

Historic Preservation Board

Wednesday, April 2, 2025 at 5:00 PM
Room 24 (Ground Level of City Hall) and
Zoom



MEMBERS

Brad Miller, Chair
Valerie Paquin-Gould, Vice Chair
Hilary Bassett
Michael Hutchins
Robert O'Brien
Brian Sosebee
Rob Whitten

The Historic Preservation Board invites the public to attend the meeting **in person or Zoom** pursuant to the Remote Meeting Policy adopted by the Historic Preservation Board. Prior to the meeting, please check the Agenda Center <https://portlandme.portal.civicclerk.com> to view memos and reports which will be posted by the end of the day on the Friday before the Historic Preservation Board meeting.

REMOTE PARTICIPATION

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting. For more information on how to use zoom, please go here: <https://content.civicplus.com/api/assets/18148b5d-f26e-472f-8d2c-245db97e5c27?cache=1800>

Please click the link below to join the webinar:

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<https://portlandmaine-gov.zoom.us/j/86568876214>

Phone one-tap:

+13092053325,,86568876214# US

+13126266799,,86568876214# US (Chicago)

Join via audio:

+1 309 205 3325 US

+1 312 626 6799 US (Chicago)

+1 646 931 3860 US

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Washington DC)

+1 305 224 1968 US

+1 386 347 5053 US

+1 507 473 4847 US

+1 564 217 2000 US

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 689 278 1000 US

+1 719 359 4580 US

+1 253 205 0468 US

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

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PUBLIC COMMENT INFORMATION:

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

AGENDA:

1. ROLL CALL AND DECLARATION OF QUORUM

2. REPORT OF ATTENDANCE AT THE MEETING HELD ON MARCH 19, 2025

i. Communication and Reports

Victoria Mansion, Preservation Trades Training Program: Exterior Architectural Woodwork Preservation: Bassett, Hutchins, Miller, O'Brien, Paquin-Gould, Sosebee, and Whitten Present.

Public Hearings

16 Vesper Street: Bassett, Hutchins, Miller, O'Brien, Paquin-Gould, Sosebee, and Whitten Present.

3. REPORTS OF DECISIONS AT THE MEETING HELD ON MARCH 19, 2025

- #### **i. Certificate of Appropriateness for Addition; 16 Vesper Street; Patricia and Philip R. Curran, Applicants. Plan Number: HPBR-003243-2025. The Board voted unanimously to approve the application with condition.**

4. PUBLIC HEARING

- #### **i. Review of Presumed of Contributing Classification for Garage; 23 Waterville Street; Pamela Day & Michael Petit, Applicants. Plan Number: HPBR-003262-2025.**

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



TO: Chair Miller and Members of the Historic Preservation Board
FROM: Evan R. Schueckler, Historic Preservation Program Manager
DATE: March 27, 2025
RE: 23 Waterville Street –PUBLIC HEARING – Review of Presumed Contributing Classification for Garage
PROJECT ID: HPBR-003262-2025
MEETING: April 2, 2025

Owner: Pamela Day and Michael Petit
Architect: Kevin Moquin, Kevin Moquin Architect, LLC

A sign announcing the Historic Preservation Board's meeting on April 2, 2025 was posted at the property on 3/21/2025, and 64 notices were sent to neighboring property owners within 100 feet of the subject property.

PROJECT SCOPE

Under Subsection 16.3.8 (B), the applicant is requesting that the Board review the presumed contributing classification of the garage structure located at 23 Waterville Street, located within the Munjoy Hill Historic District.

Garage Dimensions:

Height: ~20'

Footprint: 20' x 20'

Garage Material:

Foundation	Stone with concrete slab
Walls	Stone
Trim	Wood
Roofing	Asphalt
Windows	Vinyl
Doors	Aluminum

SUMMARY OF HISTORIC CONTEXT

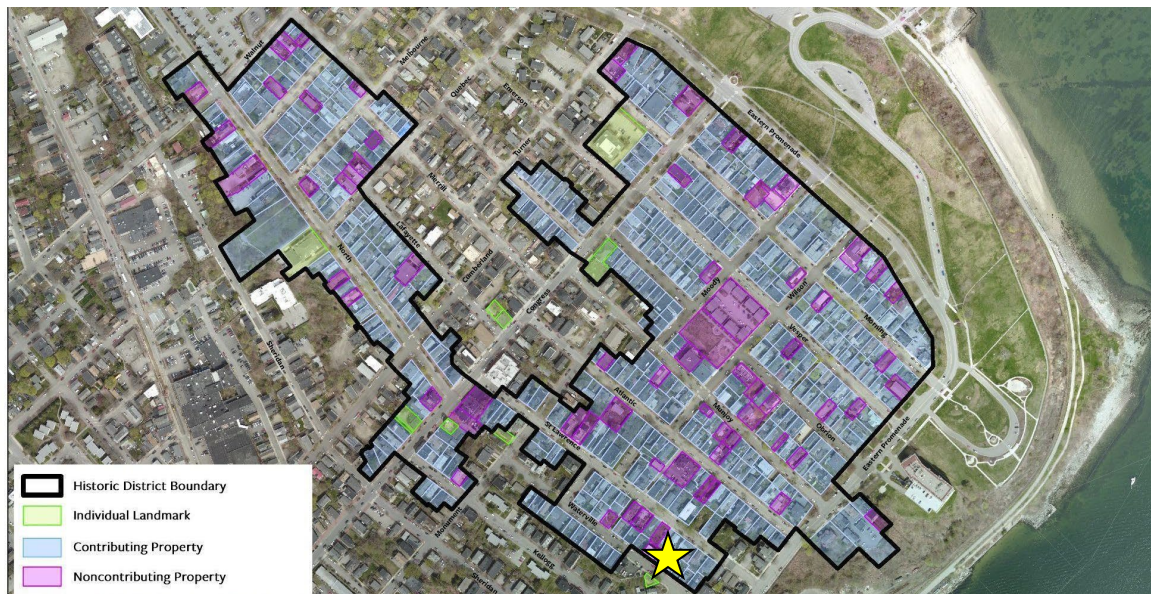


Figure 1: Map of the Munjoy Hill Historic District showing location of 23 Waterville with yellow star.

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

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

Accessory structures are not uncommon throughout the Munjoy Hill Historic District, but are also not found on every parcel. There are several barn or carriage house structures primarily dating to the mid- to late-nineteenth century. Most of these are large for accessory structures, being at least one-and-a-half stories in height to accommodate a hay loft and other storage, and are often designed to architecturally compliment the associated primary structure. This is especially true if they were constructed at the same time, as is the case with some of the larger single-family houses in the district. One- and two-car garages are more common throughout the district. In most cases these seem to have been later constructions following the advent of automobiles, and were

constructed throughout the twentieth century. These structures are typically very modest and located far back from the street.

At 23 Waterville Street, the existing garage was constructed in 1925 (Attachment 6), while the primary structure is listed as having been constructed in 1846. No photos of the garage after construction were available; however, it is assumed that the only major changes since 1925 are the replacement of roofing, windows, and doors. The garage is atypical of the historic context in that it was built right along the street, in line with the primary structure's main façade. Most other garages are set back from the street or are at least to the rear of the associated primary structure.

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

STAFF COMMENTS

The parcel of 23 Waterville Street is classified as a contributing property to the Munjoy Hill Historic District and while the property description includes information on the primary house and its architectural significance, the garage is not mentioned in the description. Based on its omission from the property description, staff found that the historic designation had not specified a classification for the garage. This ambiguity therefore triggers subsection 16.3.8 where there is a presumption that the garage is contributing, with three instances in which the Planning Authority or the Historic Preservation Board may interrogate that presumption and potentially find an unspecified structure to be noncontributing. The property owners are therefore requesting that the Board interrogate this question under subsections 16.3.8 (B) & (C). In order for the garage to be classified as noncontributing. Only one of (B) or (C) would need to be met.

In this case, the applicant is arguing under 16.3.8 (B) that the garage does not have significance such that it contributes to the district. The applicant has noted that the garage is a simple utilitarian structure in stone, which is not a common primary building material throughout the Historic District. They also note that the garage's details are typical of the early- to mid-twentieth century, but lack distinctive features identifying it as a specific architectural style or type noted as significant in the designation report. It is also noted that the garage does not bear an architectural relationship with the associated primary structure which was constructed almost 80 years prior to the garage.

The applicant has also noted that the Munjoy Hill Designation report does not specifically discuss the rise of automobiles in the early twentieth century as a theme within the district's significance. They argue that since this historical/cultural shift is not called out, the garage, which was purpose built to house cars, does not relate to historically and culturally significant aspects of the city's heritage which are identified in the designation report.

Generally, staff found that the applicant presented a reasonable case for the Board to consider whether the existing garage should be considered contributing to the district. While the applicant's materials make several mentions of future plans and discuss in brief concerns about the feasibility of rehabilitating or adapting the garage, staff would encourage the Board to focus their discussion on the question of the garage's significance or lack thereof. A discussion of rehabilitation feasibility would only need to be had if the Board finds that the structure is contributing and the owners were to pursue demolition or significant alterations. In either case, plans for major alterations, additions, or new construction would be reviewed and approved by the Board under a separate application at a future date. The applicant has requested this hearing in order to address the threshold question of whether the garage could be demolished before making further plans for new construction.

ANALYSIS OF APPLICABLE REVIEW STANDARDS

Subsection 16.3.8 - Presumption of contributing classification:

Where the historic designation does not specify the classification of a building, structure, object, or site, there shall be a presumption that the building, structure, object, or site is contributing, unless:	
A. Documentation can be provided to the Planning Authority that the building, structure, object, or site was constructed within 50 years of or after the date of historic designation, or after the stated period of significance;	
Standard Met?	Staff Comments
Not Applicable	A building permit indicates that the garage was constructed in 1925. The designation report for the Munjoy Hill Historic District does not include a specific period of significance, though the emphasis on the contributing properties is on the nineteenth- and early twentieth-century buildings. Regardless, the garage was built over 50 years prior to the date of designation for the Munjoy Hill Historic District.

B. The Historic Preservation Board holds a public hearing and finds that the building, structure, object, or site has no significance relating to the criteria for historic designation under Subsection 16.2.2(A) referenced in the nomination for the historic designation, or reports of the Historic Preservation Board, Planning Board or City Council; or	
Standard Met?	Staff Comments
For Board Deliberation	The applicant has argued that the garage does not relate to the architectural, historic, or cultural significance of the district discussed in the designation report. The applicant has stated that they find the garage lacks architectural significance as a utilitarian structure constructed of an atypical material, without a designed relationship with the existing primary structure. The applicant has also noted that the rise of automobiles is not discussed as a theme in the development history of the Munjoy Hill Historic District, so the garage does not bear a specific association to the district's historical and cultural aspects. If the Board agrees that the garage does not demonstrate any architectural, historical, or cultural significance for which the Munjoy Hill Historic District was designated, it should find it to be noncontributing. If the Board finds that the garage is contributing, it should provide findings explaining how the garage relates to the significance of the Munjoy Hill Historic District laid out in the designation report.
C. The Historic Preservation Board holds a public hearing and finds that the building, structure, object, or site has been lawfully substantially altered within 50 years of or after the date of historic designation, or after the stated period of significance, such that it lacks integrity as defined under Subsection 16.2.2(B).	
Standard Met?	Staff Comments
For Board Deliberation	If the Board finds that the garage is not significant to the district, then its integrity need not be interrogated. If the Board finds that the garage may be significant, the Board should assess whether the garage still has integrity.

MOTION FOR CONSIDERATION

I move that the garage structure at 23 Waterville Street be classified as noncontributing to the Munjoy Hill Historic District on the basis of documentation submitted with application HPBR-003262-2025; information provided in the staff memo; and findings by the Historic Preservation Board that pursuant to subsection 16.3.8 (B) the garage structure does not relate to the significance for which the Munjoy Hill Historic District was designated as historic.

