

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

OCTOBER 21, 2019 CITY COUNCIL AGENDA

The Portland City Council will hold a City Council meeting at 5:30 p.m. in City Council Chambers. The Honorable Ethan K. Strimling, Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ANNOUNCEMENTS:

ANNUAL MEETING:

Annual Meeting of Corporator of the Portland Fish Exchange - Sponsored by Mayor Ethan K. Strimling

The City Council, as Corporator of the Portland Fish Exchange, meets annually to conduct business, including appointment of members to the Portland Fish Exchange – namely Robert Odlin and Tim Merrill - and receiving an update of activities.

Order 62-19/20 Appointing Robert Odlin and Tim Merrill Directors to the Portland Fish Exchange - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Legislative/Nominating Committee met on September 23, 2019 and voted 2-0 (Mayor Strimling absent) to forward this item to the City Council with a recommendation for passage.

This order appoints Robert Odling and Tim Merrill as directors to the Portland Fish Exchange.

Five affirmative votes are required for passage after public comment.

APPROVAL OF MINUTES OF PREVIOUS MEETING: MINUTES ARE DRAFTS UNTIL APPROVED BY THE CITY COUNCIL.

Approval of the October 7, 2019 Draft City Council Meeting Minutes

PROCLAMATIONS:

Proclamation 4-19/20 Honoring Ann Machado as Employee of the Month - Sponsored by Mayor Ethan K. Strimling

APPOINTMENTS:

Order 63-19/20 Appointing Members to Various Boards and Commissions - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Legislative/Nominating Committee met on September 23, 2019 and voted 2-0 (Mayor Strimling absent) to forward this item to the City Council with a recommendation for passage.

Zoning Board of Appeals - Expiring 12/31/2022

Joseph Zamboni

Kent Avery

Jared Falcon* - **Expiring 12/31/2021**

Historic Preservation - Expiring 11/30/2022

Robert O'Brien

Penny Pollard

John Turk

Joy Naiefteh*

Community Development Block Grant Annual Allocation Committee - Expiring 09/30/2022

Lucinda Pyne

D. Kelly Young

Edward Loro*

Leslie Clague*

*Indicates new Board members.

Five affirmative votes are required for passage after public comment.

Order 64-19/20 Appointing Directors of the Portland Widows' Wood Society for the 2019-2020 Term - Sponsored by Jon P. Jennings, City Manager

The Portland Widows' Wood Society provides assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors to the Portland Widows' Wood Society for the 2019-2020 term:

John Knox
Nancy English
Henry Donovan
Everett Ingalls
Cyrus Hagge
Thomas Pierce
Cheryl Hallett

Five affirmative votes are required for passage after public comment.

LICENSES:

Order 65-19/20 Granting Municipal Officers' Approval of Maria's Real Estate LLC dba Maria's Restaurant. Application for a Class I FSE at 1335 Congress Street - Sponsored by Jon P. Jennings, City Manager

Maria's Real Estate LLC dba Maria's Restaurant. Application for a Class I FSE at 1335 Congress Street.

Application was filed on 9/24/2019. New City and State applications. Location was previously Espo's.

Five affirmative votes are required for passage after public comment.

Order 66-19/20 Granting Municipal Officers' Approval of Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue.

Application was filed on 9/26/2019. New City and State applications. Location was previously The Cheese Shop.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 2-19/20 RE: Asylum Seeker Donations - Sponsored by Jon P. Jennings, City Manager

To date, the City has received more than \$918,000 in donations to support asylum seekers. The cost to the City to run the Expo emergency shelter for asylum seekers exceeded \$400,000 and overflow shelter costs so far since the Expo closed is approximately \$15,000. All asylum seekers who were previously housed at the Expo are either in permanent housing or residing at the City-run Family Shelter. Since closure of our emergency operations at the Expo, the City has been incurring additional costs to provide housing and basic necessities to asylum seekers, some of which may be reimbursed by the State's General Assistance Program. The City has not yet received reimbursement from the State because our General Assistance billing runs 90 days out. We just recently submitted for July reimbursements, but have not received payment yet. Once the amount of State reimbursement is known, the City will formally launch an application process for our non-profit partners who assisted with our aid to asylum seekers to seek reimbursement for their expenses incurred with remaining donated funds. Additional information will be formally announced by the City Communications Department on the application process no later than December 2019.

As a Communication this item requires no public comment or formal Council action.

RESOLUTIONS:

Resolution 6-19/20 Supporting the Continued Protections of the Federal Law for the Deferred Action for Childhood Arrivals Program - Sponsored by Mayor Ethan K. Strimling

The United States Supreme Court will hear an appeal filed by the U.S. Department of Homeland Security against lower court rulings that have allowed continued protections under the Deferred Action for Childhood Arrivals program (DACA), established in 2012. In 2017, the Department of Homeland Security ordered that the program be rescinded and its protections against deportation and other benefits end for the approximately 800,000 registered Dreamers, as they are known.

That action has been fought in court, with lower courts ruling that rescinding the program is unlawful. Those decisions were in turn appealed, bringing the matter this year to the highest court in the country.

By this Resolution, the City Council would express its support for DACA and the continuation of the protections it offers people who were brought to this country as children. The Resolve further authorizes the City Attorney to sign, on behalf of the Council, in support of the amicus brief filed with the Supreme Court.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 44-19/20 Designating 17 Structures on or Adjacent to Forest Avenue as Historic Landmarks and Amending the Map of Designated Historic Resources - Sponsored by Jon P. Jennings, City Manager

The Historic Preservation Board met on July 24, 2019, and voted 6-0 to forward this item to the City Council with a recommendation for passage.

The Historic Preservation Board is recommending that seventeen 17 historic structures on or adjacent to Forest Avenue be designated as individual landmarks under the provisions of Portland's historic preservation ordinance. Properties recommended for landmark designation are as follows: 309, 330, 331, 343, 355, 364, 495, 501, 517, 525, 533, 617, 630, 643-651, 648 and 660 Forest Avenue; and 536 Deering Avenue.

All of the buildings, located between the I-295 interchange and Woodfords Corner, are thematically related in that they represent key chapters in Forest Avenue's late 19th and early 20th century development, particularly its era as a street car line serving the emerging suburban neighborhoods around it as well as the period when this section of Forest Avenue was known as "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses. The Historic Preservation Board's recommendation is based on findings that each of the buildings meet the historic preservation ordinance's minimum criteria for designation.

Designation of Forest Avenue's key historic structures is pursuant to a number of expressed goals and strategies included in the City's recently adopted Comprehensive Plan, Portland's Plan 2030. In the Plan, Woodfords Corner is identified as a priority node warranting enhancement in order to better serve neighborhood needs. The Plan identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth. The Plan also recommends ongoing identification and designation of important historic assets, particularly in off-peninsula areas, and highlights historic preservation as an effective economic development tool. By preserving and enhancing Forest Avenue's key historic assets, the corridor's unique identity will be retained and the positive urban design characteristics exhibited by the identified historic structures will serve as a model for new development.

Landmark designation does not run counter to the City's goal of encouraging additional mixed-use, higher density growth along Forest Avenue. As is made clear in the cover document accompanying the recommended landmark designations and in the individual building descriptions themselves, the subject properties may be more intensively developed in the future, either through the construction of additional floors set back from the building façade and/or removal of noncontributing rear portions of the building for redevelopment. This preservation approach has been used effectively in numerous communities with designated one-or two-story historic auto showrooms.

This item was given a first reading on September 4, 2019. Second reading was given on September 16, 2019 and postponed to this meeting. Five affirmative votes are required for passage.

Order 54-19/20 Appropriating \$36,000 from the Housing Trust Fund to Home Start for Affordable Housing at 18 Luther Street - Sponsored by the Housing Committee, Jill C. Duson, Chair

The Housing Committee met on September 11, 2019 and voted 2-0 (Cook absent) to forward this item to the City Council with a recommendation for passage.

Home Start, a 501 (c) (3), is requesting \$36,000 from the Housing Trust Fund to make further upgrades on the single-family rental house and to add an accessory dwelling unit (ADU) to 18 Luther Place.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 55-19/20 Authorizing the Issuance of General Airport Refunding Revenue Bonds Series 2019 (Green Bonds) to Refund the Outstanding General Airport Revenue Bonds Series 2010 - Sponsored by Jon P. Jennings, City Manager

The Portland International Jetport requests City Council authorization to issue airport revenue refunding bonds in an amount not to exceed \$70,000,000. This authorization will allow the City to refund on a current basis the General Airport Revenue Bonds Series 2010 with new General Airport Refunding Revenue Bonds Series 2019 at a lower rate.

At current rates, this refunding is estimated to provide \$14.4 million in net present value savings or approximately \$900,000 of annual debt service savings to the Jetport over the 20 year term.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Seven affirmative votes are required for passage after public comment.

Order 56-19/20 Appropriating Proceeds of General Airport Refunding Revenue Bonds (Green Bonds) - Sponsored by Jon P. Jennings, City Manager

This is a companion order to Order 55-19/20 above. It appropriates the money received from the sale of the General Airport Refunding Revenue bonds to refund those Jetport bonds.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage.

Order 57-19/20 Establishing a Charter Commission - Sponsored by Danielle West-Chuhta, Corporation Counsel

Recently, a citizen-initiated petition to add a public financing system for Council elections to the charter failed and was indefinitely postponed by a vote of 6-2 due to technical and procedural deficiencies. If approved, these orders would put the question of whether to establish a Charter Commission for the purpose of revising the Charter to voters in the same way that the citizen-initiated petition would have had it contained language, contemplated by 30-A M.R.S. 2104(4), seeking alternative treatment of the question as a revision.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 58-19/20 Submitting the Question for the Establishment of a Charter Commission to the Voters at the Election on June 9, 2020 - Sponsored by Danielle West-Chuhta, Corporation Counsel

This is a companion order to Order 57-19/20, above.

This item must be read on two separate days. It received its first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 59-19/20 Approving Amendment To Portland City Code Chapter 10 Re: Life Safety Code 2018 Edition - Sponsored by Health and Human Services and Public Safety Committee, Councilor Belinda Ray, Chair

The Health and Human Services and Public Safety Committee met on September 19, 2019, and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This amendment updates Chapter 10 of the Portland City Code to adopt the 2018 Editions of the National Fire Protection Association 101, Life Safety Code and National Fire Protection Association 1, Fire Code.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 60-19/20 Approving Traffic Schedule Amendment Re: Two-hour Parking on Waterville Street - Sponsored by Jon P. Jennings, City Manager

Waterville Street extends from Monument Street to Fore Street and is two-way with unrestricted parking on both sides of the street, except during weekly street cleaning events. The requested Council action would amend the Traffic Schedule to change unrestricted parking to two-hour parking between 9:00 a.m. and 6:00 p.m. for the entire length of Waterville Street. A map is included in the agenda backup.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

Order 61-19/20 Amendment to Chapter 12, Prohibition on the Distribution of Plastic Straws, Stirrers, and Splash Sticks - Sponsored by the Sustainability and Transportation Committee, Councilor Spencer Thibodeau, Chair

The amendment prohibits the distribution of plastic straws, plastic stirrers, and plastic splash sticks in the City of Portland with limited exceptions including distribution to individuals with a disability and straws included with pre-packaged drinks. It allows food and beverage providers to provide straws, stirrers, and splash sticks made of plastic to customers only upon request from its effective date April 1, 2020 until January 1, 2021, when these items will be prohibited.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 67-19/20 Releasing of Sewer Right of Way over Parcel 189-A-3 on Sewall Street - Sponsored by Jon P. Jennings, City Manager

This order approves the release of the City's interest in the 30-foot-wide sewer right of way that was abandoned in 1976 and that crosses over Parcel 189-A-3 on Sewall Street.

Five affirmative votes are required for passage after public comment.

Order 68-19/20 Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor & Trades - Sponsored by Jon P. Jennings, City Manager

City staff has reached a tentative two (2) year contract agreement with AFSCME Labor & Trades which is within guidance received from Council on June 20, 2019. AFSCME Labor and Trades represents approximately 162 Trades, Maintenance, Mechanic and Custodial workers. The parties have tentatively agreed to a two (2) year contract with general wage increases of 2.50% effective July 7, 2019 and 2.75% effective July 1, 2018. The parties have further agreed to two (2) new longevity steps in the pay plan. A 12+ year step effective July 7, 2019 and a 15+ year step effective July 5, 2020. In addition, the parties have agreed to roll in \$.50/hour in the second year of the contract to all steps in the pay plan and eliminate several stipends, the meal allowance and the allowance for pants.

The parties also agreed to other minor contract language changes that do not add any costs to the City.

The Union has ratified the tentative agreement and the Administration recommends your support for the agreement.

The contract term is July 7, 2019 through June 30, 2021. The total direct costs of the general wage increases and other economic updates are approximately \$586,000.00 over the two-year term. The cost sheet is included the agenda backup.

This item must be read on two separate days. This is its first reading.

Order 69-19/20 Approving the Collective Bargaining Agreement with the City Employees Benefit Association of the American Federation of State, County and Municipal Employees, Local 1373 - Sponsored Jon P. Jennings, City Manager

City staff has reached a tentative two (2) year agreement with our largest bargaining unit, the City Employees Benefit Association (CEBA) of the American Federation of State, County and Municipal Employees (AFSCME) Local 1373 representing approximately 500 City employees. The CEBA contract expired on June 30, 2019. Terms of the two-year agreement include a 2.50% general wage increase for Fiscal Year (FY) 2020 retroactive to July 7, 2019 and a 2.75% general wage increase effective July 1, 2020. The general wage increases are consistent with guidance received by Council on July 8, 2019 and they are consistent with other negotiated contracts for the same period. The contract term is July 7, 2019 through June 30, 2021. The total direct cost of the general wage increase is approximately \$810,000.00.

Other terms of the tentative agreement include: Article 26 – added \$75.00 per year for Support Team Workers to purchase non-slip footwear

Appendix B1 – upgraded the following positions:

Accountants Grade 11 to Grade 12

Customer Service Representative Grade 8 to Grade 9

Computer Operator Grade 10 to Grade 12

Geriatric Social Worker Grade 14 to Grade 15

There are also minor language changes that do not add any additional cost to the City. Other provisions of the contract remain intact for the term of the agreement.

The union membership has ratified the tentative agreement and the Administration recommends your support for the agreement.

The cost sheet is included in the agenda backup.

This item must be read on two separate days. This is its first reading.

Order 70-19/20 Setting a Public Hearing on an Amendment to the Portland City Charter Re: Ranked Choice Voting for Municipal Officials - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

The Legislative/Nominating Committee met on October 15, 2019 and voted 3-0 to forward a ranked choice voting amendment to the Portland City Charter to the City Council with a recommendation for passage. This item sets the public hearing on the proposed amendment for November 18, 2019.

The amendment itself, as recommended by the Legislative/Nominating Committee, proposes to make Ranked Choice Voting used for the election of all City Council and School Board seats, and sends the proposed amendment to the voters in March 2020.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

Order 71-19/20 Approving Traffic Schedule Amendment Re: St. John and Valley Street Neighborhood - Sponsored by Jon P. Jennings, City Manager

On September 11, 2018, the City of Portland Planning Board conditionally approved a Level III site plan for Maine Medical Center's new 2,400 space employee garage at 190 St. John Street. The approved plan, which contemplates the introduction of a signal at the St. John Street/D Street intersection, includes numerous changes within the city's right of way on St. John Street, including the integration of new sidewalks, crosswalks, bicycle lanes, and turn lanes, and the elimination of approximately 13 spaces of on-street parking. As of October 15, 2019, Maine Medical Center has completed many of the changes to the right-of-way, including the striping of St. John Street, which has resulted in the elimination of on-street parking.

In the time since the site plan approval, and particularly since construction of the garage has affected the availability of on-street parking, neighbors have become increasingly aware of and concerned about the loss of on-street parking on St. John Street in the vicinity of D Street. The Department of Planning and Urban Development, the Parking Division, the City Manager's office, and the City Council have heard numerous complaints about potential impacts to residential and other properties in the area. In response, the Department of Planning & Urban Development has worked with the City Manager, the Department of Public Works, and the Parking Division to develop three potential changes to the city's traffic schedule, each of which would, either alone or in concert with the others, have the effect of restoring or creating neighborhood parking supply in the area of St. John Street. The goal of these changes is to address neighbors' concerns regarding loss of on-street parking while balancing the operational needs of MMC's garage and the city's broader street network. The changes include: 1) a change to the striping plan for St. John Street at D Street (*with two options presented here for Council consideration*); 2) a conversion of C Street to two-way operation between St. John Street and Valley Street; and 3) a change to time restrictions for on-street parking on the east side of Valley Street between C Street and D Street.

This item must be read on two separate days. This is its first reading.

Order 72-19/20 Amendment to the Portland City Code Chapter 17 Re: Facial Recognition Technology Prohibition - Sponsored by Councilor Pious Ali

Concerns about loss of privacy and civil rights matters have arisen with the advent of facial recognition technology around the world. This prohibition, based on others in the United States that have already been adopted, prohibits the use of facial recognition technology by city officials and employees and does not provide any exceptions, including for law enforcement officers.

This item must be read on two separate days. This is its first reading.

6:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

MEMORANDUM
City Council Agenda Item

FROM: Lori Paulette, Senior Executive Assistant

DATE: October 8, 2019

SUBJECT: **Annual Meeting of Corporator of the Portland Fish Exchange - Sponsored by Mayor Ethan K. Strimling**

SPONSOR: Mayor Ethan Strimling
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 10/21/2019

Final Action 10/21/2019

Can action be taken at a later date: No (If no why not?) Per to the Portland Fish Exchange Bylaws, the annual meeting of the Corporator will be held by the 3rd Monday of October.

PRESENTATION: Bert Jongerden/5 Minutes

I. SUMMARY

This would approve Board member nominations from the Nominations Committee and receive a brief report of the activities at Portland Fish Exchange.

II. AGENDA DESCRIPTION

The City Council, as Corporator of the Portland Fish Exchange, meets annually to conduct business, including appointment of members to the Portland Fish Exchange – namely Robert Odlin and Tim Merrill - and receiving an update of activities.

III. BACKGROUND

On July 1, 1985, the Portland City Council, in its sole capacity as Corporator, authorized the incorporation of the Portland Fish Exchange (PFE).

Pursuant to the Bylaws of the PFE, the Corporator appoints Directors to the Board, as well as has an annual meeting to conduct business and receive an update of the PFE.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to conduct the Annual Meeting of the Corporator to appoint members to the Board of the PFE, specifically Robert Odlin and Tim Merrill, and receive an update of PFE's activities.

V. FINANCIAL IMPACT

There is no financial impact.

VI. STAFF ANALYSIS AND BACKGROUND

Staff concurs to hold the Annual Meeting of the Corporator pursuant to the PFE Bylaws.

VII. RECOMMENDATION

Staff recommends the City Council, as Corporator of the PFE, hold its Annual Meeting on October 21, 2019.

VIII. LIST ATTACHMENTS

1. 10-21-2019 - PFE Annual Report 5-1-2018 thru 4-31-2019

2. Bylaws As Amended and Passed at 9-18-2017 CC Mtg

Prepared by:

Lori Paulette, Senior Executive Assistant

Date: 10/8/2019



PORTLAND FISH EXCHANGE

October 21, 2019

Report of Activities at The Portland Fish Exchange

For its Fiscal 2019 Year that commenced May 1 2018 and closed April 31, 2019

Business Commentary:

PFE's core service provides to the commercial fishing fleet and buyer/processors; unloading, sorting and auctioning of groundfish. Which remains its main revenue source.

PFE operates 7 days a week and conducts auctions Sunday to Thursday

The auction is an Electronic Internet Based platform that has been live since 2008

In addition to the auctioning of seafood, PFE provides transient berthing, an off-loading facility for high-volume pelagic fisheries, warehousing, cross-docking and cold storage.

Furthermore, PFE has 2 complimentary sub-leases in force with Cozy Harbor Seafood and Dropping Springs Lobster Co.

For FY19 – landings were comprised of:

	Actual
Groundfish	2.59M lbs.
Herring	8.67M lbs.
Other	336K lbs.

For Fiscal Year 2019 – the Portland Fish Exchange posted a modest cash surplus

Seller Commentary:

40 unique vessels landed at PFE during FY2019 - vessels were divided fairly equally between trawlers & gillnetters with 21 vessels trucking fish to PFE from another port. (Port Clyde, Kennebunk, Ocean Park, Boothbay, Portsmouth & Rye New Hampshire)

Buyer Commentary:

There were 20 active PFE buyers that participated on auction during FY19 – with locations from Portland to Fulton Market NY

These buyers all have Stand-By-Letters-of-Credit in force with a combined buying capacity of \$585,000

Conclusion:

Although ground fish landings have been status-quo, PFE continues to provide an important market platform for harvesters of groundfish for the entire State of Maine and Southern New Hampshire vessels. To remain sustainable, PFE will continue exploring and securing other potential revenue sources to better diversify its revenue streams

BYLAWS OF PORTLAND FISH EXCHANGE¹

ARTICLE I

Name

Section 1. Name. The name of this corporation is the Portland Fish Exchange.

ARTICLE II

Principal Office

Section 1. Principal Office. The principal office for the conduct of the activities of the corporation will be located at the premises leased by the corporation on the Portland Fish Pier, Portland, Maine.

ARTICLE III

Meetings of Corporator

Section 1. Annual Meeting. The Annual Meeting of the Corporator will be held at the principal office of the corporation on the third Monday of October in each year. The Secretary will cause a notice of the Annual Meeting (i) to be posted at some conspicuous place at the principal office of the corporation; and (ii) to be mailed to the Clerk of the City of Portland, in each case not less than 30 days before the date fixed for the meeting. The Board of Directors as well as members of the public will be entitled and encouraged to attend the

¹ This version reflects amendments passed in 2017.

Annual Meeting and will be entitled, subject to the direction of the chairperson of the meeting, to ask questions and state their views.

Section 2. Special Meetings. Special Meetings of the Corporator may be called by the President, by the Board of Directors or by the Corporator itself to be held at such time and place as may be fixed in the call for the meeting. If no such place is fixed, the Special Meeting will be held at the principal office of the corporation. Notice of Special Meetings will be given in the same manner as the notice of the Annual Meeting, and the Board of Directors and members of the public will have the same right to attend, to ask questions and to state their views as in the case of the Annual Meeting.

Section 3. Proxies. The Corporator may vote at any Annual or Special meeting of the Corporator by a proxy or proxies, executed in writing by the Corporator and authorized by its City Council. The Corporator may, but is not required to, appoint any one or more or all, of its City Councilors as its proxy agents to represent it at any Annual or Special Meeting of the Corporator.

Section 4. Action in Writing. Notwithstanding any other provision of these Bylaws to the contrary, any action required or permitted by law or otherwise to be taken at a meeting of the

Corporator may be taken without a meeting, if a written consent, setting forth the action so taken, is signed by the Corporator by authority of its City Council and filed with the Secretary of the corporation as part of the corporate records. Such written consent will have the same effect as a unanimous vote by the Corporator and may be described as such in any certificate or document required or permitted to be filed with the Secretary of State as well as in any certificate or document prepared or certified by any officer of the corporation for any purpose.

ARTICLE IV

Board of Directors

Section 1. Powers; Eligibility. The activities of the corporation will be managed by a Board of Directors which will have the powers and duties set forth in the Articles of Incorporation, these Bylaws and the Corporation's own Rules and Regulations. Directors may not be employees of the State of Maine, but they shall be residents of the State of Maine.

Section 2. Qualification of Directors. The Board of Directors will be divided into four classes, as follows:

Class A Directors. There will be two Class A Directors who will be either 1) an individual engaged primarily in the business of fishing or harvesting fish, either for their own account or as a partner or employee, and whose vessel

is home ported in the State of Maine, or 2) a registered Seller Representative in good standing with the Exchange. No person will be eligible to be appointed as a Class A Director unless he or she has transacted business with the corporation during the 12 months immediately preceding his or her appointment. At least one Class A Director shall either be a resident of the City of Portland or be employed or contracted and, during his or her term remain employed or contracted, by a vessel whose home port is the City of Portland.

Class B Directors. There shall be two Class B Directors who will be individuals engaged primarily in the business of processing or purchasing fish or fish products either for their own account or as partners or employees of others. No person will be eligible to be appointed as a Class B Director unless he or she has transacted business with the Corporation during the 12 months immediately preceding his or her appointment. At least one Class B Director shall be either a resident of the City of Portland or be employed and, during his or her term remain employed, by a business engaged in the processing or purchasing of fish or fish products, the principal location of which is in the City of Portland.

Class C Directors. There shall be two Class C Directors from the public at large, one of whom shall be a resident of the City of Portland, and the other of whom shall be a resident of the *State of Maine. *(Amended by Corporator per Order 50-17/18 effective September 28, 2017)

In all cases, the decision of the Corporator as to whether or not individuals either qualify as, or are eligible to be appointed as, Class A, Class B or Class C Directors will be binding and conclusive, and not be open to question by anyone.

Class D Director. There shall be one Class D Director. Notwithstanding any provision contained in these Bylaws to the contrary, such person: (i) need not be a resident of the City of Portland; (ii) may, but need not be, a member of the City Council of the City of Portland; and (iii) may, but need not be, an employee of the City of Portland. The provisions of Article IV of these Bylaws, Section 3, regarding public advertisement; Section 4, regarding term of office; and Section 5, regarding opportunity to make recommendations, will not apply to the Class D Director. References to classes of Directors in Section 4 will not apply to the Class D Director.

Class E Director. There will be one Class E Director who

will be nominated by the City Manager. The provisions of Article IV of these Bylaws, Section 3, regarding public advertisement; Section 4, regarding term of office; and Section 5, regarding opportunity to make recommendations, will not apply to the Class E Director. References to classes of Directors in Section 5 will not apply to the Class E Director.

