the design competition for the Museum's expansion.

To request that this building be torn down in the face of that history because the Trustees chose a design firm that wanted them to press for a change in designation for a building that has been deemed to be of historic significance on two different occasions is cynicism of the highest order.

The ordinance was enacted after the destruction of Union Station, the loss of which still resonates today. PMA and the Payson Bldg, the McClellan-Swett House are key elements of Portland Downtown, the Arts District, and stand out amid so many other cookie-cutter buildings that dot the Peninsula. The PMA can expand in a manner that preserves one of John Calvin Stevens' major downtown buildings.

Do not grant the request.

Richard Barnes

Sally <oldhamseg@gmail.com> Feb 7, 2024, 4:07:11 PM (17 hours ago)

to planning@portlandmaine.gov, Kevin Kraft

Dear Chair Mazer and Members of the Planning Board,
I write to urge you to uphold the contributing status of 142 Free Street, the former Chamber of Commerce Building, within the Congress Street Historic District. The City's Corporation Counsel has advised city staff that the recommendation regarding this reclassification request must be based on the criteria included in the city's ordinance. Other considerations are not relevant to this decision.
The museum's attorney has provided a statement essentially stating that the building meets none of the ordinance's criteria for significance. The unanimous opinion of the Historic Preservation Board to uphold the contributing status is based on their familiarity with relevant federal, state and local standards. With my experience having worked at the National Register of Historic Places in the Department of the Interior, I believe they have evaluated the contributing status accurately. The carefully researched statements regarding evidence of the building's contributing qualities are clearly delineated also in Greater Portland Landmarks' written statement.
The consultant report submitted by the museum contains interesting facts about the history of the building, but it fails to synthesize this information and to evaluate it based on federal, state and local Preservation guidelines. The 1926 appearance of the former Chamber of Commerce Building, designed by John Calvin Stevens and John Howard Stevens, provides the basis for determining this to be a contributing building in the historic district.
In conclusion, I urge you to carefully evaluate the information before you and to recommend to the City Council that the contributing status of 142 Free Street be maintained.

Thank you for considering my views,
Sally Oldham
118 Congress Street
Portland

Samuel Carter <samuel.m.carter@gmail.com> Feb 6, 2024, 2:23:58 PM (23 hours ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org

To the Portland Planning Board:

I support the Portland Museum of Art's planned expansion onto the site of the current 142 Free Street building.

I strongly urge you to support the demolition of that current building that is a clash of architectural styles (Federalist meets Greek revival?) and which has no reasonable means of expanding the Museum's need for increased gallery space, administrative offices, secure on-site storage, and studios for visiting artists. The floorplan in the current building is terribly laid out due to the former occupants' needs to bring it up to ADA compliance.

Opponents to the Museum's expansion project claim the current building has historical value merely because a jobber architect who designed houses on the West End had his name associated with this building. But these same opponents likely aren't members of the Museum, do not visit the museum periodically to enjoy the art on display, or support the Museum's mission to inject much-needed vitality into the heart of Portland. "Look at what happened to Union Station!" they cry, overlooking the fact that Union Station was not a jumbled up mess and was indeed an example of beauty in architecture, where form followed function. The hue and cry of "Historic Preservation!" in Portland should not necessarily be applied always to tawdry, boring, and uninspiring coagulations of brick and mortar.

With the expansion of the Portland Museum of Art into a new, larger, more accessible, and (let's be honest) attractive space, tourists from around the world will want to visit Portland. The economic impact of the project will increase the number of jobs and grow the city's income. This isn't just some project for elitists -- the expansion into a new building will have a lasting economic impact on citizens living in and around Portland, and will inspire regional artists (not known for their "elite" tendencies) to pursue their passion.

Please approve the Portland Museum of Art's expansion project.

Thanks,
Sam Carter
Yarmouth resident and Museum member

Sarah Mills <scmills45@gmail.com> 11:48 AM (1 hour ago)

to planningboard@portlandmaine.gov

I am in agreement with Greater Portland Landmarks in its position regarding the PMA re-design, specifically, preserving 142 Free Street.

I am surprised that those at the PMA who have been involved in developing the new plans have ignored the current status of this historic building. I hope that it was a mistake and not a situation of extreme hubris, disregarding the current status.

Sincerely,
Sarah Cross Mills, Portland Citizen

sarahWithAnH <sarah.vatter@gmail.com> 3:29 PM (18 minutes ago)

to planningboard@portlandmaine.gov, gkennedy@portlandmuseum.org, Lane Brenner

Dear Portland Planning Board,

I hope this message finds you well. I'm reaching out to you as a fellow community member who cares deeply about our neighborhood's growth and cultural vibrancy.

To that end, I was surprised to learn that something so many Portlanders, myself included, have excitedly followed along with and voted for, The PMA's Blueprint initiative, is facing opposition. It's disheartening to see a project that so many got to take part in between attending the architects' presentations at a town hall-style meeting and viewing all holds so much promise being met with resistance.

This community-supported initiative will make Portland a downtown destination and seeks to replace the aging and intimidating corner of Free Street with a more innovative museum structure, one that reflects the inclusive vision of every community member who participated in the process of the new building.

I understand that growth often involves tough decisions, and I hope you will keep in mind that this building has undergone numerous alterations with zero regard for historic consistency. Moreover, the associations with the Ku Klux Klan underscore the need for change and some homage to the original inhabitants of this land, as the new building will do. Our community deserves a space that truly represents our diversity, values, and aspirations.

As a Maine resident for over ten years, I thank you for standing with our community and honoring the cultural growth and downtown revitalization that so many of us envision for Portland.

Regards,

Sarah Vatter
sarah.vatter@gmail.com
23 Bramhall Street
Portland, ME 04102

Sean Wilkinson <sean@might-main.com> Dec 7, 2023, 4:31:25 PM (16 hours ago)

to planningboard@portlandmaine.gov, Graeme Kennedy

Hello, my name is Sean Wilkinson, and I am writing in support of Portland Museum of Art's Blueprint Project.

A lifelong Mainer, I always loved visiting Portland, and moved here in 1997 to attend Maine College of Art. My art history lectures were in the auditorium in the Payson Building, and I've always loved walking through the galleries there. I was a work-study student in MECA's admin office in the Clapp House (now owned by PMA), and loved the contrast of that Greek Revival building standing across the street from the Brutalist hotel across the street. I loved how they were united by the timeless modernity of the Payson Building. I worked as a bartender at Free Street Taverna (now the defunct DogFish), and loved that little postage stamp brick saltbox, across the street from the rambling flatiron-looking Hay Block that pointed down to the Porteous Building where I attended many classes. I took my graphic design classes in the Baxter Building, and I loved how that Romanesque Revival building was abutted by the gritty Fine Arts Cinema (now Geno's), and the low-slung Joe's Smoke Shop — what looked like a small house dropped in the middle of a parking lot. I lived in the Trelawney Building, and looked out over this varied landscape with a lot of love. Portland has always felt like a city that adapts and evolves to the changing needs of its populace, and improves its position when it can (that little low-slung smoke shop is now a well designed apartment building overlooking Longfellow Square, and Joe's has a vastly improved new home on the first floor). Portland evolves. Portland does not stagnate. That's what makes it feel like home.

I started a business called Might & Main here in 2010, branding and designing dozens of restaurants around the city. We've worked on restaurant brands in a wide variety of buildings, from Eventide, Hugo's, and Honey Paw in a 1920s former garage and storefront on Middle Street; to Central Provisions in a 5-story 1800s grocery store and barrel repository; to Woodford F&B, in a former mid-century car dealership; to EVO, in a newly built hotel occupying a former parking lot. They've all become icons of the city. They've all won prestigious culinary awards. And they've been able to attain this status because they have the customers to support their businesses. They have the customers because people see Portland as a creative destination full of iconic places. A destination that's always adapting and improving. A place where arts, culture, and cuisine abut a vital working waterfront and a hearty population of intrepid locals. It seems short sighted to me that the kind of incredible evolution that the Blueprint Project would bring to our city should be halted by stubborn clinging to something that feels historic, yet hasn't been a vital part of Portland's downtown for decades.

We started working with The Children's Museum years ago to launch the campaign of their new building on Thompson's Point, and there were many reasons this move was necessary. Chief among them were the unwelcoming and outdated facade that felt out of place on today's Free Street, and the decrepit state of the building itself. In the winter months, everyone in the cramped meeting room would wear coats, jackets, hats, and sometimes gloves because the building never quite reached a comfortable temperature. Their move to the Point has signaled an amazing evolution of their brand, and increased capacity for their incredible work, but also the failure of their old building to function as a basic structure. In my love letter to the city of Portland, 142 Free Street never quite registers as something worth noting.

What *does* excite me is the opportunity to create another world-class advancement for Portland at the hands of the PMA. Their vision is like nothing I've seen for our city, and could prove to bring life back to a withering downtown center — to bring more visitors to patronize our restaurants, galleries, venues, hotels, and shops. To support the people who make those establishments work every day. To support the great people who have worked to effect positive change in the city, and not stand stubbornly in history for the sake of history, only to obstruct the kind of evolution that has made Portland a legendary destination year after year.

I've had the good fortune to work all around the country, and to see what makes a city seem relevant and inviting. Shouldn't we be the stewards of our current, relevant history? The new history that reflects our growing, diversifying community? This isn't the same Portland of the 1900s, thank goodness. We need more visionary projects like this museum's expansion, and less obstinate naysaying in the face of promise and change.

Thank you,

February 7, 2024

Dear Members of the Planning Board,

Re:142 Free Street

We write to urge you to deny the Portland Museum of Art's request to remove the Contributing designation from the former Chamber of Commerce Building at 142 Free Street.

As residents of the West End Historic District for over forty years, we appreciate the benefits that have accrued to our neighborhood and the city from the creation and maintenance of our Historic Districts and the Historic Preservation Ordinance. We rely on the city to enforce and protect this and all other ordinances.

The designation of 142 Free Street as a Contributing building was correct and justified when the Congress Street Historic District was created in 2009. For its extensive headquarters renovation in 1926, the Chamber of Commerce chose the John Calvin Stevens firm, the city's most prominent architects at the time. They produced a Colonial Revival style building that made a clear statement that still speaks to us today of their city's economic vitality and strong civic pride. The key features of the facade – the temple form, window pattern, and architectural details – all survive in Portland's commercial center. Nothing has changed these contributing factors, and, after a thorough review of the facts, the Historic Preservation Board's decision recently confirmed the original designation. No sound basis exists for the Planning Board to overrule the Preservation Board's judgement in this matter.

The PMA's request to demolish the building is shameful. The Museum has made no effort to try to comply with the ordinance. Rather, they decided they know best what is worthy of preservation. They have planned from the beginning of their expansion project to attack the building's designation and, through that, our Historic Preservation Ordinance. Simply put, they must be held to the same standard as any other citizen, institution, builder, or developer if our Historic Preservation Ordinance is to maintain its integrity.

We urge you to uphold 142 Free Street's designation as a Contributing building. Then the Museum can revert to a process they should have followed from the outset: bring the community together around an expansion that meets their needs and respects the community they serve by adhering to the Historic Preservation Ordinance.

Thank you.

Sincerely,



Seth and Laura Sprague

28 Orchard St.
Portland, ME 04102

Shirley Helfrich <shirley.helfrich@gmail.com> 10:52 AM (3 hours ago)

to planning@portlandmaine.gov

To: Planning Board members
From: Shirley Helfrich, 60 Candlewyck Terrace, Portland, ME 04102

I urge you to consider the importance of upholding the historic preservation policies for the city of Portland that are currently in place. Regardless of whether the building at 142 Free Street is of historic importance to everyone, in my opinion it is crucial to maintain the integrity of the process that was begun to maintain the historic value of buildings in our city. I was dismayed to learn that the design I voted for disregarded these policies, and to my knowledge, the Portland Museum of Art did not make the demolition of 142 High Street widely known in the design process for the public. I would recommend that the museum consider alternate plans at this time, even though I understand it would involve further expense and new design submissions. Thank you.

Shirley Helfrich
Portland Museum of Art member

SMCCLOSKEY@maine.rr.com <SMCCLOSKEY@maine.... Feb 4, 2024, 2:23:36 PM (18 hours ago)
to planning@portlandmaine.gov

Dear Planning Board,

Below is a letter that I sent to the Portland Press Herald. Thanks for reading it.

The PMA's high-handed effort to defy the Historic Preservation Ordinance's protection of 142 Free Street makes me wonder if such an ordinance, had it been in place in 1961, would have saved the late and lamented Union Station from the wrecker's ball. Possibly not, as the developer at that time could have won over the deciders with arguments similar to the PMA's in favor of demolishing the former Children's Museum.

The irony is that every business in the strip mall that replaced Union Station could have been housed within it. On the same hand, every aspect of the PMA's goals for expansion could be accommodated within a design that preserves 142 Free Street. Indeed, the PMA has such a design in hand--the one submitted by one of the four finalists in the design competition, Toshiko Mori's group.

I ask the Planning Board to keep the present classification of 142 Free Street and encourage the PMA and Portland Landmarks to work together cooperatively so that each can achieve its worthy goals.

Staci Hanscom <slpartin_nc@yahoo.com> Feb 6, 2024, 12:28:00 PM (yesterday)
to planning@portlandmaine.gov

I firmly believe that 142 Free Street should remain as a contributing structure in the Spring Street National Register Historic District (1970) and in the Congress Street Local Historic District (2009). 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 for historic preservation on the city, state and national level.

Below I have attached an article, which appears to be relevant to the issue, assuming the ordinance mentioned is still on the books.

The Lewiston Journal - Google News Archive Search

Staci Hanscom
33 Heather Rd.
Portland

tina petra <tinapetra@gmail.com> Dec 2, 2023, 12:36:58 PM (yesterday)

to planningboard@portlandmaine.gov, Jennifer Graves

To whom it may concern:

I am writing in support of the PMA's endeavor to build a special and architecturally significant addition to the currently existing museum buildings, which no longer provide adequate space. This design has been developed over many months of research and input from a broad variety of the Portland community in order to best represent the needs of our diverse population.

Other research included the commission of a comprehensive history of the 142 Free Street building site. In it, historian Margaret Gaertner carefully outlined the various iterations of the oft-changed building over the past almost 200 years. A theater became a church, another church, then a Chamber of Commerce and then a Children's Museum. Each time the building changed hands, it also changed physically--steeples added, windows changed, brick to stucco over brick. In 1992 it was declared a historically significant building by the Preservation Board of Portland. But the building as it remains now, has literally only the facade built in 1922 with John Calvin Stevens as architect. It was not "designed" by him per se, but created from a historical drawing that he believed represented what the original theater looked like. Because of the many changes, it is far from the building that was originally there.

The PMA is a champion of architecture, and has a collection of historically significant buildings now that are carefully maintained, including one in a beaux-arts style designed by John Calvin Stevens. Therefore, the decision regarding the status of the existing 142 Free street was not made lightly.

The new, sustainable building, designed by LEVER Architects and to be built largely from Mass Timber, will add to that collection. I truly believe that it will become a beloved structure, with its open design welcoming to all. The economic impacts of the Blueprint Project will help revitalize Congress Square and bring attention to the city. It will enhance the City of Portland's Comprehensive Plan 2030.

Because of the above, I ask that you vote in favor of reclassifying the existing 142 Free Street building as a non-contributing structure.

Sincerely,

Tina Petra
Trustee, Portland Museum of Art

Tony Payne <tpayne53@gmail.com> Feb 2, 2024, 12:47:05 PM (3 days ago)
to planningboard@portlandmaine.gov, Elizabeth Jones

Born and raised in Portland, I photographed the demolition of the Libby Building on Congress Square that made way for the new museum. I recorded that transformation as I did with the construction of One City Center, another investment in Portland's future. I love how cities evolve and reinvent themselves.

While the Libby Building had stood for years housing a variety of businesses, it had no particular thread to explain its significance to Portland's heritage. Similarly, though the one-time chamber of commerce building on Free Street has housed various non-profits, it isn't a site of such significance that it's restoration and repurposing would become a must-see landmark.

In contrast, the proposed modern addition to the I.M. Pei-designed museum would be a significant addition to the cultural fabric of the Congress Square District, Portland's "heart of the arts".

I am a huge fan of historic properties having managed a dozen restored 1860s buildings in the Old Port during the Old Port's 1980s resurgence. I also was the originator of Friends of Post Office Park that transformed a government services parking lot to green space. I love the vitality of this city.

Every great city not only boasts world-class museums but showcases their collections in visually interesting properties.

Please let the museum continue its immeasurably positive contribution to Portland's reputation with a significant landmark addition.

Thank you for your consideration and public service. - Tony Payne

Tony Payne

Victoria Bonebakker <vbonebakker@gmail.com> Feb 7, 2024, 4:17:15 PM (16 hours ago)
to planningboard@portlandmaine.gov

> I am writing to urge you to respect the 3 decades old Historic Preservation Ordinance under which 142 Free Street was designated as a Contributing Structure, its having been determined as meeting 4 out of the 6 criteria when only 2 were required. To disrespect the Ordinance is in effect eviscerate it. Accepting the requested reclassification is to create an exception and a precedent that will fatally weaken the protections of the Ordinance, as one proposed demolition follows another until Portland loses its history, its character and its appeal going forward.
> The Portland Museum of Art's presumption that it can bully its way over the intended hurdle of the Ordinance is reprehensible. It was aware of 142Free Street's status as a contributing structure when it purchased the building and when it commissioned the new design, which not incidentally tinkers with both the facade and the back of the award winning Payson building. The museum owns a large empty lot on Spring Street (as well as the Clapp house). Its expansion should take place there. The Payson building is a more than sufficient presence on Congress Square.
> I urge the Planning Board to deny the Museum's request to reclassify 142 Free St from a contributing to a non contributing structure.
>
> Victoria Bonebakker
> 91 Park Street
> Portland 04101

142 Free Street 0 views

Subscribe

William Hall <wpeaks@earthlink.net> 10:09 AM (6 hours ago)
to planningboard@portlandmaine.gov

To the chair and members of the Portland Planning Board:
For this important public hearing, I would like to emphasize just one point from Greater Portland Landmarks' position statement:

- 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.

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. I just don't believe that a good redesign has to include the demolishing a perfectly sound historic building.
I do 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.
In a related but different perspective, the greenest building is frequently the one that is already built. Tearing down 142 Free Street, with the wasteful loss of its embodied energy and then the disposal of remains, does not seem to conform to the city's efforts to mitigate the effects of climate change and global warming.
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

Kevin Kraft <kkraft@portlandmaine.gov>

Fwd: Certified Local District

Goeken, Brian D <Brian_Goeken@nps.gov> Sun, Feb 11, 2024 at 9:23 PM
To: Evan Schueckler <evans@portlandmaine.gov>
Cc: "Johnson, Mike D" <Mike.D.Johnson@maine.gov>, "Moody, Cristin A" <cristin_moody@nps.gov>, Christine Grimando <cdg@portlandmaine.gov>, Kevin Kraft <kkraft@portlandmaine.gov>, Amy McNally <amcnally@portlandmaine.gov>

Evan, we have reviewed the submitted information on a preliminary basis and would advise you that, based on the information provided, this would be considered an amendment to the district and would need to be submitted for our review under 36 CFR 67.9(i). If you would like us to review such a submission on a preliminary basis, we can do so. The information should be submitted to the SHPO, with the same information to request certification plus the information identified in subsection(i).

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: Evan Schueckler <evans@portlandmaine.gov>
Sent: Friday, January 12, 2024 2:55 PM
To: Goeken, Brian D <Brian_Goeken@nps.gov>
Cc: Johnson, Mike D <Mike.D.Johnson@maine.gov>; Moody, Cristin A <cristin_moody@nps.gov>; Christine Grimando <cdg@portlandmaine.gov>; Kevin Kraft <kkraft@portlandmaine.gov>; Amy McNally <amcnally@portlandmaine.gov>
Subject: [EXTERNAL] Re: Certified Local District

Portland Planning Board

Re: Historic Preservation Designation, 142 Free Street Demolition
Hearing date: 13 February 2024

Date: 7 February 2024

To: Members of the Planning Board

I attended the 28 November Planning Board hearing on the Portland Museum of Art (PMA) request to demolish 142 Free St. A number of PMA's statements for the demolition are neither accurate nor legitimate and often hollow for the following:

PMA- 142 Free Street is not worthy of historic preservation because of too many physical changes to the original building.
+ Response- The building has stood on that ground for hundreds of years. The last change was over one hundred years ago by John Calvin Stevens, historically Maine's most significant local architect.
Historical Precedents (significant building with changes over time): Basilica Palladiana, Vicenza; Piazza del Campidoglio, Rome; colonial New England farmhouses; Fenway Park, Boston

PMA- Only the PMA's final selected design will offer the additional space requirements for displaying the growing art collection.
+ Response- The public was never allowed to see, offer opinions and judge for themselves any design(s) that utilized 142 as part of a solution. Excluding public opinion on this option was not transparent, inclusive, or fair. It appears that a directive in the competition brief from the PMA to the design teams indicated that demolition of 142 was preferred - without public input.

PMA- We want the museum to be a landmark building.
+ Response- It already is. One of our nation's premier architectural firms, I. M. Pei, with architect and founding principal, Henry Cobb, designed the 1983 Payson addition. Cobb's professional biographical achievements includes the Payson as one of his significant buildings. He spoke of utilizing Maine historic building elements and concepts in his design to compliment 142 Free St.
(Note: The LEVER design will also bore a large hole in the Payson on the Congress Square facade, defacing this building, too. If space is so badly needed, why demolish existing gallery space?)

PMA- Congress Sq. is in economic crisis because two coffee shops have closed and the public redesign of this area is slow to be completed. Only the PMA can save the day.

+ Response- Restaurant and beverage shops are coming and going all time. This area of town could be in transition because city supported development and growth is in other areas (ex. Base of Munjoy Hill, Commercial St., Back Cove), and lack of Class 'A' office space in this area of town.
(Note: If the PMA is so concerned about local coffee shops, why is a competitive restaurant, presumably with a coffee shop, included in the final design?)

PMA- Our economic feasibility report states that the LEVER design will be an economic generator for Portland per Portland's Comprehensive Plan.
+ Response- Was the report generated after the LEVER design was selected by the PMA? If so, the purpose of the report might be contrived to support, reinforce (prop up) the selected design, not to guide what design, including the reuse of 142, would be most successful for economic development. Wouldn't any design be an economic generator, including the reuse of 142 Free St.?

PMA- If a new addition is built on our Spring Street site, the museum would be turning its back on Congress Sq.
+ Response- Why? The existing main entry could remain facing Congress Sq. and a connection to the addition on Spring St. be made from the Payson.

PMA- To have a sustainable ("green") building, 142 needs to be demolished in order to build with 'mass timber'.
+ Response- US/EPA: More than 90% of total construction debris is produced by demolition of existing buildings. Reuse of existing buildings could reduce emissions by 40%.
Cases studied for embodied energy: the 'greenest building' is reusing the existing one ("The Greenest Building: Quantifying the Environmental Value of Building Reuse" by National Trust for Historic Preservation).
Demolishing a solid, building code compliant structure is not a sustainable solution; it is a wasteful use of resources.
Also, mass timber sustainability claims must be reviewed by INDEPENDENT sources, not timber councils that exist to promote and market wood products. Questions: How was the timber harvested?, forest management (soil erosion, water run-off)?, did local indigenous tribes approve?, is the manufacturing process sustainable?, is the distance to transport finished products considered for added carbon emissions?
There is not yet enough independent data to support the "greenness" claim of mass timber according to guidance in 'Bloomberg, Green' and 'BuildingGreen'.

CONCLUSIONS: It appears that the demolition of 142 Free Street was predetermined by the PMA prior to announcing the design competition, and architects were not encouraged to reuse 142 in the competition brief. The public never got to assess the reuse of 142 as a possible design solution, suggesting this was not an open, fair and

transparent process for receiving public comments on all possible design solutions as the PMA claims.

The PMA economic benefits report, should be carefully reviewed for bias assumptions before accepting the results as valid. It is very conceivable that any addition would generate similar economic benefits, if any significant long term benefits were generated at all. But it is not as if Portland needs more construction projects at this time for economic growth and stability.

It is lamentable how little attention has been communicated by the PMA on the display of art. If more space for a growing collection was the prime needs requirement, why hasn't the PMA focused emphasis on promoting the quality of display space in the LEVER design? Why wasn't a design team with more experience in new museum design and exhibition space selected? (I could find only one exhibit installation and one interior remodel on the LEVER website.) Isn't space for displaying art designed with the art collection in mind? Was this addressed and carefully reviewed by the PMA in the LEVER design? How will direct daylight entering the addition effect the displaying of art? The quality of space for displaying art is not apparent in the LEVER design, which could result in poor reviews from national experts in museum design and our own art community.

It is important to remember that the PMA has open land on which to build, not necessitating the demolition of 142 Free Street for an addition.

Robert Kahn
94 Rackleff St.
Portland, ME

Alexander Jaegerman, FAICP
398 Spring Street
Portland, ME 04102

February 9, 2024

Re: Historic Preservation Designation – 142 Free Street

Chair Mazer and Members of the Portland Planning Board:

I am writing to urge you to recommend to the City Council that the former Chamber of Commerce building and Childrens Museum at 142 Free Street must retain its Contributing Building status under the Historic Preservation Ordinance.

When the Historic Preservation ordinance was adopted originally in 1990, it included a provision called Project of Special Merit that would have enabled the City Council to allow a new civic building to displace a contributing building. That provision was eliminated from the ordinance in 2005 when the City amended the ordinance to comply with the Secretary of the Interior's Standards for Historic Preservation to qualify Portland to become a Certified Local Government. The amendments were the result of an audit of Portland's ordinance conducted by the Maine Historic Preservation Commission that identified several provisions in Portland's ordinance that would have disqualified Portland from designation as a CLG.

The building at 142 Free Street has been determined to meet the criteria for a contributing building by the Historic Preservation Board. Ample testimony has been provided by experts from Greater Portland Landmarks, Earle Shettleworth, and others demonstrating that the building meets four of the six criteria, while only one is needed to qualify. These findings are practically beyond dispute. The Planning Board is tasked with upholding the ordinances of the City of Portland. To do so in this case, you must vote to retain the Contributing Building status of 142 Free Street.

Thank you for your consideration.

Alec Jaegerman

Berry Manter <berrymanter@yahoo.com> Feb 9, 2024, 4:44:41 PM (3 days ago)

to Planning Board

Dear Planning Board Members,

I am strongly opposed to the reclassification of the former Childrens' Museum at 142 Free St., now part of the PMA campus.

- In recent times developers have exploited historical properties, (45 Eastern Promenade, 58 Fore, etc.) a diminished designation of this building, dating back to pre-Civil War, sets a dangerous precedence with regard to preservation within our city. Respect for preservation should not be taken lightly — how to integrate the past with the present matters.

- The PMA Campus is a COLLECTION of important and historically designated buildings and should be regarded as an architecturally integrated museum. The art housed within the museum dates back over two centuries — there is a place for buildings that also date back to early Portland history.

- The loss of a supporting structure undermines the visual community of surrounding designated historic blocks.

- Will the emboldened PMA next request to tear down it's other historic structures?

- While I add this as subjective and personal, I am an artist and graduate of MeCA-S (PSA), I value and seek out both contemporary and early creative works. However, I have struggled with the quality of exhibition space provided by the I.M.Pei building and question if the original building that was demolished to make way for this was a right choice. Let's consider very carefully. There is nothing about the classic structure of 142 Free Street that cannot be incorporated and re-designed to be quality museum space.

- Lastly, I am dismayed at the lack of vision to fail to incorporate this building into the campus. (I understand that some of the proposals that were not chosen for PMA's expansion conveyed how to do so.) I find a level of arrogance in PMA's expressed desire to dismiss the designated historic value of this building — given the known environmental impact of new construction vs. retaining a building, as well as the value of changing periods of art and architecture over time within Portland.

Again, allowing a designation change for this building reflects the same "promise of urban renewal" of a half century ago — Please, just don't do it.

Sincerely,

Berry Manter
Portland

February 9, 2024

Chair Mazer and Members of the Planning Board,

I have read and listened to statements that representatives of the Portland Museum of Art have made regarding early conversations with me or "city staff" about the Museum's intent to demolish the former Children's Museum (Chamber of Commerce building). Given references to my input and the suggestion that PMA proceeded as they did upon my advice, I feel compelled to correct the record.

Months before I retired as Historic Preservation Program Manager for the City of Portland, I met with PMA Director Mark Bessire and Board member Cyrus Hagge to discuss the Museum's plans for a new wing. They spoke at length about the prospects for an exciting new addition and its promise to draw new audiences to the museum. They also shared the master plan that Scott Simons had developed for the project. They did not address the obvious absence of the Children's Museum building on the plans or the fact that the project, in the Museum's view, was predicated on the demolition of the building. It was only when I raised the question and reminded them of the building's contributing status within the Congress Street Historic District that we engaged in a discussion about what steps would be required should the museum elect to pursue their plan as proposed. Mr. Bessire and Mr. Hagge stressed that the master plan was only a preliminary planning document, that the solution shown in the plan was subject to change and that the Museum intended to hold a national design competition for the project.

In our meeting, I encouraged representatives of PMA to meet with the Historic Preservation Board as soon as possible to resolve the question of the building's contributing status and before they proceeded with any competition. I also told them that if they elected to move forward with a design competition without resolving this threshold question, they needed to a) identify the Children's Museum as a contributing building within a local historic district; and b) request that design teams explore design schemes that incorporated all or part of the Children's Museum building into the proposal. I also informed them that the "project of special merit" provision, which had been included in the historic preservation ordinance when it was adopted in 1990 (and which might have been employed to make the case for replacement) was removed from the ordinance in 2004 as required by the Maine Historic Preservation Commission and National Park Service in order for Portland to gain Certified Local Government status. Finally, I pressed them about potential alternative scenarios for the siting of an addition.

At the conclusion of our meeting, it was my understanding that PMA would be requesting a preliminary workshop with the Historic Preservation Board in the near future. As months went by, I was surprised that PMA had not done so. Soon after I retired in May 2022, I learned that the Museum had commenced with the design competition and that their RFP did not identify the Children's Museum building's inclusion within a historic district, let alone its contributing status. I also learned that the RFP did not request or encourage consideration of a design scheme that included the Children's Museum building.

Thank you for the opportunity to clarify my early input to PMA representatives.

Sincerely,

Deborah Andrews
former City of Portland Historic Preservation Program Manager

Sharyn Howell <sharyn.howell48@gmail.com> Feb 9, 2024, 6:57:34 PM (3 days ago)
to Portland Maine Planning Board

To Portland Planning Board Members,

I have been involved with PMA for many years as a Docent and, more recently, as a Trustee.

I am sending this message to implore you to support the expansion of PMA, as designed by Lever Architects.

During our weeks for the community to view the four different architectural models, approximately 2,000 visitors (over 90% of voters) chose Lever!

I think that it is a glorious opportunity to enhance, beautify and rejuvenate Congress Square, which is, I believe, one of the most significant intersections in our beautiful state.

My husband and I purchased a 1760's house in Cape Elizabeth in 1979. We remain very grateful for the wonderful help and support we received from Greater Portland Land Marks. Their guidance during our longterm restoration was invaluable and very appreciated. And they awarded us a GPLM plaque. We have donated to them many times, generously, because of our admiration for this organization.

But I believe there are strong reasons to support PMA's next phase. The plan that PMA will become a community center, offering free open space for all, is just one of the benefits. Indigenous symbolism of the design is another. The response of highly admired artists, who have donated, or have promised to, their works to adorn new spaces is remarkable.

Please help this expansion to proceed. I believe your grandchildren will thank you.

Sincerely,

Sharyn Howell
25 Cove Lane
South Portland Me
04107

Bryan M Dench <bd1949@maine.rr.com> Feb 12, 2024, 7:07:31 PM (14 hours ago)
to planning@portlandmaine.gov

Dear Chairman Mazur and members of the board,

I came to Portland in 1972 to attend Law School and have lived in this community for many years. One of the things that is special and attractive about the City of Portland is its commitment to its history, including its archtectural history. This is not something to be dispensed with lightly.

In addition to the compelling legal analysis presented by Portland Landmarks,with which I agree, it is important to consider how each decision to eliminate an historic structure diminishes the qualty and character of our city. For legal reasons the board should not entertain its decertification as a contributing structure. For cultural, historical, and ethical reasons, it should retain the Greek classical style building that is one of the lynchpins of the Congress Square district as a contributing structure.

Thank you for your consideration,
Bryan

Bryan Dench Portland, Maine 207-333-0695

PORTLAND
Regional Chamber of Commerce

93 Exchange Street Portland, ME 04101 • (207) 772-2811
chamber@portlandregion.com • PortlandRegion.com

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February 12, 2024

Chair Mazer and Members of the Portland Planning Board,

The Portland Regional Chamber of Commerce represents over 1,300 members in eight communities in Greater Portland, employing over 75,000 Mainers. Please accept our letter of strong support for the Portland Museum of Art's application to reclassify their property located at 142 Free Street from a "contributing" building in the Congress Street Historic District to a "non-contributing" building.

Standards are not ironclad rules, otherwise there would be no need for a quasi-judicial review of them by no less than three bodies as outlined in Portland's land use code (Historic Preservation Board, Planning Board, and City Council). Rather, they are guidelines, the interpretation of which depends on the perspectives of the reviewing body. The Historic Preservation Board has a discrete role as reflected in their name and tends towards the most conservative interpretation of protection ordinances. Thus, our land use code is designed to submit applications of this nature through a more extensive process which includes the Planning Board. While their focus is on preservation, yours is on planning and thus that is the perspective through which you should evaluate this application against the relevant standards.

From an economic perspective, there has not been a more dangerous moment for the continued vitality of the Congress Street Corridor since the construction of the Maine Mall and the subsequent retreat of small businesses and foot traffic from our city's downtown core. Within the last several years since the onset of the pandemic, retail vacancies in the vicinity of this site have increased dramatically, and foot traffic has decreased. When this last happened in the 1970s, it took decades of work to reverse this trend through the addition of the Children's Museum and Theatre, the reinvigoration of the State Theatre, and the renovation of the Porteous Building in the 1990s to house the Maine College of Art and Design. It was only after these significant cultural and civic amenities were added to the corridor that businesses were again a sustainable enterprise. Similarly, this 21st century moment of retreat demands the addition to and transformation of this square and corridor to bring vitality and business growth back to the area. The addition of the PMA expansion and the significant efforts the city, state, and private philanthropy are making to redesign Congress Square will go a long way towards this goal.

This property is a site of transformation within a neighborhood of transformation, and we find the application demonstrates that that history of transformation is a vital piece of context for the board to consider when weighing the standards in the land use code under your purview. We purchased the building in the 1920s and commissioned a renovation that followed tremendous changes to the building no less than four previous times, initially in 1830 and then again in 1836, 1856 and 1876. Similarly, when we sold the building after 65 years of ownership in the early 1990s, the property transformed again. All these changes were in pursuit of modern and innovative uses of the space, and none would have been allowed if the interpretation of the current standards by the historic preservation lobby were to have been the controlling perspective of the correct application of those standards. Instead, we ask you to embrace that theme of transformation and apply the standards in the manner set forth by the applicant which clearly demonstrates this building's lack of historic significance and value.

Sincerely,

Quincy Hentzel
President & CEO

February 12, 2024

Portland Planning Board
Brandon Mazer, Chair

Dear Mr. Mazer and Planning Board Members,

Aside from breaking Portland's Historic Preservation laws, the PMA's building design for its proposed addition is a threat to our environment.

A full city-block wide glass wall 5 stories high will be a beacon for bird collisions. Cornell Lab magazine *Living Bird* (Winter 2024, p.50) states "Scientists estimate that up to 1 billion birds die each year after colliding with windows in the United States and Canada." Architects are currently asked to prevent bird strikes by paying more attention to the design of glass buildings in cities. Birds need strong clues on or around glass to warn them that an object is actually there.

This huge glass structure will need lots of heat in Maine winters and cooling in Maine summers. The Environmental Protection Agency calls these massive glass designs "urban heat Islands". The glass will absorb heat from the sun during the day, which at night will dissipate, causing temperatures around city buildings to rise as much as 22 F degrees. It will heat all of the precipitation that comes in contact with its walls. This run-off then heads down to the Fore River. The Friends of Casco Bay state on their website that "over the course of a decade, the Gulf of Maine warmed faster than 99% of the global ocean." The PMA's addition will contribute to this dangerous warming trend.

The PMA says they are committed to "inclusion, diversity, and equity." The health of our environment should to be part of their equation.

Eugenia O'Brien
1376 Westbrook Street
Portland, ME 04102
(207) 232-0717

Jenny Potter Scheu <jpscheu@gwi.net> 8:38 AM (1 hour ago)

to planning@portlandmaine.gov

Planning Board members,
I see no reason why the 142 Free Street building must remain intact.
Please allow the PMA to use that site for the expanded museum.

The building was completely gutted and changed for the Children's Museum renovations many years ago.
I walk by the building every day. It is an empty shell, poorly maintained, and is not JC Stevens' best work!

I am a decades long member of Greater Portland Landmarks and a licensed Maine Architect.
While I appreciate much of what GPL does, I think that they are completely wrong on this issue.

The PMA expansion plan is very exciting for that neighborhood and for the City of Portland.
Please vote to support the museum project, NOT to protect 142 Free Street.

Thanks for your hard work,
Jenny Scheu

Redhouse Architects + Studio
61 Pleasant Street
Portland ME 04101
jpscheu@gwi.net
207-773-8681

Planning and Urban Development
Kevin Kraft, AICP
Deputy Director

From: Kevin Kraft, AICP – Deputy Director of Planning & Urban Development
To: Chair Mazer and the Portland Planning Board
Date: 2/23/2024
Subject: 2 West Commercial Street – Major Site Plan - Tabling

The applicant, Maine Port Authority, has provided a written memorandum requesting that the Public Hearing for the Major Site Plan at 2 West Commercial Street be removed from the February 27th, 2024 Planning Board agenda and tabled to a date certain, Tuesday, March 12th, 2024.

389 Congress Street, Portland, Maine 04101 | ph: 207.874.8430 | kkraft@portlandmaine.gov

Winton Scott
Architects

217 Commercial St, Suite 200
Portland, ME 04101
207.774.4811

February 16, 2024

Eric Freeman
Planning & Urban Development Department
City of Portland, Maine
389 Congress Street
Portland, Maine 04101

RE: Planning Board Public Hearing for porject at 40 Commercial St. App ID: PL-002443

Eric:

As discussed today, our design team would like to formally request that our project be tabled at the 2/27/24 meeting of the Planning Board and re-scheduled for the next scheduled meeting on 3/12/24 if possible.

Thanks,

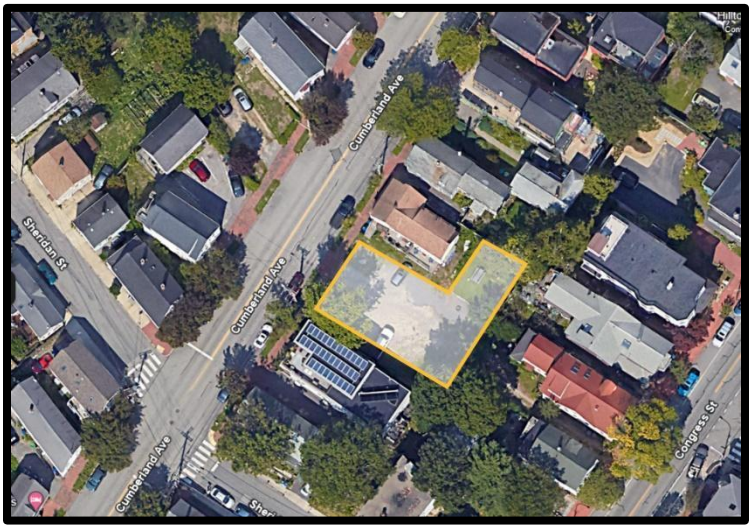


Stephen Weatherhead
Principal | Winton Scott Architects

56 Cumberland Avenue
Major Site Plan Application
PL-02733-2023
Fafnir Cumberland LLC, Applicant

Submitted to:	Portland Planning Board	**Prepared By:**	Eric Freeman
Public Hearing Date:	February 27, 2024	**Date:**	February 23, 2024

I. INTRODUCTION



Fafnir Cumberland LLC and Carroll Associates Landscape Architects have submitted a Major Site Plan application to facilitate the development of a three-story, five-unit multifamily building with four off-street parking spaces at 56 Cumberland Avenue in the R-6 zone. This application is being referred to the Planning Board for compliance with the City of Portland's Land Use Code Site Plan Standards, Section 14.1.

The Planning and Urban Development Department mailed 269 notices advertising this meeting to property owners within 500 feet of the site. A legal advertisement ran in the February 17th and 20th, 2024 editions of the *Portland Press Herald.*

Applicant:	Fafnir Cumberland, LLC
Applicant Representatives:	Patrick Carroll - Carroll Associates Landscape Architects

II. REQUIRED REVIEWS

Review	*Applicable Standards*
Site Plan	Section 14.6
Design Review	City of Portland Design Manual (k) Small residential lot development located in the R-6 zone

III. PROJECT DATA

Existing Zoning	R-6
Property Size	5,976 Sq. Ft
Existing Use	Vacant Lot.
Proposed Use	Residential
Proposed Development Program	Multifamily building with 5 residential units.

	Existing	*Proposed*	*Net Change*
Building Footprint	None	2,256 sq. ft	2, 256 sq. ft
Building Floor Area	None	6,798 sq. Ft.	6,798 sq. Ft
Impervious Surface Area	3,525	4,895	1,370
Parking Spaces	5	4	-1
Bicycle Parking Spaces	None	None	
EV Charging Stations	None	None (Ability to retrofit)	

IV. EXISTING CONDITIONS AND SURROUNDING AREA



Figure 2: Existing conditions at 56 Cumberland Ave.

The property consists of an undeveloped lot situated between two existing multifamily buildings along the eastern side of Cumberland Avenue. The site currently consists largely of gravel and loose grass, and is used as resident parking for the abutting residential building at 54 Cumberland Avenue. The site is moderately sloped with a grade of 7-9%. The area surrounding the proposed development consists largely of multifamily homes ranging between two and four stories in height, similar in character to many parts of the Munjoy Hill neighborhood. The site is within close proximity to transit corridors on both Washington Avenue and Congress Street.

V. PROPOSED DEVELOPMENT



Figure 2: Front rendering seen from Cumberland Ave.

The proposed Major Site Plan application involves the construction of a three-story, five-unit condominium building. The proposed building would include two three-bedroom units and three two-bedroom units. The front facade would feature two balconies facing Cumberland Avenue, which would provide outdoor living space for upper-floor residents. A canopy extends over the side entrance walkway and wraps around the front façade of the building. Pedestrian access to the building would be provided by a side entrance door, which opens onto a walkway that is flush and parallel with the driveway, and which extends to Cumberland Avenue. Four garage parking spaces are proposed at the rear of the property, including one ADA van space. Proposed site landscaping includes a mixture of year-round plantings, including street trees, perennials and "grow low" grasses and shrubs. Two street trees will be planted within the esplanade between the sidewalk and Cumberland Avenue. The applicant also proposes a retaining wall along the rear of the property.



Figure 3: Rendering seen from 54 Cumberland Ave.

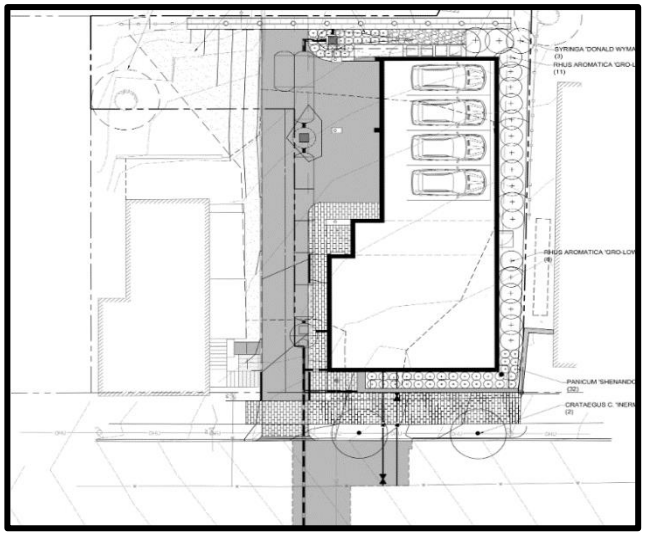


Figure 4: Site Plan

VI. RIGHT, TITLE, & INTEREST

The owner of the property is 56 Cumberland Avenue LLC by deed recorded in the Cumberland County Registry of Deeds in books 29766 page 25. The property is being developed in cooperation with Carroll Associates Landscape Architects. The applicant has also provided the necessary deed to the 948 sq. ft easement area within the boundary of 56 Cumberland Avenue. This deed is recorded in the Cumberland County Registry of Deeds book 36870 page 199. This easement area grants usage rights to the owners of 54 and 56 Cumberland Avenue. The owners of 56 Cumberland Ave. are able to utilize the easement area for temporary construction stating and for seasonal snow storage. The owners of 54 Cumberland are able to utilize the easement area as grassed open space or for the erection of a non-permanent structure such as a shed.

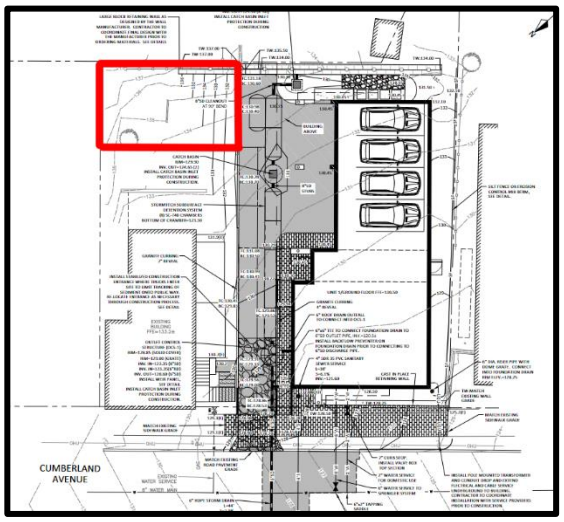


Figure 5: The 948 Sq. ft easement area shared between 54 and 56 Cumberland Ave.

VII. FINANCIAL & TECHNICAL CAPACITY

The Applicant has submitted a letter of financial capacity (Applicant Submittal D) and supporting information related to the technical capacity (Applicant Submittal E) and 8.2) for the Applicant team.

VIII. ZONING ANALYSIS

The site is located within the R-6 (Residential) zone. Relevant sections of the R-6 purpose statements include:

- *R-6: To set aside areas on the peninsula for housing characterized primarily by multi-family dwellings at a high density providing a wide range of housing for differing types of households; to conserve the existing housing stock and residential character of neighborhoods by controlling the scale and external impacts of professional offices and other nonresidential uses; and to encourage new housing development consistent with the compact lot development pattern typically found on the peninsula.*

As submitted, the Major Site Plan is found to be consistent with the R-6 zoning requirements. Multi-family residential is a permitted use in the R-6 zone (Table 6-A Permitted Uses in Residential Zones) and is permitted at a lot area per dwelling unit of 725 square feet. Additionally, the proposed project is consistent with the R-6 dimensional standards per §7.3 Dimensional Standards, (Table 7-A Residential Zone Dimensional Standards). A zoning analysis of the proposed project is provided in the table below:

Dimensional Standards (Table 7-A – Table 7-H)			
Standard	*Requirement 1*	*Proposed*	*Finding*
Lot Size (SF)	*2,000 SF*	*5,976 SF*	*Met*
Area per D.U.	*725 SF*	*1195 SF*	*Met*
Street Frontage	*20 ft.*	*54 ft.*	*Met*
Front Setback (Min)	*5 ft.*	*5 ft.*	*Met*

Front Setback (Max)	***N/A***	***N/A***	***Met***
Rear Setback	***10 ft.***	***10 ft.***	***Met***
Side Setback	***5 ft.***	***5. ft***	***Met***
Stepback	***10 ft. for any portion of the building above 35 ft.***	***10 ft.***	***Met***
Building Height	***45 ft.***	***35 ft. + 3 ft. stairwell roof cap***	***Met***
Lot Coverage	***60%***	***49.5%***	***Met***

IX. SITE PLAN STANDARDS (Section 14.6)

The proposed development has been reviewed by staff for conformance with the relevant review standards of the City of Portland's Site Plan Ordinance, Section 14.6. Staff comments are below.

1. Transportation Standards (Section 14.6.1)

A. Impact on surrounding street systems

This application involves relocating one existing curb cut approximately 10 feet to the east to service the proposed drive aisle to resident parking. The Cumberland Avenue sidewalk will be reconstructed in front of the property. This reconstruction would utilize brick pavers. The proposed development site is currently used as off-street parking for residents of 54 Cumberland Ave. It is anticipated that those residents will utilize on-street parking.

Staff consider this standard to be met

B. Access and circulation

Access to the parking and main entrance areas are provided by a 14-foot wide accessway on the northern side of the property, abutting 54 Cumberland Ave. The accessway consists of a 10-foot wide asphalt driveway and 4=foot wide brick paver walkway that leads to the main entrance. The walkway would be flush with the drive aisle, and separated by an inlaid granite curb.

Within the building, Access to all units will be provided by a central stairwell. No elevator access is proposed as part of this project. The residential unit on the first floor will be fully accessible.

As part of this application, the applicant proposes to reconfigure an existing external stairwell at 54 Cumberland Avenue which currently lands directly in the path of the proposed driveway for 56 Cumberland Ave. This stairwell will be rebuilt to provide a safe landing and minimize conflict between pedestrians and vehicles using the driveway.

Staff consider this standard to be met

C. Public transit access

The proposed project is below 20 or more dwelling units, therefore this standard is not applicable.

D. Parking

The application involves four (4) enclosed garage parking stalls located at the rear of the property. One residential unit will not include an off-street parking space. Access by a 10 ft. wide drive aisle. A turning area is located at the far back end of the property. This project is in the R-6 zone and therefore exempt from providing the first three required parking spaces. This project is also within ¼ mile of multiple transit routes, and is therefore exempt from providing any off-street parking. Staff consider this standard to be met.

E. Transportation demand management (TDM)
Not applicable to this application.

2. Environmental Quality Standards (Section 14.6.2)

A. Preservation of significant natural features
The site is currently vacant and does not contain any significant natural features, such as wetlands, vernal pools or other protected wildlife habitats. Therefore, this standard is not applicable.

B. Landscape preservation
The site is currently vacant and is mostly covered by an existing gravel area. One existing maple tree on the northwest corner of the property, and a hemlock tree along the rear property line will be removed to accommodate the proposed building construction. There are two mature oak trees which are located outside of the applicant's property but encroach into the proposed work area. These oaks will be preserved and measures will be taken throughout construction to ensure these trees are not damaged or imapacted.
Several mixed shrubs located along the rear property line will be removed to allow grading associated with the building and access driveway.
Staff consider this standard to be met provided that the applicant contributes $1,200 to the street tree fund in order to account for the three street trees that will not be planted on site

C. Site landscaping and buffers
The applicant proposes to plant two new street trees in the Cumberland Ave. esplanade, as well as planting a variety of shrubs and "Gro-Low" plantings surrounding the building.
Staff consider this standard to be met.

D. Water quality/storm water management/erosion control
The project is required to provide for stormwater management in accordance with Maine DEP Chapter 500 and City of Portland Technical Manual Section 5 standards for stormwater management. The Applicant has submitted a stormwater management report and a grading and drainage plan to indicate erosion and sedimentation control measures and stormwater treatment for the proposed development. This project is classified as a redevelopment project under the existing General Standards, the site's treatment requirement was determined utilizing the pollutant impact ranking system outlined in Chapter 500, Section 4.C(2). (d) Table 2
The applicant is proposing on-site stormwater detention and treatment.
Stormwater will be accommodated in an underground stormwater chamber system. This system is designed to both infiltrate the tributary runoff and slowly release it into the sewer main in Cumberland Avenue.

The applicant has also included a draft stormwater maintenance agreement.