ATTACHMENTS

1. Homeowner's Letter
2. Project Summary
3. Photos
4. Site Diagram
5. 23 Waterville – Property Description
6. 23 Waterville – 1925 Garage Building Permit
7. Munjoy Hill Historic District – Designation Report
8. Portland Land Use Code – Article 16: Historic Preservation

March 8, 2025

City of Portland
Historic Preservation Board

Members of the Historic Preservation Board:

We are owners of 23-25 Waterville Street in Portland. We purchased the property in 2005 and have resided here for the past 11 years. This is a two-unit property. The original home was built in about 1846, and the additional ell, built about 1890, is a rental. The home was designated as "Contributing" to the Munjoy Hill Historic District in 2021. Also on the property is a separate two-car garage. It is unclear when the garage was built, but it does not appear in the 1924 tax photos for either 23 or 17 Waterville Street. There is no mention of the garage in the description of 23-25 Waterville Street on the city's Historic Preservation website.

We love our home and neighborhood on Munjoy Hill and wish to remain here. However, we are faced with major challenges to remaining in the current home because of multiple stairs in both units. Michael has Parkinson's Disease, a disease that progresses over a lifetime and that slowly robs one of the ability to walk and carry on many normal tasks and functions. In addition to Parkinson's, he has limited vision due to a botched cataract operation that left him without depth perception. Navigating stairs is a constant challenge for him and one that creates a serious risk of falling.

We have consulted several architects and building experts and have concluded that it would not be practical or advisable to add an elevator to the current buildings given their age, the current floor plans, and the difficulty we would have in accessing an elevator from the front of the property. We also have explored the option of selling the existing property and purchasing a home in the neighborhood but have not found a dwelling that offers location, view, and garden that we currently enjoy at a price that works for us.

Hence our request for approval to formally consider the current garage as a non-contributing portion of our property. This would allow us to build a new structure in its place that would feature easy access from the street and an elevator from the ground floor to an upper floor or floors. Design and construction would be in conformance with HP Standards.

We appreciate your consideration of our request and look forward to the opportunity to remain safely in this wonderful neighborhood.

Respectfully,

Pamela Day & Michael Petit
25 Waterville Street, Portland 04101

**RE: Project Summary
Proposed Garage Classification of “non-contributing”
23 Waterville Street
Parcel ID 016 J020001**

March 6, 2025

Dear members of the Historic Preservation Board and City Historic Preservation Staff,

We are pursuing a determination that the automobile garage associated with the two-family dwelling at 23 Waterville Street can be classified as non-contributing to allow for its future removal and replacement. The property owner would like to create a new dwelling on the property that will support their health needs and mobility challenges for aging in place. This determination will provide them with the confidence necessary to undertake the expense of a design and approvals process. We propose that the form, massing, and details of this garage do not demonstrate distinctive characteristics of a significant type, style, design, period, or construction method and therefore the structure can be deemed non-contributing.

The existing home is a contributing structure in the Munjoy Hill Historic District. The garage is not specifically identified. The existing garage, built in 1925, is approximately 20 feet square and constructed of stone with a wood-framed hip roof. The form of this garage, along with its gabled roof counterpart, is ubiquitous. Its exterior detailing is serviceable, but not unique. The eave trim is painted wood in simple square stock. The roof is asphalt shingle. The windows are vinyl and trimmed with a painted wood brick mold and sill profile. The overhead garage doors are painted aluminum with wood trim of a simple square stock. The stone exterior is the most handsome feature of this structure; however, stone as an exterior material does not bear a connection to the materials of the historic house nor the palette of materials prevalent in the context of the Munjoy Hill Historic District.

A pattern of freestanding garages is somewhat of an anomaly in the context of Waterville Street and Munjoy Hill in general. The advent of autos is not discussed as a theme in the designation report for the Munjoy Hill Historic District. This garage was purpose-built to house automobiles. Structures built for the storage of automobiles tend to be more utilitarian and less architecturally significant than carriage houses. Carriage houses might include unique form solutions such as taller proportions to allow space for a hay loft or cupolas for ventilation. Carriage houses might use architectural details more complimentary to the main house, have unique fenestration tailored to the location in a stall or in space for people, and often exhibit unique varied door sizes based on whether the door was small for a person,

399 Fore Street #8
Portland ME 04101
207-615-6421
km-a.me

large for a carriage, or located high on the structure to access a hay loft. These considerations were not generally lavished on automobile garages.

The topography of the existing property and the passageways within the existing home make renovation a difficult proposition for meeting the homeowner's mobility needs. Developing a new accessible dwelling at the garage location is preferred as elevator, doorway, and other circulation requirements could be more easily met in new construction. This type of redevelopment would align with 'Portland's Plan 2030' goals of increasing housing supply and diversity.

We hope that the board will agree that this garage does not demonstrate distinctive characteristics of a significant type, style, design, period, or construction method and the structure can be deemed non-contributing.

I look forward to answering any questions you might have during the Historic Preservation Board meeting.

Sincerely,



Kevin Moquin, AIA, LEED AP - Principal
Maine Licensed Architect

CITY OF PORTLAND
Planning & Urban Development Department

HISTORIC PRESERVATION APPLICATION SUBMISSION CHECKLIST Please submit each document as a separate PDF file Please confirm by electronically checking the boxes to the left		
To supplement your application, please submit the following items <i>as applicable to your project</i>. Keep in mind that the written project description that you provide the Historic Preservation Board and staff, is the only description they will have of your project or design. Therefore, it should precisely illustrate the proposed alteration(s), additions, and/or infill construction.		
GENERAL APPLICATION DOCUMENTS		
Yes ☒	N/A ☐	Project Description Cover Letter with detailed project description
Yes ☒	N/A ☐	Completed Checklist for Historic Preservation review (this document)
Yes ☒	N/A ☐	Evidence of Right, Title and Interest Deeds, leases or purchase and sales agreements
PLANS, etc.		
Yes ☒	N/A ☐	Exterior photographs of property (required for all applications). Include a general streetscape view, view of entire building, and close-ups of project area.
Yes ☐	N/A ☒	Sketches or elevation drawings at a minimum ¼" scale.
Yes ☐	N/A ☒	Details or wall sections, where applicable.
Yes ☐	N/A ☒	Floor plans, where applicable.
Yes ☒	N/A ☐	Site Plan, where applicable, showing relative location of adjacent structures.
Yes ☐	N/A ☒	Catalog cuts or product information (e.g. proposed windows, doors, fencing).
Yes ☐	N/A ☒	Materials – list all visible exterior materials.



South-East Face (Facing Waterville St.)



Looking South

23 WATERVILLE STREET GARAGE PHOTOS



Looking East



Looking North

23 WATERVILLE STREET GARAGE PHOTOS



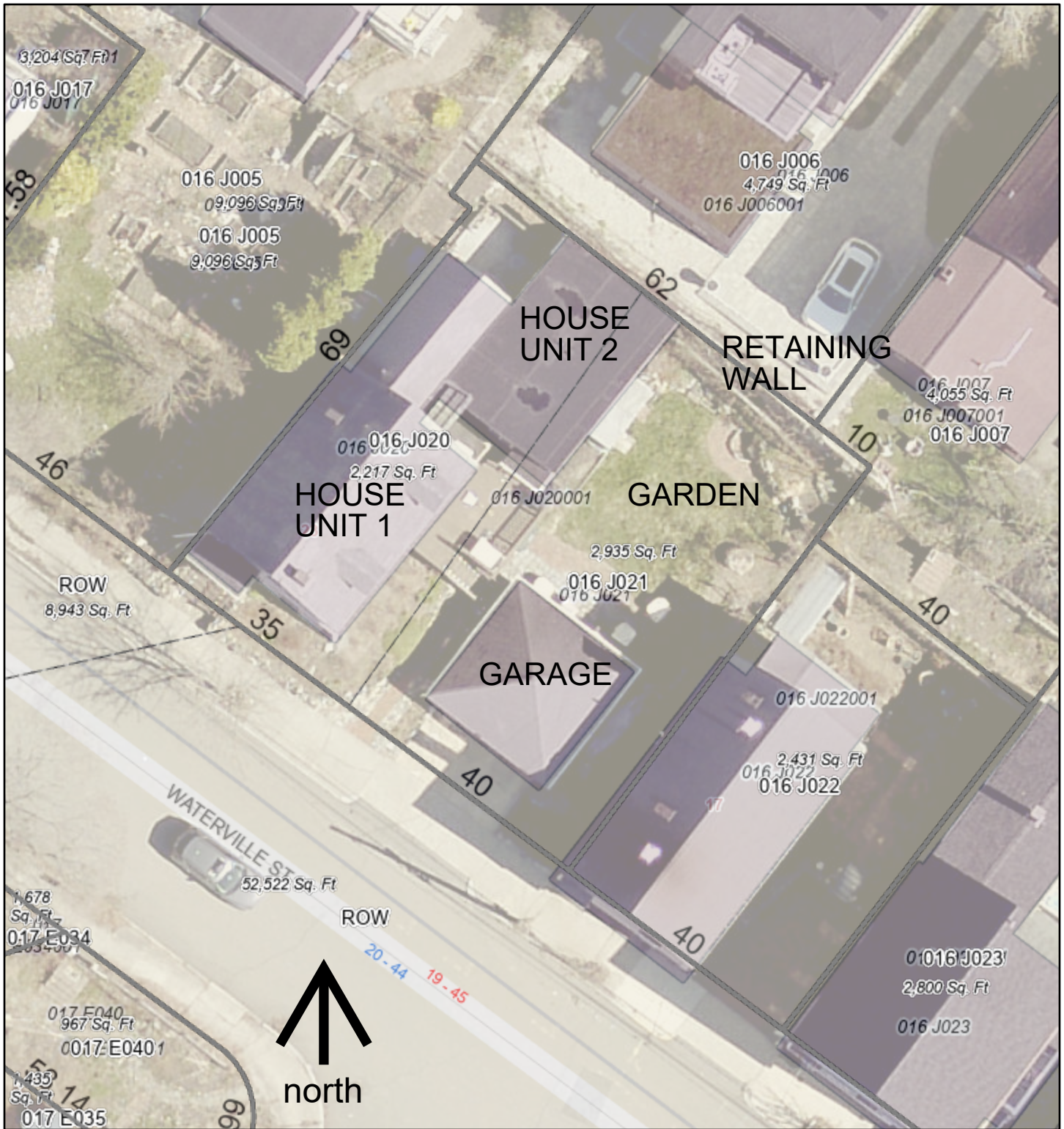
Detail of Stone Walls



Typical Window

23 WATERVILLE STREET GARAGE PHOTOS

23 Waterville St



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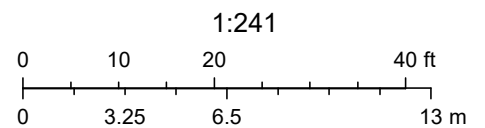
Conveyance

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Red: Red

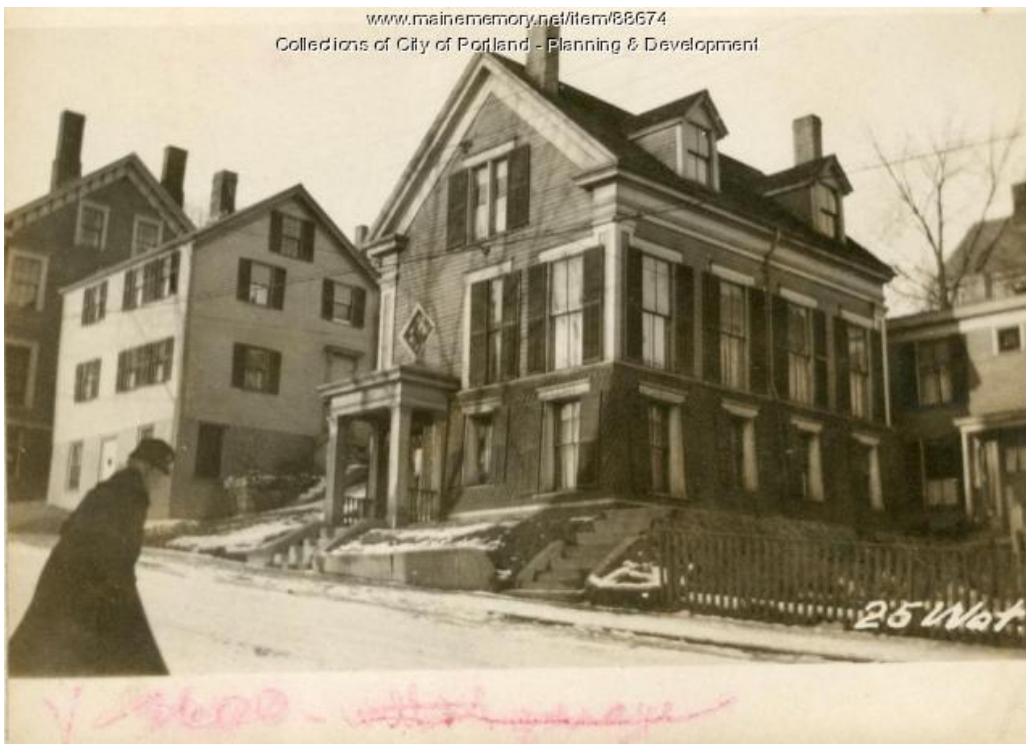
Green: Green

Blue: Blue



City of Portland, DPS

Address: 23/25 Waterville Street
Approximate/Documented Date of Building: 1846
Surveyed: 8/17/2018
Historic Name: Joseph Smith House
Contributing/Noncontributing: Contributing
Inventory Number: 75



Introduction

23 Waterville Street is a good example of a wood frame Greek Revival dwelling built during the mid 19th century subdivision of the south side of Munjoy Hill. The dwelling has an unusual form at the ground level. Notable features include a hipped roof portico supported by Doric columns that match the detailing of the building's corner boards. In addition, the window surrounds feature a similar wood panel detail. Like other Greek Revival structures on Waterville Street, the building is on an elevated site, with a stone retaining wall, to overcome the steep grade of the street.