Section 3. Nomination of Directors. In determining those persons who will be appointed as Directors at the Annual Meeting of the Corporator, the Corporator, acting through its City Manager or an appropriate committee, will receive nominations for each class of Director. Nominations for Directors of the Corporation in classes A through C will be solicited by public advertisement.

Before electing any nominees as Class A, Class B or Class C Directors, the Corporator will advise the Board of Directors, then in office, of the names of all nominees and provide the Board with an opportunity to make its own recommendations in regard to them.

Section 4. Term of Office. Directors in each of the five Classes of Directors will be elected by the Corporator to serve as such for terms of two years, beginning on November 1, and expiring on October 31. However, all Directors will continue to

serve until their successors have been duly elected and qualified. In the event of an off-schedule election of a Director, such Director's term will expire on October 31 in the second year of service, regardless of election date.

Section 5. Vacancies. Vacancies which may occur in any Class of the Board of Directors for any reason will be filled for the unexpired term by the Corporator who will appoint an individual who is qualified and eligible for such Class. Before filling any such vacancy, the Corporator will receive nominations and provide the Board of Directors with an opportunity to make its own recommendations with respect to any nominee as provided in Section 3.

Section 6. Resignations. Any Director may resign his or her office by delivering a written resignation to the President. A resignation will become effective upon the date or condition stated therein.

ARTICLE V

Meetings of Board of Directors

Section 1. Annual Meeting. The Annual Meeting of the Board of Directors will be held without call at the first Regular Meeting following the Annual Meeting of the Corporator either at the principal office of the corporation or at some other place fixed by the President.

Section 2. Regular Meetings. Other Regular Meetings of the Board of Directors may be held without call at such place, date and time as may be fixed, from time to time, by resolution of the Board of Directors.

Section 3. Special Meetings. Special Meetings of the Board of Directors may be called by the President, any two (2) Directors or by other persons who are authorized by law to call Special Meetings. The place, date and time of Special Meetings will be fixed in the call therefore.

Section 4. Notice of Meetings. Notices of Annual, Regular, or Special Meetings of the Board of Directors will be given either by the person or persons calling the same or by the President or Secretary, and will be posted in a conspicuous place on the premises leased by the corporation at the Portland Fish Pier at least five (5) days before the meeting and also provided to the directors at least five (5) days in advance.

Neither the business to be transacted thereat nor the purpose of any Annual, Regular or Special Meeting of the Board of Directors is required to be specified in the notice except when required by law.

Section 5. Public Participation. Members of the public may attend any meeting of the Board of Directors and will be entitled, subject to the direction of the chairperson of the meeting, to ask questions and state their views, provided that the Board of Directors may go into executive session and determine matters therein when, having a quorum, a majority of them deem it appropriate to do so.

Section 6. Quorum. Four Directors will constitute a quorum for the transaction of business at meetings of the Board of Directors. The act of a majority of the Directors, present at a meeting of the Board at which a quorum is present, will be deemed to be the act of the Board of Directors. Directors may be present at the meeting of the Board and fully participate via teleconference.

Section 7. Indemnification. The corporation will in all cases indemnify any person who either was or is a party, or is threatened to be made a party, to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative, by reason of the fact that he or she is or was a Director, officer, employee or agent of this corporation, against expenses, including attorney's fees, judgments, fines, and amounts paid in settlement, actually and reasonably incurred by him or her in connection with such action, suit or proceeding to the maximum extent permitted by

law, including, without limitation, 13-B M.R.S.A. §714, and acts additional thereto and supplementary thereof, to which reference is made.

ARTICLE VI

Officers

Section 1. Officers. The officers of the corporation will be chosen annually at the Annual Meeting of the Board of Directors, and will consist of a President, Vice President, Treasurer and Secretary. A single individual may serve in more than one office. The Board of Directors may also appoint one or more Assistant Secretaries and Assistant Treasurers.

Section 2. Term. Officers will be elected for a term of one (1) year to serve until the next Annual Meeting of the Board of Directors or until their successors have been duly elected and qualified. Officers may succeed themselves for any period of years.

Section 3. Removal. Any officer of the corporation may be removed by the Board of Directors whenever in its judgment the best interests of the corporation will be served thereby.

Section 4. Vacancies. A vacancy in any office may be filled by the Board of Directors with a current Board member.

Section 5. President. The President is required to be a Director. He or she will preside at all meetings of the Board of Directors.

Section 6. Vice President. The Vice President will preside at all Meetings of the Board of Directors in the absence of the President and will perform such other duties as may be assigned by the President.

Section 7. Secretary. The Secretary will attend all meetings of the Corporator and the Board of Directors and keep minutes of all meetings of the Corporator and the Board of Directors in a book or books kept for that purpose. The Secretary will also perform such other duties as may be prescribed by either the Board of Directors or the President. The Secretary, will have authority to affix the corporate seal to any instrument which requires it; and, when so affixed, it may be attested by the Secretary or by any Assistant Secretary.

Section 8. Treasurer. The Treasurer will have the responsibility for monitoring all corporate funds and securities, and will have access to financial records at all times. He or she will work with the Exchange Manager to ensure appropriate and timely financial reports are made available to the Board; manage the Board's review of and action related to its financial responsibilities; and ensure an annual audit is performed. The Treasurer will also perform such other duties as may be prescribed either by the Board of Directors or the President.

Section 9. Exchange Manager. The Exchange Manager will have

superintendence of the marketing activities of the corporation, including, without limitation, all auction sales held on the premises of the corporation and such other powers and duties as may be set forth in the Rules and Regulations. The Exchange Manager may be an individual, corporation or partnership, and will be selected by the Board of Directors which will determine the compensation of the Exchange Manager. The Exchange Manager, as such, may not be an officer of the corporation or a member of the Board of Directors. Section 10. Other Employees. Other employees of the corporation will be appointed, supervised by, and serve at the pleasure of the Exchange Manager.

ARTICLE VII

Corporate Seal

The corporate seal will be circular in form and will bear the words and figures "Portland Fish Exchange," the word "Maine and the year of the corporation's incorporation. The form of such seal may be altered from time to time by the Board of Directors.

ARTICLE VIII

Rules and Regulations

Section 1. Rules and Regulations. The Rules and Regulations of this corporation will be developed and adopted by the Board of Directors for the administration and operation of the fish exchange and will not be considered Bylaws of the corporation.

The Rules and Regulations may not conflict with the Articles of Incorporation or with these Bylaws.

Section 2. Amendment. The Secretary will report any amendment of the Rules and Regulations, as adopted by the Board of Directors, to the President, Treasurer, Secretary or Clerk of the Portland Fish Pier Authority, a Maine corporation, within five (5) days after adoption, so that it may take action with respect thereto in accordance with Exhibit B of the Articles of Incorporation, as amended by order of the City Council of the City of Portland, acting as sole corporator, on June 1, 1989.

ARTICLE IX

Adoption and Amendment of Bylaws

Section 1. Adoption. The initial Bylaws of this corporation were adopted by the incorporators.

Section 2. Amendments. The power to amend, alter or repeal the Bylaws is vested in the Corporator.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPOINTING MEMBERS TO THE PORTLAND FISH EXCHANGE

ORDERED, that the City Council, acting in its capacity as Corporator of the Portland Fish Exchange, hereby appoints Robert Odlin as a Class A Director and Tim Merrill as a Class B Director of the Portland Fish Exchange.

MINUTES ARE DRAFT UNTIL APPROVED BY THE CITY COUNCIL

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Mayor Pro Tem, Nicholas M. Mavodones, Jr., called the meeting to order at 5:40 PM (Mayor Strimling absent, Councilor Ali and Councilor Batson arrived during Arts in the Chamber and Councilor Duson arrived during public comment.)

ANNOUNCEMENTS:

PRESENTATIONS:

Arts in the Chamber - Lindsey Bourassa Dance Studio.

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Approval of the September 16, 2019 Draft City Council Meeting Minutes

Motion was made by Councilor Cook and seconded by Councilor Costa to amend the minutes of October 7, 2019 by correcting the vote on Order 42 's amendment to sending the revision to the voters, by deleting "2-6 (Duson, Cook, Costa, Ray, Thibodeau, Batson.) and adding "3-5 (Duson, Strimling, Ali, Thibodeau, Batson). Passage 7-0.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage as amended. Passage 7-0.

PROCLAMATIONS:

Proclamation 3-19/20 Declaring October 2019 Dysautonomia Awareness Month - Sponsored by Mayor Ethan K. Strimling.

APPOINTMENTS:

Order 45-19/20 Appointing Jennifer Lavanture as Peaks Island Representative to the Portland International Jetport Noise Advisory Committee - Sponsored by Mayor Ethan K. Strimling.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage.
Passage 7-0.

CONSENT ITEMS:

Order 46-19/20 Approving Transfer of Funds Under 15 M.R.S. §§5824(3) and 58626(6) Re: Jerome Davis - Sponsored by Jon P. Jennings, City Manager.

Order 47-19/20 Approving Setting the Time for Opening of Polls on November 5, 2019, RE: General Municipal Election - Sponsored by Katherine L. Jones, City Clerk.

Motion was made by Councilor Batson and seconded by Councilor Ray for passage of the Consent items. Passage 7-0.

LICENSES:

Order 48-19/20 Granting Municipal Officers' Approval of Whole Hog, LLC dba Wilson County Barbecue. Application for a Class I FSE with Combined Entertainment and Outdoor Dining on Private Property at 82 Hanover Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage.
Passage 7-0.

Order 49-19/20 Granting Municipal Officers' Approval of Leeward Maine, LLC dba Leeward. Application for a Class I FSE at 85 Free Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Batson and seconded by Councilor Costa for passage.
Passage 7-0.

Order 50-19/20 Granting Municipal Officers' Approval of Jefe Juan's LLC dba Jefe Juan's. Application for a Class XI FSE at 47 Wharf Street - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.

Passage 7-0.

Order 51-19/20 Granting Municipal Officers' Approval of Anoché LLC dba Anoché. Application for a Class A Lounge at 43 Washington Avenue - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Ray for passage.
Passage 7-0.

Order 52-19/20 Granting Municipal Officers' Approval of Hooper Franchises LLC dba Copper Branch Portland. Application for a Class III & IV FSE with Outdoor Dining on Private Property at 5 Canal Plaza - Sponsored by Jon P. Jennings, City Manager.

Motion was made by Councilor Costa and seconded by Councilor Batson for passage.
Passage 7-0.

RESOLUTIONS:

Resolution 5-19/20 Adopting Metro Regional Coalition Housing Resolution - Sponsored by the Housing Committee, Councilor Jill C. Duson, Chair.

Motion was made by Councilor Cook and seconded by Councilor Ray to amend Resolution 5 by "clarifying that this resolution is talking about new units on annual basis as opposed to units." Passage 8-0.

Motion was made by Councilor Ray and seconded by Councilor Batson for passage as amended. Passage 8-0.

ORDERS:

Order 53-19/20 Approving the Purchase and Sale Agreement between City of Portland and BOPO, LLC Re: Somerset Street Extension Project - Sponsored by Councilor Justin Costa

Motion was made by Councilor Costa and seconded by Councilor Ray for passage as an emergency. Passage 8-0.

Order 54-19/20 Appropriating \$36,000 from the Housing Trust Fund to Home Start for Affordable Housing at 18 Luther Street - Sponsored by the Housing Committee, Jill C. Duson, Chair

This is a first reading.

Order 55-19/20 Authorizing the Issuance of General Airport Refunding Revenue Bonds Series 2019 (Green Bonds) to Refund the Outstanding General Airport Revenue Bonds Series 2010 - Sponsored by Jon P. Jennings, City Manager.

This is a first reading.

Order 56-19/20 Appropriating Proceeds of General Airport Refunding Revenue Bonds (Green Bonds) - Sponsored by Jon P. Jennings, City Manager

This is a first reading.

Order 57-19/20 Establishing a Charter Commission - Sponsored By Danielle West-Chuhta, Corporation Counsel.

This is a first reading.

Order 58-19/20 Submitting the Question for the Establishment of a Charter Commission to the Voters at the Election on June 9, 2020 - Sponsored By Danielle West-Chuhta, Corporation Counsel.

This is a first reading.

AMENDMENTS:

Order 59-19/20 Approving Amendment To Portland City Code Chapter 10 Re: Life Safety Code 2018 Edition - Sponsored by Health and Human Services and Public Safety Committee, Councilor Belinda Ray, Chair.

This is a first reading.

Order 60-19/20 Approving Traffic Schedule Amendment Re: Two-hour Parking on Waterville Street - Sponsored by Jon P. Jennings, City Manager.

This is a first reading.

Order 61-19/20 Amendment to Chapter 12, Prohibition on the Distribution of Plastic Straws, Stirrers, and Splash Sticks - Sponsored by the Sustainability and Transportation Committee, Councilor Spenser Thibodeau, Chair.

This is a first reading.

Motion was made by Councilor Ray and seconded by Councilor Batson to adjourn Passage 8-0, at 6:55 P.M.

A TRUE RECORD.

Katherine L. Jones, City Clerk

PROCLAMATION

Honoring

Ann Machado Employee of the Month

WHEREAS: **Ann Machado** of the Permitting and Inspections Department, has been named the City of Portland Employee of the Month by a committee of her peers and selected for this distinct honor from a workforce of over 1,300; and

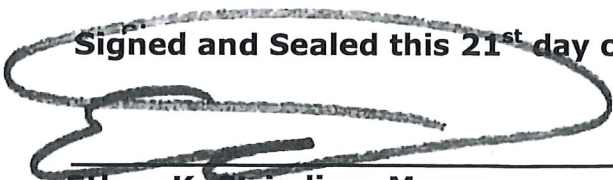
WHEREAS: This award is presented in recognition of **Ann's** role of Zoning Administrator with over 13 years of City Service. **Ann's** behind-the-scenes effort in the Permitting & Inspections Department is critical to just about every development application that comes in, from the smallest residential building permit to the largest new commercial project; and

WHEREAS: **Ann** works hard to interpret and apply the City's often confusing zoning ordinance in a way that is fair and consistent to all residents and developers. **Ann's** many years of knowledge and insight are critical in helping Planning staff understand the zoning issues on new development proposals they are reviewing. The Zoning Division faces a very busy workload and **Ann** always keep a positive attitude. **Ann** treats everyone, both internal and external customers, with respect; even in challenging situations. **Ann** is unrelentingly supportive of her staff. **Ann** listens and makes staff feel that their voices matter. **Ann** recognizes staff member's areas of strength and interest and encourages them in their work; and

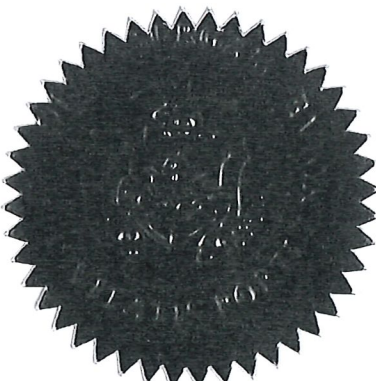
WHEREAS: **Ann** is recognized for all her work in completing FEMA's required 5-year Community Rating System (CRS) review and her many hours of gathering information, documentation, and coordinating with other City groups. **Ann** revised materials, set up new processes and trained staff for future CRS reviews. It is **Ann's** dedicated and diligent efforts that help keep the division working smoothly to the benefit of Portland residents.

NOW, THEREFORE, BE IT RESOLVED, THAT I, Ethan K. Strimling, Mayor of the City of Portland, Maine, and the members of the Portland City Council do hereby proclaim honor and recognition to **Ann Machado** as **City Employee of the Month, June 2019**.

Signed and Sealed this 21st day of October, 2019



**Ethan K. Strimling, Mayor
City of Portland, Maine**



MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 7, 2019

SUBJECT: Order 63-19/20 Appointing Members to Various Boards and Commissions -
Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali,
Chair

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

The Legislative/Nominating Committee met on September 23, 2019 and voted 2-0 (Mayor Strimling absent) to forward this item to the City Council with a recommendation for passage.

Zoning Board of Appeals - Expiring 12/31/2022

Joseph Zamboni

Kent Avery

Jared Falcon* - Expiring 12/31/2021

Historic Preservation - Expiring 11/30/2022

Robert O'Brien

Penny Pollard

John Turk

Joy Naiefteh*

Community Development Block Grant Annual Allocation Committee - Expiring 09/30/2022

Lucinda Pyne

D. Kelly Young

Edward Loro*

Leslie Clague*

*Indicates new Board members.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointing Various Boards and Committees 10.21.2019
2. Memo to City Council for appointments Oct. 2019
3. October 21, 2019

Prepared by:

Date: 10/7/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER APPOINTING MEMBERS TO VARIOUS BOARDS AND COMMITTEES

ORDERED, that the following people are hereby appointed to the Boards and Committees indicated for the stated term:

Name	Board and Committee	Expiration
Joseph Zamboni	Zoning Board of Appeals	12/31/2022
Kent Avery	Zoning Board of Appeals	12/31/2022
Jared Falcon	Zoning Board of Appeals	12/31/2021
Robert O'Brien	Historic Preservation Board	11/30/2022
Penny Pollard	Historic Preservation Board	11/30/2022
John Turk	Historic Preservation Board	11/30/2022
Joy Naifeh	Historic Preservation Board	11/30/2022
Lucinda Pyne	Community Development Block Grant (CDBG) Annual Allocation Committee	09/30/2022
D.Kelly Young	CDBG Annual Allocation Committee	09/30/2022
Edward Loro	CDBG Annual Allocation Committee	09/30/2022
Leslie Clague	CDBG Annual Allocation Committee	09/30/2022



Office of the City Clerk
Katherine L. Jones, CMC

MEMORANDUM

TO: Mayor Ethan Strimling, and Members of City Council
FROM: Katherine L. Jones
DATE: September 24, 2019
RE: Appointments

The Nominating Committee is making the following recommendations to various Boards and Commissions.

Name	Board and Committee	Expiration
Joseph Zamboni	Zoning Board of Appeals	12/31/2022
Kent Avery	Zoning Board of Appeals	12/31/2022
Jared Falcon *	Zoning Board of Appeals	12/31/2021
Robert O'Brien	Historic Preservation Board	11/30/2022
Penny Pollard	Historic Preservation Board	11/30/2022
John Turk	Historic Preservation Board	11/30/2022
Joy Naifeh *	Historic Preservation Board	11/30/2022
Lucinda Pyne	CDBG	09/30/2022
D.Kelly Young	CDBG	09/30/2022
Edward Loro *	CDBG	09/30/2022
Leslie Clague *	CDBG	09/30/2022

Joseph Zamboni
[REDACTED]
[REDACTED]
[REDACTED]

August 15, 2019

Katherine L. Jones, City Clerk
Including the Legislative and Nominating Committee
Portland City Hall
389 Congress Street
Portland, Maine 04101-3509

RE: Boards and Commissions Vacancy

Dear Clerk Jones:

I am writing to you to share my interest in the Zoning Board of Appeals vacancy, for the City of Portland, Maine, and my resume is enclosed for your review. I have recently served a 3-year term on the Board, ending in 2019, and would appreciate the opportunity to serve again.

As I said to the Zoning Administrator recently, I am very grateful to have had this opportunity and would be interested in continuing in this role, if nominated. Given my related experiences, my background in public policy, and my legal education, I think I am an excellent candidate for this vacancy. I think my skills and education are well-suited for this position and I would appreciate an opportunity to speak with the City further about the opportunity.

I appreciate your taking the time to review my credentials and experience. I would be happy to forward any additional information you require, or address and questions or concerns you have. Again, thank you for your consideration. I hope to hear from you soon.

Respectfully,

/s/ Joseph Zamboni



Joseph Zamboni, JD, MPPM, MPH

Program Manager

Maine Long-Term Care Ombudsman Program

Office

61 Winthrop St.

Augusta, Maine 04330

(207) 621-1079

jzamboni@maineombudsman.org

Personal

[REDACTED]
Portland, Maine 04102

[REDACTED]

[REDACTED]

Education

- 2016** Master of Public Health (MPH)
University of Southern Maine / Muskie School of Public Service
- Master of Policy, Planning, and Management (MPPM) / Financial Management
University of Southern Maine / Muskie School of Public Service
- 2011** Juris Doctor (JD)
University of Maine School of Law
- 2003** Bachelor of Arts (BA) / Anthropology
University of Maine

Professional

- 2015 – Present** Hospital Program Manager / Lobbyist Long-Term Care Ombudsman Program
Augusta, Maine
- 2016 – Present** Owner / Joseph Zamboni Advocacy and Legislative Consulting
Portland, Maine
- 2014 – 2015** Program Manager, Child and Family Services / The Opportunity Alliance
South Portland, Maine
- 2012 – 2014** Associate Attorney / DeGrinney Law Offices
Portland, Maine

Academic / Teaching

- 2018 – Present** Adjunct Professor / Larner College of Medicine / University of Vermont
Burlington, Vermont
- 2014 – Present** Adjunct Professor / Graduate Health Professions
University of New England / College of Health Professions
Portland, Maine / Biddeford, Maine
- 2016 – Present** Adjunct Professor / Graduate Health Professions
University of Massachusetts / College of Health Professions
Amherst, Massachusetts

Research / Policy

Current Research	Aging Programs / Complex Hospital Patients Medicare + Medicaid Eligibility / Dual Eligibles / Long-Term Care
Graduate Research	Elder Abuse / Financial Abuse & Exploitation/ Power of Attorney Abuse Complex Hospital Patients Domestic Violence and Protection from Abuse/Harassment
Graduate Assistantships	Teaching Assistant / University of Southern Maine
Legal Research	Partial drafter and researcher of ME Statute, 15 §3318 Sec. A and B Partial drafter and researcher of LD 1143, Resolve, Directing a Study of Domestic Violence and Parental Rights and Responsibilities

Licenses / Service / Internships

Licensed to Practice Law in Maine	Juvenile Justice Program Intern Cumberland Legal Aid Clinic (2011)
Licensed Guardian ad Litem	Intake Volunteer
Licensed Therapeutic Foster Parent for State of Maine	Immigration Legal Advocacy Project (2009)
Secretary, Board of Directors York County Elder Abuse Task Force (2017)	Intake Volunteer Volunteer Lawyers Project (2008)
Disability Rights Center Extern (2011)	

Committees / Memberships

Maine Medical Malpractice Screening Panel	Zoning Board of Appeals / Portland, Maine
Maine Council on Aging	America Bar Association
Maine Financial Abuse Specialist Team	Maine State Bar Association
Maine Supported Decision-Making Coalition	

August 13, 2019

Katherine Jones
City Clerk
City of Portland
389 Congress Street
Portland, Maine 04101

Via e-mail to: klj@portlandmaine.gov

Dear Sir or Madam:

I am writing to express my interest in continued service on the Portland Zoning Board of Appeals and respectfully request reappointment as a member of the board.

I have served on the Zoning Board of Appeals since 2013 and have found my service personally and professionally fulfilling as well as an essential contribution to the Portland community where I've been a resident since 2008. Since joining the board, I have served as a member, Secretary and as Chairman and have enjoyed all three roles.

As my attached resume reflects, I am currently working as an Assistant Attorney General. Before working for the Maine Attorney General's Office, I served as an Assistant District Attorney in the York County District Attorney's Office, specifically in Alfred Superior Court. I have also worked in all of York County's District Courts in Biddeford, Springvale and York. Before working for the York County District Attorney's Office, I was a solo-practitioner in Hartford, Connecticut where I focused primarily on criminal defense work in state and federal courts, but also had significant experience in a variety of civil matters.

In addition to a general interest in public service, my interest in a position on the Zoning Board of Appeals comes in part from my business and professional experience in real estate. I currently own several multi-family homes in both Maine and Connecticut and have been involved in real estate transactions both as an owner and as an attorney for both landlords and tenants. I have been involved in the real estate business since 1998. As an attorney, most of my practice has been litigation related, so not only am I familiar with legal concepts involving zoning and land use law, I am also highly familiar with hearing procedures, findings of fact and law.

In closing, I feel both my professional and personal experience as well as my past service on the board has prepared me well for a continuing position on the Zoning Board of Appeals.

Thank you for considering my application and I look forward to the opportunity to discuss this position in greater detail in the near future.

Sincerely,

Kent Avery


Portland, Maine 04102

Kent Avery

EDUCATION

University of Connecticut School of Law
Juris Doctor, May, 2002

Hartford, Connecticut

Rensselaer Polytechnic Institute
Master of Business Administration, May, 1997

Hartford, Connecticut

University of Connecticut
Bachelor of Arts, Economics, May, 1987

Storrs, Connecticut

BAR ADMISSIONS

Maine

Connecticut

District of Columbia

United States District Court, District of Connecticut

United States District Court, District of Maine

Mashantucket Pequot Tribal Court, Mashantucket, Connecticut (Inactive Status)

PROFESSIONAL ASSOCIATIONS / BOARDS

Maine State Bar Association, Member

Maine Prosecutors Association, Member

Portland, Maine Zoning Board of Appeals, Chair (12/2015-12/2017); Secretary (2015); Member (2013-2019) (City Council appointment)

Chair, Maine Sex Offender Management and Risk Assessment Advisory Commission, 2018-Present (Attorney General appointment)

PROFESSIONAL EXPERIENCE

State of Maine, Office of the Attorney General
Assistant Attorney General

10/2015 – Present

Description:

- Represent and advise the Maine State Police regarding the Maine Sex Offender Registry and various sex offender registration acts; respond to inquiries from statewide District Attorney's offices, law enforcement, legislators, defense attorneys, and other interested parties regarding the Maine Sex Offender Registry and sex offender registration acts; review registrant files to ensure that the registry is in compliance with judicial rulings; serve on the Management and Risk Assessment Advisory Commission; coordinate with the Civil Litigation Division on any legal actions regarding the Maine Sex Offender Registry. Represent and advise several licensure boards of the Maine State Police and the Fire Marshal's Office.