Staff consider this standard to be met.

3. Public Infrastructure and Community Safety Standards (Section 14.6.3)

A. Consistency with City Master Plans

This project is an urban infill site within an existing residential neighborhood, that is transit accessible, within easy walking distance of numerous services and amenities, and provides fewer than one off-street parking space per residential unit. The project also complies with the use and dimensional standards for the R-6 Residential zone. This application is consistent with the goals laid out in *Portland's Plan 2030*. .

Staff consider this standard to be met.

B. Public safety and fire prevention

A life safety plan was submitted with this application. Staff consider this standard to be met.

C. Availability and capacity of public utilities

A wastewater capacity authorization form was included with this application. Coordination with Electrical and water utilities remains ongoing. Staff have included a draft condition of approval which would require that the applicant provide utility capacity verification from both Central Maine Power and the Portland Water District.

4. Site Design Standards (Section 14.6.4)

A. Massing, ventilation, and wind impact

The proposed building conforms to zoning setbacks and step backs with a building height of 35 feet with a tower element rising at the center of the building to an additional 3' for visual punctuation. The height of the proposed building is similar to that of surrounding development, and the building's design and placement on the property is not expected to negatively impact surrounding property with respect to this standard.
Staff consider this standard to be met.

B. Shadows

This standard is not applicable. No shadow impacts are anticipated with this application.

Snow and Ice Loading

The design of the proposed building includes a roof parapet which would prevent snow and ice from falling into the public way. A snow storage area is proposed within the 948 sq. ft easement area.
Staff consider this standard to be met.

C. View corridors

This building is not located within an established view corridor. As the building is of similar height and scale to surrounding buildings in the neighborhood, no view corridor impacts are anticipated with this application.

D. Historic resources

This application is not within a historic district, but directly abuts the Munjoy Hill Historic District. Given the site's proximity to a historic district, this application was subject to a Historic

Preservation Advisory Review. Evan Schueckler, Historic Preservation Program Manager, participated in the design review for this application, and their advisory review is directly incorporated into the City's design review memo (Attachments 2,3) .
Staff consider this standard to be met.

E. Exterior lighting
The site will be illuminated with building mounted fixtures at the building entrances, and soffit lighting under the garage. There is one existing street light located at the front of the property. The building entrances and area at the garage will be illuminated by recessed lights mounted in the canopies. All proposed light fixtures meet illumination standards outlined in Section 12 of the Technical Manual.
Staff consider this standard to be met.

F. Noise and vibration
The building will be all-electric with roof mounted condensers for heat pumps. This equipment will be installed approximately 20 feet back from the Cumberland Avenue frontage. The proposed equipment will have a maximum DbA of 58.
Staff consider this standard to be met

G. Signage and wayfinding
No internal signage or wayfinding is proposed with this application. A stylized street address sign will be installed at the front of the building.

H. Zoning-related design standards
The proposed development plan is subject to the site design standards, Land Use Code section 14.6.4.I Design standards per the City of Portland Design Manual under section (k.) Small residential lot development located in the R-6 zone.

The Applicant has resubmitted architectural plans and elevations that indicate adjustments to the exterior material selection, façade and fenestration arrangement that Staff finds to be appropriate.

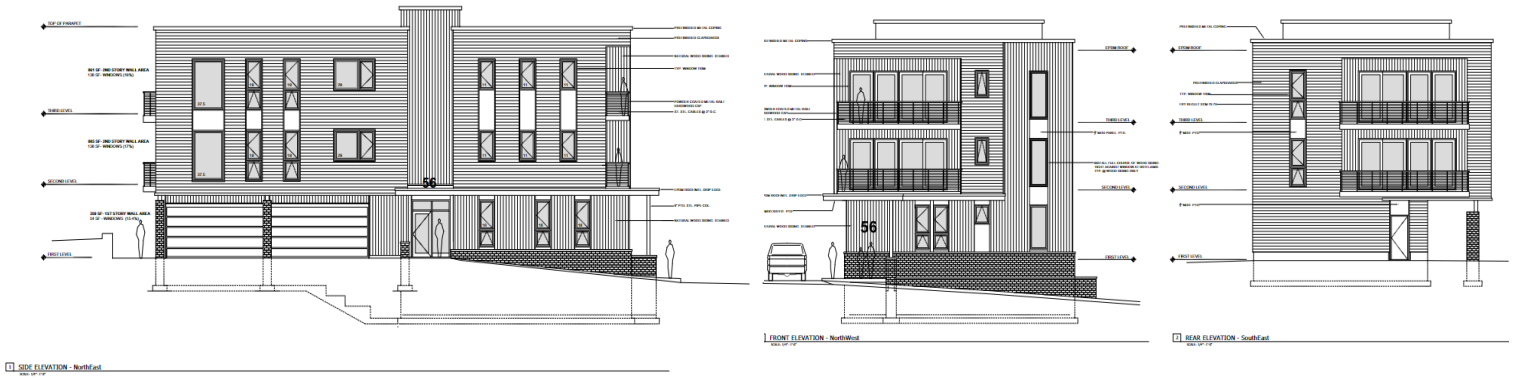


Figure 6: Front, rear and side elevations

X. NEIGHBORHOOD MEETING & PUBLIC COMMENT

The applicant team held a neighborhood meeting on January 8th, 2024 at 6:30 PM. The meeting took place at CloudPort Co-working located at 63 Federal Street. Three members of the public attended this meeting. No written public comment has been received. Notes from the neighborhood meeting are included as Attachment 7.

XI. STAFF RECOMMENDATION

Subject to the proposed motions and conditions of approval listed below, Planning & Urban Development Department staff recommends that the Planning Board find that the proposed 5-unit multifamily building at 56 Cumberland Avenue (PL-002733-2023) meets the applicable standards of Portland's Land Use Code.

XII. PROPOSED MOTIONS

A. 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 February 27th, 2024 for application # PL-002733-2023 | 56 Cumberland Avenue 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 conditions of approval:

PRIOR TO APPLYING FOR A BUILDING PERMIT

1. The applicant shall provide an ability to serve letter from Central Maine Power and the Portland Water District.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

2. The applicant shall contribute $1,200 into the City's tree fund in order to account for three of the five required street trees, which are not being planted along the property's frontage.

XIII. ATTACHMENTS

1 – Site Plan Report – 2-22-2024
2 – Design Review Memo – 1-3-2024
3 – Design Review Memo – 2-16-2024
4 – Site Plan Review Worksheet – 1-12-2024
5 – Site Plan Review letter
6 – Approval Letter
7 – Neighborhood meeting certification and notes
8- Notice of public meeting certification

APPLICANTS SUBMITTAL
A – Cover letter
B – Project description
C – Major Site Plan Review Checklist
D – Financial capacity
E – Technical capacity

F – Deeds
G – Easements
H – Land transfer agreement
I – Shared Driveway agreement
J – Stormwater management plan
K – Draft stormwater maintenance agreement
L– Access and circulation
M– Public transit
N – Off-street parking
O – Significant natural features
P – Landscape preservation
Q – Site landscaping and buffers
R – Consistency with City Master Plans
S – Public safety and fire prevention
T – Public utilities
U – Massing, ventilation and wind
V – Shadows
W – Snow and ice
X – View corridors
Y – Historic resources
Z– Noise and vibration
AA – R6 design standards
BB – Construction management plan
CC – Construction management logistics plan
DD – Wastewater capacity authorization

PLANS

P1 – Site Plan Cover Sheet
P2 – Boundary and topographic Survey
P3 – Life Safety Plan
P4 – Site and Subdivision Plan
P5 – Grading and utility Plan
P6 – Landscape Plan
P7 – Details
P8 – Architectural cover sheet
P9 – Floor Plans
P10 – Building Sections
P11 – Renderings
P12 – Elevations
P13 – Stormwater Development Map
P14 – Predevelopment Watershed Map
P15 – Postdevelopment Watershed Map
P16 – Site Demolition Plan
P17 – Exterior Lighting Plan
P18 – Stormwater management plan

Design Review – Second Round
Planning and Urban Development Department

City of portland

Subject: 56 Cumberland Avenue
Zone: R-6
Date of Review: February 16, 2024
Reviewer(s): Sean King (Urban Designer), Evan Schueckler (Historic Preservation Project Manager), Eric Freeman (Planner)
Project ID: PL-002733-2023

I. INTRODUCTION

The project was reviewed against the R-6 Residential Zone Standards (Appendix 7 of the Design Manual).

SMALL RESIDENTIAL LOT DEVELOPMENT LOCATED IN THE R-6 ZONE
(1) STANDARDS. Small residential lot development located in the R-6 zone on lots of ten thousand (10,000) square feet or less shall provide a high degree of architectural quality and compatibility with the surrounding neighborhood as demonstrated by compliance with the principles and standards of the R-6 Infill Development Principles and Standards, promulgated by the Planning Board and contained in Appendix 7 of this manual. Any proposal required to obtain a certificate of appropriateness under Portland's historic preservation ordinance is exempt from the R-6 design review standard.

II. DESIGN REVIEW COMMENTS: **bold** text denotes recent updates met, red text denotes standards not met to require resubmission.

PRINCIPLE A - Overall Context - A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.

STANDARD A-1 - Scale and Form - Met
The proposed building is compatible with the predominant residential scale of the neighborhood that includes two-three-four story multi-family buildings of various roof forms with examples of flat roof, gable and side gable types fronting the street.

STANDARD A-2 - Composition of Principal Facades – **Met**
The proposed building façade fronting the street is elevated from the abutting public sidewalk by a retaining wall and brick foundation to create a clearly identified base of the building visible from the street. The street-facing façade is articulated by recessed balconies at the upper floors above the ground floor that include a fenestration pattern of vertical windows that Staff finds appropriate. **The Applicant has resubmitted plans to further delineate the proposed material changes on the street-facing façade to align the vertical trim with the proposed canopy that Staff finds appropriate.**

STANDARD A-3 - Relationship to Street – **Met**
The building placement is consistent with the spacing and rhythm of the residential fabric that includes driveways at property side setbacks. **The Applicant has resubmitted plans to recess the ground-level**

building massing and extend the proposed canopy that provides a protected pedestrian walkway and reinforces the main entry interior to the site that Staff finds appropriate.

PRINCIPLE B - Massing – The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.

STANDARD B-1 - Massing - Met
The proposed building massing is shaped by the recessed balconies facing Cumberland Avenue that fits the adjacent context of the abutting property at 62 Cumberland Avenue. In addition, the volume of the proposed building is segmented with a ground floor façade above a masonry base and horizontal belt to delineate a material change, and a projection of upper floors towards the side property that Staff finds appropriate.

STANDARD B-2 - Roof Forms – Met
The predominant roof form for smaller-scale residential buildings is gabled and multi-family structures with variations of traditional roof types that include flat roof forms. Staff finds the proposed flat roof form with pronounced cornice to be compatible with the surrounding architectural forms found within a two-block radius of the site.

STANDARD B-3 - Main Roofs and Subsidiary Roofs – Met
The proposed building's main roof form is flat with a subsidiary flat roof found at the stair overrun that Staff finds is compatible with the surrounding context.

STANDARD B-4 - Roof Pitch – Not Applicable
The proposed building's flat roof form has no pitch to not require this design standard.

STANDARD B-5 - Façade Articulation – **Met**
The proposed building façade provides variety through the textured brick foundation, delineation of materials with continuous trim elements and recessed balconies at the street-facing façade that Staff finds appropriate.

STANDARD B-6 - Garages – Not Applicable
The proposed building design includes a garage with doors located interior of the site along the side property facing façade.

PRINCIPLE C - Orientation to the Street – The building façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.

STANDARD C-1 – Entrances – **Met**
The proposed building's main entrance is recessed at the side façade with an expanded canopy overhead that is accessible by a sloped walkway down to the public sidewalk at Cumberland Avenue. **The resubmitted plans indicate a protected pedestrian walkway separated from the proposed driveway with granite curbing and an overhead canopy that extends beyond the building façade to clearly articulate the main entrance interior to the site that Staff finds appropriate.**

STANDARD C-2 - Visual Privacy – Met

The proposed visual privacy of occupants at the ground level along the building's frontage on Cumberland Avenue is being met with the window sill height of forty-eight inches above the adjoining sidewalk that slopes along Cumberland Avenue.

STANDARD C-3 - Transition Spaces – Met
The proposed development plan includes a planter wall with landscape within the five (5) foot front setback to delineate the sidewalk from the building that Staff finds appropriate.

PRINCIPLE D - Proportion and Scale – Building proportions must be harmonious and individual building elements shall be human scaled.

STANDARD D-1 – Windows – **Met**
The majority of windows are vertically proportioned throughout the proposed building with special accent windows to distinguish interior use.

STANDARD D-2 – Fenestration – Met
Windows and doorways meet at least 12% area of the fenestration of the total façade area.

STANDARD D-3 – Porches – Not Applicable
The proposed building does not currently include a porch.

PRINCIPLE E – Balance – The building façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.

STANDARD E-1 - Window and Door Height - Met
The proposed building aligns the window heights that Staff finds appropriate to create a common horizontal datum throughout floor levels at the street-facing elevation.

STANDARD E-2 - Window and Door Alignment - Met
Staff finds the majority of windows stack to express a vertical alignment.

STANDARD E-3 – Symmetricality - Met
The primary window composition is unique to the floor plan organization with bedrooms and living spaces facing the street. The building is further segmented around the building's façade centerline by the recessed balconies at the street-facing elevation.

PRINCIPLE F – Articulation – The design of the building is articulated to create a visually interesting and well composed residential façade.

STANDARD F-1 – Articulation - Met
Surface articulation visible from the public right of way includes dimensional trim (minimum width of 4"), window reveals, and a pronounced cornice that Staff finds appropriate to meet this design standard.

STANDARD F-2 - Window Types – **Met**
The proposed building design at the street-facing elevation includes two primary vertically-oriented window types arranged with variations of casement and awning openings that Staff finds appropriate to meet this design standard.

STANDARD F-3- Visual Cohesion – **Met**
The proposed building façade at the street-facing elevation includes variations in siding material to include clapboard, natural wood and brick deviates minimally from the prevailing character of neighboring residential buildings. Staff finds the change in siding material visually segments the massing of the proposed 3-story multi-family building that is greater in width than similar buildings within a two-block radius of the site.

STANDARD F-4- Delineation Between Floors - Met
The proposed building design delineates between floors through the alignment of windows, belt course at the ground floor and pronounced cornice line that Staff finds appropriate.

STANDARD F-5 - Porches, etc. – **Not applicable**
The proposed building design integrates recessed balconies into the building's massing that Staff finds appropriate, **no porch is proposed in the development plan with this design standard not applicable.**

STANDARD F-6 - Main Entries – **Met**
The Applicant has resubmitted plans that further articulate the overhead canopy above the protected walkway that lead pedestrians to the main entry located along the side elevation internal to the site. In addition, the Applicant has recessed the ground-level to provide additional width for the walkway that Staff finds appropriate to visually direct pedestrians towards the main entry.

STANDARD F-8 - Articulation - Met
The proposed building design includes articulation on all facades facing and adjacent to the street:

- Staff observes eaves and rakes shall have a minimum projection of 6 inches.
- Staff observes exterior façade trim at windows, door and corner board at a minimum of 4 inches.
- Staff observes offsets in building faces or roof forms with a minimum of 12 inches.
- Staff observes that pronounced and decorative cornices are appropriate.

Principle G - Materials – Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.

STANDARD G-1 – Materials - Met
The proposed building materials of masonry foundation walls and façade siding that include clapboard and board and batten that Staff finds are harmonious with those in buildings within a two-block radius of the site.

STANDARD G-2 - Material and Façade Design - Met
Staff finds the proposed building material selection is appropriate to the proposed building type.

STANDARD G-3 – Chimneys – Not Applicable
No chimneys are proposed, design standard is not applicable.

STANDARD G-4 - Window Types – **Met**
The proposed building design at the street-facing elevation includes two primary vertically-oriented window types arranged with variations of casement and awning openings that Staff finds appropriate to meet this design standard.

STANDARD G-5 - Patios and Plazas – Met
The development plan indicates a brick entry patio located at the main entrance that Staff finds appropriate.

III. HISTORIC PRESERVATION ADVISORY REVIEW

Article 14.6.4.E-2, states that developments within 100 feet of a historic district shall be generally compatible with the major character-defining elements of the portions of the historic districts in the immediate vicinity of the proposed development. This requirement is informally referred to as the Historic Preservation Advisory Review. In conducting this advisory review, a member of the Historic Preservation staff participates in the design review with the Urban Designer and Assigned Planner.

Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports, which can be found here: https://www.portlandmaine.gov/665/Historic-Districts.

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. Historic Preservation staff has provided 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.

The Munjoy Hill Historic District:

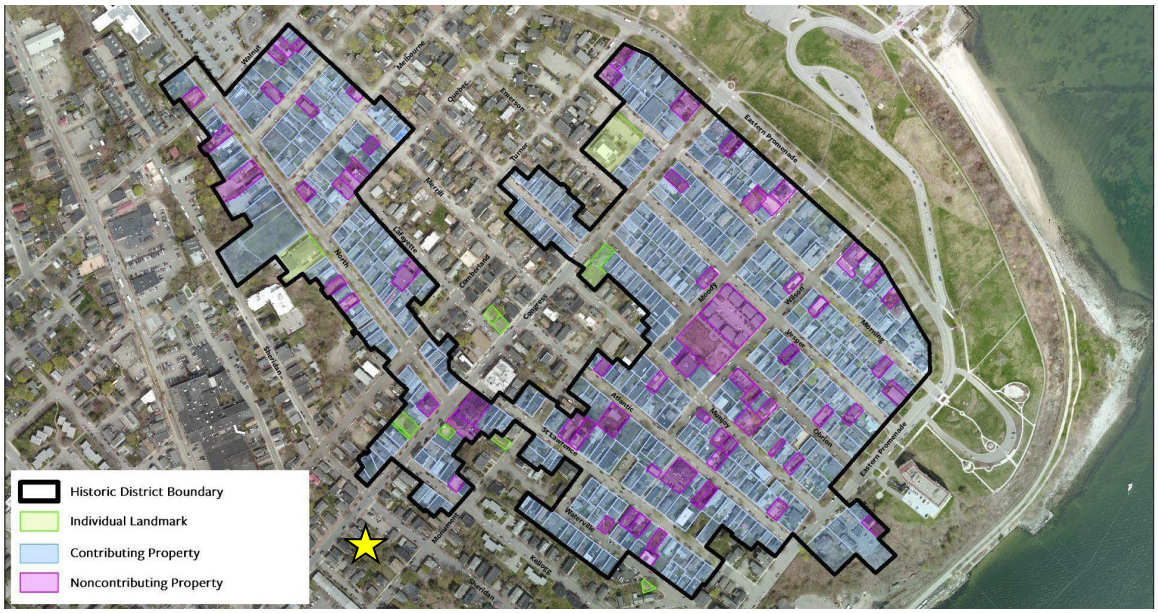


Figure 3 – Map of the Munjoy Hill Historic District showing the site of proposed development with a star.

It should be noted that the site of proposed development backs onto the Munjoy Hill Historic District, with no immediately abutting properties being within the district. The nearest areas of the Historic District are Congress Street between North and Sheridan Streets and North Street from Congress to Quebec.

Munjoy Hill has a long history of development and features highly varied architectural expressions across buildings. Many buildings also feature historical alterations, creating varied and dynamic layers of history. Regardless, there are several unifying features within the district. Construction is primarily of wood frame over masonry foundations, with only a handful of primarily brick structures. Buildings are typically free-standing, but constructed densely, with tight driveways and side yards. Front yards are typically shallow. Buildings range in height from one-and-a-half to four stories in height with most structures being two-and-a-half to three stories. Structures typically have a unified character, but projecting bay windows, front stoops, or entry porches are often used to create variety along the sidewalk. The majority of structures feature entrances on the front façade with a small stoop, though a number of buildings use covered porches to access side entrances instead. Windows are predominantly vertically oriented with regular placement on front facades and more variation on the sides. The immediate vicinity of the proposed development is eclectic, reflecting the overall diversity of the district's architecture. It includes examples of Greek Revival, Italianate, Second Empire, and Queen Anne buildings. Most are multi-family, though many had originally been constructed as large single-family residences.



Figure 4 – Looking east on Congress Street from Kellogg Street.



Figure 5 – Looking north on North Street from Cumberland Avenue.

The proposed structure has a scale that is consistent with the nearby district character. The structure is somewhat wider than typical; however, the proposed recessed front balconies help to breakdown the scale. Staff did find that the structure lacks a prominent entry from the street. Creating a more prominent covered walkway or covered porch along the east side of the property could be consistent with examples in the district such as at 147 and 155 Congress Street or 8 or 33 North Street. Staff would also encourage restudying the use of varied siding, in particular at the front elevation. Using the horizontal siding as the predominant material and vertical siding as the accent at the recessed balconies would be more in keeping with the patterns of the district where structures tend to have a primary cladding material with accents at porches or bay windows.

Design Review
Planning and Urban Development Department

City of portland

Subject: 56 Cumberland Avenue
Zone: R-6
Date of Review: January 4, 2023
Reviewer(s): Sean King (Urban Designer), Evan Schueckler (Historic Preservation Project Manager), Eric Freeman (Planner)
Project ID: PL-002733-2023

I. INTRODUCTION

The project was reviewed against the R-6 Residential Zone Standards (Appendix 7 of the Design Manual).

SMALL RESIDENTIAL LOT DEVELOPMENT LOCATED IN THE R-6 ZONE
(1) STANDARDS. Small residential lot development located in the R-6 zone on lots of ten thousand (10,000) square feet or less shall provide a high degree of architectural quality and compatibility with the surrounding neighborhood as demonstrated by compliance with the principles and standards of the R-6 Infill Development Principles and Standards, promulgated by the Planning Board and contained in Appendix 7 of this manual. Any proposal required to obtain a certificate of appropriateness under Portland's historic preservation ordinance is exempt from the R-6 design review standard.

II. DESIGN REVIEW COMMENTS: **bold** text denotes recent updates met, red text denotes standards not met to require resubmission.

PRINCIPLE A - Overall Context - A building design shall contribute to and be compatible with the predominant character-defining architectural features of the neighborhood.

STANDARD A-1 - Scale and Form - Met
The proposed building is compatible with the predominant residential scale of the neighborhood that includes two-three-four story multi-family buildings of various roof forms with examples of flat roof, gable and side gable types fronting the street.

STANDARD A-2 - Composition of Principal Facades – Not Met
The proposed building façade fronting the street is elevated from the abutting public sidewalk by a retaining wall and textured foundation to create a clearly identified base of the building visible from the street. The street-facing façade is articulated by recessed balconies at the upper floors above the ground floor that include a fenestration pattern of vertical windows that Staff finds appropriate. Staff finds the use of board and batten siding at the recessed balconies is appropriate and recommends a more consistent use of clapboard siding in the principal material fronting the street.

STANDARD A-3 - Relationship to Street – Not Met
The building placement is consistent with the spacing and rhythm of the residential fabric that includes driveways at property side setbacks. Staff finds the proposed main entrance interior to the property to not be consistent with the prevailing character of the neighborhood and recommends the Applicant create a protected pedestrian arrival (e.g. covered porch or canopy with stair access from public

sidewalk). Staff observes several examples within the neighborhood that the Applicant should consider as precedent, see below at 155 Congress Street.



Figure 1 – Residence with primary side entry for exemplary purposes only

PRINCIPLE B - Massing – The massing of the building reflects and reinforces the traditional building character of the neighborhood through a well composed form, shape and volume.

STANDARD B-1 - Massing - Met
The proposed building massing is shaped by the recessed balconies facing Cumberland Avenue that fits the adjacent context of the abutting property at 62 Cumberland Avenue. In addition, the volume of the proposed building is segmented with a ground floor façade above a masonry base and horizontal belt to delineate a material change, and a projection of upper floors towards the side property that Staff finds appropriate.

STANDARD B-2 - Roof Forms – Met
The predominant roof form for smaller-scale residential buildings is gabled and multi-family structures with variations of traditional roof types that include flat roof forms. Staff finds the proposed flat roof form with pronounced cornice to be compatible with the surrounding architectural forms found within a two-block radius of the site.

STANDARD B-3 - Main Roofs and Subsidiary Roofs – Met
The proposed building's main roof form is flat with a subsidiary flat roof found at the stair overrun that Staff finds is compatible with the surrounding context.

STANDARD B-4 - Roof Pitch – Not Applicable
The proposed building's flat roof form has no pitch to not require this design standard.

STANDARD B-5 - Façade Articulation – Not Met
The proposed building façade provides variety through the recessed balcony feature applied to the front façade. As the primary entry is located along the side property facing façade, Staff recommends that the Applicant incorporate additional façade articulation at the front façade through features such as a covered porch with stairs directly accessed from the sidewalk.

STANDARD B-6 - Garages – Not Applicable
The proposed building design includes a garage with doors located interior of the site along the side property facing façade.

PRINCIPLE C - Orientation to the Street – The building façade shall reinforce a sense of the public realm of the sidewalk while providing a sense of transition into the private realm of the home.

STANDARD C-1 – Entrances – Not Met
The proposed building's main entrance is recessed at the side façade with an expanded canopy overhead that is accessible by a sloped walkway down to the public sidewalk at Cumberland Avenue. Staff finds that the incorporation of a covered porch would further articulate the main entrance towards the street frontage, the Applicant should explore a solution.

STANDARD C-2 - Visual Privacy – Met
The proposed visual privacy of occupants at the ground level along the building's frontage on Cumberland Avenue is being met with the window sill height of forty-eight inches above the adjoining sidewalk that slopes along Cumberland Avenue.

STANDARD C-3 - Transition Spaces – Met
The proposed development plan includes a planter wall with landscape within the five (5) foot front setback to delineate the sidewalk from the building that Staff finds appropriate.

PRINCIPLE D - Proportion and Scale – Building proportions must be harmonious and individual building elements shall be human scaled.

STANDARD D-1 – Windows – Not Met
The majority of windows are vertically proportioned throughout the proposed building with special accent windows to distinguish interior use. Staff recommends the window spandrel below the ground-level window at the street facing façade be replaced with siding material to avoid visual confusion as a door.

STANDARD D-2 – Fenestration – Met
Windows and doorways meet at least 12% area of the fenestration of the total façade area.

STANDARD D-3 – Porches – Not Applicable
The proposed building does not currently include a porch.

PRINCIPLE E – Balance – The building façade elements must create a sense of balance by employing local or overall symmetry and by appropriate alignment of building forms, features and elements.

STANDARD E-1 - Window and Door Height - Met
The proposed building aligns the window heights that Staff finds appropriate to create a common horizontal datum throughout floor levels at the front elevation.

STANDARD E-2 - Window and Door Alignment - Met
Staff finds the majority of windows stack to express a vertical alignment.

STANDARD E-3 – Symmetricality - Met
The primary window composition is unique to the floor plan organization with bedrooms and living spaces facing the street. The building is further segmented around the building's façade centerline by the recessed balconies at the front elevation.

PRINCIPLE F – Articulation – The design of the building is articulated to create a visually interesting and well composed residential façade.

STANDARD F-1 – Articulation - Met
Surface articulation visible from the public right of way includes dimensional trim (minimum width of 4"), window reveals, and a pronounced cornice that Staff finds appropriate to meet this design standard.

STANDARD F-2 - Window Types – Not Met
The proposed building design at the front elevation includes a variety of window types and sizes that exceed the two window type maximum to meet this design standard. Staff recommends that the Applicant consider a greater unified window type or provide additional design justification for review.

STANDARD F-3- Visual Cohesion – Not Met
The proposed building façade at the front elevation includes variations in siding material that Staff finds is excessive in regards to the board and batten siding that is unique to the surrounding architectural character within a two-block radius of the site. Staff finds the articulation of features that express variation to the building's massing (e.g. recessed balconies) to be appropriate and recommends clapboard siding as the primary façade material along the front elevation that would visual relate to the prevailing buildings in the neighborhood. Staff has included a sketch.



Figure 2 – Staff recommended material changes

STANDARD F-4- Delineation Between Floors - Met
The proposed building design delineates between floors through the alignment of windows, belt course at the ground floor and pronounced cornice line that Staff finds appropriate.

STANDARD F-5 - Porches, etc. – Not Met
The proposed building design integrates recessed balconies into the building's massing that Staff finds appropriate. Staff has suggested the Applicant incorporate a covered porch at the ground floor fronting the street that would also assist to delineate the proposed driveway from the pedestrian walkway to access the main entry.

STANDARD F-6 - Main Entries –Not Met
The proposed building design includes a projected canopy visible from the street, however Staff recommends additional features, such as covered porch, to orient the main entry toward the street.

STANDARD F-8 - Articulation - Met
The proposed building design includes articulation on all facades facing and adjacent to the street:

- Staff observes eaves and rakes shall have a minimum projection of 6 inches.
- Staff observes exterior façade trim at windows, door and corner board at a minimum of 4 inches.
- Staff observes offsets in building faces or roof forms with a minimum of 12 inches.
- Staff observes that pronounced and decorative cornices are appropriate.

Principle G - Materials – Building facades shall utilize appropriate building materials that are harmonious with the character defining materials and architectural features of the neighborhood.

STANDARD G-1 – Materials - Met
The proposed building materials of masonry foundation walls and façade siding that include clapboard and board and batten that Staff finds are harmonious with those in buildings within a two-block radius of the site.

STANDARD G-2 - Material and Façade Design - Met
Staff finds the proposed building material selection is appropriate to the proposed building type.

STANDARD G-3 – Chimneys – Not Applicable
No chimneys are proposed, design standard is not applicable.

STANDARD G-4 - Window Types – Not Met
The proposed building design includes a variety of window treatments with awning, casement, fixed, picture, swing and sliding. Staff requests that the Applicant reduce the amount of proposed window types to allow for a greater consistency throughout the façades and encourage operating windows in the living spaces where appropriate.

STANDARD G-5 - Patios and Plazas – Met
The development plan indicates a brick entry patio located at the main entrance that Staff finds appropriate.

III. HISTORIC PRESERVATION ADVISORY REVIEW

Article 14.6.4.E-2, states that developments within 100 feet of a historic district shall be generally compatible with the major character-defining elements of the portions of the historic districts in the immediate vicinity of the proposed development. This requirement is informally referred to as the Historic Preservation Advisory Review. In conducting this advisory review, a member of the Historic Preservation staff participates in the design review with the Urban Designer and Assigned Planner.

Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports, which can be found here: https://www.portlandmaine.gov/665/Historic-Districts.

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. Historic Preservation staff has provided 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.

The Munjoy Hill Historic District:

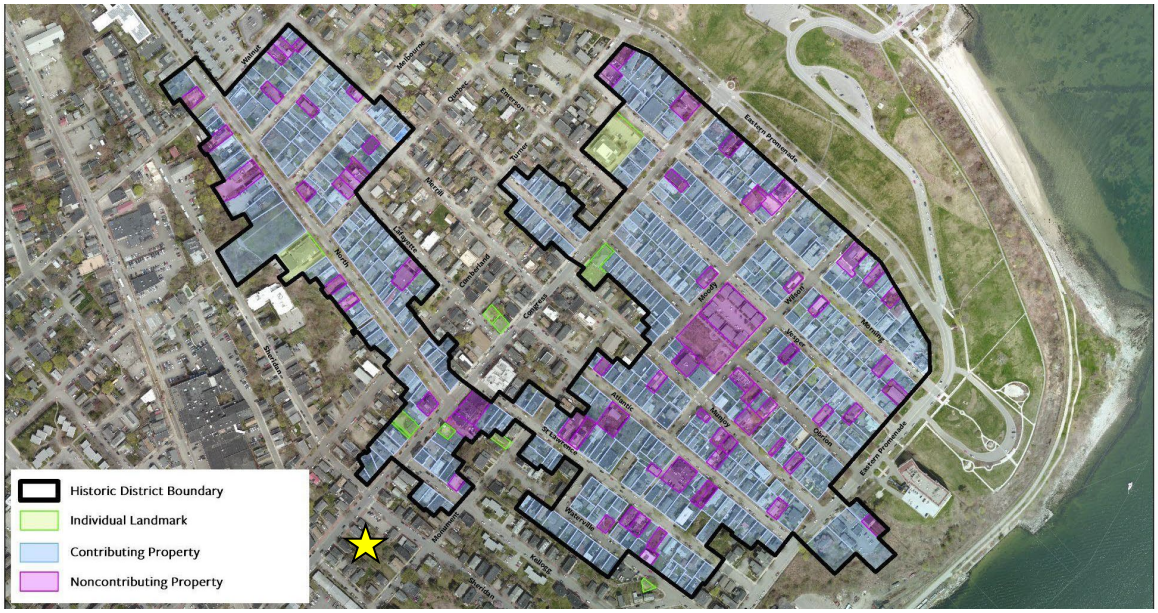


Figure 3 – Map of the Munjoy Hill Historic District showing the site of proposed development with a star.

It should be noted that the site of proposed development backs onto the Munjoy Hill Historic District, with no immediately abutting properties being within the district. The nearest areas of the Historic District are Congress Street between North and Sheridan Streets and North Street from Congress to Quebec.

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Figure 4 – Looking east on Congress Street from Kellogg Street.



Figure 5 – Looking north on North Street from Cumberland Avenue.

The proposed structure has a scale that is consistent with the nearby district character. The structure is somewhat wider than typical; however, the proposed recessed front balconies help to breakdown the scale. Staff did find that the structure lacks a prominent entry from the street. Creating a more prominent covered walkway or covered porch along the east side of the property could be consistent with examples in the district such as at 147 and 155 Congress Street or 8 or 33 North Street. Staff would also encourage restudying the use of varied siding, in particular at the front elevation. Using the horizontal siding as the predominant material and vertical siding as the accent at the recessed balconies would be more in keeping with the patterns of the district where structures tend to have a primary cladding material with accents at porches or bay windows.

Site Plan Review Standards (Sec. 14.6)

Transportation Standards (Sec. 14.6.1)

Standard	***Discussion***	***Finding***
Impact on Surrounding Street Systems	**Overview:** This application involves relocating one existing curb cut approximately 10 feet to the east to service the proposed drive aisle to resident parking. This application also proposes sidewalk reconstruction on the portion of Cumberland Ave. in front of the property. This reconstruction would utilize brick pavers **Updates Requested** • No notable impact is anticipated as part of this project.	Met
Access and Circulation	**Overview:** Access to the parking and main entrance areas are provided by a 14' wide accessway on the northern side of the property abutting 54 Cumberland Ave. The accessway consists of a 10' wide driveway and 4' wide brick walkway leading to the main entrance. An exterior staircase at 54 Cumberland Ave. will land directly into the proposed driveway at 56 Cumberland. Within the building, Access to all units will be provided by a central stairwell. No elevator access is proposed as part of this project. **Updates Requested** • The landing of the exterior stairs at 54/56 Cumberland Avenue onto the proposed driveway is not acceptable. A safe and conflict free landing shall be provided. • Sprinkler control room is not accessible from the exterior of the building.	Not Met
Public Transit Access	**Overview:** This project is within ¼ mile of several METRO transit routes including Routes 1, 7, 9A/B and Breez service. **Updates Requested** • None	Met
Parking	**Overview:** The application involves four (4) enclosed garage parking stalls located at the rear of the property. One residential unit will not include an off-street parking space. Access by a 10 ft. wide drive aisle. A turning area is located at the far back end of the property.	Partially Met

	Updates Requested: • The site plan shall provide dimensions noting the length of parking stalls and the width of the circulation aisle. • The site plan shall provide dimensions noting the length of parking stalls and the width of the circulation aisle. • Provide clarification as to whether resident parking for 54 Cumberland Ave. will be moved or provided on-street.	
Transportation Demand Management	**Overview:** Not Applicable **Updates Requested** • None – N/A	Met
Environmental Quality Standards (Sec. 14.6.2)		
Standard	***Discussion***	***Finding***
Preservation of Significant Natural Features and Landscape Preservation	**Overview:** The current site is mostly gravel with patches of loose grass. This project proposes to remove two existing trees on the site – One hemlock and one maple close to Cumberland Ave. The applicant proposes to plant two new trees in the esplanade of Cumberland Ave. **Updates Requested** • The city would prioritize the preservation of the oak tree in the southern corner of the property due to its high ecological value and long life span associated with the species • Please include tree protection measures on plans and show footprint of tree protection fencing on plans *(See technical manual for example)* • Please indicate which existing trees will be preserved during the construction process	Not Met
Site Landscaping and Buffers	**Overview:** The applicant proposes to plant two new trees in the Cumberland Ave. esplanade, as well as planting a variety of shrubs and "Gro-Low" plantings surrounding the building. **Updates Requested** • Please include location, size, and species of existing vegetation on plans • The large maple tree and large oak tree are absent from plans.	Not Met
Water Quality, Stormwater Management	**Overview:** This application will result in a net increase of impervious surface by approximately 1,370 SF However, non-rooftop impervious surface will be reduced by 1,625 SF.	Not Met

and Erosion Control	The property is sloped at approximately a 7-9% grade, necessitating the need for stormwater chambers to manage stormwater and runoff.	
	Updates Requested • The City's Technical Manual was updated and approved in 2022. The applicant shall confirm that all proposed details have been updated (Site, Sewer, Stormwater, Landscape, …. details) to meet the requirements of the approved technical manual update. • At a minimum replace the brick driveway apron with bituminous base detail with I-10A. • No aspect of the proposed cast in place landscape wall shall be constructed within Cumberland Avenue ROW. Note on the plans and update / redesign the detail (for cast in place landscaping wall) to make it clear that the wall footing shall be constructed outside of the ROW. • It is recommended to increase the sump depth of the proposed catch basin from 2' to 3' to provide additional sediment pre-treatment for the detention system. • A backflow preventer should be installed on the 6" sewer service line prior to the proposed connection to the combined sewer line. It's also recommended that a backflow preventer be installed on the 8" storm drain line to prevent combined sewer flows from backing into the private storm drain system. • The plans do not indicate if there is any drainage within the proposed garage. If there are any drain structures they will need to discharge to an oil water separator and connect to the sewer. • I would suggest that they include a backflow preventer on the foundation drain to prevent any stormwater flow issues within the foundation system from the upstream storage system. • A fairly high exfiltration rate is used in the HydroCAD model. Was testing done to obtain this rate? The Applicant should also confirm adequate separation from groundwater and/or bedrock for the infiltration system. I will note that the amount of water infiltrating in the model is very small, so any changes to this won't impact the end result. • Drainage associated with the walls proposed on the site should be clarified with the grading plan. The detail for the gravity wall notes daylighting drain tiles, but the plan appears to show a piped connection to the site's	

	stormdrain system. The cast in place landscaping wall includes an underdrain as well, but a connection is not shown on the plan.	

Public Infrastructure and Community Safety Standards (Sec. 14.6.3)

Standard	***Discussion***	***Finding***
Consistency with City Master Plans	**Overview:** This project is an urban infill site within an existing residential neighborhood. It is consistent with the goals laid out in the 2017 Comprehensive Plan. **Updates Requested:** • None	Met
Public Safety and Fire Prevention	**Overview:** A life safety plan and fire suppressing plan was included with this submittal but is incomplete. **Updates Requested** • Life safety plan is not shown in its entirely. Resubmit. • Clarify whether sprinkler room will be accessible from the exterior.	Not Met
Public Utilities	**Overview:** This application proposes a 2" water main for domestic water service connecting to the existing 6" main on Cumberland Ave. Additionally, this application proposes to connect to the existing 12" sewer main on Cumberland Ave. with a new 6" wastewater pipe. **Updates Requested** • The Applicant has noted that they are working with the Portland Water District on requirements for their water service, and are still waiting for their ability to serve confirmation. • A stormwater manhole is required for the proposed connection to the combined sewer in Cumberland Avenue per tech manual standard 2.8.2. • A stormwater maintenance agreement will be required for the subsurface detention system	Not Met

Site Design Standards (Sec. 14.6.4)		
Standard	***Discussion***	***Finding***
Massing, Ventilation and Wind Impact	**Overview:** As the building is similar in scale to surrounding buildings, There are no anticipated impacts associated with this application. **Updates Requested** • None	Met
Shadow	**Overview:** No adverse shadow impacts are associated with this application. **Updates Requested** • None	Met
Snow and Ice Loading	**Overview:** This application proposes snow storage for both 54 and 56 Cumberland Ave. to be located in the easement area behind 54 Cumberland Ave. Snow melt will drain into the primary stormwater catch basin. **Updates Requested** • Clarify where snow will be stored and where snow melt will drain.	Met
View Corridors	**Overview:** The proposed building is similar in height and scale to surrounding buildings. There are no view corridor impacts anticipated with this application **Updates Requested** • None	Met
Historic Resources	**Overview:** This application is no within a historic district, but its proximity to the Munjoy Hill Historic District subjects this application to Historic Preservation Administrative Review. **Updates Requested:** • Staff requests a redesign of the side walkway leading to the main entrance to create more of a "porch" and blend with the side entrances of other buildings along Cumberland Ave.	Partially Met
Exterior Lighting	**Overview:** This application includes mounted lighting fixtures along the main entrance walkway. The garage area will be illuminated with recessed lights mounted in the garage canopy. The roof deck area will be lit by parapet lighting on the inside face of the roof deck. There is currently an existing pole mounted street light on Cumberland Ave. This application does not propose any changes to that fixture. **Updates Requested** • None	Met
	Overview:	

Noise and Vibration	No significant noise or vibration impacts are anticipated with this application. **Updates Requested** None	Met
Signage and Wayfinding	**Overview:** Proposed signage includes hanging address numbers above the main entryway. **Updates Requested** • None	Met
Design Standards	**Overview:** This application is subject to the design standards of the R-6 zone. See attached design review memo **Updates Requested** • See attached design review memo	Partially met

Project Review Letter | 1/2/2024 | PL-002733-2023 | 56 Cumberland Ave.
Submission #: 12/11/2023
Planner: Eric Freeman – efreeman@portlandmaine.gov- 207-874-8724

Dear Patrick,

We have completed our review of your application (PL-002733-2023) proposing to develop a 3-story, 5-unit condominium project with four off-street parking spaces and landscaping improvements at 56 Cumberland Ave. In the R-6 Residential zone. This development triggers major site plan review, and is subject to the following regulations:

- Site Plan – Article 14.6
- Zoning – Table 6C, and Table 7E

An overview of the City's review can be viewed in the attached project review worksheets and peer review comments.

Next Steps
Please review all feedback and reach out to the project review manager if you have any questions or would like to discuss this feedback in more detail. In order to proceed, the applicant shall prepare a written response to all feedback, and shall update plans, documents and other materials as necessary to address the above listed comments. The applicant shall notify the project review manager when a resubmission is uploaded to ProjectDox. Once received, the project review manager will notify the applicant of their scheduled review timeline for this resubmission.

Based upon the City's findings related to your application, the City will advance this application for a workshop with the Planning Board on **Tuesday, February 27th, 2024.** Please let me know at your earliest convenience if there are any conflicts with proposed date.

Sincerely,
Eric Freeman
Planner

Attachments
1. Site Plan Worksheet
2. Zoning Worksheet
3. Peer Review Comments

CITY OF PORTLAND, MAINE

PLANNING BOARD

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

February 27, 2024

Patrick Carroll
Carroll Associates Landscape Architects
217 Commercial St.
Portland, Maine 04101

Project Name:	Major Site Plan	**Project ID:**	PL-002733-2023
Address:	56 Cumberland Ave.	**CBL:**	013 L004001
Applicant:	Fafnir Cumberland LLC		
Planner:	Eric Freeman		

Dear Patrick,

On February 27, 2024, the Planning Board approved a major site plan application for a three-story, five-unit multi-family residential building located at 56 Cumberland Avenue in the R-6 Residential zone. 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 Ordinance, Ch. 14, Article 14, Section 14.6. Based upon the information provided to the Board in the application, plans, and reports and 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 February 27, 2024, 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 (X-X) to approve the application with the following conditions as presented below.

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 February 27, 2024 for application # PL-002733-2023 relevant to the site plan regulations; and the testimony presented at the Planning Board hearing, the Planning Board voted (X-X) to find that the plan is in conformance with the site plan standards of the Land Use Code, subject to the following conditions of approval:

PRIOR TO APPLYING FOR A BUILDING PERMIT

1. The applicant shall provide an ability to serve letter from Central Maine Power and the Portland Water District.

PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY

2. The applicant shall contribute $1,200 into the City's tree fund in order to account for three of the five required street trees, which are not being planted along the property's frontage.

Standard Procedures

Note: The following standard procedures and requirements apply to all approved site plans:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. 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.)

7. 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.

8. 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.

9. Defect Guarantee A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

10. 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. Please provide one hard copy of the mylar.

11. 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.

12. 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

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 drc@portlandmaine.gov or (207)874-8984. 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 Eric Freeman at (207)874-8724 or via email at efreeman@portlandmaine.gov.

Sincerely,

Brandon Mazer, Planning Board Chair

Attachments:
1. Planning Board Report
2. Portland City Code: Chapter 32
3. Sample Stormwater Maintenance Agreement
4. Performance Guarantee Packet

CARROLL ASSOCIATES

January 9, 2024

Planning & Urban Development
Department City of Portland
389 Congress Street
Portland, Maine 04101

RE: Neighborhood Meeting Certification
56 Cumberland Avenue
Major Site Plan Development, PL-002733-2023

To whom it may concern:

I, Patrick J. Carroll, as Agent for Fafnir Cumberland, LLC, hereby certify that a neighborhood meeting was held on January 8, 2024 at 6:30 pm at Cloudport Coworking Space, 63 Federal Street in Portland for the proposed project located at 56 Cumberland Avenue.

I also certify that on 12/15/23, notices were mailed to the following:

1. All addresses on the mailing list provided by the Planning Division which includes property owners within 500 feet of the proposed development (1,000 feet for subdivisions within an industrial zone or industrial zone changes).

2. Residents on the "interested parties" list.

Signed,

Patrick J. Carroll, Principal
Carroll Associates Landscape Architects

Att.
- Att 1 Notice of Neighborhood Meeting
- Att 2 Neighborhood Meeting Sign In Sheet
- Att 3 Neighborhood Meeting Summary of Comments

CARROLL ASSOCIATES

Attachment 1

Neighborhood Meeting Invitation

December 7, 2023

Dear Neighbor: Please join us for a neighborhood meeting to discuss our plans for construction of a new five-unit condominium located at 56 Cumberland Avenue in Portland.

Meeting Location: Cloudport Coworking Multispace, 63 Federal Street, Portland ME
Meeting Date: January 8, 2024
Meeting Time: 6:30 pm

(The Land Use Code requires that neighboring property owners and residents on an "interested parties list" be invited to participate in this neighborhood meeting.

A sign-in sheet will be circulated and a record of the meeting will be taken. Both the sign-in sheet and record will be submitted to the Planning Board.)

If you have any questions, please call Patrick J. Carroll at 207-329-8976.

Signed,
Carroll Associates



Patrick J. Carroll, Principal
Agent for the Owners

December 7, 2023

Note: Under the City of Portland land use code, an applicant for a major site plan, master development plan, subdivision of over five lots, or zoning map amendment is required to hold a neighborhood meeting within 30 days of an application being deemed complete and no less than seven calendar days before a public hearing. Should you wish to offer additional comments on this proposed development, you may forward them by e-mail to planning@portlandmaine.gov or by mail to the Planning and Urban Development Department, Planning Division, 4th Floor, 389 Congress Street Portland, ME 04101

Attachment 2

CARROLL ASSOCIATES

Neighborhood Meeting Sign-In Sheet

What: Neighborhood Meeting for 56 Cumberland Avenue
Major Site Plan Application (PL-002733-2023)

When: January 8, 2024, 6:30 PM
Where: Cloudport Coworking Multispace, 63 Federal Street, Portland ME

Developer and Consultant Team in Attendance

Name	Email	Phone
PATRICK CARROLL	pcarroll@carroll-assoc.com	3298975
~~PAUL LED~~		
THOMAS WORTH	tfworth@gmail.com	617-595-1748
CHRIS DELANO	CHRIS@DELANOARCHITECTURE.COM	207 233 7777
Mariana Felippa/ruck	MARIANA@DELANOARCHITECTURE.COM	207 233 7771

Members of the Public in Attendance

Name	Email	Phone
PAUL LEDMAN	CAPE1863@gmail.com	207 409 9569
James Pike	pikefamily@aol.com	207 233-0067
CARR PIKE	pikefamily@aol.com	

CARROLL ASSOCIATES

NEIGHBORHOOD MEETING NOTES

What: **56 Cumberland Avenue Neighborhood Meeting**

When: **Wed 1/08/2024 @ 6:30 pm**

Where: **Cloudport Coworking Space, 63 Federal Avenue**

PRESENTERS:

Tomas Worth, Fafnir Cumberland, LLC

Chris Delano, Delano Architecture

Patrick Carroll, Carroll Associates

START TIME

Meeting commenced at 6:30 pm.

NOTES

Introductions

- Members of the Development and Consultant Team introduced themselves.
- Members of the public introduced themselves.

General Discussions

- Overall layout of the property was discussed. This included discussion of access, parking, grading and retaining wall in rear of property.
- Ownership was discussed, including history of original lot split and current proposal for shared driveway use between properties.
- Ms. Pike was interested in location of improvements relating to her property (in rear) as it was not shown on the site plan.
- Neighbor brought up concern regarding Historic District and it was explained that this project was not in the Munjoy Hill Historic District but within 100 ft therefore triggering a HP staff review rather than a HP Board approval.
- Floorplans and elevations were discussed.
- Question raised about density and it was explained that the density allowed 8 DU in 45 ft but Owners wanted to create something more livable and compatible with neighborhood rather than maximizing the # units on the property.
- Thomas discussed range of selling costs for units.
- Discussed exterior materials and initial response from City on exterior finishes and windows.
- Ms Pike voiced concern about losing views of Back Cove once building is completed.
- Owners discussed energy efficiency and construction materials.

- Mr. Ledman discussed issues he had re: approval of his project (62 Cumberland) related to the front door and how this project was going to deal with that requirement. It was explained that the comment was raised by Planning Staff and the Design Team was working though an agreeable solution.
- Discussion of construction management and dust control during construction. It was explained that a Construction Management Plan was part of the Approval process and would be finalized once a Contractor was brought on board. 6 ft fencing would be installed around the perimeter to control access.
- There was discussion about approval process and it was noted that a Public Hearing has tentatively been scheduled for February 27 and all interested parties are welcome to attend.
- Landscaping was discussed, Ms. Pike indicated she was concerned of lack of trees in rear to screen building.

END TIME
Meeting ended approximately 8:00 pm.

CARROLL ASSOCIATES

Notice of Public Meeting Certification

I, (Patrick Carroll/ Carroll Associates) hereby certify that a notice of neighborhood meeting sign was posted from February 14, 2024 prior to the Public Hearing held on February 27, 2024 for the proposed project **PL-002733-2023** located at 56 Cumberland Avenue.

Photo documentation of sign in situ:



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.

Signed,
Carroll Associates

Patrick J. Carroll, Principal
February 16, 2024

CARROLL ASSOCIATES

November 21, 2023

Mr. Matthew Grooms
City of Portland Planning Office
347 Congress Street, 4th Floor
Portland, ME 04101

RE Fafnir Cumberland, 56 Cumberland Avenue

Dear Matt,

On behalf of Fafnir Cumberland, LLC, we are pleased to submit this Application for Major Site Plan Review to the City of Portland for a new project to be developed at 56 Cumberland Avenue. This project is an opportunity to develop an existing vacant lot on Munjoy Hill and add to the housing stock on the peninsula.

The proposal is to construct Fafnir Cumberland, LLC is proposing to construct 5 condominium units in a single building on a vacant lot currently containing 5,816 sf of lot area located at 56 Cumberland Avenue in Portland. The project envisions new construction of (3) two-bedroom units and (2) three-bedroom units in a three- story structure with associated sitework.

The ground floor contains one 2- bedroom fully accessible unit fronting on Cumberland Street, building access and mail for all units, and an enclosed garage for parking of four vehicles, including one ADA van-accessible space. The second and third floors are accessed by a common entrance lobby and single stairwell located between the ground floor unit and the garage area. This stair accesses three stories of living units and a private roof deck useable as a common outdoor space for tenants and their guests.