Current Architectural Description

The façade is three bays wide and contains a single entrance at the left side of the façade. The front door has one light over one panel and is made of wood. The building is clad in wood clapboards. Windows in the façade are six over six with wood sashes. In addition, there is one stained glass window on the first floor and a diamond window with stained glass on the second floor, above the main entrance. The front entry steps are made of wood with wood railings and square balusters.

The south elevation is four bays wide. The windows are six over six with wood sashes. A wood deck extends southward and includes paneled skirting of vertical boards, wood steps, and square balusters. In comparison to the 1924 tax photograph, the deck appears to be a later addition.

The north elevation is one bay wide. It includes a single window with six lights. The east elevation is not visible from the public way.

A two-story frame ell extends from the east elevation and has a gabled roof. The north elevation is two bays wide and includes one over one windows with wood sash. The south elevation is three bays wide. Window lights are not visible from the public way, but it appears they have wood sashes.

There is an additional ell extending from the south elevation with a flat roof. It has a west-facing door accessed by a small porch with a flat roof supported by columns.

The roof is sheathed in asphalt shingles and contains a single chimney. Two gabled dormers are located on the south elevation and contain three over three windows with wood sashes.

Additions and Alterations Since 1924

In comparison with the 1924 tax photograph, the building retains a significant amount of original features. Some missing features that were present in 1924 include: granite steps at the entrance, a granite wall ran across the façade, the two over two sash windows and shutters, and two chimneys. Although altered the dwelling retains most of its character defining details and contributes to the neighborhood's historic character.



Location, ownership, and detail must be correct, complete and legible. Separate application required for every building.

YOU
are responsible for complying
with the law, whether you
know the requirements or not.
This application and
Get All Questions settled
BEFORE getting the work
Failure to do so

APPLICATION FOR PERMIT TO BUILD A PRIVATE GARAGE

Portland, Me., July 26, 1925.

TO THE
INSPECTOR OF BUILDINGS

The undersigned hereby applies for a permit to build, according to the following Specifications:-

Location 25 Waterville Street Fire Districts No Ward 2

Name of owner is? Angeline DiBiase Address 25 Waterville Street

Name of mechanic is? DiBiase-Chessi Company Address 25 Waterville Street

Proposes occupancy of building (purpose)? Stone Private garage for Two
cars only, and no space to be let.

All parts of garage will be at least two feet from all lot lines.

Garage will be at least Ten feet from all windows of adjoining property.

A fire extinguisher to be kept in garage.

Size of building. No. of feet front? 20; No. of feet rear? 20; No. of feet deep? 20

No. of stories? One

No. of feet in height from the mean grade of street to the highest part of the roof? Nine

Floor to be? Concrete

Will the roof be flat, pitch, mansard, or hip? Hip Material of roofing? Tar paper

Will there be a chimney? No Will the flues be lined? No No stoves to be used.

Will the building conform to the requirements of the law? Yes

Will the building be as good in appearance as other surrounding buildings? Yes

Have you or any person acting for you previously applied for a permit to build a private garage? No

If so, state the particulars

Two-family dwelling on this lot

The above construction will not require the removal of or dis-
turbing of any shade tree on this lot.

Estimated Cost,

\$ 450.00

Signatures of owner or author-
ized representative,

Angeline D. Biase

Address,

25 Waterville Street

APPROVED

Oliver P. Scabon
CHIEF OF FIRE DEPT.

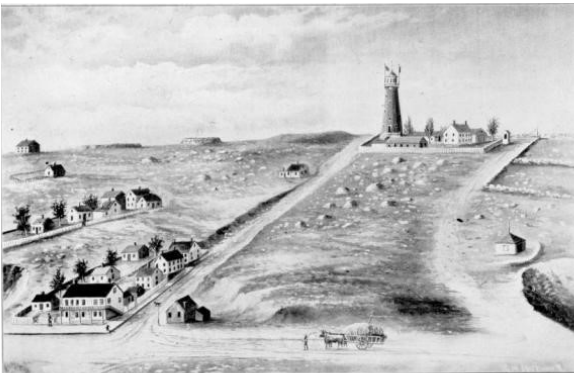
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P. 50

Munjoy Hill Architectural Development & Context Statement

April 2019



Development History: 1786-1866



Munjoy Hill in the Forties by Charles Goodhue
Collections of the Maine Historical Society, MMN 4144



Munjoy Hill in 1826 as drawn by Lemuel Moody
Collections of the Maine Historical Society, MMN 100727



Munjoy Hill in 1851 from the H.F. Walling Map of Cumberland County.

Munjoy Hill rises 161 feet above Casco Bay on the eastern end of the Portland peninsula. The Hill's namesake George Munjoy (c1626-1680) settled near present day Mountfort and Fore Streets in 1659. He fled Portland after an Indian attack in 1676 and never returned.

The center of activity on Munjoy Hill for many years was the Portland Observatory (1807) which served as a signal communications tower for merchant vessels. Adjacent to the Observatory was a bowling alley and the house of its founder and operator Lemuel Moody.

Although Munjoy Hill came to be the city's most densely populated and ethnically diverse neighborhood, it was one of the last neighborhoods on the peninsula to be developed. Its primary functions from the city's founding in the 1630s until the 1840s were as an occasional gathering place and a pasture for cows. Throughout the mid-18th century a group called the Munjoy Proprietors erected a system of stone walls on the hill, with a gate near the present-day intersection of Washington Avenue and Congress Street. The Munjoy Proprietors sold "cow rights" to locals for pasturing their cattle.

The cow pastures were also the site of large open-air events. The fields between the Observatory and Eastern Cemetery were popular for 4th of July celebrations, circuses, and militia musters.

Early structures on the hill in addition to the Observatory included a hospital for small pox victims, a gun house, and Fort Sumner. The fort was built in 1794 off North Street to protect the city from attacks from the west and Back Cove.

In 1796 Tukey's Bridge was built, connecting the peninsula to the mainland. Washington Avenue was laid out to connect the city to the bridge in anticipation of a residential building boom that didn't immediately materialize.

Instead, groups of structures were scattered across the hill, first near the gate to Munjoy Hill,

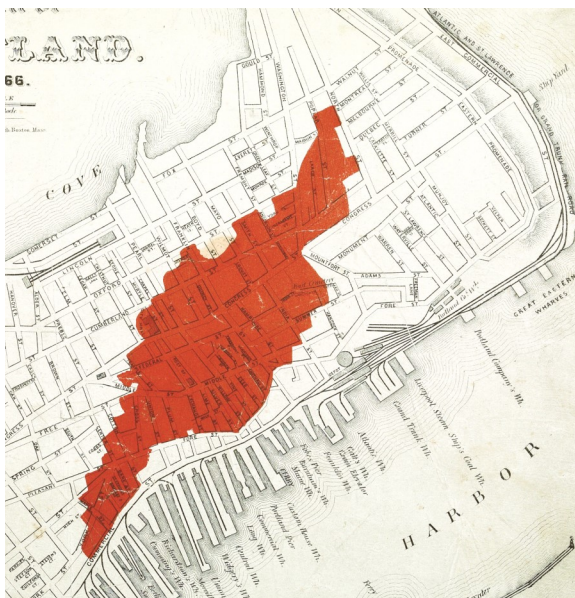
Development History: 1786-1866



Munjoy Hill in 1857 from the H.F. Walling *Map of Cumberland County*.



Congress Street on Munjoy Hill after the Fire of 1866
Greater Portland Landmarks



Extent of the Great Fire of 1866
Greater Portland Landmarks

then along Cumberland Avenue, Congress and Lafayette Streets.

As the Hill's population increased, in 1836 City officials bought up land along the shoreline, despite public outcry at the waste of public money. Much of this area is now the Eastern Promenade.

While the Eastern Promenade was preserved for future public use, on the opposite side of Munjoy Hill tons of gravel were removed to fill in Back Cove. Moses Gould, owner of 18 acres on the Hill, formed the Back Cove Land Co. to fill and develop the mud flats in what is now Bayside.

Expansion on the waterfront was precipitated by the founding by John A. Poor of the Atlantic and St. Lawrence Railroad. Chartered in 1845 and opened in 1853, the railroad connected Portland to Montreal, Quebec. Poor also helped found the Portland Company on Fore Street in 1847 to build locomotives for his new railroad. The upsurge in activity along Fore and India Streets in the 1840s and 1850s led to a residential boom on the Hill, attracting workers from the Portland Company and railroad. Many of these homes were built in the Greek Revival Style that predominated during this period.

On the western side of the Hill, the area between Washington Avenue and North Street developed a unsavory reputation in the early 19th century. In 1849 a riot broke out in a bawdy house. During the riots one man was killed and a dance hall was destroyed by fire. This area would be mostly destroyed in a few decades by a catastrophic fire with significant impact on the entire city.

The Great Fire of July 4th and 5th, 1866 spread from Commercial Street to North Street. It destroyed 1,500 buildings and left over 10,000 people homeless. The field below the Observatory was turned into a makeshift tent-city by the Army, then replaced by wooden dormitories until permanent housing could be built.

Several early homes on the east side of North Street survived the fire including the Benjamin Noble House (1856) at 65 North Street and the double house of Eliphalet Clark and Moses Gould at 79 North Street (c1847).

Development History: 1866-1917



Munjoy Hill from a *Bird's-Eye Map of Portland* Published by J. J. Stoner in 1876



The index of a map prepared by the city Tax Assessor 1882-1884 depicts the extent of development on Munjoy Hill.

Following the Great Fire, the city's need for housing drove development on Munjoy Hill. This development was largely middle-class homes, with a few high style residences in the Italianate and Second Empire styles. A few years earlier in 1863 the city's horse drawn street car line had reached Munjoy Hill helping to make the hillside areas attractive for development after the fire. Residential development spread out from existing residential areas eastward toward the Promenade on Turner, Quebec, Melbourne and Montreal Streets, which had been subdivided 1857 and 1858.

In 1874 the Deering family heirs subdivided their land along Congress, Sheridan and Kellogg Streets. A few years later in 1879 the family subdivided additional land along the east side of Munjoy Street and the north side of Congress Street from Howard Street to the Eastern Promenade.

By the 1880s, Munjoy, Atlantic and St. Lawrence Streets were largely built out. These long streets extended between Fore to Congress and were interconnected by short streets like Sherbrooke Street or small lanes like Gilbert's Lane. To the east, a pond initially blocked the extension of several streets westward to Congress Street. The pond was located in the area generally occupied in the 20th century by the Adams School (*image bottom left*). Within the next ten years the area would be drained and developed. One block within this formerly wet area would become one of four car barns for the Portland Railroad Co. after the street car line expanded its route on the Hill from Congress Street, down Morning Street to the Eastern Prom. It then wended its way back to Congress Street along Beckett, Wilson, and Atlantic Streets. The company's street cars lines were all electrified by 1896.