State of Maine, York County District Attorney's Office
Assistant District Attorney

8/2007 – 10/2015

Description:

- Responsible for criminal prosecution of defendants in all York County District Courts, including case evaluation, charging decisions, plea negotiations, trial and sentencing. Also responsible for police relations, training and advice, and evaluation of requests for search and arrest warrants.
- In February, 2011, promoted to Superior Court to handle felony cases and misdemeanor cases transferred from District Courts for jury trial.

Law Office of Kent Avery, LLC – Hartford, Connecticut
Owner and Principal

5/2004 – 8/2007

Description:

- Solo law firm primarily limited to DUI and criminal defense work in state and federal courts. Represented defendants in misdemeanor and felony criminal cases, child protection cases and civil matters.

State of Connecticut, Judicial Department – New Britain Superior Court
Temporary Assistant Clerk

4/2003 – 5/2004

Description:

- Reported to Chief civil clerk for New Britain Judicial District. Reviewed, accepted and recorded pleadings for civil cases. Assisted in coordinating weekly motion calendars. Participated in civil and family trials and hearings, working closely with presiding judge and involved attorneys.

Mashantucket Pequot Tribal Nation - Tribal Prosecutor's Office
Law Clerk / Assistant Prosecutor

5/2001 – 1/2003

Description:

- Involved in all facets of criminal prosecution of Native American tribal members including charging decisions, plea negotiations, factual investigation, motion practice, preparation of complaints, trial preparation and court appearances. Researched statutory and case law (tribal, state and federal) relative to criminal law and procedure. Represented tribe in child protection cases in tribal and state courts.

University of Connecticut School of Law Legal Clinic – Criminal Trial Division
Student Attorney – Certified Legal Intern

9/2000 – 5/2001

Description:

- Participated in clinical program which included both intensive classroom study and actual representation of indigent criminal defendants in Connecticut trial courts; classroom curriculum consisted primarily of Connecticut and federal criminal procedure. Handled all facets of representation including initial screening of clients, case investigation, plea negotiations, motion practice, court appearances and, if

necessary, trial preparation and practice. Participated in representation of defendants from misdemeanors to major felonies.

Aetna, Inc. – Purchasing Legal Department
Legal Intern

Hartford, Connecticut
4/2000 – 4/2001

Description:

- Reviewed contract templates used by Purchasing Department for corporate-wide procurement. Assessed contracts for legal sufficiency, consistency and overall coherence. Suggested changes based on legal and business needs.
- Provided legal support for major sale of business units. Analyzed language in existing contracts to determine assignability of rights to new corporate entity. Prepared appropriate correspondence to suppliers regarding assignment of contracts.

United Technologies Corporation, Pratt & Whitney
Business Consultant / Financial Analyst
Industrial Engineering / Financial Analyst

East Hartford, Connecticut
4/1998 – 4/2000
5/1990 – 12/1993

Description:

- Oversaw a manufacturing overhead budget of \$20 million to ensure that operating expenses were held at or below budgeted levels. During a three-year period, successfully maintained expenditures at or below budgeted levels. Identified and implemented cost reductions amounting to \$600,000 in support of Pratt & Whitney's reorganization.
- Participated in systems development teams consisting of programmers, systems analysts and end-users to create a machine capacity planning system for use by manufacturing forecasting analysts.
- Prepared reports and recommendations for senior management outlining current financial performance as well as year-end forecasts. Formulated upcoming years' budget plans based on anticipated projects and priorities. Coordinated various special projects as required by management.

PRO BONO ACTIVITIES

Lawyers for Children America **5/2004 – 8/2007**

- Represented and acted as guardian ad litem for children in child protection cases involving abuse, neglect and termination of parental rights.

Greater Hartford Legal Aid **5/2004 – 8/2007**

- Represented indigent tenants in landlord/tenant disputes.

TECHNICAL SKILLS

- Microsoft Word, Outlook, Excel, Access, PowerPoint, Word Perfect, Lexis-Nexis and Westlaw.

REFERENCES

Available upon request.

08/02/2019

City Clerks Office
389 Congress Street
Portland, ME 04101

Dear Appointment Committee Chairman,

2011/11/14

I am writing to express my interest in serving on the Planning Board of Appeals. I moved to Portland a year ago and am looking to serve the community, as I did in the city that I moved from.

My main career as you can see from my resume is in the technology industry which belies the other things I have done in the realm of civil service. When you view my resume, I have entered the relevant details at the top of the experience section. I have also boiled my previous technical experience to a summary as to not put in too much irrelevant details.

I moved from the City of Marlborough in Massachusetts where I served as a Constable for the elections since 2010. I also served on the cities Zoning Board of Appeals since 2016 until I moved. That being said I am familiar with the processes involved as well as how to read GIS maps and overlays, plots plans, as well as building and city codes.

I would love to serve on the ZBA here in Portland as I found it to be interesting work as well as a key position in shaping what the city will look like for years to come.

Sincerely,
Jared Falcon


Portland, ME 04102


Jared Falcon

Portland, ME 04102

Summary of Qualifications

Senior information technology engineer with over ten years of experience. Specializing in infrastructure virtualization with VMware, as well as SAN design and administration utilizing EMC, IBM, and NetApp storage technologies. Additional expertise includes; technical project management, budgeting, disaster recovery and business continuity planning, Microsoft Active Directory design and migration, as well as, Exchange and SQL design and administration.

Skills

- Project Management (Agile, Trello, Wrike, MS Project)
- Budgeting and Procurement
- Vendor sourcing and relations
- Windows Server, Linux, Solaris 10/11, VMware Virtualization, storage, Disaster Recovery

Certifications

VCP-DCV - VMware Certified Professional
ITILv3 Foundations Certified

Education

University of Massachusetts Dartmouth
B.S., Management Information Systems

Professional Experience

Department of the Navy – Unix Administrator– Kittery, ME - 2/2019 to present

- Administering large Unix installs for the Department of the Navy shipyards.
- Managing multiple systems migration projects.

Coactive Technology Solutions – Consulting Cloud Engineer – Kennebunk, ME - 7/2018 to present

- Designing and implementing business and cloud solutions for multiple clients.
- Managing VMware and AWS clouds for multiple clients.

Constable – City of Marlborough – 2010 to 2018

- Served at all local, state and national elections for the Elections department of the City Clerks office.
- Maintained security for the ballots and equipment before, during and after elections
- Worked with elections Clerks and Wardens on various other election functions.

Zoning Board of Appeals – City of Marlborough – 2016 to 2018

- Served on the cities ZBA
- Heard and decided on zoning denials handed down from the building inspections office.
- Used GIS, map overlays, plot plans and municipal code to arrive at fair and equitable decisions on zoning appeals.
- Participated in public hearings for ZBA issues.

Senior Systems Engineer/Consultant – Northern and Southern New England - 9/2003 to Current

- Multiple 1099 and W2 systems engineering and private/public cloud engagements across multiple verticals including; defense, academia, retail, MSP's, pharmaceutical/biotech, and startups.
- Specializing in virtualization and cloud technologies, systems automation, storage, disaster recovery, Linux engineering and Windows engineering.
- Technologies include: VMware vSphere, AWS EC2/S3/VPC, Oracle VM server, Powershell, PowerCLI, Python, Ansible, Cloudformation, shell scripting, RHEL/CentOS Linux, Solaris 10/11, Windows Server, NetApp and EMC storage, Commvault, NetBackup, Actifio, Zerto DR
 - Deployed secure company extranet via Apache for use by employees both in the US and abroad.

Robert J. O'Brien
[REDACTED]
Portland, ME 04102
[REDACTED]

Katherine Jones, City Clerk, CCM, CMC, Registrar
City of Portland
389 Congress Street
Portland, ME 04101

Dear Ms. Jones:

Please accept this letter as my offer to stand for reappointment to the City of Portland's Historic Preservation (HP) Board.

My first three-year term on the HP board has been extremely beneficial in learning board protocols, scope, and culture. I have been impressed with how the board balances owners' objectives with the Planning Department's goal of cultivating compatible development in sensitive neighborhoods like the Old Port, India Street area, and residential historic districts. It feels good to serve on a board where our outlook with each application is, 'How can we get to yes?' What's more, I have seen the public's confidence confirmed at multiple hearings by having a 'jury of their peers' (so to speak) ask tough questions of developers and offer solutions to make a project more coherent with surrounding buildings. I have also witnessed many occasions where a development is being rushed and plans aren't ready for prime time. Sometimes, too, architects are stretched thin and miss critical details in their plans. This level of oversight produces higher-quality development in the city of Portland. The HP board conducts itself in a respectful manner toward the owner, the architect, City staff, and the public in seeking to resolve points of contention.

Professionally, I worked for eight years at Maine Preservation, the statewide historic preservation nonprofit and two years for the Maine Downtown Center which is the statewide coordinator of the National Main Street Program, founded by the National Trust for Historic Preservation. Personally, I live in a historic house in one of Portland's historic districts and abide by the same ordinances the board reviews projects. Living in a historic district also allows me the opportunity to see the ordinances in play, in terms of how they affect owners, neighbors, and development patterns.

I wish to continue to apply this experience on Portland's Historic Preservation Board. Thank you for your consideration.

Sincerely,

Robert O'Brien

ROBERT J. O'BRIEN

PORTLAND, ME 04102 • (207) •

Project Manager with Political and Public Policy Experience

PROFESSIONAL SUMMARY

- Capable of synthesizing market landscape and proposing policies that reflect new needs
- Ability to form trusting, personable relationships with clients, vendors, colleagues and allies
- Maintains strong professional demeanor, even under long-term, stressful conditions
- Takes ownership of workload, project goals, and the organization's mission
- Excellent public-speaking, presentation, and public-relations skills

RELEVANT EXPERIENCE

Maine Development Foundation, Hallowell | Program Director | 2017-present

Statewide economic development nonprofit, founded by Legislative Charter in 1978. Programs include:

- Forest Opportunity Roadmap (**FOR/Maine**) - Federally sponsored project to facilitate transition strategies for communities affected by mill closures and changing markets for forestry products
- **Maine Downtown Center** - Statewide coordinator of the National Main Street Center program with twenty-seven Maine communities practicing the Four Point Approach® for downtown revitalization

Robert J. O'Brien, Consultant | 2016-2017

Worked in the fields of project management, public policy and planning. Project included:

- Coordinator of the \$1.2M Grants to Green program at **Maine Development Foundation**
- Planning Assistant at **Town of Freeport**, Maine
- Comprehensive plan writing, ordinance development and code review for **Maine Design Workshop**
- Event orchestration (logistics/content/speakers) for seven seminars at **Maine Downtown Center**

Maine Preservation, Yarmouth | Assistant Director | 2008-2016

Statewide historic preservation nonprofit organization, founded in 1972

- Developed annual budgets, performed record-keeping in QuickBooks, created new Chart of Accounts
- Serviced all IT needs and coordinated with IT consultants to project manage and collaborate on construction of Wordpress website and creation of a custom database of supporters
- Composed communications pieces for annual magazine, Constant Contact, and other
- Headed all development campaigns, up to eight per year, and drafted, assembled, submitted and reported on up to five grant applications per year
- Orchestrated up to three major events per year, planning logistics, marketing, and staffing
- Managed internship program, including recruitment, interviewing, accommodations, overseeing workflow, exit interviews, college valuations, and employment references

Board of Public Education, Portland | Elected Member | 2006-2009

Maine's largest and most diverse school system with 7,500 students, 1,200 staff and \$100M budget

- Managed campaign in competitive race against incumbent; won all districts
- Nominated by peers as Policy Committee Chair, a rare appointment for a new member
 - o Inherited a highly contested policy change banning weighted GPA at high schools

- o Led full-year vetting process of policy change with extensive research and public hearings
- Participated in accepting superintendent's resignation, installing interim and hiring replacement
- School board was heavily involved in school system's management during period of transition; at peak, school board met for six-hour meetings four nights each week
- In 2nd year, served on Finance Committee, developing \$100M budget for board and voters
- In 3rd year, served on Facilities Committee, auditing needs for school system's 17 facilities
- Nominated by peers to serve as Chair of school board twice

COMMUNITY LEADERSHIP EXPERIENCE

Portland Historic Preservation Board | Appointed Member | 2016-present

Architectural review board of new construction and significant alterations within historic district boundaries

Portland Charter Commission | Elected member | 2009-2010

Specially appointed commission to examine and recommend changes to Portland's Charter

- Managed successful campaign in highly competitive race
- Worked collaboratively to draft language around a new elected mayor position in Portland
- Portland voters ratified all of the Commission's suggested policy changes

Irish American Club of Maine, Portland | President / Board of Directors | 2004-2006 / 2002-2008

Non-profit social club founded in 1973 with several hundred members

- Negotiated \$50,000 debt forgiveness deal for Maine Irish Heritage Center for life-long lease
- Organized Portland's first modern Saint Patrick's Parade in 2006, closing down Commercial Street, now in its 13th year with major participation
- Modernized Club's infrastructure, including moving its newsletter from MS Word to a publishing software, overseeing the development of a new website, and revamping membership program

West End Neighborhood Association, Portland | President | 2006

- Moderated monthly meetings and non-partisan public forums
- Hosted a Community Design Workshop on the future of the Reiche Community Center

SPECIAL RECOGNITION

Maine Today Media | Forty Under Forty | 2011

- Selected as one of Maine's "Forty Under Forty" honorees in the first class lauded by the *Portland Press Herald/Maine Sunday Telegram*

EDUCATION & TRAINING

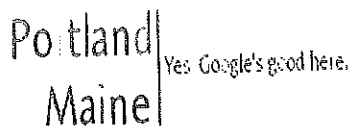
Institute for Civic Leadership, Mount Abram's Class | 2018-2019

Muskie School of Public Service at USM, Portland | Master of Public Policy & Management | 2007

- Capstone project: *Building a Logistics Infrastructure in Maine* with economist Charlie Colgan

Bates College, Lewiston | Bachelor of Arts | 2002

Senator George J. Mitchell Scholar | 1998-2002



Katherine Jones <klj@portlandmaine.gov>

Term on the Historic Preservation

2 messages

Katherine Jones <klj@portlandmaine.gov>
To: [REDACTED]

Mon, Jul 22, 2019 at 4:19 PM

Good afternoon Ms. Pollard

Your term on the Historic Preservation is expiring, (November 30, 2019). You are eligible to re-apply for your seat. The deadline to submit a cover letter and resume is August 16, 2019. If you are interested in continuing on the Board please send a cover letter and resume to this email before the deadline.

Thank you if you have any questions please feel free to reach out.

Have a great day.

Kathy

Katherine Jones, City Clerk, CCM, CMC, Registrar

City of Portland

389 Congress Street

Portland, ME 04101

(207) 874-8614

(207) 874-8612 Fax

Penny Pollard <[REDACTED]>
To: Katherine Jones <KLJ@portlandmaine.gov>

Wed, Aug 7, 2019 at 1:07 PM

Good afternoon Ms. Jones,

I am writing to express my interest in continuing to serve on the Board of Historic Preservation after my current term expires, (Nov. 30, 2019).

It has been a pleasure and an education to serve on the Board. I believe strongly that the judicious implementation of the ordinance to preserve Portland's Historic resources is essential work, and I am happy to play my part in supporting the Planning and Historic Preservation Department in their efforts to manage development in our city while respecting our Historic architecture and landscapes.

I am a former builder, and current owner of an historic home in the Deering St. Historic District. Although retired from the building trades for many years, I actively review current building materials and restoration methods, including energy efficient options in the rehabilitation of older homes.

I would be grateful for the opportunity to maintain my position on the Board, and continue to work with Deb Andrews, Rob Wiener, and my colleagues on the Board.

Thank you,

8/7/2019

City of Portland Mail - Term on the Historic Preservation

Penny Pollard

[REDACTED]

Portland, ME 04101

[REDACTED]

[Quoted text hidden]

> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

John Turk


Portland, ME 04102

23 July 2019

Ms. Katherine Jones CCM, CMC, Registrar
City Clerk, City of Portland
389 Congress Street, Room 205
Portland, ME 04101

Dear Ms. Jones,

Please find enclosed my resume to reapply for my position on the City of Portland's Historic Preservation Board. As a small business owner in Portland, a homeowner in the historic Oakdale neighborhood, and as an architect who works within historic contexts, I bring a genuine interest in preserving the historic fabric of our city.

My training and work experience have provided me with direct hands on experience with preservation practice and I have a working knowledge of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Also, my time serving on the Board has provided me with a familiarity of the Preservation Board's procedures and preservation standards. I believe serving once again would provide the Board with beneficial institutional memory.

In addition to my interest and experience with preservation I bring a considerable affection for modern design. It is my belief that any construction within historic settings is an exciting opportunity for design excellence rather than any sort of hindrance. This passion has sparked my long-term participation in the design lecture series Architalx, which brings world-renowned architects, landscape architects and designers to speak at the Portland Museum of Art.

Being a member of Portland's Historic Preservation Board is exciting to me and I wish to continue my service.

Sincerely,



John Turk, AIA

john turk, aia



As a designer and preservationist, I seek projects that speak to our cultural heritage and to a unique sense of beauty and place. My preservation projects have exposed me to the inherent aesthetic and intelligent craftsmanship of traditional building methods. Structures have a story to tell in terms of proportion, response to the elements and human need. This exposure has provided me with an appreciation of what lasts and why it's good. It also informs all my design work, whether a rehab of a historic building or a new modern structure.

Prior to forming TURK architecture, I was a founding principal of TTL-Architects for 18 years. I have also served many years on the Boards of Architalx, Portland Society of Architects and the Portland Historic Preservation Commission. My work has been recognized by the Maine Chapter of the American Institute of Architects, the National Trust for Historic Preservation and Greater Portland Landmarks.

projects

Maine Maritime Museum, project architect, Winton Scott Architects
Maine Maritime Academy Dining Hall, Winton Scott Architects
Merrill Auditorium, project architect, Winton Scott Architects
Portland Observatory Restoration, TTL-Architects
Spurwink Church Restoration, Cape Elizabeth, TTL-Architects
Maine Veterans' Cemetery Master Plan & Buildings, TTL-Architects
Liberty Hall Restoration, Machiasport, TTL-Architects
West Quoddy Keeper's House Restoration, Lubec, TTL-Architects
Portland City Hall Exterior Restoration, TTL-Architects
131 Washington Avenue Rehabilitation, Portland, TTL-Architects
Castle in-the-Park, Deering Oaks Park, Portland, TTL-Architects
Maine Irish Heritage Center Renovations, Portland, TTL-Architects
Fort Popham Restoration, Phippsburg, TTL-Architects
IF&W Regional Headquarters Renovations, Bangor, TTL-Architects
Stony Brook Grist Mill Restoration, Brewster, MA, TTL-Architects
St. Mary's by-the-Sea Restoration, Northeast Harbor, TTL-Architects
Endicott Estate Restoration, Dedham, MA, TTL-Architects
Wilde Chapel Preservation Planning, Portland, TURK architecture
The Anchorage Home Renovation, Kennebunkport, TURK architecture

education

Pennsylvania State University
Bachelor of Architecture, minor in Architectural History
University of Florence, Italy, PSU foreign study year abroad
Harvard Graduate School of Design, Rehabilitation of Historic Buildings
OSHA Ten Hour Training

affiliations

American Institute of Architects
Maine Chapter of the American Institute of Architects
Portland Society of Architects, Founding Member 2006-2013
Portland Society of Architects, Treasurer 2009-2011
Architalx Lecture Series, Trustee 1995-2005
Architalx Lecture Series, President 1997-2001
Architalx 25th Anniversary Exhibition Committee 2011-2013
Portland Historic Preservation Board, 2001-2011, 2013-present
Portland Historic Preservation Board, Chair, 2006-2011
Maine Licensed Architect # 2059



TURK architecture

portland, maine 04101

JOY S. NAIFEH, ESQ.

Portland, ME 04103

August 16, 2019

Appointments Committee Chairman
c/o City Clerk
389 Congress St.
Portland, ME 04101

Dear Appointments Committee Chairman:

I am writing to apply for a position on Portland's Historic Preservation Board ("Board"). I believe I am well-qualified for the post by educational and professional experience and would be grateful for the opportunity to assist the Board and thereby the City. Enclosed is my resume.

Although historic preservation was not an available field of study, per se, during my undergraduate studies, I took what applicable classes I could and volunteered with local not-for-profit preservation advocacy groups. Then matriculating to Cornell University, I earned a Master of Arts in Historic Preservation Planning. Cornell's preservation curriculum ensures students are well versed in preservation theory and can therefore successfully apply *The Secretary of the Interior's Standards for the Treatment of Historic Properties*, as well as undertake historic resource surveys, National Register nominations, historic structure reports, and other tasks expected of an effective practitioner. Wanting a more well-rounded preservation education, however, I ventured outside the University's system to add hands-on restoration skills to my repertoire. These included achieving familiarity with traditional timber-framing practices as well as securing a short-term apprenticeship as a preservation carpenter. These experiences led to my pursuing a career focused on physical restoration, where I seized opportunities from the mid-Atlantic to New England, including here in the Portland area.

In addition to augmenting my academic training with practically gained knowledge of historic building practices and modern restoration techniques, the positions I held required effective and efficient responses to a wide variety of technical, historical, and (occasionally) emotional issues. I was often called upon to distinguish, prioritize, and harmonize the diverse and sometimes disparate interests of numerous parties. As a result, I have become detail-oriented, sharply-focused, well-organized, and an excellent communicator, with a knack for developing creative, thoughtful solutions to complex problems. I am positive this arsenal of skills will prove useful to the Board.

Furthermore, due to my desire to do more to preserve, protect, and promote not only the historic built environment but also other facets of cultural heritage, I attended law school where I studied land use and cultural heritage law. These along with other activities whereby I gained extensive experience in analytical and logical reasoning will further enable me to successfully undertake the Board's responsibilities.

In sum, my historic preservation career brought me to Portland. I now consider the City my home and believe my expertise and experience in the field can be used to its advantage. I am confident I will bring an exceptional and positive perspective as Board member, and I hope that you will consider my application favorably. I look forward to hearing from you. Thank you.

Sincerely,

Joy S. Naifeh, Esq.

Enclosure

JOY S. NAIFEH, ESQ.

Portland, ME 04103

Attorney with a Master of Arts in Historic Preservation Planning, undergraduate degrees in anthropology and history, and who has studied cultural heritage law domestically and abroad.

PROFESSIONAL EXPERIENCE

The Jackson Laboratory, Bar Harbor, Maine

[Not-for-profit research institution seeking to discover the precise genomic causes of disease and develop individualized diagnostics, treatments, and cures.]

Contracts Counsel (Legal Department), 2019

- Provide transactional advice and direct legal support to operational units and corporate functions.
- Draft, review, and assist in negotiating contracts.
- Act as liaison between various departments, thereby streamlining internal contract development and review while ensuring regulatory compliance.
- Partner with internal stakeholders in developing contract proposals, including appropriate budgets and statements of work.

Research Contract Specialist (Sponsored Research Administration), 2018 – 2019

- Managed the review, negotiation, and development of research-related agreements in cooperation with the Legal Department.

Chicago History Museum, Chicago, Illinois

[Museum which shares Chicago's stories, serving as a hub of scholarship and learning, inspiration, and civic engagement.]

Law Clerk, Fall 2017

- Researched and prepared memoranda on legal issues.
- Drafted loan, purchase, and licensing agreements for media including an oil painting, photo archive, and radio archive.
- Assisted in reviewing the corporation's governance structure and formality requirements.

State of Maine Office of the Attorney General, Augusta, Maine

[Office of thirteen divisions advising and representing the State of Maine.]

Legal Intern (Natural Resources & Consumer Protection Divisions), Summer 2017

- Researched and drafted memoranda on legal issues.
- Assisted with litigation, including drafting a complaint and cite checking a brief for a case before the United States District Court for the District of Maine.

Historic New England, Boston, Massachusetts

[Oldest and largest regional heritage organization in the nation devoted to saving and sharing New England's past to engage and inform present and future generations.]

Preservation Manager, 2013 – 2015

- Developed, implemented, and managed preservation maintenance, capital improvements, and restoration projects for several Historic New England properties in Rhode Island, Connecticut, and Massachusetts. Projects ranged in size from changing the batteries in the smoke detectors to roof restorations of nearly \$200,000.
- Prepared and monitored operating budgets; completed documentation and reports.

Preservation Project Manager, 2012 – 2013

- Focused on the development and management of preservation projects for Historic New England's Rhode Island properties.

Bagala Window Works, Falmouth, Maine
[Business specializing in the restoration of historic windows and doors.]

Window Restoration Technician, 2011 – 2012

- Specialized in the conservation and repair of historic wooden windows using lead-safe certified procedures and historic preservation best practices, including traditional woodworking methods.
- Communicated, coordinated, and delegated as an effective team player and leader on- and off-site.

Kolodner2, LLC, Philadelphia, Pennsylvania
[Woman-Owned Business specializing in Planning, Urban Design, Historic Preservation, and Development services.]

Associate, 2010 – 2011

- Engaged in historic preservation planning and led proposal development.
- Created and compiled documents for project bids meeting all RFP requirements.
- Developed company's website, logo/graphics, and marketing slide decks.

Fairmount Park Historic Preservation Trust, Philadelphia, Pennsylvania
[Not-for-profit supporting the preservation of city-owned architectural resources in Fairmount Park, Philadelphia's park system. Merged with the Fairmount Park Conservancy in 2015.]

Conservation Technician, 2006 – 2009

- Developed and implemented building and public art conservation projects with the conservation staff.
- Supervised and taught interns and volunteers.
- Created and customized speaking and teaching engagements for diverse audiences.