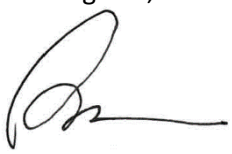
The building is scaled and sited to be compatible with its context and design guidelines of the neighborhood. Its massing is sculpted to provide interest and scale appropriate to a residential use with large windows allowing for high quality living spaces with more natural light. We placed exterior decks on the street elevation at the upper levels and a front wraparound canopy at ground level to provide depth and activity on the street and a pedestrian scale at the sidewalk.

Given the restrictive width of the site, the Applicant has been in negotiations with the neighboring property at 54 Cumberland Avenue to acquire a minimal amount of additional land, which allows for a shared driveway between the two properties that will provide access to the four covered spaces in the rear of the ground level. Accordingly, the plan proposes to add a narrow strip of land (160 sf) to allow this driveway. Easements and other documents relating to this land transfer are included in the Application.

The project has been designed to meet all current R6 Zoning and Design Standards and we believe this project will be a welcome addition to the neighborhood. We look forward to working closely with you, Planning and other City Staff as we work towards the approval and construction of this exciting project.

Please review the Application Plans and Support Documents and feel free to contact me if you have any questions or need additional information.

With Regards,



Patrick Carroll, Principal
Carroll Associates Landscape Architects

ATT: Major Site Plan Review Application (to E-Plan)

CC: Thomas Worth, Fafnir Cumberland, LLC
Chris Delano, Delano Architects
Jayson Haskell, DM Roma

27. R6 Design Standards

Building Scale and Massing: **The proposed structure is within the transforming Munjoy Hill context in the R6 zone. This neighborhood has included a predominance of two-story homes with gabled roofs facing the street with a simple entry portico and parking to the side. Three story structures often include flat roofs with simple or adorned cornices to maximize the area of the third level as they approach the district's height limit. As the district grows and includes higher density with more multifamily buildings this visual context is filling in with larger structures looking to optimize saleable square feet.**

Context: **Several of the buildings in our immediate context are simple 2 story gable structures. As we move in the adjacent blocks, however, more 3 -story structures exist that we are responding more directly to.**

Massing, Proportion and Scale: **We have extended the full scope of the building footprint to our front setback and then extended a wrap-around canopy from the front around the side and to the main entrance. Below this canopy, we are cladding the building in natural wood for visual warmth and to provide clear delineation of the ground level unit. This same wood rises the full three stories to mimic the proportions of a side entry tower bay window common in older, three-story structures throughout the City. Above the canopy and adjacent to this tower element, we have carved into the mass of the building to create open porches with fully glazed exterior walls leading into each of the 2 upper units. The horizontality of these porches pairs with the canopy below to clearly define each level. These horizontal lines contrast with the vertical wood 'tower' element at the Southwest corner giving the building a well-balanced form. The placement and size of the windows complement and reinforce the proportions of these sculptural and material changes in the façade while providing an oculus of engagement with the outside.**

Roof Forms: **We are proposing a flat roof and crisp cornice to cap the building at our height limit.**

Façade Articulation: **We have employed inset balconies, a covered entry canopy, and a recessed entry and stair tower to give the façade depth and interest and to break down the scale and mass of the building at key places.**

Relationship to the street: **The building rises 37' from the sidewalk, but at just 12' above this grade we are proposing a wrap-around open porch roof and wood clad exterior below it to provide an intimate relationship with the pedestrian and streetscape. This wood wall, brick water table and sidewalk, and low canopy guide the owners and any visitors to the main entrance around the side. Additionally, they provide an accessible route to the main entrance and into the ground floor unit and garage.**

Garage: **We are providing interior parking spaces for 4 of the proposed units. These garages are located on the North side behind the pedestrian entrance. We have recessed the garage entrance under the upper floors to provide weather protection and to allow for proper turning radius between the neighbor and the garage doors. This parking court is well off the street and does not cross a pedestrian way on the property. We are providing an accessible van space in the garage with fully accessible access route into the ground level unit.**

1. Project Description – Revised 1/31/2024

Fafnir Cumberland, LLC is proposing to construct 5 condominiums in a single building on a vacant lot located at 56 Cumberland Avenue in Portland. The project envisions new construction of (3) two-bedroom units and (2) three-bedroom units in a three- story structure with associated sitework.

The ground floor contains one 2- bedroom fully accessible unit fronting on Cumberland Street, an enclosed garage for parking of four vehicles including one ADA van-accessible space, and public access to a central stair ascending to all units. This single stair scissors within a common shaft up the three stories to each of the 2 living units on each floor.

We carved into the front of the building on the upper stories to provide outdoor living spaces for these units and to break up the stout massing of the building to give it more slender proportions. Additional demarcation of siding materials and window placements helps to further define these shapes. We marked the entrance with an extended front canopy on the street, brick wall and a change in paving material from the sidewalk to give clear public entry onto the property. This canopy greets visitors on the street and wraps around the North of the building leading occupants and visitors to the main side entrance. This ramp and building entry are an ADA accessible route for all occupants.



Public Safety and Fire Prevention: We have placed very visible front porches on the upper stories of the street elevation to visually connect people to the neighborhood with the natural spillover effect of encouraging surveillance over the street.

We have included an ADA accessible brick walkway connecting the sidewalk to the main entrance of the building to the side. This walkway and canopy provide an entry point at the street and continuous cover up the walkway and to the building entrance. This entrance sequence will be well lit above with a fully glazed entrance upon arrival.

Massing, Ventilation and Wind: The proposed building conforms to zoning setbacks and step backs with a building height of 35' with a tower element rising at the center of the building to an additional 3' for visual punctuation. This height is compatible with the adjacent structures which will continue to allow ample air movement and access to natural light for the neighboring buildings.

Shadows: There are no public spaces that would be affected by the proposed development.

Snow and Ice Loading: We are including a flat roof with a parapet for the entire building perimeter. This roof style contains snow and ice, preventing it from letting loose onto the public way.

Noise and Vibrations: The building will be all electric with roof mounted condensers for heat pumps to heat and cool each unit. The units will be located towards the center of the roof on the street-side of the stair tower-away from the roof deck and 20' behind the front elevation. The specified equipment has a listed max. sound level of 58 dBA. This is below the noise standard established for most all the districts in the City. There are, however, no noise limits for this zone.

Design Standards:

Building Scale and Massing: The proposed structure is within the transforming Munjoy Hill context in the R6 zone. This neighborhood has included a predominance of two and three-story homes with gabled roofs facing the street with a simple entry portico and parking to the side. Three story structures often include flat roofs with simple or adorned cornices to maximize the area of the third level as they approach the district's height limit. A pervasive element in the district is a projecting bay that rises the full height of the building. This element provides a slendering effect to the building which breaks up its perceived mass giving it a taller proportion on the street. Many of these same buildings also include inset decks/porches on the street in contrast to the bays to further reinforce a more vertical proportion and to give the front façade increased depth and interest. See included photos of buildings in the neighborhood with these features.





Context: 2 and 3 story buildings single and multi-family buildings are pervasive in the neighborhood. Front and side entry buildings are common along with side driveways that access parking spaces at the rear.

Massing, Proportion and Scale: We extended the full scope of the building footprint to our front setback and then added a porch element the additional 5' to our front lot line. This same roof wraps around the building to the North leading pedestrians to the main entrance on the side. Below this canopy, we are cladding the building in natural wood for visual warmth and to provide clear delineation of the ground level unit. This same natural wood siding rises the full three stories to mimic the proportions of a side entry tower bay that is common throughout the neighborhood *(see attached photos of neighboring buildings).* Above the canopy and adjacent to this tower element, we carved into the mass of the building to create open porches with fully glazed exterior walls leading into each of the 2 upper units. The horizontality of these porches' pairs with the canopy below to clearly define each level. These horizontal lines contrast with the vertical wood tower element at the Southwest corner giving the building a well-balanced proportion. The tall windows on the tower with connecting spandrel panels reinforce this tower and its verticality. We are repeating this detail and the window proportions under the canopy to combine with the porch and wrap-around canopy to guide pedestrians to the main entrance. Without the material changes and inset porches, the original mass of the building is quite stocky.





The placement and size of the windows complement and reinforce the proportions of these sculptural and material changes in the façade while providing an oculus of engagement with the outside. We have included 3 window types on the front façade of the project:

1. the tall windows inset in the wood tower. These same windows are uniform in width and march along the ground level unit with a common, striping detail within the wood cladding.
2. Small windows in the upper bathrooms
3. Glazed walls at the inset porches on the upper level.

Roof Forms: We are proposing a flat roof and crisp cornice to cap the building at our height limit.

Façade Articulation: We have included inset balconies at the upper level on the street, a brick apron at ground level, covered entry porch and wrap-around canopy on the street and inset stair tower above the main entry to give the façade depth and interest and to break down the scale and mass of the building at key places.

Relationship to the street: The building rises 37’ from the sidewalk, but at 12’ above this grade we are proposing a front porch that extends to the sidewalk on the front with a wrap-around open porch roof and wood clad exterior below to provide a covered point of entry and an

intimate relationship with the pedestrian and streetscape. This wood wall, brick water table and sidewalk, and low canopy provide a human scale guiding owners and any visitors around the corner, up an ADA accessible ramp to the main side entrance for the building.

Garage: We are providing interior parking spaces for 4 of the proposed units. These garages are located on the North side behind the pedestrian entrance. We have recessed the garage entrance under the upper floors to provide weather protection and to allow for proper turning radius between the neighbor and the garage doors. This parking court is well off the street and does not cross a pedestrian way on the property. We are providing an accessible van space in the garage with a fully accessible access route into the ground level unit. *See street elevation below for a call-out of specific design features.*



Project Exterior Materials:

Prefinished Clapboard

Color: TBD

Exposure: 4”

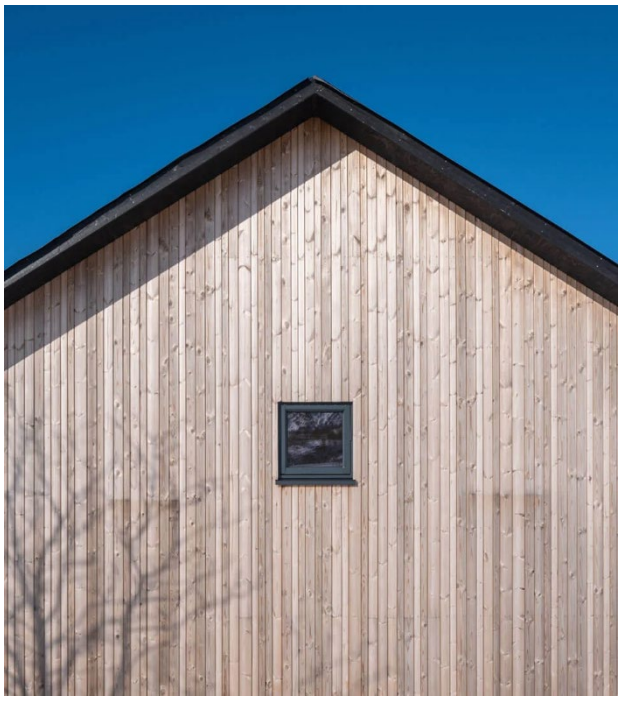


Natural Wood Siding - Thermally Modified

Size: 1x6 T&G

Surface: Planed





Brick Veneer

Color: Dark Gray or Black

Grout: match brick color

Size: TBD



Brick Pavers

Color: Gray

Size: TBD



28. Construction Management Plan

Project:	Fafnir Cumberland
Address:	56 Cumberland Avenue, Portland, Maine
Applicant / Developer:	Fafnir Cumberland, LLC
General Contractor:	TBD
Architect:	Delano Architects
Civil Engineer:	DM Roma

The Fafnir Cumberland Construction Management Plan shall depict the overall planning, coordination, and control of a construction site, including phases as applicable, from beginning to completion. The City's goal for a construction management plan is to support a safe construction site and protect the public safety, accessibility (including preserving accessible pedestrian, bicycle, and vehicular modes of transport throughout the city), and welfare during construction. In addition, the construction management plan shall minimize construction impacts in their duration and magnitude to the surrounding area and develop an effective communication process for resolving concerns and conflicts.

The Construction Management Plan will be submitted as part of the Site Plan Review and it shall address the construction logistics for a project. The Construction Management Plan shall include the following submissions: 1) a construction management site plan; 2) a construction schedule (time frame); and 3) a written narrative addressing the categories below.

A. Construction Management Principles

The following narrative provides an overview of the construction management principles that the Applicant and Contractor has identified to minimize impacts from the construction, such as the control of noise, vibrations, ground movement, truck traffic, and other construction related factors to the surrounding building and communities. Care shall be taken to minimize these effects in the best interest of neighbors and the general public. GC to ensure that work hours conform to the City of Portland's Ordinance.

B. Development Review of Construction Management Plan

The General Contractor shall submit a Construction Management Plan at or prior to the preconstruction meeting by the GC. It will provide a comprehensive logistics and safety program for the construction project, which will be reviewed and approved as part of the site plan review process. Minimizing impacts to areas surrounding the building/construction site will be primary considerations in the process.

The Planning Authority and the Department of Public Works have the right to seek revisions to an approved Construction Management Plan or require a condition of approval that states an applicant shall coordinate a project's construction schedule with the timing of nearby construction activity, in order to avoid cumulative impacts on a neighborhood. Such a condition may involve a delay in commencement of construction, if necessary.

The following details define the intended approach to the successful management of the project construction and the construction management plan will address the general conditions contained below.

C. Performance Guarantees, Inspection Fees, Preconstruction Meeting, and Permits

Prior to scheduling a preconstruction meeting and the issuance of any city required permits, Fafnir Cumberland, LLC and their appointed General Contractor (TBD) shall meet all of the requirements contained in Section 14-530. Development review fees and post approval requirements and 14-532. General requirements and enforcement of Portland's Land Use Code.

Other permits, as applicable, include

1. **Street Opening and Street Occupancy Permits:** Construction activity in the public right-of-way are controlled by Chapter 25 and sewer and stormwater system connections are controlled by Chapters 24 and 32 of the Land Use Code. All required permits shall be obtained through the Department of Public Works and the requests shall conform with the approved construction management plan.
2. **Blasting:** Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.
3. **Building Code:** Employ the best practices, as applicable, of Chapter 33 Safeguards During Construction, from the 2009 International Building Code.

D. Construction Administration and Communication

Fafnir Cumberland and their General Contractor (TBD) will work diligently to implement a communication strategy as outlined below. The communication strategy is intended to ensure that all construction operations are performed in accordance with all agreements, ordinances and special permits applicable to this project. The Construction Manager will work closely with adjacent abutters, businesses, nearby construction sites, and all parties informed, as far in advance as possible, of scheduled work, particularly work anticipated to cause significant noise, vibrations, or dust. The final construction management plan shall provide for the following:

1. Contact Person and contact information for the Owner and Contractor and who is available 24 hours
2. Construction Signage posted on the site with Contact Information for Contractor
3. Describe any additional communication strategies
4. All construction site signage is temporary and shall be removed at project completion.

E. Construction Schedule

1. The contractor shall submit a schedule or timeline for the construction project, including any Phasing.
2. Hours of Construction. Construction may occur during the daytime hours as defined in Section 17-18. Construction Activities for Building permit (Attachment 1) and Section 25-129. Noise, dust and debris (Attachment 2).
3. Extended Hours or Night Work: Pursuant to Section 17-18, this section not apply to emergency utility work or "Situations where the public works authority or the office of building inspections determines that the construction activity is of a unique character which cannot reasonably be completed or performed during the permitted hours and which is not of a recurring nature, provided that prior to engaging in such activity the contractor or his representatives gives notice of the time and scope of such proposed activity, the notice to be given in a manner approved by the public works authority."
4. Material Deliveries: Schedule and designated location for delivery of materials and boxed goods.

F. Security & Public Safety

1. The Construction Management Plan will depict all proposed fencing or other barriers and access gates (with knox locking devices) with the intent of separating pedestrian and vehicle circulation from the construction site.
2. Structures undergoing construction, alteration, or demolition operations, including those in underground locations, shall comply with NFPA 1 Chapter 16. *Safeguarding Construction, Alteration, and Demolition Operations.*
3. Fire Safety Program. An overall construction of demolition fire safety program shall be developed. Essential items to be emphasized include the following:
    - Good Housekeeping
    - On-site security
    - Installation of new fire protection systems as construction progresses
    - Preservation of existing systems during demolition
    - Organization and training of an on-site fire brigade
    - Development of a pre-fire plan with the local fire department
    - Rapid communication
    - Consideration of special hazards resulting from previous occupancies
    - Protection of existing structures and equipment from exposure fires resulting from construction, alteration, and demolition operations
4. Blasting, if required, shall conform with all measures of Article VIII. Regulation of Explosives in the Land Use Code and Section 3.7 Standards for Blasting and Regulation of Explosives in Portland's Technical Manual.
5. Any proposed temporary security lighting shall be shown on CMP and all fixtures shall be full cutoffs.

G. Construction Permitting and Traffic Control Plans

1. Construction Activity in Public Streets: Construction activity in the public right-of- way is controlled by Chapter 25 Article VII of the City Code of Ordinances. Required licenses and permits, restrictions on activity, and fees & area are outlined in that Chapter. Rules and Regulations for Excavation Activity are available through the Street Opening Clerk at the Department of Public Works. At no time can construction activity including delivery vehicles close or block streets or affect public safety access without prior notice and approval of the Department of Public Works.
2. Sewer and Stormwater: Sewer and stormwater water system connections are controlled by Chapters 24 and 32 of the City Code of Ordinance. Required permits for new connections and/or abandonment of existing connections are available through the Street Opening Clerk at the Department of Public Works. Rules and Regulations for these utility systems are available through the City Engineer's office of the Department of Public Works and in Section II of the Technical Manual.
3. Traffic Control Plans: Construction activity that impacts the existing public street system must be controlled to protect the safety of the construction workers and all modes of the traveling public. Projects are required to submit a satisfactory 'maintenance of traffic" (MOT) plan prior to any site plan, subdivision, or street opening permit approval. MOT plans may be required for projects that have impacts on local streets.

    Maintenance of Traffic (MOT) plans shall provide for the safe passage of the public through or along the construction work zone. On a case-by-case basis, applicants may be allowed to close a street and/or detour a mode of traffic when absolutely necessary for safety. MOT plans shall

employ the appropriate techniques and devices as called for n the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). In addition:

- Construction speed signing may be used as needed to slow traffic
- Traffic Control signs shall not be placed where they are an obstruction to bicycles or pedestrians.
- In some situations, flaggers may be required.
- Police details may be required at lighted intersections and may be requested by the City's transportation engineer or his designee.

All existing modes of travel in work zone area shall be accommodated if impacted by the activity. The safe passage of pedestrians, bicyclists, transit providers, and motorists are of equal importance when planning out the work zone; no pre-existing travel mode may be eliminated without the express approval of the Department of Public Works. The MOT should also address on-street parking impacts, including deliveries and parking for adjoining businesses and property owners, analysis of roadway capacity or diversion capacity if street closure or change to roadway capacity is required, and coordination with other on-going or future construction or utility projects in the vicinity.

- Traffic control of bicycle and pedestrian facilities or routes through work zones shall be maintained until the bicycle and pedestrian facilities or routes are ready for safe operation. Traffic control will not be removed to allow auto travel at the expense of bicycle and pedestrians.
- Barrier systems utilized to separate the construction activity from the public street and /or sidewalk shall not inhibit sight distances, particularly for visibility of pedestrians and bicyclists.
- ADA compliance shall be maintained.

Use of public parking spaces or the blockage of any portion of sidewalk for the purpose of construction activity shall require an occupancy permit and appropriate fee as assessed by the Department of Public Works.

H. Site Management and Controls

The final Construction Management Plan will address maintaining the site in a safe condition and will include the following:

1. Regular trash and debris removal
2. Street cleaning and damage controls
3. Dust controls- The construction shall comply with Portland's requirements under Section 25-129 on Noise, dust and debris (Attachment 2).
4. Noise: The construction shall comply with Portland's requirements under Section 17- 18 of the City Code (Attachment 1) and Section 25-129 on Noise, dust and debris Attachment 2).
5. Rodent Control will be provided, if applicable, by a professional exterminator and consistent with Chapter 22 of the City Code.
6. Snow Removal: Pursuant to Section 25-173 Contractors to ensure a safe means of travel within the work zone.
    1) Snow/ice removal or commence automatically from (1" of snow and up) or Ice
    2) Remove snow as needed within the work zone, including parking spaces & not to block any driveways or sight lines with the piles of snow.

3) Clear all walks & ramps with the work zone
4) Sand or Salt as needed
5) Clear all basin or drainage to help snow melt
6) This would include Monday-Friday Sat/Sunday/Holidays

I. Erosion Control and Preservation of Trees

1. The General Contractor shall install all erosion and sedimentation controls as depicted on the approved erosion and sedimentation control plan prior to the pre-construction meeting for inspection by the City. The contractor shall regularly inspect the control measures, no less than weekly and after significant storm events, and maintain any installed temporary or permanent stormwater management systems in working order. The contractor shall document all inspection activities and corrective actions and be prepared to provide these documents for inspection by the City, Maine Department of Environmental Protection or the U.S. Environmental Protection Agency upon request.
2. N.A. All existing trees (2) on rthe sire are proposed to be removed.

J. Construction Staging Area

1. The Construction Management Plan shall depict location of the material staging areas, the location on onsite temporary construction trailers, the location on onsite truck delivery holding areas, the location onsite truck washing stations, masonry mixing stations, the general location of the construction security fence and the general location of temporary construction dumpsters. An open storage area shall be shown on the plan.
2. Delivery Truck Holding Areas On-Site: The delivery holding area shall be shown on the plan and shall not be blocked during construction. On days when the construction activities require multiple truck deliveries, these deliveries will be carefully scheduled so that there is always adequate on-site area for the holding of the trucks until they can be unloaded. Once at the site all vehicles well be brought within the fence line and will make every attempt to avoid queueing on public streets.
3. Delivery Truck Holding Areas Off-Site: In the event that adequate on-site area for holding of trucks is not available, an off-site marshalling area will be utilized for trucking. The designated off-site location will be identified in the construction management plan.

K. Parking During Construction

1. Construction Parking: Adequate parking for construction workers shall be provided on site or arrangements for off-street parking at an off-site location shall be provided. The parking arrangements shall be included in the construction management plan.
2. Parking: Where existing facilities are remaining in operation during construction, the construction management plan shall identify how the parking for employees and others shall be managed.
3. Truck Routes and Volumes: The Construction Management Plan shall address the designated truck routes and expected truck volumes.

L. Dewatering Plans

A basic dewatering plan for any construction work is required. The plan must cover construction sites where groundwater is not expected but the impact of rainwater may require dewatering. The plan must include operating procedures, equipment to be used, including filters, erosion and sediment control measures, or other methods of removing sediment from approved discharges.

For construction work that will require frequent dewatering of groundwater from site, a dewatering plan must be prepared and approved by the Department of Public Works. Groundwater and/or soil

testing may be required to determine course of action if treatment is necessary. Approval for all discharges to City infrastructure is required.

The proposed plan must address the following:

- Project duration, discharge location, storage equipment on-site, dewatering schematic, and emergency contact.
- General requirements include trained staff on-site for all approve discharges and required site log for documentation of all discharges.
- Storage and/or treatment process should include proper settling time and maintain proper use of filtering medium as required.
- Contingency/maintenance plan for all dewatering equipment devices and filtration mediums.

Any water that is removed from an excavation must be pumped from a perforated device buried in crush stone prior discharge and/or prior to storage and treatment. There will be no discharge allowed during precipitation events.

M. Special Measures as Necessary

For construction work that will take place over a long period (e.g. 12 months or more), involve major demolition / deep excavation/ piling and/or special construction techniques, or are located near sensitive uses (e.g. medical care facilities, schools), the Construction Management Plan should provide details and demonstrate that all appropriate special measures have been taken to avoid, minimize, or possibly compensate for potential impacts. This may include taking baseline measurements before construction, such as arranging to photograph the foundations of nearby properties upon consent of the owners, in order to assess any future impacts of vibration, noise, etc.

Att. C

CITY OF PORTLAND
Planning & Urban Development Department

MAJOR SITE PLAN
GENERAL DOCUMENT AND DRAWINGS CHECKLIST

Please submit each document as a separate PDF file.
Please confirm by electronically checking the boxes in the left-hand column.

**** PLEASE FILL OUT AND UPLOAD THE ZONING ASSESSMENT TABLE AND WAIVER TABLE SEPARATELY AS NOTED BELOW ****

At the time of application submission, please contact the Department of Public Works regarding E-911 addressing for your project.

GENERAL APPLICATION DOCUMENTS	
Yes NA	**Project Description** ● Cover letter with detailed project description
Yes NA	**Completed Checklist** (this document)
Yes NA	**Evidence of Right, Title, and Interest** ● Deeds, leases, or purchase and sales agreements
Yes NA	**Evidence of State or Federal Approvals** ● Permits or letters of non-jurisdiction, if applicable
Yes NA	**Zoning Assessment** (see Zoning Assessment Table) Summary of compliance with use and dimensional standards of the land use code
Yes NA	**Site Plan Standards Assessment** (see Section 14.6 of the land use code) • Summary of project compliance with site plan standards of the land use code
Yes NA	**Summary of Existing and/or Proposed Easements or Covenants, applicable.** ● Evidence of existing easements and any proposed easements, covenants, public or private rights-of-way
Yes NA	**Waiver Requests** (see Waiver Table) ● Written request for waiver describing request and compliance with applicable waiver standards
Yes NA	**Financial Capability** ● Letter or evidence from a financial institution or third party verifying financial capacity to undertake project
Yes NA	**Technical Capability** ● Evidence of technical capability of applicant and consultants – resumes and/or examples of past projects

MAJOR 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.

TRANSPORTATION	
Yes **NA**	**Impact on Surrounding Street Systems (14-14.6.1(A))** ● Describe incremental volume of traffic impacts and mitigation measures. If needed
Yes **NA**	**Access and Circulation (14-14.6.1(B))** Identify and describe the following: ● Site access and internal circulation, including ADA access ● Drive-up features, if applicable ● Loading and servicing needs, routes, and geometry, providing turning templates for delivery vehicles, if applicable ● Sidewalks and condition along street frontages and internal walkways ● Engineered details for ADA ramps and public sidewalks, meeting sidewalk material policy and construction requirements (Technical Manual, Section 1)
Yes **NA**	**Public Transit (14-14.6.1(C)), if applicable** Identify and describe the following: ● Existing available transit service and proposed transit improvements, including design details, such as easement, pad base, and shelter
Yes **NA**	**Off-Street Parking (14-14.6.1(D)), if applicable** Identify and describe the following: ● Proposed vehicular and bicycle parking supply (including ADA-compliant parking) in relation to applicable parking requirements in Article 19 of the land use code ● Curb cut separation and parking layout (Technical Manual, Section 1) ● Construction details for bicycle racks ● Management plan for snow storage and removal
Yes **NA**	**Transportation Demand Management (TDM) (14-14.6.1(E)), if applicable** ● Provide TDM plan drafted in accordance with Technical Manual Section 1 requirements

ENVIRONMENTAL	
Yes NA	**Preservation of Significant Natural Features (14-14.6.2(A)), if applicable** Identify and describe the following: ● High and moderate value waterfowl and wading habitat ● Aquifers (for Casco Bay Islands) ● Waterbodies (including wetlands, watercourses, significant vernal pools and floodplains) ● Proposed preservation areas and protection measures ● Documentation from environmental compliance consultants and determinations from applicable state and federal agencies
Yes NA	**Landscape Preservation (14-14.6.2(B))** Identify and describe the following: ● Measures to preserve trees, including within required zoning setbacks (Technical Manual, Section 4) ● Measures to protect existing vegetation during construction
Yes NA	**Site Landscaping and Buffers (14-14.6.2(C))** Identify and describe the following: ● Overall landscaping approach and consistency with standards ● The use of screening and buffering of service areas and between non-residential and residential uses ● Existing Heritage or Feature Trees on site and measures to preserve ● Compliance with street tree requirements
Yes NA	**Water Quality, Stormwater Management, and Erosion Control (14-14.6.2(D))** Identify and describe the following: ● Erosion and sedimentation control plan and measures ● Evidence of compliance with Urban Impaired Stream Standards pursuant to DEP Chapter 500 stormwater law, as applicable ● Subsurface sanitary sewage disposal and groundwater protection measures

PUBLIC INFRASTRUCTURE AND COMMUNITY SAFETY		
Yes	**NA**	**Consistency with City Master Plans (14-14.6.3(A))** ● Describe proposed easements, rights and improvements to connect or continue off-premises public infrastructure, as applicable
Yes	**NA**	**Public Safety and Fire Prevention (14-14.6.3(B))** Identify and describe the following: ● Compliance with Crime Prevention through Environmental Design (CPTED) requirements (Technical Manual, Section 3) ● Emergency vehicle access ● Consistency with public safety standards (Technical Manual, Section 3)
Yes	**NA**	**Availability and Adequacy of Public Utilities (14-14.6.3(C)) (Technical Manual, Sections 2 & 9)** Identify and describe the following: ● Electrical services, including providing underground services ● Existing and proposed connections for public utilities and required public utility upgrades ● Sewer line connections
SITE DESIGN		
Yes	**NA**	**Massing, Ventilations and Wind Impact (14-14.6.4(A))** Identify and describe the following: ● Wind and ventilation impacts on adjoining structures and/or adjacent public spaces, including wind study, if applicable ● Bulk, location, or height impacts on adjoining structures
Yes	**NA**	**Shadows (14-14.6.4(B)), if applicable** ● Provide shadow analysis of impacts on publicly accessible open space (Technical Manual, Section 11)
Yes	**NA**	**Snow and Ice Loading (14-14.6.4(C))** ● Describe building design measures to prevent snow and ice from loading or falling onto adjacent properties or public ways
Yes	**NA**	**View Corridors (14-14.6.4(D)), if applicable** ● Describe any protection of designated view corridors (Portland Design Manual, Appendix. 1)
Yes	**NA**	**Historic Resources (14-14.6.4(E)), if applicable** Identify and describe the following: ● The site's status as a designated landmark, within a historic district or historic landscape district, or within 100 feet of any designated landmark, historic district, or historic landscape district ● Compliance with standards for preservation and documentation of archaeological resources

Yes **NA**	**Exterior Lighting (14-14.6.4(F))** ● Describe how the proposed site lighting will adhere to photometrics requirements as it relates to light trespass and full cutoff fixture design, pursuant to Technical Manual Section 12
Yes **NA**	**Noise and Vibration (14-14.6.4(G))** ● Provide data on noise levels for HVAC and other mechanical equipment, such as design specifications, to demonstrate consistency with state and federal noise emissions requirements as well as City code
Yes **NA**	**Signage and Wayfinding (14-14.6.4(H)), if applicable** ● Provide signage plan showing the location, dimensions, height and setback of all existing and proposed signs ● Provide drawings of all commercial and directional signage on site
Yes **NA**	**Zone-Related Design Standards (14-14.6.4(I))** ● Address any applicable design review standards by zone, including compliance with Design Manual

MAJOR SITE PLAN
DRAWINGS CHECKLIST

Please upload the following DRAWINGS with the listed details into e-Plan as separate pdfs.

All drawings must be submitted in a 24 x 36 sheet size.

BOUNDARY SURVEY (stamped by a Maine Licensed Surveyor and drawn as per Technical Manual Sec. 13)

SITE PLAN(s) (stamped by a Maine Licensed Professional Engineer) including:

All sheets – Include a title block with project title and the following information:

- Project street address
- Name and address of property owner & applicant
- Licensed design professional, incl firm that produced plans
- North arrow
- Date of preparation and revision history block
- Tax parcel (chart, block, and lot) number

Existing Conditions Plan with the following:

- Existing structures, with distance from primary building façade(s) to the property line
- Approximate location of structures on abutting properties
- All streets and intersections adjacent to the site
- Existing driveways, pedestrian ways, and bicycle infrastructure, including dimensions and materials

NA • Existing public transit infrastructure

- Existing vehicle & bicycle parking areas
- Existing utilities on site and within adjacent rights-of-way
- Existing grades (two-foot contours preferred)
- Location of water courses, wetlands, and vegetation, or other significant natural features
- Existing soil conditions and location of test pits and borings
- Zoning boundary lines, including overlays
- Location of all existing easements and rights-of-way

Proposed Site Plan with the following:

- Proposed structures, including distance from primary building façade(s) to property lines
- Ground floor area, and finished floor elevations for all buildings
- Any proposed geometric modifications to streets and intersections adjacent to site
- Location, dimensions and materials of all proposed driveways, vehicle, bicycle, & pedestrian access ways with corresponding curb lines
- Engineered specifications/ cross-sections for proposed driveways, sidewalks & paved areas

NA • Location and dimensions of proposed loading areas, including turning templates

NA • Proposed transit infrastructure with dimensions/ engineering specifications

- Location of vehicle and bicycle parking with dimensions and engineering specifications
- Location of all snow storage areas
- Exterior lighting (please see Technical Manual Sec. 12 for photometrics requirements)

- Location of fire hydrants
- Location of solid waste management receptacles
- Location of all proposed HVAC and mechanical equipment, including proposed screening, where applicable
- Location of proposed easements and rights-of-way, including dimensions
- Please utilize color-coding and/or hatches and shading to delineate changes between the pre and post development condition as needed

UTILITY PLAN including:

- Proposed electrical infrastructure
- Location, sizing and directional flows of all proposed sewer and stormwater infrastructure
- Location and dimensions of off-premises public or publicly accessible infrastructure adjacent to site
- Electric utility infrastructure

GRADING AND DRAINAGE PLAN including:

- Proposed grades
- Proposed stormwater management measures meeting Technical Manual (Section 5) standards

NA
- Any proposed alteration of a watercourse or wetlands

NA
- Any groundwater protection measures

NA
- Proposed buffers and preservation measures for wetlands or significant natural features

LANDSCAPE PLAN including:

NA
- Existing vegetation to be preserved and preservation measures
- Proposed landscaping, screening, and street trees, including caliper widths for trees
- Planting schedule, including street trees

ARCHITECTURAL PLANS AND RENDERINGS including:

- Exterior building elevations, color renderings, illustrations of all sides
- Axonometric and street-level views for structures greater than three stories in height

NA
- Provide context drawings, if applicable (Design Manual, page 1)
- Floor plans

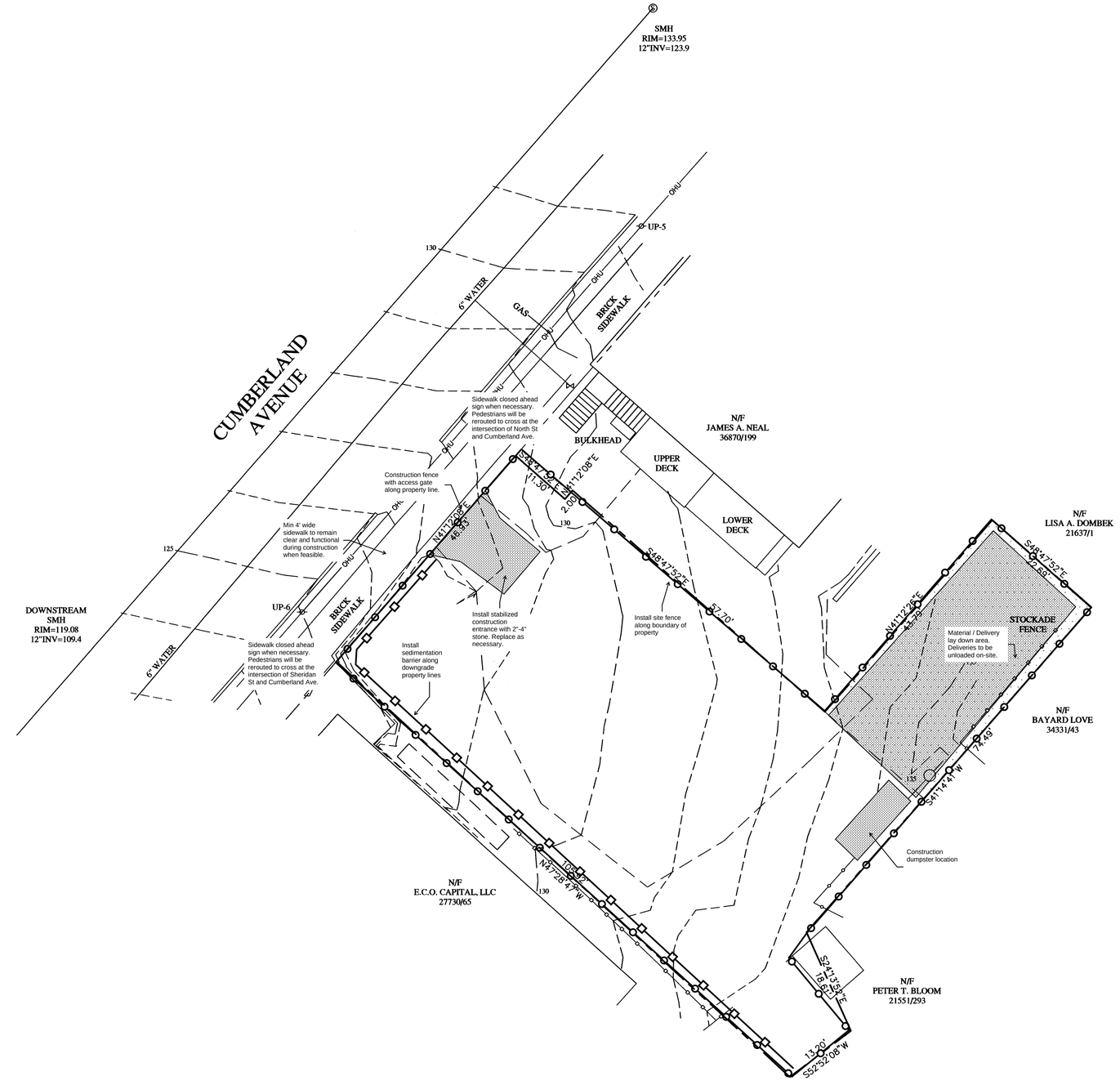
CONSTRUCTION MANAGEMENT PLAN including:

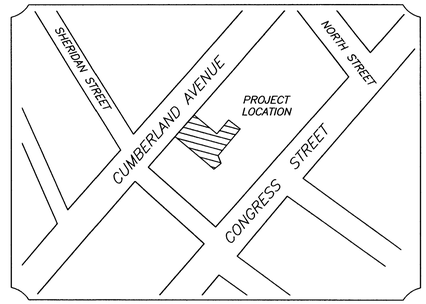
- Specifics on traffic control, sidewalk sheds, and pedestrian rerouting
- Include a drawing and written narrative

OTHER

- Details and cross-sections, as necessary







LOCATION MAP
(NOT TO SCALE)

Att. CC

CONSTRUCTION MANAGEMENT LOGISTICS PLAN

BOUNDARY AND TOPOGRAPHIC SURVEY

56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
DM ROMA CONSULTING ENGINEERS
850 MAIN STREET
WESTBROOK, MAINE 04092
(CLIENT)

SURVEY BY:
SURVEY, INC.
P.O. BOX 210
WINDHAM, ME 04062
(207) 892-2556
INFO@SURVEYINCORPORATED.COM

DWN: WCS
CHK: DRR
DATE: JULY 2023
JOB NO. 23-099

Att. D

Mascoma Bank

November 9, 2023

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

RE: Proposal for an 8000+/- square feet, 3-story, 5-unit condominium

Dear Planning Board Members:

I am writing on behalf of developer Thomas Worth, in support of the company's proposed 8000+/- square feet, 3-story, 5-unit condominium on 56 Cumberland Ave in Portland.

The principal is an experienced developer with the technical, financial, and management capacity to complete the project. We have reviewed the preliminary information for the proposed project, and based on the information we have, Mascoma Bank has a high level of interest in providing financing for the project.

Please do not hesitate to contact me if you have further questions.

Sincerely,

Amberlynn Esperanza | AVP Commercial Lending Development Officer | **Mascoma Bank**
48 Free Street | Portland, ME 04101
Phone: (207) 800-9976 | amberlynn.esperanza@mascomabank.com

Mascoma Bank
COMMUNITY FIRST
SINCE 1899

Certified B Corporation

Mascoma Bank
48 Free St.
Ste. 200
Portland, ME 04101

Department of Public Works
Mike Murray
Director

Date: December 11, 2023
Re: Wastewater Capacity Authorization
Address: 56 Cumberland Avenue
Applicant: Fafnir Cumberland, LLC
Planner: Matt Grooms

Estimate of Anticipated Wastewater Flows				
Development	**Unit Size**	**Number of Units**	**Gallons per Day per Unit**	**Total Gallons per Day**
Existing Flow to Remain				
Vacant				
Proposed flow				
Multiple Family Dwelling Units	2-Bedroom	3	180	540
Multiple Family Dwelling Units	3-Bedroom	2	270	540
Net Change				**+ 1,080**
*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.

However, storm drainage and sanitary sewer flows in this project area drain to the City's combined sewer system. Lack of wet weather capacity results in frequent system wide combined sewer overflows. City wide mitigation of combined sewer overflows is required as part of the City's CSO consent decree administered by the EPA and Maine DEP.

Section 2.2.3 of the City's Technical Manual requires DPW Water Resources approval when rain water is being proposed to discharge into a sewer which conveys sanitary waste. Prior to authorizing a new stormwater connection into the combined sewer, DPW will require that the applicant provide an on-site stormwater detention volume equal to the greater of: 1" of rainfall

over the entire project redeveloped area being proposed on the parcel, or the projected average 24 hour daily sanitary sewer flow being added to the combined sewer system by the project.

You are also reminded that new connections into the combined sewer system shall be equipped with backflow prevention in accordance with Section 2.6.10 of the City's Technical Manual.

If the City can be of further assistance, please contact me at 207-874-8840 or brad@portlandmaine.gov

Sincerely,



Bradley A. Roland, P.E.,
Senior Project Engineer

8. Technical Capacity

The applicant has assembled a highly qualified team of professionals for the preparation of this project. All members of the design team have proven experience working on projects located in the City of Portland.

Fafnir Cumberland, LLC — **Owner/ Applicant**
888 Massachusetts Ave.
Cambridge, MA 02139
617-595-1748
Contact: Thomas Worth/ Zach Merrill

Delano Architects — **Architect**
111 Elm Street
Saco, ME 04072
207-494-9035
Contact: Chris Delano

Carroll Associates — **Landscape Architect**
217 Commercial Street, Suite 200
Portland, ME 04101
207-772-1552
Contact: Patrick Carroll / Matthew Phillips

DM Roma, Consulting Engineers — **Civil Engineer**
850 Main Street
Westbrook, ME 04092
207-591-5055
Contact: Jayson Haskell

Survey, Inc. — **Surveyor**
PO Box 210
Windham, ME 04062
207-892-2556
Contact: Bill Shippin

Casner & Edwards, LLP — **Attorney**
303 Congress Street
Boston, MA 02210
617-426-5900
Contact: Steven M. Ayr

CARROLL ASSOCIATES

Project Memo: **56 Cumberland Avenue/ PL-002733-2023**
To: **Eric Freeman, Planner**
From: **Patrick Carroll, Carroll Associates**
Date: **January 31, 3024**

CC: **Thomas Worth, Fafnir Cumberland, LLC**
Chris Delano, Delano Architecture
Jayson Haskell, DM Roma

Re: Response to Staff Project Review

We are in receipt of Staff Review comments and requested updates issued by your office on January 4, 2024 and offer the following responses to requests for additional information:

Site Plan Review Standards (Sec 14.6)

Access and Circulation

- *The landing of the exterior stairs at 54/56 Cumberland Avenue onto the proposed driveway is not acceptable. A safe and conflict free landing shall be provided.*

Response: The Applicant has proposed to reconstruct the exterior stairs to provide a landing that does not discharge into the driveway. See revised Site Plan for detail.

- *Sprinkler control room is not accessible from the exterior of the building.*

Response: Exterior access to the sprinkler control room has been added to the south side of the building. See revised Architectural Floor Plans for detail.

Parking

- *The site plan shall provide dimensions noting the length of parking stalls and the width of the circulation aisle.*

Response: Dimensions of the parking stalls, drive aisle, and driveway have been added to the Site and Subdivision Plan as requested.

- *Provide clarification as to whether resident parking for 54 Cumberland Ave. will be moved or provided on-street.*

Response: Parking for 54 Cumberland Avenue will be on-street.

Preservation of Significant Natural Features and Landscape Preservation

- *The city would prioritize the preservation of the oak tree in the southern corner of the property due to its high ecological value and long life-span associated with the species.*

Response: The oak tree noted by Staff is not on Applicants property. Its location, as well as that of another oak tree located at the far south of the property (also not within Applicants property) have been field measured and added to the Site Plan, along with notes regarding their protection and restricting construction activities within the drip-lines of those trees.

- *Please include tree protection measures on plans and show footprint of tree protection fencing on plans (See technical manual for example).*

Response: Notes regarding tree protection have been added to the Site Plans, and a detail for Tree Protection has been added to the Landscape Plan.

- *Please indicate which existing trees will be preserved during the construction process.*

Response: Existing trees to be preserved are indicated on the revised Site Plans.

Site Landscaping and Buffers

- *Please include location, size, and species of existing vegetation on plans.*

Response: Location, size, and species of existing vegetation is indicated on the Survey and Site Plans.

- *The large maple tree and large oak tree are absent from plans.*

Response: The maple tree, a hemlock and three existing oak trees (two are off property) have been added to the Site Plans. It is noted that two trees are proposed to be removed to accommodate the site development- the 18" Maple and 10" Hemlock tree along the rear property line.

Water Quality, Stormwater Management, and Erosion Control

- *The City's Technical Manual was updated and approved in 2022. The applicant shall confirm that all proposed details have been updated (Site, Sewer, Stormwater, Landscape, …. details) to meet the requirements of the approved technical manual update.*

Response: The City's Technical Manual has been reviewed and the details have been updated accordingly.

- At a minimum replace the brick driveway apron with bituminous base detail with I-10A.

Response: The detail for a brick driveway apron with bituminous base detail has been revised based on the updated detail within the City's Technical Manual.

- *No aspect of the proposed cast in place landscape wall shall be constructed within Cumberland Avenue ROW. Note on the plans and update / redesign the detail (for cast in place landscaping wall) to make it clear that the wall footing shall be constructed outside of the ROW.*

Response: Since the previous submission, and as part of the revisions to the architectural design of the building, the landscaping wall along the front of the property is now incorporated into the foundation of the building. This wall is designed to be constructed outside of the Cumberland Avenue right of way.

- *It is recommended to increase the sump depth of the proposed catch basin from 2' to 3' to provide additional sediment pre-treatment for the detention system.*

Response: The sump depth of the proposed drainage structures has been increased from 2' to 3' as requested.

- *A backflow preventer should be installed on the 6" sewer service line prior to the proposed connection to the combined sewer line. It is also recommended that a backflow preventer be installed on the 8" storm drain line to prevent combined sewer flows from backing into the private storm drain system.*

Response: Backflow preventers have been added to the design plans as suggested.

- *The plans do not indicate if there is any drainage within the proposed garage. If there are any drain structures, they will need to discharge to an oil water separator and connect to the sewer.*

Response: No drain structures are proposed within the garage.

- I would suggest that they include a backflow preventer on the foundation drain to prevent any stormwater flow issues within the foundation system from the upstream storage system.

Response: A proposed backflow preventer has been added to the foundation drain lateral, prior to entering the discharge pipe from the stormwater storage system.

- *A fairly high exfiltration rate is used in the HydroCAD model. Was testing done to obtain this rate? The Applicant should also confirm adequate separation from groundwater and/or bedrock for the infiltration system. I will note that the amount of water infiltrating in the model is very small, so any changes to this won't impact the end result.*

Response:

No testing was performed to determine the actual infiltration rate of the soils beneath the underground stormwater storage system. To provide an estimate of the infiltration rate, we utilized Table 2.3.3 Rawls Rates from the Massachusetts Stormwater Handbook. Since the soils on the property were mapped as an excessively drained loamy sand with a significant amount of gravel, as indicated on the Medium Intensity Soils Survey provided in the Stormwater Management Report, we initially utilized an average of a sand and loamy sand infiltration rate. For review, we have revised the infiltration rate to the indicated loamy sand rate of 2.41 inches per hour to provide a more conservative estimate. Included in this submission is the updated Stormwater Management Report with the additional soils information and revised stormwater model output for review.

Related to the concerns of the depth to groundwater and/or bedrock, we investigated the NRCS Soils Descriptions for the Hinckley loamy sand. As indicated in the soil description, the soils are excessively drained with an approximate depth to groundwater and/or restrictive layer being greater than 80 inches. Additional soils analysis will be performed in preparation of the final foundation design. If higher than normal groundwater conditions are encountered, design adjustments will be needed to avoid groundwater from entering the subsurface stormwater system. This design will likely incorporate a plastic linear and the use of an underdrain beneath the stone. The stormwater discharge from this system will still be regulated by the orifice in the outlet control structure

- *Drainage associated with the walls proposed on the site should be clarified with the grading plan. The detail for the gravity wall notes daylighting drain tiles, but the plan appears to show a piped connection to the site's storm drain system. The cast in place landscaping wall includes an underdrain as well, but a connection is not shown on the plan.*

Response:

The detail for the gravity wall has been revised to note the drain tile will be connected to the field inlet, and not daylighted.

Since the previous submission, and as part of the revisions to the architectural design of the building, the landscaping wall along the front of the property is now incorporated into the foundation of the building. This wall will have an underdrain behind the wall and will be connected into the building's foundation drain. The building's foundation drain already has a discharge location into the proposed storm drain connection to the system in Cumberland Avenue.

Public Safety and Fire Prevention

- *Life safety plan is not shown in its entirely. Resubmit.*

Response: A Life Safety Plan has been resubmitted as part of this response. See Architectural Sheet G002 for detail.

- *Clarify whether sprinkler room will be accessible from the exterior*.

Response: An exterior door to the Sprinkler Room has been added to the South side of the building, see revised Architectural Plans.

Public Utilities

- *The Applicant has noted that they are working with the Portland Water District on requirements for their water service, and are still waiting for their ability to serve confirmation.*

Response: We have been working with the Portland Water District on the ability to serve, but have some difficulty on acquiring the letter. The District is requesting full calculations for the design of the sprinkler system within the building, typically not required until the building permit stage of the project. If City Staff and the Planning Board find it acceptable, we request the submission of the final letter to be a condition of approval. That will provide the sprinkler designer time to prepare the necessary design and coordinate with the District prior to installation.

- *A stormwater manhole is required for the proposed connection to the combined sewer in Cumberland Avenue per tech manual standard 2.8.2.*

Response: To avoid the need for additional work in the public right of way and to avoid increased project expenses for the applicants, we have reduced the size of the stormdrain lateral to a 6" which would be half the sewer main diameter of 12", meeting the intent of Technical Manual Standard 2.8.2, allowing for a storm drain lateral to be connected into a storm drain main, without the use of a manhole, when the lateral is less than half the diameter of the receiving pipe. The stormwater model was updated to reflect this change with minimal impact to the pipe capacity and peak rates of runoff leaving the site. Included with this submission is an updated Stormwater Management Report with the revised calculations.

- *A stormwater maintenance agreement will be required for the subsurface detention system.*

Response: Included in this submission is a draft stormwater maintenance agreement for the City's review and approval.

Snow and Ice Loading

- Clarify where snow will be stored and where snow melt will drain.

Response: Indicated on the Site and Subdivision Plan is the proposed location of snow storage. The snow melt will drain to either the proposed field inlet or catch basin. The sediment within the snow melt will settle within the oversized drainage sumps prior to discharging to the subsurface wastewater disposal system for stormwater treatment and infiltration.

Historic Resources

- *Staff requests a redesign of the side walkway leading to the main entrance to create more of a "porch" and blend with the side entrances of other buildings along Cumberland Ave.*

Response: Please see updated Project Narrative and revised Architectural Plans for redesign of main entrance area.