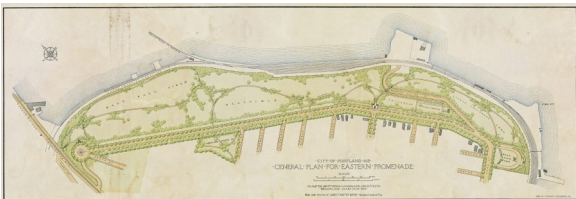
Development History: 1866-1917



Portland Railroad Company's car barn on Beckett Street.



Munjoy Hill Reservoir c1920.
Portland Water District, MMN 82239



Olmsted Brothers design for Eastern Promenade.



J.J. Nissen House, 286 Eastern Promenade in 1924.

In 1889 the Munjoy Hill reservoir was built at the corner of North and Walnut Streets by the Portland Water Company. The reservoir was built to better serve customers in the East End and had a capacity of 20,000,000 gallons. The reservoir burst a few years later in 1893, killing four people and destroying four homes off Walnut Street. The reservoir remained in operation until 1970 as a water supply; today the site is a parking lot above a large underground reservoir.

In the last decade of the 19th century, wealthy local families began to appreciate the Eastern Promenade's sweeping views and began erecting grand homes opposite the City-owned green space. The residential development followed efforts begun by the city in 1878 to improve the publically owned green space. In 1890 the City acquired Fort Allen to extend the city's park space. The park and perimeter roadway became key elements in the park and boulevard system envisioned by Mayor James Phinney Baxter and the Olmsted brothers landscape firm in 1905.

Twenty-one of the thirty-three single family homes on the Eastern Promenade were built between 1888-1912 in the Queen Anne and Colonial Revival styles. Samuel D. Plummer, a Portland real estate dealer, built his Queen Anne house at 140 Eastern Promenade in 1898. The Griffin Brothers, prominent fruit dealers on Portland's waterfront, built large homes on the Promenade. Lindsay B. Griffin first built a house at 182 Eastern Prom in 1897, then built a new Colonial Revival House at 188 Eastern Prom in 1908. His brother John built a similar home at 150 Eastern Prom in 1910. One of the prominent Colonial Revival homes on the northern end of the Promenade was the 1913 residence of John. J Nissen, founder of Nissen Bakery at 59 Washington Avenue.

Development History: 1866-1917



Samuel D. Plummer House, built 1898 at 140 Eastern Promenade.



Triple deckers on Munjoy Hill.



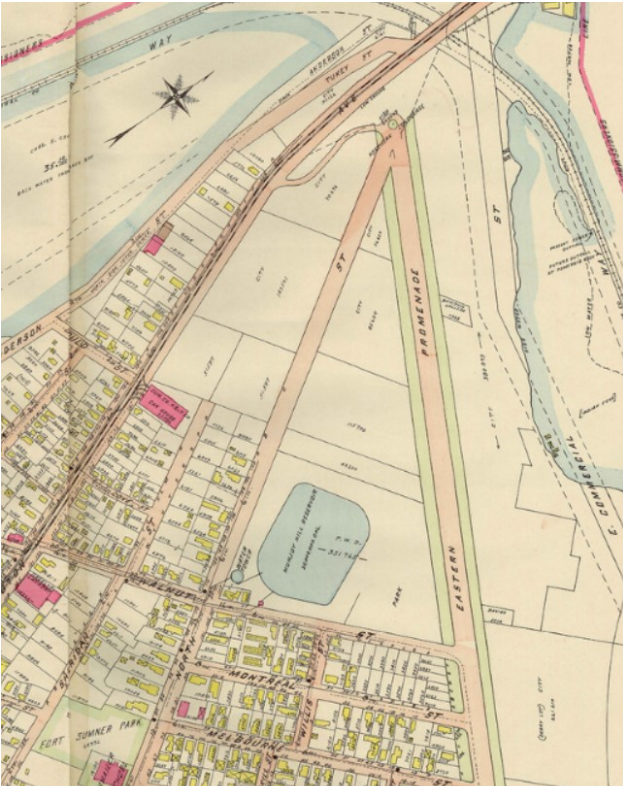
Triple deckers on Munjoy Hill.

Between 1895 and 1917 “triple deckers” or “flat houses” were built in large numbers on Munjoy Hill. They are particularly prevalent on Morning, Vesper and Beckett Streets, as well as Sheridan and Kellogg Streets. The land on Morning, Vesper and Beckett Streets was owned by the Deering and Fessenden families and was some of the last vacant land to be laid out on Munjoy Hill. The triple-deckers and the few apartment buildings built during this period were multi-family residential building types that housed the Hill’s increasing immigrant population from Italy and Northern and Eastern Europe.

Portland was a busy maritime port in the early 20th century and served as an immigrant port of entry. Portland’s primarily English population was joined by groups from Ireland, Canada, Portugal, Scandinavia, Italy, Eastern Europe, and Greece. Munjoy Hill’s close proximity to the downtown made it attractive to many immigrant families. Immigrant families settled on the Hill and often built neighborhood businesses like the Capozza brothers barber shop or Paul Blumenthal’s grocery store.

By World War I, most of the neighborhood’s residential lots were filled, however land to the west along North Street and the Eastern Promenade remained vacant.

Development History: 1917 – Present



Map of the northern end of Munjoy Hill depicting vacant land.
Richards Standard Atlas of the City of Portland, 1914.



View of the Munjoy Hill Reservoir and the Jack school beyond.
Portland Water District, MMN 94455.



View of Portland House in the distance.

By the late 1920s, although most of the neighborhood's residential lots had been developed, some lots remained vacant, particularly along North Street and the Eastern Promenade. During the 20th century infill development and construction of new institutional and educational buildings slowly filled the remaining land.

In 1929 the Jewish Home for the Aged was designed by architect Herbert Rhodes and built at 158 North Street.

Jack Junior High School was built on North Street near the Munjoy Hill Reservoir on land gifted to the city by the Portland Water District in 1943 for seventh and eighth grade students in the Munjoy Hill neighborhood. The school was later used as an elementary school. The building was closed in 2001 and replaced by the East End Community School built on the same site in 2006.

In 1947 the housing development at 304 Eastern Promenade was built on the site of homes destroyed in the reservoir flood. The development includes seven buildings on a 1.7-acre lot with parking along the perimeter of the development.

A few years later in 1950 at the corner of Eastern Promenade and Quebec Street, six multi-unit buildings were constructed on a one-acre lot. Like the other mid-twentieth century housing project on the Eastern Promenade, it is a low scale development and does not follow the traditional street pattern.

Today, the Munjoy Hill skyline is dominated by two large-scale residential buildings. The Portland House, overlooking the Fore River at 45 Eastern Promenade, was built in 1969 as an apartment building and today houses over 100 residential condominiums.

Promenade East, purportedly the first high rise condominium building in Maine, was built in 1975. The building is fourteen stories high and accommodates 80-units. Its interior has a unique layout with two floors sharing a single hallway.



Henry Homer House, 81 Congress Street (c1829) in 1924.



7 Lafayette Street (1849 - 1852) in a 1924 image.



7 Lafayette Street (1849—1852) in 2018.

Architectural styles of the Hill's residences provide useful clues to the development and history of the neighborhood. While few buildings from the Hill's early settlement remain, there are many buildings from the three major periods of construction: early subdivisions for housing for workers along the expanding waterfront (1847-1866), Post Fire development (1866-1890s) and housing for Portland's expanding immigrant population (1890s -1930). Research conducted by Greater Portland Landmarks in the early 1980s provided dates for many of the homes on Munjoy Hill.

A number of buildings on Munjoy Hill exhibit the characteristics of more than one style, either because they are transitional between stylistic periods or due to later additions. Some buildings, altered by the replacement of exterior siding and the removal of exterior features display no particular architectural style.

Early Settlement (1785-1845)

The few buildings that remain from the early settlement on Munjoy Hill are wood-framed, three-bay, side gable capes and are generally located near the crest of the hill. The Henry Homer House (c1829) at 81 Congress Street is a one-and-a-half story three bay cape that has been altered by a side addition. A slightly later example is the dwelling at 7 Lafayette Street (1849-1852).

Another altered example of an early house is located at 62 Munjoy Street. The first floor was a five-bay cape built c1790 in the Federal period. The cape was likely moved and a second floor added c1857 by builder William Hoit.

Early Subdivisions (1845-1866)

Two early subdivisions of land, one off North Street and the other off Fore Street include good examples of the Greek Revival style. These homes typically feature a strong post and lintel door surround. While most homes in this style on Munjoy Hill are wood framed, there are several brick Greek Revival homes in the neighborhood. The brick dwellings usually feature stone lintels over their windows.



Moses Gould and Eliphalet Clark at 79-81 North Street (1847).



Joseph Flower House at 87 St. Lawrence Street (c1852).

One of the best examples of a brick Greek Revival is the Robert Dresser House (1850-1851) at 2 Atlantic Street. The two-story building has stone lintels above the windows and a recessed entry door with sidelights. Another early example is the double house of Moses Gould and Eliphalet Clark at 79-81 North Street (1847). Like the Dresser House, the Gould-Clark House has recessed entries. The entry at 81 North Street retains its entry sidelight design. Altered by Italianate entry hoods, the Greek Revival style is evident in the building's strong gable-end pediments, the recessed brick window bays, and the stone lintels and sills at each window.

Additional brick dwellings are located at 16 Atlantic Street (1852-1853), 55 Atlantic Street (1855), 62 Waterville Street (1855) and 66 Waterville Street (1855-1857). A late example of a brick Greek Revival dwelling is the Gabriel Mark House at 74 St. Lawrence Street built in 1872.

St. Lawrence, Atlantic and Waterville Streets contain a high percentage of Greek Revival frame residences. There are thirteen examples of the Greek Revival style built between 1845 and 1855 on Atlantic Street. Nineteen Greek Revival frame dwellings built between 1847 and 1860 are located on St. Lawrence Street and nine built between 1846 and 1867 are located on Waterville Street.

The neighborhood contains examples of both gable front Greek Revival homes and side gable dwellings. Gable front dwellings are usually 2 1/2 stories, while one and two story examples of side gable dwellings are also present.

One of the most prevalent builders on Munjoy Hill in this period was William Hoit. Research indicates he was responsible for the construction of at least ten wood frame homes on Munjoy Hill in the 1850s. Most of these were Greek Revival homes, although two examples of his construction in the Italianate style are extant at 86 and 104 Congress Street.



Ellen Moody York House, 140 Congress Street in 1924.



A Gothic Revival dwelling on North Street in 1924.



Tall narrow paired windows like these at 80 North Street are typical of the Italianate Style.

Another early 19th century architectural style is the Gothic Revival. There are few examples of the Gothic Revival style on Munjoy Hill. 140 Congress Street is the former home of Ellen Moody York, the granddaughter of Lemuel Moody and proprietress of the Portland Observatory until 1925. Her dwelling once featured ornate decorated vergeboards and drop mold window trim that characterized the Gothic Revival style. Many of the dwelling's details were lost when the dwelling was altered by the addition of a church sanctuary in the mid-20th century.

A second example of the style is located at the rear of 21 North Street. Less decorative than 140 Congress Street, the North Street dwelling features decorative verge board, steeply pitched gable wall dormers, and a projecting two story entry bay with a similarly steep gable roof and decorative verge boards.

Post-Fire Development (1866-1890s)

Most of the extant homes built in the aftermath of the Great Fire of 1866 were constructed in the Italianate and Second Empire styles that predominated during that period. Often similar in form to the gable fronted Greek Revivals homes, the typical Italianate house has more elaborate decoration and machine-made details. The details, such as brackets, were more readily available and affordable than earlier hand carved details due to new machinery technology.

Characteristic features of the Italianate style include tall paired windows, arched window openings, decorative door hoods, brackets below the roofline and bay windows.

The Italianate style predominates on Munjoy Hill. Projecting bays and door hoods are common features on both vernacular dwellings as well as more elaborately detailed homes on the Hill. The Italianate style is also found on commercial and civic buildings like the Shailer School (1880-1881) on North Street.

Architecture



Bay windows on gable front home are a typical feature on the Hill.