Independent Contractor, Ithaca, New York

Self-Employed, 2005 – 2006

- Restored a 1920s Tudor Revival home; performed preservation work and managed sub-contractors.

Preservation League of New York State, Albany, NY
[Not-for-profit focused on investing in people and projects that champion the essential role of preservation in community revitalization, sustainable economic growth, and the protection of New York's historic buildings and landscapes.]

Summer Intern, 2002

- Created first Microsoft Access system cataloging Historic Landmark Commissions across the state along with other indices.

New York State Historic Preservation Office, Albany, NY
[Division of the New York State Office of Parks, Recreation and Historic Preservation devoted to helping the state's communities identify, evaluate, preserve, and revitalize their historic, archaeological, and cultural resources.]

Summer Intern, 2002

- Created first electronic database and accompanying reference volumes cataloging businesses involved in the manufacture and repair of historic windows throughout New England.

EDUCATION

- University of Maine School of Law, Portland, Maine** *Juris Doctor, cum laude, May 2018*
- Author, *Reinterpreting the Authenticity of Reconstructed World Heritage Sites in the Twenty-First Century*, 29 DEPAUL J. ART, TECH. & INTELL. PROP. L. 1 (2018).
 - Research Assistant to Dean Danielle Conway; assisted with the following publications:
 - Danielle M. Conway with Joy S. Naifeh, *Hawai'i Procurement Rules and Regulations*, in GUIDE TO STATE PROCUREMENT: A 50-STATE PRIMER ON PURCHASING LAWS, PROCESSES AND PROCEDURES (Melissa J. Copeland ed., 2d ed. 2016).
 - Danielle M. Conway, *Information Licensing, Licensing the Right of Publicity, and Trade Secret Licensing* [three chapters] in INTELLECTUAL PROPERTY, SOFTWARE, AND INFORMATION LICENSING: LAW AND PRACTICE (Xuan-Thao N. Nguyen, Robert W. Gomulkiewicz & Danielle M. Conway eds., 2d ed. 2018).
 - Research Assistant to Professor Peter Guffin; assisted with the following publication:
 - Peter Guffin, *The Electronic Communications Privacy Act*, in DATA SECURITY AND PRIVACY IN MASSACHUSETTS (Stephen Y. Chow ed., 2d ed. 2018).

- Presented to 2016 ABA Section of Public Contract Law Council: *The Dirigo Approach to Local Food Procurement: A Snapshot of Local Procurement Innovation by the University of Maine System to Feed the Students of Maine*
- Member, Jessup International Law Moot Court Team (2017)
- Attended **Tulane-Siena Institute for International Law, Cultural Heritage & the Arts**, Siena, Italy (Summer 2016)
- Attended **DePaul University College of Law's Center for Art, Museum & Cultural Heritage Law**, Chicago, Illinois (Fall 2017)
 - Recipient, CALI Excellence for the Future Award (for highest score in DePaul's *Art & the Law* course)
- Recipient, CALI Excellence for the Future Award (for highest score in Maine Law's *Advanced Legal Research* course, Spring 2018)

Cornell University, Ithaca, New York
Historic Preservation Planning

Master of Arts, August 2009

University of Tennessee, Knoxville, Tennessee
Anthropology & History

Bachelor of Arts, summa cum laude, May 2001

- Member, Phi Beta Kappa, Lambda Alpha (anthropology), Phi Alpha Theta (history), and other honor societies
- Recipient, Fred M. Roddy Academic Scholarship, Robert C. Byrd Academic Scholarship
- Awarded Half-Colors (sports honor) while studying abroad at Nottingham-Trent University, Nottingham, United Kingdom

OTHER EXPERIENCE & ACTIVITIES

FELLOWSHIP

- **The Lawyers' Committee for Cultural Heritage Preservation**, Washington, D.C., 2018 – 2019

BOARD MEMBERSHIP

- **Tate House Museum**, Portland, Maine, 2017 – 2018

TRAINING

- **Thomas Jefferson's Poplar Forest Architectural Restoration Field School**, Forest, Virginia, 2012
- **Greater Portland Landmarks Window Restoration Training Program**, Portland, Maine, 2011
(Chosen from national field of applicants to participate in both programs.)

SPEAKING

- **Exhibitor, Old House Fair**, sponsored by the Preservation Alliance for Greater Philadelphia, 2008
(Topic: *Paint: Preparation, Application, and Removal*)
- **Guest Speaker, CRP 564 Building Materials Conservation, Cornell University**, Ithaca, New York, 2008
(Topic: *Window Restoration: General Maintenance, Dutchmans, Consolidations, and Epoxy Repairs*)

EXHIBITION

- **10th International Architecture Exhibition of the Venice Biennale**, Venice, Italy, 2006
(“St. Roch Market Rehabilitation and Reuse Study,” a Cornell University project focusing on the rehabilitation of a building after Hurricane Katrina exhibited at the *Biennale* and in New Orleans.)

NATIONAL REGISTER NOMINATION

- **William Wombough House**, Addison, NY, 2003
(Completed original research and text for the nomination; co-initiated the nomination process.)

SPORTS

- **Portland Women's Rugby Football Club**, Portland, Maine, 2011 – 2012
(Player and elected Vice President, January – August 2012; raised funds and procured sponsorships.)
- **Philadelphia Firebirds/Phoenix Women's Football Team**, Philadelphia, Pennsylvania, 2007 – 2009
- **Cornell University Women's Rugby Football Club**, Ithaca, New York, 2004 – 2005
(Coached NCAA Division II squad as a volunteer; assisted head coach and led “B” side in its matches.)
- **Ithaca Iguanadons Women's Rugby Football Club**, Ithaca, New York, 2001 – 2002
- **Nottingham-Trent University Basketball Team**, Nottingham, United Kingdom, Spring 1999
- **Nottingham Moderns Women's Rugby Football Club**, Nottingham, United Kingdom, Spring 1999
- **University of Tennessee Women's Rugby Football Club**, Knoxville, Tennessee, 1997 – 2001

Edward Loro
[REDACTED]
Portland, ME 04103
[REDACTED]

August 16th, 2019

Chairman,
Appointments Committee
C/O City Clerk
389 Congress St
Portland, ME 04101

Dear Sir,

I learned of your need for a qualified individual to fill a position on the CDBG Allocation Committee. I am very interested in joining your team and believe that my education and employment background are appropriate for the position. With my graduate research background, my training in International Community Economic Development, and my work experience, I believe I could make a valuable contribution to the board functions in this position.

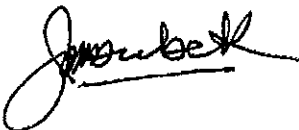
I am currently employed as a Senior Revenue Agent (Auditor) with tremendous experience in auditing and income tax. I have worked with immigrant community development and research projects that have given me experience interviewing and surveying research subjects and assisting with the analysis of the data collected and mobilization of the community. Accustomed to fast-based job settings where deadlines are a priority and handling multiple tasks is a norm, I enjoy a challenge and take pride in my work. I see challenges as opportunities to learn. If you are looking for a qualified professional, then I believe I am the right person for the position.

I was exposed to and participated in most management aspects in a large setting, supervising a unit in the busy Department of Health and Human Services for seven years. I also assisted with the development of ideas for special small projects monitored and evaluated its success.

I believe that the combination of my experience and social welfare training is well-suited for this position. I have enclosed a copy of my resume for your perusal.

Thank you for your consideration.

Sincerely



Edward Loro

EDWARD LORO

I possess proven skills covering management, administration, implementation and coordination. Operationally, they include interpreting policy, planning, assessment and analysis, strategizing, monitoring and evaluation and report-writing. I have proven leadership and management skills, coordination and networking skills, a good communicator and team-builder and a people person with inter-personal relations.

Senior Revenue Agent

Jun 2019 to present

Department Administrative and Financial Services, Portland, ME

- Determines proper tax liabilities for state taxes in order to establish taxpayer compliance with state tax laws and regulations
- Explains state tax laws and regulations in order to inform taxpayers and taxpayer representatives of proper procedures to be used in determining tax liabilities
- Trains and oversees the work of lower level agents in order to develop subordinate capabilities and ensure Bureau standards are met
- Prepares audit reports in order to report findings of independent audit determinations and establish a basis for additional state assessments when appropriate
- Compiles, analyzes, and summarizes evidence relating to tax compliance in order to present or defend state tax assessments at reconsideration hearings and appeals before courts of law
- Develops and reviews specific audit tests and income allocation procedures in order to determine Maine taxable income of foreign and domestic corporations
- Assists in the preparation of annual audit plan in order to schedule audit workload
- Represents the state in court proceedings including failure to file violations and disclosure hearings in order to obtain financial information
- Revokes sales tax registration certificates, delivers bond letters, and collects cash payments from delinquent taxpayers in order to enforce state tax laws and regulations
- Confers with Internal Revenue Service officials in order to compare and exchange information
- Conducts reviews of applications for property tax and rent refunds in order to verify compliance with program qualifications

Revenue Agent

Feb 2016 to Jun 2019

Department Administrative and Financial Services, Portland, ME

- Audits and verifies moderately complex tax-related transactions, contracts, leases, and financial statements of individuals, businesses, and corporations in order to determine taxpayer compliance
- Prepares audit reports in order to report findings of independent audit determinations and establish a basis for additional state assessments when appropriate
- Analyzes a wide range of standard and automated accounting and record-keeping systems in order to formulate appropriate audit tests.
- Explains state tax laws and regulations in order to inform taxpayers and taxpayer representatives of proper procedures to be used in determining tax liabilities.
- Compiles, reviews, and summarizes evidence relating to tax compliance in order to present or defend state tax assessments at reconsideration hearings and appeals before a court of law.

- Assists in criminal investigations of tax violations in order to develop cases for prosecution.
- Reviews and analyzes tax information, tax returns, taxpayer histories and prior audit results to identify audit candidates and issues.
- Represents the state in court proceedings including failure to file violations and disclosure hearings in order to obtain financial information.
- Conducts reviews of applications for property tax and rent refunds in order to verify compliance with program qualifications.

Social Scientist
BAE Systems, Leavenworth, KS

Aug 2011 to Sep 2011

Hired as Social Scientist II, upgraded to Social Scientist I in training by CPAC

Family Independence Supervisor
Department of Health and Human Services, Portland, ME

Jan 2010 to Feb 2016

- Reviews and assesses program reports, case records, and unit activities.
- Supervises 12 unit employees, assesses and evaluates worker performance, trains new employees, and corrects worker deficiencies where occurring
 I provided guidance and direction of policy interpretation. I performed annual staff evaluations and recommended advancement based on observation of staff in carrying out their duties and interactions with coworkers, clients and community members.
- Reviews, analyzes, comments on, and implements new or proposed program policies, procedures, rules, and regulations. Receives, reviews, and resolves complaints concerning unit activities
 I designed the research study to assess measure and document client need for a quicker determination process of disability applications and worked with my team to offer recommendations to cut down on the time. I used my extensive interview skills to design a questionnaire as the methodology to be used to gather information from a focus group 30 applicants for disability.
- Reviews and assesses requests for fair hearings, reviews case findings, and resolves difficult issues
- Overseeing day-to-day operations of the welfare office and its assigned 52 staff
- Responsibilities include monitoring family independence services, interviewing and selecting staff, determining and implementing corrective action

Office of Integrated Access and Support Specialist
Department of Health and Human Services, Portland, ME

Jul 2003 to Jan 2010

- Gather and evaluate information to determine initial and ongoing benefits through interviewing skills
- Communicate to clients about policy and philosophy of welfare in a clear and easily understood language
- Manage in excess of 1100 case load and meet deadlines while keeping daily activities current
- Represent the department when dealing with clients, other agencies and in legal proceedings

PROJECTS

Project: New Refugee and Immigrant Assimilation

Sep 2009

I conducted a comparative research project on 10 refugee families on cash assistance and match grants received from Catholic Charities a refugee resettlement agency. I designed a 25 questions questionnaire to gather data. I planned the questions around the assimilation into the new environment, challenges faced and opportunities available to them. I used the social-cultural methodology to collect data from the questionnaire and survey to analyze this data including quantitative as well as qualitative analysis methods I used participant observation and in-depth interviews to inform quantitative research. I provided analysis based on the information and data collected through the application of qualitative and quantitative research techniques using population, demographics and English language proficiency. My knowledge of Arabic and native languages spoken by the refugees, my interview skills and inter-personal relations made this project enjoyable. My research design, implementation and management revealed that the respondents managed to live within their means on the limited match grants from resettlement agencies or Transitional Assistance for needy families' cash assistance. I evaluated and analyzed the data collected. The results were used to improve the understanding of refugees and their cultures that impact on their new livelihood based on the limited resources. All refugees interviewed expressed willingness to join the work force whenever an opportunity became available and were motivated to look for jobs.

Project: Welfare Benefits Program Audit

Aug 2010

I directed 14 Eligibility staff involved in implementing welfare policy and granting of benefits. I led the project and provided guidance and developed mitigation strategies. They include planning, assessment and analysis, strategizing, monitoring and evaluation and report-writing. I prepared 60 randomly picked cases, to assess the accuracy in accessibility, policy implementation and interpretation, timeliness and record keeping. I personally evaluated and prepped all sixty cases for the auditors. The objective of the audit is to find areas that need to be improved to better serve the citizens of Maine. I identified error cases and participated in the process of planning a flawless process to eliminate these errors. The outcome was a streamlined interview process and simplified verification system. I produced the report and presented my recommendations.

Project: Trainer: Alien policy

Jun 2010

As an immigrant, I have a clear understanding of the immigrant/nonimmigrant alien policy. My experience in coordinating and networking skills, I was able to gather information by partnering with the Department of Homeland Security district office which provided vital information I used. I designed and wrote the training material providing insight into developing mitigation strategies. I grouped the immigrants into categories based on visa class coding. Arranging them demographically made it easier to isolate legal immigrants from illegal immigrants. With this distinction, I then proceeded to draft the policy that I used to train employees. Training focused to enforce the difficult and complicated Alien policy and its implementation. I directed and managed a specialized group of 6 case workers specially trained to focus on this project's sustainability. I led and trained 37 Eligibility staff in Policy pertaining to Legal Alien eligibility. My assessment analysis of the alien process identified procedural improvements. The outcome was a specialized group of workers at intake specialized in dealing with alien applicants. This resulted in reduced error rate in granting benefits erroneously to ineligible aliens. I produced and implemented a verification process of all alien documents before benefits could be granted. This led to our decision-making period to be shortened by 50%.

References upon request

August 15th, 2019

Appointments Committee Chairman
c/o City Clerk
389 Congress Street
Portland, ME 04101

Dear Appointments Committee Chairman,

I was pleased to see openings on the CDBG Allocation Committee. I am new to Portland and would like to become more involved in the community. I am specifically interested in the CDBG committee because of my previous work in housing. Prior to my move to Portland, I worked in Chicago, Philadelphia, and Omaha, NE- all in positions in the low-income housing sector.

I no longer work in housing, or an adjacent industry, therefore I have no conflicts of interest that would hinder my ability to participate in the committee activities.

I have a basic understanding of budgets and mathematic principles, but no formal training in accounting or finance. However, I am a quick learner and able to review, summarize, and think critically about various topics.

Past colleague and friends would describe me as hardworking, flexible, and fair-minded. I pride myself on working well with others and finding common ground. All of these characteristics lead me to believe that I would be a great committee member.

Thank you for reviewing my application. Please don't hesitate to contact me for any additional information. I can be reached at [REDACTED]
[REDACTED]@gmail.com.

Sincerely,
Leslie Clague

LESLIE CLAGUE, BA

EXPERIENCE

June, 2019- Present **Maine Community Foundation, Program Associate** Portland, ME

- Provides administrative and logistical support for grant-making, programs, and strategic work
- Collects and analyzes internal and external data to produce reports on programmatic goal areas
- Provides staff and volunteers with technical assistance, database support, and troubleshooting

2015-May, 2018 **North Side Housing & Supportive Services** Chicago, IL

Administrative Coordinator/Human Resources Generalist (promoted 01/2017)

- Provided comprehensive administrative, logistical, and technical support to a staff of 30 employees
- Staffed the agency's front desk; providing general customer service over the phone and in-person to clients, vendors, volunteers, board members, and donors
- Worked in partnership with Executive Director to create and implement improved HR strategies and personnel policies, meeting requirements established by funders and local municipalities
- Served as the liaison between staff and our insurance broker to process employee benefit enrollments and to provide guidance to employees regarding health, dental, vision, and life insurance benefits

Case Manager and Housing Locator Supervisor (promoted 11/2015)

- Provided case management services to individuals with dual-diagnosis and complex trauma histories
- Supervised the Housing Locator and continued to develop the program by tackling special projects and creating a referral process for case managers to connect hard-to-serve clients with suitable landlords
- Collaborated with the Development team to track metrics, develop reports, and secure program funding

Housing Locator (03/2015)

- Launched the Housing Locator program by initiating contact with over 100 landlords in the first month
- Built and maintained relationships with landlords throughout the city in order to identify housing opportunities suitable for the diverse needs of clients

2013-2015 **Trilogy Behavioral Healthcare, Lead House Manager** Chicago, IL

- Managed the day-to-day operations of a Transitional Living Center for individuals recovering from serious mental illness; coordinated referrals, tracked outcomes, managed budget, and facilitated staff meetings

2012-2013 **The Salvation Army, Emergency Community Support Specialist** Omaha, NE

- Provided emergency case management services to facilitate clients' stabilization and reintegration back into the community after psychiatric hospitalization

2011-2012 **Bethesda Project, Shelter Case Manager** Philadelphia, PA

- Coordinated the nightly operations of three emergency shelters, including staffing, meals, and medication management, and designed a case management program to address the diverse needs of clients

2007-2010 **College of Saint Mary, Office Assistant** Omaha, NE

- Completed general office work including filing, answering phones, basic customer service, and special projects. Assisted students and their families with financial aid questions and paperwork

EDUCATION

Bachelor of Arts in Applied Psychology and Human Services, College of Saint Mary, Omaha, NE, 2007-2011

Lucinda Pyne

Portland, ME 04103

Ms. Katherine Jones
City Clerk's Office
City of Portland
389 Congress Street
Portland, ME 04101

RE: CDBG Allocation Committee - 2020

Dear Ms. Jones:

I understand that I am eligible for a second 3-year term on the CDBG Allocation Committee, and I would like to continue to participate on the committee. I have found the work to be very interesting and rewarding. It's a real opportunity to understand the many social service organizations in our city and their work. I appreciate your considering my application for another term.

My resume is attached. Please let me know if you have any questions.

Sincerely,

Lucinda Pyne

Lucinda J. Pyne

Portland, Maine 04101
Phone: 207-415-6742

EXPERIENCE:

July 2007 – HUDSON REALTY CAPITAL

Present New York, NY
Vice President

Investor Relations: Responsible for all aspects of communications with investors and prospective investors

- Collaborate with senior management, third party advisors and counsel to formulate and produce all written communications
 - Pitch books
 - Quarterly and annual investor reporting
 - Ad hoc materials in response to investor inquiries
 - Letters and e-mail communications
- Produce, maintain, and refresh materials for Due Diligence Questionnaires and responses to Requests for Proposal from prospective investors
- Maintain loan origination pipeline in order to keep current on market information and trends
- Create and maintain detailed investment profiles
- Organize, produce materials for, and prepare senior staff for annual investor conference
- Coordinate, prepare materials for, and record minutes of fund Advisory Board meetings

Asset Management: Managed over \$250mm debt and equity positions

Highlights:

- Successfully negotiated restructure/DIL of \$25mm B-Note within \$438mm capital stack
- Negotiated loan modifications and extensions to increase or maintain debt yield and prevent default in a distressed market

Nov 1998 – QUESTOR (Questor was acquired by Hudson Realty Capital in July 2007)

July 2007 Portland, Maine

Vice President 2001-2007; Senior Associate 1998-2001

Program Specialist – US Department of Housing and Urban Development Office of Affordable Housing

Preservation Financial Advisory Team

- Provide technical training to HUD staff, national participating administrative entities, and groups of owner's representatives
- Perform reviews and documentation of complex restructuring plans, and oversee all contracted restructuring plan reviews
- Advisory member of OAHP Headquarters Loan Committee.

Due Diligence Specialist - Due diligence and underwriting of equity and debt investments

- Conduct market studies using published materials, interviews with market professionals, and on-site research
- Identify competitive properties and prepare adjustment grids to estimate rental rates, sales price/timing, and value
- Develop property and market assumptions for pro forma and financial analysis
- Research regulatory and municipal authorities affecting property, including development approvals process
- Analyze third party reports (ESA, Property Condition Assessment, engineering/soils reports, etc)
- Work with closing attorneys to identify and limit transaction risks through transaction documents

June 1994 – AEW Capital Management

Nov 1998 Boston, MA

Assistant Vice President – Various Assignments

- AEW International – Assisted in the establishment of international real estate advisory service firm serving government, asset management, and institutional investment clients.
- Capital Markets Group – Managed the disposition of over \$250M in office, retail, and commercial development properties, including a western US portfolio for Metropolitan Life Insurance.
- Government Services Division – Oversaw the FDIC's residual interest in complex structured debt and equity transactions with over \$1.5 billion in assets. Oversaw the servicing of \$325M in RTC seller-financed notes on resort development properties, and provided due diligence and transaction support for the disposition of the loan portfolio

- Capital Management Resources – Performed work-outs on \$60M in commercial loans from defunct American Savings Bank of Riverhead, NY under FDIC contract

June 1989- Boulos Property Management
June 1993 Portland, ME

Senior Property Manager – Managed retail and office properties in Southern Maine through receivership, foreclosure and disposition

EDUCATION:

Skidmore College, Saratoga Springs, NY

Bachelor of Arts – English and American Studies, 1983

Institute of Real Estate Management – Various courses in the analysis, management and underwriting of commercial real estate

SPECIAL SKILLS:

Excellent writing and oral presentation skills

Effective and energetic technical trainer

Proficient in Microsoft Office Word, Excel, and PowerPoint

REFERENCES:

Renee J. Lewis, Managing Director

VAR Capital Advisors

100 Commercial Street, Suite 410

Portland, ME 04101

207-772-7219

rlewis@varcapadvisors.com

Sanford Herrick, Managing Principal

Case Real Estate Capital

340 West Passaic Street

Rochelle Park, NJ 07662

201-845-4244

sherrick@caserealestatecapital.com

Andrew Bloom, Managing Director, Corporate Counsel

Hudson Realty Capital

250 Park Avenue South, Third Floor

New York, NY 10003

212-336-5267

abloom@hudsoncap.com

Additional References Available Upon Request

D. Kelley Young
[REDACTED]
[REDACTED]
[REDACTED]

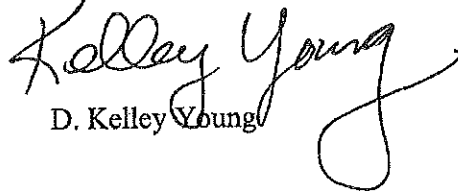
Katherine Jones
City Clerk
Portland Maine
389 Congress Street
Portland, ME 04101

Re: *CDBG Allocation Committee*

Dear Ms. Jones:

I am writing to apply for another term on the CDBG Allocation Committee. The past three years have been a good experience working with a good group of civic minded committee members, so I would like to be a part of that committee and its process for another three years. My resume is attached.

Very truly yours,


D. Kelley Young

D. KELLEY YOUNG

Troubh Heisler, PA

Portland, Maine 04104-5011

dkyoung@troubhheisler.com

2008 – now: **TROUBH HEISLER, PA** (attorneys), Portland, Maine.

Estate Planning, wills, revocable trusts, powers of attorney
Business organizations, corporations, LLC's and partnerships
Probate Practice, including estates, guardianships and conservatorships
Family Business succession planning
Purchases and sales of businesses
Irrevocable Trusts, life insurance trusts, charitable remainder trusts
Estate Tax Returns and Audits
Income Tax Matters
Income Tax controversies, reported case Lamb v. Comr., T.C. Memo 1996-166
Private Foundations and other charitable organizations

2017 – now: **MAINE BOARD OF TAX APPEALS**, volunteer on three-person board hearing appeals of Maine state income, sales and use tax controversies.

1990 – 2008: **VAN MEER & BELANGER, P.A.** (attorneys), Portland, Maine. Probate, estate planning, tax and business matters.

1988 – 1990: **PAUL, FRANK & COLLINS, INC.** (attorneys), Burlington, Vermont. Corporate, tax and estate planning matters.

1985 – 1988: **PRICE WATERHOUSE INTERNATIONAL TAX SERVICES GROUP** (CPAs), New York, New York. Tax Consultant (Senior Accountant).

1982 – 1985: **UNIVERSITY OF MAINE SCHOOL OF LAW**, Portland, Maine. Juris Doctor Degree.

1980 – 1982: **PEAT, MARWICK, MITCHELL & CO.** (CPAs), Portland, Maine. Staff Accountant.

1976 – 1980: **STANFORD UNIVERSITY**, Stanford, California. Bachelor of Arts in American Studies, self-designed accounting minor.

Bar Admissions: Maine, 1985 – the present
United States Tax Court, 1994 – the present
Federal District Court for the District of Maine, 2005 – the present
New York, 1987 – 2005 (resigned, to avoid non-resident licensing fees)
Vermont, 1988 – 2005 (resigned, to avoid non-resident licensing fees)

Certified Public Accountant, Maine, 1982 – 1990

Seminars and Publications on the following topics: Tax Return Preparer Ethics, Irrevocable Life Insurance Trusts, Private Operating Foundations, Limited Liability Companies, Estate Planning for Family Real Estate, Estate Planning and Probate Practice, Charitable Remainder Trusts and Pooled Income Funds and U.S. Income Taxation of Foreign Investors

D. KELLEY YOUNG

Troubh Heisler, PA

Portland, Maine 04104-5011

2008 – now: **TROUBH HEISLER, PA** (attorneys), Portland, Maine.