Design Review Memo

- *STANDARD A-2 - Composition of Principal Facades. Staff finds the use of board and batten siding at the recessed balconies is appropriate and recommends a more consistent use of clapboard siding in the principal material fronting the street.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for

descriptions of primary building materials.

- *STANDARD A-3 - Relationship to Street Staff finds the proposed main entrance interior to the property to not be consistent with the prevailing character of the neighborhood and recommends the Applicant create a protected pedestrian arrival (e.g. covered porch or canopy with stair access from public sidewalk). Staff observes several examples within the neighborhood that the Applicant should consider as precedent, see below at 155 Congress Street.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for redesign of main entrance area.

- *STANDARD B-5 - Façade Articulation As the primary entry is located along the side property facing façade, Staff recommends that the Applicant incorporate additional façade articulation at the front façade through features such as a covered porch with stairs directly accessed from the sidewalk.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for redesign of main entrance area.

- *STANDARD C-1 – Entrances- Staff finds that the incorporation of a covered porch would further articulate the main entrance towards the street frontage, the Applicant should explore a solution.*

Response: Please see updated Project Narrative and revised Architectural Plans for redesign of main entrance area.

- *STANDARD D-1 – Window- Staff recommends the window spandrel below the ground- level window at the street facing façade be replaced with siding material to avoid visual confusion as a door.*

Response: Please see updated Project Narrative and revised Architectural Plans for description of proposed window placement and sizes.

- *STANDARD F-2 - Window Types – The proposed building design at the front elevation includes a variety of window types and sizes that exceed the two-window type maximum to meet this design standard. Staff recommends that the Applicant consider a greater unified window type or provide additional design justification for review.*

Response: Please see updated Project Narrative and revised Architectural Plans for description of proposed window placement and sizes.

- *STANDARD F-3- Visual Cohesion – The proposed building façade at the front elevation includes variations in siding material that Staff finds is excessive in regards to the board and batten siding that is unique to the surrounding architectural character within a two-block radius of the site. Staff finds the articulation of features that express variation to the building's massing (e.g. recessed balconies) to be appropriate and recommends clapboard siding as the primary façade material along the front elevation that would visually relate to the prevailing buildings in the neighborhood. Staff has included a sketch.*

Response Please see updated Project Narrative and revised Architectural Plans for description of compatibility with surrounding architectural character.

- *STANDARD F-5 - Porches, etc. - The proposed building design integrates recessed balconies into the building's massing that Staff finds appropriate. Staff has suggested the Applicant incorporate a covered porch at the ground floor fronting the street that would also assist to delineate the proposed driveway from the pedestrian walkway to access the main entry.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for redesign of main entrance area to include an open covered 'porch'.

- *STANDARD F-6 - Main Entries –The proposed building design includes a projected canopy visible from the street, however Staff recommends additional features, such as covered porch, to orient the main entry toward the street.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for redesign of main entrance area to include an open covered 'porch'.

Historic Preservation Advisory Review

- *Staff did find that the structure lacks a prominent entry from the street. Creating a more prominent covered walkway or covered porch along the east side of the property could be consistent with examples in the district such as at 147 and 155 Congress Street or 8 or 33 North Street.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for redesign of main entrance area to include an open covered 'porch'.

- *Staff would also encourage restudying the use of varied siding, in particular at the front elevation. Using the horizontal siding as the predominant material and vertical siding as the accent at the recessed balconies would be more in keeping with the patterns of the district where structures tend to have a primary cladding material with accents at porches or bay windows.*

Response: Please see updated Project Narrative and revised Architectural Design Plans for descriptions of primary building materials.

The following plans and support materials are also being resubmitted as part of this response memorandum:

Revised Project Narrative

1.0 Project Description Narrative

Right, Title, and Interest

3.3.1 Shared Driveway Summary Agreement

Stormwater Maintenance Agreement

16. Revised Stormwater Management Plan
16.1 Draft Stormwater Maintenance Agreement

Drawings.

1. Title Sheet (Updated)
2. Boundary Survey (Updated)
3. SD-1 Site Demolition Plan (new)
4. SB-1 Site and Subdivision Plan (Updated)
5. GU-1 Grading and Utility Plan (Updated)

6. L-1 Landscape Plan (Updated)
7. D-1 Details
8. D-2 Details
9. D-3 Details
15. G001 Cover Page and Drawing List (updated)
16a. G002 Life Safety Plan and Drawing List (Updated)
16b. G003 Life Safety Plan and Drawing List (Updated)
17. A100 Utility/ Basement Plan
18. A101 Floor Plan- Ground Level (Updated)
19. A102 Floor Plan Upper Floor2 2 (Updated)
20. A103 Floor Plan Upper Floor 3 (Updated)
21. A104 Floor Plan- Roof (Updated)
22. A201 Side Elevation- Northeast (Updated)
23. A202 Front and Rear Elevations (Updated)
24. A203 Side Elevations- Southwest (Updated)
25. A301 Building Section (Updated)
26. A301 Building Section (Updated)
27. Rendering- Front Elevation
28. Rendering- Back Elevation
29. Rendering- Front Oblique 1
30. Rendering- Front Oblique 2
31. Rendering- North
32. Rendering- Northeast

Att. F

1002140133852

WARRANTY DEED

MAINE REAL ESTATE TAX-Paid

54 CUMBERLAND AVENUE, LLC, a Maine limited liability company, with an address of 522 Washington Avenue, Portland, Maine 04103, for consideration paid, grant to **56 CUMBERLAND AVENUE, LLC,** with an address of 51 Ocean Course Drive, Kiawah Island, South Carolina 29455, with WARRANTY COVENANTS, the following described land in Portland, County of Cumberland, and State of Maine:

See Exhibit A attached hereto and made a part hereof

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

IN WITNESS WHEREOF, 54 CUMBERLAND AVENUE, LLC has caused this instrument to be executed by Craig A. Schneider, thereunto duly authorized this 26 day of February, 2021.

54 Cumberland Avenue, LLC

Witness

By: Craig A. Schneider
Its: Manager

State of Maine
County of Cumberland,

February 26, 2021

Personally appeared before **Craig A. Schneider** and acknowledged the foregoing instrument to be his free act and deed in her said capacity and the free act and deed of 54 Cumberland Avenue, LLC.

Before me,

~~Notary Public~~
Printed Name:
Commission Expires:

Brittany M. Newman
Notary Public, State of Maine
My Commission Expires 3/4/2025

EXHIBIT A

A certain lot or parcel of land situated on the southeasterly sideline of Cumberland Ave, so called, in the City of Portland, County of Cumberland, and State of Maine, being a portion of land conveyed to 54 Cumberland Avenue, LLC by way of deed recorded in Book 29766, Page 25, and being depicted on a plan titled " Boundary Survey & Division Plan of 54 Cumberland Avenue, LLC" prepared by Northern Survey Engineering, LLC, dated April 30, 2020, Project Number 19053 (the "Plan"), and being more particularly described as follows:

Commencing at a #5 Rebar with cap #2517 set on the southeasterly side of Cumberland Avenue at the northwest corner of land now or formerly of James A. Neal as described in a deed dated June 25, 2020 and recorded in the Cumberland County Registry of Deeds in Book 36870, Page 199;

Thence, S 48° 47' 52" E along the westerly side of said land of Neal a distance of 11.30 feet to a point;

Thence, N 41° 12' 08" E along said land of Neal a distance of 2.00 feet to a point;

Thence, S 48° 47' 52" E along the westerly side of said land of Neal a distance of 57.70 feet to a capped #5 Rebar #2517;

Thence, N 41° 12' 26" E along the southeasterly side of said land of Neal a distance of 43.79 feet to a capped #5 Rebar #2517 at land now or formerly of Lisa A. Dombek as described in a deed recorded in said Registry of Deeds in Book 21637, Page 1;

Thence, S 48° 47' 52" E along said land of Dombek a distance of 22.69 feet to a #5 Rebar #2517 at the northwest sideline of land now or formerly Bayard Love as described in a deed recorded in said Registry of Deeds in Book 3433, Page 43;

Thence, S 41° 14' 41" W along the northwesterly side of said land of Love, land of Carol S. and James F. Pike as described in a deed recorded in said Registry of Deeds in Book 12921, Page 14 and land now or formerly of Peter T. Bloom, et als, as described in a deed recorded in said Registry of Deeds in Book 21551, Page 293 a distance of 74.49 feet to a #5 Rebar with cap # 2517;

Thence, S 24° 13' 52" E along the westerly side of said land of Bloom a distance of 18.61 feet to a #5 Rebar with cap #2517 at land now or formerly of Jeremy Rutkiewicz as described in a deed recorded in said Registry of Deeds in Book 31181, Page 65;

Thence, S 52° 52' 08" W along the northerly side of said land of Rutkiewicz a distance of 13.20 feet to a point;

Thence, N 47° 28' 47" along said land of Rutkiewicz and along land now or formerly of E.C.O Capital, LLC as described in a deed recorded in said Registry of Deeds in Book 27730, Page 65 a distance of 105.92 feet to a point on the southeasterly side of Cumberland Avenue;

Thence, N 41° 12' 08" E along the southeasterly side of Cumberland Avenue a distance of 60.12 feet to a #5 Rebar with cap #2517 and the Point of beginning.

The above described premises is subject to an easement as described in a deed dated July 8, 2020 and recorded in the Cumberland County Registry of Deeds in Book 36949, Page 190 and as depicted on the Plan.

The above described Premises is conveyed subject to notes and matters as depicted on the Plan.

For title of Grantor reference is hereby made from a deed given by Craig A. Schneider to 54 Cumberland Avenue, LLC dated July 19, 2012 and recorded in the Cumberland County Registry of Deeds in Book 29766, Page 25.

Portland, Maine Yes. Life's good here.

Planning & Urban Development Department

4.0 Zoning Assessment

Fafnir Cumberland
56 Cumberland Avenue

ZONING ANALYSIS Relevant Zone(s) R6

All Projects:

	Required	Proposed
Lot Size	2000	5976
Area Per Dwelling Unit	725	1195
Minimum Street Frontage	20	53.93
Front Yard Minimum	5	5
Front Yard Maximum	na	5
Rear Yard	10	10
Yard Right	5	5
Yard Left	5	5
Side Street Setback	NA	NA
Step Back		
Maximum Lot Coverage	60%	49.5%
Minimum Lot Coverage	NA	NA
Maximum Height	45	
Open Space	20	37.2
Maximum Impervious Area	NA	NA
Pavement Setback	NA	NA
Floor Area Ratio	NA	NA
Off Street Parking Spaces	0	4
Loading Bays	0	0
Other 1	NA	NA
Other 2	NA	NA
Other 3	NA	NA

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):			

DOC :40843 BK:36949 PG:190

EASEMENT DEED

KNOW ALL BY THESE PRESENTS, that **54 CUMBERLAND AVENUE, LLC**, a Maine limited liability company with a place of business in Portland, County of Cumberland, State of Maine ("Grantor"), for consideration paid, hereby grants to **JAMES A. NEAL**, with mailing address at 15 Dudley Road, Holliston, MA 01746, his successors and assigns ("Grantee"), a perpetual easement and right of way over property located at 54 Cumberland Avenue, Portland, County of Cumberland, State of Maine, upon the terms set forth below. Said perpetual easement and right of way is further bounded and described as follows ("the Easement Area"):

An easement over the parcel to the rear of the above-described premises, being the area shown on the attached Plan as "Proposed Easement, 993 sq ft," hereinafter described as the "Easement Area." Said easement is further described as follows:

This is an appurtenant easement to the Grantees, their heirs and assigns, that benefits the premises conveyed by Grantor to Grantee by deed dated June 25, 2020, recorded at the Cumberland County Registry of Deeds in Book 36870, Page 199 and shall run with the land.

The Easement Area shall only be used by Grantees, residents, and anyone given expressed permission from the Grantees.

The perpetual easement shall be for all purposes now or hereafter. Grantee shall have the exclusive right and sole obligation to maintain the Easement Area.

Grantee shall not erect any permanent building, structure or other improvement within the Easement Area. Moveable structures, such as sheds and garden beds, are permitted to be installed by Grantees with the Easement Area. Existing features of the easement area, including the current retaining wall, can be adjusted within reason at sole discretion of the Grantee.

All improvements within the Easement Area shall be constructed of materials with a permeable surface and shall not increase the amount of impermeable surface located within the Easement Area, as determined by the City of Portland.

As a condition to the exercise by Grantee of its rights hereunder, the Grantee shall obtain and keep in full force liability insurance with respect to the Easement Area and activities related thereto in such amounts as $500,000 of coverage. The Grantee shall deliver evidence of such insurance to Grantor upon request within 30 days. If there is ever a lapse in coverage the Grantee has 180 days to secure and provide proof of coverage.

Grantee shall keep the fee interest of Easement Area free of any mechanics liens arising out of or relating to any work done in connection with or relating to Grantee's use of the easement. If any mechanics lien is filed as a result of any work done by or for the benefit of Grantee and with expressed consent and permission from Grantee, and such lien is not released within 90 days after written demand by Grantor, the Grantor shall have the right, but not the obligation, to pay the claim giving rise to such lien, and any other amounts necessary to cause such lien to be released, whereupon the Grantee shall reimburse the Grantor upon demand, including attorney's fees, costs and interest at the State judgment rate. The Grantee shall be solely given full opportunity to release the lien prior to Grantor expressed right to pay the claim.

This agreement cannot be terminated without the consent of both parties.

IN WITNESS WHEREOF, Craig Schneider, duly authorized Member of 54 Cumberland Avenue, LLC has caused this instrument to be signed this 8 day of July, 2020.

54 Cumberland Avenue, LLC

By: _____
Craig Schneider, Its Member

STATE OF MAINE
COUNTY OF CUMBERLAND, SS July 8, 2020

Personally appeared the above-named, Craig Schneider, duly authorized Member of 54 Cumberland Avenue, LLC, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said limited liability company.

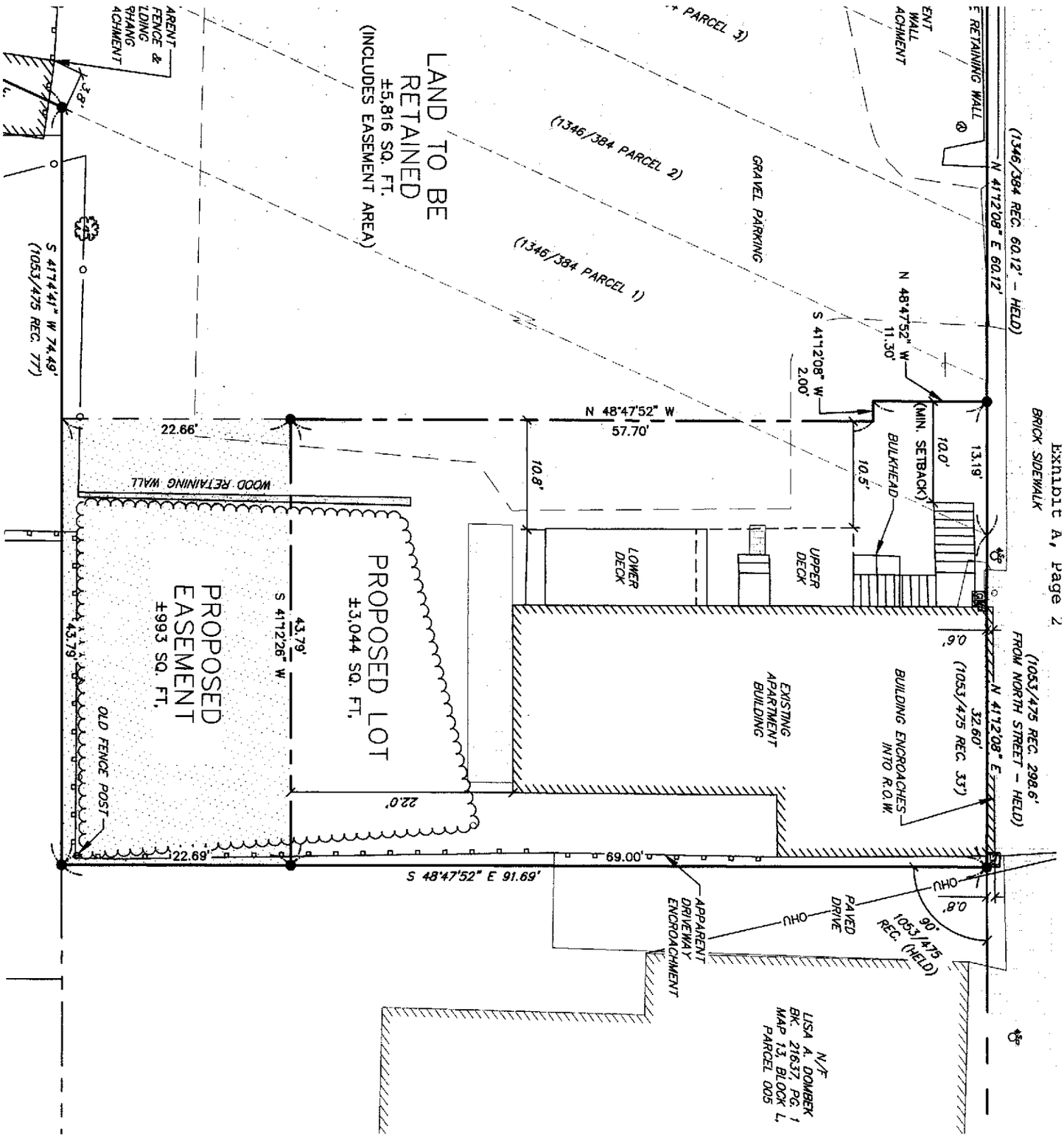
Before me,

_____
Notary Public/~~Attorney at Law~~

CAROL VINING
Notary Public-Maine
My Commission Expires
October 18, 2025

DOC :40843 BK:36949 PG:192
RECEIVED - RECORDED, CUMBERLAND COUNTY REGISTER OF DEEDS
07/20/2020, 10:45:15A
Register of Deeds Nancy A. Lane E-RECORDED

EXHIBIT A



FAFNIR
Design & Development

Fafnir Design & Development is the managing member of Fafnir Cumberland, LLC, which was established to oversee the development of a five-unit condominium located at 56 Cumberland Ave. in Portland, Maine.

Douglas Finkbeiner and Erin Cram are investors in Fafnir Cumberland, LLC. They are currently under contract to purchase the property located at 56 Cumberland Ave. for $580,000 contingent upon the ability to secure all necessary permitting from the city. They have already made a down payment of $55,000 on the property, and are expected to contribute an additional $300,000 upon the closing of the sale. The balance of the purchase price will be paid by Fafnir Cumblerland, LLC. Upon closing the sale, Douglas Finkbeiner and Erin Cram will transfer full ownership of the property to Fafnir Cumberland, LLC as an investment in-kind. This investment will be valued at $355,000. $155,000 of the investment value will be considered a "Tranche A" investment as described in the LLC Agreement, and $200,000 will be considered a "Tranche B" investment.

Douglas Finkbeiner, Investor — 15 Nov 2023 — Date

Erin Cram, Investor — 15 Nov 2023 — Date

Thomas F. Worth II, Managing Partner, Fafnir Design & Development — 15 November, 2023 — Date

FAFNIR
Design & Development

Fafnir Design & Development is the managing member of Fafnir Cumberland, LLC (the Company), which was established to oversee the development of a five-unit condominium located at 56 Cumberland Ave. in Portland, Maine. Investors in Fafnir Cumberland, LLC, are under contract to purchase the property, contingent upon receipt of all necessary approvals from the City of Portland in order to construct the planned development.

James Neal is the current owner of the neighboring property located at 54 Cumberland Ave.

The development plan for 56 Cumberland Ave. requires the execution of five agreements with James Neal. However, because the Company does not yet own the property, we are unable to execute and record those agreements until the purchase is complete. This document is intended to demonstrate to the Portland Planning Department that an agreement is in place between the Company and James Neal which will allow for the full development plan to be implemented within the bounds of the zoning code.

The formal agreements are being drafted by Jamie Spaulding of Landman Rayne Nelson Reade. Please reach out to his office with any questions concerning these agreements or the plan to execute and record them as soon as the Company becomes the owner of 56 Cumberland Ave.

Jamie Spaulding
Lanman Rayne Nelson Reade
261 US Route 1, Suite 201
Falmouth, ME 04105
Phone: 207.671.5454
Fax: 207.828.1276
jspaulding@lanmanrayne.com
www.lanmanrayne.com

Agreement 1:

James Neal currently benefits from an easement granting him exclusive usage rights to approximately 993 square feet of land at the rear of 56 Cumberland Ave. which is situated directly behind his property at 54 Cumberland Ave. The first agreement will terminate this existing easement.

Agreement 2:

In the second agreement, James Neal will grant approximately 160 square feet of land to 56 Cumberland Ave. The effect of this land transfer will be to straighten out the existing lot line, and shift it two feet to the northeast.

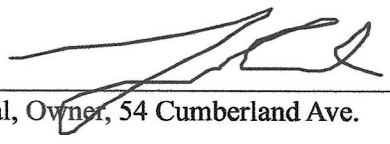
Agreement 3:

The third agreement will establish a new easement at the rear of 56 Cumberland Ave., granting exclusive usage rights to James Neal and any future owner of 54 Cumberland Ave. The new easement will be located exactly where the current easement exists, but its dimensions will be altered to conform to the new lot line, reducing it in size from approximately 993 square feet to approximately 948 square feet. The new easement will have the same terms as the existing easement, but each owner will also be granted specific additional rights. The owner of 56 Cumberland Ave. will be allowed to undertake grading of the site and to build a retaining wall at the rear of the property, and to use the area of the easement for the staging of construction materials temporarily until construction at 56 Cumberland Ave. is completed. The owner of 54 Cumberland Ave. will then be able to establish parking on the easement, or to construct a non-permanent structure such as a shed. The owner of 56 Cumberland Ave. also agrees to provide 54 Cumberland Ave. a ten (10) year right of first offer or refusal on the approximately 948 square foot easement.

Agreements 4 and 5:

Two new easements will be established, allowing for a shared driveway accessible by residents of both properties. The driveway will be 10' wide, and straddle the lot line between both properties with 5' on each side. Each owner will grant an easement allowing the residents of the neighboring property to use the other side of the driveway. The owner of 56 Cumberland Ave. will be fully responsible for paying to build this shared driveway. The owner of 56 Cumberland Ave. will also be fully responsible for all driveway maintenance and snow removal expenses until or unless the owner of 54 Cumberland Ave. subdivides the property into privately owned condominium units. However, so long as 54 Cumberland Ave. is titled as an individually owned residence, 56 Cumberland Ave. will be responsible for all maintenance. For example, 54 Cumberland Ave. is currently titled in James Neal's name only. If James or his successor in title were to create a condominium such that each individual unit in the building were separately owned, then James or any successive owner would be responsible for his proportionate share of maintenance of the driveway. Maintenance and snow removal costs will thereafter be split proportionately based upon the total square footage of net habitable space on each property. To keep it accessible for residents of both properties, no one will be allowed to park on the driveway itself except during a snow emergency.

These are general descriptions of each of the five agreements. The specific terms of each agreement may contain additional details to the ones found within these descriptions, but none of the details listed above will be removed from the agreements when they are eventually executed and recorded. Execution and recording of the agreements will take place within ten business days of the Company becoming the owner of 56 Cumberland Ave.



James Neal, Owner, 54 Cumberland Ave. — Date: 12/28/2023



Thomas F. Worth II, Managing Partner, Fafnir Design & Development — Date: 01/03/2024

DM ROMA
CONSULTING ENGINEERS

STORMWATER MANAGEMENT PLAN

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

A. Narrative

The applicants, Fafnir Cumberland, LLC, intend to construct a three-story residential building at 56 Cumberland Avenue in Portland. The building, with a footprint of approximately 3,020 square feet, will include five (5) two- and three-bedroom condominium units with drive under garage spaces for four (4) vehicles and common rooftop deck. Other site improvements include a new paved driveway, sidewalks and associated retaining wall along the rear of the property. The building will be served by public water, sewer and underground electrical and cable services.

B. Existing Conditions

The project site is currently developed with a gravel parking lot utilized by the adjacent residential property at 54 Cumberland Avenue along with other vehicle parking. The remaining portions of the site consist of lawn and landscaping.

The site is moderately sloped (7%-9%) with the use of an existing vertical retaining wall along Cumberland Avenue. The onsite soils are mapped as Hinckley loamy sand as identified on the Medium Intensity Soil Maps for Cumberland County, Maine published by the Natural Resources Conservation Service. The Hinckley soil is within the hydrologic soil group (HSG) "A" indicating well drained soils. The Medium Intensity Soils Map has been included as Attachment 1 of this report.

In general, the property drains to the west across the site to Cumberland Avenue. Once in the public roadway, runoff is conveyed south westerly along the curbline to a catch basin at the intersection of Cumberland Avenue and Sheridan Street. This catch basin is then connected into the City's existing combined sewer system.

C. Alterations to Land Cover

The project will consist of the redevelopment of approximately 7,140 square feet of land within the limits of 56 Cumberland Avenue, the adjacent 54 Cumberland Avenue within the proposed access and utility easement and sidewalk reconstruction within the Cumberland Avenue right of way. Within that area, there is currently approximately 3,525 square feet of existing impervious area and approximately 3,615 square feet of existing lawn and landscaping.

The project will redevelop the property as indicated in the Table 1 below:

Table 1 – Site Redevelopment – Land Cover		
Existing Condition	**Proposed Condition**	**Area (sf)**
Non-Roof Impervious	Lawn/Landscaping	320
Non-Roof Impervious	Rooftop Impervious	2,110
Roof Impervious	Lawn/Landscaping	0
Non-Roof Impervious	Non-Roof Impervious	1,120
Lawn/Landscaping	Non-Roof Impervious	805
Roof Impervious	Non-Roof Impervious	0
Lawn/Landscaping	Roof Impervious	885
Lawn/Landscaping	Lawn/Landscaping	1,900
	Total:	7,140

As indicated in the table above, there will be a net increase in site impervious surfaces of approximately 1,370 square feet, but the non-rooftop impervious surfaces is reduced by approximately 1,625 square feet.

D. Methodology and Modeling Assumptions

The proposed stormwater management system has been designed utilizing Best Management Practices to maintain existing drainage patterns while providing stormwater quality improvement measures. The goal of the storm drainage system design is to remove potential stormwater pollutants from runoff generated by the development while providing attenuation of the peak rates of runoff prior to entering the existing combined sewer system. The method utilized to predict the surface water runoff rates in this analysis is a computer program entitled HydroCAD, which is based on the same methods that were originally developed by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service, and utilized in the TR-20 modeling program. Peak rates of runoff are forecasted based upon land use, hydrologic soil conditions, vegetative cover, contributing watershed area, time of concentration, rainfall data, storage volumes of detention basins and the hydraulic capacity of structures. The computer model predicts the amount of runoff as a function of time, with the ability to include the attenuation effect due to dams, lakes, large wetlands, floodplains and constructed stormwater management basins. The input data for rainfalls with statistical recurrence frequencies of 2-, 10- and 25 years was obtained from Appendix H of the MDEP, Chapter 500 Stormwater Management, last revised in 2015. The National Weather Service developed four synthetic storm types to simulate rainfall patterns around the country. For analysis in Cumberland County, Maine, the type III rainfall pattern with a 24-hour duration is appropriate.

E. Basic Standards

The project is required by the City to provide permanent and temporary Erosion Control Best Management Practices.

During construction, the contractor will utilize temporary erosion controls including silt fence/erosion control mix berms and catch basin inlet protection. In addition, a stabilized construction entrance to be installed where vehicles are entering and exiting the site. The contractor shall inspect these practices at least weekly and after significant rain storm events.

Once the site is stabilized, these temporary measures are to be removed and all captured sediment and debris properly disposed of. Permanent erosion control measures are primarily vegetation and pavement to maintain a stable property. Proposed erosion control measures are shown in the plan set on the Grading and Utility Plan along with notes and details on the Detail Sheets.

F. General Standards - Redevelopment

Since the project is generating over 1,000 square feet of new impervious area and the project is being reviewed as a Major Site Plan, the project is required by the City of Portland's Technical Manual to meet the General Standards outlined in the MDEP Chapter 500 rules. As the project is classified as a redevelopment project under the General Standards, the site's treatment requirement was determined utilizing the pollutant impact ranking system outlined in Chapter 500, Section 4.C.(2).(d). Table 2.

In the existing condition, the site consists of primarily vehicular driveways and parking utilized for parked vehicles for an extend period of time (over 2 hours). Based on Chapter 500, these land features are classified under Pollutant Rank 3 and 4 respectively. The remaining sidewalks and lawn areas are classified under Pollutant Rank 2. In the developed condition, the parking associated with the new building will be enclosed, not generating the potential pollutant load that an open parking lot will generate. The majority of the area that was ranked as 3 and 4 in the existing condition is now reduced to only 3 as it is a building with a flat roof. In addition, areas that are to be landscaped with mulch instead of lawn have a lower pollutant rank of 1.

When the pollutant ranks are applied to the associated areas, the existing pollutant impact ranking was determined to be 2.74 and the post developed condition pollutant impact ranking was determined to be 2.55. Since the "Ranked Impact Change Due to Redevelopment" is a reduction, based on Chapter 500, Section 4.C.(2).(d). Table 3, no treatment is required for the site.

The Stormwater Redevelopment Map has been included in the plan set and the Redevelopment Calculations have been included as Attachment 2 of this report.

G. Peak Stormwater Discharge Analysis

As part of the stormwater design, the peak rates of runoff have been analyzed to determine any potential flooding concerns as a result of the project during the 2-year, 10-year and 25-year 24-hour storm events. In addition, since the project will require a connection into the combined sewer system within Cumberland Avenue, on-site stormwater detention is required of a volume equivalent to the greater of 1" of rainfall over the entire project redeveloped area being proposed or the projected 24 hour daily sanitary sewer flow being added to the combined sewer system.

As previously indicated, the total redeveloped area is approximately 7,140 square feet. The resultant volume of runoff detention required would calculate to 595 cubic feet. In comparison, the projected 24-hour sanitary sewer flow is approximately 1,080 gallons per day (12 bedrooms at 90 gal/day) or 144 cubic feet, resulting in an on-site detention volume requirement of the larger value of 595 cubic feet. The detention volume will be accommodated in an underground stormwater chamber system. This system is designed to both infiltrate the tributary runoff and slowly release it into the sewer main in Cumberland Avenue. With the incorporation of eight (8) SC-740 Stormtech Chambers and setting the top of the outlet control structure overflow to elevation 125.80 (top of chamber), the provided storage volume is 675 cubic feet. This storage system was incorporated into the stormwater model.

To analyze the project peak rates of runoff generated by the project, two study points were analyzed. Study Point 1 represents the location adjacent to the northwest corner of the project site where runoff generated by the property drains from the site into Cumberland Avenue. Study Point 2 analyzes the stormwater flow tributary to the combined sewer main directly across the project site.

Table 2 below summarizes the modeled output results of the pre- and post-developed project conditions for the 2-, 10- and 25-year 24-hour storm events.

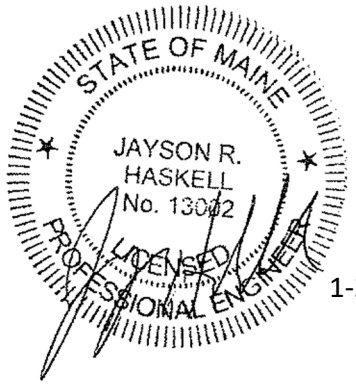
Table 2 – Peak Rates of Stormwater Runoff						
Study Point	**2-Year (cfs)**		**10-Year (cfs)**		**25-Year (cfs)**	
	Pre	Post	Pre	Post	Pre	Post
SP-1	0.09	0.04	0.35	0.11	0.60	0.18
SP-2	0.00	0.05	0.00	0.10	0.00	0.14

As illustrated in Table 1, the proposed project's stormwater design reduces the surface runoff generated by the site. This is a result of the installation of the underground stormwater chamber system and connecting the remaining flow to the existing sewer main. Incorporated into the outlet control structure associated with the detention system is a concrete weir with a small, low flow orifice to regulate the tributary runoff to the combined system during the more common rain storm events. The watershed maps showing the pre- and post-development drainage patterns have been included in the plan set and the output from the HydroCAD model has been included as Attachment 3 of this report.

Prepared by:

DM ROMA CONSULTING ENGINEERS

Jayson R. Haskell P.E.
Southern Maine Regional Manager

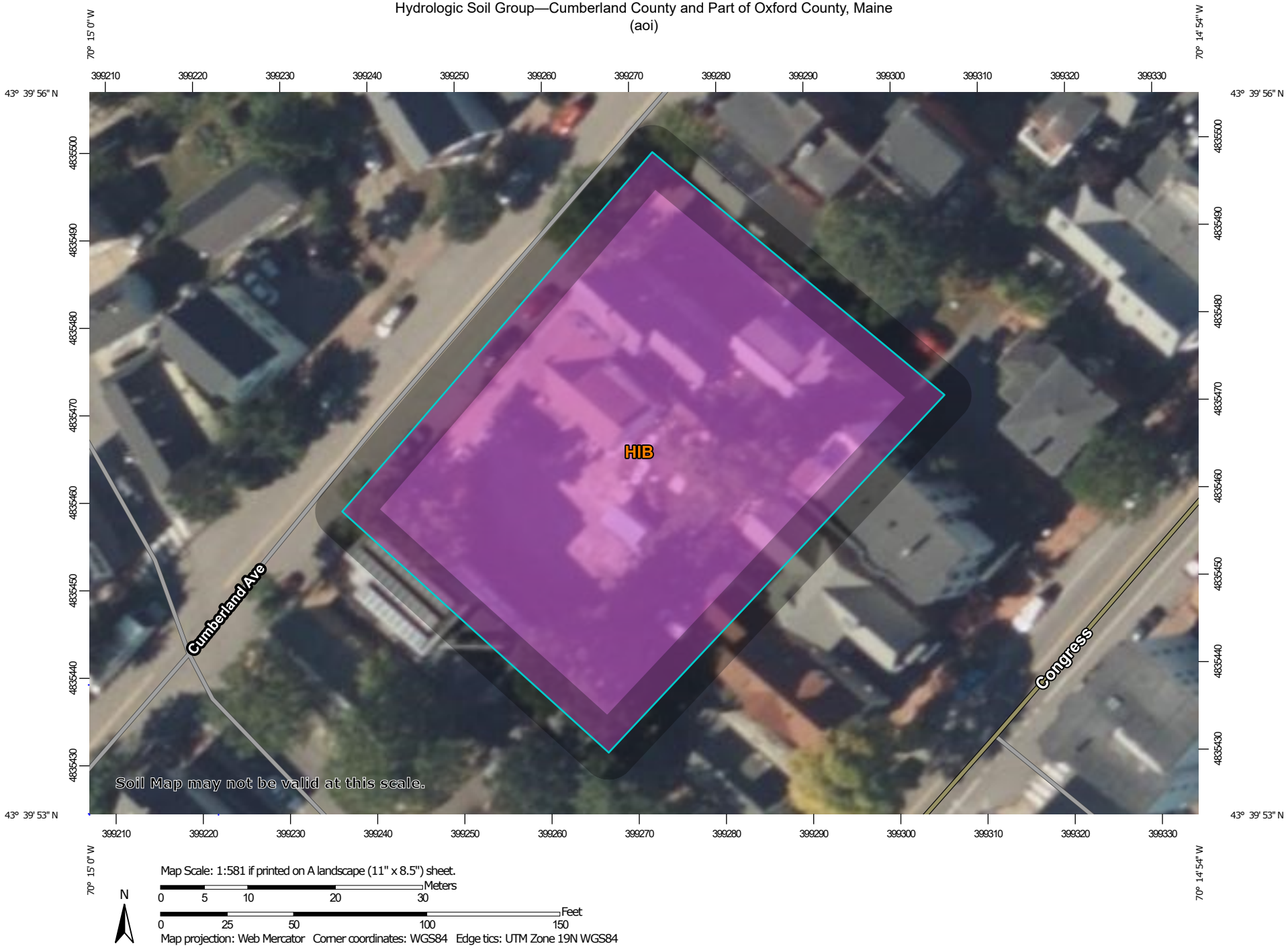


1-29-2024

ATTACHMENT 1

MEDIUM INTENSITY SOIL MAP

Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine
(aoi)



Map Scale: 1:581 if printed on A landscape (11" x 8.5") 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 19, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

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	0.6	100.0%
Totals for Area of Interest			**0.6**	**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

Cumberland County and Part of Oxford County, Maine

HIB—Hinckley loamy sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2svm8
Elevation: 0 to 1,430 feet
Mean annual precipitation: 36 to 53 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 140 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Hinckley and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hinckley

Setting

Landform: Outwash deltas, outwash terraces, kames, kame terraces, moraines, eskers, outwash plains
Landform position (two-dimensional): Summit, shoulder, backslope, footslope
Landform position (three-dimensional): Nose slope, side slope, base slope, crest, riser, tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy and gravelly glaciofluvial deposits derived from gneiss and/or granite and/or schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
A - 1 to 8 inches: loamy sand
Bw1 - 8 to 11 inches: gravelly loamy sand
Bw2 - 11 to 16 inches: gravelly loamy sand
BC - 16 to 19 inches: very gravelly loamy sand
C - 19 to 65 inches: very gravelly sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3s
Hydrologic Soil Group: A
Ecological site: F144AY022MA - Dry Outwash
Hydric soil rating: No

Data Source Information

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

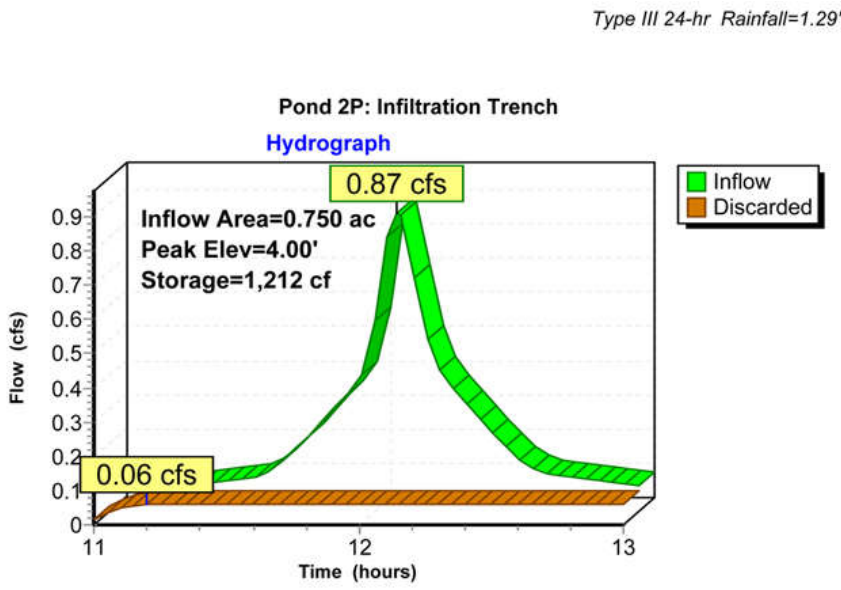


Table 2.3.3. 1982 Rawls Rates[18]

Texture Class	NRCS Hydrologic Soil Group (HSG)	Infiltration Rate Inches/Hour
~~Sand~~	~~A~~	~~8.27~~
Loamy Sand	A	2.41
~~Sandy Loam~~	~~B~~	~~1.02~~
Loam	B	0.52
Silt Loam	C	0.27
Sandy Clay Loam	C	0.17
Clay Loam	D	0.09
Silty Clay Loam	D	0.06
Sandy Clay	D	0.05
Silty Clay	D	0.04
Clay	D	0.02

[18] Rawls, Brakensiek and Saxton, 1982

ATTACHMENT 2

REDEVELOPMENT CALCULATIONS

REDEVELOPMENT STORMWATER TREATMENT CALCULATIONS
56 CUMBERLAND AVENUE

Existing Conditions

Land Use	Area (SF)	Area (Ac.)	Pollutant Rank	Existing Impact
High Use Parking Lots and Roads	0	0.00	5	0.00
Other Road and Medium Use Parking Lots	2,045	0.05	4	0.19
Other parking lots & driveways/Flat Roof	1,160	0.03	3	0.08
Other roof, bikeways, grass, walkways	3,935	0.09	2	0.18
Non-grass landscape/stormwater system	0	0.00	1	0.00
Undeveloped Area	0	0.00	0	0.00
Totals	**7,140**	**0.16**		**0.45**

Existing Impact Rating / Redevelopment Area = 2.74

Proposed Conditions

Land Use	Area (SF)		Pollutant Rank	Proposed Impact
High Use Parking Lots and Roads	0	0.00	5	0.00
Other Road and Medium Use Parking Lots	0	0.00	4	0.00
Other parking lots & driveways/Flat Roof	4,085	0.09	3	0.28
Other roof, bikeways, grass, walkways	2,895	0.07	2	0.13
Non-grass landscape/stormwater system	160	0.00	1	0.00
Forest/Meadow	0	0.00	0	0.00
Totals	**7,140**	**0.16**		**0.42**

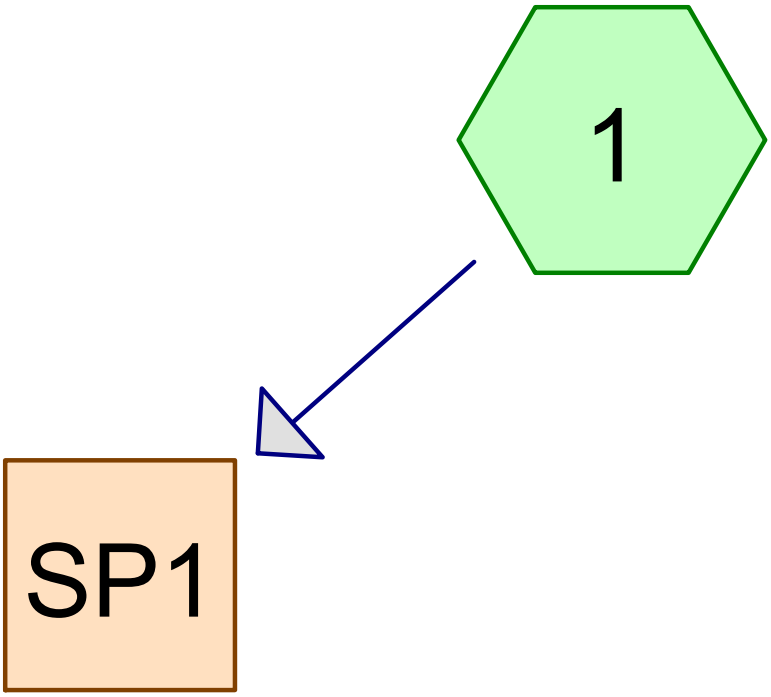
Proposed Impact Rating / Redevelopment Area = 2.55

Treatment Requirements

Ranked Impact Change Due to Redevelopment = -0.19
Percentage of Developed Area to be treated (Table 3) = 0%

ATTACHMENT 3

HYDROCAD OUTPUT



Subcat Reach Pond Link

Routing Diagram for 23046-PRE
Prepared by DM Roma Consulting Engineers, Printed 11/17/2023
HydroCAD® 10.00-25 s/n 09237 © 2019 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1: Runoff Area=12,165 sf 12.62% Impervious Runoff Depth=1.95"
Flow Length=204' Tc=6.0 min CN=62 Runoff=0.60 cfs 1,982 cf

Reach SP1: Inflow=0.60 cfs 1,982 cf
Outflow=0.60 cfs 1,982 cf

Summary for Subcatchment 1:

Runoff = 0.60 cfs @ 12.10 hrs, Volume= 1,982 cf, Depth= 1.95"

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
*	860	98	Buildings
*	675	98	Pavement
*	3,295	96	Gravel Parking
	7,335	39	>75% Grass cover, Good, HSG A
	12,165	62	Weighted Average
	10,630		87.38% Pervious Area
	1,535		12.62% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4.6	90	0.1100	0.32		**Sheet Flow, A to B** Grass: Short n= 0.150 P2= 3.10"
0.3	78	0.0800	4.55		**Shallow Concentrated Flow, B to C** Unpaved Kv= 16.1 fps
0.0	12	0.0500	4.54		**Shallow Concentrated Flow, C to D** Paved Kv= 20.3 fps
0.0	24	0.0800	12.76	81.34	**Trap/Vee/Rect Channel Flow, D to E** Bot.W=0.00' D=0.50' Z= 1.0 & 50.0 '/' Top.W=25.50' n= 0.013 Asphalt, smooth
1.1					**Direct Entry, 6 Minute Min Tc**
6.0	204	Total			

Summary for Reach SP1:

Inflow Area = 12,165 sf, 12.62% Impervious, Inflow Depth = 1.95" for 25-Year event
Inflow = 0.60 cfs @ 12.10 hrs, Volume= 1,982 cf
Outflow = 0.60 cfs @ 12.10 hrs, Volume= 1,982 cf, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

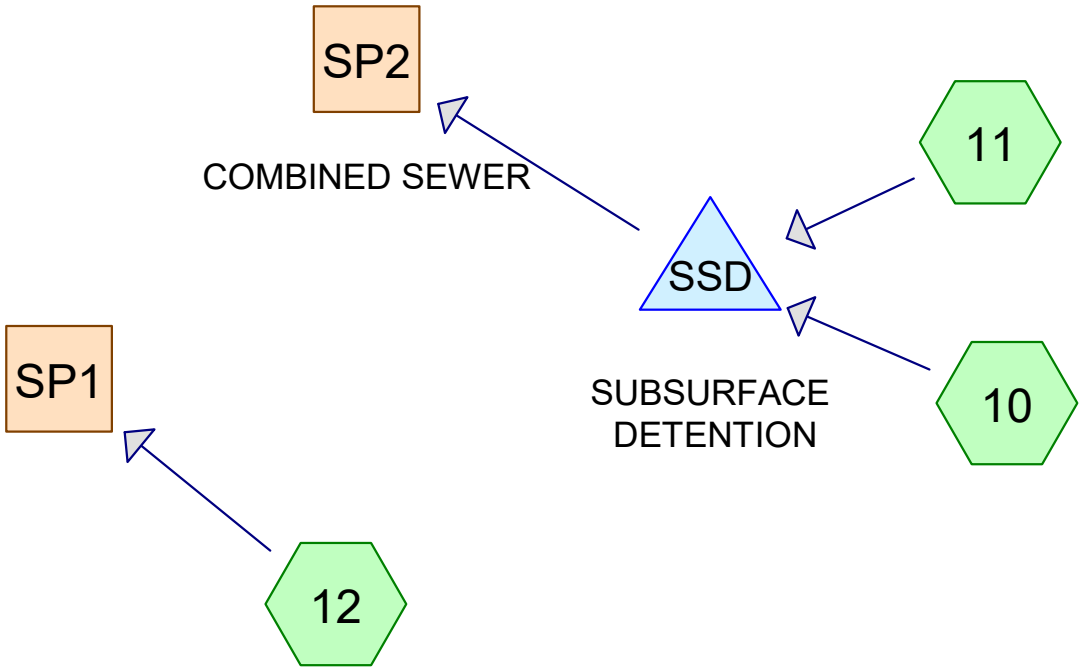
Subcatchment 1: Runoff Area=12,165 sf 12.62% Impervious Runoff Depth=0.44"
Flow Length=204' Tc=6.0 min CN=62 Runoff=0.09 cfs 445 cf

Reach SP1: Inflow=0.09 cfs 445 cf
Outflow=0.09 cfs 445 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1: Runoff Area=12,165 sf 12.62% Impervious Runoff Depth=1.20"
Flow Length=204' Tc=6.0 min CN=62 Runoff=0.35 cfs 1,215 cf

Reach SP1: Inflow=0.35 cfs 1,215 cf
Outflow=0.35 cfs 1,215 cf



Subcat Reach Pond Link

Routing Diagram for 23046-POST
Prepared by DM Roma Consulting Engineers, Printed 1/29/2024
HydroCAD® 10.00-26 s/n 09237 © 2020 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 10: Runoff Area=6,410 sf 24.88% Impervious Runoff Depth=1.40"
Flow Length=105' Tc=7.1 min CN=55 Runoff=0.20 cfs 750 cf

Subcatchment 11: Runoff Area=2,995 sf 100.00% Impervious Runoff Depth=5.56"
Tc=6.0 min CN=98 Runoff=0.38 cfs 1,388 cf

Subcatchment 12: Runoff Area=2,760 sf 49.64% Impervious Runoff Depth=2.47"
Flow Length=92' Tc=6.0 min CN=68 Runoff=0.18 cfs 568 cf

Reach SP1: Inflow=0.18 cfs 568 cf
Outflow=0.18 cfs 568 cf

Reach SP2: COMBINED SEWER Inflow=0.14 cfs 1,024 cf
Outflow=0.14 cfs 1,024 cf

Pond SSD: SUBSURFACE DETENTION Peak Elev=125.19' Storage=561 cf Inflow=0.57 cfs 2,138 cf
Discarded=0.02 cfs 1,115 cf Primary=0.14 cfs 1,024 cf Outflow=0.16 cfs 2,139 cf

Summary for Subcatchment 10:

Runoff = 0.20 cfs @ 12.12 hrs, Volume= 750 cf, Depth= 1.40"

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
*	485	98	Existing Buildings
*	1,110	98	Onsite Pavement and Ret. Wall
*	180	96	Existing Gravel Parking
	4,635	39	>75% Grass cover, Good, HSG A
	6,410	55	Weighted Average
	4,815		75.12% Pervious Area
	1,595		24.88% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.7	67	0.1100	0.31		**Sheet Flow, A to B** Grass: Short n= 0.150 P2= 3.10"
3.3	25	0.0200	0.13		**Sheet Flow, B to C** Grass: Short n= 0.150 P2= 3.10"
0.1	13	0.0200	2.87		**Shallow Concentrated Flow, C to D** Paved Kv= 20.3 fps
7.1	105	Total			

Summary for Subcatchment 11:

Runoff = 0.38 cfs @ 12.09 hrs, Volume= 1,388 cf, Depth= 5.56"

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
*	2,995	98	New Building
	2,995		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, 6 Minute Min Tc**

Summary for Subcatchment 12:

Runoff = 0.18 cfs @ 12.10 hrs, Volume= 568 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
*	380	98	Existing Buildings
*	990	98	Pavement and Retaining Wall
	1,390	39	>75% Grass cover, Good, HSG A
	2,760	68	Weighted Average
	1,390		50.36% Pervious Area
	1,370		49.64% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.3	78	0.0600	0.25		**Sheet Flow, A to B** Grass: Short n= 0.150 P2= 3.10"
0.1	14	0.0500	4.54		**Shallow Concentrated Flow, B to C** Paved Kv= 20.3 fps
0.6					**Direct Entry, 6 Minute Min Tc**
6.0	92	Total			

Summary for Reach SP1:

Inflow Area = 2,760 sf, 49.64% Impervious, Inflow Depth = 2.47" for 25-Year event
Inflow = 0.18 cfs @ 12.10 hrs, Volume= 568 cf
Outflow = 0.18 cfs @ 12.10 hrs, Volume= 568 cf, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Summary for Reach SP2: COMBINED SEWER

Inflow Area = 9,405 sf, 48.80% Impervious, Inflow Depth = 1.31" for 25-Year event
Inflow = 0.14 cfs @ 12.49 hrs, Volume= 1,024 cf
Outflow = 0.14 cfs @ 12.49 hrs, Volume= 1,024 cf, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Summary for Pond SSD: SUBSURFACE DETENTION

Inflow Area = 9,405 sf, 48.80% Impervious, Inflow Depth = 2.73" for 25-Year event
Inflow = 0.57 cfs @ 12.10 hrs, Volume= 2,138 cf
Outflow = 0.16 cfs @ 12.49 hrs, Volume= 2,139 cf, Atten= 72%, Lag= 23.2 min
Discarded = 0.02 cfs @ 10.95 hrs, Volume= 1,115 cf
Primary = 0.14 cfs @ 12.49 hrs, Volume= 1,024 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Peak Elev= 125.19' @ 12.49 hrs Surf.Area= 379 sf Storage= 561 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 37.4 min (830.5 - 793.1)

Volume	Invert	Avail.Storage	Storage Description
#1A	122.80'	383 cf	**6.25'W x 60.58'L x 3.50'H Field A** 1,325 cf Overall - 368 cf Embedded = 958 cf x 40.0% Voids
#2A	123.30'	368 cf	**ADS_StormTech SC-740 +Cap** x 8 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap
		751 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	122.80'	**2.410 in/hr Exfiltration over Surface area**
#2	Primary	120.60'	**6.0" Round Culvert** L= 44.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 120.60' / 119.70' S= 0.0205 '/' Cc= 0.900 n= 0.013, Flow Area= 0.20 sf
#3	Device 2	123.30'	**2.0" Vert. Orifice/Grate** C= 0.600
#4	Device 2	125.80'	**72.0" W x 22.0" H Vert. Orifice/Grate** C= 0.600

Discarded OutFlow Max=0.02 cfs @ 10.95 hrs HW=122.85' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.02 cfs)

Primary OutFlow Max=0.14 cfs @ 12.49 hrs HW=125.18' TW=0.00' (Dynamic Tailwater)
└**2=Culvert** (Passes 0.14 cfs of 1.52 cfs potential flow)
  ├**3=Orifice/Grate** (Orifice Controls 0.14 cfs @ 6.46 fps)
  └**4=Orifice/Grate** (Controls 0.00 cfs)

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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 10: Runoff Area=6,410 sf 24.88% Impervious Runoff Depth=0.22"
Flow Length=105' Tc=7.1 min CN=55 Runoff=0.01 cfs 119 cf

Subcatchment 11: Runoff Area=2,995 sf 100.00% Impervious Runoff Depth=2.87"
Tc=6.0 min CN=98 Runoff=0.20 cfs 716 cf

Subcatchment 12: Runoff Area=2,760 sf 49.64% Impervious Runoff Depth=0.68"
Flow Length=92' Tc=6.0 min CN=68 Runoff=0.04 cfs 156 cf

Reach SP1: Inflow=0.04 cfs 156 cf
Outflow=0.04 cfs 156 cf

Reach SP2: COMBINED SEWER Inflow=0.05 cfs 170 cf
Outflow=0.05 cfs 170 cf

Pond SSD: SUBSURFACE DETENTION Peak Elev=123.65' Storage=171 cf Inflow=0.20 cfs 834 cf
Discarded=0.02 cfs 664 cf Primary=0.05 cfs 170 cf Outflow=0.07 cfs 835 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 10: Runoff Area=6,410 sf 24.88% Impervious Runoff Depth=0.79"
Flow Length=105' Tc=7.1 min CN=55 Runoff=0.09 cfs 421 cf

Subcatchment 11: Runoff Area=2,995 sf 100.00% Impervious Runoff Depth=4.36"
Tc=6.0 min CN=98 Runoff=0.30 cfs 1,089 cf

Subcatchment 12: Runoff Area=2,760 sf 49.64% Impervious Runoff Depth=1.60"
Flow Length=92' Tc=6.0 min CN=68 Runoff=0.11 cfs 368 cf

Reach SP1: Inflow=0.11 cfs 368 cf
Outflow=0.11 cfs 368 cf

Reach SP2: COMBINED SEWER Inflow=0.10 cfs 569 cf
Outflow=0.10 cfs 569 cf

Pond SSD: SUBSURFACE DETENTION Peak Elev=124.33' Storage=355 cf Inflow=0.39 cfs 1,510 cf
Discarded=0.02 cfs 942 cf Primary=0.10 cfs 569 cf Outflow=0.12 cfs 1,511 cf

Declaration of Maintenance of a Private Subsurface Stormwater System
56 Cumberland Avenue, Portland, Maine

This Declaration of Maintenance of a Private Subsurface Stormwater System (hereinafter called "Declaration") is made as of the ____ day of ___, 2024, by Fafnir Cumberland, LLC, having a mailing address of 56 Cumberland Avenue, Portland, Maine 04101 (collectively hereinafter called the "Declarant").