The Ann Freeman House on Congress Street is an early example of the Italianate Style. It is a designated local landmark.



While most Italianates style homes have a side hall plan, the Hill also has several examples of an L-plan house with a side entrance like this one at 56 St. Lawrence Street built c1860.

Brick examples of the style include the two-bay, two-story Ann Freeman House (1857) at 147 Congress Street and the three-story double house at 96 St. Lawrence Street. Both examples have hip roofs that formerly were capped by cupolas.

Early examples of the gable end form are the Benjamin Noble House at 63 North Street (1856) and the Jason H Davis House at 23 O'Brien Street (1866-7).

The three bay, one-and-a-half story Cushing House at 83 Munjoy Street (1878) is an unusual example of the Italianate style on Munjoy Hill. Unlike most of its neighbors, the dwelling is set far back on its lot and has an unusual central projecting entry tower form.

A third plan type is the L-shape plan. An example of the L-plan form with side entry, usually off a porch, is the Samuel Libby House at 30 Lafayette Street (late 1870s). Like many dwellings with this form, the Libby House has a narrow gable front form with a projecting bay window on the street façade.

Two of the most prevalent builders on Munjoy Hill in this period were William H. and John Weeks. Research indicates the Weeks family built several Italianate wood-frame houses on Vesper and O'Brien Streets in the last decades of the 19th century.



The Alfred Roberts House (1876) at 80 Quebec Street.



The Second Empire at 60 Kellogg Street retains its historic slate roof, window hoods, and corner boards.



39 and 45 North Street on Munjoy Hill in 1924

The Second Empire style shares many of the Italianate style's characteristics and was popular during the same time period. What distinguishes the Second Empire style, however, is its mansard roof form. It is another predominate style on Munjoy Hill.

Several good examples of small scale, one-and-a-half-story Second Empire dwellings are located on the Hill. The Alfred Roberts House (1876) at 80 Quebec Street and the John C. Main House (1876) at 52 Melbourne Street each have detailed woodwork over the dormers and elaborate brackets supporting the entry hood. The Mains House has a two-bay side hall plan, while the Roberts House has an unusual back hall plan and features bull's eye rosettes as a decorative exterior detail. Like the Mains and Roberts Houses, the Second Empire at 60 Kellogg Street has elaborate dormer and cornice details. It retains its historic slate roof, window hoods, and corner boards.

The late 19th century brought larger scale dwellings to the neighborhood, particularly on North, Congress and Merrill Streets. Larger two-and-a-half-story examples of the Second Empire style are present at 32, 39, 45, 96 North Street. The V.B. Fuller House (1884) at 45 North Street retains its double entry doors, bracketed entry hood, two-story projecting bays with narrow windows, cornice brackets, and dentil molding. The A.L.R. Huston House (1886) at 39 North Street retains its historic carriage house.



Swag detail on entry porch gable at 129 Morning Street.



William N. Taylor House (1895) at 64 Eastern Promenade.



Samuel D. Plummer House (1898) at 140 Eastern Promenade.

Housing a Growing Population (1890s-1930)

The extant homes built on Munjoy Hill at the turn of the century are constructed in the diverse styles that predominated during that period. The two most prevalent styles are Queen Anne and Colonial Revival.

While homes from this era located on the Eastern Promenade are often elaborate and large scale, on interior streets the Queen Anne and Colonial Revival style tend to be smaller scale and follow the same development pattern as earlier homes. Many Queen Anne homes are gable front with a side hall plan, like earlier Greek Revival, Italianate, and Second Empire style homes on the Hill. Only the stylistic details have changed. Similarly, Colonial Revival homes may also have a gable front or may have a hip roof.

The Queen Anne style features a variety of distinctive patterns of decorative detailing. Spindlework with delicate porch details and lace-like brackets is one common type of Queen Anne architectural embellishment found on Munjoy Hill. Another is the Free Classic, with classical columns and decorative details borrowed in part from the early 19th-century Federal period of architecture.

Towers are prominent feature in Queen Anne dwellings and towers are present on the R. Cutler Libby House (1895) at 34 Congress Street, the William N. Taylor House (1895) at 64 Eastern Promenade, the Robert D. Libby House (1901) at 84 Eastern Promenade, and the Samuel D. Plummer House (1898) at 140 Eastern Promenade.

The John E. Farr House (1893) at 39 Congress Street is a good example of a gable front Queen Anne dwelling. The gable front projects beyond the front wall and encompasses the two story projecting window. Typical of the Queen Anne style, the dwelling features a Palladian window, multiple window sizes and styles, panel work, patterned shingles, spindlework, dentil moldings, and gable ornament in the entry portico. A unique feature of the house is the different decorative pattern of the lintels on the first and second floor window trim.



Colonial Revival house at 188 Eastern Promenade.



Colonial Revival house at 150 Eastern Promenade.



Colonial Revival apartment house at 164 Eastern Promenade.

The Colonial Revival style on Munjoy Hill is represented in a wide range of residential building types: large-scale single-family homes, small-scale single-family homes, and on triple decker buildings.

Two excellent examples of the Colonial Revival style are the John W. Griffin House (1910) at 150 Eastern Promenade and the Lindsay B. Griffin House at 188 Eastern Promenade (1908). Both dwellings have a hipped roof with a barrel roof dormer, but one has a full width porch and the other has a central portico. Both have a symmetrical façade and entry door with flanking sidelights that is typical of the Colonial Revival style.

Enoch Richards (1854-1944) was one of the most prolific builders on Munjoy Hill. He built at least sixteen houses on the Eastern Promenade and Beckett, Vesper, and Moody Streets. He built single-family homes, two-units and triple decker apartment buildings in both the Queen Anne and Colonial Revival Styles.

The Colonial Revival Enoch C. Richards Apartment House (1903-1904) at 164 Eastern Promenade features a distinctive element Richards used on many of his buildings--large brackets to support an deep overhanging roofline. This detail is also present on his former home at 162 Eastern Promenade, his triple decker building at 45 Quebec Street and four triple decker buildings at 88-96 Vesper Street.

While most buildings from this turn-of-the-century period of construction are Queen Anne or Colonial Revival, there are other styles present on Munjoy Hill as well, including Folk Victorian, the Shingle Style and Beaux Arts Style.

Folk Victorian architecture has simple detailing inspired by Italianate and Queen Anne Styles. The small home at 100 North Street (1873) has a simple gable roof form, a jig saw cut balustrade, and brackets window hoods typical of the Folk Victorian style.



The Emma Fuller House (1892 at 50 Morning Street.



The Emerson School under construction in 1898, above. Collections of the Maine Historical Society, MMN 20355. The Emerson School today, below.



The Emma Fuller House (1892) at 50 Morning Street is a Queen Anne dwelling that exhibits some characteristics of the Shingle Style, including its strip of three windows in the front gable end, shingled pent roof, and shingle clad brackets supporting the projecting gable end.

The Henry F. Merrill House (1898) at 5 Eastern Promenade was designed by John C. Stevens and John H. Stevens. Colonial Revival in style, it also has elements found in the Shingle Style, including the recessed shingle window in the gable bay, the Palladian window, and the shingled exterior siding that unifies the irregular form of the house. Its porch with Ionic columns and decorative cornice detailing are typical Colonial Revival details.

Although not a dwelling, the Emerson School at 13 Emerson Street is an example of the Beaux Arts Style. Built 1897-1898, it was designed by Frederick Thompson in the Beaux Arts Style as an elementary school serving the Munjoy Hill neighborhood.

The Munjoy Hill neighborhood includes many triple decker apartment buildings. The triple decker is a residential building type that provided a greater number of units than early examples of multi-family housing on Munjoy Hill. It proved to be a critically important housing type to provide for Portland's growing population at the turn of the century. The building form is generally three stories high with one family unit on each floor, usually with a rear porch.

One street largely defined by its row of triple-deckers is Vesper Street. The land on Vesper Street wasn't developed until the late 1880s after being owned for many years by the Deering family. Enoch Richards, a prolific builder on Munjoy Hill, built five triple-deckers on the west side of Vesper Street 1896-1899.



An Italianate Triple Decker Building at 101 North Street



An example of the shingle bay form of triple decker buildings.



This apartment building on Morning Street has a similar form and features to a triple decker building, but has a single building entrance.

One of the most ornate triple-deckers on Munjoy Hill is located at 101 North Street. It was built in 1887 by Moses Gould, a prominent real estate developer who lived at 79 North Street. A similar triple-decker, but somewhat altered, is located at 98 Cumberland Avenue, near the Hill's only four-decker at 106 Cumberland Avenue and a brick triple-decker at 102 Cumberland Avenue.

The triple decker at 82 Beckett Street is a good example of a shingled bay style with a bracketed cornice and Italianate details. Particularly striking is its unusual curved brackets at the entry door. It was built in 1891 by Charles W. Cushing, a carpenter who lived at 87 Munjoy Street.

The Colonial Revival triple-decker at 129 Morning Street has a curved three-story bay, unusual on Munjoy Hill where most bays are segmented. The dwelling was built in 1908 for Edward L. Dame, who also owned the more traditional triple-decker next door at 125 Morning Street.

The triple decker is a more dense form of housing than early examples of multi-family housing that was built on Munjoy Hill. It was critical to house Portland's growing population at the turn of the century. In addition, the development of multi-family apartment buildings allowed for greater density in the neighborhood and accommodation for lower middle class residents. One example of a large apartment block is the building at 119 Morning Street, built circa 1926 for the Albert family and formerly known as the "Cleevesland".

The brick apartment building at 55-57 Morning Street, formerly known as the "Raymond Apartments" is an example of a housing type built to accommodate a greater number of units than the multi-family residences and triple deckers on Munjoy Hill. It was built c1912 for Samuel D Plummer and owned for many years by his family. Samuel D Plummer (1858-1917) was a real estate dealer who lived in a Queen Anne house at 140 Eastern Prom in 1898 on land he bought from the Deering heirs in 1897. He later built two apartment buildings at the rear of his house on Morning Street on the remainder of the land he purchased from the Deering family.

Visual Character of the Hill



Munjoy Hill is largely a neighborhood of wood framed dwellings.



Gables, bay windows, and raised stoops are common.



On many blocks, narrow lots contribute to a consistent streetscape.

Although Munjoy Hill exhibits a variety of architectural styles and residential building types, including single-family, multi-family, triple decker and the occasional apartment building, there are a number of shared building characteristics that serve to unify much of the neighborhood and give it its own identifiable visual character.

First and foremost, the neighborhood is distinguished by its dense development pattern. Buildings occupy narrow, deep lots and are closely spaced. With few exceptions, mostly on the Eastern Promenade, buildings are of modest scale, ranging from 1 ½ to 3 stories. Most dwellings are wood-frame construction with clapboard exteriors; the occasional brick building breaks this predominate material palette. Buildings generally have small footprints, with their narrow, usually gable, end facing the street. Most houses are two or three bays wide, often with a projecting one- or two-story front bay. Projecting front entry vestibules are also common.

Most houses sit above a high brick foundation, with a raised stoop and flight of exterior stairs leading to the main entry. Entries are typically located on the street façade and are generally shifted to one side, although there are examples of primary entrances on the side elevation. Most buildings are set back a short distance from the sidewalk, allowing for a shallow front yard. Driveways, where they exist, occupy much of the width of the lot's side yard.

Just as the scale of houses on Munjoy Hill is generally modest, so too is the architecture. Most of the houses, with the exception of those facing the Eastern Promenade, are vernacular expressions of the various architectural styles popular at the time of their construction. The very large number of Italianate buildings throughout the neighborhood, with their tall vertical expression, gable end facing the street, bracketed entry hood, and projecting bays, lends a certain consistency to the blocks.

Visual Character of the Hill



Unique porch details can differentiate a typical gable front dwelling from its neighbors.



Vernacular dwellings often feature a few character defining details, like a entry hood or tall narrow windows, that help identify these dwellings as Italianate.



Streetscapes like this on North Street, depict the typical rhythm created by vertically orientated facades .

Color photography by Greater Portland Landmarks

Certainly, there are some blocks within the neighborhood (Moody Street, for example) that do not follow this typical development pattern. There are also houses that do not exhibit the common building characteristics described above. These are, however, exceptions rather than the rule on Munjoy Hill. That is why later developments such as MacArthur Gardens, which features several separate-but-related brick buildings set back from the street within a campus-like setting, do not feel sufficiently integrated with the neighborhood.