Estate Planning, wills, revocable trusts, powers of attorney
Business organizations, corporations, LLC's and partnerships
Probate Practice, including estates, guardianships and conservatorships
Family Business succession planning
Purchases and sales of businesses
Irrevocable Trusts, life insurance trusts, charitable remainder trusts
Estate Tax Returns and Audits
Income Tax Matters
Income Tax controversies, reported case Lamb v. Comr., T.C. Memo 1996-166
Private Foundations and other charitable organizations

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1988 – 1990: **PAUL, FRANK & COLLINS, INC.** (attorneys), Burlington, Vermont. Corporate, tax and estate planning matters.

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Certified Public Accountant, Maine, 1982 – 1990

Seminars and Publications on the following topics: Tax Return Preparer Ethics, Irrevocable Life Insurance Trusts, Private Operating Foundations, Limited Liability Companies, Estate Planning for Family Real Estate, Estate Planning and Probate Practice, Charitable Remainder Trusts and Pooled Income Funds and U.S. Income Taxation of Foreign Investors

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 7, 2019

SUBJECT: **Order 64-19/20 Appointing Directors of the Portland Widows' Wood Society for the 2019-2020 Term - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

The Portland Widows' Wood Society provides assistance to needy Portland residents who are referred to the Society by various charitable organizations and the City of Portland. This order appoints the following persons as Directors to the Portland Widows' Wood Society for the 2019-2020 term:

John Knox
Nancy English
Henry Donovan
Everett Ingalls
Cyrus Hagge
Thomas Pierce
Cheryl Hallett

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Widows' Wood Society 10.21.2019

Prepared by:

Date: 10/7/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPOINTING DIRECTORS OF
THE PORTLAND WIDOWS' WOOD SOCIETY FOR THE 2019-2020 TERM**

ORDERED, that the following persons are hereby appointed as Directors of the Widows' Wood Society for the City of Portland for a term to end November 1, 2020:

Name	Address
Henry L. Donovan	15 Clifford Street
Nancy English	40 Park Avenue
Cyrus Hagge	45 Turner Street
Cheryl Hallett, Treasurer	22 Pride Farm Road, Falmouth
Everett Ingalls	45 Eastern Promenade
John C. Knox, President	44 Bramblewood Drive
Thomas M. Pierce	52 Foreside Common Drive, Falmouth

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 26, 2019

SUBJECT: Order 65-19/20 Granting Municipal Officers' Approval of Maria's Real Estate LLC dba Maria's Restaurant. Application for a Class I FSE at 1335 Congress Street - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Maria's Real Estate LLC dba Maria's Restaurant. Application for a Class I FSE at 1335 Congress Street.

Application was filed on 9/24/2019. New City and State applications. Location was previously Espo's.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Marias
2. 20190930123119457

Prepared by:

Date: 9/26/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Marias Real Estate LLC dba Marias Restaurant. Application for a Class I FSE at 1335 Congress Street.

September 23, 2019

Mr. Mayor and City Council Members;

I am Tony Napolitano of Maria's Restaurant on Cumberland Avenue. Maria's has been in business since 1960 celebrating our 60th year in 2020. As you know, our neighborhood has changed dramatically over the past 15 years, so we have sold our property on Cumberland Avenue to the Youth and Family Outreach Center next door. We have purchased 1335 Congress Street the former Espo's Trattoria and wish to relocate Maria's there.

Thank you,

A handwritten signature in black ink, appearing to read 'A. Napolitano', written in a cursive style.

Anthony Napolitano, Maria's Restaurant



CITY OF PORTLAND

Permitting and Inspections Department

Application for Food Service Establishment with Alcoholic Beverages License

Business Information	
Business Name (d/b/a):	Marias Restaurant Phone: 207 772-9232
Location Address:	1335 Congress St Zip: 04103
If new, what was formerly at this location:	Restaurant (espos)
Mailing Address:	1335 Congress St Zip: 04103
Contact Person:	Tony Napolitano Phone: 233-9232
Contact Person Email:	anapolitano@maine.rf.com
Manager of Establishment:	Same Date of Birth: Phone:
Owner of Premises (Landlord):	Tony Napolitano
Address of Premises Owner:	208 E. Prom Port. Zip: 04101

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s)	Date of Birth	Residence Address
Tony Napolitano	7/18/65	208 E. Prom port
Greg Napolitano	7/1/68	182 E. prom port

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name		Corporate Mailing Address	
Marias Real Estate LLC		1335 Congress St. Zip: 04103	
Contact Person:	Anthony Napolitano	Phone:	207 233-9232
Principal Officers	Title	Date of Birth	Residence Address
Anthony Napolitano	owner 50%	7/18/65	208 E. Prom Portland ME
Greg Napolitano	owner 50%	7/1/68	182 E. Prom Portland ME
Class of Liquor License: 1 Class 1			

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

bl@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

Type of food served:	<u>Italian</u>		
Please circle all that will be served:	<u>Beer</u>	<u>Wine</u>	<u>Liquor</u>
Projected percentage of sales:	Generated from Food: <u>80%</u>	Generated from Alcohol: <u>20%</u>	
Hours & days of operation:	<u>Tues - Sat 11:30 - 9:30</u>		
QUESTIONS			
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	Y/N <u>Y</u>		
If No, please explain:			
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	Y/N <u>Y</u>		
If yes, give the distance:	<u>1 mile</u>		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	Y/N <u>N</u>		
Will you permit dancing after 1:00 a.m.?	Y/N <u>N</u>		
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	Y/N <u>N</u>		
If yes, will the outside dining be on PUBLIC or PRIVATE property (circle one).			
Will you have any amusement devices (pinball, video games, juke box)?	Y/N <u>N</u>		
If yes, please list: # of pinball machines: _____ # of amusements: _____ # of pool tables: _____			
What is your targeted opening date?	<u>12/1/19</u>		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	Y/N <u>N</u>		
If Yes, list name(s) of employee(s) and department(s):			
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N <u>Y</u>		
If Yes, please list business name(s) and location(s):	<u>Marias Restaurant</u> <u>337 Cumberland Ave</u>		
Is any principal officer under the age of 21?	Y/N <u>N</u>		
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N <u>N</u>		
If Yes, please explain:			

I, Anthony Napolitano do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature A. Napolitano Title owner Date 9/24/19

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT
8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008
10 WATER STREET, HALLOWELL, ME 04347
TEL: (207) 624-7220 FAX: (207) 287-3434
EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

PRESENT LICENSE EXPIRES 9/15/20

NEW application: ☐ Yes ☒ No

If business is NEW or under new ownership, indicate starting date: _____
Requested inspection date: Opening Date 12/1/19 Business hours: Tues - Sat 11:30 - 9:30

INDICATE TYPE OF PRIVILEGE: ☒ MALT ☒ VINOUS ☒ SPIRITUOUS

INDICATE TYPE OF LICENSE:

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)
☐ CLUB w/o Catering (Class V) ☐ CLUB with CATERING (Class I) ☐ GOLF COURSE (Class I,II,III,IV)
☐ TAVERN (Class IV) ☐ QUALIFIED CATERING ☐ OTHER: _____

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <u>Marias real estate holdings LLC</u>	Business Name (D/B/A) <u>Marias Restaurant</u>
APPLICANT(S) --(Sole Proprietor) DOB: <u>Tony Napolitano 7/18/65</u>	Physical Location: <u>1335 Congress St.</u>
DOB: <u>Gry Napolitano 7/1/68</u>	City/Town State Zip Code <u>Portland Me 04103</u>
Address <u>1335 Congress St. 04103</u>	Mailing Address <u>(Same)</u>
City/Town State Zip Code <u>Portland Me. 04103</u>	City/Town State Zip Code
Telephone Number Fax Number <u>207 772 9232</u>	Business Telephone Number Fax Number <u>207 772 9232</u>
Federal I.D. # <u>401-0341934</u>	Seller Certificate #: or Sales Tax #: <u>0156501</u>
Email Address: Please Print <u>anapolitano@maine.rr.com</u>	Website: <u>Marias Restaurant. com</u>

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: _____
2. State amount of gross income from period of last license: ROOMS \$ _____ FOOD \$ 180,000 LIQUOR \$ 25,000
3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐
If Yes, please complete the Corporate Information required for Business Entities who are licensees.
4. Do you own or have any interest in any another Maine Liquor License? ☒ Yes ☐ No
If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

(Use an additional sheet(s) if necessary.)
 License # 337 Name of Business Marias
 Physical Location Portland Ave City / Town Portland Me. 04101

5. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒

6. If manager is to be employed, give name: _____

7. Business records are located at: restaurant / Home

8. Is/are applicant(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Greg Napolitano	7/1/68	Portland ME
Tony Napolitano	7/18/65	Portland ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Greg Portland ME		
Tony Portland ME		

11. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____ (use additional sheet(s) if necessary)

12. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: _____

13. Has/have applicant(s) formerly held a Maine liquor license? YES ☒ NO ☐

14. Does/do applicant(s) own the premises? Yes ☒ No ☐ If No give name and address of owner: _____

15. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

16. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?
YES ☒ NO ☐ Applied for: _____

17. What is the distance from the premises to the **NEAREST** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1 mile

Which of the above is nearest? School

18. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: _____

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Portland Maine on Sept 23rd, 20 19
Town/City, State Date

Please sign in blue ink

A. Napolitano
 Signature of Applicant or Corporate Officer(s)
Anthony Napolitano
 Print Name

Greg Napolitano
 Signature of Applicant or Corporate Officer(s)
Greg Napolitano
 Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)..... \$ 10.00

Class I	Spirituos, Vinous and Malt	\$ 900.00
	CLASS I: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A	Spirituos, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
	CLASS I-A: Hotels only that do not serve three meals a day.	
Class II	Spirituos Only	\$ 550.00
	CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III	Vinous Only	\$ 220.00
	CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV	Malt Liquor Only	\$ 220.00
	CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
Class V	Spirituos, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
	CLASS V: Clubs without catering privileges.	
Class X	Spirituos, Vinous and Malt – Class A Lounge	\$2,200.00
	CLASS X: Class A Lounge	
Class XI	Spirituos, Vinous and Malt – Restaurant Lounge	\$1,500.00
	CLASS XI: Restaurant/Lounge; and OTB.	

UNORGANIZED TERRITORIES \$10.00 filing fee shall be paid directly to County Treasurer. **All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.**

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

**Corporate Information Required for
Business Entities Who Are Licensees**

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Martias Real estate holdings LLC
2. Doing Business As, if any: Martias
3. Date of filing with Secretary of State: 9/23/19 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Anthony Napolitano	208 E. prom Port me.	7/10/68	owner	50
Greg Napolitano	182 E. prom Port me.	7/1/68	owner	50

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: _____ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: _____

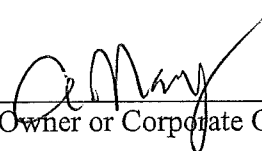
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

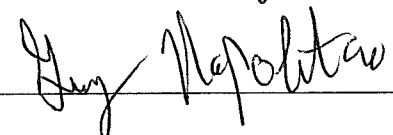
Signature:



Signature of Owner or Corporate Officer

9/23/19

Date

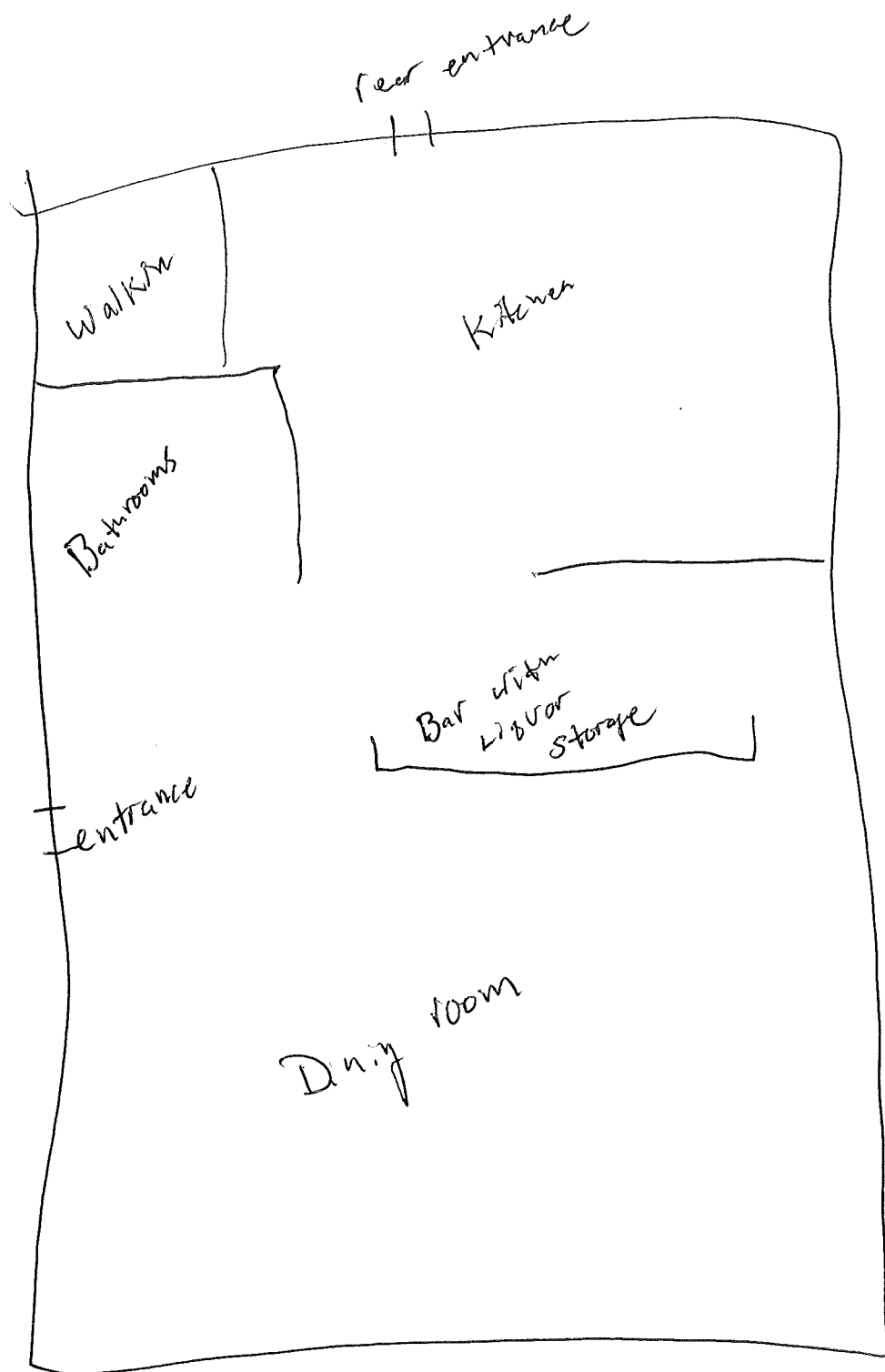


Print Name of Owner or Corporate Officer

Anthony Napolitano
Guy Napolitano

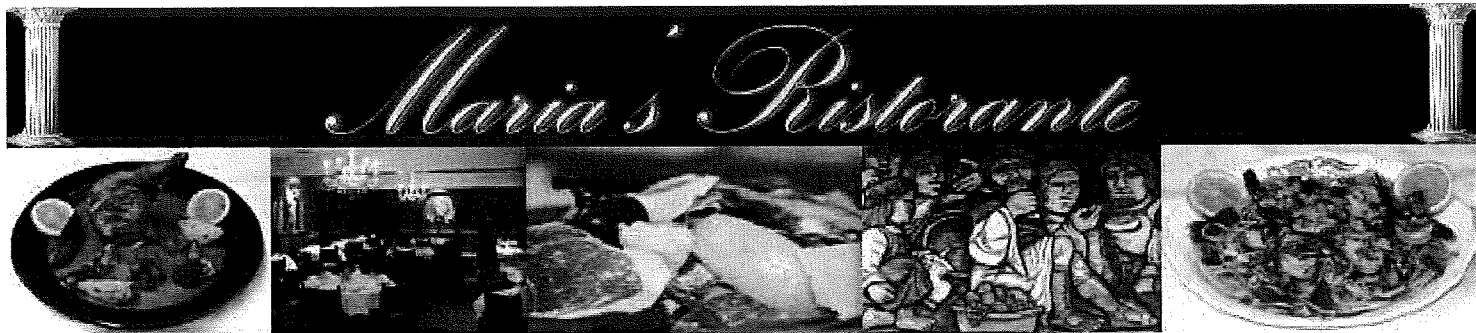
Submit Completed Forms to:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



Congress St.

Diagram of Martas 1335 Congress St.



Welcome

Dinner Menu

Banquet Menu

Buffet Menu

Large Party

Catering Menus

Contact Us

Sample Menu

Appetizers (Prices range from \$3.75 to \$11.00)

Anipasto Assortito
Baked Mozzarella Fritter
Baked Homemade Eggplant Parmigian
Roasted Garlic Bread
Brushetta Neapolitan
Homemade Veal Canneloni

House Made Grilled Sausages
Meatballs Florentine Style
Roasted Jumbo Shrimp
Pasta Fagiole
Jumbo Shrimp Cocktail
Sauteed Mussels Napoli

Entrees (Prices range from \$11.00 to \$25.00)

Spaghetti Carbonara
Linguini Convongole
Homemade Ricotta Gnocchi Madelina
Homemade Ricotta Ravioli
Homemade Mushroom Ravioli ala Wendy
Spaghetti with Meatballs Florentine
Homemade Lobster Ravioli Sorrento
Stuffed Veal Chop Milanese
Vitello Scaloppini Marsala
Vitello Scaloppini Piccata
Vitello Scaloppini Saltimbocca
Vitello Scaloppini Pizziola
Roasted Veal Roast Antonio
Vitello Scaloppini ala Maria
Vitello Osobucco Milanese
Vitello Cacciatore
Vitello Parmigian

Homemade Eggplant Parmigian
Rigatoni Della Casa
Jumbo Shrimp and Scallop Fradiavolo
Fettuccini w/Lobster Alfredo Sauce
Baked Stuffed Haddock Milanese
Baked Scallops Milanese
Jumbo Shrimp ala Madelina
Jumbo Shrimp Scampi Style
Jumbo Shrimp and Lobster Marinara
Crab Stuffed Filet of Haddock
Zuppe De Pesce
Breast of Chicken Parmigian
Breast of Chicken Cacciatore
Breast of Chicken ala Romano
Breast of Chicken Spinichi
Stuffed Breast of Chicken Pistachio
N.Y. Sirloin Pizziola

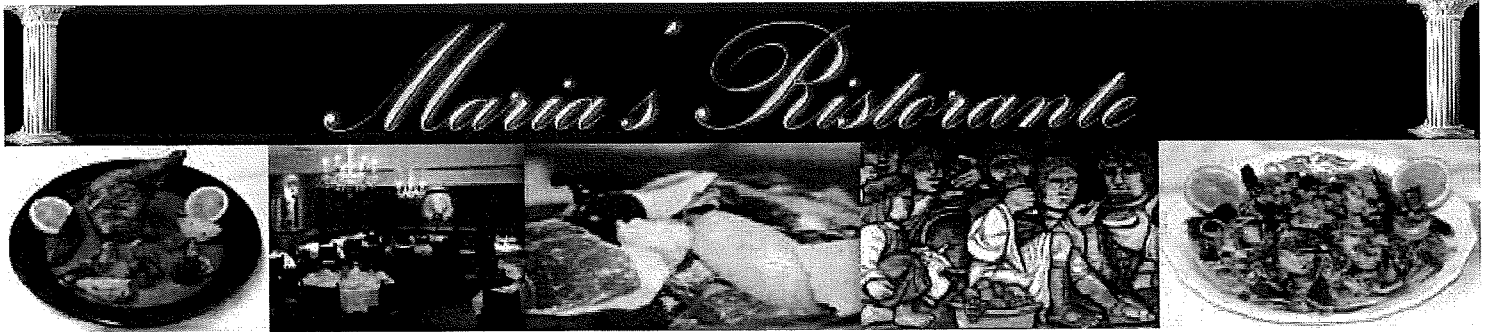
Dolce

Chocolate Amaretto Fudge Cake
Neapolitan Cassata Rum Cake
Homemade Gelatos
Apple Bundini
Italian Irish Cream Cake

Homemade Lemon Ice
Homemade Spumoni
Ricotta Cheese Cake
Italian Pastries
Lemoncello Cake

◆ **Marias Restaurant**

Phone: 207-772-9232



Welcome

Dinner Menu

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Large Party

Catering Menus

Contact Us

Banquet Menu

Gregorio's Menu

25 dinners or less choose up to 3 entrees, 26 or more choose 2 entrees.

Tossed Garden Salad
Served with Vinaigrette and Roman Bread.

Four Cheese Lasagna

Traditional Meat Lasagna

Jumbo Shrimp Scampi

Stuffed Chicken Maria
With Prosciutto and Mozzarella, with a chicken reduction

Chicken Cutlet Parmigian

Veal Cutlet Parmigian

Linguine with Meatball and Sausage Marinara

\$20.95 per person (plus tax and gratuity)
Add dessert and coffee for \$3.50 per person

Antonio's Menu

25 dinners or less choose up to 3 entrees, 26 or more choose 2 entrees.

Baked Mozzarella Fritter
Entire Party Only

Meatballs Florentine
Entire Party Only

Tossed Salad
Served with Italian Vinaigrette and Roman Bread

Boneless Prime Rib of Beef Florentine Minimum
of 10

Lobster Alfredo over Fettuccini

Breast of Chicken Parmigian

Baked Crab Stuffed Filet of Haddock Milanese

Grilled Sirloin Steak Pizzola

Boneless Breast of Chicken Maria
Stuffed with Prosciutto, Mozzarella and served with a
chicken reduction sauce

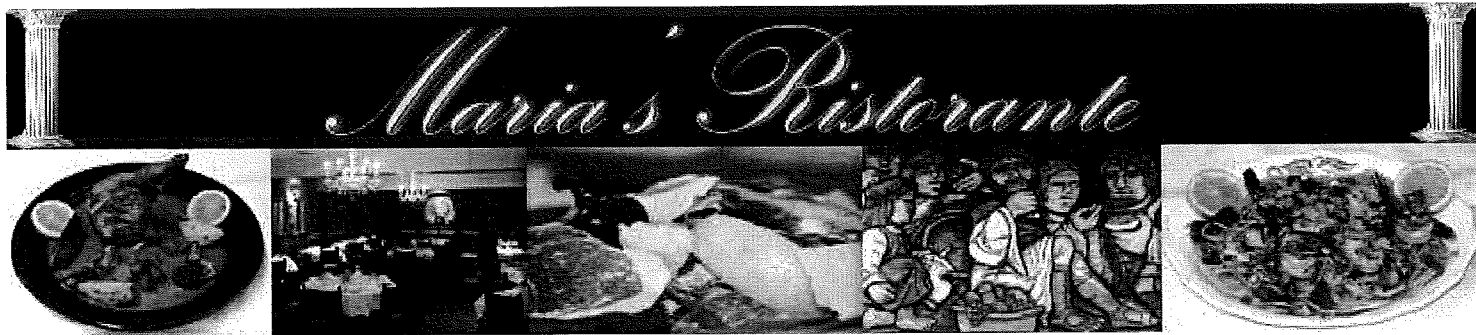
Jumbo Shrimp Scampi over Pasta

Veal braconchini ala Marsala

\$28.95 per person (plus tax and gratuity)
Add dessert and coffee for \$3.50 per person

◆ Marias Restaurant

Phone: 207-772-9232



Welcome

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Buffet Menu

Large Party

Catering Menus

Contact Us

Buffet Menu

The Florentine Menu

Tossed Garden Salad

Fresh Italian Bread

Breast of Chicken Parmigian

Baked Haddock Milenese
Served with lemon and seasoned breadcrumbs

Homemade Meatballs and Sausage

Chef Selection of Fresh Vegetables

Baked Penne with Four Cheeses

Assorted Italian Pastries

Coffee Service

\$26.50 per person (plus tax and gratuity)

Tuscan Menu

Tossed Garden Salad

Fresh Italian Bread

Baked Traditional Lasagna

Chicken Alfredo Romano

Eggplant Parmigiana

Home Made Meatballs and Sausage

Baked Haddock Milenese

Served with lemon and seasoned breadcrumbs

Chef Selection of Fresh Vegetables

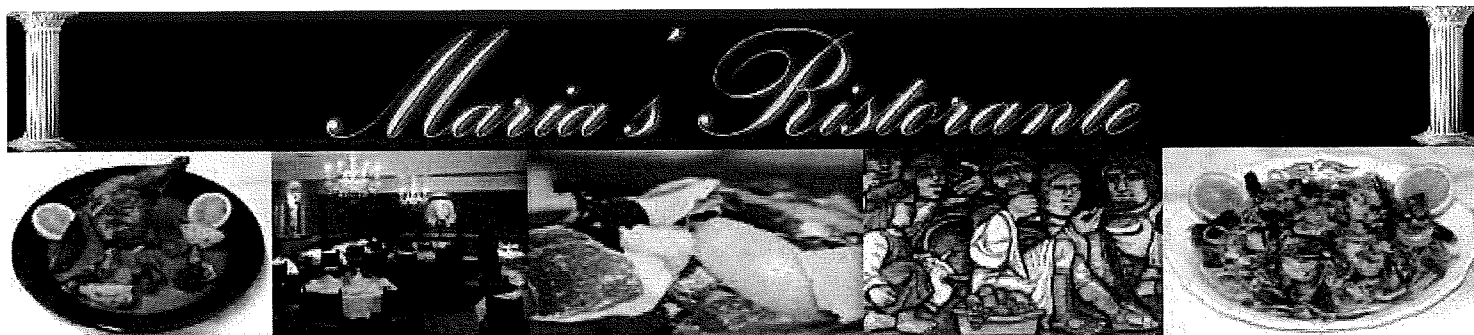
Assorted Italian Pastries

Coffee Service

\$28.50 per person (plus tax and gratuity)

◆ **Marias Restaurant**

Phone: 207-772-9232



Welcome

Dinner Menu

Banquet Menu

Buffet Menu

Large Party

Catering Menus

Contact Us

Large Party

Luncheon Buffet For 10 or more people

Tossed Garden Salad

Crusty Italian Bread

Breast of Chicken Parmigian

Baked Four Cheese Rigatoni

Meatballs Florentine Style

Steamed Buttery Broccoli Romano

Assorted Italian Pastries
Cannoli, Biscotti, Pizzelles

Coffee Station

\$16.95 per person (price does not include beverages, tax and gratuity)

Seated Luncheon

Tossed Garden Salad

Crusty Italian Bread

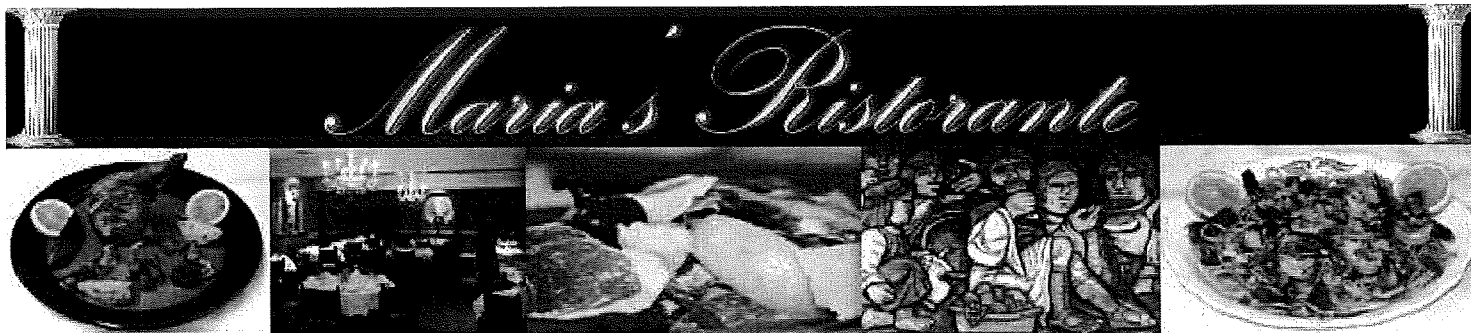
Choice of the following entree Selections:

Baked Four Cheese Lasagna
Breast of Chicken Parmigian
Chicken Alfredo Served over Pasta
Rigatoni with Meatball Marinara
Four Cheese Ravioli Marinara
Jumbo Shrimp Scampi over Pasta

\$16.95 per person (price does not include beverages, tax and gratuity)
Add dessert for \$3.00 per person

◆ **Marias Restaurant**

Phone: 207-772-9232



Welcome

Dinner Menu

Banquet Menu

Buffet Menu

Large Party

Catering Menus

Contact Us

Sample Menu

Offsite Catering

Give us a days notice and we will give you a wonderful Italian experience.