W I T N E S S E T H

Whereas, the Declarant is the owner of certain real property situated near Cumberland Avenue in the City of Portland, County of Cumberland and State of Maine, and being a certain parcel of land designated as "Residential Condominium Development" as shown on a plan entitled "Grading and Utility Plan" of a Residential Condominium Development, 56 Cumberland Avenue, Portland, Maine as prepared for Fafnir Cumberland, LLC as prepared by DM Roma Consulting Engineers dated _____, (hereinafter called the "Plan"); and

Whereas, the Declarant is desirous of outlining and declaring the respective duties and obligations of the owners of the property in regard to the maintenance and repair of the subsurface stormwater system identified as "Stormtech Subsurface Detention System" (hereinafter called the "Stormwater System"); on the Plan;

Now, therefore, the Declarant hereby declares that the five (5) owners of the condominium units (hereinafter collectively called "Condominium Owners") utilizing the Stormwater System are and hereafter shall be held, transferred, sold and conveyed subject to the following covenants, agreements, liens, and charges relating to the maintenance and repair of the Stormwater System shown on the Plan:

1. The Condominium Owners utilizing the Stormwater System, as shown on the Plan, shall be responsible for the cost of inspecting, maintaining and repairing the Stormwater System shown on the Plan, as described in the Inspection, Maintenance and Housekeeping Plan included as Attachment A, including, but not limited to, the stormwater detention chambers, inspection ports, crushed stone surrounding the stormwater detention chambers, inlet and outlet stormwater pipes, catch basins/field inlet and outlet control structure; and, if said Condominium Owners do not, after reasonable notice from the City of Portland, keep said Stormwater System maintained adequately to provide the necessary stormwater treatment and detention as designed and approved by the City, the City may maintain the Stormwater System and charge the cost thereof to the Condominium Owners, who shall be jointly and severally responsible therefore and a lien imposed on the lot to secure the City's reimbursement.
2. The maintenance responsibility for the Stormwater System shall be apportioned among the Condominium Owners in an equal share.
3. The duties and obligations imposed by this Declaration shall run with the Land.
4. The duties and obligations imposed by this Declaration, shall be transferred to purchasers or other transferees of the property shown on the Plan, and upon such transfer, the transferors shall no longer be bound by such duties and obligations.
5. The Declarant, for themselves, their heirs, successors and assigns, acknowledge, understand, and agree that the City of Portland is not responsible for the inspection, maintenance or repair of the Stormwater System identified on the Plan.

DRAFT

IN WITNESS WHEREOF, Thomas F. Worth II, duly authorized Manager of Fafnir Cumberland, LLC has caused this instrument to be signed this ____ of _____, 2024

Fafnir Cumberland, LLC

By:_____
Thomas F. Worth II, Its Manager

STATE OF MAINE
COUNTY OF CUMBERLAND, ss. ____ ___, 2024

Personally appeared the above named, Thomas F. Worth II, duly authorized Manager of Fafnir Cumberland, LLC, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said limited liability company.

Before me,

_____
Notary Public/Attorney at Law

DRAFT

ATTACHMENT A

INSPECTION, MAINTENANCE AND HOUSEKEEPING
FOR 56 CUMBERLAND AVENUE, PORTLAND, MAINE

DRAFT

DM ROMA
CONSULTING ENGINEERS

INSPECTION, MAINTENANCE, AND HOUSEKEEPING PLAN

(Prepared by Jayson Haskell, PE #13002)

56 CUMBERLAND AVENUE
PORTLAND, MAINE

Responsible Party

Owner: Fafnir Cumberland, LLC
56 Cumberland Avenue
Portland, Maine 04101

The owner/applicant 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 until a condominium's association is created. Once the condominium association is created, the responsibilities of the stormwater infrastructure will be transferred to the association.

Records of all inspections and maintenance work performed must be kept on file with the owner and/or condominium association 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 generating more than 0.5 inch of rainfall over a 24-hour period 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 Town 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 Town'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 stormwater 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 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. **Ditches, Swales, and Open Channels:** Inspect ditches, swales, and other open channels in the spring, late fall, and after heavy rains to remove any obstructions to flow, remove accumulated sediments and debris, control vegetative growth that could obstruct flow, and repair any erosion of the ditch lining. Vegetated ditches must be mowed at least annually or otherwise maintained to control the growth of woody vegetation and maintain flow capacity. Repair any slumping side slopes as soon as practicable. The channel must receive adequate routine maintenance to maintain capacity and prevent or correct any erosion of the channel's bottom or side slopes.

   C. **Storm Drains:** Inspect storm drains 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 storm drain's outlet.

   D. **Catch Basins and Outlet Control Structure:** Inspect and, if required, clean out structure 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 structure and inlet grate.

   E. **StormTech Chambers:** The manufacturer recommends that, at a minimum, annual inspections are 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.

   F. **Regular Maintenance:** Clear accumulations of winter sand along roadway and parking areas 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.

G. 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 Town and MDEP 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.

City of Portland Re-certification

As a requirement of the City of Portland, the stormwater infrastructure shall be inspected yearly by a qualified third-party inspector. The third-party inspector shall perform an initial inspection to determine the status of the stormwater management facilities. If the initial inspection identifies any deficiencies with the facilities, the same third-party inspector shall re-inspect the facilities after they have been maintained or repaired to determine if they are performing as intended. Once the site is satisfactory, the third-party inspector shall submit the Stormwater Management Credits: Annual Inspection of BMPs and Structural Stormwater Controls form and report to the City of Portland Public Works Department. A passing certification form shall be submitted to the City prior to June 15 of each year to maintain Stormwater Credits. If a failing certification is submitted by June 15, the owner will have until the following August 31 to submit a passing inspection report in order to continue credits. The inspection forms are available on the City of Portland Water Resources website.

Duration of Maintenance

Perform maintenance as described.

INSPECTION AND MAINTENANCE LOG

56 CUMBERLAND AVENUE
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 Town and MDEP 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.			
Storm Drains	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 & Outlet Control Structure	Inspect to ensure that structure is properly draining.			
	Remove accumulated sediment semiannually.			
	Inspect grates/inlets and remove debris as needed.			
Stormtech Chambers	Inspect annually for significant sediment accumulation			
	If >3” sediment accumulation, clean out system per manufacturer recommendations			
Regular Maintenance	Clear accumulation of winter sand in paved areas annually.			

10. Access and Circulation

14.6 SITE PLAN REVIEW STANDARDS The reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards of the City of Portland Technical Manual and the City of Portland Design Manual and the criteria below.

B. Access and circulation

1. In general

a. All development subject to this article shall provide safe and reasonable access and internal circulation for all users of the site and shall comply with the transportation systems and street design standards of the Technical Manual.
Response: Driveway widths, parking stall size, and parking lot aisle all comply with City standards.

b. Continuous internal walkways shall be provided between existing or planned public sidewalks adjacent to the site, transit stops and street crossings, and building entrances on the site.
Response: Sidewalks exist along the Cumberland Avenue frontage. An Internal sidewalk flush with the driveway connects the building entrance to the public sidewalk.

c. Points of access and egress shall be located to avoid conflicts with turning movements and traffic flows.
Response: The proposed driveway location is proposed to be shifted easterly along Cumberland Avenue approximately 20 feet to provide a shared driveway arrangement for properties at 54 and 56 Cumberland Avenue.

d. The site must have stacking capacity for vehicles waiting to use these service features without impeding onsite vehicular circulation or creating hazards to vehicular circulation on adjoining streets.
Response: The garage bays are located at the rear of the property and sufficient driveway length between the street and garage area allows for appropriate vehicular stacking if necessary. Given the low volume of traffic anticipated with this project, we do not believe that any hazards to vehicular circulation will occur.

2. Loading and servicing.

All developments served by delivery or other service vehicles shall provide access that permits safe turning and backing for all vehicles that would service the development Loading and servicing access shall not impede vehicle circulation, bicycle or pedestrian movements, or parking.
Response: No Loading or servicing facilities are needed for this project.

3. Curb and sidewalks

a. All development shall provide curb and sidewalks along all frontages, installed to specifications as described in the transportation systems and street design standards of the Technical Manual.

Response: Cumberland Street currently has granite curb and brick sidewalks. The curb will be reset and sidewalk slightly reconfigured and rebuilt to accommodate the proposed driveway shift.

b. Where sidewalks already exist but are in substandard condition, they shall be repaired or replaced in conformance with Chapter 25 of the City of Portland Code of Ordinances and the transportation systems and street design standards of the Technical Manual.
Response: As stated above the Cumberland Avenue sidewalk will be rebuilt to City standards.

c. An applicant may request a waiver from sidewalk installation requirements if they meet two or more applicable waiver criteria as listed below:
Response: Not applicable.

d. An applicant may request a waiver from curb installation requirements if they meet two or more applicable waiver criteria as listed below:
Response: Not applicable. Granite curb currently exists along Cumberland Avenue and will be reset to City standards where necessary.

11. Public Transit Access

14.6 SITE PLAN REVIEW STANDARDS The reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards of the City of Portland Technical Manual and the City of Portland Design Manual and the criteria below.

C. Public transit access

1. All residential development consisting of 20 or more dwelling units and all commercial and institutional developments of at least 20,000 square feet gross floor area shall provide a transit shelter adjacent to or within the public right-of-way along its frontage when the following criteria are met:

a. The development is proposed along an existing public transit route on a principal or minor arterial roadway, as shown in the Federal Street Classification Map.

b. The nearest existing transit shelter on the route is more than ¼ mile from the site, measured along rights-of-way.

Response: The current Portland Metro Route #1 provides transit access along Congress and North Streets. A bus stop is located at the corner of North and Cumberland, approximately 350 feet from the proposed property.

2. Transit facilities shall be connected to the public sidewalk system.

Response: The proposed project site is connected to the bus route by public sidewalks.

3. All or some of this standard may be waived if the review authority determines one or more of the following:

a. That some or all of the required improvements cannot reasonably be made due to site constraints and/or insufficient right of way width.

b. That the development is not anticipated to generate public transit usage due to particular characteristics of the development or proposed use.

Response: Not applicable.

12. Off-Street Parking

14.6 SITE PLAN REVIEW STANDARDS The reviewing authority shall not approve a site plan application unless the development proposal meets applicable standards of the City of Portland Technical Manual and the City of Portland Design Manual and the criteria below.

D. *Off-street parking*

1. Vehicular parking

a. All developments shall provide off-street parking in accordance with the parking requirements of this Land Use Code.
Response: The Applicant is proposing 4 off-street parking spaces, including one van-accessible ADA space in an enclosed garage space at the rear of the proposed building.

b. Where a parking study is required, the City encourages Transportation Demand Management (TDM) strategies to be employed.
Response: Not applicable.

c. Developments proposing to exceed minimum parking requirements by 10% or more must demonstrate through a parking study that the amount of parking is appropriate for the proposed use of the site.
Response: Not applicable.

d. Parking spaces and aisles shall meet applicable dimensional standards as detailed in the transportation systems and street design standards of the Technical Manual.
Response: Proposed parking stalls are to be 8 ½ ft in width and 18 feet in length, with one ADA Van accessible space located closest to the building entrance from the garage. The driveway is proposed to be 10 feet wide, with an adjacent brick pedestrian walkway flush with the driveway. The parking spaces are recessed in a garage located behind the streetside residential unit, with approximately 26 feet of maneuvering room from the driveway to the garage.

2. Bicycle parking

a. All development shall provide secure bicycle parking in accordance with the parking requirements of this Land Use Code and the transportation systems and street design standards of the Technical Manual.
Response: No exterior bicycle racks are proposed as part of this project. It is anticipated that the residents will store bicycles in their individual units or the garage.

b. Waiver: The review authority may reduce the required number of bicycle parking spaces if it is determined, based on evidence submitted by the applicant, that the proposed development is expected to generate reduced demand for bicycle parking due to particular site characteristics or proposed uses.
Response: Not applicable.

3. Snow storage

a. All developments shall include areas for snow storage or provide an acceptable snow removal plan.
Response: Snow storage is located at the end of the driveway behind the proposed building. The applicant understands that snow storage space on site is limited and that it will often need to be removed on a timely basis.

b. Snow storage areas may not encroach on areas designed to meet minimum parking requirements or on pedestrian walkways and shall not be located where they would adversely impact the functionality of stormwater management systems. Landscaping in designated snow storage areas shall be such that it can withstand the snow pile.
Response: Snow storage is not located in vehicular parking areas, driveways, or stormwater management facilities.

4. Electric Vehicle (EV) charging

a. All development shall adhere to applicable EV standards as provided in Section 1 of the Technical Manual.
New structured and surface parking lots of five or more spaces shall include energized electrical outlets or installed chargers capable of providing Level 2 EV charging or higher to 20% of parking spaces (rounded down to the nearest whole number). Remaining spaces must be served by sufficient conduit, wiring, and electrical service to allow for future installation of electric vehicle supply equipment.
Response: EV Charging stations are not proposed for this project, but parking spaces will be served with sufficient conduit and electrical service to allow for future installation of electric vehicle supply equipment.

13. Significant Natural Features

The project site is a vacant urban site within a dense established neighborhood. There are no significant plant species, communities, or specimens within the site.

There are no significant natural features on the site.

14. Landscape Preservation

The site is currently vacant and mostly covered by an existing gravel area. One existing maple tree located on the northwest corner of the property, and a hemlock tree along the rear property line will be removed to accommodate the proposed building construction. Several mixed shrubs located along the rear property line will be removed to allow grading associated with the building and access driveway.

The project proposes to plant 2 new trees in the esplanade on Cumberland Avenue and a significant number of new shrubs and ground covers within the property.

15. Site Landscaping and Buffers

The concept behind the proposed Landscape Plan is to provide an attractive, low maintenance, landscape for year-round interest. This is accomplished using street trees, shrubs, and grasses/ perennial plantings. The proposed building takes up much of the existing lot and leaves areas available for landscaping along the front and south sidelines, and in the rear of the building.

Two small street trees are proposed to be planted in the esplanade between the curb and sidewalk. Due to the existing overhead wires, we are proposing a Thornless Hawthorn Crateagus crusgalli 'inermis', a small flowering deciduous tree which will provide year-round interest yet remain below the overhead wires at maturity. This will reinforce the few existing street trees that are currently planted along Cumberland Avenue.

The front landscape area immediately between the sidewalk and building is approximately 4 feet wide and proposed to be planted with Panicum virgatum 'Shenandoah", a medium height ornamental grass that will provide a strong visual base to the building and year-round color and texture.

Along the south side of the building, Rhus aromatica "Gro-Low" is proposed to provide a low mass of shrubbery, stabilizing the side yard with a vegetated surface that discourages pedestrian access to the rear of the site.

A perennial ground cover Nepeta "Junior Walker" is proposed in the immediate rear of the building to provide seasonal color and is compatible with proposed snow storage in that area of the site. Several larger shrubs are proposed at the southwest corner of the building to soften its massing and provide seasonal color.

Within the easement area in the upper left side of the parcel we are proposing to loam and seed all disturbed areas so it can continue to be utilized as a common open space for the residents.

The immediate surrounding properties are currently residential uses, so this proposed multi-family residential use is compatible, and no buffering of the project from the neighbors is proposed.

17. City Master Plans

All portions of the proposed Site Plan have, to the best of our knowledge, have been designed to be consistent / compliant with City related Master Plans, the current Comprehensive Plan / Portland's Plan 2030, as well as with off premises infrastructure, including sewer and stormwater, streets, pedestrian network, environmental management or other public facilities.

The Project is consistent with and complements the following Goals as outlined in the Portland Plan 2030, as adopted in June, 2017:

HOUSING

The proposed Project meets the Local Goals for Housing in the following ways:

- *Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences, and financial capabilities of all Portland Residents.* **This project proposes to develop a vacant lot in an established residential neighborhood and increase the housing stock by 5 units.**

- *Encourage additional contextually appropriate housing density to neighborhood centers, concentration of services and transportation nodes and corridors as a means of supporting complete neighborhoods.* **The proposed project maintains the density of the existing development/neighborhood while providing critical housing in a neighborhood that is within walking distance of the Metro bus routes, public open space (Eastern Promenade), schools (East End Elementary) and existing commercial services in the neighborhood.**

The project also meets the future strategies for Housing, specifically:

1. *Remove Housing Barriers*. **This Project provides for increased density while still compatible with existing neighborhood patterns and uses.**

2. *Promote Sustainability*. **The project envisions meeting or exceeding the energy standards through the use of high quality sustainable building materials, energy efficient heat pumps and other features.**

18. Public Safety and Fire Prevention

We have placed very visible front porches on the upper stories of the street elevation to visually connect people to the neighborhood with the natural spillover effect of encouraging surveillance over the street.

We have included a brick walkway connecting the sidewalk to the main entrance of the building. This walkway is covered by a prominent roof canopy to guide and protect the owner or visitor to the building entrance. This entrance sequence will be well lit above with a fully glazed entrance upon arrival.

DM ROMA
CONSULTING ENGINEERS

Utility Coordination

Potable Water – A 6" public water main exists in Cumberland Avenue. The water main will be tapped for a single 2" diameter domestic water service and a single 6" fire suppression service. The proposed design was developed based on discussions and directions from the Portland Water District and the project's sprinkler designer. We are coordinating with the Portland Water District on final sprinkler system needs, and will result in the acquisition of an Ability to Serve Letter. Included in this section is our initial correspondence with Portland Water District and once we obtain the letter from the district, a copy will be provided to the City.

Fire Protection Water – Public fire hydrants exist at the intersection of Cumberland Avenue and Sheridan Street, approximately 100 feet southwest of the property, and at the intersection of Cumberland Avenue and High Street, approximately 330 feet northeast of the property. No additional hydrants are proposed. The proposed residential building will be sprinklered per NFPA standards.

Wastewater Disposal – A 12" diameter sewer main exists in the center of Cumberland Avenue. This area of the City is still part of a combined sewer system connected to a combined sewer overflow. A proposed 6" diameter sanitary sewer service is proposed to be connected into the existing system. We have submitted the City of Portland Wastewater Capacity Application to the Public Works-Water Resources Department for their review of the design and the capacity of the existing system. Once we receive approval from the Department, we will notify the Planning Department.

Storm Drainage – The project has been designed to manage stormwater runoff on the property with the use of underground stormwater chambers. Since the only drainage infrastructure in this area is combined with sanitary sewer, we coordinated the proposed stormwater connection with Water Resources. For the project to connect into the combined sewer system, the stormwater chamber system must provide storage volume equivalent to the greater of 1" of rainfall over the entire project redeveloped area being proposed or the projected 24 hour daily sanitary sewer flow being added to the combined sewer system. This is further explained within the Stormwater Management Report.

Electrical Service – There is an existing utility pole located adjacent to the northwestern property corner. The design incorporates the installation of a pole mounted transformer, a conduit drop down the pole and the installation of underground conduit to the building. We have started the review process with Central Maine Power Company related to the electrical service.

Natural Gas – At this time we are not proposing to connect to natural gas mains.

Jayson Haskell

From: Celina Azevedo <cazevedo@pwd.org>
Sent: Monday, October 30, 2023 10:53 AM
To: Jayson Haskell
Cc: chris@delanoarchitecture.com; 'Patrick Carroll'; 'Thomas Worth'
Subject: RE: 56 Cumberland Ave Portland - Ability to Serve

Jay, good morning,

Because this is a residential building we do have to see sprinkler calculations before issuing the Ability to Serve letter. The recent addition of sprinkler requirements in Portland and other municipalities has changed the timing of the Ability of Serve and permitting process. Please feel free to put your sprinkler designer directly in touch with us if it helps to speed things up.

Best,

Celina

From: Jayson Haskell <jayson@dmroma.com>
Sent: Monday, October 30, 2023 9:23 AM
To: Celina Azevedo <cazevedo@pwd.org>
Cc: chris@delanoarchitecture.com; 'Patrick Carroll' <pcarroll@carroll-assoc.com>; 'Thomas Worth' <tfworth@gmail.com>
Subject: RE: 56 Cumberland Ave Portland - Ability to Serve

ATTENTION: This email did NOT originate from Portland Water District. This email is from an external source outside of the District. Exercise EXTREME caution when opening external attachments or links from unknown senders.

Good Morning Celina,

We do not currently have a sprinkler designer on board. Is there a way to get the ability to serve letter, but will require the submission of sprinkler system sizing calculations prior to construction? The City will be looking for an ability to serve letter from the District for our submission for Site Plan. Any help would be appreciated and if you have any questions just let me know.

Jay

Jayson R. Haskell, P.E.
Southern Maine Regional Manager

DM ROMA
CONSULTING ENGINEERS

Mailing Address:
P.O. Box 1116
Windham, ME 04062

Office Location:
850 Main Street
Westbrook, ME 04092

Office: (207) 591-5055
Cell: (207) 229-3295

From: Celina Azevedo <cazevedo@pwd.org>
Sent: Wednesday, October 25, 2023 4:57 PM
To: Jayson Haskell <jayson@dmroma.com>
Cc: chris@delanoarchitecture.com; 'Patrick Carroll' <pcarroll@carroll-assoc.com>; 'Thomas Worth' <tfworth@gmail.com>
Subject: RE: 56 Cumberland Ave Portland - Ability to Serve

Jayson, good afternoon,

Thank you for your plans and fixture count. We have all the information we need to authorize the domestic service. To ensure the correct sizing for the proposed fire service, we need to see calculations from a fire protection designer. Please let me know if you have questions.

Best,
Celina

CELINA AZEVEDO

Portland Water District
From Sebago Lake to Casco Bay

you have received this message in error. Recipients should be aware that replies to this message may not be considered confidential under the Maine Freedom of Access law, 1 M.R.S.A. §402, and may therefore be subject to public disclosure upon request.

Please consider the environment before printing this email

From: Jayson Haskell <jayson@dmroma.com>
Sent: Wednesday, September 27, 2023 4:36 PM
To: AMaP MEANS <means@pwd.org>
Cc: chris@delanoarchitecture.com; 'Patrick Carroll' <pcarroll@carroll-assoc.com>; 'Thomas Worth' <tfworth@gmail.com>
Subject: 56 Cumberland Ave Portland - Ability to Serve

ATTENTION: This email did NOT originate from Portland Water District. This email is from an external source outside of the District. Exercise EXTREME caution when opening external attachments or links from unknown senders.

Good Afternoon,

We are working with Fafnir Cumberland, LLC on a proposed residential building at 56 Cumberland Avenue in Portland. The 5,800 sf parcel is identified as Lot 3 on Block L Map 13 and is currently developed as a gravel parking lot. Our client is proposing to construct a three story building containing 5 dwelling units intended to be marketed as two- and three-bedroom condominium units. The first floor will contain one of the units along with a drive under garage with the remaining 4 units on the second and third floors. The building will be served by public water, sewer and underground electrical and cable services.

The water service connection is proposed as two separate 2” water service taps at the existing 6” water main in Cumberland Avenue. One for domestic use and one for the sprinkler system. The building will have a basement where the services and meter will be installed.

We are looking for your review of the project design with the eventual goal of obtaining the Ability to Serve letter to be provided to the City of Portland as part of their Site Plan review. Attached is the Grading and Utility Plan, Site Location Map and Fixture Count spreadsheet for your review. If you have any questions or require additional information, please don’t hesitate to contact us. Thank you and we look forward to working with the District on the project design.

Jay

Jayson R. Haskell, P.E.
Southern Maine Regional Manager

DM ROMA
CONSULTING ENGINEERS

Mailing Address:
P.O. Box 1116
Windham, ME 04062

Office Location:
850 Main Street
Westbrook, ME 04092

Office Phone: (207) 591-5055
Cell Phone: (207) 229-3295

CITY OF PORTLAND WASTEWATER CAPACITY APPLICATION

Portland Dept. of Public Works -
Water Resources
212 Canco Road
Portland, Maine 04103

Bradley Roland, P.E.
Water Resources Division
Department of Public Works
212 Canco Road
Portland, ME 04103

Date: November 1, 2023

1. Please, Submit Utility, Site, and Locus Plans.

Site Address: 56 Cumberland Avenue

Chart Block Lot Number: 13-L-4

Proposed Use: 5 unit Multi Family Residential Structure
Previous Use: Gravel parking lot
Existing Sanitary Flows: 0 GPD
Existing Process Flows: 0 GPD
Description and location of City sewer that is to receive the proposed building sewer lateral.
12" Sewer pipe located in center of Cumberland Ave.

Site Category		
	Commercial *(see part 4 below)*	
	Industrial *(complete part 5 below)*	
	Governmental	
	Residential	X
	Other *(specify)*	

Clearly, indicate the proposed connections, on the submitted plans.

2. Please, Submit Contact Information.

City Planner's Name: Unknown at this time Phone: _____
Owner/Developer Name: Fafnir Cumberland, LLC
Owner/Developer Address: 56 Cumberland Avenue, Portland, ME 04101
Phone: _____ Fax: _____ E-mail: tworth@gmail.com
Engineering Consultant Name: DM Roma Consulting Engineers
Engineering Consultant Address: P.O. Box 1116, Windham, ME 04062
Phone: 207-591-5055 Fax: _____ E-mail: jayson@dmroma.com

Note: Consultants and Developers should allow +/- 15 days, for capacity status, prior to Planning Board Review.

3. Please, Submit Domestic Wastewater Design Flow Calculations.

Estimated Domestic Wastewater Flow Generated: 12 Bedrooms x 90 gpd/bed = 1,080 GPD
Peaking Factor/ Peak Times: 6:00 AM TO 7:00 AM
Specify the source of design guidelines: *(i.e.* _ *"Handbook of Subsurface Wastewater Disposal in Maine,"* "*Plumbers and Pipe Fitters Calculation Manual,"* __ *Portland Water District Records,* __ *Other (specify)*
Maine Subsurface Wastewater Disposal Rules

Note: Please submit calculations showing the derivation of your design flows, either on the following page, in the space provided, or attached, as a separate sheet.

4. Please, Submit External Grease Interceptor Calculations.

Total Drainage Fixture Unit (DFU) Values: N/A

Size of External Grease Interceptor: _____

Retention Time: _____

Peaking Factor/ Peak Times: _____

Note: In determining your restaurant process water flows, and the size of your external grease interceptor, please use The Uniform Plumbing Code. Note: In determining the retention time, sixty (60) minutes is the minimum retention time. Note: Please submit detailed calculations showing the derivation of your restaurant process water design flows, and please submit detailed calculations showing the derivation of the size of your external grease interceptor, either in the space provided below, or attached, as a separate sheet.

5. Please, Submit Industrial Process Wastewater Flow Calculations

Estimated Industrial Process Wastewater Flows Generated: N/A GPD

Do you currently hold Federal or State discharge permits? Yes ____ No ____

Is the process wastewater termed categorical under CFR 40? Yes ____ No ____

OSHA Standard Industrial Code (SIC): *(http://www.osha.gov/oshstats/sicser.html)*

Peaking Factor/Peak Process Times: _____

Note: On the submitted plans, please show where the building's domestic sanitary sewer laterals, as well as the building's industrial-commercial process wastewater sewer laterals exits the facility. Also, show where these building sewer laterals enter the city's sewer. Finally, show the location of the wet wells, control manholes, or other access points; and, the locations of filters, strainers, or grease traps.

Note: Please submit detailed calculations showing the derivation of your design flows, either in the space provided, or attached, as a separate sheet.

20. Massing, Ventilation and Wind

The proposed building conforms to zoning setbacks and step backs with a building height of 35’ with a stair tower rising at the center of the building to an additional 9’ to allow access to an open roof deck for the tenants. This height is compatible with the adjacent structures which will continue to allow a healthy amount air movement and access to natural light for the neighboring buildings.

21. Shadows

There are no public spaces that would be affected by the proposed development.

22. Snow and Ice

We are including a flat roof with a parapet for the entire building perimeter. This roof style contains snow and ice, preventing it from letting loose onto the public way.

23. View Corridors

There are no documented view corridors impacted by the proposed development. The building massing reflects current zoning setbacks and building height.

24. Historic Resources

The proposed site is adjacent to the Munjoy Hill Historic District, which abuts the rear of the property.

26. Noise and Vibration

The building will be all electric with roof mounted condensers for heat pumps to heat and cool each unit. The units will be located towards the center of the roof on the street-side of the stair tower-away from the roof deck and 20' behind the front elevation. The specified equipment has a listed max. sound level of 58 dBA. This is below the noise standard established for most all the districts in the City. There are, however, no noise limits for this zone.

PURCHASE AND SALE AGREEMENT - LAND ONLY

("days" means business days unless otherwise noted, see paragraph 20)

May 25 , **2023**
Offer Date

6/13/2023 | 8:48 AM PDT , _____ Effective Date
Effective Date is defined in Paragraph 20 of this Agreement.

1. PARTIES: This Agreement is made between **Douglas Finkbeiner, Erin J Cram** ("Buyer") and **56 Cumberland LLC** ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy [X] all [ ] part of (if "part of" see para. 22 for explanation) the property situated in municipality of **Portland**, County of **Cumberland**, State of Maine, located at **56 Cumberland Ave.** and described in deed(s) recorded at said County's Registry of Deeds Book(s) **29766** _____, Page(s) **25** _____.

3. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of $**580,000.00**. Buyer [ ] has delivered; or [X] will deliver to the Agency within **5** days of the Effective Date, a deposit of earnest money in the amount $**55,000.00**. Buyer agrees that an additional deposit of earnest money in the amount of $**n/a** will be delivered **n/a**. If Buyer fails to deliver the initial or additional deposit in compliance with the above terms Seller may terminate this Agreement. This right to terminate ends once Buyer has delivered said deposit (s). The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

DS DS June 13, 2023 DS

This Purchase and Sale Agreement is subject to the following conditions:

~~June 11, 2023~~

DS

4. ESCROW AGENT/ACCEPTANCE: **Locations Real Estate Group** ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until ~~**May 27, 2023**~~ (date) **6:00** [ ] AM [X] PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer.

5. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on **see paragraph 22** (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or may terminate this Agreement in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

6. DEED: The property shall be conveyed by a **Warranty** deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

7. POSSESSION: Possession of premises shall be given to Buyer immediately at closing unless otherwise agreed in writing.

8. RISK OF LOSS: Until the closing, the risk of loss or damage to said premises by fire or otherwise, is assumed by Seller. Buyer shall have the right to view the property within 24 hours prior to closing for the purpose of determining that the premises are in substantially the same condition as on the date of this Agreement.

9. PRORATIONS: The following items, where applicable, shall be prorated as of the date of closing: rent, association fees, (other) **n/a**. Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

10. DUE DILIGENCE: Buyer is encouraged to seek information from professionals regarding any specific issue or concern. Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Sellers' real property. This Agreement is subject to the following contingencies, with results being satisfactory to Buyer:

Locations Real Estate Group, 190 US Route One Falmouth ME 04105 Phone: 2077517321 Fax: Zach Merrill
Jessica Niles-McDonough
Produced with Lone Wolf Transactions (zipForm Edition) 717 N Harwood St, Suite 2200, Dallas, TX 75201 www.lwolf.com

CONTINGENCY	YES	NO	FULL RESOLUTION	OBTAINED BY	TO BE PAID FOR BY
1. SURVEY	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
2. SOILS TEST	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
3. SEPTIC SYSTEM DESIGN	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
4. LOCAL PERMITS	☒	☐	within **260 calendar days** days	**buyer**	**buyer**
Purpose: **To obtain satisfactory permits for construction of at least 5 market-rate condominium units**					
5. HAZARDOUS WASTE REPORTS	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
6. UTILITIES	☒	☐	within **260 calendar days** days	**buyer**	**buyer**
Purpose: **to determine cost, availability and location**					
7. WATER	☒	☐	within **260 calendar days** days	**buyer**	**buyer**
Purpose: **to determine cost, availability and location**					
8. SUB-DIVISION APPROVAL	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
9. DEP/LUPC/ACOE APPROVALS	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
10. ZONING VARIANCE	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
11. HABITAT REVIEW/ WATERFOWL	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
12. REGISTERED FARMLAND	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
13. MDOT DRIVEWAY/ ENTRANCE PERMIT	☒	☐	within **260 calendar days** days	**buyer**	**buyer**
Purpose: **to ensure access from the city of Portland**					
14. DEED RESTRICTION	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
15. TAX STATUS*	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
16. BUILD PACKAGE	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					
17. OTHER	☐	☒	within **n/a** days	**n/a**	**n/a**
Purpose: **n/a**					

* If the land is enrolled in the Maine Tree Growth Tax program, Seller agrees to provide Buyer with the current Forest Management and Harvest Plan within **n/a** days. ☐ Yes ☒ No

Further specifications regarding any of the above: **All inspections done to satisfaction of buyer. Days in paragraph 10 shall mean calendar days and NOT business days. All other days shall be counted in business days.**

Unless otherwise specified above, all of the above will be obtained and paid for by Buyer. Seller agrees to cooperate with Buyer and shall give Buyer and Buyer's agents and consultants reasonable access to the property in order to undertake the above investigations. Buyer agrees to take reasonable steps to return the property to its pre-inspection condition. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer in Buyer's sole discretion, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, or if any investigation under this paragraph is not performed or completed during the period specified in this paragraph, this contingency and the right to conduct an investigation are waived by Buyer. In the absence of inspection(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

11. FINANCING: Buyer's obligation to close:

~~**Not Subject to Financing**~~

☐ ~~is not subject to a financing contingency. Buyer has provided Seller with acceptable proof of the funds.~~

☐ ~~is not subject to a financing contingency. Buyer shall provide proof of the funds acceptable to Seller within **n/a** days. If such proof is unacceptable to Seller, Seller may terminate this Agreement no later than **n/a** days from receipt. If proof of funds is not provided within such time period, Seller may terminate this Agreement which right shall end once such proof is received, however Seller retains the agreed upon time period to terminate if such proof is unacceptable. If Seller terminates in either case, the earnest money shall be returned to Buyer.~~

☐ ~~Buyer's ability to purchase ☐ is ☐ is not subject to the sale of another property. See addendum ☐ Yes ☐ No.~~

Subject to Financing

☐ Buyer's obligation to close is subject to financing as follows:

a. Buyer's obligation to close is subject to Buyer obtaining a **Portfolio (land)** loan of **75** % of the purchase price, at an interest rate not to exceed **market** % and amortized over a period of **15** years. Buyer is under a good faith obligation to seek and obtain financing on these terms. If such financing is not available to Buyer as of the closing date, Buyer is not obligated to close and may terminate this Agreement in which case the earnest money shall be returned to Buyer.

b. Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested within **5** days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer. This right to terminate ends once Buyer's letter is received.

c. Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee and Buyer's licensee.

d. After (b) is met, if the lender notifies Buyer that it is unable or unwilling to provide said financing, Buyer is obligated to provide Seller with written documentation of the loan denial within two days of receipt. After notifying Seller, Buyer shall have **5** days to provide Seller with a letter from another lender showing that Buyer has made application for loan specified in (a) and, subject to verification of information, is qualified for the loan requested. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer. This right to terminate ends once Buyer's letter is received.

e. Buyer agrees to pay no more than **0** points. Seller agrees to pay up to $ **zero** toward Buyer's actual pre-paids, points and/or closing costs, but no more than allowable by Buyer's lender.

f. Buyer's ability to obtain financing ☐ is ☒ is not subject to the sale of another property. See addendum ☐ Yes ☒ No.

g. Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void and Seller's obligations pursuant to 11e shall remain in full force and effect.

12. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

William Van Wickler (**020941**) of **Keller Williams** (**2957**)
Licensee — MLS ID — Agency — MLS ID

is a ☒ Seller Agent ☐ Buyer Agent ☐ Disc Dual Agent ☐ Transaction Broker

Jessica Niles-McDonough/Brian Shedlarski (**017386**) of **Locations Real Estate Group** (**3033**)
Licensee — MLS ID — Agency — MLS ID

is a ☐ Seller Agent ☒ Buyer Agent ☐ Disc Dual Agent ☐ Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Property Disclosure Form.

14. DEFAULT/RETURN OF EARNEST MONEY: Buyer's failure to fulfill any of Buyer's obligations hereunder shall constitute a default and Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. Seller's failure to fulfill any of Seller's obligations hereunder shall constitute a default and Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

15. MEDIATION: Earnest money or other disputes within the jurisdictional limit of small claims court will be handled in that forum. All other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement (other than requests for injunctive relief) shall be submitted to mediation in accordance with generally accepted mediation practices. Buyer and Seller are bound to mediate in good faith and to each pay half of the mediation fees. If a party fails to submit a dispute or claim to mediation prior to initiating litigation (other than requests for injunctive relief), then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who failed to first submit the dispute or claim to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

16. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties and may only be amended in writing, signed by both parties.

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17. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

18. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts, such as a faxed copy, with the same binding effect as if the signatures were on one instrument. Original, faxed or other electronically transmitted signatures are binding.

19. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to or from the parties or their Licensee. Only withdrawals of offers and withdrawals of counteroffers will be effective upon communication, verbally or in writing.

20. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when the last party signing has caused a paper or electronic copy of the fully executed agreement to be delivered to the other party which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

21. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the entire closing disclosure and/or settlement statement to release a copy of the closing disclosure and/or settlement statement to the parties and their licensees prior to, at and after the closing.

22. OTHER CONDITIONS: **1. Closing on this land, shall be within 10 days of final city approval.**
2. Buyer and seller agree that if buyer is diligently pursuing permits and the inspection time frame expires per paragraph 10 the seller will grant up to two 3 month extensions. If extensions are needed, buyer will give an additional $10,000 earnest money deposit within 5 days of the date of each extension.

23. GENERAL PROVISIONS:
   a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
   b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
   c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
   d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.
   e. Whenever this Agreement provides for earnest money to be returned or released, agency acting as escrow agent must comply with Maine Real Estate Commission rules which may require written notices or obtaining written releases from both parties.

24. ADDENDA: ☐ Yes ☒ No Explain: _____

25. ELECTRONIC SIGNATURES: Pursuant to the Maine Uniform Electronic Transactions Act and Digital Signature Act, the parties authorize and agree to the use of electronic signatures as a method of signing/initialing this Agreement, including all addenda. The parties hereby agree that either party may sign electronically by utilizing an electronic signature service.
26. Upon acceptance of the offer or counteroffer, Seller agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Buyer's Mailing address is _____.

DocuSigned by: Douglas Finkbeiner 5/25/2023
BUYER **Douglas Finkbeiner** DATE

DocuSigned by: Erin J Cram 5/25/2023
BUYER **Erin J Cram** DATE

BUYER DATE

BUYER DATE

Seller hereby accepts the offer set forth above.

Seller's Mailing address is _____.

DocuSigned by: 56 Cumberland Avenue, LLC 6/12/2023 | 2:24 AM PDT
SELLER **56 Cumberland LLC** DATE

SELLER DATE

SELLER DATE

SELLER DATE

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ ☐ AM ☐ PM.

SELLER DATE

SELLER DATE

SELLER DATE

SELLER DATE

The Buyer hereby accepts the counter offer set forth above.

BUYER DATE

BUYER DATE

BUYER DATE

BUYER DATE

EXTENSION

The closing date of this Agreement is extended until _____.
DATE

SELLER DATE

SELLER DATE

SELLER DATE

SELLER DATE

BUYER DATE

BUYER DATE

BUYER DATE

BUYER DATE

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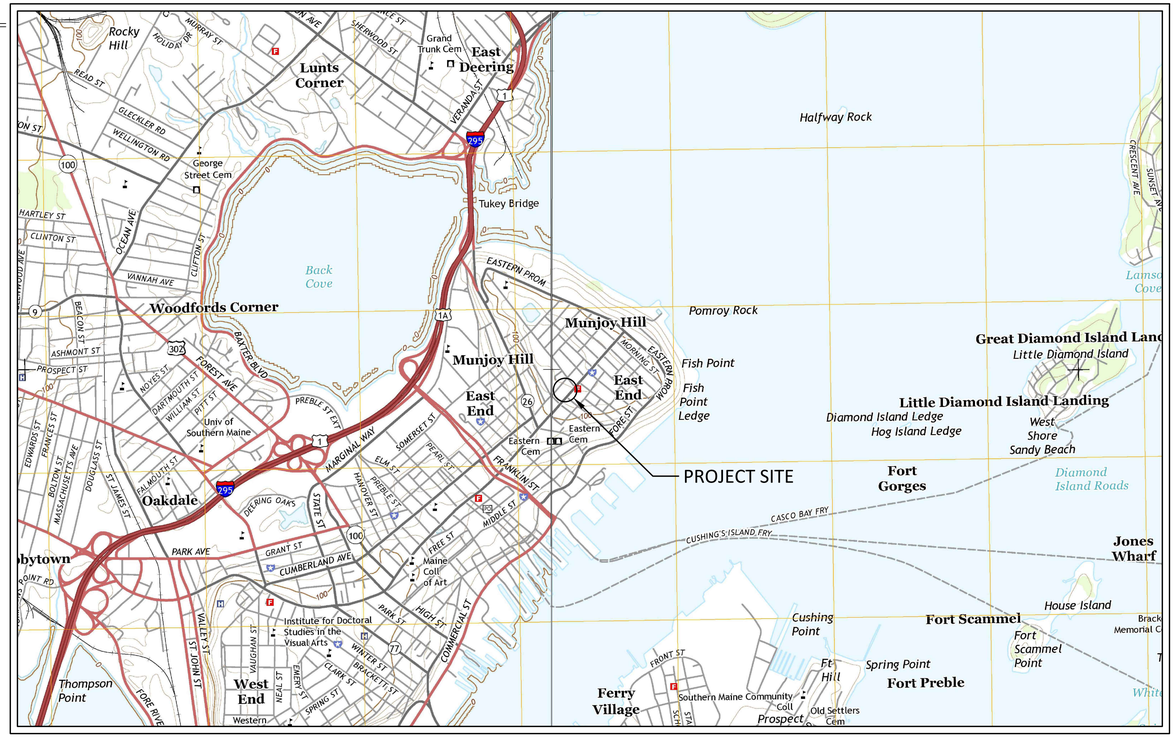
CUMBERLAND AVENUE
RESIDENTIAL CONDOMINIUM DEVELOPMENT

56 CUMBERLAND AVENUE
PORTLAND, MAINE

CONSULTANTS

CIVIL ENGINEER	DM ROMA CONSULTING ENGINEERS
LAND SURVEYOR	SURVEY, INC.
LANDSCAPE ARCHITECT	CARROLL ASSOCIATES
ARCHITECT	DELANO ARCHITECTURE



PROJECT VICINITY MAP

REVISED PER CITY REVIEW - NOT FOR CONSTRUCTION

JANUARY 31, 2024

PREPARED BY:

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS
217 COMMERCIAL STREET, STE 204
PORTLAND, MAINE 04101
207.772.1552 V. F. 207.772.0712

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

DELANO
ARCHITECTURE
111 Elm Street
Saco, ME 04072
207 - 233 - 7777

APPLICANT:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

CIVIL & LANDSCAPING PLANS

DRAWING SHEET INDEX

PAGE NO.	DESCRIPTION
1	TITLE SHEET
2	BOUNDARY SURVEY
3	SITE DEMOLITION PLAN
4	SITE AND SUBDIVISION PLAN
5	GRADING AND UTILITY PLAN
6	LANDSCAPING PLAN
7	DETAILS
8	DETAILS
9	DETAILS

PERMITTING PLAN ATTACHMENTS

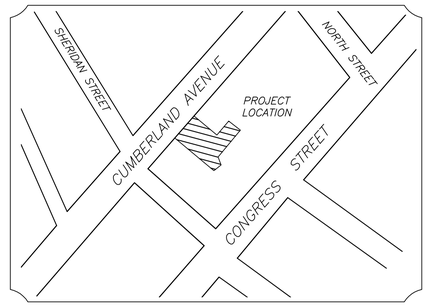
PRE-DEVELOPMENT WATERSHED MAP
POST DEVELOPMENT WATERSHED MAP
STORMWATER REDEVELOPMENT MAP
EXTERIOR LIGHTING PLAN
ROOFTOP DECK LIGHTING PLAN

ARCHITECUTRAL PLANS

DRAWING SHEET INDEX

PAGE NO.	DESCRIPTION
G001	COVER PAGE AND DRAWING LIST
G002	LIFE SAFETY PLAN AND DRAWING LIST
A101	FLOOR PLAN - GROUND LEVEL
A102	FLOOR PLAN - UPPER FLOORS 2 AND 3
A103	FLOOR PLAN - ROOF AND ROOF DECK
A201	SIDE ELEVATION - NORTHEAST
A202	FRONT AND REAR ELEVATIONS
A203	SIDE ELEVATION - SOUTHWEST
A301	BUILDING SECTIONS
A302	BUILDING SECTIONS
A601	SCHEDULES AND NOTES





LOCATION MAP
(NOT TO SCALE)

PLAN REFERENCES:

(1) BOUNDARY SURVEY & DIVISION PLAN OF 54 CUMBERLAND AVENUE, LLC FOR SCHEIDER MANAGEMENT COMPANY, LLC DATED 6-18-19 REVISED THROUGH 4-30-20 BY NORSE NORTHERN SURVEY ENGINEERING.

(2) RESIDENTIAL DEVELOPMENT 48 CUMBERLAND AVENUE, PORTLAND, MAINE 04101 SITE PLAN RECORD OWNER: CLIFFORD BENJAMIN & CHRISTINA CONSIGLI DATED 6-9-2021 REVISED THROUGH 11-18-2021 BY TERRADYN CONSULTANTS, LLC.

(3) BOUNDARY & TOPOGRAPHIC SURVEY AT 48 CUMBERLAND AVENUE, PORTLAND, ME MADE FOR CIVICO DEVELOPMENT DATED APRIL 21, 2021 BY OWEN HASKELL, INC.

SURVEY NOTES:

(1) THE OWNER OF RECORD IS 56 CUMBERLAND AVENUE, LLC AS DESCRIBED IN A DEED RECORDED IN BOOK 37867 PAGE 168 IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS.

(2) THE PARCEL IS SHOWN AS A PORTION OF CURRENT LOT 3, BLOCK L, ON THE CITY OF PORTLAND ASSESSORS MAP 13.

(3) BEARINGS ARE BASED ON STATE PLANE COORDINATE SYSTEM, MAINE WEST ZONE, NAD 83 PER CITY CONTROL:

M-MONUMENT NE CORNER OF SHERIDAN STREET AND CUMBERLAND AVENUE
T-112-29-130
N=303519.983
E=2931019.397

M-MONUMENT SE CORNER NORTH STREET AND CUMBERLAND AVENUE
T-112-28-126
N=303250.809
E=2930695.992

(4) ELEVATIONS ARE BASED ON CITY DATUM. BENCHMARK IS MONUMENT AT THE NORTHEAST CORNER OF CONGRESS STREET AND NORTH STREET CITY POINT T-104-35-3 ELEVATION 46.69.

(5) BOUNDARIES HEREON REPRESENT A RETRACEMENT OF PLAN REFERENCE 1.

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.