Munjoy Hill is often described as “friendly” and “approachable”. While there are no doubt many factors that contribute to this reputation, the neighborhood’s distinct visual character is key among them.

16 HISTORIC PRESERVATION

16.1 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 survey, identify, historically designate, and protect buildings, structures, objects, sites, and areas of historic, cultural, architectural, and archaeological significance consistent with the National Register of Historic Places and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. Attention will be given to the preservation of sites of cultural significance to marginalized communities and Indigenous peoples, including the Wabanaki people, to ensure their cultural legacy is recognized and protected;
- B.** Establishing standards for review of alterations and new construction affecting historic designations consistent with the Secretary of the Interiors Standards for the Treatment of Historic Properties;
- C.** Encouraging compatible rehabilitation and new construction affecting historic designations, preventing the unnecessary loss of the community's significant character without stifling change and development;
- D.** Providing a resource of information and expertise to help those interested in historic designation, and rehabilitation or new construction affecting historic designations; and
- E.** Fostering civic pride in the city's history as represented in the city's historic designations.

16.2 HISTORIC DESIGNATIONS

16.2.1 Categories of historic designations

- A. Landmark.** A discrete building, structure, object, or site and any associated area found to have particular or individual significance or prominence. Landmarks may be in or outside of historic districts or historic landscape districts.
- B. Historic district.** A geographically defined area possessing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united by past events, culturally, or aesthetically by design, plan, or physical development. The defined area may comprise individual elements separated geographically but linked by association or history.
- C. Historic landscape district.** A geographically defined area possessing a significant concentration, linkage, or continuity of natural or man-made landscape components including buildings, structures, sites, or objects which are united by past events, culturally, or aesthetically by design, plan or physical development. The defined area shall be owned in its entirety by a unit of federal, state, or local government, or any combination of such ownership at the time of nomination.

16.2.2 Criteria for historic designation

- A.** Any building, structure, object, site, or area nominated for historic designation must be found to demonstrate significance to the City of Portland, State of Maine, New England region, United States, or the Wabanaki people under at least one of the following:
 - 1.** *Significant aspect of heritage.* Value as a significant example of the cultural, historic, architectural, archaeological, or related aspect of heritage.

2. *Significant events or activities.* Location as a site of a significant historic, prehistoric, or cultural event or activity.
 3. *Significant persons.* Identification with a person or persons who significantly contributed to the cultural, historic, architectural, archaeological, or related aspect of heritage.
 4. *Significant design or construction.* Embody the distinctive characteristics of a significant type, style, design, period, or method of construction.
 5. *Significant designer.* Identification as a significant example of the work of an architect, designer, engineer, artisan, or builder.
 6. *Significant theme.* 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. Any nominated building, structure, object, site or area must also be found to retain sufficient integrity of location, design, setting, materials, workmanship, feeling, and association to convey its significance with respect to the applicable criteria for historic designation as defined in Subsection 16.2.2(A).
 - C. The Planning Board and City Council shall apply the criteria for historic designation of Subsections 16.2.2(A) and (B) above, the historic preservation goals included in the Comprehensive Plan, and may consider the effect of such historic designation on other aspects of the Comprehensive Plan of the City.
 - D. The Historic Preservation Board, Planning Board, and City Council may refer to the

National Register of Historic Places Bulletins in interpreting and applying the criteria for historic designation under Subsections 16.2.2(A) and (B).

16.2.3 Classifications within historic designations

- A. The buildings, structures, objects, and sites within a historic designation may be classified as contributing or noncontributing.
- B. A contributing classification shall only be applied to a building, structure, object, or site which:
 1. Was built at least 50 years prior to the date of historic designation, or was built within a period of significance specified in the nomination for historic designation;
 2. Is found to have a relationship with or physically embody the qualities that give the historic designation cultural, historic, architectural, or archaeological significance as embodied in the criteria for historic designation from Subsection 16.2.2(A) specified in the nomination for historic designation; and
 3. Retains sufficient integrity to communicate that significance as defined in Subsection 16.2.2(B).
- C. Where a landmark overlaps with a historic district or historic landscape district, the contributing buildings, structures, objects, and sites of the landmark shall be classified as contributing to the historic district or historic landscape district.
- D. If a building, structure, object, or site does not meet Subsection 16.2.3(B) or (C) it shall be classified as noncontributing.

16.3 NOMINATION, CONSIDERATION, AND HISTORIC DESIGNATION

16.3.1 Procedure

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

16.3.2 Nomination of a historic designation

- A.** Nomination of a historic designation shall be submitted to the Planning Authority in writing. Nominations shall include the following information:
 - 1.** A statement of how the proposed historic designation meets the criteria for historic designation under Subsections 16.2.2(A), (B), and (C).
 - 2.** A map showing the location and proposed boundaries of the historic designation.
 - 3.** A draft list of the constituent buildings, structures, objects, and sites, indicating their degree of cultural, historic, architectural, or archaeological significance and their classification as contributing or noncontributing within the proposed historic designation.
- B.** Nominations may be submitted by:
 - 1.** Any two members of the Historic Preservation Board on their own initiative;
 - 2.** The Planning Authority;
 - 3.** In the case of a landmark, one or more owners of the affected property; or
 - 4.** In the case of a historic district or historic landscape district, one or more owners of an affected property, provided a minimum of two members of the Historic Preservation Board submit written

sponsorship of the nomination to the Planning Authority.

- C.** Upon nomination, the Planning Authority shall notify the owner(s) of the subject property or properties. Upon nomination of a property that may hold significance to Indigenous communities, the Planning Authority shall notify all Tribal Historic Preservation Officers in Maine of the nomination and invite them to consult in the review of the nomination.
- D.** A nomination shall be diligently pursued from the date of submission. Nominators shall provide additional information as requested by the Planning Authority or Historic Preservation Board when determined to be reasonably necessary to make any determination required by this article. Failure of nominators to provide a response to the request for additional information within 120 days of the date upon which the written request was made shall cause the nomination to expire.
- E.** Withdrawal of nominations shall only be at the consent of all parties who submitted the nomination. Consent to withdraw a nomination shall be submitted in writing to the Planning Authority.

16.3.3 Historic Preservation Board review and recommendation

- A.** A public hearing on the nomination shall be held by the Historic Preservation Board following one or more workshops conducted in accordance with procedures adopted by the Historic Preservation Board.
- B.** The Historic Preservation Board shall consider all testimony or evidence relating to the nomination from any person who makes written submissions or appears at a workshop

or public hearing. The owner of a nominated property shall be allowed reasonable opportunity to present testimony or evidence concerning the applicability of the criteria for historic designation in Subsection 16.2.2. In considering evidence, the Board shall also recognize oral histories and cultural contributions, particularly from Indigenous and marginalized communities, as valid forms of evidence for historic significance.

- C. If the Historic Preservation Board finds that documentation and analysis necessary for the consideration of the nomination has not been provided as part of the nomination, such documentation shall be provided prior to further consideration by the Historic Preservation Board. For properties and sites of significance to Indigenous peoples and historically marginalized communities, the Historic Preservation Board shall accept oral traditions, community knowledge, and cultural practices as part of the documentation.
- D. Following the close of the public hearing, the Historic Preservation Board shall make a recommendation to the City Council in the case of a landmark, or to the Planning Board in the case of a historic district or historic landscape district, as to whether the nominated buildings, structures, objects, sites, or areas meet the criteria for historic designation in Subsection 16.2.2. Such recommendation shall be accompanied by a report containing findings by the Historic Preservation Board as to whether the criteria for historic designation in Subsection 16.2.2 have been met, as well as any recommended changes to the scope of the nominated historic designation.

16.3.4 Planning Board review and recommendation

- A. The Planning Board shall hold a public hearing to review the nomination of a historic district or historic landscape district and the recommendation from the Historic Preservation Board. The Board may hold one or more workshops prior to the public hearing.
- B. All meetings, hearings, and deliberations of the Planning Board to consider the nomination, and recommendation and report of the Historic Preservation Board shall be held in conformity with Article 2.
- C. The Planning Board may request that the chair of the Historic Preservation Board, or a member designated by the chair, appear at a meeting to explain the recommendation or report.
- D. Following the close of the public hearing, the Planning Board shall make a recommendation to the City Council upon the evidence as to whether the nomination meets the criteria for historic designation in Subsection 16.2.2. Such recommendation shall be accompanied by:
 - 1. The report of the Historic Preservation Board.
 - 2. A report containing findings by the Planning Board as to whether the criteria for historic designation in Subsection 16.2.2 have been met, as well as any recommended changes to the scope of the nomination.

16.3.5 City Council consideration

- A. Following the receipt of a Historic Preservation Board recommendation and report in the case of a landmark nomination, or Planning Board recommendation and report in the case of a

historic district or historic landscape district nomination, the City Council shall approve or reject the historic designation.

- B. The designating order shall include a map of the location and boundaries of the historic designation, and be accompanied by a list of buildings, structures, objects, and sites within the historic designation including their location or address and classification as contributing or noncontributing under Subsection 16.2.3.
- C. Notice of City Council action shall be sent to all owners of property within the boundaries of a historic designation within 30 days following the City Council action.
- D. A record of the historic designation, maps of the historic designation boundary, and copies of all nominations and reports shall be maintained by the Planning Authority and be made available to the public online and during ordinary business hours.

16.3.6 Designation

- A. Upon designation, all buildings, structures, objects, and sites within the boundary of the historic designation shall be subject to the provision of this article.
- B. Demolition, including any act or process that totally destroys any contributing building, structure, object, or site shall be prohibited, with the exception of:
 - 1. Any building, structure, object, or site which has been ordered demolished by the municipal officers or a court, in accordance with 17 M.R.S. § 2851 et seq., its equivalent, as it may be amended from time to time, or
 - 2. Any building, structure, object, or site which has been partially destroyed and is

determined by the Planning Authority to represent an immediate hazard to the public health or safety, which hazard cannot be abated by reasonable measures specified by the Planning Authority, including without limitation securing apertures and/or erecting fencing.

- 3. Any building, structure, object, site, or portion thereof which was approved for demolition under a certificate of economic hardship under Section 16.7.

16.3.7 Amendment or rescission of designation

- A. Amendment shall be defined as a change to the historic designation boundary or reclassification of a building, structure, object, or site as contributing or non-contributing in its entirety.
- B. Rescission shall be defined as the complete removal of a historic designation.
- C. Amendment or rescission of any historic designation shall be upon the request of a person or persons authorized to nominate the property or properties affected as set forth in Subsection 16.3.2, or upon request of the City Council. Such requests shall be submitted in writing to the Planning Authority.
- D. Amendment or rescission shall follow the procedure set forth in Section 16.3 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 Subsection 16.2.2 (A) and (B). 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.

16.3.8 Presumption of contributing classification

Where the historic designation does not specify the classification of a building, structure, object, or site, there shall be a presumption that the building, structure, object, or site is contributing, unless:

- A.** Documentation can be provided to the Planning Authority that the building, structure, object, or site was constructed within 50 years of or after the date of historic designation, or after the stated period of significance;
- B.** The Historic Preservation Board holds a public hearing and finds that the building, structure, object, or site has no significance relating to the criteria for historic designation under Subsection 16.2.2(A) referenced in the nomination for the historic designation, or reports of the Historic Preservation Board, Planning Board or City Council; or
- C.** The Historic Preservation Board holds a public hearing and finds that the building, structure, object, or site has been lawfully substantially altered within 50 years of or after the date of historic designation, or after the stated period of significance, such that it lacks integrity as defined under Subsection 16.2.2(B).

16.4 INTERIM PROTECTION FOR NOMINATED HISTORIC DESIGNATIONS

16.4.1 Maintenance

From the time of submission of a complete nomination as set forth under Subsection 16.3.2 until the City Council acts upon such nomination, the nomination is withdrawn, or the nomination expires, all buildings, structures, objects, or sites

nominated but not yet designated shall be subject to the provisions of Sections 16.8 governing maintenance, to the same extent as if designated.