Call Tony at 207-772-9232 or 207-233-9232

Menu

Page 1

Page 2

Page 3

Appetizers and Hors d'Oeuvres

	Serves 12	Serves 24
Maria's Meatballs Tomato Basil	25	49
Maria's Sausage Tomato Basil	25	49
Meatball and Sausage Combo	25	49
Seafood Stuffed Mushrooms (shrimp and crab)	36	69
Stuffed Bread (pepperoni and provolone)	19	38
Stuffed Bread (broccoli and provolone)	19	38
Boneless Tuscan Spare Ribs (rosemary and lemon)	35	65
Roasted Chicken Wings (hot and spicy or roasted garlic)	29	59
Jumbo Shrimp Cocktai w/cocktail sauce (50 pcs)	75	
Assorted Vegetables w/dip	25	35

Salads (Serves 15)

House Tossed Salad	39
Cucumber, Tomato, Onion Salad	39
Bow Tie Pasta Salad	39
Cheese Tortellini Pasta Salad	39
Caesar Salad (Shaved romano cheese, romaine, garlic croutons)	39
Chef Salad (tossed salad, ham, turkey, egg, provolone, cheddar, olives)	48
Greek Chicken Salad (Feta, Pepperoncini, egg, romaine, onion)	48
Antipasto Salad (Genoa, pepperoni, olives, roasted peppers, provolone)	68
Caprese Salad (Fresh mozzarella, ripe tomatos, olive oil and basil)	58

Phone: 207-772-9232



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E130257

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-09-26) :

Inquiries Name(s) **GREG NAPOLITANO (1968-07-01)**

NO MATCH WAS FOUND FOR YOUR REQUEST.



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E130256

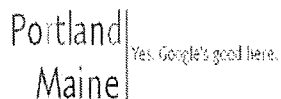
Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-09-26) :

Inquiries Name(s) ANTHONY NAPOLITANO (1965-07-18)

NO MATCH WAS FOUND FOR YOUR REQUEST.



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Maria's Restaurant

Dan Hondo <danh@portlandmaine.gov>

Sat, Sep 28, 2019 at 9:09 PM

To: Jessica Hanscombe <jhanscombe@portlandmaine.gov>

No issues on PD side

On Wed, Sep 25, 2019 at 11:51 AM Jessica Hanscombe <jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Class I FSE. Espos has closed and Marias will be moving into that space. This will go before council on 10/21. Please advise. Thanks Jess

Jessica Blais Hanscombe
Licensing and Housing Safety Manager
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov

--
Lt. Dan Hondo
Portland Maine Police Dept.
Patrol Team B3/B4
(207)874-8513



CITY OF PORTLAND
Permitting and Inspections Department

September 26, 2019

Marias Real Estate LLC
1335 Congress Street
Portland ME 04103

Re: Marias Real Estate LLC dba Marias Restaurant. Application for a Class I FSE at 1335 Congress Street.

Dear Tony Napolitano

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday October 21, 2019 at 5:30 p.m.**, for the review of application for a Class I FSE at 1335 Congress Street. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on October 21, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Marias Real Estate LLC dba Marias Restaurant. Application for a Class I FSE at 1335 Congress Street. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 27, 2019

SUBJECT: Order 66-19/20 Granting Municipal Officers' Approval of Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue.

Application was filed on 9/26/2019. New City and State applications. Location was previously The Cheese Shop.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Ishi Ishi
2. 20191007084307074

Prepared by:

Date: 9/27/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY M. COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue.

Beni LLC
93 Washington Ave
Portland, ME 04101

16 September 2019

Dear Mayor Strimling and city counsel,

We are writing this Letter of Intent in regards to receiving a BYOB license for our new establishment. This new establishment is a 9 seat Ramen Shop in the heart of so many good breweries and we would like to work with them.

We would like to have a token system encouraging people to buy specific bottles and cans at each brewery which would lead to a price cut for a bowl of ramen. Having this license would let us work with all surrounding breweries in a fun way while also getting people in our establishment. We would also like to use the money from the returnables to donate to a local cause and helping better our community.

We understand some of the risks this may lead to, but are confident it will benefit all in the long run. We will be checking all I.D. upon entering the building and keeping a close eye on Men or Women with bags.

We would like to open and start using this license by the end of November or beginning of December. This will give us time to work on anything and decide if this is the right move for the busy season starting in May.

We hope to get your vote so we can contribute to Portlands growing food, drink, and tourist season!

Sincerely,

Matthew De Fio

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
389 Congress St. Room 307 • Portland, ME 04101 • (207) 874-8557
www.portlandmaine.gov

Application for Bottle Club License
License expires annually on June 30th

- ☒ Application Fee: \$45 ☒ Bottle Club License: \$940.00
☐ Renewal Fee: \$35 ☒ SBI Background Check: \$21/Principal Officer & Manager

Business Information			
Business Name (d/b/a):	Beni LLC Ishi Ishi		Phone: 207 449-6790
Location Address:	93 Washington Ave Portland, ME 04101		
If new, what was formerly at this location:	The Cheese Shop		
Mailing Address:	801 Brighton Ave		
Contact Person:	Matthew Defio	Phone:	207 449 6790
Contact Person Email:	Defio.matthew@gmail.com		
Manager of Establishment:	Matthew Defio Dale Edwards	Date of Birth: 1/9/89	Phone: 207 449 6790
Owner of Premises (Landlord):	Salce Edwards		
Address of Premises Owner:	75 Washington Ave Portland, ME 04101		

Sole Proprietor/Partnership Information (If Corporation, leave blank.)

Name of Owner(s)	Date of Birth	Residence Address

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank.)

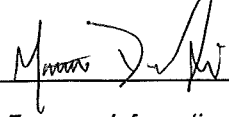
Corporate Name		Corporate Mailing Address	
Beni LLC		801 Brighton 93 Washington Ave Portland, ME 04101	
Principal Officers	Title	Date of Birth	Residence Address
Matthew Defio	Co-Owner	1/9/89	801 Brighton Ave Portland, ME 04102
Andrew Doolittle	Co-Owner	7/16/82	48 State Street #22 Portland ME 04101

About Your Establishment

QUESTIONS	Y/N
Hours and Days of Operation: <u>Wednesday - Sunday 11am - 9pm</u>	
Will you sell or serve food on the premises? (If yes, a Food Service Establishment License is required.)	Y/N
Will you have entertainment on the premises? (If yes, a Supplemental Application for Dancing & Entertainment is required.)	Y/N
Will you permit dancing on the premises?	Y/N
Will you permit dancing after 1:00 a.m.?	Y/N
Will you have outside dining? (If yes, an Outdoor Dining Application is required.)	Y/N
If yes, will the outside dining be on PUBLIC or PRIVATE property? (Circle one)	
Will you have any amusement devices (pinball machines, video games, jukebox, pool tables)?	Y/N
If yes, please list the number of: Pinball Machines: _____ Video Games: _____ Jukebox: _____ Pool Tables: _____	
If new business, what is your targeted opening date?	
Does the issuance of this license directly or indirectly benefit any City employee(s)?	Y/N
If Yes, list name(s) of employee(s) and department(s):	
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	Y/N
If Yes, please list business name(s) and location(s): <u>Pot and Pan Kitchen</u>	
Is any principal officer under the age of 21?	Y/N
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	Y/N
If Yes, please explain:	

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature  Title Co-Owner Date 9/26/19

For more information about Bottle Clubs, refer to the Portland City Code Chapter 3 at: www.portlandmaine.gov.

For Administrative Use Only

Amount: _____		Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	Zoning: _____	/	_____
Date Paid: _____	Treasury: _____	/	_____
CC _____ CA _____ CK _____			_____

Division of Liquor Licensing & Enforcement
8 State House Station
Augusta, ME 04330-0008
Tel: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov

BOTTLE CLUB REGISTRATION APPLICATION

\$50.00 – Bottle Club Registration Fee
 \$10.00 – Filing Fee per application
 \$60.00 - Check Payable: Treasurer, State of Maine

New Bottle Club ☒ Yes ☐ No

PRESENT REGISTRATION EXPIRES _____

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

ALL QUESTIONS MUST BE ANSWERED IN FULL
Please Print Clearly

Corporation Name: Beni LLC			Business Name (D/B/A) Ishi Ishi		
APPLICANT(S) –(Sole Proprietor) DOB:			Physical Location:		
Matthew DeFio 1/9/89			93 Washington Ave		
Address 801 Brighton Ave			Mailing Address 93 Washington Ave		
City/Town Portland	State ME	Zip Code 04102	City/Town Portland	State ME	Zip Code 04101
Telephone Number 207-449-6790			Business Telephone Number 207-449-6790		
Fax Number			Fax Number		
Federal I.D. #			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print Defio, matthew@gmail.com			Website:		

1. Is applicant (s) a corporation? Yes ☐ No ☐

If **YES** complete Corporate Information Required for Business Entities.

2. Is applicant (s) a non-profit club? Yes ☐ No ☒

If **YES** complete Supplementary Club Questionnaire.

3. What are the regular days and hours your establishment is operated as a Bottle Club?

Sunday Open 11 AM/PM Close 9 AM/PM Wednesday Open 11 AM/PM Close 9 AM/PM
 Monday Open ~ AM/PM Close ~ AM/PM Thursday Open 11 AM/PM Close 9 AM/PM
 Tuesday Open ~ AM/PM Close ~ AM/PM Friday Open 11 AM/PM Close 9 AM/PM
 Saturday Open 11 AM/PM Close 9 AM/PM

4. Does applicant (s) own the premises? Yes ☐ No ☒

If **NO** give name and address of owner.

Name: Dayton Group

Address: 75 Washington Ave Town/City: Portland

State Portland Maine Zip Code 04101

5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No

If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License #

Name of Business

Physical Location

City / Town

Use an additional sheet(s) if necessary.

6. List name, date of birth, place of birth for all applicants and managers. Give maiden name if married:

Name in full (Print Clearly)

DOB

Place of Birth

Matthew Defio	1/9/89	New York
Andrew Doolittle	7/16/87	Maine

Use a separate sheet of paper if necessary.

Residence address on all of the above for previous 5 years (Limit answer to city & State)

Name in Full

City

State

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine: _____ On: _____
City/Town County Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the

☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: _____, Maine

Signature of Officials	Printed Name and Title

7. Has applicant(s) or managers(s) ever been convicted of any violation of the law, other than minor traffic violations of any State of the United States? YES ☐ NO ☒

Name: _____ Date of conviction: _____

Offense: _____ Location: _____

Disposition: _____

8. Has any other person any interest, directly or indirectly, in your business? YES ☐ NO ☒

If YES, please provide name: _____

9. Has applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the criminal code, punishable by confinement of up to one year or by monetary fine of up to \$2,000.00 or both.

Dated at: Portland on 9/16, 2019
City/Town Day Year


Signature(s) of Applicant(s) or Corporate Officer(s)

Matthew Defio
Print Names of Applicant(s) or Corporate Officer(s)

State of Maine
Division of Alcoholic Beverages and
Lottery Operations
Division of Liquor Licensing and Enforcement

For Office Use Only:

License #: _____

SOS Checked: _____

100% Yes ☐ No ☐

**Corporate Information Required for
Business Entities Who Are Licensees**

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Beni LLC
2. Doing Business As, if any: Retail
3. Date of filing with Secretary of State: 9/25/19 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: _____
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Matthew Defio	91 Jordan Ave Brunswick, ME 04011	1/9/89	Co-Owner	50%
Andrew Doolittle	48 State St. Portland, ME 04101	7/16/87	Co-Owner	50%

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: 2 (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes ☒ No ☒ If Yes, Name: _____ Agency: _____

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes ☐ No ☒

9. If Yes to Question 8, please complete the following:
(attached additional sheets as needed)

Name: _____

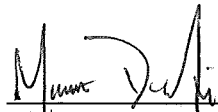
Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:



Signature of Duly Authorized Person

9/25/19

Date

Matthew DeFio

Print Name of Duly Authorized Person

Submit Completed Forms To:

Bureau of Alcoholic Beverages
Division of Liquor Licensing and Enforcement
8 State House Station, Augusta, Me 04333-0008 (Regular address)
10 Water Street, Hallowell, ME 04347 (Overnight address)
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434
Email Inquiries: MaineLiquor@Maine.gov



ISHI ISHI MENU

Tonkotsu Ramen (pork)

Pork broth, chashu, egg, negi, beni shoga, mushrooms

OG Ramen

Chicken broth, chashu, egg, negi, onion, menma

Mazemen

Mushroom oil, sage, seasonal vegetables

Rice Bowl

Build your own

Add Ons:

Egg \$1

Chashu \$3

Beni shoga \$.75

Menma \$.75

Negi \$.75

Mushrooms \$.75



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E130780

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-09-27) :

Inquiries Name(s) MATTHEW DEFIO (1989-01-09)

The information in this criminal history record is provided subject to the following caveats:

Important! When a criminal history record and juvenile crime information record check is processed by the State Bureau of Identification using personal identifiers such as name and date of birth, it is possible that the record supplied belongs to another person with the same or essentially similar name and date of birth. Confirmation that convictions relate to person whose record has been requested requires fingerprint comparison. If the information contained in this response will be used to disqualify an applicant for employment, housing, credit, or other benefits or programs, the person making the eligibility determination using this record should provide the applicant with an opportunity to complete or contest the accuracy of the criminal history information in the response. An individual may request amendment or correction of criminal history record information by a criminal justice agency pursuant to 16 M.R.S. section 709.

****THIS RESPONSE IS BEING PRODUCED FOR YOUR REQUEST SENT: 2019-09-27**

This record, effective September 1, 2000, contains information relating to persons arrested as fugitives from justice, 15 M.R.S section 201.4 or arrested or charged with Maine crimes. It does not include former crimes no longer classified as criminal, or Class D and E crimes in Title 12 or Title 29-A, former Title 29, unless the crime is alcohol-related or drug-related 25 M.R.S. section 1541.4-A.A. For information regarding excluded Marine Resources crimes in Title 12, contact the Department of Marine Resources. For information regarding excluded Inland Fisheries and Wildlife crimes in Title 12, contact the Department of Inland Fisheries and Wildlife. For information relating to excluded crimes in Title 29-A former Title 29, contact the Secretary of State, Motor Vehicle Division. A list of former crimes is available from this Bureau.

Identification

Subject Name/or potential Alias Name(s)

DEFIO, MATTHEW R

Subject Description (date information provided listed in parentheses)

State ID Number

ME0078584

DOC Number

Unknown/NA

Sex

Male

Race

White

Skin Tone

Fair

Height

506 (2007-07-26)
506

Weight

130 (2007-07-26)
130

Date of Birth

1989-01-09

Hair Color

Brown (2007-07-26)
Brown

Eye Color

Brown (2007-07-26)
Brown

Scars, Marks, and Tattoos

Unknown/NA

Place of Birth

ME

Citizenship

US (2007-07-26)

Residence

Residence as of
Address

2007-08-29
91 JORDAN AVENUE
BRUNSWICK, ME 04011

Residence as of
Address

2007-07-26
91 JORDAN AVE
BRUNSWICK, ME 04011

Caution Information

Firearms Disqualified

X - Unknown

Criminal History

Cycle 001

ATN/Tracking Number

563549A

Earliest Event Date

2007-07-26

Arrest/Charge

(Cycle 001)

Arrest/Charge Date 2007-07-26
Arresting/Charging Agency BRUNSWICK PD; ME0030100
Subject Name(s) DEFIO, MATTHEW
Arrest Type Adult
Charge 1

Charge Number 563549A 001
Charge Tracking Number 563549A
Charge Case Number 07729AR
Agency BRUNSWICK PD; ME0030100
Offense Date 2007-07-26
Charge Description ALLOW MINOR TO POSSESS OR CONSUME LIQUOR (Charge Class D)
Statute 28-A MRSA SUBSECTION 2081(1)(B)(1)
State Sequence Code 9859
Severity Misdemeanor

Prosecutor Disposition No data supplied

Court Disposition (Cycle 001)
Court Case Number WESDCCR200701239
Court Agency 6TH DISTRICT COURT BATH; ME012025J
Charge 1

Charge Number 563549A 001
Charge Tracking Number 563549A
Agency 6TH DISTRICT COURT BATH; ME012025J
Offense Date 2007-07-26
Charge Description ALLOW MINOR TO POSSESS OR CONSUME LIQUOR (Charge Class D)
Statute 28-A MRSA SUBSECTION 2081(1)(B)(1)
State Sequence Code 9859
Severity Misdemeanor
Disposition 2007-12-05; GUILTY

Sentencing (Cycle 001)
Sentencing Agency 6TH DISTRICT COURT BATH; ME012025J
Court Case Number WESDCCR200701239
Charge Number 563549A 001
Charge Sequence Number 1
Charge Tracking Number 563549A
Sentence 2007-12-05: FINED \$500.00

Corrections No data supplied

Index of Agencies

Agency	6TH DISTRICT COURT BATH; ME012025J
Agency Telephone	207-442-0200
Address	101 new meadows road west bath, ME 04530

Agency	BRUNSWICK PD; ME0030100
Agency Telephone	207-725-5521
Address	85 Pleasant Street BRUNSWICK, ME 04011



MAINE STATE BUREAU OF IDENTIFICATION
45 Commerce Drive, Suite 1 / STATE HOUSE STATION # 42
AUGUSTA, ME 04333
(207) 624-7240 (VOICE)

JESSICA HANSCOMBE
389 CONGRESS ST.
PORTLAND, ME 04101

Transaction Response #: MIQ99E130781

Criminal History Record

Introduction

This criminal history record was produced in response to the following request (Produced on 2019-09-27) :

Inquiries Name(s) **ANDREW DOOLITTLE (1987-07-16)**

NO MATCH WAS FOUND FOR YOUR REQUEST.

----- Forwarded message -----

From: **Dan Hondo** <danh@portlandmaine.gov>

Date: Sat, Sep 28, 2019 at 9:09 PM

Subject: Re: Ishi Ishi

To: Chris Beaumont <cbeaumont@portlandmaine.gov>

No issues on PD side

On Fri, Sep 27, 2019 at 8:51 AM Jessica Hanscombe

<jhanscombe@portlandmaine.gov> wrote:

Good Morning

Please see the attached application for a Bottle Club. This will go before council on 10/21. Please advise. Jessica

Jessica Blais Hanscombe

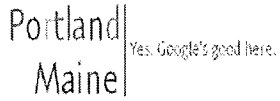
Licensing and Housing Safety Manager

389 Congress Street Room 307

Portland, Maine 04101

207-874-8783

jhanscombe@portlandmaine.gov



Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Re: Ishi Ishi

cstacey <cstacey@portlandmaine.gov>
To: Zoning <zoning@portlandmaine.gov>
Cc: jhanscombe@portlandmaine.gov

Mon, Oct 7, 2019 at 8:40 AM

A Bottle Club (retail) is a permitted use in the B-2b Zone under section 14-182 in Chapter 14, City Code of Ordinances. As a permitted retail use under zoning, the space is limited to 9 customer seats or fewer.

Thanks,
Chris

On Friday, September 27, 2019 at 8:51:26 AM UTC-4, Jessica Hanscombe wrote:

Good Morning

Please see the attached application for a Bottle Club. This will go before council on 10/21. Please advise.
Jessica

Jessica Blais Hanscombe
Licensing and Housing Safety Manager
389 Congress Street Room 307
Portland, Maine 04101
207-874-8783
jhanscombe@portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department

September 27, 2019

Beni LLC
93 Washington Ave
Portland ME 04101

Re: Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue.

Dear Matthew Defio,

This letter shall serve as a reminder of the public hearing before the Portland City Council on **Monday October 21, 2019 at 5:30 p.m.**, for the review of application for a Bottle Club at 93 Washington Avenue. The meeting will take place in Council Chambers on the 2nd floor of City Hall, 389 Congress Street, Portland, ME 04101.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or jhanscombe@portlandmaine.gov.

Sincerely,

Jessica Hanscombe
Licensing and Housing Safety Manager

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on October 21, 2019 at 5:30 P.M., in City Council Chambers, 389 Congress St., Beni LLC dba Ishi Ishi. Application for a Bottle Club at 93 Washington Avenue. Sponsored by Jon P. Jennings, City Manager.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 2, 2019

SUBJECT: Resolution 6-19/20 Supporting the Continued Protections of the Federal Law
for the Deferred Action for Childhood Arrivals Program - Sponsored by Mayor
Ethan K. Strimling

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

The United States Supreme Court will hear an appeal filed by the U.S. Department of Homeland Security against lower court rulings that have allowed continued protections under the Deferred Action for Childhood Arrivals program (DACA), established in 2012. In 2017, the Department of Homeland Security ordered that the program be rescinded and its protections against deportation and other benefits end for the approximately 800,000 registered Dreamers, as they are known.

That action has been fought in court, with lower courts ruling that rescinding the program is unlawful. Those decisions were in turn appealed, bringing the matter this year to the highest court in the country.

By this Resolution, the City Council would express its support for DACA and the continuation of the protections it offers people who were brought to this country as children. The Resolve further authorizes the City Attorney to sign, on behalf of the Council, in support of the amicus brief filed with the Supreme Court.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. DACA Resolution 10.21.2019
2. DRAFT - Cities and Counties DACA Amicus Brief

Prepared by:

Date: 10/2/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

DAVID H. BRENERMAN (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**RESOLUTION SUPPORTING THE CONTINUED PROTECTIONS OF THE FEDERAL
LAW FOR THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS PROGRAM**

WHEREAS, the Deferred Action for Childhood Arrivals Program (DACA) was established in 2012 and in the years since has given more than 800,000 young people who came to the United States as undocumented children protection against deportation and the ability to work, obtain a driver's license, and contribute to their communities, and those children are known as Dreamers; and

WHEREAS, in September 2017, the administration of the President of the United States, Donald Trump, by its Homeland Security Agency, ordered that the program be rescinded, and that those protections be removed; and

WHEREAS, lower courts in the United States judicial system have ruled that action was unlawful, and those court decisions have been appealed by the Department of Homeland Security; and

WHEREAS, the United States Supreme Court will consider a challenge to the Trump administration rescission of the DACA Program in this session of the court in 2019; and

WHEREAS, according to the Center for American Progress, a nonpartisan policy institute, DACA recipients pay \$613.8 million in mortgage payments, \$2.3 million in rent payments each year, and \$5.7 billion in federal taxes; and

WHEREAS, the State of Maine is part of a group of at least 21 states that support DACA and the Dreamers and oppose the Trump Administration's attempt to end the protections of these productive residents;

WHEREAS, an Amicus Brief in support of DACA that represents cities and counties across the United States has been prepared by the City of Los Angeles and Los Angeles County, with support from the United States Conference of Mayors and the National League of Cities;

NOW, THEREFORE, BE IT RESOLVED, that the Portland City Council hereby authorizes Corporation Counsel to join and/or sign the amicus brief in support of DACA and join the cities and counties across the country in support of the DACA and the Dreamers it protects, at the hearing on DACA before the Supreme Court.