1-29-24

WILLIAM C. SHIPPEN P.L.S. 2118

STATE OF MAINE · WILLIAM C. SHIPPEN 2118 · PROFESSIONAL LAND SURVEYOR

10 0 5 10 20
GRAPHIC SCALE
1"=10'

BOUNDARY AND TOPOGRAPHIC SURVEY

56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:

DM ROMA CONSULTING ENGINEERS
850 MAIN STREET
WESTBROOK, MAINE 04092
(CLIENT)

SURVEY BY:

SURVEY, INC.
P.O. BOX 210
WINDHAM, ME 04062
(207) 892-2556
INFO@SURVEYINCORPORATED.COM

DWN: WCS CHK:DRR
DATE: JULY 2023 JOB NO. 23-099
REV: 1-29-24 ADDITIONAL TOPO, TREES



2 LIFE AND SAFETY PLANS- SECOND AND THIRD LEVELS

SCALE: 1/4"=1'-0"

SYMBOL LEGEND

- ceiling mounted / wall mounted — ILLUMINATED EXIT SIGN LITHONIA LRP PRECISE LED (BRUSHED) LRP 1 RC (BACK MOUNT- ABOVE DOORS) LRP 2 RC (CEILING MOUNT- BETWEEN EXITS) (SEE PLAN FOR DIRECTION INDICATORS)
  *CENTER ABOVE DOORS OR WITHIN CEILING
- FE — FIRE EXTINGUISHER - SEMI-RECESSED CABINET* JL INDUSTRIES AMBASSADOR SERIES, SEMI-RECESSED #8117F17 COLOR: WHITE MOUNT @ 36"-60" AFF
- FE — FIRE EXTINGUISHER - WALL MOUNTED MOUNT TOP OF CABINET AT 36" AFF * CONTRACTOR TO VERIFY LOCATION
- XX / 30 — ELEVATION ABOVE FINISH FLOOR (WHERE APPLICABLE) EMERGENCY BACKUP LIGHT EXITRONIX LL6O THERMOPLASTIC EMERGENCY LIGHT, COLOR: WHITE (MOUNT @ 7'-0" AFF UNLESS NOTED OTHERWISE) C.D. POWER DESIGNATION
- P — FIRE ALARM PULL STATION
- A — ALARM STATION
- NE — 'NO EXIT' SIGN
- 1 HOUR RATED WALL

ROOM NAME
AREA
OCCUPANTS

DELANO
ARCHITECTURE
111 Elm Street
Saco, Maine 04072
207-494-9035

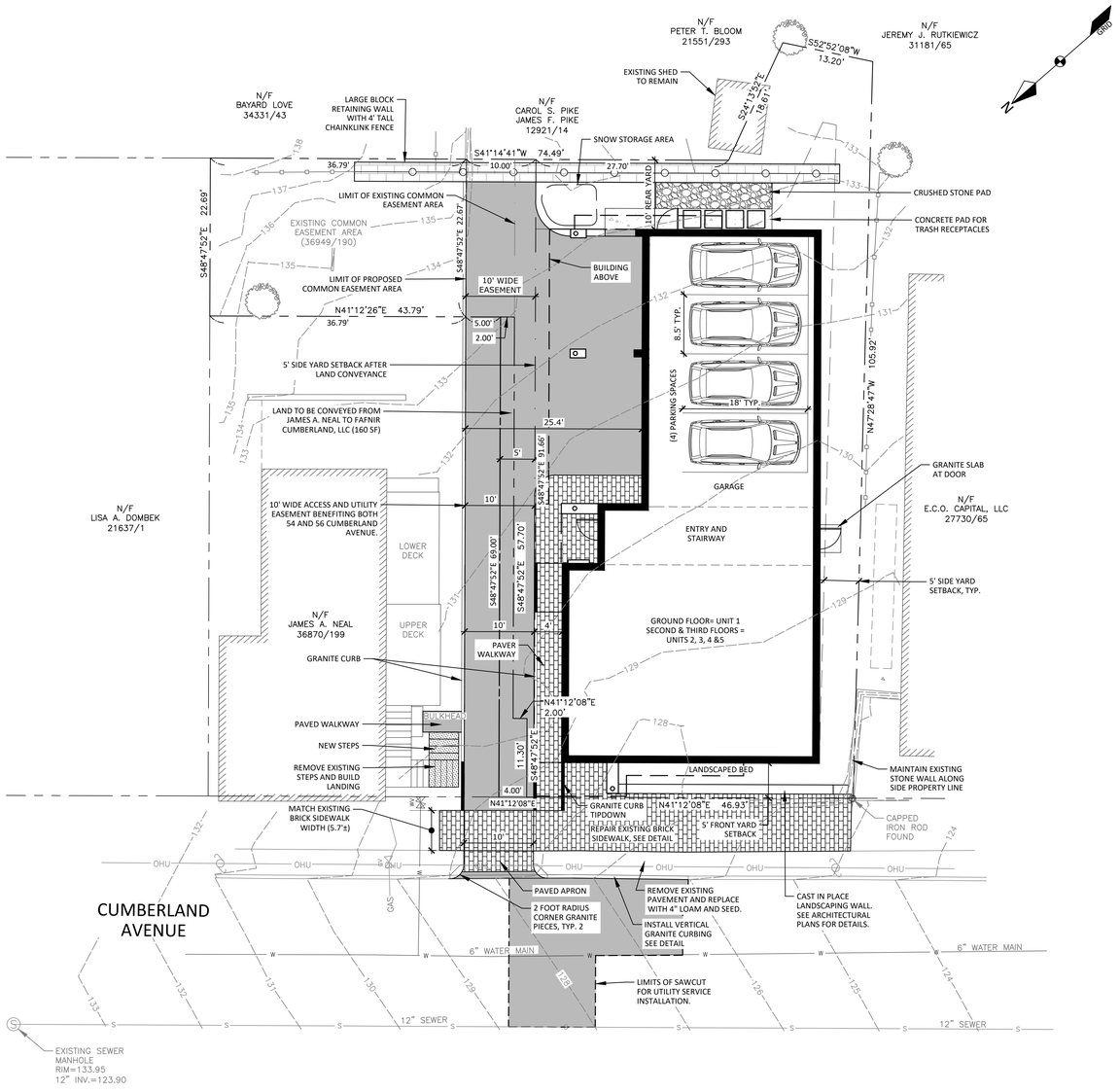
56 Cumberland Apartments

56 Cumberland Ave. Portland, Maine 04101

January 31, 2024

▶LIFE SAFETY PLANS

G003



GENERAL NOTES:

1. THE OWNER OF RECORD OF THE PROPERTY IS 56 CUMBERLAND AVENUE, LLC BY DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 37867 PAGE 168.
2. TOTAL AREA OF THE PARCEL IS APPROXIMATELY 5,816 SF (5,976 SF AFTER LAND ACQUISITION).
3. PARCEL TAX MAP REFERENCE: CITY OF PORTLAND ASSESSORS MAP 13, LOT 3 BLOCK L.
4. PLAN REFERENCES:
   A) BOUNDARY AND TOPOGRAPHIC SURVEY OF 56 CUMBERLAND AVENUE, PORTLAND, MAINE FOR DM ROMA CONSULTING ENGINEERS SURVEYED BY SURVEY, INC. DATED JULY 2023 AND REVISED THROUGH JANUARY 29, 2024.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: CITY OF PORTLAND VERTICAL DATUM. BENCHMARK IS THE MONUMENT AT THE NORTHEAST CORNER OF CONGRESS STREET AND NORTH STREET, CITY POINT T-104-35-3, ELEVATION 46.69.
7. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON PLAN REFERENCE 4A.
8. THE PROPERTY IS LOCATED IN THE RESIDENTIAL R-6 DISTRICT.
9. SPACE AND BULK REQUIREMENTS: R-6 DISTRICT

	REQUIRED	PROVIDED
MIN LOT SIZE:	2,000 SF	5,976 SF
LOT AREA PER DWELLING:	725 SF/DWELLING	1,195 SF/DWELLING
MIN STREET FRONTAGE:	20 FT	50.9 FT
MIN FRONT YARD:	5 FT	5.0 FT
MIN REAR YARD:	10 FT	10.0 FT
MIN SIDE YARD:	5 FT*	5.0 FT
MAX BUILDING HEIGHT:	45 FT	34.1 FT
MAX LOT COVERAGE:	60%	50.5%
LANDSCAPED OPEN SPACE RATIO:	20%	31.2%

*MAY BE REDUCED TO 0 FT IF THE CUMULATIVE SIDE YARDS ARE NOT LESS THAN 10 FT. A PERMANENT MAINTENANCE EASEMENT A MIN. OF 5 FT IN WIDTH SHALL BE PROVIDED ON THE PARCEL ADJACENT TO THE LOT LINE WITH THE REDUCED SIDE SETBACK.

10. EXISTING UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND UTILITY FEATURES AND RECORD DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIGSAFE PRIOR TO CONSTRUCTION.

LEGEND

EXISTING		PROPOSED
	PROPERTY LINE/R.O.W.	
	ABUTTER PROPERTY LINE	
	SETBACK	
	EASEMENT LINE	
	IRON PIN/DRILL HOLE	
	BUILDING	
	EDGE OF PAVEMENT/CURB	
	EDGE OF GRAVEL	
	EDGE OF CONCRETE	
	SIGN	
-200- -201-	CONTOUR LINE	
	SEWER MANHOLE	
S	SANITARY SEWER PIPE	
W WV	WATER MAIN	
	WATER VALVE	
	UTILITY POLE	
OHU	OVERHEAD UTILITIES	
G	GAS MAIN	

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 #13002
WILLIAM C. SHIPPEN, PLS #2118

STATE OF MAINE
JAYSON R. HASKELL
No. 13002
LICENSED PROFESSIONAL ENGINEER
1-31-2024

PERMITTING PLAN
NOT FOR
CONSTRUCTION

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

REV	DATE	BY	DESCRIPTION
A	11-21-23	JRH	ISSUED FOR CITY REVIEW
B	1-3-24	JRH	REVISED ABUTTER'S STAIR CONFIG.
C	1-31-24	JRH	REVISED PER CITY REVIEW

SITE & SUBDIVISION PLAN

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

RECORD OWNER:
56 CUMBERLAND AVENUE, LLC
51 OCEAN COURSE DRIVE
KIAWAH ISLAND, SC 29455

23046
JOB NUMBER:

1" = 10'
SCALE:

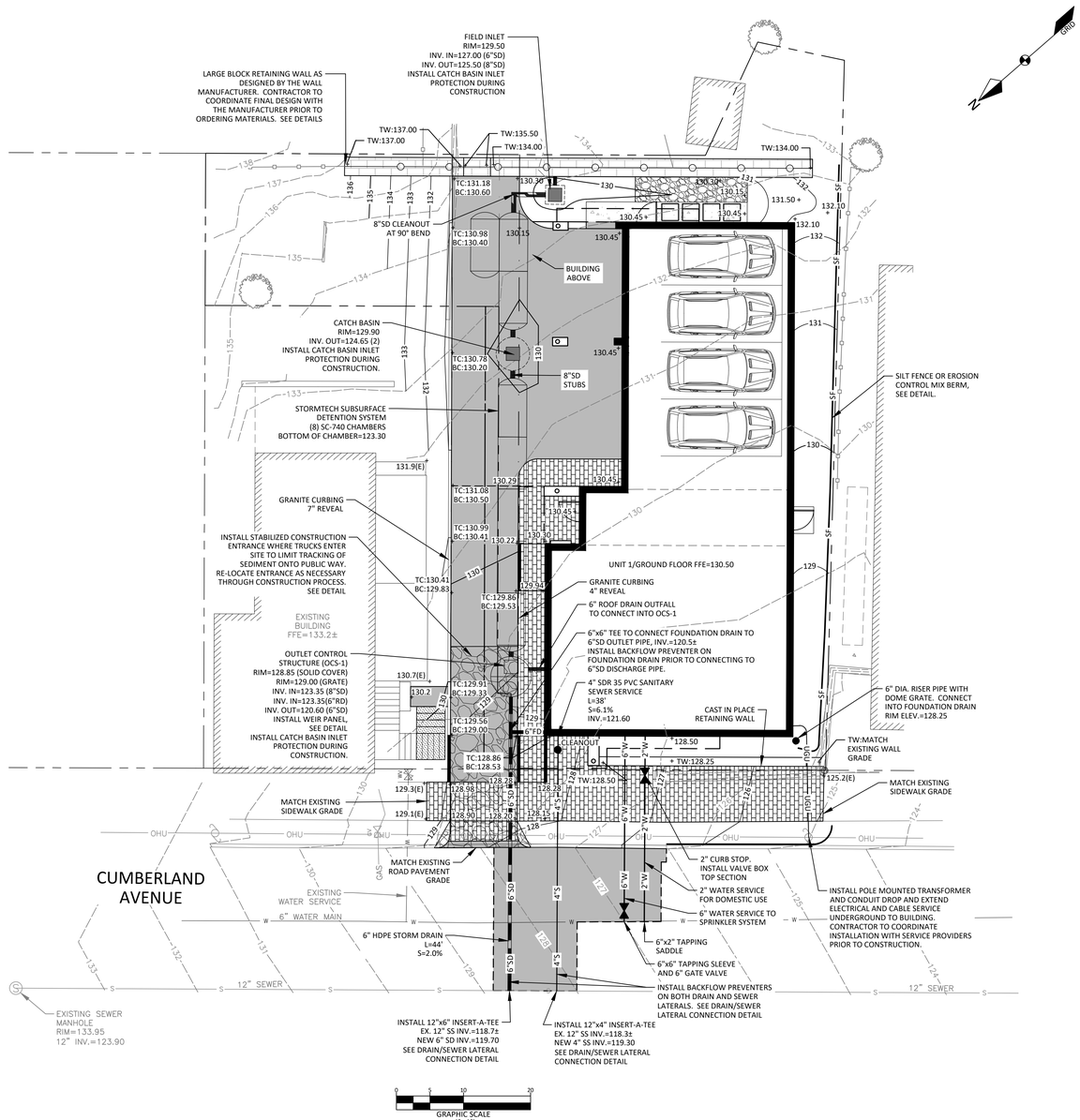
1-31-2024
DATE:

SHEET 4 OF 9

SB-1

CONSTRUCTION NOTES:

1. IN COMPLIANCE WITH STATE LAW THE CONTRACTOR SHALL NOTIFY DIGSAFE (CALL 811) A MIN. OF 72-HOURS PRIOR TO GROUND EXCAVATION. EXISTING UTILITIES SHOWN HEREON ARE BASED ON FIELD SURVEY DATA, FIELD OBSERVATIONS AND RECORD DATA INFORMATION. AS SUCH THE CONTRACTOR IS CAUTIONED THAT THE EXISTING UTILITY INFORMATION HEREON IS APPROXIMATE IN NATURE.
2. ELECTRICAL SERVICES SHOWN INCLUDING, BUT NOT LIMITED TO, POLE MOUNTED TRANSFORMER AND CONDUIT LOCATION IS THE ENGINEER'S SUGGESTED LOCATIONS BUT MUST BE COORDINATED WITH CENTRAL MAINE POWER COMPANY. REFER TO PLANS ISSUED BY CMP FOR APPROVED LOCATIONS OF ELECTRICAL INFRASTRUCTURE.
3. ALL STORM DRAIN PIPES SHALL BE HDPE DUAL WALL N-12 PIPE AS MANUFACTURED ADS OR APPROVED EQUAL.
4. ALL WATER SERVICES SHALL BE 2" TYPE K COPPER PIPING OR PORTLAND WATER DISTRICT APPROVED EQUAL.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: CITY OF PORTLAND VERTICAL DATUM.



LEGEND

EXISTING		PROPOSED
PROPERTY LINE/R.O.W.		
ABUTTER PROPERTY LINE		
EASEMENT LINE		
BUILDING		
EDGE OF PAVEMENT/CURB		
EDGE OF GRAVEL		
EDGE OF CONCRETE		
SIGN		
CONTOUR LINE	200 201	200 201
TOP OF WALL ELEV.		+TW:0.00
BOTTOM OF WALL ELEV.		+BW:0.00
TOP OF CURB ELEV.		+TC:0.00
BOTTOM OF CURB ELEV.		+BC:0.00
CATCHBASIN		
DRAINAGE MANHOLE		
CULVERT/STORMDRAIN		
UNDERDRAIN		UD
SEWER MANHOLE		
SANITARY SEWER PIPE	S	S
WATER MAIN	W	W
WATER VALVE		
UTILITY POLE		
OVERHEAD UTILITIES	OHU	
UNDERGROUND UTILITIES	UGU	UGU
GAS MAIN	G	
GAS VALVE		
SILT FENCE		SF

STATE OF MAINE
JAYSON R. HASKELL
No. 10062
LICENSED PROFESSIONAL ENGINEER
1-31-2024

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS
217 COMMERCIAL STREET, STE 204
PORTLAND, MAINE 04101
207.772.1552 V. F. 207.772.0712

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

REV	DATE	BY	DESCRIPTION
A	9-20-23	JRH	ISSUED FOR PWD REVIEW
B	11-1-23	JRH	ISSUED FOR CITY WATER RESOURCES REVIEW
C	11-21-23	JRH	ISSUED FOR CITY REVIEW
D	1-31-24	JRH	REVISED PER CITY REVIEW

GRADING AND UTILITY PLAN

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

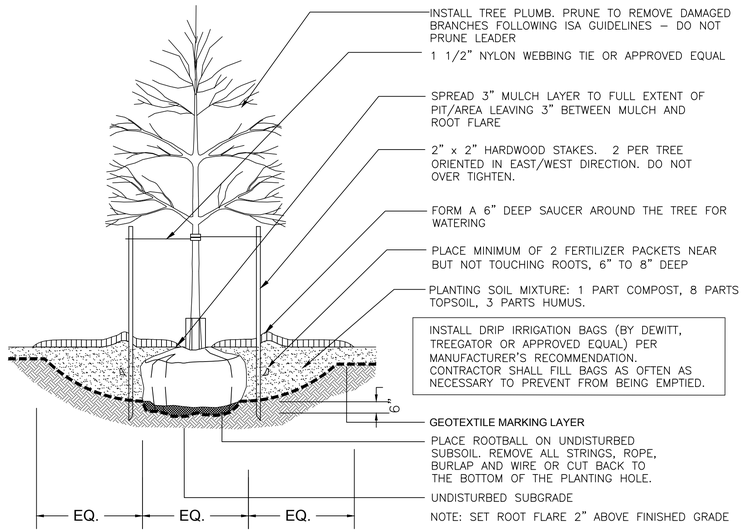
23046
JOB NUMBER:

1" = 10'
SCALE:

1-31-2024
DATE:

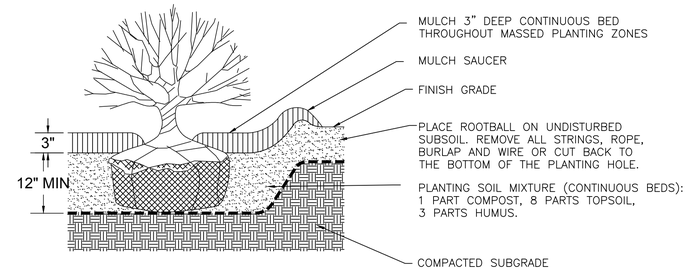
SHEET 5 OF 9

GU-1



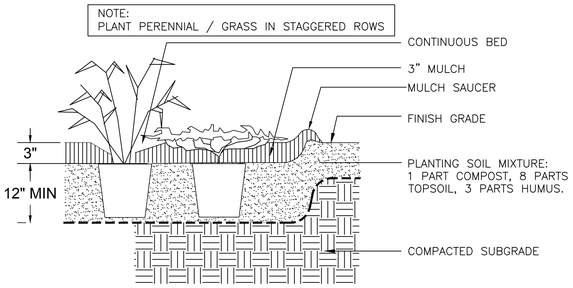
1 TREE IN ESPLANADE

NOT TO SCALE



2 SHRUB PLANTING

NOT TO SCALE



3 GRASS/ GROUNDCOVER/ PERENNIAL

NOT TO SCALE

PLANTING NOTES

1. CONTRACTOR SHALL BEGIN MAINTENANCE IMMEDIATELY AFTER PLANTING AND SHALL CONTINUE UNTIL FINAL ACCEPTANCE. CONTRACTOR SHALL BE RESPONSIBLE FOR ALL MEANS AND METHODS OF WATERING AND MAINTENANCE.
2. CONTRACTOR SHALL SUPPLY PLANTS IN QUANTITIES SUFFICIENT TO COMPLETE WORK SHOWN ON THE PLAN. ANY DISCREPANCY BETWEEN THE QUANTITIES SHOWN IN THE PLANT SCHEDULE AND THOSE REQUIRED ON THE PLAN SHALL NOT ENTITLE THE CONTRACTOR TO ADDITIONAL RENUMERATION. ANY DISCREPANCIES SHALL BE CLARIFIED WITH THE LANDSCAPE ARCHITECT PRIOR TO ORDERING PLANT MATERIAL.
3. ALL MATERIALS SHALL CONFORM TO SPECIFICATIONS OF THE AMERICAN STANDARDS FOR NURSERY STOCK (LATEST EDITION) AS SET FORTH BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
4. ALL PLANTS SHALL BEAR THE SAME RELATIONSHIP TO FINISH GRADE AS THE ORIGINAL GRADES BEFORE DIGGING.
5. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL PLANT MATERIALS FOR ONE (1) FULL YEAR FROM DATE OF SUBSTANTIAL COMPLETION.
6. ALL PLANT MATERIALS ARE SUBJECT TO THE APPROVAL OF THE LANDSCAPE ARCHITECT AT THE NURSERY AND AT THE SITE.
7. ALL PLANT BEDS SHALL MEET MINIMUM TOPSOIL REQUIREMENTS (SEE SPECIFICATIONS).
8. NO PLANT MATERIAL SHALL BE INSTALLED UNTIL GRUBBING, BED PREPARATION, AND FINISH GRADING HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
9. ALL PLANT BEDS AND TREE WELLS SHALL HAVE A MINIMUM OF 3" OF UNIFORMLY DISTRIBUTED, DARK, SHREDDED BARK MULCH.
10. CONTRACTOR SHALL SUBMIT SOIL SAMPLE AND TEST OF TOPSOIL TO LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. SOIL ADMIXTURE SHALL BE ADDED TO EXISTING SOIL (BY CONTRACTOR) IF DEEMED NECESSARY BY SOIL TEST RESULTS.
11. ROUGH GRADING AND BED PREPARATION SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANT INSTALLATION. CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT 48 HOURS PRIOR TO REQUIRED SITE VISIT.
12. ALL PLANTS SHALL BE BALLED AND WRAPPED OR CONTAINER GROWN AS SPECIFIED. ALL ROOT WRAPPING AND CONTAINER MATERIAL MADE OF SYNTHETICS OR PLASTICS SHALL BE REMOVED AT THE TIME OF PLANTING.
13. ALL BROAD LEAF EVERGREEN PLANTS SHALL BE SPRAYED WITH AN ANTI-DESSICANT AT THE BEGINNING OF THEIR FIRST WINTER.
14. ALL PLANTS SHALL BE INSTALLED AS PER DETAILS AND THE CONTRACT SPECIFICATIONS. THE LANDSCAPE CONTRACTOR SHALL REFER TO THE CONTRACT SPECIFICATIONS FOR ADDITIONAL REQUIREMENTS.
15. CONTRACTOR SHALL STAKE TREES IF DEEMED NECESSARY BY LANDSCAPE ARCHITECT.
16. THE LANDSCAPE CONTRACTOR SHALL PROVIDE LOAM FILL AS PER THE CONTRACT SPECIFICATIONS.
17. ALL PLANTS SHALL BE WATERED BY THE CONTRACTOR, AS NECESSARY TO INSURE HEALTH UNTIL FINAL ACCEPTANCE.
18. THE LANDSCAPE CONTRACTOR SHALL REFER TO THE PLANT LIST AND PLANTING SPECIFICATIONS FOR SEASONAL REQUIREMENTS AND OTHER RESTRICTIONS RELATED TO THE TIME AND SEASON OF PLANTING.
19. PLANTING SOIL MIX: 1 PART COMPOST, 8 PARTS TOPSOIL, 3 PARTS HUMUS.

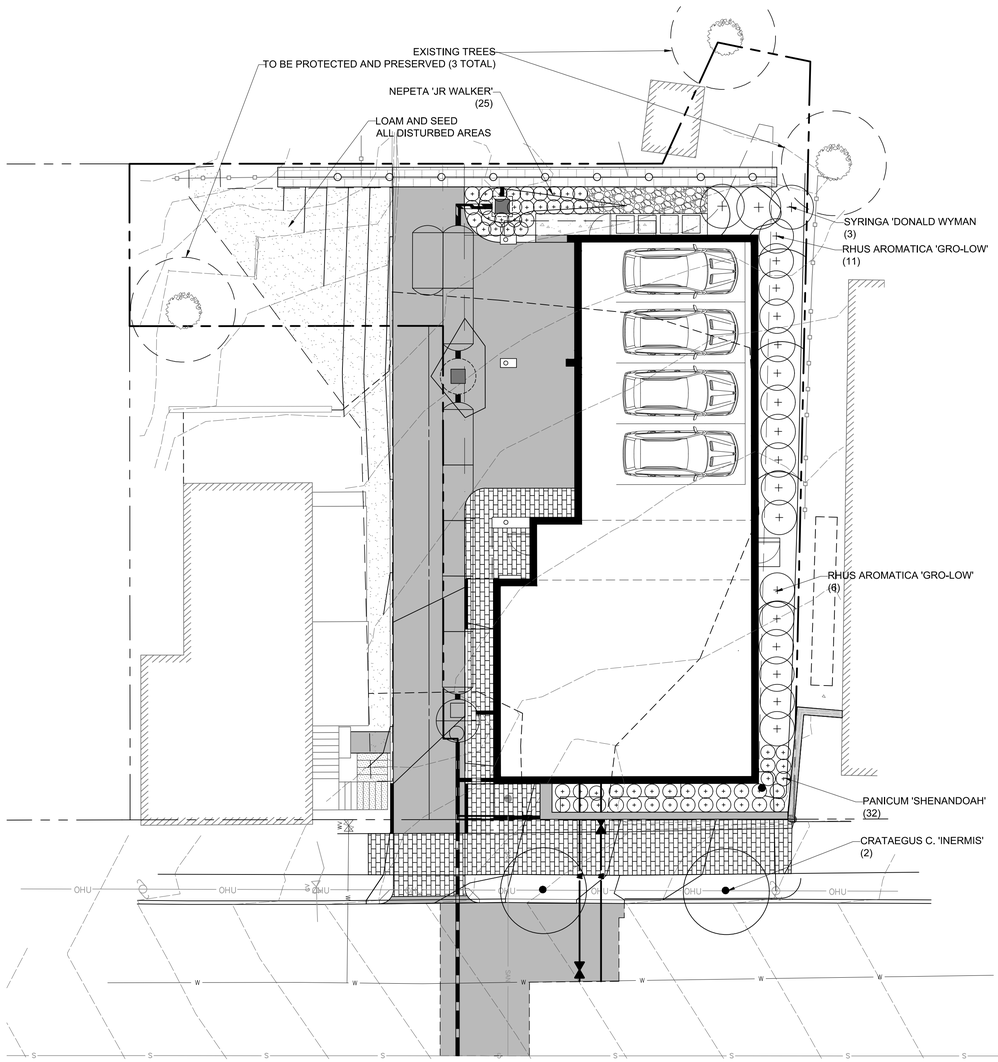
TOPSOIL: FERTILE, FRIABLE, NATURAL TOPSOIL OF LOAMY CHARACTER, WITHOUT ADMIXTURE OF SUBSOIL MATERIAL, FREE FROM CLAY, LUMPS, COARSE SANDS, STONES, PLANTS, ROOTS, STICKS, AND OTHER FOREIGN MATERIALS GREATER THAN 1" IN ANY DIMENSION, PH RANGE 5.0-7.0 , AND SHALL CONTAIN NOT LESS THAN 6% ORGANIC MATTER BY WEIGHT.

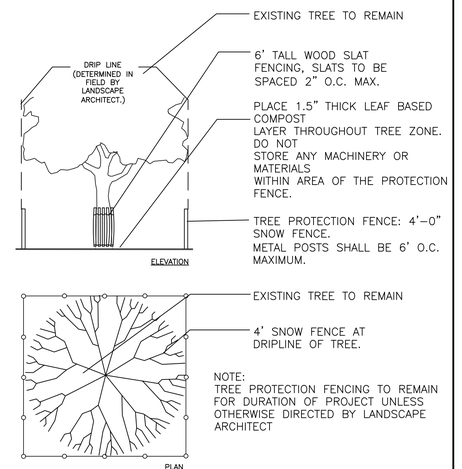
SANDY LOAM OR LOAM SOIL AS DEFINED BY THE USDA SOIL CONSERVATION SERVICE, AND HAVE THE FOLLOWING MECHANICAL ANALYSIS:

TEXTURAL CLASS	% OF TOTAL WEIGHT	AVERAGE %
SAND (0.05- 2.0 MM)	45 TO 75%	60%
SILT (0.002- 0.05 MM)	15 TO 35%	25%
CLAY (< 0.002 MM)	5 TO 25%	15%

PLANT SCHEDULE

QTY.	SYM.	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
		TREES			
2	CC	CRATAEGUS C. 'INERMIS'	THORNLESS HAWTHORN	2" CAL.	B&B /MATCHED
		SHRUBS / PERENNIALS			
24	NP	NEPETA F. 'JR WALKER'	JR WALKER CATNIP	1 GAL	CONT
32	PS	PANICUM V. 'SHENANDOAH'	SHENENDOAD SWITCHGRASS	2 GAL	CONT
17	RA	RHUS AROMATICA 'GRO-LOW'	FRAGRANT SUMAC	5 GAL.	CONT
3	SDM	SYRINGA P 'DONALD WYMAN'	DONALD WYMAN LILAC	3'-3.5' HT.	B&B





4 TREE PROTECTION

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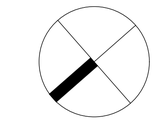

LEGEND

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- CONTOUR LINE	-201-
EDGE OF WETLANDS	
CULVERT/STORMDRAIN	
SEWER MANHOLE	
UTILITY POLE	
OHU OVERHEAD UTILITIES	

PROGRESS- NOT FOR CONSTRUCTION

PERMITTING PLAN NOT FOR CONSTRUCTION

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REV	DATE	BY	DESCRIPTION
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B	11-1-23	JRH	ISSUED FOR CITY WATER RESOURCES REVIEW
C	11-21-23	PJC	ISSUED FOR CITY SITE PLAN REVIEW
D	01-31-24	PJC	RE-ISSUED FOR CITY SITE PLAN REVIEW

LANDSCAPE PLAN

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

23046
JOB NUMBER:

1" = 10'
SCALE:

11-21-2023
DATE:

SHEET 5 OF 8

L-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 DISCHARGES 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 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 HYDRAULIC 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 ERISION 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.

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. ERISION 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-K2O) 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 6 INCHES WIDE AND 6 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.

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 SHALL BE PROHIBITED AT THE BASE OF A LONG OR STEEP SLOPE (8% OR GREATER) WITHOUT THE ADDITIONAL SUPPORT OF A FILTER FENCE INSTALLED ON THE DOWNHILL SIDE OF THE BERM.

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 INSTALL A SEDIMENT BASIN UPGRADIENT OF THE SEDIMENT BARRIER. 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.

TEMPORARY EROSION CONTROL MEASURES ARE REMOVED ONCE THE SITE IS PERMANENTLY STABILIZED AND CONSTRUCTION ACTIVITY HAS BEEN COMPLETED.

4. 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:

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.

5. 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 PRIOR TO THE NEXT STORM EVENT. MAINTAIN THE PAD UNTIL ALL DISTURBED AREAS ARE STABILIZED.

6. 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.

7. 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 7 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 THAT ARE TO BE STABILIZED WITH GRASS SHALL NOT BE STEEPER THAN 2:1. 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.

8. 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 WEEDS. 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.

9. 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, SOD, OR THROUGH THE USE OF PERMANENT MULCH, OR RIPRAP, OR ROAD SUB-BASE. IF USING VEGETATION FOR 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 MDOT 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.

10. 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.

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 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 OR RAIN EVENT. AN AREA SHALL BE CONSIDERED DENUDED IF NOT STABILIZED BY 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 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 ADEQUATELY ANCHORED SO THAT GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. BETWEEN THE DATES OF NOVEMBER 1 AND APRIL 15, ALL MULCH SHALL BE ANCHORED BY EITHER MULCH NETTING, TRACKING OR WOOD CELLULOSE FIBER. THE COVER WILL BE CONSIDERED SUFFICIENT WITH THE GROUND SURFACE IS NOT VISIBLE THROUGH THE MULCH. AFTER NOVEMBER 1ST, MULCH AND ANCHORING OF ALL EXPOSED SOIL SHALL OCCUR AT THE END OF EACH FINAL GRADING WORKDAY.

4. SOIL STOCKPILING

STOCKPILES OF SOIL OR SUBSOIL WILL BE MULCHED FOR OVER WINTER PROTECTION WITH HAY OR STRAW AT TWICE THE NORMAL RAT EOR WITH A FOUR-INCH LAYER OF EROSION CONTROL MIX. THIS WILL BE DONE WITHIN 24 HOURS OF STACKING AND RE-ESTABLISHED PRIOR TO ANY RAINFALL OR SNOWFALL. ANY SOIL STOCKPILE WILL NOT BE PLACED WITHIN 100 FEET FROM ANY REGULATED NATURAL RESOURCE.

5. SEEDING

BETWEEN THE DATES OF OCTOBER 15 AND APRIL 1, LOAM OR SEED WILL NOT BE REQUIRED. DURING PERIODS OF ABOVE FREEZING TEMPERATURES FINISHED AREAS SHALL BE FINE GRADED AND EITHER PROTECTED MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER NOVEMBER 1 AND IF THE EXPOSED AREA HAS BEEN LOOMED, FINAL GRADED WITH A UNIFORM SURFACE, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 3 TIMES HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. IF DORMANT SEEDING IS USED, ALL DISTURBED AREAS SHALL RECEIVE 4 INCHES OF LOAM AND SEED AT AN APPLICATION RATE OF 5 LBS PER 1,000 S.F. ALL AREAS INSUFFICIENTLY VEGETATED (LESS THAN 75%) IN THE SPRING SHALL BE REVEGETATED.

6. OVER-WINTER STABILIZATION OF DITCHES AND CHANNELS

ALL STONE-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED BY NOVEMBER 1. ALL GRASS-LINED DITCHES AND CHANNELS MUST BE CONSTRUCTED AND STABILIZED BY SEPTEMBER 1. IF A GRASS-LINED DITCH OR CHANNEL IS STABILIZED BY SEPTEMBER 1, THEN EITHER A SOD LINING SHALL BE INSTALLED PRIOR TO OCTOBER 1 OR THE DITCH MUST BE LINED WITH STONE RIPRAP BACKED BY AN APPROPRIATE GRAVEL BED OR GEOTEXTILE PRIOR TO NOVEMBER 1.

7. OVER-WINTER STABILIZATION OF DISTURBED SLOPES

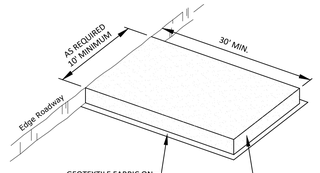
ALL STONE-COVERED SLOPES MUST BE CONSTRUCTED AND STABILIZED BY NOVEMBER 15. ALL SLOPES TO BE VEGETATED MUST BE SEEDED AND MULCHED BY SEPTEMBER 1. ALL AREAS HAVING A GRADE STEEPER THAN 8% SHALL BE CONSIDERED A SLOPE. IF A SLOPE TO BE VEGETATED IS NOT STABILIZED BY SEPTEMBER 1, THEN THE SLOPE SHALL EITHER BE STABILIZED WITH TEMPORARY VEGETATION AND EROSION CONTROL MATS BY OCTOBER 1, SOD BY OCTOBER 1, EROSION CONTROL MIX BY NOVEMBER 1 OR STONE RIPRAP BY NOVEMBER 15. SEE APPLICABLE SECTIONS UNDER EROSION AND SEDIMENTATION CONTROL NOTES FOR PROPER INSTALLATION METHODS.

8. OVER-WINTER STABILIZATION OF DISTURBED SOILS

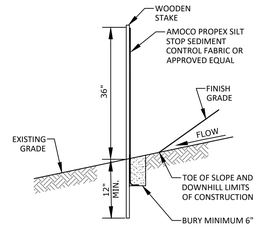
BY SEPTEMBER 15, ALL DISTURBED SOILS ON AREAS HAVING A SLOPE LESS THAN 15% MUST BE SEEDED AND MULCHED. IF THE DISTURBED AREAS ARE NOT STABILIZED BY THIS DATE, THEN THE AREA SHALL EITHER BE STABILIZED WITH TEMPORARY VEGETATION BY OCTOBER 1, SOD BY OCTOBER 1, OR MULCH BY NOVEMBER 15. SEE APPLICABLE SECTIONS UNDER EROSION AND SEDIMENTATION CONTROL NOTES FOR PROPER INSTALLATION METHODS.

9. MAINTENANCE

MAINTENANCE MEASURES SHALL BE APPLIED AS NEEDED DURING THE ENTIRE CONSTRUCTION SEASON. AFTER EACH RAINFALL, SNOW STORM, PERIOD OF THAWING AND RUNOFF AND AT LAST ONCE A WEEK, 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 90% OF AREAS VEGETATED WITH VIGOROUS GROWTH.



STABILIZED CONSTRUCTION ENTRANCE
NOT TO SCALE


WOODEN STAKE
AMOCO PROPEX SILT STO



BUILDING STATS

CONSTRUCTION TYPE:	5B (IBC)
OCCUPANCY TYPE:	R-2
NUMBER OF UNITS:	5
SPRINKLER SYSTEM:	YES, FULL 13 SYSTEM
MIXED-USE:	NO
FIRE ALARM:	YES
FLOOR AREA:	1ST FLOOR HEATED GROSS- **1,286 SF** PRIVATE GARAGE: 992 SF 2ND FLOOR HEATED - **2756 SF** OPEN PORCHES: 90 X 2 = 180 SF 3RD FLOOR HEATED- **2756 SF** OPEN PORCHES: 90 X 2 = 180 SF
GROSS BUILDING AREA:	**TOTAL HEATED AREA: 6,798 SF**
TOTAL OCCUPANT COUNT:	1ST FLOOR - 4.8 2ND FLOOR - 12.2 3RD FLOOR - 12.2 **29.2 TOTAL OCCUPANTS**

DRAWING LIST: ARCHITECTURE

G001	COVER SHEET AND DRAWING LIST
G002	LIFE SAFETY PLANS- LEVELS B +1
G003	LIFE SAFETY PLANS- LEVELS 2 + 3
A100	BASEMENT PLAN
A101	FLOOR PLAN - GROUND LEVEL
A102	FLOOR PLAN- SECOND LEVEL
A103	FLOOR PLAN- THIRD LEVEL
A104	ROOF PLAN
A201	BUILDING ELEVATIONS
A202	BUILDING ELEVATIONS
A203	BUILDING ELEVATIONS
A301	BUILDING SECTION - WALL SECTION

STANDARD ABBREVIATIONS:

(E),EX - EXISTING CONDITIONS OR MEMBERS.
ELEV. - ELEVATION
TYP. - TYPICAL
VIF - GENERAL CONTRACTOR SHALL "VERIFY IN FIELD" EXISTING DIMENSIONS, ELEVATIONS OR CONDITIONS.
U.O.N. - UNLESS OTHERWISE NOTED.
T/ OR T.O. - 'TOP OF'
BOTT. BOTTOM
BOF - BOTTOM OF FOOTING
BRG - BEARING
FTG - FOOTING
FDN - FOUNDATION
FL - FLOOR OUTLET
FD - FLOOR DRAIN
M.O. - MASONRY OPENING
R.O. - ROUGH OPENING
O.C. - ON CENTER
TBD - TO BE DETERMINED
CJ - CONTROL JOINT
CTR - CENTER
COL - COLUMN
CLG. - CEILING
CLR. - CLEAR
S.S. - STAINLESS STEEL
STL - STEEL
ALUM. - ALUMINUM
WD. - WOOD
P.A.F. - POWDER ACTUATED FASTENER
G.C. - GENERAL CONTRACTOR
GWB - GYPSUM WALL BOARD (DRYWALL)
A/E - ARCHITECT & ENGINEER OF RECORD
ELEC. - ELECTRICAL
EQ. - EQUAL
EA. - EACH
U.N.O. - UNLESS NOTED OTHERWISE
HDG - HOT DIP GALVANIZED
F.R. - FIRE RETARDANT
FE - FIRE EXTINGUISHER
TYP. - TYPICAL CONDITION
SIM. - SIMILAR CONDITION

PROJECT TEAM

ARCHITECT:
DELANO ARCHITECTURE
111 Elm Street, Saco, Maine 04072
207-494-9035 Chris Delano Cell 207-233-7777

STRUCTURAL ENGINEER:
TRILLIUM ENGINEERING GROUP
189 Main St., Suite 200, Yarmouth, ME 04096
207-307-0872

CIVIL ENGINEER:
DM ROMA
56 Harvest Hill Rd, Windham, Maine 04062
207-310-0506

LANDSCAPE ARCHITECT:
CARROLL ASSOCIATES
Portland, Maine
207-772-1552

GENERAL NOTES:

1. THE NOTES ON THE DRAWINGS ARE NOT INTENDED TO REPLACE SPECIFICATIONS. IN ADDITION TO GENERAL NOTES, SEE SPECIFICATIONS FOR REQUIREMENTS.
2. STRUCTURAL DRAWINGS SHALL BE USED IN CONJUNCTION WITH JOB SPECIFICATIONS AND ARCHITECTURAL, MECHANICAL, ELECTRICAL, PLUMBING, AND SITE DRAWINGS. CONSULT, OPENINGS, CHASES, INSERTS, REGLETS, SLEEVES, DEPRESSIONS, AND OTHER DETAILS NOT SHOWN ON STRUCTURAL DRAWINGS.
3. ALL DIMENSIONS AND CONDITIONS MUST BE VERIFIED IN THE FIELD. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT OR ENGINEER BEFORE PROCEEDING WITH THE AFFECTED PART OF THE WORK.
4. DO NOT SCALE PLANS.
5. SECTIONS AND DETAILS SHOWN ON ANY STRUCTURAL DRAWINGS SHALL BE CONSIDERED TYPICAL FOR SIMILAR CONDITIONS.
6. ALL PROPRIETARY PRODUCTS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS WRITTEN INSTRUCTIONS.
7. THE STRUCTURE IS DESIGNED TO BE SELF SUPPORTING AND STABLE AFTER THE ERECTION IS COMPLETE. IT IS THE CONTRACTOR'S SOLE RESPONSIBILITY TO DETERMINE ERECTION PROCEDURES AND SEQUENCING TO ENSURE THE SAFETY OF THE BUILDING AND ITS COMPONENTS DURING ERECTION. THIS INCLUDES THE ADDITION OF NECESSARY SHORING, SHEETING TEMPORARY BRACING, GUYS OR TIEDOWNS. SUCH MATERIAL SHALL REMAIN THE PROPERTY OF THE CONTRACTOR AFTER COMPLETION OF THE PROJECT.
8. ALL APPLICABLE FEDERAL, STATE, AND MUNICIPAL REGULATIONS SHALL BE FOLLOWED, INCLUDING THE FEDERAL DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND HEALTH ACT.
9. CONTRACTOR TO REVIEW ALL DRAWINGS AND SPECIFICATIONS PRIOR TO BEGINNING CONSTRUCTION. IF ANYTHING IS IN QUESTION, CONSULT WITH ARCHITECT BEFORE PROCEEDING. DRAWING SET WORKS TOGETHER AS A COHESIVE SET. CONTRACTOR TO MAINTAIN A COMPLETE SET FOR THE SAKE OF COORDINATION AND INTEGRATION.
10. CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION AND FOR PROVIDING A WEATHER TIGHT BUILDING SHELL. IF ANYTHING IN CONSTUCTION DOCUMENTS SEEMS TO CONTRADICT THIS SHARED GOAL, DISCUSS WITH ARCHITECT.
11. CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF WORKMANSHIP OF ALL TRADES ACCORDING TO STANDARD LEVEL OF PRACTICE FOR HIGH- END CONSTRUCTION. CONTRACTOR TO SUPPLY 1 YEAR WARRANTY ON ALL WORKMANSHIP FROM FINAL COMPLETION.

CODE INFORMATION

REV. 1.31.2024

CURRENT BLDG. CODE: MUBEC 2015- IBC/IEEC 2021
NFPA 101: 2018
CONSTRUCTION TYPE 5B (WOOD FRAMED, UNPROTECTED)
USE CLASSIFICATION: NEW APARTMENT BUILDING- R-2
SPRINKLERED THROUGHOUT- FULL 13 SYSTEM
ZONE- R-6
HISTORIC DISTRICT- NO
FRONT YARD SETBACK: 5'
SIDE/REAR YARD SETBACK: 10'
MAX. LOT COVERAGE: 60%- PROPOSED 53%
PARKING REQ'D- NONE REQUIRED- PROPOSED 4 SPACES (8'-6" WIDE)
LANDSCAPE OPEN SPACE RATIO: 20%
NO. OF DWELLING UNITS/LOT: 725SF / DWELLING UNIT = 8 UNITS MAX.

TOTAL LOT AREA:	5,976 SF
PROPOSED BLDG. FOOTPRINT: INCL. DECKS/OVERHANGS	3,203 SF
TOTAL GROSS AREA- GROUND LEVEL (1286 + 992) =	2,278 SF
TOTAL GROSS AREA- 2ND LEVEL	2,756SF
TOTAL GROSS AREA- 3RD LEVEL	2,756 SF
TOTAL BUILDING AREA (3 LEVELS)	**7,790 SF**

OCCUPANCY LOAD: TABLE 1004.1.2
RESIDENTIAL- 200 SF GROSS/OCCUPANT: 3 FLOORS = 29.2 OCCUPANTS
OCCUPANT LOAD FOR STAIR = SEE BUILDING STATS = <50 = 36" WIDTH
REQUIRED WIDTH AT EXIT = 29.2 X .3 = 9" WIDE = (1) 36" WIDE DOOR
NO. OF EXITS REQUIRED: SECTION 1006.3.2- 1 EXIT ALLOWED

EGRESS REQUIREMENTS:
OCCUPANCY LOAD (R2)= 29.2(<75)
NUMBER OF EXITS/SPACE = <75 PEOPLE = 1 EXIT ALLOWED
IBC TABLE 1006.3.2. 1 EXIT IS ALLOWED FOR USE R2 FOR 3 STORIES ABOVE GRADE WITH MAX. 4 UNITS/FLOOR WITH AN APPROVED SPRINKLER SYSTEM
STAIRWAYS: OCCUPANT LOAD<50 = 36" WIDE STAIRWAY
EMERGENCY ESCAPE AND RESCUE (IBC SECTION 1030)- (R2) REQUIRED IN ALL SLEEPING ROOMS FOR SINGLE EXIT BUILDINGS

NFPA 101, 30.2.4.6 SINGLE EXIT ALLOWED IF THE FOLLOWING IS MET:
4 STORIES OR LESS IF 4 UNITS OR LESS PER STORY
PROTECTED BY APPROVED SPRINKLER SYSTEM
TRAVEL DISTANCE TO AN EXIT STAIR FROM EACH UNIT= 35' MAX.
EXIT STAIRWAY IS SEPARATED FROM THE REST OF THE BUILDING BY BARRIERS WITH A MIN. 1 HOUR RATING.
ALL OPENINGS TO HAVE 1 HOUR RATING
HORIZONTAL AND VERTICAL SEPARATION TO HAVE MIN. ½ HOUR RATING
NFPA 30.2.5.4.2/IBC 1020.4- MAX. DEAD END CORRIDOR (R2) - 50'

FIRE RATINGS:(IBC TABLE 601)
CONSTRUCTION TYPE: 5B (WOOD FRAMED, UNPROTECTED)
COMPONENT RATINGS- TYPE VB (EXT. WALLS, BRG. WALLS, FLOOR, ROOF) 0 HOUR
GENERAL HT. AND BLDG. AREAS: TABLE 506.2-
MAX. BUILDING AREA 13R SPRINKLER SYSTEM- **7,000SF** MAX/STORY
SHAFT ENCLOSURES (SECT. 707.708): N/A
TENANT SEPARATION (HORIZ. AND VERT.)- 1 HOUR. OPENINGS- 1 HOUR
CORRIDOR AND EGRESS STAIR SEPARATION- 1 HOUR
FIRE RESISTANCE RATINGS: IBC 705.5- EXTERIOR WALLS WITH A FIRE SEPARATION DISTANCE OF <10' SHALL BE RATED FOR EXPOSURE TO FIRE FROM BOTH SIDES OF WALL.

MAX. AREA OF EXTERIOR WALL OPENINGS (TABLE 705.8):
FIRE SEPARATION DISTANCE 5'-10' (BLDG. TO LOT LINE) = 25% OF OPENINGS ALLOWED IF UNPROTECTED AND FULLY SPRINKLERED.

INDOOR ENVIRONMENT:
MINIMUM STC RATING SEPARATING DWELLING UNITS: 50
MINIMUM IIC RATING SEPARATING DWELLING UNITS: 50
MIN. CEILING HT.: 7'-6" IN ALL OCCUPIABLE SPACES
7'-0" IN BATHROOMS, KITCHENS AND STORAGE AREAS

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January 31, 2024

►COVER PAGE
DRAWING LIST +
CODE INFORMATION

G001

CONSTRUCTION ASSEMBLIES/NOTES — FLOOR

REV. JAN. 31, 2024

CONCRETE SLAB — F1

1. REINFORCED 4" THICK CONCRETE SLAB WITH STRUCTURAL TURNDOWNS AT THE PERIMETER- SEE STRUCT.
2. 10MM UNDERSLAB VAPOR BARRIER, STEGO OR EQUAL- WRAP UP INSULATON, OVER FOUNDATION AND SECURE TO SHEATHING- TAPE TOP EDGE TO SHEATHING.
3. INSULATE WITH 2" XPS UNDER SLAB 4'-0" IN FROM THE EXTERIOR- SEE DETAIL AT PERIMETER FOR SCOPE OF INSULATION AND INTERFACE WITH PERIMETER CONC. FOUNDATION WALL.