16.4.2 Protection from demolition

From the time of submission of a complete nomination as set forth under Subsection 16.3.2 until the City Council acts upon such nomination, the nomination is withdrawn, or the nomination expires, all demolition permit applications for any building, structure, object, or site nominated but not yet designated shall be denied unless:

- A.** The Historic Preservation Board has held a public hearing at the request of the owner of a building, structure, object, or site and has found that the building, structure, object, or site in question would be recommended to be classified as noncontributing to the nominated historic designation and shall be eligible for a demolition permit. The determination of the Historic Preservation Board that the building, structure, object, or site is eligible for a permit shall be conclusive; or
- B.** The owner has received a certificate of economic hardship under Section 16.7.

16.5 REVIEW PROCESS FOR HISTORIC PRESERVATION APPROVAL

16.5.1 Applicability

A historic preservation approval shall be required prior to undertaking any new construction, additions, exterior alterations, site alterations, signage, or the relocation of buildings, structures, or objects affecting any property within the boundaries of a historic designation as identified in Table 16-A. Historic preservation approval shall also be a condition precedent to the issuance of any permit authorizing any such work as noted above.

Notwithstanding the above, the following activities shall be considered exempt:

- A.** Work consisting solely of ordinary maintenance, being acts of upkeep or repair which do not include a change in the design, material, or outer appearance of a building, structure, object, or site such as repainting of previously painted surfaces or in-kind replacement of materials or plantings.
- B.** Work consisting solely of emergency repair of a temporary nature.
- C.** Work approved under a valid certificate of economic hardship.
- D.** Work where the Planning Authority determines that the proposed exterior changes are not readily visible at pedestrian heights from any public way or public open space.
- E.** Installation of new public artworks approved or acquired through the City of Portland Public Art Program.
- F.** Changes in plantings or vegetation outside of historic landscape districts and minor changes in plantings or vegetation within historic landscape districts.
- G.** Alterations to existing grave markers or tombs made for the purpose of recognizing additional decedents or installation of grave markers or tombs recognizing new interments within an existing cemetery.
- H.** Roof-mounted solar energy systems where the system:
 - 1.** Is consistent with all other city requirements,
 - 2.** Is installed reversibly with no damage to any historic roofing materials,
 - 3.** Is not installed on street-facing roof planes on landmarks or contributing buildings or structures, and

- 4.** Any associated electrical equipment is not installed on street-facing facades.

- I.** Ground-mounted heat pumps and HVAC equipment where:
 - 1.** Exterior units are installed at least 30' from public rights-of-way or behind the street-facing facades of the associated building or structure, whichever is a greater distance, and
 - 2.** Any associated line hides, conduit, vents, and other equipment or penetrations are not installed on street-facing facades.
- J.** Installation of temporary buildings, structures, or objects for a period of less than eight consecutive months, unless such installation otherwise meets a threshold for review established in Table 16-A.
- K.** Demolition of non-contributing buildings, structures, objects, or sites.
- L.** Relocation of non-contributing buildings, structures, or objects to a property outside any historic designation boundary.
- M.** Interior work of any kind.

16.5.2 Review classifications

- A.** Applications shall be subject to administrative or Historic Preservation Board review according to the classifications in Table 16-A.
- B.** The Planning Authority may, due to the scope or anticipated impacts of a project, reclassify an administrative review to a Historic Preservation Board review.
- C.** At any point in the review process, an applicant may request that the Planning Authority reclassify the application from administrative to Historic Preservation Board review.

TABLE 16-A: HISTORIC PRESERVATION REVIEW CLASSIFICATIONS

		Administrative Review	Board Review
New construction and additions		≤ 500 SF	> 500 SF
	Dormer additions¹	Affecting ≤ 40% of roof area (in SF)	Affecting > 40% of roof area (in SF)
Alterations to contributing buildings, structures, or objects²	Minor alterations	All	--
	Major alterations	≤ 25% of any façade, or where work is based on clear documentation of the historic appearance	> 25% of any facade
Alterations to noncontributing buildings, structures, or objects²	Minor alterations	All	--
	Major alterations	≤ 40% of any facade	> 40% of any facade
	Site alterations³	All	--
	Signage	All	--
Relocation of buildings, structures, or objects⁴		≤ 500 SF	> 500 SF

¹ Dormer additions include any increase in volume which does not interrupt the ridges, eaves, or rakes of an existing building or structure.

² Minor alterations include small or routine changes such as required by building code or modern convenience which result in minimal change in exterior appearance of an existing building, structure, or object. Major alterations include changes to existing or introduction of new details or features which affect the scale, form, proportion of openings, ratio of solid to void, rhythm or placement of entrances, color or texture of materials, or relationship to the street of an existing building, structure, or object.

³ Site alterations include the construction of permanent features such as fences and retaining walls, regrading, hardscaping, and the installation of exterior utilities.

⁴ Relocations include the moving of a building, structure, or object on its site or to another site.

16.5.3 Historic Preservation pre-application meeting

Applicants are encouraged to schedule a historic preservation pre-application meeting with the Planning Authority prior to applying for historic preservation review. The purpose of this meeting is to familiarize the applicant with the City of Portland Historic Preservation submittal requirements, applicable review standards, and to confirm the level of review required. A pre-application meeting does not confer pending proceeding status under Title 1 MRSA 302. No decisions relative to the application shall be made at the pre-application meeting, nor shall any advice or information provided by the Planning Authority be construed as a decision.

16.5.4 Applications

Application for historic preservation review shall be made on a form prepared by the City and submitted to the Planning Authority along with the applicable fee. Upon receipt of an application and fee, the Planning Authority shall determine whether the application is complete and the level of review required per Table 16-A.

16.5.5 Costs

All projects shall be subject to fees as established by the City Council to cover the administrative costs of review. Applicants are also required to pay fees to cover the professional and administrative costs for analysis associated with project review, including but not limited to planning, legal, or other services as needed.

16.5.6 Lapse in application

An application for historic preservation review shall be diligently pursued from the date of submission. Applicants shall provide additional information as requested by the Planning Authority or Historic Preservation Board when determined to be reasonably necessary to make any determination required by this article. Failure of an applicant to provide a response to the request for additional information within 120 days of the date upon which the written request was made shall cause the application to expire and be deemed null and void.

16.5.7 Administrative review

An application for historic preservation review subject to administrative review shall be reviewed by the Planning Authority for compliance with the standards of Section 16.6. The Planning Authority may request revised plans and submittals necessary to determine compliance. The Planning Authority shall approve the application, approve the application with conditions, or deny the application.

16.5.8 Historic Preservation Board review

- A.** An application for historic preservation review subject to Historic Preservation Board review shall be reviewed by the Historic Preservation Board for compliance with the standards of Section 16.6. The Planning Authority may request revised plans and submittals necessary to determine compliance with the standards of Section 16.6 prior to scheduling a Historic Preservation Board workshop or public hearing.
- B.** The Planning Authority shall schedule the project for review at a workshop or public hearing on a date that meets public noticing requirements and prepare a report for the Historic Preservation Board's consideration

which addresses the proposed project's compliance with the standards of Section 16.6.

- C.** In the case of applications being reviewed at a workshop or workshops prior to the public hearing, they shall be informational and not result in any formal approval or disapproval of the project. At a workshop, the Historic Preservation Board shall review the plans and submittals, consider the staff review with respect to the standards of Section 16.6, hear public comments and questions, and provide direction to the applicant regarding issues to be addressed to bring the application into compliance with the standards of Section 16.6.
- D.** At a hearing, the Historic Preservation Board shall approve, approve with conditions, or deny the application based on the standards of Section 16.6. Should the Historic Preservation Board deny an application, it shall enter findings of fact concerning the relationship between the application and standards of Section 16.6 within 60 days of the close of the public hearing. Written notice of the determination of the Historic Preservation Board on the application, including a copy of the findings of fact, shall be sent by regular mail to the applicant.

16.5.9 Review process involving major site plans

Site plan review by the Planning Board and historic preservation review by the Planning Authority or Historic Preservation Board shall, to the extent feasible, proceed concurrently. Any proposed major site plan required to obtain historic preservation approval under this article shall be exempt from the design standards included in Article 13, and shall comply with the standards of Section 16.6.

16.5.10 Notice of public meeting

- A.** For all applications for historic preservation review 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 property 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.

16.5.11 Conditions of approval

The Planning Authority or Historic Preservation Board may impose conditions upon its approval of any application for historic preservation review to bring the application into compliance with the standards of Section 16.6.

16.5.12 Historic preservation approval

- A.** The Planning Authority shall approve or approve with conditions by the Planning Authority or the Historic Preservation Board.
- B.** No historic preservation approval, building, demolition, or other permit shall be issued until

all current charges due under this article have been paid. The balance of any remaining review and administrative costs invoiced or incurred after an approval has been issued shall be paid in full by the applicant prior the issuance of any temporary or permanent certificate of occupancy.

- C.** Prior to historic preservation approval the applicant shall demonstrate sufficient right, title, or interest in the property, technical capacity, and financial capacity to complete any change proposed to be undertaken under the historic preservation approval, upon reasonable request of the Planning Authority.

16.5.13 Expiration of approvals

- A.** Unless work authorized by a historic preservation approval is commenced or a building permit for the same is issued within three years of the initial date of historic preservation approval, the approval shall expire and shall become null and void.
- B.** When the approved work also requires a site plan approval under Article 13, the expiration of the historic preservation approval shall be concurrent with the expiration of the site plan approval, even if longer than three years.
- C.** In the event of litigation arising out of the granting of a historic preservation approval, the approval shall remain valid until one year after the entry of final judgment in the litigation or until the end of the three-year period, whichever is later.

16.5.14 Amendments

- A.** An applicant may apply for an amendment to a historic preservation approval by submitting an amendment application that includes a written

statement of the proposed amendment, proposed amended plans, and related submittals to the Planning Authority.

- B. The Planning Authority is authorized to approve minor amendments under the procedures set forth in Subsection 16.5.7, provided that the proposed amendments:
 - 1. Are generally consistent with the approved plans,
 - 2. Meet all the standards for review of Section 16.6,
 - 3. Do not modify the work such that Historic Preservation Board review would otherwise be required per Table 16-A, and
 - 4. Do not affect any condition or requirement of the Historic Preservation Board.
- C. Major amendments include changes that exceed the limited criteria for a minor amendment under Subsection 16.5.14(B). Review procedures shall follow those for a Historic Preservation Board review, set forth in Subsection 16.5.8.

16.6 STANDARDS FOR REVIEW OF APPLICATIONS FOR HISTORIC PRESERVATION REVIEW

16.6.1 Applicability

The following standards shall be applied in reviewing applications for historic preservation approval. When work falls under a set of standards, those standards shall apply to the project. Multiple sets of standards may apply to a single application depending on the proposed scope of work.

16.6.2 *Historic Resources Design Manual*

- A. The standards of this article are supplemented by the *Historic Resources Design Manual*. The

Historic Resources Design Manual may include descriptions, guidelines, and illustrations of how the standards of this article will be interpreted. All provisions of the *Historic Resources Design Manual* shall be consistent with the standards of this article.

- B. Amendments to the *Historic Resources Design Manual* shall be adopted by the Historic Preservation Board following a public hearing. The *Historic Resources Design Manual* shall be maintained by the Planning Authority.

16.6.3 Standards for review of alterations to contributing properties

In considering an application involving alterations to contributing buildings, structures, site, or objects, the reviewing authority shall approve the application only upon finding that it meets the following standards:

- A. **Compatible use.** When the use of a property is being changed, every reasonable effort shall be made to minimize the alteration of the character-defining features of the building, structure, object, or site.
- B. **Retain historic features.** The distinguishing original qualities or character of the building, structure, object, or site shall be retained and preserved. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- C. **Historical accuracy.** The building, structure, object, or site shall be recognized as a product of its own time, place, and use. Alterations that have no historical basis or create a false sense of historical development, such as adding conjectural features or elements from other properties, shall not be undertaken.