Nos. 18-587, 18-588, 18-589

IN THE

Supreme Court of the United States

DEPARTMENT OF HOMELAND SECURITY, ET AL.,
Petitioners,

v.

REGENTS OF THE UNIVERSITY OF CALIFORNIA, ET AL.,
Respondents.

**On Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit**

**BRIEF OF *AMICI CURIAE* ## CITIES AND
COUNTIES IN SUPPORT OF RESPONDENTS**

MICHAEL N. FEUER
City Attorney
JAMES P. CLARK
LEELA A. KAPUR
VALERIE L. FLORES
MICHAEL DUNDAS
200 N. Main Street,
CHE 8th Floor
Los Angeles, CA 90012
(213) 978-8100

MARGARET L. CARTER
DANIEL R. SUVOR
DIMITRI D. PORTNOI
DANIEL J. TULLY
O'MELVENY & MYERS LLP
400 South Hope Street
18th Floor
Los Angeles, CA 90071
(213) 430-6000
mcarter@omm.com

*Counsel for Amicus Curiae
City of Los Angeles, Cali-
fornia*

*Counsel for Amicus Curiae
County of Los Angeles, Cali-
fornia*

[Additional Captions Listed On Inside Cover]

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
ET AL.,

Petitioners,

v.

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE, ET AL.,

Respondents.

**On Writ of Certiorari Before Judgement to the
United States Court of Appeals
for the District of Columbia Circuit**

KEVIN K. MCALEENAN, ACTING SECRETARY OF
HOMELAND SECURITY, ET AL.,

Petitioners,

v.

MARTIN JONATHAN BATALLA VIDAL, ET AL.,

Respondents.

**On Writ of Certiorari Before Judgement to the
United States Court of Appeals
for the Second Circuit**

QUESTIONS PRESENTED

In 2012, the Secretary of Homeland Security announced a policy that would provide a temporary forbearance of removal for certain undocumented immigrants who unwittingly entered the United States as children. Known as Deferred Action for Childhood Arrivals (DACA), the program allows such noncitizens to receive a renewable two-year term of deferred action—a form of prosecutorial discretion whereby the government declines to pursue removal—if they have no criminal record and satisfy various educational or military service requirements. DACA also allows recipients to apply for and receive government work authorization. In the seven years since DACA was implemented, more than 800,000 young people throughout the country have applied for and received deferred action. In September 2017, the Department of Homeland Security (DHS) announced that it would rescind DACA because it believed the program was unlawful and would likely be struck down by the courts.

The questions presented are:

1. Whether DHS's decision to wind down DACA is judicially reviewable.
2. Whether DHS's decision to wind down DACA is lawful.

TABLE OF CONTENTS

Page(s)

TO BE ADDED

DRAFT

TABLE OF AUTHORITIES

Page(s)

TO BE ADDED

DRAFT

STATEMENT OF INTEREST¹

Amici Curiae are ## cities and counties and three non-partisan advocacy organizations charged with representing the interests of the nation's cities, towns, and villages.² *Amici* come from every corner of the country: from rural farming communities to industrial cities to large, urban metropolises. *Amici* represent a broad, bi-partisan group of American cities and counties with a wide spectrum of economic, political, and cultural perspectives. They include the most populous and diverse cities and counties in the United States, as well as jurisdictions of more modest size. Individuals of every race and ethnicity, and of every culture and creed call *amici* home.

Though important differences exist between them, *amici* share a common interest in building communities where all residents, regardless of immigration status, feel safe and empowered to participate. The Deferred Action for Childhood Arrivals (DACA) program has allowed recipients across the nation to come out of the shadows. *Amici* have greatly benefited from this program and will suffer substantial harm from its termination. Approximately 13% of all active DACA recipients live in the

¹ The parties have consented in writing to the filing of this brief, and their letters of consent have been filed with the Clerk. *See* Sup. Ct. R. 37.3(a). No party's counsel authored this brief in whole or in part, and no person or entity other than *amici* or their counsel made a monetary contribution intended to fund the preparation or submission of this brief. *See* Sup. Ct. R. 37.6.

² A complete list of *amici* is provided as **Appendix A**.

Los Angeles metro area alone.³ Another 22% reside in the New York, Dallas, Chicago, or Houston metro regions, while 10% of recipients currently make their homes in Atlanta, the San Francisco Bay area, Denver, Austin, or Seattle.⁴ All told, ____% of current DACA recipients—_____ individuals—live in *amici*'s communities.⁵

These individuals—most of whom arrived in the United States as children—are no different than the tens of millions of people who live and work alongside them in *amici*'s cities and counties. DACA recipients have made enormous contributions to our communities and to our country. They attend our local schools where they study to become our newest doctors, nurses, and lawyers. As entrepreneurs, they build businesses that revitalize local economies. As teachers, they shape the next generation of leaders. As civil servants, they assist and transform the communities that they call home. No matter how DACA recipients choose to contribute, *amici* are stronger and safer because of the DACA program.

As history teaches, our collective success depends on the contributions of *all members* of society. Our nation's and *amici*'s civic and economic prosperity in the 20th Century was aided in no small part by the

³ Based on recipients' residency in a Core Based Statistical Area, as defined by the U.S. Office of Management and Budget, at the time of the recipients most recent DACA application. See U.S. Citizenship and Immigration Services DACA Data dated _____ (USCIS Data). Available at _____.

⁴ *Id.*

⁵ *Id.*

contributions of immigrants, many of whom arrived in the United States as children.⁶ And our future progress is tied to the full participation of such individuals, including the 800,000 young people who have received deferred action under the DACA program. The Department of Homeland Security's (DHS) September 5, 2017 Memorandum (September Memorandum) jeopardizes *amici's* interests by harming tens of thousands of DACA recipients in *amici's* communities.

INTRODUCTION

Each day, almost a million DACA recipients work to make the world a better place. They are educators, administrators, social workers, firefighters, police officers, soldiers, scientists, engineers, entrepreneurs, artists, journalists, service workers, and civic leaders. They make their communities safe and prosperous.

Since its inception, DACA has allowed over 800,000 recipients to reach their full potential. These recipients "are hard-working individuals and diligent students who aspire to achieve their dreams of educational excellence and economic prosperity."⁷ Thanks to DACA, which protects participants from removal and allows them to work for renewable two-year terms, these young people are empowered to participate fully in their communities just like their

⁶ See Moreno, Barry, *Children of Ellis Island*, ARCADIA PUBLISHING (2005).

⁷ Statement of San Francisco Mayor Edwin M. Lee, <http://www.thesfnews.com/mayor-lee-issues-statement-regarding-daca/40200>.

neighbors with lawful immigration status. “Every day, DREAMers defend our nation in the military, attend our universities and contribute to communities across the country.”⁸ “They are part of the American fabric and future.”⁹

The September Memorandum tears at that fabric. Petitioners’ decision to rescind DACA is a violation of trust that forces hundreds of thousands of participants back into the shadows. Keeping talented young people at the margins threatens to rob *amici* and the nation of their promise. It is anathema to *amici*, as it undermines their shared interest in empowering all residents to participate in the community. *Amici* therefore request that the Court affirm the judgments of the Ninth Circuit and District Court for the District of Columbia, and the orders of the Eastern District of New York.

Amici submit this brief to inform the Court of the profound impact that DACA recipients have had on *amici* and to highlight the consequences that rescission of DACA will have on *amici*, their communities, and their residents. *Amici* also write to address two discrete legal issues—Petitioners’ failure to adequately consider reliance interests and resultant harm in the September Memorandum and Petitioners’ attempted post-hoc rationalization of their deci-

⁸ Statement of Mayor Emanuel on DACA. https://www.chicago.gov/content/dam/city/depts/mayor/Press%20Room/Press%20Releases/2017/August/090117_DACAStatement.pdf.

⁹ Mayor’s Statement on Federal Action Against DACA. <https://www.houstontx.gov/mayor/press/statement-daca.html>.

sion to rescind the DACA program. Given the significant harm to *amici* and their residents from the rescission, Petitioners' refusal to engage with participants' reliance interests and the harm to society at large is alarming. And their attempt to use after-the-fact explanations to prevent the courts from redressing these harms is equally disturbing, and was correctly rejected by the courts below.

As all *amici* recognize, our shared future is brighter when opportunities for success are made available to all people, regardless of their race, ethnicity, gender, or immigration status. The ###,### young people who for seven years have strengthened *amici*'s communities should not have those opportunities taken from them. And their neighbors, coworkers, and employers should not be denied the countless contributions that DACA participants have made and will continue to make to our country.

ARGUMENT

I. DACA Recipients Represent the Best of *Amici*'s Communities.

When DACA was first announced, President Obama described the individuals who would come to receive protection under the program:

These are young people who study in our schools, they play in our neighborhoods, they're friends with our kids, they pledge allegiance to our flag. They are Americans in their heart, in

their mind, in every single way but one: on paper.¹⁰

Amici share these sentiments. DACA beneficiaries are no different than their neighbors with lawful immigration status. As Los Angeles Mayor Eric Garcetti put it: “DACA recipients are all of us: teachers, students, business owners, young people thinking about starting families of their own in the only country they know: the United States. They belong here.”¹¹ In the seven years that DACA has been in effect, *amici* have witnessed hundreds of thousands of young people emerge from the margins to lead productive, exemplary lives.

DACA has allowed recipients to pursue higher education, enhancing their economic productivity and enriching their lives and futures.¹²

Jin Kyu Park arrived in the United States at the age of seven from South Korea. He excelled in his studies and matriculated at Harvard. As an undergraduate, Jin Kyu worked as a research assistant at the Koch Institute for Integrative Cancer Research at MIT, served as the managing editor of the Harvard Undergraduate Research Journal, directed the Phillips Brooks House Association’s Chinatown Citi-

¹⁰ Remarks by Pres. Obama, June 15, 2012, *available at* <https://goo.gl/48kmbU>.

¹¹ Remarks of Los Angeles Mayor Eric Garcetti, *available at* <https://www.lamayor.org/statement-mayor-garcetti-trumps-decision-daca>

¹² Tom K. Wong, et al., *2017 National DACA Study*, Ctr. for Am. Progress, at 3 (Aug. 20, 2017) (hereinafter Wong 2017 Survey), *available at* <https://goo.gl/i2pf65>.

zenship program, and founded a nonprofit to help other undocumented students. Last November, he became the first DACA recipient to become a Rhodes Scholar. After completing his studies at Oxford, Jin Kyu plans to become a doctor so that he can serve immigrant communities like the one he grew up in.

Many recipients share similar stories. DACA allowed Nelson Magdaleno, who was brought to the United States from Venezuela as a child, to attend Georgia Tech University, one of the nation's top engineering schools. Nelson graduated with honors and has been working as an engineer at Texas Instruments since his graduation. Herta Llusho arrived from Albania at the age of eleven. She worked tirelessly through high school and college, ultimately receiving a Master's Degree in robotics and automation engineering. Herta now works as a supervising engineer at Ford Motor Company, and regularly volunteers at her church and in her community.

Armed with their high school and college degrees, as well as the other building blocks of modern life (thousands have received their first driver's license and obtained health insurance under DACA¹³), recipients have gone on to strengthen their communities by dedicating themselves to them. Hundreds are protecting our country by serving in the military as

¹³ Roberto G. Gonzales and Angie M. Bautista-Chavez, *Two Years and Counting: Assessing the Growing Power of DACA* 9, Am. Immigration Coun. (June 2014), available at <https://goo.gl/4ezbQR>; Tom K. Wong, et al., *2017 National DACA Study*, Ctr. for Am. Progress, at 3 (Aug. 20, 2017) (hereinafter Wong 2017 Survey), available at <https://goo.gl/i2pf65>

part of a Pentagon pilot program.¹⁴ Thousands of recipients, like Chicagoan Cynthia Sanchez and Angeleno Miriam Gonzalez, have taken up teaching, often in underserved communities of color.¹⁵

Others have made lasting impacts in the arts. Yehimi Cambrón, an art teacher and artist from Atlanta, paints murals with imagery that evokes survival, opportunity, and other common themes of the immigrant experience. In the classroom, she teaches her high school students how to find expression and empowerment in art. Last year, the Atlanta Superbowl LIII Host Committee commissioned Yehimi to create three oversized murals that highlight Atlanta's civil rights and social justice journey, a commission that would not have been possible without DACA. Bambadian Bamba grew up in the South Bronx, worked to put himself through drama school, and now is a successful actor, appearing on NBC's *The Good Place*, and in Disney's *Black Panther*. Daniela Pierre-Bravo arrived in the United States from Chile at age 11. Today, she is a news producer for MSNBC and NBCUniversal and recently re-

¹⁴ Gregory Korte et al., *Trump Administration struggles with fate of 900 DREAMers serving in the military*, USA Today (Sept. 7, 2017), available at <https://goo.gl/URxefM>

¹⁵ See George White, Teachers Who Are DACA Recipients Help Ease Anxiety of Undocumented Students, EdSource (Sept. 15, 2017), available at <https://goo.gl/XYavEL>. Although the exact number of DACA recipients employed as teachers is unknown, the Migration Policy Institute estimates that 20,000 "DACA-eligible" individuals are teachers, although some may have attained lawful status by other means. Id

leased a non-fiction motivational book with best-selling author Mika Brzezinski.

Still others have made their mark through selfless sacrifice. When emergencies have threatened families, friends, and neighbors, DACA recipients have been among the first to answer the call. During Hurricane Harvey, Houston-area paramedic Jesus Contreras worked six straight days to rescue people from floodwaters. One DACA recipient, Alonso Guillén, was killed while trying to help fellow Texans from perishing in rising floodwaters.¹⁶

These stories and countless others highlight the lasting impact that the DACA program has had on recipients and on society at large.

II. Rescinding DACA Harms *Amici*'s Young People and Communities.

DACA has allowed recipients to come out of the shadows and better contribute to *amici*'s communities. It has drastically improved recipients' lives, allowing them to obtain better jobs, more education, and better access to vital services—like healthcare and driver's licenses—which allow them to better contribute to society. It has “inspired them to believe in the ‘American Dream’” and has helped them achieve it.¹⁷ Petitioners' decision to rescind DACA

¹⁶ Samantha Schmidt, *A 'Dreamer' Dies Trying to Save Harvey Victims, Days Before Trump Plans to End DACA*, Washington Post (Sept. 5, 2017), available at <https://goo.gl/FAjsBd>.

¹⁷ Statement of Los Angeles County Supervisor Hilda Solis, available at <https://hildalsolis.org/supervisor-solis-statement-on-presidents-orders-to-end-daca/>

wrests from these young people the protections that have allowed them to contribute so productively to *amici*'s communities. Such "a cruel action [is] unbecom-
fitting of this great nation."¹⁸ It will also directly harm *amici*, particularly their economies and public safety programs, which have benefitted from the open participation of over ###,### recipients.

A. Rescinding DACA Will Harm the Economy.

DACA recipients drive *amici*'s economies. In California alone, they are responsible for approximately \$11 billion of the state's GDP.¹⁹ In addition, they pay an estimated \$1.6 billion in state and local taxes every year that go to fund critical programs administered by *amici*.²⁰

DACA's nationwide impact has also been substantial. Across the country, adding DACA recipients to the workforce generated roughly \$30 billion in new earnings, which, according to one analysis from the Cato Institute, "ha[d] a job-creating ripple

¹⁸ Statement of Denver Mayor Michael Hancock, available at <https://www.denvergov.org/content/denvergov/en/mayors-office/newsroom/2017/mayor-hancock-statement-on-the-president-s-decision-to-end-daca.html>

¹⁹ Julia Wick, *L.A. Area DACA Recipients Contribute Approximately \$5.5 billion Annually to Economy, Chamber Estimates*, LAist (Sept. 21, 2017), available at <https://goo.gl/E9X7mp>

²⁰ Institute on Taxation and Economic Policy, *State & Local Tax Contributions of Young Undocumented Immigrants* (2017) (Washington D.C.), available at: <http://tinyurl.com/ITEPDACastudy>

effect on the economy.”²¹ Indeed it has. Recipients have made profound economic gains because of the DACA program. They have entered the work force, purchased their first homes, and built businesses that have revitalized their communities. According to one representative survey, 69% of employed DACA recipients moved to a higher-paying job while receiving deferred action, and 5% of recipients started a new business, a rate of entrepreneurship greater than among the general public.²² Over the next decade, these workers and business owners are estimated to contribute over \$460 billion to the national GDP.²³

DHS’s decision to rescind DACA will thus have a clear deleterious effect on *amici* and the nation as a whole. One story illustrates what is at stake for DACA recipients and *amici*.

Angelica Hernandez came to the United States at the age of nine with her mother. Growing up in Phoenix, she fell in love with robotics. While attending Carl Hayden High School, Angelica was a member of a team of students that won a national under-

²¹ Alex Nowrasteh, *Don’t End DACA: The Immigration Program Trump Must Save*, New York Post (Aug. 31, 2017), available at <https://goo.gl/3nk3KM>.

²² Center for American Progress, *DACA Recipients’ Economic and Educational Gains Continue to Grow* (2017) (CAP Study) Washington, D.C. The CAP Study is available at: <http://tinyurl.com/CAPDACAstudy>

²³ Silva Mathema, *Ending DACA Will Cost States Billions of Dollars*, Ctr. for Am. Progress (Jan. 9, 2017), available at <https://goo.gl/I8veJR>

water robotics competition, besting teams from other high schools and from elite engineering universities like MIT. Angelica's passion for robotics led her to Arizona State University, where she graduated *summa cum laude*, and then to Stanford, where she received a Master's Degree in Civil and Environmental Engineering. Today she works as an engineer on clean energy and energy efficiency programs at Nexant, a fast-growing energy company in her home town.

Because of DACA, Angelica was able to discover a passion and pursue her dream career. Not all of Angelica's teammates were so fortunate. Many graduated before the DACA program was announced and were unable to take advantage of its protections. Unlike Angelica, they were not able to follow their talents into a career in engineering. At a time when our country is facing a shortage of professionals in science, technology, engineering, and mathematics (STEM) fields, programs like DACA both prioritize our nation's limited enforcement resources and enable more young people to pursue professions, leaving *amici* and the nation stronger.

Amici have "vibrant econom[ies] because of the important contributions of all immigrants, including Dreamers and other undocumented individuals."²⁴ Petitioners' rescission of DACA denies thousands of recipients the opportunity to pursue their dreams and deprives *amici* of these young people's promise.

²⁴ Statement of Seattle Mayor Ed Murray, *available at* <http://murray.seattle.gov/mayor-murray-statement-potential-elimination-daca/>

B. Rescinding DACA Will Undermine *Amici*'s Public Safety Priorities.

DACA has helped make *amici*'s communities safer, because recipients are able to cooperate more freely and effectively with law enforcement.

When undocumented individuals fear interacting with law enforcement, it makes communities less safe and officers' jobs more difficult. Law enforcement agencies report that, as immigration enforcement and the threat of deportation increase, undocumented immigrants are substantially less likely to report crimes, including violent crimes.²⁵ One study estimates that granting legal status to 1% of undocumented immigrants in a county can lower crime rates there by 2 to 6%.²⁶ DACA recipients are also more likely to obtain government identification, saving valuable law enforcement resources by making it easier for police to identify victims and witnesses. Although then-Attorney General Sessions insinuated that DACA had "put our nation at risk of crime, vio-

²⁵ John Burnett, *New Immigration Crackdowns Creating 'Chilling Effect' on Crime Reporting*, National public Radio (May 25, 2017), available at <https://goo.gl/62P1mN>

²⁶ Scott R. Baker, *Effects of Immigrant Legalization on Crime: The 1986 Immigration Reform and Control Act*, Stanford Law and Econ. Olin Working Paper, at 25 (July 28, 2014) available at <https://goo.gl/MyX2oN>

lence and even terrorism,”²⁷ the facts show just the opposite.²⁸

Community policing strategies in *amici* cities and counties call for trust and engagement between law enforcement and the people they protect. As Los Angeles County’s then-sheriff put it shortly after Petitioners announced the September Memorandum, “Public safety is our mission. This requires that people come forward if they are a crime victim or be willing to come forth as a witness to a crime without fear of being deported. When I say that public trust is our currency, I mean it.”²⁹

Amici have prudently considered and created data-driven law enforcement policies to enhance trust with immigrant communities. That trust is undermined when residents fear interaction with the police, and law enforcement suffers as a result. Extensive evidence shows that undocumented immigrants—and their lawfully present family and

²⁷ Dep’t of Justice, Attorney General Sessions Delivers Remarks on DACA (Sept. 5, 2017), available at <https://goo.gl/Bhnwni>

²⁸ One study by the Cato Institute reported that only 0.25 of DACA recipients have been expelled from the program for criminal activity and that DACA recipients’ native-born counterparts were 14% more likely to be incarcerated. See *The DREAMer Incarceration Rate* (2017), CATO Institute, Washington, D.C. available at: <https://www.cato.org/publications/immigration-research-policy-brief/dreamer-incarceration-rate>.

²⁹ *L.A. County Sheriff Jim McDonnell’s statement about Senate Bill 54 regarding immigration*, The Signal (Sept. 16, 2017), available at <https://goo.gl/xQ5TWL>

neighbors—fear that turning to the police will bring adverse immigration consequences, and thus are less likely to report crimes.³⁰ DACA has promoted community policing and furthered *amici*'s efforts to ensure that deferred action recipients and their families and neighbors are less vulnerable to crime and exploitation. The rescission of DACA will undermine these crucial efforts, making *amici*'s communities less safe for their tens of millions of residents.

III. Petitioners' Purported Rescission of DACA is Unlawful.

Petitioners' decision to rescind DACA was a grave policy error that will undermine the safety and prosperity of cities and counties nationwide. And it was also unlawful. As each of the courts below correctly concluded, Petitioners acted arbitrarily and capriciously in violation of the Administrative Procedure Act (APA) when they abruptly ended DACA based on a cursory, dubious analysis of the program's legality.

³⁰ See, e.g., Theodore, Nik, *Insecure Communities: Latino Perceptions of Police Involvement in Immigration Enforcement*, Univ. of Ill. Chicago, at 5-6 (May 2013), available at <https://goo.gl/wK3O7o> (67% of undocumented individuals less likely to offer information to law enforcement as a witness and 70% less likely to contact law enforcement even if they were victims of a crime); Capps, Randy, et al., *Delegation and Divergence: A Study of 287(g) State and Local Immigration Enforcement* 43, Migration Policy Inst. (Jan. 2011) (finding in multiple counties that increased local-federal law enforcement cooperation meant "community respondents were likely to report that immigrants were venturing into public places with less frequency, failing to report crimes or interact with police, interacting less with schools and other institutions, patronizing local businesses less often, and changing their driving patterns").

See [opinions below]. Respondents deftly address Petitioners' arguments in their brief, *see* _____, and *amici* will not repeat them here.

Amici instead address two discrete legal issues that are of particular significance to them because of the substantial effects that the rescission of DACA will have on *amici* and their millions of residents.

First, Petitioners did not adequately consider the effects of rescission or the legitimate reliance interests engendered by the DACA program as they were required to do under the Court's precedent. This failure to follow the normal process is particularly acute here, because Petitioners' hasty wind down of the program will have consequences that reach far beyond DACA recipients to harm *amici*'s economies and communities.

Second, the courts below properly rejected Petitioners' post-hoc attempt in the June 22, 2018 memorandum from then-Secretary Kirstjen M. Nielsen (Nielsen Memorandum) to save the arbitrary and capricious decision announced in the September Memorandum. Although courts have, in limited circumstances, permitted an agency to provide a fuller explanation of the agency's stated rationale after the fact, an agency may not offer new and shifting rationales. The Court should not countenance Petitioners' effort to avoid judicial review and accountability by manufacturing new reasons for the rescission that were not stated in the September Memorandum.

A. Petitioners Did Not Adequately Consider the Harm From Repealing DACA.

“Federal administrative agencies are required to engage in ‘reasoned decisionmaking.’” *Michigan v. E.P.A.*, 135 S. Ct. 2699, 2706 (2015) (citation omitted). An agency “must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made.” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983).³¹ When an agency seeks to depart from prior policy, it must “demonstrate that the new policy rests upon principles that are rational, neutral, and in accord with the agency’s proper understanding of its authority.” *F.C.C. v. Fox Television Stations, Inc.*, 556 U.S. 502, 536 (2009). “In explaining its changed position, an agency must also be cognizant that longstanding policies may have engendered serious reliance interests that must be taken into account.” *Encino Motorcars, LLC v. Navarro*, 136 S. Ct. 2117, 2126 (2016). Petitioners’ explanation for rescinding DACA fails to meet these standards.

On September 5, 2017, then-Acting Secretary of Homeland Security Elaine C. Duke issued a memorandum rescinding DACA. [Sept. Mem.] In the five-page memorandum, Acting Secretary Duke summa-

³¹ *Cf. Judulang v. Holder*, 565 U.S. 42, 55 (2011) (“When reviewing an agency action, we must assess, among other matters, ‘whether the decision was based on a consideration of the relevant factors and whether there has been a clear error of judgment.’”) (quotation omitted).

rized the procedural history of litigation filed by Texas and a coalition of states challenging a separate deferred-action program called Deferred Action for Parents of Americans (DAPA). [Sept. Mem. at 2-4.]. *See also Texas v. United States*, 809 F.3d 134 (5th Cir. 2015), *aff'd by an equally divided Court*, 136 S. Ct. 2271 (2016). It also incorporates by reference a one-page letter from then-Attorney General Jeff Sessions, in which the Attorney General instructs Acting Secretary Duke to rescind DACA because its enactment was unlawful (Sessions Letter). [Sept. Mem. at 4 / Sessions Letter (noting that DACA had been “effectuated by the previous administration through executive action [and] “without proper statutory authority,” and concluding that “[s]uch an open-ended circumvention of immigration laws was an unconstitutional exercise of authority by the Executive Branch.”)].