FLOOR/CLG. ASSEMBLY- 1 HOUR RATED — STC 61, UL-L521 — F2

1. OPEN WEB WOOD TRUSS FRAMING @ 16" O.C.
2. FILL ENTIRE CAVITY WITH DENSE PACK FIBERGLASS
3. RC-1 METAL CHANNEL
4. 2 LAYERS 5/8" GWB

CONSTRUCTION ASSEMBLIES/NOTES — ROOF

REV. JAN. 31, 2024

ROOF ASSEMBLY- 1 HOUR — STC 61, UL-L521 — R1

1. .060 FULL ADHERED EPDM ROOF
2. 3/4" HD POLYISO COVER BOARD
3. 2 LAYERS OF POLYISOCYANURATE RIGID INSUL. (R-38)
4. OPEN WEB ROOF TRUSSES- SLOPED TOP CHORD TO DRAIN
5. DENSE PACK FIBERGLASS INSULATION TO FILL ROOF TRUSS CAVITY
6. CERTAINTEED MEMBRANE VAPOR BARRIER
7. RC-1 RESILIENT CHANNEL
8. 1 LAYER 5/8" SHEETROCK

ROOF ASSEMBLY OVER STAIR — R2

1. .060 FULL ADHERED EPDM ROOF
2. 3/4" HD POLYISO COVER BOARD
3. 3/4" ADVANTECH SHEATHING
4. 2X FRAMING- SLOPE STRUCT. TO DRAIN- SEE STRUCT. DWG.
5. CLOSED CELL FOAM INSULATION- R-50
6. 1X4 WOOD STRAPPING @ 24" O.C.
7. 1 LAYER 5/8" SHEETROCK

ROOF ASSEMBLY AT FRONT CANOPY — R3

1. .060 FULL ADHERED EPDM ROOF
2. 3/4" HD POLYISO COVER BOARD
3. 3/4" ADVANTECH SHEATHING
4. 2X8 TAPERED WOOD FRAMING AT 16" O.C.
5. 2X4 CEILING FRAMING TO PROVIDE BLOCKING FOR CEILING FIN
6. 1X6 T&G CENTERMATCH THERMORY CEILING

CONSTRUCTION ASSEMBLIES/NOTES — WALLS

REV. JAN. 31, 2024

FOUNDATION WALL — W1

1. 8" THICK CONCRETE FOUNDATION
2. SEE DETAIL AT A501 FOR INSUL./DAMPPROOFING

EXTERIOR WALL ASSEMBLY — W2

1. EXTERIOR WALL FINISH
2. 2X4 WOOD FURRING @ 16" O.C.
3. ZIP R-SHEATHING: 2" THICK (R-6.6)
4. DENSE PACK CELLULOSE INSULATION (R-21 @ WALL CAVITY)
5. CERTAINTEED MEMBRANE VAPOR BARRIER
6. RC-1 RESILIENT CHANNEL
7. LAYER 5/8" SHEETROCK

1 HR. RATED WALL ASSEMBLY — STC 50/53, UL- U305 — W3

1. 2X4/2X6 @ 16" O.C. MIN.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 2 LAYERS OF 5/8" GWB ONE SIDE
4. 5/8" RESILIENT CHANNEL + 5/8" GWB ON THE OTHER

1 HR. RATED WALL ASSEMBLY — STC 55, GA WP 5513 — W4

1. STAGGER 2X4 STUDS @ 16" O.C. ON 2X6 PLATES
2. R-13 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + 5/8" GWB @ ONE SIDE
4. 2 LAYERS 5/8" GWB ON OTHER SIDE

1 HR. RATED WALL ASSEMBLY/BRG WALL — STC 58, GA WP 5513 — W5

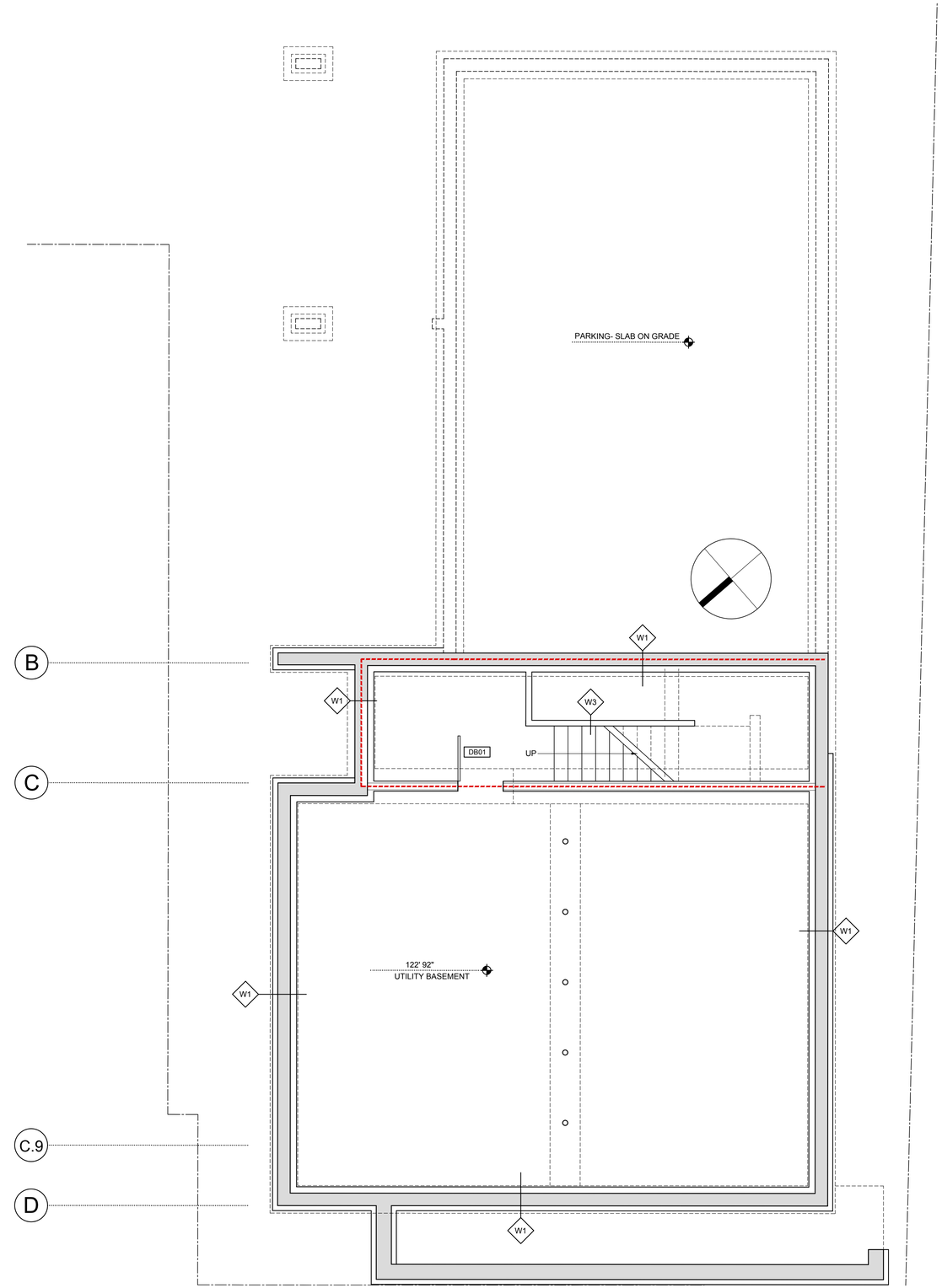
1. STAGGER 2X6 STUDS @ 12" O.C. ON 2X8 PLATES
2. R-19 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + 5/8" GWB @ ONE SIDE
4. 2 LAYERS 5/8" GWB ON OTHER SIDE

INTERIOR WALL PARTITION ASSEMBLY — W6

1. 2X4/2X6 @ 16" O.C.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 1 LAYER OF 5/8" GWB EACH SIDE

EXT. WALL ASSEMBLY- ROOF/PARAPET LEVEL — W7

1. 2X10 @ 16" O.C. MIN.
2. 1/2" ZIP SHEATHING AT BOTH SIDES OF STUDS
3. RAIN SCREEN MATRIX- TYP.
4. FINISH- SEE ELEVATIONS



1 UTILITY BASEMENT PLAN

SCALE: 1/4"=1'-0"

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56 Cumberland Condominiums

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January 31, 2024

▶FLOOR PLAN - BASEMENT LEVEL

A100

CONSTRUCTION ASSEMBLIES/NOTES — FLOOR

REV. JAN. 31, 2024

CONCRETE SLAB — F1

1. REINFORCED 4" THICK CONCRETE SLAB WITH STRUCTURAL TURNDOWNS AT THE PERIMETER- SEE STRUCT.
2. 10MM UNDERSLAB VAPOR BARRIER, STEGO OR EQUAL- WRAP UP INSULATON, OVER FOUNDATION AND SECURE TO SHEATHING- TAPE TOP EDGE TO SHEATHING.
3. INSULATE WITH 2" XPS UNDER SLAB 4'-0" IN FROM THE EXTERIOR- SEE DETAIL AT PERIMETER FOR SCOPE OF INSULATION AND INTERFACE WITH PERIMETER CONC. FOUNDATION WALL.

FLOOR/CLG. ASSEMBLY- 1 HOUR RATED — STC 61, UL-L521 — F2

1. OPEN WEB WOOD TRUSS FRAMING @ 16" O.C.
2. FILL ENTIRE CAVITY WITH DENSE PACK FIBERGLASS
3. RC-1 METAL CHANNEL
4. 2 LAYERS ⅝" GWB

CONSTRUCTION ASSEMBLIES/NOTES — ROOF

REV. JAN. 31, 2024

ROOF ASSEMBLY- 1 HOUR — STC 61, UL-L521 — R1

1. .060 FULL ADHERED EPDM ROOF
2. ½" HD POLYISO COVER BOARD
3. 2 LAYERS OF POLYISOCYANURATE RIGID INSUL. (R-38)
4. OPEN WEB ROOF TRUSSES- SLOPED TOP CHORD TO DRAIN
5. DENSE PACK FIBERGLASS INSULATION TO FILL ROOF TRUSS CAVITY
6. CERTAINTEED MEMBRANE VAPOR BARRIER
7. RC-1 RESILIENT CHANNEL
8. 1 LAYER ⅝" SHEETROCK

ROOF ASSEMBLY OVER STAIR — R2

1. .060 FULL ADHERED EPDM ROOF
2. ½" HD POLYISO COVER BOARD
3. ¾" ADVANTECH SHEATHING
4. 2X FRAMING- SLOPE STRUCT. TO DRAIN- SEE STRUCT. DWG.
5. CLOSED CELL FOAM INSULATION- R-50
6. 1X4 WOOD STRAPPING @ 24" O.C.
7. 1 LAYER ⅝" SHEETROCK

ROOF ASSEMBLY AT FRONT CANOPY — R3

1. .060 FULL ADHERED EPDM ROOF
2. ½" HD POLYISO COVER BOARD
3. ¾" ADVANTECH SHEATHING
4. 2X8 TAPERED WOOD FRAMING AT 16" O.C.
5. 2X4 CEILING FRAMING TO PROVIDE BLOCKING FOR CEILING FIN.
6. 1X6 T&G CENTERMATCH THERMORY CEILING

CONSTRUCTION ASSEMBLIES/NOTES — WALLS

REV. JAN. 31, 2024

FOUNDATION WALL — W1

1. 8" THICK CONCRETE FOUNDATION
2. SEE DETAIL AT A501 FOR INSUL./DAMPPROOFING

EXTERIOR WALL ASSEMBLY — W2

1. EXTERIOR WALL FINISH
2. 2X4 WOOD FURRING @ 16" O.C.
3. ZIP R-SHEATHING: 2" THICK (R-6.6)
4. DENSE PACK CELLULOSE INSULATION (R-21 @ WALL CAVITY)
5. CERTAINTEED MEMBRANE VAPOR BARRIER
6. RC-1 RESILIENT CHANNEL
7. LAYER ⅝" SHEETROCK

1 HR. RATED WALL ASSEMBLY — STC 50/53, UL- U305 — W3

1. 2X4/2X6 @ 16" O.C. MIN.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 2 LAYERS OF ⅝" GWB ONE SIDE
4. ½" RESILIENT CHANNEL + ⅝" GWB ON THE OTHER

1 HR. RATED WALL ASSEMBLY — STC 55, GA WP 5513 — W4

1. STAGGER 2X4 STUDS @ 16" O.C. ON 2X6 PLATES
2. R-13 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + ⅝" GWB @ ONE SIDE
4. 2 LAYERS ⅝" GWB ON OTHER SIDE

1 HR. RATED WALL ASSEMBLY/BRG WALL — STC 58, GA WP 5513 — W5

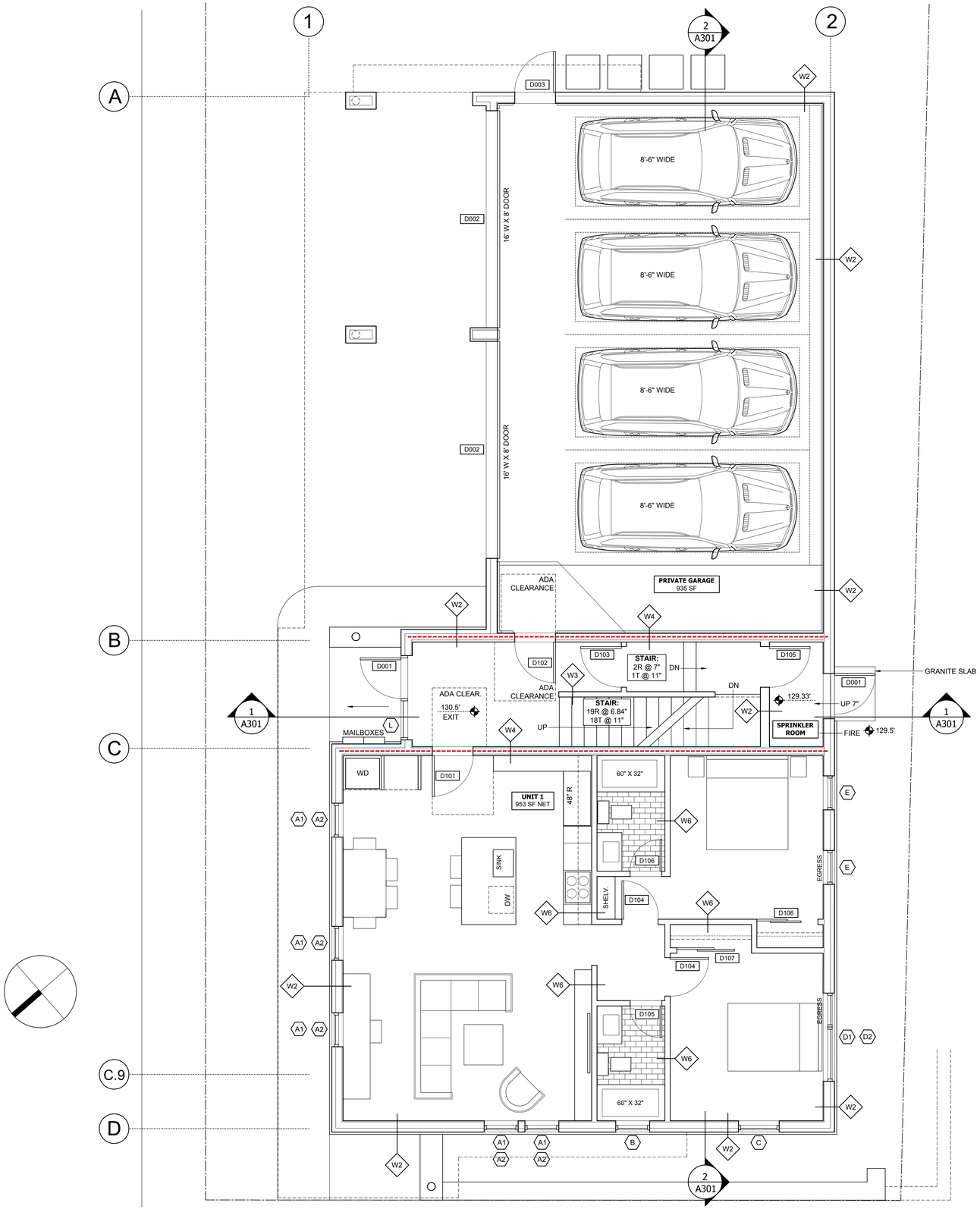
1. STAGGER 2X6 STUDS @ 12" O.C. ON 2X8 PLATES
2. R-19 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + ⅝" GWB @ ONE SIDE
4. 2 LAYERS ⅝" GWB ON OTHER SIDE

INTERIOR WALL PARTITION ASSEMBLY — W6

1. 2X4/2X6 @ 16" O.C.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 1 LAYER OF ⅝" GWB EACH SIDE

EXT. WALL ASSEMBLY- ROOF/PARAPET LEVEL — W7

1. 2X10 @ 16" O.C. MIN.
2. ½" ZIP SHEATHING AT BOTH SIDES OF STUDS
3. RAIN SCREEN MATRIX- TYP.
4. FINISH- SEE ELEVATIONS



1 GROUND LEVEL PLAN

SCALE: 1/4"=1'-0"

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January 31, 2024

▶FLOOR PLAN - GROUND LEVEL

PERMIT SET

A101

CONSTRUCTION ASSEMBLIES/NOTES — FLOOR

REV. JAN. 31, 2024

CONCRETE SLAB — F1

1. REINFORCED 4" THICK CONCRETE SLAB WITH STRUCTURAL TURNDOWNS AT THE PERIMETER- SEE STRUCT.
2. 10MM UNDERSLAB VAPOR BARRIER, STEGO OR EQUAL- WRAP UP INSULATON, OVER FOUNDATION AND SECURE TO SHEATHING- TAPE TOP EDGE TO SHEATHING.
3. INSULATE WITH 2" XPS UNDER SLAB 4'-0" IN FROM THE EXTERIOR- SEE DETAIL AT PERIMETER FOR SCOPE OF INSULATION AND INTERFACE WITH PERIMETER CONC. FOUNDATION WALL.

FLOOR/CLG. ASSEMBLY- 1 HOUR RATED — STC 61, UL-L521 — F2

1. OPEN WEB WOOD TRUSS FRAMING @ 16" O.C.
2. FILL ENTIRE CAVITY WITH DENSE PACK FIBERGLASS
3. RC-1 METAL CHANNEL
4. 2 LAYERS ⅝" GWB

CONSTRUCTION ASSEMBLIES/NOTES — ROOF

REV. JAN. 31, 2024

ROOF ASSEMBLY- 1 HOUR — STC 61, UL-L521 — R1

1. .060 FULL ADHERED EPDM ROOF
2. ½" HD POLYISO COVER BOARD
3. 2 LAYERS OF POLYISOCYANURATE RIGID INSUL. (R-38)
4. OPEN WEB ROOF TRUSSES- SLOPED TOP CHORD TO DRAIN
5. DENSE PACK FIBERGLASS INSULATION TO FILL ROOF TRUSS CAVITY
6. CERTAINTEED MEMBRANE VAPOR BARRIER
7. RC-1 RESILIENT CHANNEL
8. 1 LAYER ⅝" SHEETROCK

ROOF ASSEMBLY OVER STAIR — R2

1. .060 FULL ADHERED EPDM ROOF
2. ½" HD POLYISO COVER BOARD
3. ¾" ADVANTECH SHEATHING
4. 2X FRAMING- SLOPE STRUCT. TO DRAIN- SEE STRUCT. DWG.
5. CLOSED CELL FOAM INSULATION- R-50
6. 1X4 WOOD STRAPPING @ 24" O.C.
7. 1 LAYER ⅝" SHEETROCK

ROOF ASSEMBLY AT FRONT CANOPY — R3

1. .060 FULL ADHERED EPDM ROOF
2. ½" HD POLYISO COVER BOARD
3. ¾" ADVANTECH SHEATHING
4. 2X8 TAPERED WOOD FRAMING AT 16" O.C.
5. 2X4 CEILING FRAMING TO PROVIDE BLOCKING FOR CEILING FIN.
6. 1X6 T&G CENTERMATCH THERMORY CEILING

CONSTRUCTION ASSEMBLIES/NOTES — WALLS

REV. JAN. 31, 2024

FOUNDATION WALL — W1

1. 8" THICK CONCRETE FOUNDATION
2. SEE DETAIL AT A501 FOR INSUL./DAMPPROOFING

EXTERIOR WALL ASSEMBLY — W2

1. EXTERIOR WALL FINISH
2. 2X4 WOOD FURRING @ 16" O.C.
3. ZIP R-SHEATHING: 2" THICK (R-6.6)
4. DENSE PACK CELLULOSE INSULATION (R-21 @ WALL CAVITY)
5. CERTAINTEED MEMBRANE VAPOR BARRIER
6. RC-1 RESILIENT CHANNEL
7. LAYER ⅝" SHEETROCK

1 HR. RATED WALL ASSEMBLY — STC 50/53, UL- U305 — W3

1. 2X4/2X6 @ 16" O.C. MIN.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 2 LAYERS OF ⅝" GWB ONE SIDE
4. ½" RESILIENT CHANNEL + ⅝" GWB ON THE OTHER

1 HR. RATED WALL ASSEMBLY — STC 55, GA WP 5513 — W4

1. STAGGER 2X4 STUDS @ 16" O.C. ON 2X6 PLATES
2. R-13 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + ⅝" GWB @ ONE SIDE
4. 2 LAYERS ⅝" GWB ON OTHER SIDE

1 HR. RATED WALL ASSEMBLY/BRG WALL — STC 58, GA WP 5513 — W5

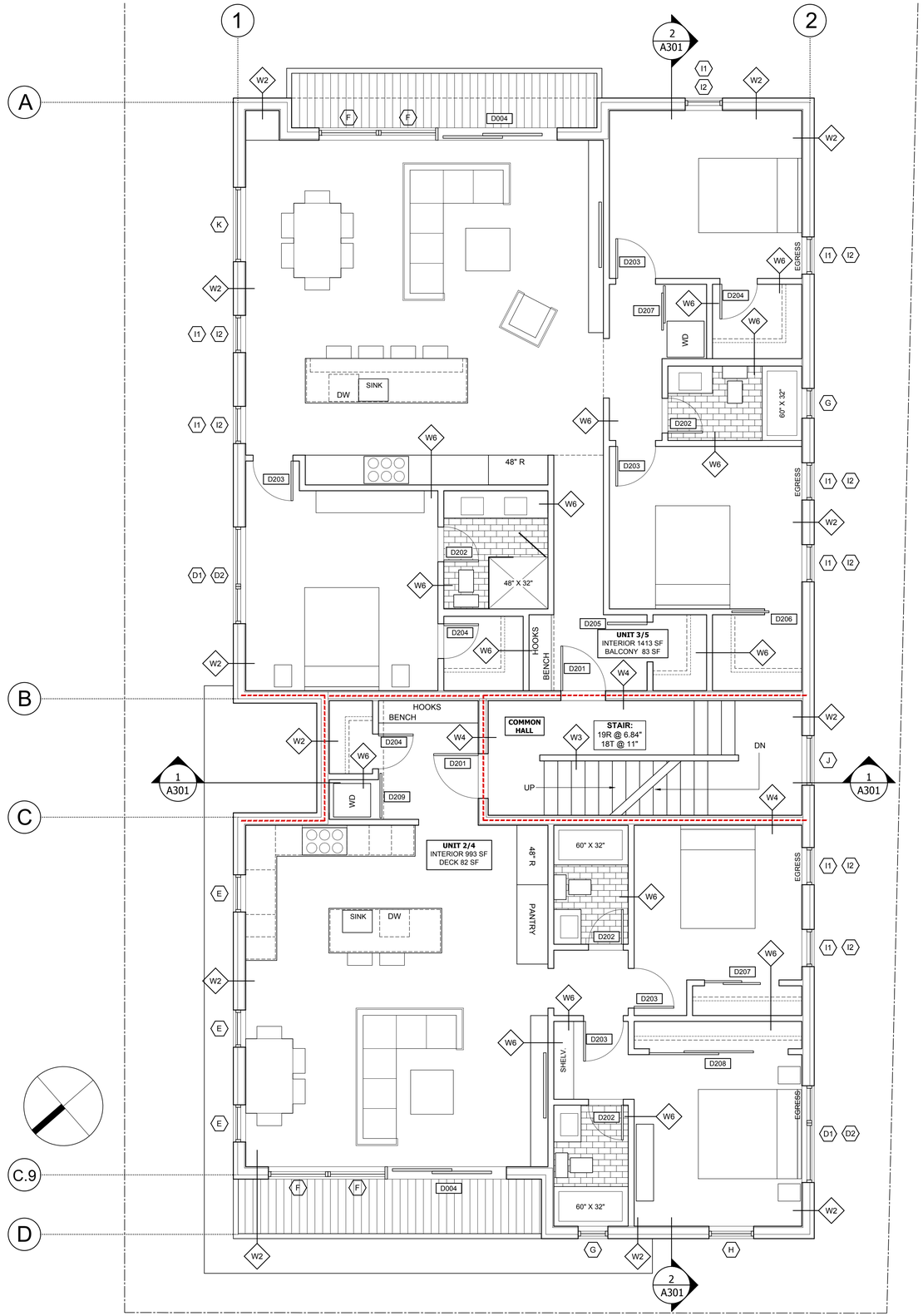
1. STAGGER 2X6 STUDS @ 12" O.C. ON 2X6 PLATES
2. R-19 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + ⅝" GWB @ ONE SIDE
4. 2 LAYERS ⅝" GWB ON OTHER SIDE

INTERIOR WALL PARTITION ASSEMBLY — W6

1. 2X4/2X6 @ 16" O.C.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 1 LAYER OF ⅝" GWB EACH SIDE

EXT. WALL ASSEMBLY- ROOF/PARAPET LEVEL — W7

1. 2X10 @ 16" O.C. MIN.
2. ½" ZIP SHEATHING AT BOTH SIDES OF STUDS
3. RAIN SCREEN MATRIX- TYP.
4. FINISH- SEE ELEVATIONS



1 SECOND LEVEL PLAN

SCALE: 1/4"=1'-0"

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January 31, 2024

▶FLOOR PLAN - SECOND LEVEL

A102

CONSTRUCTION ASSEMBLIES/NOTES — FLOOR

REV. JAN. 31, 2024

CONCRETE SLAB — F1

1. REINFORCED 4" THICK CONCRETE SLAB WITH STRUCTURAL TURNDOWNS AT THE PERIMETER- SEE STRUCT.
2. 10MM UNDERSLAB VAPOR BARRIER, STEGO OR EQUAL- WRAP UP INSULATON, OVER FOUNDATION AND SECURE TO SHEATHING- TAPE TOP EDGE TO SHEATHING.
3. INSULATE WITH 2" XPS UNDER SLAB 4'-0" IN FROM THE EXTERIOR- SEE DETAIL AT PERIMETER FOR SCOPE OF INSULATION AND INTERFACE WITH PERIMETER CONC. FOUNDATION WALL.

FLOOR/CLG. ASSEMBLY- 1 HOUR RATED — STC 61, UL-L521 — F2

1. OPEN WEB WOOD TRUSS FRAMING @ 16" O.C.
2. FILL ENTIRE CAVITY WITH DENSE PACK FIBERGLASS
3. RC-1 METAL CHANNEL
4. 2 LAYERS ⅝" GWB

CONSTRUCTION ASSEMBLIES/NOTES — ROOF

REV. JAN. 31, 2024

ROOF ASSEMBLY- 1 HOUR — STC 61, UL-L521 — R1

1. .060 FULL ADHERED EPDM ROOF
2. ¾" HD POLYISO COVER BOARD
3. 2 LAYERS OF POLYISOCYANURATE RIGID INSUL. (R-38)
4. OPEN WEB ROOF TRUSSES- SLOPED TOP CHORD TO DRAIN
5. DENSE PACK FIBERGLASS INSULATION TO FILL ROOF TRUSS CAVITY
6. CERTAINTEED MEMBRANE VAPOR BARRIER
7. RC-1 RESILIENT CHANNEL
8. 1 LAYER ⅝" SHEETROCK

ROOF ASSEMBLY OVER STAIR — R2

1. .060 FULL ADHERED EPDM ROOF
2. ¾" HD POLYISO COVER BOARD
3. ¾" ADVANTECH SHEATHING
4. 2X FRAMING- SLOPE STRUCT. TO DRAIN- SEE STRUCT. DWG.
5. CLOSED CELL FOAM INSULATION- R-50
6. 1X4 WOOD STRAPPING @ 24" O.C.
7. 1 LAYER ⅝" SHEETROCK

ROOF ASSEMBLY AT FRONT CANOPY — R3

1. .060 FULL ADHERED EPDM ROOF
2. ¾" HD POLYISO COVER BOARD
3. ¾" ADVANTECH SHEATHING
4. 2X8 TAPERED WOOD FRAMING AT 16" O.C.
5. 2X4 CEILING FRAMING TO PROVIDE BLOCKING FOR CEILING FIN.
6. 1X6 T&G CENTERMATCH THERMORY CEILING

CONSTRUCTION ASSEMBLIES/NOTES — WALLS

REV. JAN. 31, 2024

FOUNDATION WALL — W1

1. 8" THICK CONCRETE FOUNDATION
2. SEE DETAIL AT A501 FOR INSUL./DAMPPROOFING

EXTERIOR WALL ASSEMBLY — W2

1. EXTERIOR WALL FINISH
2. 2X4 WOOD FURRING @ 16" O.C.
3. ZIP R-SHEATHING: 2" THICK (R-6.6)
4. DENSE PACK CELLULOSE INSULATION (R-21 @ WALL CAVITY)
5. CERTAINTEED MEMBRANE VAPOR BARRIER
6. RC-1 RESILIENT CHANNEL
7. LAYER ⅝" SHEETROCK

1 HR. RATED WALL ASSEMBLY — STC 50/53, UL- U305 — W3

1. 2X4/2X6 @ 16" O.C. MIN.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 2 LAYERS OF ⅝" GWB ONE SIDE
4. ½" RESILIENT CHANNEL + ⅝" GWB ON THE OTHER

1 HR. RATED WALL ASSEMBLY — STC 55, GA WP 5513 — W4

1. STAGGER 2X4 STUDS @ 16" O.C. ON 2X6 PLATES
2. R-13 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + ⅝" GWB @ ONE SIDE
4. 2 LAYERS ⅝" GWB ON OTHER SIDE

1 HR. RATED WALL ASSEMBLY/BRG WALL — STC 58, GA WP 5513 — W5

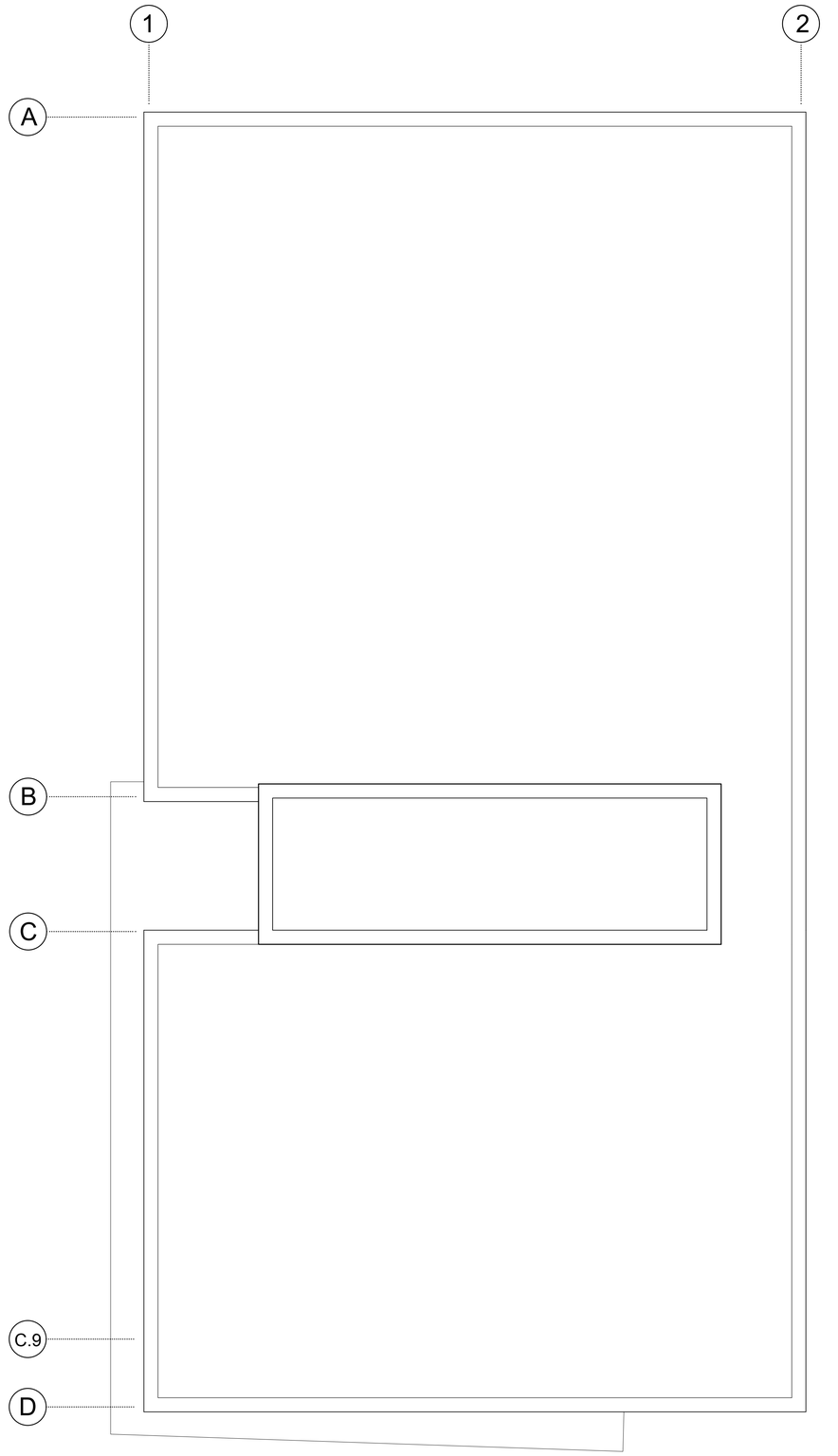
1. STAGGER 2X6 STUDS @ 12" O.C. ON 2X8 PLATES
2. R-19 FIBERGLASS BATTS FOR SOUND- FILL CAVITY
3. RC-1 RESILIENT CHANNEL + ⅝" GWB @ ONE SIDE
4. 2 LAYERS ⅝" GWB ON OTHER SIDE

INTERIOR WALL PARTITION ASSEMBLY — W6

1. 2X4/2X6 @ 16" O.C.
2. R-13 FIBERGLASS BATTS FOR SOUND
3. 1 LAYER OF ⅝" GWB EACH SIDE

EXT. WALL ASSEMBLY- ROOF/PARAPET LEVEL — W7

1. 2X10 @ 16" O.C. MIN.
2. ½" ZIP SHEATHING AT BOTH SIDES OF STUDS
3. RAIN SCREEN MATRIX- TYP.
4. FINISH- SEE ELEVATIONS



1 ROOF PLAN

SCALE: 1/4"=1'-0"

DELANO
ARCHITECTURE
111 Elm Street
Saco, Maine 04072
207-494-9035

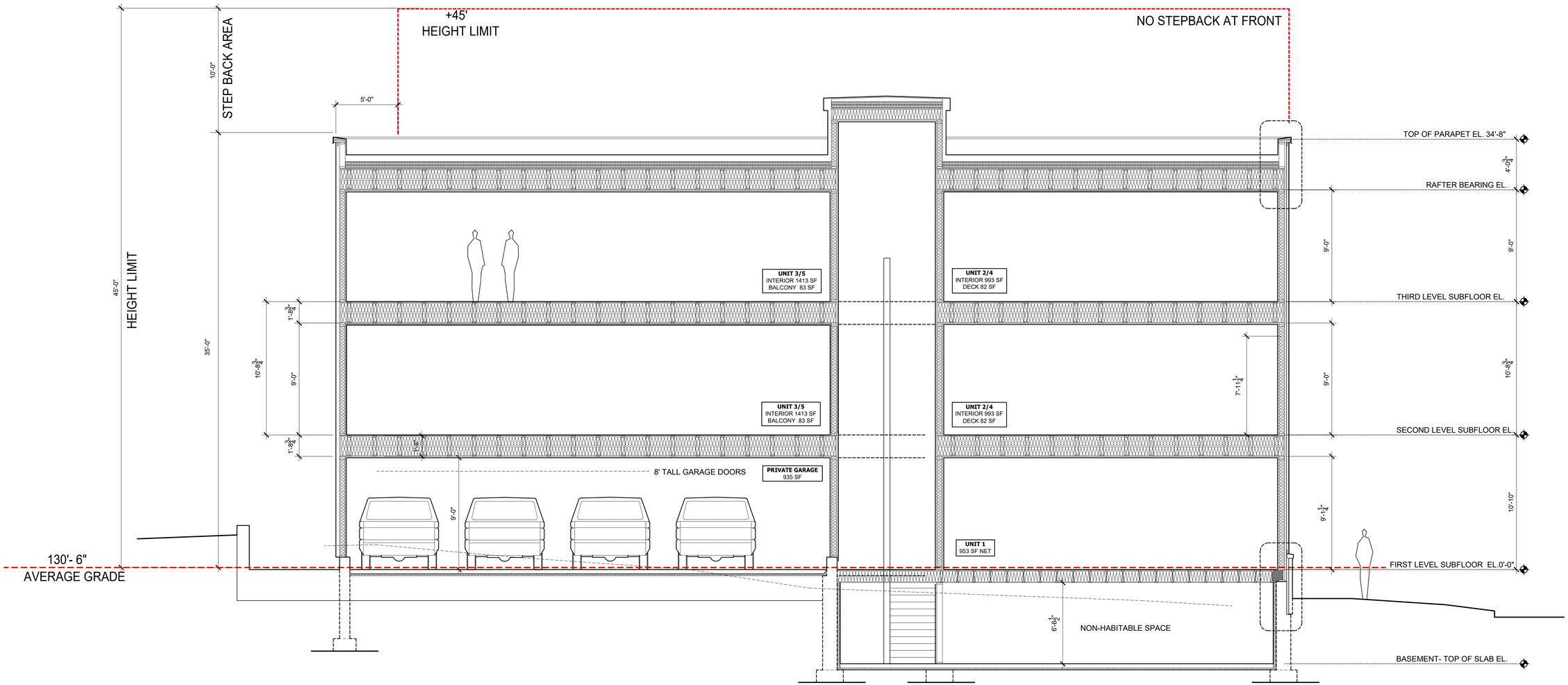
56 Cumberland Condominiums

56 Cumberland Ave. Protland, Maine 04101

January 31, 2024

▶FLOOR PLAN - ROOF PLAN

A104



1 BUILDING SECTION (EAST-WEST)

SCALE: 1/4"=1'-0"

DELANO
ARCHITECTURE
111 Elm Street
Saco, Maine 04072
207-494-9035

56 Cumberland Condominiums

56 Cumberland Ave. Protland, Maine 04101

January 31, 2024

▶BUILDING SECTIONS

A301




56


56


56


56



1 SIDE ELEVATION - NorthEast

SCALE: 1/4"=1'-0"

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ARCHITECTURE
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56 Cumberland Ave. Protland, Maine 04101

January 31, 2024

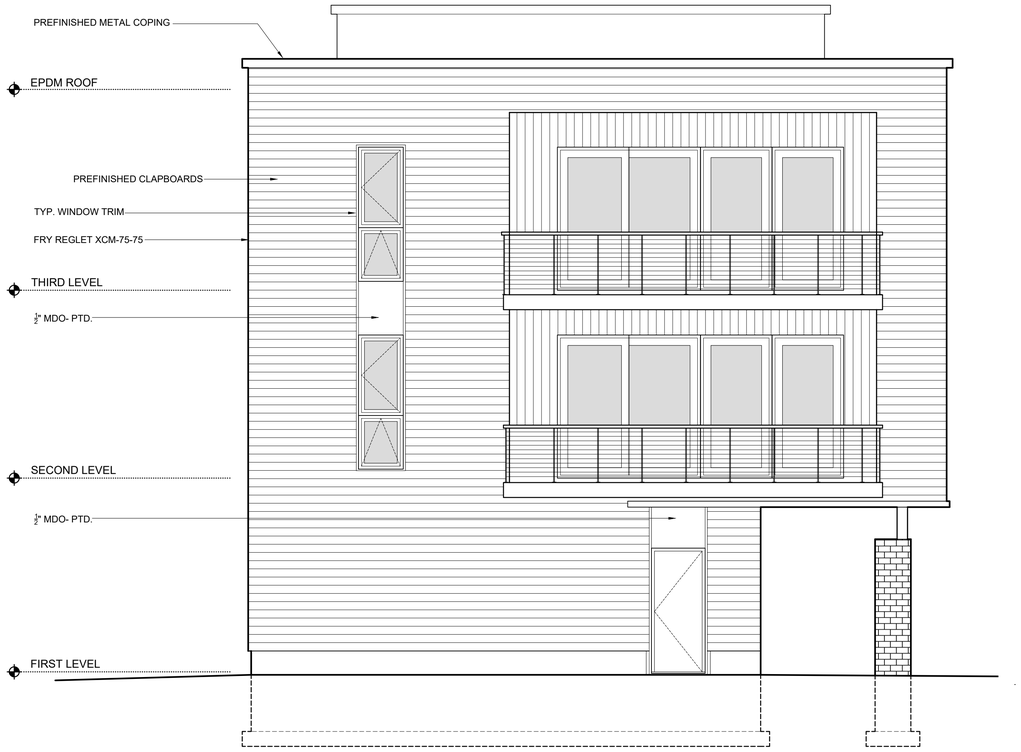
▶SIDE ELEVATION - NORTHEAST

A201



1 FRONT ELEVATION - NorthWest

SCALE: 1/4"=1'-0"



2 REAR ELEVATION - SouthEast

SCALE: 1/4"=1'-0"

DELANO
ARCHITECTURE
111 Elm Street
Saco, Maine 04072
207-494-9035

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56 Cumberland Ave. Protland, Maine 04101

January 31, 2024

▶FRONT AND REAR ELEVATIONS

A202



1 SIDE ELEVATION - SouthWest

SCALE: 1/4"=1'-0"

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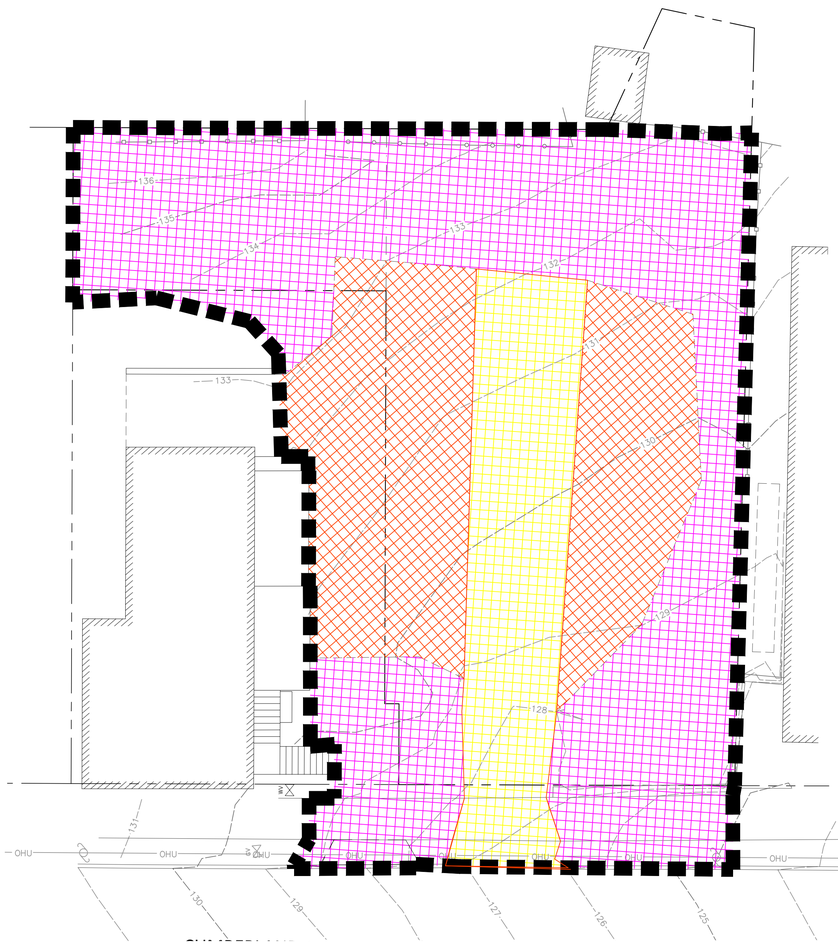
56 Cumberland Condominiums

56 Cumberland Ave. Protland, Maine 04101

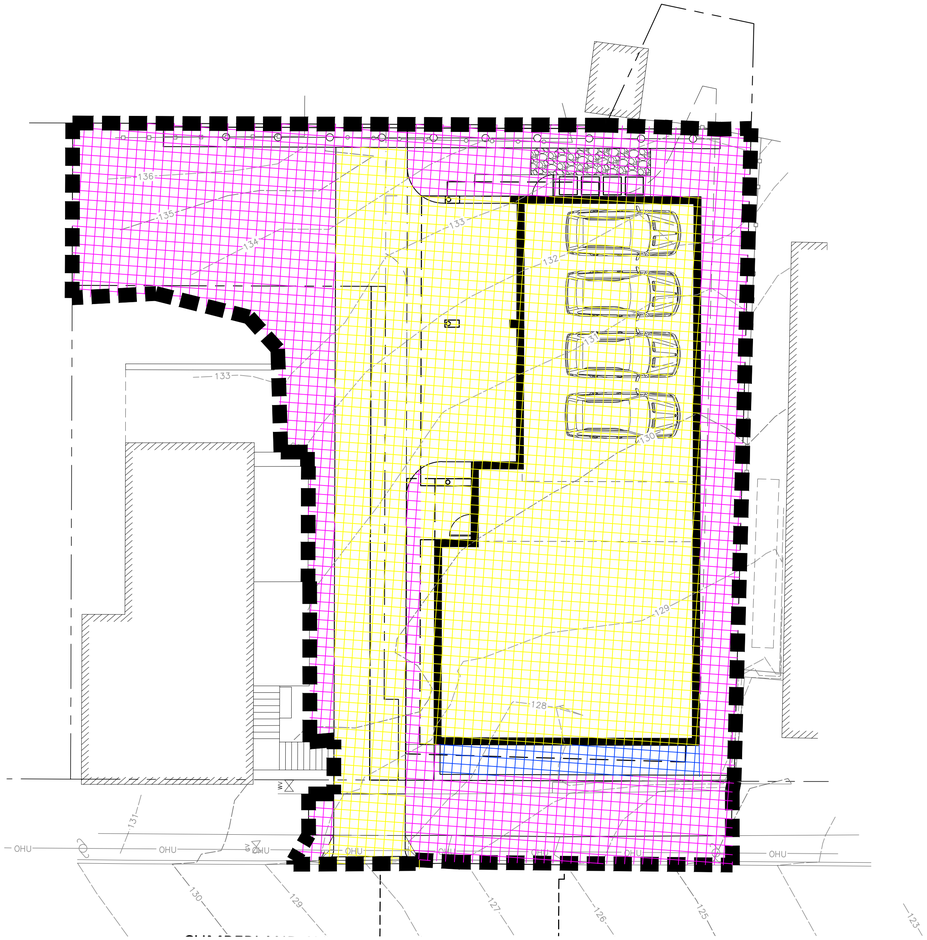
January 31, 2024

▶FRONT AND REAR ELEVATIONS

A203



PRE-DEVELOPMENT CONDITION



POST-DEVELOPMENT CONDITION

0 5 10 20
GRAPHIC SCALE
1" = 10'

- POLLUTANT RANK 5 — HIGH USE PARKING LOTS AND ROADS
- POLLUTANT RANK 4 — OTHER ROAD & MEDIUM USE PARKING LOTS
- POLLUTANT RANK 3 — OTHER PARKING LOTS, DRIVEWAYS & FLAT ROOFS
- POLLUTANT RANK 2 — OTHER ROOF, BIKEWAYS, WALKWAYS, LAWN
- POLLUTANT RANK 1 — NON-GRASS LANDSCAPE & STORMWATER SYSTEM
- POLLUTANT RANK 0 — UNDEVELOPED FOREST OR MEADOW

REDEVELOPMENT STORMWATER TREATMENT CALCULATIONS
56 CUMBERLAND AVENUE

Existing Conditions

Land Use	Area (SF)	Area (Ac.)	Pollutant Rank	Existing Impact
High Use Parking Lots and Roads	0	0.00	5	0.00
Other Road and Medium Use Parking Lots	2,045	0.05	4	0.19
Other parking lots & driveways/Flat Roof	1,160	0.03	3	0.08
Other roof, bikeways, grass, walkways	3,935	0.09	2	0.18
Non-grass landscape/stormwater system	0	0.00	1	0.00
Undeveloped Area	0	0.00	0	0.00
Totals	**7,140**	**0.16**		**0.45**

Existing Impact Rating / Redevelopment Area = 2.74

Proposed Conditions

Land Use	Area (SF)		Pollutant Rank	Proposed Impact
High Use Parking Lots and Roads	0	0.00	5	0.00
Other Road and Medium Use Parking Lots	0	0.00	4	0.00
Other parking lots & driveways/Flat Roof	4,085	0.09	3	0.28
Other roof, bikeways, grass, walkways	2,895	0.07	2	0.13
Non-grass landscape/stormwater system	160	0.00	1	0.00
Forest/Meadow	0	0.00	0	0.00
Totals	**7,140**	**0.16**		**0.42**

Proposed Impact Rating / Redevelopment Area = 2.55

Treatment Requirements

Ranked Impact Change Due to Redevelopment = -0.19
Percentage of Developed Area to be treated (Table 3) = 0%

STATE OF MAINE
JAYSON R. HASKELL
No. 15062
LICENSED PROFESSIONAL ENGINEER
11-21-2023

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

REV	DATE	BY	DESCRIPTION
A	11-21-23	JRH	ISSUED FOR CITY REVIEW

STORMWATER REDEVELOPMENT MAP

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

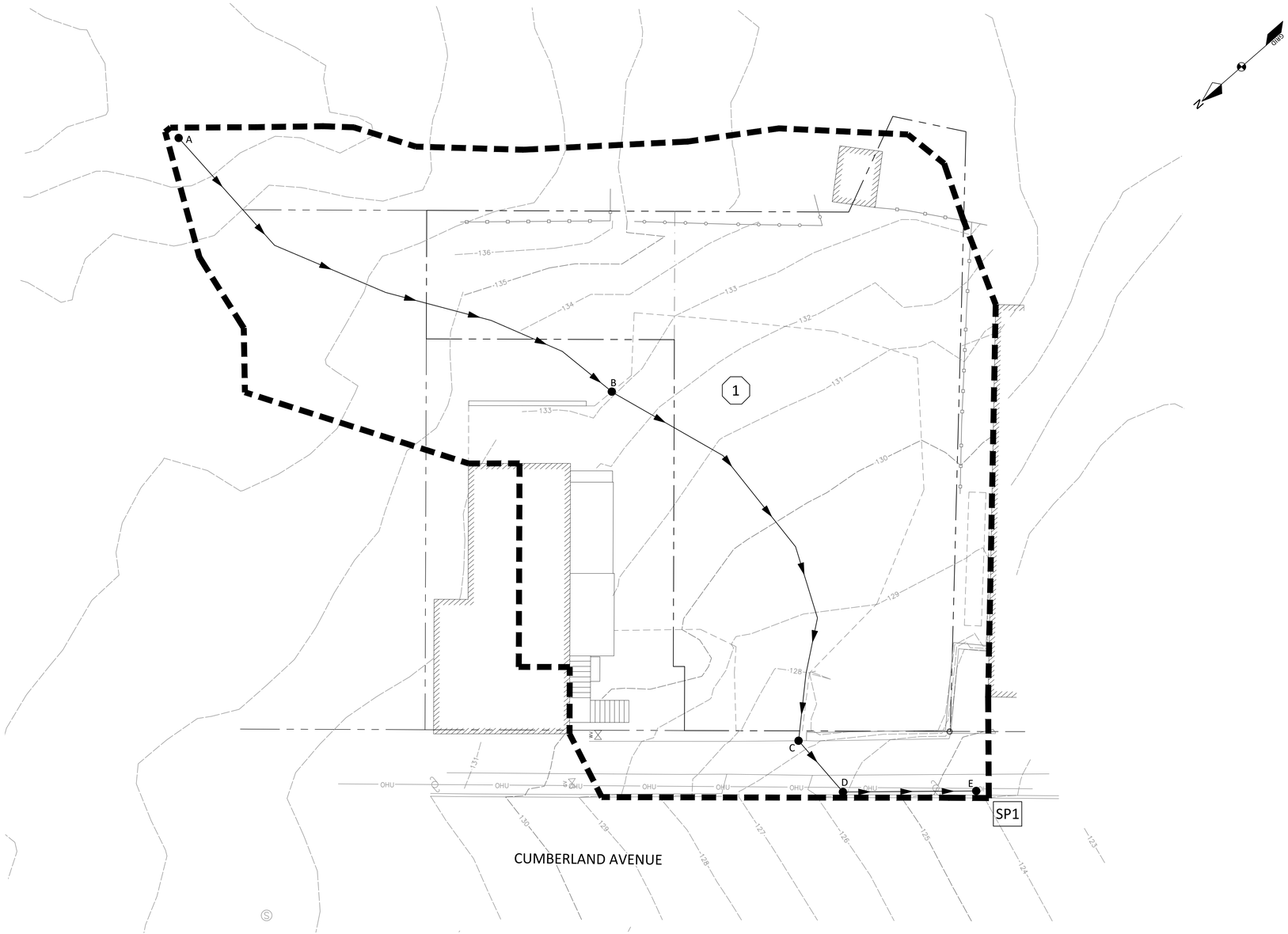
23046
JOB NUMBER:

1" = 10'
SCALE:

11-21-2023
DATE:

SHEET 3 OF 3

RD-1



WATERSHED MAP LEGEND

- 1 — WATERSHED NO.
- SP1 — REACH/STUDY POINT
- P1 — POND
- WATERSHED BOUNDARY
- A → B — TIME OF CONCENTRATION
- REACH PATH
- SOIL BOUNDARY