- D. Acquired significance.** Changes which may have taken place in the course of time are evidence of the history and development of the building, structure, object, or site. Changes that have acquired significance in their own right shall be retained and preserved.
- E. Distinctive features.** Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize the building, structure, object, or site shall be retained and preserved.
- F. Repair rather than replace.** Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture, and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical, or pictorial evidence.
- G. Surface cleaning.** The surface cleaning of the building, structure, or object, if appropriate, shall be undertaken with the gentlest means possible. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be undertaken.
- H. Archaeological resources.** Every reasonable effort shall be made to protect and preserve significant archaeological resources affected by or adjacent to any project. If resources must be disturbed, mitigation measures shall be undertaken.
- I. Differentiation and contemporary design.** Alterations and additions shall not destroy the character-defining features of the building,

structure, object, or site. New work shall be differentiated from the old and shall be compatible with the size, scale, color, material, and character of the building, structure, object, or site. Contemporary design for alterations and additions shall not be discouraged when such alterations and additions do not destroy significant materials or features that characterize the building, structure, object, or site.

- J. Reversibility.** Wherever possible, new additions or alterations to the building, structure, object, or site shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

16.6.4 Standards for review of additions and new construction

In considering an application involving additions or new construction, the reviewing authority shall approve the application only upon finding that it meets the following standards:

- A. Scale and form**
 - 1. Height.** The height of the addition or new construction shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation when viewed from any street or public open space.
 - 2. Width.** The width of the addition or new construction shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation when viewed from any street or public open space.

3. *Proportion of principal facades.* The relationship of the width to the height of the principal facades shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation when viewed from any street or public open space.
4. *Roof shape.* The roof shape of the addition or new construction shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation when viewed from any street or public open space.
5. *Scale.* The size and mass of the addition or new construction in relation to open spaces, windows, doors, porches, and balconies shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation when viewed from any street or public open space.

B. Composition of principal facades

1. *Proportion of openings.* The relationship of the width to height of windows and doors shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation.
2. *Rhythm of solids to voids.* The relationship of solids to voids in the principal facades shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation.
3. *Rhythm of entrances, porches, and other projections or recesses.* The relationship of entrances, porches, and other projections or recesses to sidewalks shall be visually compatible with the contributing buildings,

structures, objects, and sites of the historic designation.

4. *Relationship of materials.* The relationship of the color and texture of materials (other than paint color) of the principal facades shall be visually compatible with the predominant materials used on the contributing buildings, structures, objects, and sites of the historic designation.

C. Relationship to street

1. *Walls of continuity.* Facades and site features, such as masonry walls, fences, and landscape masses, shall, when it is a characteristic of the context, form cohesive walls of enclosure along the street to ensure visual compatibility with the contributing buildings, structures, objects, and sites of the historic designation.
2. *Rhythm and spacing along streets.* The relationship of the addition or new construction to the open space between it and adjacent buildings, structures, objects, or sites shall be visually compatible with the contributing buildings, structures, objects, and sites of the historic designation.
3. *Directional expression of principal facades.* The addition or new construction shall be visually compatible with the directional character of the contributing buildings, structures, objects, and sites of the historic designation, whether this be vertical character, horizontal character, or nondirectional character.
4. *Streetscape and pedestrian improvements.* Streetscape and pedestrian improvements and any change in the appearance thereof

located adjacent to any addition or new construction shall not be incongruous with the contributing buildings, structures, objects, and sites of the historic designation.

16.6.5 Standards for review of alterations and additions to noncontributing properties

In considering an application for alterations or additions to a noncontributing building, structure, object, or site, the intent of the review shall be to guide projects toward a more compatible relationship with the surrounding context using the standards for review of additions and new construction set forth in Subsection 16.6.4.

16.6.6 Standards for review of relocation

In considering an application involving relocation of a building, structure, or object, the reviewing authority shall approve the application only upon finding that it meets the following standards:

- A.** Whether the historic or urban design character and aesthetic interest of the building, structure, or object contribute to its present setting.
- B.** If located within a district, whether there are definite plans for the area to be vacated and what the effect of those plans is on the character of the surrounding area. In such cases, consideration of additional design guidelines for construction to be imposed as a condition of approval is appropriate.
- C.** Whether the relocation of the building, structure, or object can be accomplished without significant damage to its physical integrity.
- D.** Whether the proposed relocation area is compatible with the cultural, historical or

architectural character of the building, structure, or object.

16.6.7 Standards for review of signage

In considering an application involving the installation or modification of sign(s) the reviewing authority shall approve the application only upon finding that it meets the following standards:

- A.** Signs shall be compatible with the subject building, structure, object, and sites.
- B.** Signs shall be installed in such a manner as to minimize damage to contributing buildings, structures, objects, and sites.
- C.** If there is a conflict between this standard and the requirements of Article 19, the stricter standard shall apply.

16.7 CERTIFICATE OF ECONOMIC HARDSHIP

16.7.1 Applicability

- A.** Any applicant who has received a denial under this article or is seeking demolition of a contributing building, structure, object, or site may apply for a certificate of economic hardship from the Board of Appeals.
- B.** The application shall be submitted to the Planning Authority, together with the applicable fee. In the case of a denial, the application shall be submitted within 60 days of the denial.

16.7.2 Standard to be applied

- A.** The Board of Appeals shall approve an application for a certificate of economic hardship only upon a determination that the strict application of the standards as applied in the denial of the proposed activity would result in undue financial burden to the applicant or result in loss of all reasonable use of the property, or in instances where demolition is

proposed, denial of the proposed demolition will result in the loss of all reasonable use of the building, structure, object, or site.

- B.** Where the condition of the building, structure, object, or site is claimed to prevent any reasonable use, the applicant shall establish that such condition is not the result of the acts of neglect of the owner or their predecessors in title under Section 16.8.

16.7.3 Information to be supplied by applicant

- A.** The applicant shall submit by affidavit the following information, which shall constitute an application:

- 1.** The assessed value of the property and/or the building, structure, object, or site for the two most recent assessments.
- 2.** Real property taxes paid for the previous two years.
- 3.** The amount paid for the property by the owner, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased.
- 4.** All appraisals obtained within the previous two years.
- 5.** All listings of the property for sale or rent, price asked and offers received within the previous four years.
- 6.** All studies commissioned by the owner as to profitable renovation, rehabilitation, or utilization of any buildings, structures, objects, or site on the property for alternative use.
- 7.** For income-producing property, itemized income and expense statements from the property for the previous two years.

- 8.** Professional assessment from a licensed engineer or architect with experience in rehabilitation of historic buildings, structures, objects, and sites as to the structural soundness of the building, structure, object, or site and its suitability for continued use, or rehabilitation.

- 9.** Estimate of the cost of the alteration, construction, demolition, or removal proposed by the applicant.

- 10.** Estimate of cost that would be incurred to address findings of fact provided by the reviewing authority in issuing a denial of the application for historic preservation review.

- 11.** A statement of the minimum extent of work necessary to allow reasonable use of the building, structure, object, or site.

- B.** In the event that the information required to be submitted by the applicant is not reasonably available or attainable, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

- C.** Applicants may submit evidence of undue financial burden, including estimates of costs to comply with preservation requirements and detailed documentation of their current income levels or financial hardship. The Board of Appeals may accept simplified affidavits or statements of hardship, reducing the burden of documentation for applicants facing economic barriers.

- D.** The Planning Authority may request that third-party reviewers with applicable expertise to review materials provided by the applicant and prepare a report on their analysis of the

application materials. In these cases, the cost of the third-party review shall be charged to the applicant.

- E.** The Board of Appeals may require additional evidence or supporting materials to inform their decision on the application.

16.7.4 Review

- A.** The Board of Appeals shall hold a workshop or public hearing on the application within 30 days following receipt of a complete application.
- B.** The Planning Authority may provide a report or any other information, documentation or evidence or request the Historic Preservation Board to assist the Board of Appeals in considering the extent of variance necessary or reasonable condition to be imposed.
- C.** The Board of Appeals may continue a proceeding for such additional time as it reasonably takes an applicant, any other interested person, the Historic Preservation Board, or the Planning Board to comply with a request for additional information or evidence. The applicant shall be afforded the right to present rebuttal evidence.
- D.** The determination by the Board of Appeals shall be made within 30 days following close of the public hearing. The determination shall be accompanied by findings of fact.

16.7.5 Issuance

- A.** If the determination of the Board of Appeals is that the standard of Subsection 16.7.2 has been met, then the certificate of economic hardship shall be issued by the Planning Authority within 30 days following the determination.
- B.** Certificates of economic hardship shall

limit the scope of work to the minimum extent necessary to eliminate the undue financial burden or allow reasonable use of the building, structure, object, or site. Certificates of economic hardship shall be issued with flexibility to allow modifications or adaptations that reduce the financial burden on the owner while preserving key aspects of the historic property. Adjustments to preservation requirements may include phasing of required work, relaxed standards for non-essential elements, or alternative compliance methods that achieve preservation goals at lower costs.

- C.** Certificates of economic hardship shall not allow for the beginning of any demolition work until the necessary approvals and permits have been attained to allow for the rehabilitation, alteration, or replacement of the building, structure, object, or site.
- D.** Certificates of economic hardship shall be valid for a period of three years from the date of the determination by the Board of Appeals.
- E.** Certificates of economic hardship shall not be transferable from the applicant to another subsequent owner of the same property.

16.8 MAINTENANCE

16.8.1 Maintenance of protected structures

- A.** All contributing buildings, structures, objects, and sites shall be preserved against decay and deterioration by being kept free from the following structural defects by the owner and any other person or persons who may have legal custody and control thereof:
 - 1.** Deteriorated or inadequate foundation which jeopardizes its structural integrity.
 - 2.** Defective or deteriorated floor supports or any structural members of insufficient size

- to carry imposed loads with safety which jeopardize its structural integrity.
- 3. Members of walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration which jeopardize its structural integrity.
- 4. Structural members of ceilings and roofs, or other horizontal structural members, which sag, split, or buckle due to defective materials or deterioration or are of insufficient size to carry imposed loads with safety which jeopardize its structural integrity.
- 5. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration or are of insufficient size or strength to carry imposed loads with safety which jeopardize its structural integrity.
- 6. Lack of weather protection which jeopardizes the structural integrity of the walls, roofs, or foundation.
- B. The owner or such other person shall repair such building, structure, object, or site within a specified period of receipt of a written order by the Planning Authority to correct defects or repairs to any building, structure, object, or site as provided by Subsection 16.8.1(A) above, so that such building, structure, object, or site shall be preserved and protected from further deterioration in accordance with the purposes of this article.
- C. Any such order shall be in writing, shall state the actions to be taken with reasonable particularity and shall specify dates for compliance, which may be extended by the Planning Authority for reasonable periods to

allow the owner to secure financing, labor or materials.

16.9 PENALTIES

16.9.1 Fines for violation

Failure to perform any act required by this article or performance of any act prohibited by this article or of any conditions or any approvals issued hereunder shall constitute a violation and be subject to a fine as provided in 30 A M.R.S. §4452. Each day on which there is failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this section.

16.9.2 Withholding of future approvals

Where the applicant has done work or caused work to be done not in compliance with an approval received under this article or without the approvals required under this article, no new application for a historic preservation review shall be considered for the building, structure, object, or site associated with the violation until the work done without approval is brought into compliance with the requirements of this article.

16.9.3 Additional penalties for willful violation or gross negligence

- A. In addition to the penalties authorized by Subsections 16.9.1 and 16.9.2, a violation which is intentional, or occurs through gross negligence, shall be subject to the following provisions:
 - 1. No permit shall be issued under Chapter 6 of this Code of Ordinances for any alteration or new construction affecting such property for a period of five years following the last date of the violation, other than permits necessary to correct

- the violation. However, upon presentation of evidence satisfactory to the Planning Authority that the violation has been corrected, any remaining portion of the five-year prohibition on issuance of a permit may be waived.
2. For a period of 25 years, any alteration or new construction on the property shall be subject to this article, whether or not any remaining building, structure, object, or site on the property continues to have the cultural, historical, architectural, or archaeological character and integrity that caused it to be nominated or designated as a landmark or part of a district.
 3. As a condition for any new land use approval, the owner may be required to rebuild, or replicate the building, structure, object, or site on the property.
- B.** Subsection 16.9.3(A) above shall not apply to violations which are limited to noncontributing buildings, structures, objects, or sites.

16.10 APPEALS

The applicant, or any person who has participated in opposition to the application and demonstrates a particularized harm caused by the approval of any application associated with this article, may appeal that decision in accordance with Article 2.