STATE OF MAINE — JAYSON R. HASKELL No. 13062 — LICENSED PROFESSIONAL ENGINEER — 11-21-2023

REV	DATE	BY	DESCRIPTION
A	11-21-23	JRH	ISSUED FOR CITY REVIEW

DM ROMA
CONSULTING ENGINEERS
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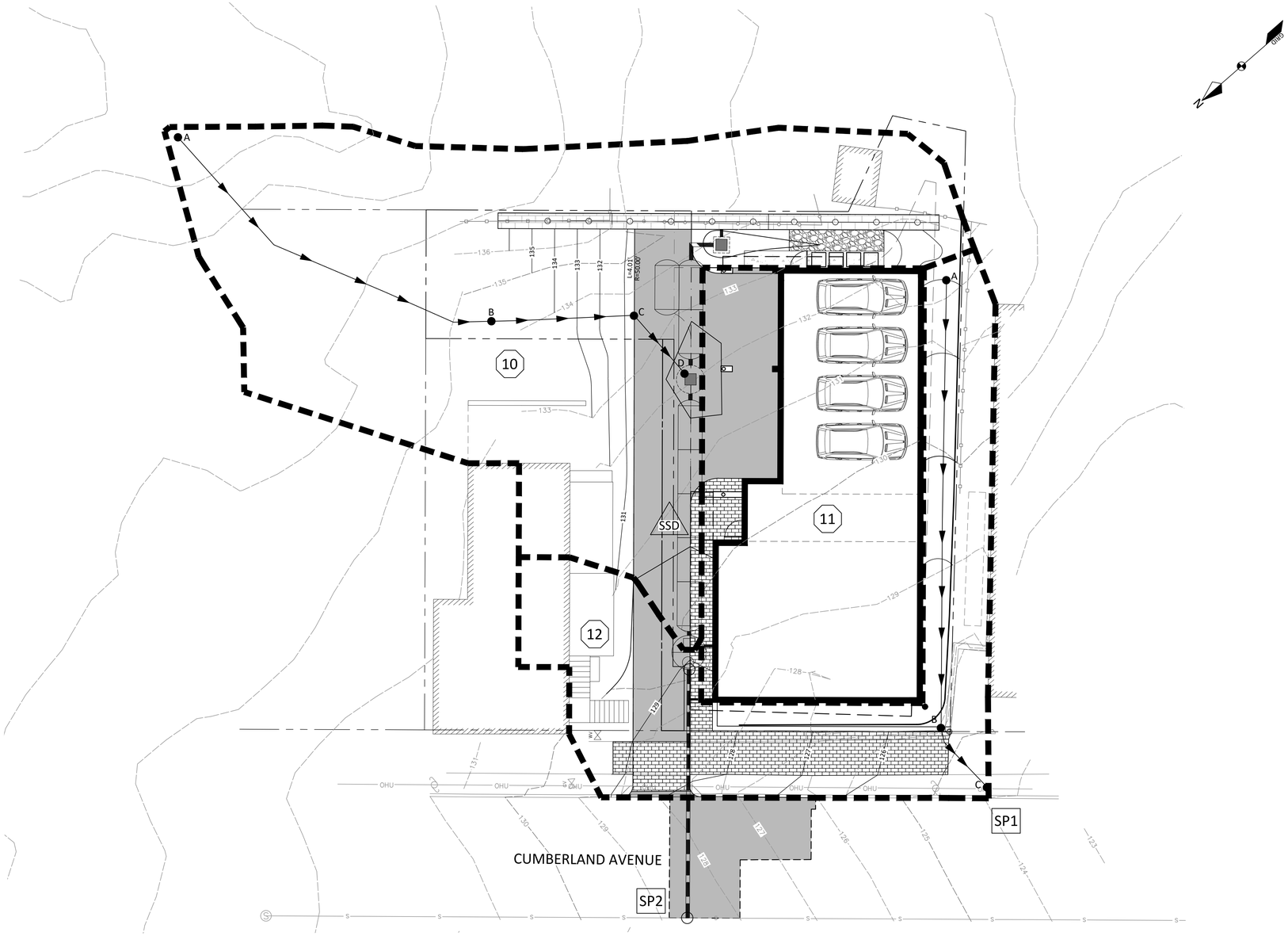
WINDHAM, ME 04062
(207) 591-5055

PRE-DEVELOPMENT WATERSHED MAP

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

23046	JOB NUMBER:
1" = 10'	SCALE:
11-21-2023	DATE:
SHEET 1 OF 3	
WS-1	



WATERSHED MAP LEGEND

- 1 — WATERSHED NO.
- SP1 — REACH/STUDY POINT
- P1 — POND
- WATERSHED BOUNDARY
- A → B — TIME OF CONCENTRATION
- REACH PATH
- SOIL BOUNDARY

STATE OF MAINE — JAYSON R. HASKELL No. 13062 — LICENSED PROFESSIONAL ENGINEER — 11-21-2023

REV	DATE	BY	DESCRIPTION
A	11-21-23	JRH	ISSUED FOR CITY REVIEW

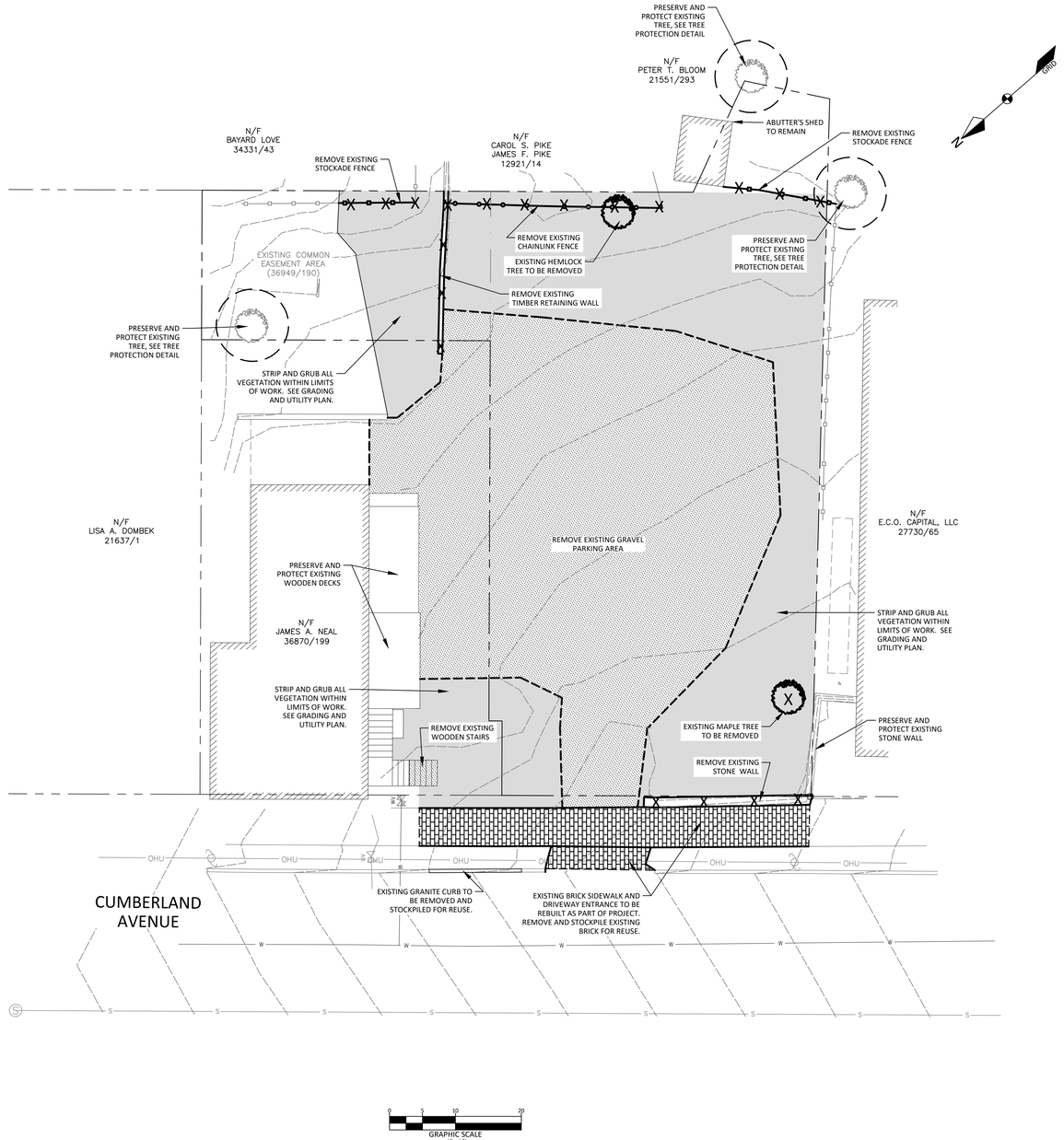
DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

POST DEVELOPMENT WATERSHED MAP

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

23046	JOB NUMBER:
1" = 10'	SCALE:
11-21-2023	DATE:
SHEET 2 OF 3	
WS-2	



GENERAL NOTES:

1. THE OWNER OF RECORD OF THE PROPERTY IS 56 CUMBERLAND AVENUE, LLC BY DEED RECORDED IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 37867 PAGE 168.
2. TOTAL AREA OF THE PARCEL IS APPROXIMATELY 5,816 SF (5,976 SF AFTER LAND ACQUISITION).
3. PARCEL TAX MAP REFERENCE: CITY OF PORTLAND ASSESSORS MAP 13, LOT 3 BLOCK L.
4. PLAN REFERENCES:
   A) BOUNDARY AND TOPOGRAPHIC SURVEY OF 56 CUMBERLAND AVENUE, PORTLAND, MAINE FOR DM ROMA CONSULTING ENGINEERS SURVEYED BY SURVEY, INC. DATED JULY 2023 AND REVISED THROUGH JANUARY 29, 2024.
5. HORIZONTAL DATUM: MAINE STATE PLANE, WEST ZONE, NAD83, U.S. FEET.
6. VERTICAL DATUM: CITY OF PORTLAND VERTICAL DATUM. BENCHMARK IS THE MONUMENT AT THE NORTHEAST CORNER OF CONGRESS STREET AND NORTH STREET, CITY POINT T-104-35-3, ELEVATION 46.69.
7. BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON IS BASED ON PLAN REFERENCE 4A.
8. THE PROPERTY IS LOCATED IN THE RESIDENTIAL R-6 DISTRICT.
9. EXISTING UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND UTILITY FEATURES AND RECORD DRAWINGS. THE CONTRACTOR IS RESPONSIBLE FOR CONTACTING DIGSAFE PRIOR TO CONSTRUCTION.

LEGEND

- PROPERTY LINE/R.O.W.
- ABUTTER PROPERTY LINE
- EASEMENT LINE
- GRANITE MONUMENT
- IRON PIN/DRILL HOLE
- BUILDING
- EDGE OF PAVEMENT/CURB
- EDGE OF GRAVEL
- CONTOUR LINE
- SEWER MANHOLE
- SANITARY SEWER PIPE
- WATER MAIN
- WATER VALVE
- UTILITY POLE
- OVERHEAD UTILITIES
- GAS MAIN
- GAS VALVE

STATE OF MAINE — JAYSON R. HASKELL No. 10062 — LICENSED PROFESSIONAL ENGINEER — 1-31-2024

CARROLL ASSOCIATES
LANDSCAPE ARCHITECTS
217 COMMERCIAL STREET, STE 204
PORTLAND, MAINE 04101
207.772.1552 V. F. 207.772.0712

DM ROMA
CONSULTING ENGINEERS
P.O. BOX 1116
WINDHAM, ME 04062
(207) 591-5055

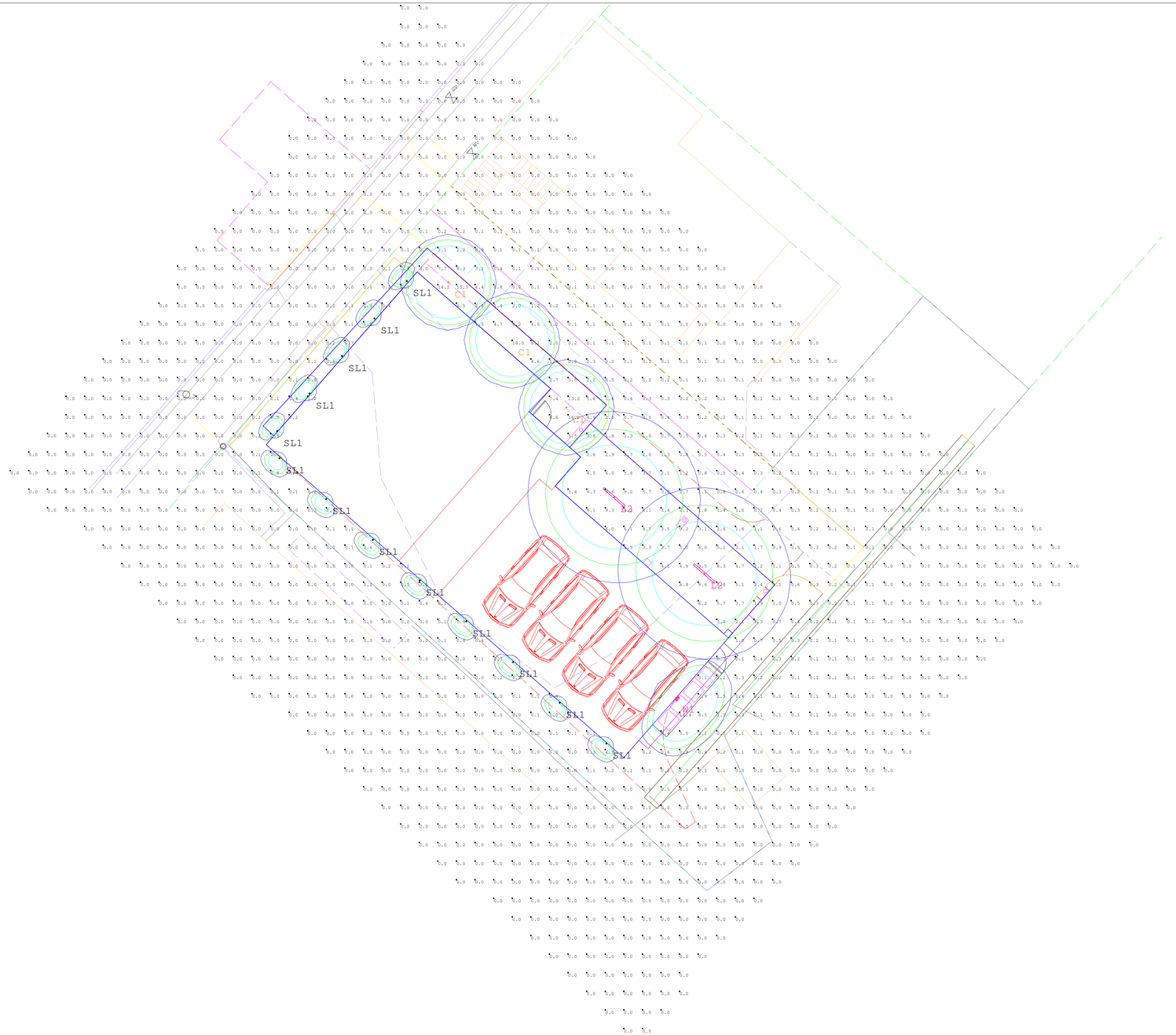
REV	DATE	BY	DESCRIPTION
A	1-31-24	JRH	ISSUED FOR CITY REVIEW

SITE DEMOLITION PLAN

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

FOR:
FAFNIR CUMBERLAND, LLC
56 CUMBERLAND AVENUE
PORTLAND, MAINE 04101

23046 JOB NUMBER:
1" = 10' SCALE:
1-31-2024 DATE:
SHEET 3 OF 9
SD-1



Luminaire Schedule

Symbol	Qty	Label	Description	Tag	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
	3	C1	ALPHABET: NU3-RD-SW-10LM-30K-80-40C-CL-CXX-CXX-MXX-UNV-DIMXX	CANOPY LIGHT	0.900	850	8.5	25.5
	2	L2	NULITE: RXT-F-D-05-L30-UNV-DIMXX-11-FR-F-CXX-4		0.900	1949	21.106	42.212
	13	SL1	WAC: WL-LED120-3000K-CXX	WALL MTD 2' AFG	0.900	36	3.21776	41.831
	1	W1	PERFORMANCE IN LIGHTING: Q20-M-11-CXX-T1-3K-UNV-DIMXX	WALL MTD 6' AFG	0.900	695	11	11

CHARRON REFLEX LIGHTING

#	Date	Comments

Revisions

Drawn By: Michael O'Brien
Checked By:
Date:11/16/2023
Contact: mobrien@charroninc.com
Scale: NTS

56 Cumberland Ave Condos
Exterior Lighting

Portland, ME

Page M of 1

DM ROMA
CONSULTING ENGINEERS

STORMWATER MANAGEMENT PLAN

RESIDENTIAL CONDOMINIUM DEVELOPMENT
56 CUMBERLAND AVENUE
PORTLAND, MAINE

A. Narrative

The applicants, Fafnir Cumberland, LLC, intend to construct a three-story residential building at 56 Cumberland Avenue in Portland. The building, with a footprint of approximately 3,020 square feet, will include five (5) two- and three-bedroom condominium units with drive under garage spaces for four (4) vehicles and common rooftop deck. Other site improvements include a new paved driveway, sidewalks and associated retaining wall along the rear of the property. The building will be served by public water, sewer and underground electrical and cable services.

B. Existing Conditions

The project site is currently developed with a gravel parking lot utilized by the adjacent residential property at 54 Cumberland Avenue along with other vehicle parking. The remaining portions of the site consist of lawn and landscaping.

The site is moderately sloped (7%-9%) with the use of an existing vertical retaining wall along Cumberland Avenue. The onsite soils are mapped as Hinckley loamy sand as identified on the Medium Intensity Soil Maps for Cumberland County, Maine published by the Natural Resources Conservation Service. The Hinckley soil is within the hydrologic soil group (HSG) "A" indicating well drained soils. The Medium Intensity Soils Map has been included as Attachment 1 of this report.

In general, the property drains to the west across the site to Cumberland Avenue. Once in the public roadway, runoff is conveyed south westerly along the curbline to a catch basin at the intersection of Cumberland Avenue and Sheridan Street. This catch basin is then connected into the City's existing combined sewer system.

C. Alterations to Land Cover

The project will consist of the redevelopment of approximately 7,140 square feet of land within the limits of 56 Cumberland Avenue, the adjacent 54 Cumberland Avenue within the proposed access and utility easement and sidewalk reconstruction within the Cumberland Avenue right of way. Within that area, there is currently approximately 3,525 square feet of existing impervious area and approximately 3,615 square feet of existing lawn and landscaping.

The project will redevelop the property as indicated in the Table 1 below:

Table 1 – Site Redevelopment – Land Cover		
Existing Condition	**Proposed Condition**	**Area (sf)**
Non-Roof Impervious	Lawn/Landscaping	320
Non-Roof Impervious	Rooftop Impervious	2,110
Roof Impervious	Lawn/Landscaping	0
Non-Roof Impervious	Non-Roof Impervious	1,120
Lawn/Landscaping	Non-Roof Impervious	805
Roof Impervious	Non-Roof Impervious	0
Lawn/Landscaping	Roof Impervious	885
Lawn/Landscaping	Lawn/Landscaping	1,900
	Total:	7,140

As indicated in the table above, there will be a net increase in site impervious surfaces of approximately 1,370 square feet, but the non-rooftop impervious surfaces is reduced by approximately 1,625 square feet.

D. Methodology and Modeling Assumptions

The proposed stormwater management system has been designed utilizing Best Management Practices to maintain existing drainage patterns while providing stormwater quality improvement measures. The goal of the storm drainage system design is to remove potential stormwater pollutants from runoff generated by the development while providing attenuation of the peak rates of runoff prior to entering the existing combined sewer system. The method utilized to predict the surface water runoff rates in this analysis is a computer program entitled HydroCAD, which is based on the same methods that were originally developed by the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service, and utilized in the TR-20 modeling program. Peak rates of runoff are forecasted based upon land use, hydrologic soil conditions, vegetative cover, contributing watershed area, time of concentration, rainfall data, storage volumes of detention basins and the hydraulic capacity of structures. The computer model predicts the amount of runoff as a function of time, with the ability to include the attenuation effect due to dams, lakes, large wetlands, floodplains and constructed stormwater management basins. The input data for rainfalls with statistical recurrence frequencies of 2-, 10- and 25 years was obtained from Appendix H of the MDEP, Chapter 500 Stormwater Management, last revised in 2015. The National Weather Service developed four synthetic storm types to simulate rainfall patterns around the country. For analysis in Cumberland County, Maine, the type III rainfall pattern with a 24-hour duration is appropriate.

E. Basic Standards

The project is required by the City to provide permanent and temporary Erosion Control Best Management Practices.

During construction, the contractor will utilize temporary erosion controls including silt fence/erosion control mix berms and catch basin inlet protection. In addition, a stabilized construction entrance to be installed where vehicles are entering and exiting the site. The contractor shall inspect these practices at least weekly and after significant rain storm events.

Once the site is stabilized, these temporary measures are to be removed and all captured sediment and debris properly disposed of. Permanent erosion control measures are primarily vegetation and pavement to maintain a stable property. Proposed erosion control measures are shown in the plan set on the Grading and Utility Plan along with notes and details on the Detail Sheets.

F. General Standards - Redevelopment

Since the project is generating over 1,000 square feet of new impervious area and the project is being reviewed as a Major Site Plan, the project is required by the City of Portland's Technical Manual to meet the General Standards outlined in the MDEP Chapter 500 rules. As the project is classified as a redevelopment project under the General Standards, the site's treatment requirement was determined utilizing the pollutant impact ranking system outlined in Chapter 500, Section 4.C.(2).(d). Table 2.

In the existing condition, the site consists of primarily vehicular driveways and parking utilized for parked vehicles for an extend period of time (over 2 hours). Based on Chapter 500, these land features are classified under Pollutant Rank 3 and 4 respectively. The remaining sidewalks and lawn areas are classified under Pollutant Rank 2. In the developed condition, the parking associated with the new building will be enclosed, not generating the potential pollutant load that an open parking lot will generate. The majority of the area that was ranked as 3 and 4 in the existing condition is now reduced to only 3 as it is a building with a flat roof. In addition, areas that are to be landscaped with mulch instead of lawn have a lower pollutant rank of 1.

When the pollutant ranks are applied to the associated areas, the existing pollutant impact ranking was determined to be 2.74 and the post developed condition pollutant impact ranking was determined to be 2.55. Since the "Ranked Impact Change Due to Redevelopment" is a reduction, based on Chapter 500, Section 4.C.(2).(d). Table 3, no treatment is required for the site.

The Stormwater Redevelopment Map has been included in the plan set and the Redevelopment Calculations have been included as Attachment 2 of this report.

G. Peak Stormwater Discharge Analysis

As part of the stormwater design, the peak rates of runoff have been analyzed to determine any potential flooding concerns as a result of the project during the 2-year, 10-year and 25-year 24-hour storm events. In addition, since the project will require a connection into the combined sewer system within Cumberland Avenue, on-site stormwater detention is required of a volume equivalent to the greater of 1" of rainfall over the entire project redeveloped area being proposed or the projected 24 hour daily sanitary sewer flow being added to the combined sewer system.

As previously indicated, the total redeveloped area is approximately 7,140 square feet. The resultant volume of runoff detention required would calculate to 595 cubic feet. In comparison, the projected 24-hour sanitary sewer flow is approximately 1,080 gallons per day (12 bedrooms at 90 gal/day) or 144 cubic feet, resulting in an on-site detention volume requirement of the larger value of 595 cubic feet. The detention volume will be accommodated in an underground stormwater chamber system. This system is designed to both infiltrate the tributary runoff and slowly release it into the sewer main in Cumberland Avenue. With the incorporation of eight (8) SC-740 Stormtech Chambers and setting the top of the outlet control structure overflow to elevation 125.80 (top of chamber), the provided storage volume is 675 cubic feet. This storage system was incorporated into the stormwater model.

To analyze the project peak rates of runoff generated by the project, two study points were analyzed. Study Point 1 represents the location adjacent to the northwest corner of the project site where runoff generated by the property drains from the site into Cumberland Avenue. Study Point 2 analyzes the stormwater flow tributary to the combined sewer main directly across the project site.

Table 2 below summarizes the modeled output results of the pre- and post-developed project conditions for the 2-, 10- and 25-year 24-hour storm events.

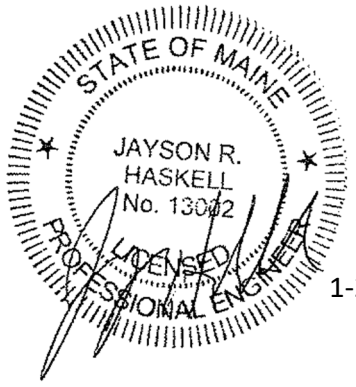
Table 2 – Peak Rates of Stormwater Runoff						
Study Point	**2-Year (cfs)**		**10-Year (cfs)**		**25-Year (cfs)**	
	Pre	Post	Pre	Post	Pre	Post
SP-1	0.09	0.04	0.35	0.11	0.60	0.18
SP-2	0.00	0.05	0.00	0.10	0.00	0.14

As illustrated in Table 1, the proposed project's stormwater design reduces the surface runoff generated by the site. This is a result of the installation of the underground stormwater chamber system and connecting the remaining flow to the existing sewer main. Incorporated into the outlet control structure associated with the detention system is a concrete weir with a small, low flow orifice to regulate the tributary runoff to the combined system during the more common rain storm events. The watershed maps showing the pre- and post-development drainage patterns have been included in the plan set and the output from the HydroCAD model has been included as Attachment 3 of this report.

Prepared by:

DM ROMA CONSULTING ENGINEERS

Jayson R. Haskell P.E.
Southern Maine Regional Manager

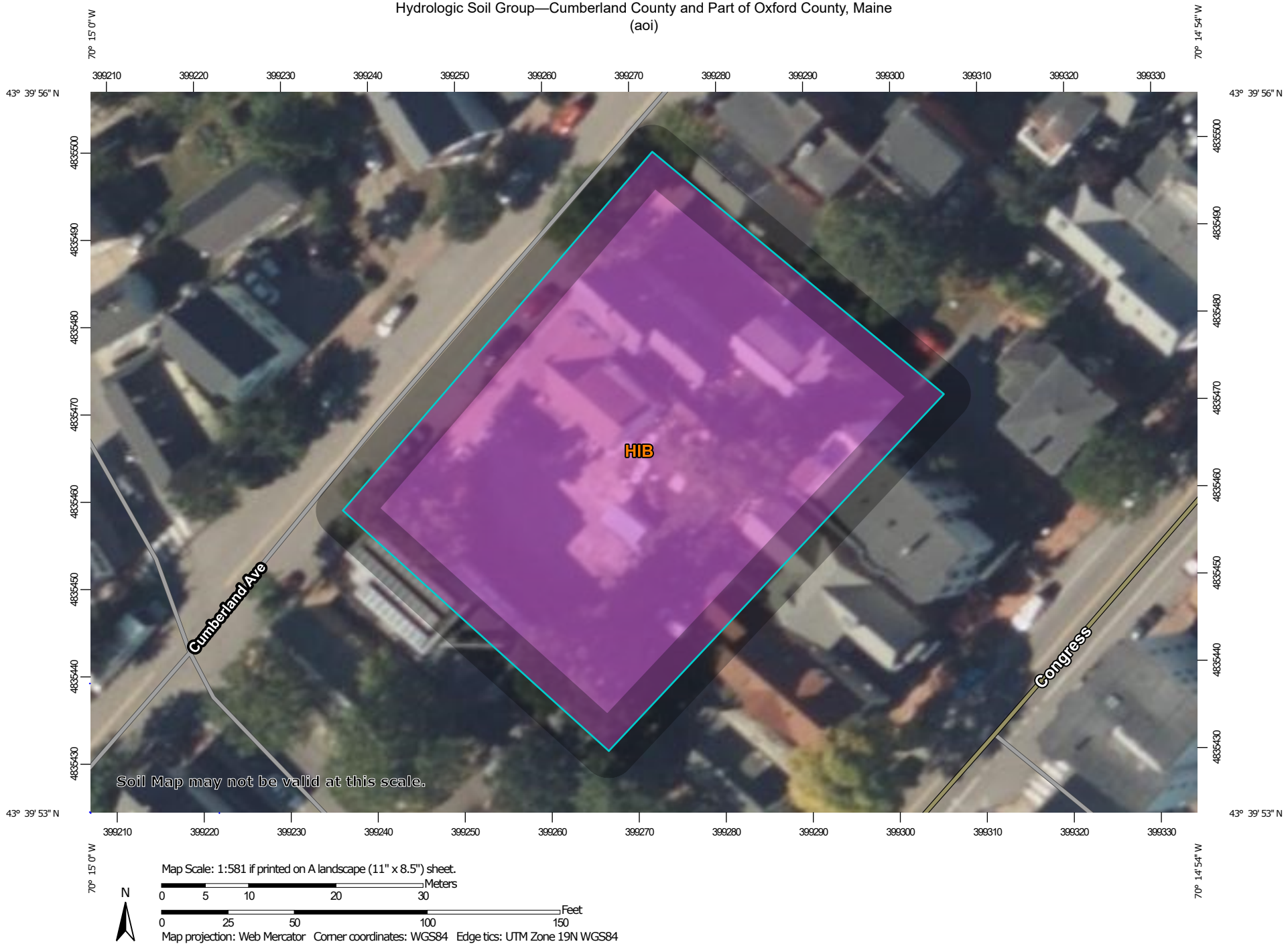


1-29-2024

ATTACHMENT 1

MEDIUM INTENSITY SOIL MAP

Hydrologic Soil Group—Cumberland County and Part of Oxford County, Maine
(aoi)



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 19, Aug 30, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

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	0.6	100.0%
Totals for Area of Interest			**0.6**	**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

Cumberland County and Part of Oxford County, Maine

HIB—Hinckley loamy sand, 3 to 8 percent slopes

Map Unit Setting

National map unit symbol: 2svm8
Elevation: 0 to 1,430 feet
Mean annual precipitation: 36 to 53 inches
Mean annual air temperature: 39 to 55 degrees F
Frost-free period: 140 to 240 days
Farmland classification: Farmland of statewide importance

Map Unit Composition

Hinckley and similar soils: 85 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hinckley

Setting

Landform: Outwash deltas, outwash terraces, kames, kame terraces, moraines, eskers, outwash plains
Landform position (two-dimensional): Summit, shoulder, backslope, footslope
Landform position (three-dimensional): Nose slope, side slope, base slope, crest, riser, tread
Down-slope shape: Concave, convex, linear
Across-slope shape: Convex, linear, concave
Parent material: Sandy and gravelly glaciofluvial deposits derived from gneiss and/or granite and/or schist

Typical profile

Oe - 0 to 1 inches: moderately decomposed plant material
A - 1 to 8 inches: loamy sand
Bw1 - 8 to 11 inches: gravelly loamy sand
Bw2 - 11 to 16 inches: gravelly loamy sand
BC - 16 to 19 inches: very gravelly loamy sand
C - 19 to 65 inches: very gravelly sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to very high (1.42 to 99.90 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Maximum salinity: Nonsaline (0.0 to 1.9 mmhos/cm)
Available water supply, 0 to 60 inches: Very low (about 3.0 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 3s
Hydrologic Soil Group: A
Ecological site: F144AY022MA - Dry Outwash
Hydric soil rating: No

Data Source Information

Soil Survey Area: Cumberland County and Part of Oxford County, Maine
Survey Area Data: Version 20, Sep 5, 2023

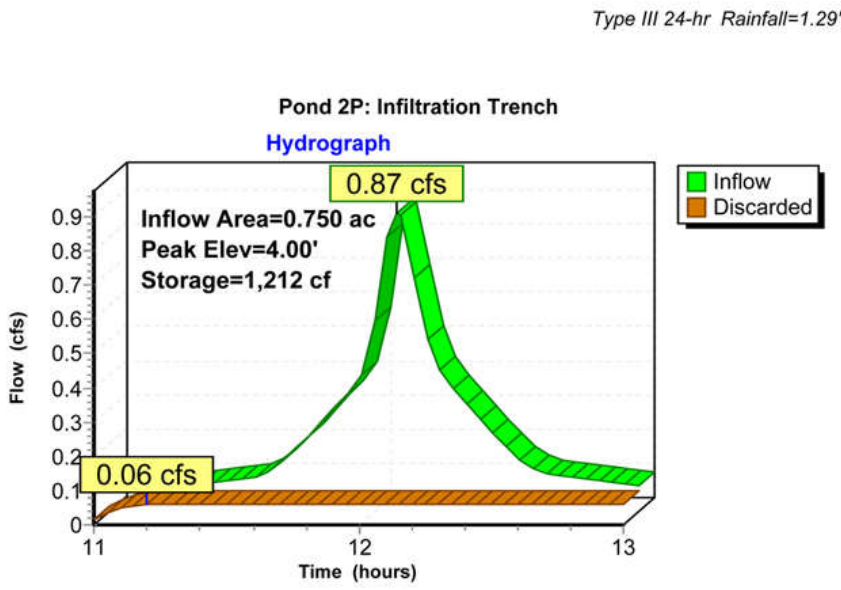


Table 2.3.3. 1982 Rawls Rates[18]

Texture Class	NRCS Hydrologic Soil Group (HSG)	Infiltration Rate Inches/Hour
~~Sand~~	~~A~~	~~8.27~~
Loamy Sand	A	2.41
~~Sandy Loam~~	~~B~~	~~1.02~~
Loam	B	0.52
Silt Loam	C	0.27
Sandy Clay Loam	C	0.17
Clay Loam	D	0.09
Silty Clay Loam	D	0.06
Sandy Clay	D	0.05
Silty Clay	D	0.04
Clay	D	0.02

[18] Rawls, Brakensiek and Saxton, 1982

ATTACHMENT 2

REDEVELOPMENT CALCULATIONS

REDEVELOPMENT STORMWATER TREATMENT CALCULATIONS
56 CUMBERLAND AVENUE

Existing Conditions

Land Use	Area (SF)	Area (Ac.)	Pollutant Rank	Existing Impact
High Use Parking Lots and Roads	0	0.00	5	0.00
Other Road and Medium Use Parking Lots	2,045	0.05	4	0.19
Other parking lots & driveways/Flat Roof	1,160	0.03	3	0.08
Other roof, bikeways, grass, walkways	3,935	0.09	2	0.18
Non-grass landscape/stormwater system	0	0.00	1	0.00
Undeveloped Area	0	0.00	0	0.00
Totals	**7,140**	**0.16**		**0.45**

Existing Impact Rating / Redevelopment Area = 2.74

Proposed Conditions

Land Use	Area (SF)		Pollutant Rank	Proposed Impact
High Use Parking Lots and Roads	0	0.00	5	0.00
Other Road and Medium Use Parking Lots	0	0.00	4	0.00
Other parking lots & driveways/Flat Roof	4,085	0.09	3	0.28
Other roof, bikeways, grass, walkways	2,895	0.07	2	0.13
Non-grass landscape/stormwater system	160	0.00	1	0.00
Forest/Meadow	0	0.00	0	0.00
Totals	**7,140**	**0.16**		**0.42**

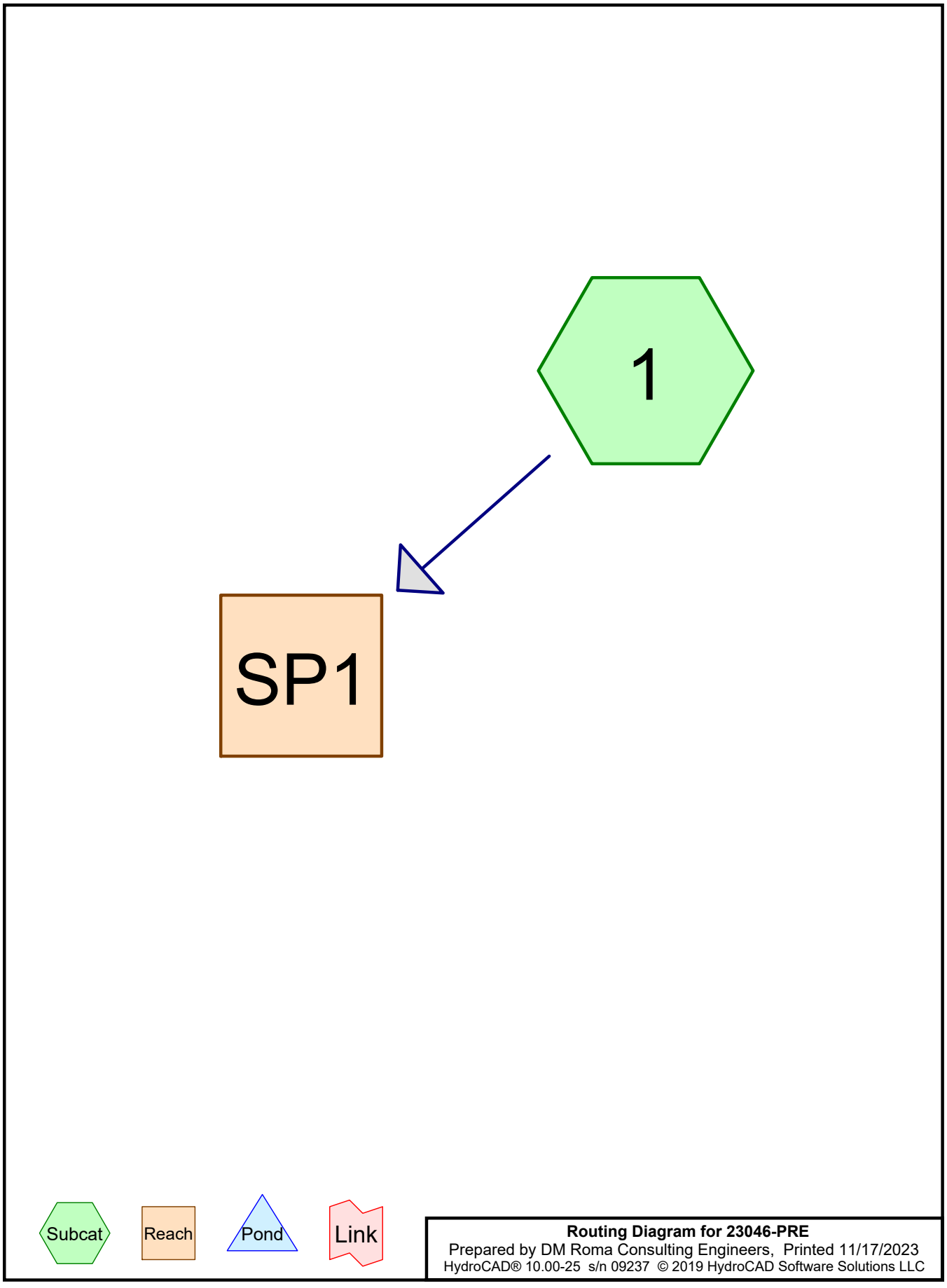
Proposed Impact Rating / Redevelopment Area = 2.55

Treatment Requirements

Ranked Impact Change Due to Redevelopment = -0.19
Percentage of Developed Area to be treated (Table 3) = 0%

ATTACHMENT 3

HYDROCAD OUTPUT



Routing Diagram for 23046-PRE
Prepared by DM Roma Consulting Engineers, Printed 11/17/2023
HydroCAD® 10.00-25 s/n 09237 © 2019 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1: Runoff Area=12,165 sf 12.62% Impervious Runoff Depth=1.95"
Flow Length=204' Tc=6.0 min CN=62 Runoff=0.60 cfs 1,982 cf

Reach SP1: Inflow=0.60 cfs 1,982 cf
Outflow=0.60 cfs 1,982 cf

Summary for Subcatchment 1:

Runoff = 0.60 cfs @ 12.10 hrs, Volume= 1,982 cf, Depth= 1.95"

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
*	860	98	Buildings
*	675	98	Pavement
*	3,295	96	Gravel Parking
	7,335	39	>75% Grass cover, Good, HSG A
	12,165	62	Weighted Average
	10,630		87.38% Pervious Area
	1,535		12.62% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
4.6	90	0.1100	0.32		**Sheet Flow, A to B** Grass: Short n= 0.150 P2= 3.10"
0.3	78	0.0800	4.55		**Shallow Concentrated Flow, B to C** Unpaved Kv= 16.1 fps
0.0	12	0.0500	4.54		**Shallow Concentrated Flow, C to D** Paved Kv= 20.3 fps
0.0	24	0.0800	12.76	81.34	**Trap/Vee/Rect Channel Flow, D to E** Bot.W=0.00' D=0.50' Z= 1.0 & 50.0 '/' Top.W=25.50' n= 0.013 Asphalt, smooth
1.1					**Direct Entry, 6 Minute Min Tc**
6.0	204	Total			

Summary for Reach SP1:

Inflow Area = 12,165 sf, 12.62% Impervious, Inflow Depth = 1.95" for 25-Year event
Inflow = 0.60 cfs @ 12.10 hrs, Volume= 1,982 cf
Outflow = 0.60 cfs @ 12.10 hrs, Volume= 1,982 cf, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

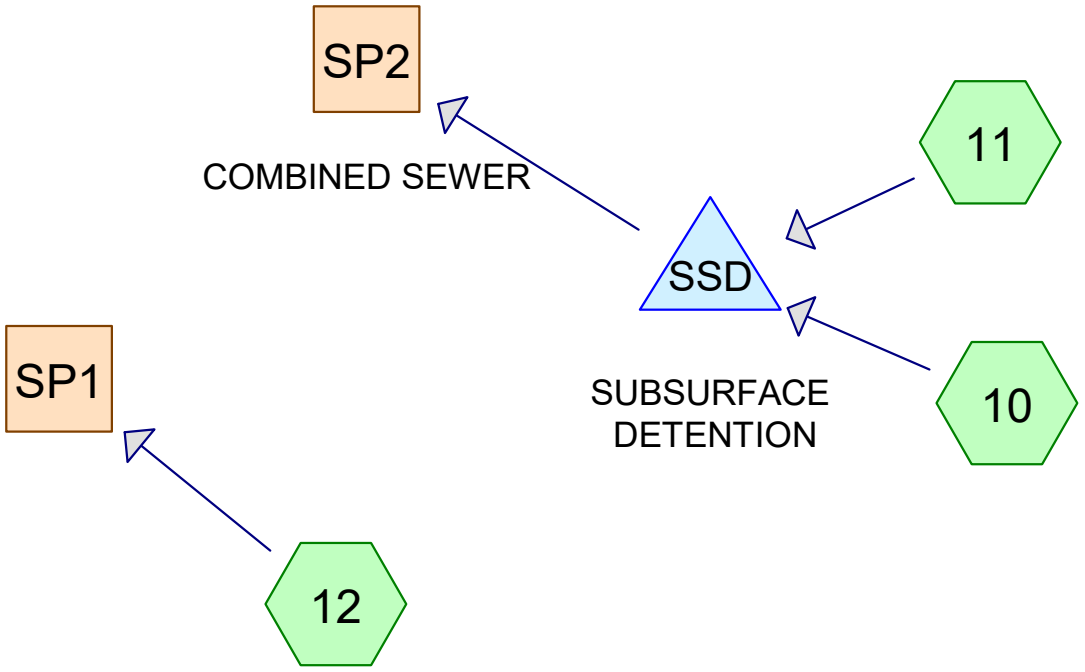
Subcatchment 1: Runoff Area=12,165 sf 12.62% Impervious Runoff Depth=0.44"
Flow Length=204' Tc=6.0 min CN=62 Runoff=0.09 cfs 445 cf

Reach SP1: Inflow=0.09 cfs 445 cf
Outflow=0.09 cfs 445 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 1: Runoff Area=12,165 sf 12.62% Impervious Runoff Depth=1.20"
Flow Length=204' Tc=6.0 min CN=62 Runoff=0.35 cfs 1,215 cf

Reach SP1: Inflow=0.35 cfs 1,215 cf
Outflow=0.35 cfs 1,215 cf



Subcat Reach Pond Link

Routing Diagram for 23046-POST
Prepared by DM Roma Consulting Engineers, Printed 1/29/2024
HydroCAD® 10.00-26 s/n 09237 © 2020 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 10: Runoff Area=6,410 sf 24.88% Impervious Runoff Depth=1.40"
Flow Length=105' Tc=7.1 min CN=55 Runoff=0.20 cfs 750 cf

Subcatchment 11: Runoff Area=2,995 sf 100.00% Impervious Runoff Depth=5.56"
Tc=6.0 min CN=98 Runoff=0.38 cfs 1,388 cf

Subcatchment 12: Runoff Area=2,760 sf 49.64% Impervious Runoff Depth=2.47"
Flow Length=92' Tc=6.0 min CN=68 Runoff=0.18 cfs 568 cf

Reach SP1: Inflow=0.18 cfs 568 cf
Outflow=0.18 cfs 568 cf

Reach SP2: COMBINED SEWER Inflow=0.14 cfs 1,024 cf
Outflow=0.14 cfs 1,024 cf

Pond SSD: SUBSURFACE DETENTION Peak Elev=125.19' Storage=561 cf Inflow=0.57 cfs 2,138 cf
Discarded=0.02 cfs 1,115 cf Primary=0.14 cfs 1,024 cf Outflow=0.16 cfs 2,139 cf

Summary for Subcatchment 10:

Runoff = 0.20 cfs @ 12.12 hrs, Volume= 750 cf, Depth= 1.40"

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
*	485	98	Existing Buildings
*	1,110	98	Onsite Pavement and Ret. Wall
*	180	96	Existing Gravel Parking
	4,635	39	>75% Grass cover, Good, HSG A
	6,410	55	Weighted Average
	4,815		75.12% Pervious Area
	1,595		24.88% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.7	67	0.1100	0.31		**Sheet Flow, A to B** Grass: Short n= 0.150 P2= 3.10"
3.3	25	0.0200	0.13		**Sheet Flow, B to C** Grass: Short n= 0.150 P2= 3.10"
0.1	13	0.0200	2.87		**Shallow Concentrated Flow, C to D** Paved Kv= 20.3 fps
7.1	105	Total			

Summary for Subcatchment 11:

Runoff = 0.38 cfs @ 12.09 hrs, Volume= 1,388 cf, Depth= 5.56"

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
*	2,995	98	New Building
	2,995		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, 6 Minute Min Tc**

Summary for Subcatchment 12:

Runoff = 0.18 cfs @ 12.10 hrs, Volume= 568 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
*	380	98	Existing Buildings
*	990	98	Pavement and Retaining Wall
	1,390	39	>75% Grass cover, Good, HSG A
	2,760	68	Weighted Average
	1,390		50.36% Pervious Area
	1,370		49.64% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.3	78	0.0600	0.25		**Sheet Flow, A to B** Grass: Short n= 0.150 P2= 3.10"
0.1	14	0.0500	4.54		**Shallow Concentrated Flow, B to C** Paved Kv= 20.3 fps
0.6					**Direct Entry, 6 Minute Min Tc**
6.0	92	Total			

Summary for Reach SP1:

Inflow Area = 2,760 sf, 49.64% Impervious, Inflow Depth = 2.47" for 25-Year event
Inflow = 0.18 cfs @ 12.10 hrs, Volume= 568 cf
Outflow = 0.18 cfs @ 12.10 hrs, Volume= 568 cf, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Summary for Reach SP2: COMBINED SEWER

Inflow Area = 9,405 sf, 48.80% Impervious, Inflow Depth = 1.31" for 25-Year event
Inflow = 0.14 cfs @ 12.49 hrs, Volume= 1,024 cf
Outflow = 0.14 cfs @ 12.49 hrs, Volume= 1,024 cf, Atten= 0%, Lag= 0.0 min

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs

Summary for Pond SSD: SUBSURFACE DETENTION

Inflow Area = 9,405 sf, 48.80% Impervious, Inflow Depth = 2.73" for 25-Year event
Inflow = 0.57 cfs @ 12.10 hrs, Volume= 2,138 cf
Outflow = 0.16 cfs @ 12.49 hrs, Volume= 2,139 cf, Atten= 72%, Lag= 23.2 min
Discarded = 0.02 cfs @ 10.95 hrs, Volume= 1,115 cf
Primary = 0.14 cfs @ 12.49 hrs, Volume= 1,024 cf

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.05 hrs
Peak Elev= 125.19' @ 12.49 hrs Surf.Area= 379 sf Storage= 561 cf

Plug-Flow detention time= (not calculated: outflow precedes inflow)
Center-of-Mass det. time= 37.4 min (830.5 - 793.1)

Volume	Invert	Avail.Storage	Storage Description
#1A	122.80'	383 cf	**6.25'W x 60.58'L x 3.50'H Field A** 1,325 cf Overall - 368 cf Embedded = 958 cf x 40.0% Voids
#2A	123.30'	368 cf	**ADS_StormTech SC-740 +Cap** x 8 Inside #1 Effective Size= 44.6"W x 30.0"H => 6.45 sf x 7.12'L = 45.9 cf Overall Size= 51.0"W x 30.0"H x 7.56'L with 0.44' Overlap
		751 cf	Total Available Storage

Storage Group A created with Chamber Wizard

Device	Routing	Invert	Outlet Devices
#1	Discarded	122.80'	**2.410 in/hr Exfiltration over Surface area**
#2	Primary	120.60'	**6.0" Round Culvert** L= 44.0' CPP, projecting, no headwall, Ke= 0.900 Inlet / Outlet Invert= 120.60' / 119.70' S= 0.0205 '/' Cc= 0.900 n= 0.013, Flow Area= 0.20 sf
#3	Device 2	123.30'	**2.0" Vert. Orifice/Grate** C= 0.600
#4	Device 2	125.80'	**72.0" W x 22.0" H Vert. Orifice/Grate** C= 0.600

Discarded OutFlow Max=0.02 cfs @ 10.95 hrs HW=122.85' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.02 cfs)

Primary OutFlow Max=0.14 cfs @ 12.49 hrs HW=125.18' TW=0.00' (Dynamic Tailwater)
└**2=Culvert** (Passes 0.14 cfs of 1.52 cfs potential flow)
  ├**3=Orifice/Grate** (Orifice Controls 0.14 cfs @ 6.46 fps)
  └**4=Orifice/Grate** (Controls 0.00 cfs)

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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 10: Runoff Area=6,410 sf 24.88% Impervious Runoff Depth=0.22"
Flow Length=105' Tc=7.1 min CN=55 Runoff=0.01 cfs 119 cf

Subcatchment 11: Runoff Area=2,995 sf 100.00% Impervious Runoff Depth=2.87"
Tc=6.0 min CN=98 Runoff=0.20 cfs 716 cf

Subcatchment 12: Runoff Area=2,760 sf 49.64% Impervious Runoff Depth=0.68"
Flow Length=92' Tc=6.0 min CN=68 Runoff=0.04 cfs 156 cf

Reach SP1: Inflow=0.04 cfs 156 cf
Outflow=0.04 cfs 156 cf

Reach SP2: COMBINED SEWER Inflow=0.05 cfs 170 cf
Outflow=0.05 cfs 170 cf

Pond SSD: SUBSURFACE DETENTION Peak Elev=123.65' Storage=171 cf Inflow=0.20 cfs 834 cf
Discarded=0.02 cfs 664 cf Primary=0.05 cfs 170 cf Outflow=0.07 cfs 835 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 Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment 10: Runoff Area=6,410 sf 24.88% Impervious Runoff Depth=0.79"
Flow Length=105' Tc=7.1 min CN=55 Runoff=0.09 cfs 421 cf

Subcatchment 11: Runoff Area=2,995 sf 100.00% Impervious Runoff Depth=4.36"
Tc=6.0 min CN=98 Runoff=0.30 cfs 1,089 cf

Subcatchment 12: Runoff Area=2,760 sf 49.64% Impervious Runoff Depth=1.60"
Flow Length=92' Tc=6.0 min CN=68 Runoff=0.11 cfs 368 cf

Reach SP1: Inflow=0.11 cfs 368 cf
Outflow=0.11 cfs 368 cf

Reach SP2: COMBINED SEWER Inflow=0.10 cfs 569 cf
Outflow=0.10 cfs 569 cf

Pond SSD: SUBSURFACE DETENTION Peak Elev=124.33' Storage=355 cf Inflow=0.39 cfs 1,510 cf
Discarded=0.02 cfs 942 cf Primary=0.10 cfs 569 cf Outflow=0.12 cfs 1,511 cf