Based on the outcome of the DAPA litigation and the Sessions Letter, the September Memorandum concluded that “it is clear that the June 15, 2012 DACA program should be terminated.” [Sept. Mem. at 4.] Although it acknowledges DHS’s departure from existing policy, the September Memorandum does not discuss the effects of the rescission, save for a passing reference to unexplained “complexities associated with winding down the program.” [Sept. Mem. at 4.] The memorandum makes no mention at all of any reliance interests likely to be harmed by the change in policy. Such cursory treatment of the wide-reaching impacts of September Memorandum does not comply with the APA.

Although a decision enacting a new policy generally need not provide more than a “rational connection between the facts found and the choice made,” *State Farm*, 463 U.S. at 43 (citation omitted), Acting Secretary Duke was not working “on a blank slate” when she issued the September Memorandum: the DACA program had been in place for over half a decade and offered protections and opportunities that have benefited not just individual applicants but also the public at large. Under these circumstances, “a more detailed justification” for the policy reversal is required. *Fox Television*, 556 U.S. at 515 (agency must “provide a more detailed justification than what would suffice for a new policy created on a blank slate” when its “prior policy has engendered serious reliance interests that must be taken into account”) (citation omitted); *accord Encino Motorcars*, 136 S. Ct. 2125–26.

As a result of the DACA program, nearly a million individuals, many from *amici*’s communities, have stepped out of the shadows and begun to lead productive lives openly and proudly. In taking that initial courageous step, the recipients relied on Petitioners’ representation that recipients’ sensitive information would not be used for immigration enforcement purposes.³² Beneficiaries also structured

³² USCIS, Frequently Asked Questions (Oct. 6, 2017), available at <https://goo.gl/s9HtK1> (“Information provided in this request is protected from disclosure to ICE and CBP for the purpose of immigration enforcement proceedings unless the requestor meets the criteria for issuance of a Notice To Appear or a referral to ICE under the criteria set forth in USCIS’ Notice to Appear guidance.”).

their education, employment, housing, and other life activities on the assumption that they would be able to renew their DACA status, including work authorization, if they continued to satisfy eligibility criteria.³³ [See DDC opinion – 298 F. Supp. 3d at 240 & n.24.] This reliance was not merely foreseeable, it was expected by DHS.³⁴

Petitioners’ decision to rescind DACA upsets these interests: it threatens to upend the enriching lives that DACA recipients have built and drive thousands of productive members of our communities to the margins of society. Despite the substantial effect that rescission will have on DACA recipients, the September Memorandum inexplicably contains no mention of these reliance interests. Petitioners’ passing reference to certain unidentified “complexities” associated with rescission, [Sept. Mem. at 4], falls far short of their obligation to “provide a reasoned explanation . . . for disregarding facts and circumstances that underlay or were engendered by the prior policy.” *Fox Television*, 556 U.S. at 515–16; *see also Perez v. Mortgage Bankers*

³³ Many DACA recipients who were able to achieve the dream of home ownership face the risk of losing their homes with the rescission of DACA. [Cite; <https://money.cnn.com/2018/01/24/news/economy/daca-dreamers-homeowners/index.html>]

³⁴ *See* Letter by Secretary Jeh Johnson dated December 30, 2016, to U.S. Rep. Judy Chu, *available at* <http://tinyurl.com/JehJohnsonLetter> (“We believe these representations made by the U.S. government, upon which DACA applicants most assuredly relied, must continue to be honored.”).

Ass’n, 135 S. Ct. 1199, 1209 (“[T]he APA requires an agency to provide more substantial justification . . . when its prior policy has engendered serious reliance interests that must be taken into account.”) (citation omitted).

The DACA program has also had far-reaching effects beyond individual recipients. When DACA was announced, the Obama Administration found that by granting young, long-term immigrants temporary protection and work authorization, the program would benefit not only the recipients, but the economy as a whole.³⁵ That is precisely what happened. Industries and employers have relied on DACA, employing ##### recipients over the last seven years. *Amici* have also relied on continuation of the program. As detailed above, the DACA program has made our communities economically robust and safer. *See supra* at pp__.

Petitioners did not even mention these interests, much less analyze rescission’s effects on them. Although they may be different in kind from recipients’ interests, *amici*’s and employers’ interests are no less relevant.³⁶ *See Encino Motorcars*, 136 S. Ct. at

³⁵ Memorandum from Sec’y Janet Napolitano on Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children 1–2, Dep’t of Homeland Security (June 15, 2012), *available at* <https://goo.gl/FVXqxq>; Remarks by Pres. Obama, June 15, 2012, *available at* <https://goo.gl/48kmbU>.

³⁶ Indeed, Congress has also directed that when agencies consider policy changes of this magnitude, they consider impact on small businesses and localities. *See* Regulatory Flexibility Act, 5 U.S.C. §§ 601, 603–604.

2126 (industry reliance on prior policy should be considered by agency).

Petitioners assert that “the Secretary sufficiently considered the reliance interests of DACA recipients” as required by the APA.³⁷ Pet. Br. 42. But Petitioners point to nowhere in the September Memorandum where Acting Secretary Duke considered any reliance interests. Instead, they rely exclusively on the Nielsen Memorandum. Pet. Br. 42. Even if the memorandum could be considered,³⁸ Secretary Nielsen’s after-the-fact explanation does not satisfy Petitioners’ burden.

The Nielsen Memorandum states that the Secretary did not come to her “conclusions lightly,” and was “keenly aware that DACA recipients have availed themselves of the policy in continuing their presence in this country and pursuing their lives.” [Nielsen Mem. 3.] This is the only discussion of the

³⁷ In passing, Petitioners appear to suggest that they were not required to consider reliance interests based on the presence of certain disclaimers in the policy memorandum. See Pet. Br. 42 (“By its own terms, the policy ‘confer[ed] no substantive right’ or lawful ‘immigration status.’”). Whether or not DACA recipients had a constitutionally protected liberty or property interest in the existence of the DACA program, however, does not mean that recipients had no *reliance interests* that Petitioners were required to consider. [EDNY Dec. 291 F. Supp. 3d at 432]; cf. *Encino Motorcars*, 136 S. Ct. at 2126–27 (agency required to consider automobile industry’s reliance interests in prior interpretation of Fair Labor Standards Act).

³⁸ As discussed below, the Nielsen Memorandum’s *post-hoc* explanations cannot permissibly be considered in assessing the legality of Petitioners’ decision to rescind DACA. See *infra* Section III.B.

significant reliance interests at stake. Such a “summary discussion . . . f[alls] short of the agency’s duty to explain why it deemed it necessary to overrule its previous position.” *Encino Motorcars*, 136 S. Ct. at 2126 (where agency stated that “it had ‘carefully considered all of the comments, analyses, and arguments made for and against the proposed changes,’ concluding that “[i]n light of the serious reliance interests at stake, the Department’s conclusory statements do not suffice to explain its decision”); *accord Perez*, 135 S. Ct. at 1209 (agency is “required to provide a reasoned explanation” for departure from past practice).

Compliance with the APA’s requirements is not a mere formality. *Cf. Citizens to Pres. Overton Park, Inc. v. Volpe*, 401 U.S. 402, 415 (1971) (review of agency action under APA is to be “thorough, probing, [and] in-depth”). An agency’s duty to consider reliance interests and competing concerns is a bulwark against arbitrary administrative action. Here, as elsewhere, the law seeks to protect settled expectations. *Cf. Landgraf v. USI Film Products*, 511 U.S. 244, 265 (1994) (“settled expectations should not be lightly disrupted”); *Hilton v. South Carolina Public Railways Commission*, 502 U.S. 197, 202 (1991) (“*Stare decisis* has added force when the legislature, in the public sphere, and citizens, in the private realm, have acted in reliance on a previous decision, for in this instance overruling the decision would dislodge settled rights and expectations . . .”). This case demonstrates precisely why the law imposes such a requirement.

Rescission of DACA not only forces XXX,XXX participants back into the shadows, but will have a lasting effect on communities nationwide. *Amici* cities and counties will bear the economic brunt—to the tune of billions of dollars annually—of Petitioners’ ill-considered decision. If there ever was a case to consider effects and reliance interests, it would be this one. Petitioners’ failure to do so is unlawful, and by itself or in combination with other legal shortcomings, *see* [Respondents’ Brief], it requires vacatur of Petitioners’ decision to rescind DACA. *See Encino Motorcars*, 136 S. Ct. at 2126–27 (agency policy change was unlawful where the agency did not sufficiently address reliance interests); *Nat’l Lifeline Ass’n v. Fed. Comm’n Comm’n*, 921 F.3d 1102, 1114–15 (D.C. Cir. 2019) (departure from prior forbearance policy was arbitrary and capricious where commission had failed to consider the primary effects of change, including the interests of providers who “had crafted business models and invested significant resources” in reliance on the prior policy).³⁹

B. Post-Hoc Rationalizations Do Not Insulate Petitioner’s Decision From Review or Render it Lawful.

On June 22, 2018, in response to the District of Columbia district court’s order vacating the Septem-

³⁹ *Accord Fox Television*, 556 U.S. at 515 (“It would be arbitrary and capricious to ignore such matters.”); *Smiley v. Citibank (S. Dakota), N.A.*, 517 U.S. 735, 742 (1996) (“[C]hange that does not take account of legitimate reliance on prior interpretation . . . may be ‘arbitrary, capricious [or] an abuse of discretion.’”) (third alteration in original) (citations omitted).

ber Memorandum,⁴⁰ Secretary Nielsen issued a memorandum further addressing DHS's decision to rescind the DACA program. [Nielsen Memo.] The Nielsen Memorandum did not purport to rescind DACA anew. [Nielsen Memo. at 1 (“Having considered the Duke memorandum and Acting Secretary Duke’s accompanying statement, the administrative record for the Duke memorandum that was produced in litigation, and the judicial opinions reviewing the Duke memorandum, I decline to disturb the Duke memorandum’s rescission of the DACA policy . . .”).] Instead, it attempted to elucidate “why the decision to rescind the DACA policy was, and remains, sound.” [*Id.*] In explaining her “understanding of the Duke memorandum,” Secretary Nielsen offered additional detail supporting Acting Secretary Duke’s conclusion that DACA was unlawful. [Nielsen Memo. at 2.] She also set forth new policy rationales not reflected in the September Memorandum that are independent of whether DACA is “illegal or legally questionable.” [Nielsen Memo. at 2-3.]

Petitioners rely on the Secretary’s new explanations to argue that the September Memorandum is unreviewable by this Court, *see* Pet. Br. 26–32, and in an attempt to correct legal defects that infect the September Memorandum, *see* Pet. Br. 37–43, but the

⁴⁰ The district court concluded that “DACA’s rescission was unlawful and must be set aside” because it was predicated on a judgment of the DACA program’s lawfulness that “was virtually unexplained” and thus arbitrary and capricious. [DDC Op./298 F. Supp. 3d at 249.] The court, however, stayed its order of vacatur for ninety days “to afford DHS an opportunity to better explain its view that DACA is unlawful.” *Id.*

Nielsen Memorandum cannot carry either point. “A court may uphold agency action only on the grounds the agency invoked when it took the action.” *Michigan*, 135 S. Ct. at 2710 (quoting *SEC v. Chenery Corp.*, 318 U.S. 80, 87 (1943)). Accordingly, Secretary Nielsen’s new, after-the-fact explanations provide no basis to disturb the lower courts’ decisions.

1. *The Nielsen Memorandum Does Not Alter the Reviewability Determination Made by the Courts Below.*

Each of the courts below concluded that Petitioners’ decision to rescind the DACA program is reviewable under the APA. [See 9th Cir., DDC, EDNY ops.] These decisions are correct, *see* Resp. Br. ___, and the Nielsen Memorandum provides no basis for disturbing those determinations.

“[C]ourts retain a role, and an important one, in ensuring that agencies have engaged in reasoned decisionmaking.” *Judulang*, 565 U.S. at 53. Although there is a “strong presumption” in favor of judicial review of agency action, *Bowen v. Mich. Acad. of Family Physicians*, 476 U.S. 667, 670 (1986), the APA bars judicial review of agency action “committed to agency discretion by law.” 5 U.S.C. § 701(a)(2). “This is a very narrow exception” applicable only “in those rare instances where statutes are drawn in such broad terms that in a given case there is no law to apply.” *Overton Park*, 401 U.S. at 410.

Petitioners argue that the rescission of DACA is the type of enforcement decision that is presumptively unreviewable under the APA. *See* Pet. Br. 17–21.

In support of this position, they rely on the Court's decision in *Heckler v. Chaney*, 470 U.S. 821 (1985). There, the Food and Drug Administration declined to take enforcement action against prison officials for using certain drugs in human executions when they had not been approved for that purpose. *Id.* at 823–24. In response to a petition from a group of death row inmates, the agency questioned whether it had jurisdiction to prohibit the use of drugs in executions, but concluded that assuming it did have jurisdiction, it would “decline to exercise it under [the agency’s] inherent discretion.” *Id.* at 824. The Court held that the agency’s discretionary decision not to enforce was unreviewable under the APA, concluding that “agency refusals to institute investigative or enforcement proceedings” fall within the narrow general exception to reviewability. *Id.* at 837–38. The Court, however, expressly did not reach the question whether “a refusal by the agency to institute proceedings based solely on the belief that it lacks jurisdiction” might nonetheless be reviewable under the APA. *Id.* at 833 n.4.

Each of the courts below rejected Petitioners’ argument that the rescission of DACA is the type of discretionary decision that enjoys a *Chaney*-presumption of nonreviewability.

The Eastern District of New York rejected Petitioners’ assertion that “the decision to rescind the DACA program constitutes ‘an exercise of enforcement discretion’ that is ‘entrusted to the agency alone’ and immune from judicial review.” [E.D.N.Y. op. / 295 F. Supp. 3d at 149.] Judge Garaufis reasoned that the “decision to rescind DACA is unlike

the non-enforcement decision at issue in *Chaney*” because the rescission was actually an enforcement decision, not a non-enforcement decision. [E.D.N.Y. op. / 295 F. Supp. 3d at 149–50.] As the court noted, Respondents did not challenge DHS’s refusal to prosecute certain alleged violations of law or individual non-enforcement decisions, because DHS’s rescission of DACA was a commitment to take enforcement action. [*Id.*] The court also reasoned that Petitioners’ decision to rescind DACA was not motivated by a “complicated balancing of . . . factors” within their expertise, as was the case in *Chaney*, but instead was based on their understanding that the program was unlawful. [*Id.*]

The Ninth Circuit similarly concluded that Acting Secretary Duke’s decision was reviewable under the APA. While acknowledging that Petitioners’ decision falls outside the bounds of *Chaney* because it implicated *enforcement* action [9th Cir. op. fn. 13] (not non-enforcement action), the court based its conclusion on circuit precedent that “directly addressed the question” left open by *Chaney*’s footnote four. [9th Cir. op./ 908 F.3d at 497.] The court followed *Montana Air Chapter No. 29 v. Federal Labor Relations Authority*, 898 F.2d 753 (9th Cir. 1990), which held that a nonenforcement decision is presumptively reviewable “if it is based solely on the belief that the agency lacked the lawful authority to do otherwise,” and concluded that it could review Petitioners’ decision because it was based on Petitioners’ belief that DACA was unlawful. [*Id.*]

Finally, the District Court for the District of Columbia also concluded that DHS’s decision was re-

viewable under the APA. [DDC op. / 298 F. Supp. 3d at 234.] The court concluded that Petitioners' decision did not reflect a "discretionary enforcement policy," but instead represented a "legal interpretation[] couched as [a] broad enforcement polic[y]," which fell outside of *Chaney* and was reviewable. [*Id.* at 231 (citing *OSG Bulk Ships, Inc. v. United States*, 132 F.3d 808 (D.C. Cir. 1998)).]

Although the courts below employed slightly different reasoning, their reviewability analysis shares a common thread—an enforcement decision, particularly one based on the agency's interpretation of its legal authority, is not a presumptively unreviewable exercise of discretion under Section 701. [See 9th Cir. op. / 908 F.3d at 497 ("[W]here the agency's decision is based not on an exercise of discretion, but instead on a belief that any alternative choice was foreclosed by law, the APA's 'committed to agency discretion' bar to reviewability [] does not apply."); DDC op. / 298 F. Supp. 3d at 234 (rescission solely supported by "a legal determination which, when made in the context of a general enforcement policy, is not subject to *Chaney*'s presumption of unreviewability"); EDNY Op. / 295 F. Supp. 3d at 150 ("Defendants stated that they were required to rescind the DACA program because it was unlawful, which suggests both that Defendants did not believe that they were exercising discretion when rescinding the program and that their reasons for doing so are within the competence of this court to review.").] Because the only reason provided for rescission in the September Memorandum was Acting Secretary Duke's and Attorney General Session's conclusions

that DACA was unlawful, that decision was reviewable under the APA. [9th Cir. op. / 908 F.3d at 499–503; DDC op. / 298 F. Supp. 3d at 234; .E.D.N.Y. op. / 295 F. Supp. 3d at 149–50.]

Against this backdrop,⁴¹ the irrelevance of the Nielsen Memorandum is clear. Insofar as the memorandum offered additional explanation regarding the program’s purported unlawfulness, [see Nielsen Memo. at 2 (discussing Attorney General’s conclusion that DACA “was contrary to law” and other “serious doubts about its legality”)], it does not change the fact that the Acting Secretary’s decision to rescind DACA was based on the belief that the program was unlawful. Such a decision is reviewable, whether supported only by the September Memorandum’s bare analysis or Secretary Nielsen’s additional explanation. And to the extent the Nielsen Memorandum offered rationales separate and distinct from the sole reason provided in the September Memorandum, [see, e.g., Nielsen Memo. at 2–3 (discussing “sound reasons of enforcement policy to rescind the DACA policy”)], those after-the-fact explanations cannot insulate the Acting Secretary’s decision from review.⁴²

⁴¹ As discussed at length by Respondents, the conclusion reached by the courts below is consistent with the Court’s precedent, including its decision in *ICC v. Board of Locomotive Engineers*, 482 U.S. 270 (1987), and most closely adheres to the concerns animating the *Chaney* presumption. Resp. Br. ____.

⁴² The Ninth Circuit refused to consider the Nielsen Memorandum because it was not part of the administrative record, but also noted that it constituted an impermissible “post-hoc rationalization” of the decision to rescind DACA. [See 9th Cir.

Post-hoc rationalizations “have traditionally been found to be an inadequate basis for review” of agency decisions. *Overton Park*, 401 U.S. at 419. Although the Court has approved the procedure of limited remand to an agency for further explanation of prior articulated reasoning, *see id.* at 420, such a remand is “for a fuller explanation of the agency’s reasoning *at the time of the agency action*,” *Pension Benefit Guaranty Corp. v. LTV Corp.*, 496 U.S. 633, 654 (1990) (emphasis added). New rationales advanced after the fact must be disregarded. *Cf. Chenery*, 318 U.S. at 88 (APA review is based solely on “the grounds upon which the [agency] itself based its action”).

This rule makes perfect sense. The APA is meant to promote accountability of federal agencies to the public. *Cf. Franklin v. Massachusetts*, 505 U.S. 788, 796 (1992) (“The APA sets forth the procedures by which federal agencies are accountable to the public and their actions subject to review by the courts.”); *Block v. Cmty. Nutrition Inst.*, 467 U.S. 340, 348–49 (1984) (discussing presumption in favor of judicial review of agency action). If agencies were permitted to go back to the drawing board and manufacture

op./ 908 F.3d at 510 n.24.] The District of Columbia District Court considered the Nielsen Memorandum, but concluded that certain rationales were new post-hoc rationalizations whereas others built upon Acting Secretary Duke’s reviewable legal conclusion. [See DDC op. / 315 F. Supp. 3d at 465–67.] However you cut it, the Nielsen Memorandum does not provide a basis for altering the lower courts’ reviewability determination: any further legal analysis does not change the fact that DHS’s legal conclusion is reviewable, and any new rationales should be disregarded.

new rationales for challenged decisions in order to short-circuit any judicial review, the APA would be rendered impotent. But that is exactly what Petitioners seek to do here.

Petitioners argue that the Court need only disregard post-hoc explanations offered by *counsel*. Pet. Br. 29 (“[C]ourts may not accept *appellate counsel’s* post hoc rationalizations for agency action.”) (emphasis in original) (internal quotation marks omitted). Petitioners’ rejoinder misses the mark. The crucial issue is not *who* provides the subsequent reasoning, but *what* that after-the-fact reasoning is (i.e., whether it provides further explanation of prior stated reasons or supplies new rationales altogether). The post-hoc rationalization rule aims to ensure that an agency action is upheld only on the basis of the grounds *that were provided at the time the action was taken*. See *Camp v. Pitts*, 411 U.S. 138, 143 (1973) (agency action must “stand or fall” based on “determinative reason” identified in the agency’s “contemporaneous explanation”) (citing *Chenery*, 318 U.S. at 80); *Food Mktg. Inst. v. ICC*, 587 F.2d 1285, 1290 (D.C. Cir. 1978) (“*Post-hoc* rationalizations by the agency on remand are no more permissible than are such arguments when raised by appellate counsel during judicial review.”); cf. *Pension Benefit Guar. Corp.*, 496 U.S. at 654 (remand limited to explanation of “agency’s reasoning at the time of the agency action”).

An agency is of course permitted to take *new* action in response to a legal challenge. For example, DHS could have rescinded the September Memorandum and issued a new decision. Secretary Nielsen

could have then contemporaneously “explain[ed] *her* reasons” for rescinding the DACA program. Pet Br. 29. Petitioners expressly refused to do so. [Nielsen Memo. at 1 (“I decline to disturb the Duke memorandum’s rescission of the DACA policy.”).] Whatever Petitioners’ reasons were for that decision, it came with consequences, *see* Resp. Br. ___, one of which was that Secretary Nielsen could not offer *new rationales* for rescission not included in the September Memorandum. Because the Nielsen Memorandum offered either further reasoning of DHS’s reviewable legal conclusion or new explanations that must be disregarded, it provides no basis to alter the lower courts’ conclusions that Petitioners’ rescission of DACA is reviewable under the APA.

2. *The Nielsen Memorandum Does Not Save Petitioners’ Decision to Rescind DACA From Being Arbitrary and Capricious.*

In addition to arguing that the Nielsen Memorandum renders DHS’s decision unreviewable, Petitioners assert that it establishes that the rescission of DACA was lawful. Pet. Br. at 37–43. As with the reviewability analysis, however, the memorandum cannot shore up Petitioners’ inadequate decision-making.

The giving of “adequate reasons” for an agency’s decision is “[o]ne of the basic procedural requirements of administrative rulemaking.” *Encino Motors*, 136 S. Ct. at 2125. In a challenge under the APA, “an agency’s action must be upheld, if at all, on the basis articulated by the agency itself.” *State Farm*, 463 U.S. at 50. As discussed above, post-hoc rationalizations that do not build on the agency’s

contemporaneous explanation but instead provide new reasons for the decision cannot be considered in an arbitrary-and-capricious-review of the agency action. *See Pension Benefit Guar. Corp.*, 496 U.S. at 654; *Camp*, 411 U.S. at 143; *Overton Park*, 401 U.S. at 419.

Either the statements set forth in the Nielsen Memorandum are enlarging on Petitioners' *old* rationale about DACA's legality or they are *new* reasons for rescission. But either way, Petitioners' decision is arbitrary and capricious.

Certain reasons provided in the Nielsen Memorandum fit comfortably into the former category. Secretary Nielsen's reaffirmation of Acting Secretary Duke's and Attorney General Sessions's conclusions that DACA was unlawful, [Nielsen Memo. at 2 (noting the Attorney General's conclusion that "the DACA policy was contrary to law" and that she was "bound by" that determination)], and discussion of reasons "to avoid discretionary policies that are legally questionable" [*id.*], mirror the legal rationale provided in the September Memorandum. [Sept. Memo. at 1–2.]

Although these after-the-fact statements may not be improper, *cf. Pension Benefit Guar. Corp.*, 496 U.S. at 654 (remand to agency may be appropriate "for a fuller explanation of the agency's reasoning at the time of the agency action"), they do not change the central conclusion underlying the September Memorandum—that DACA was unlawful. [See DDC op. / 315 F. Supp. 3d at 465–67, 471–73 (considering above-referenced policy rationales from Nielsen Memorandum and finding no basis to alter conclu-

sion that rescission was arbitrary and capricious).] That legal conclusion was erroneous when Petitioners issued the September Memorandum, *see* Resp. Br. ____, and remains so even with Secretary Nielsen’s additional analysis.⁴³ Because it was based on a faulty legal conclusion, the decision to rescind DACA must be set aside. *See Chenery*, 318 U.S. at 94 (“[I]f the action is based upon a determination of law as to which the reviewing authority of the courts does come into play, an order may not stand if the agency has misconceived the law.”).

The other reasons stated in the Nielsen Memorandum are new and were never previously considered by Acting Secretary Duke. Secretary Nielsen discussed various “policy reasons of enforcement policy” supporting the rescission, including her belief

⁴³ Petitioners contend that DHS correctly concluded that DACA was unlawful in part because the DACA program is not an “interstitial matter” of immigration enforcement over which the agency retains authority. Pet. Br. 44 (citing *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 159 (2000)). Instead, they assert it is an “agency decision[] of vast ‘economic and political significance,’” pointing to work authorization, which Petitioners claim “aid [DACA recipients] in their continuing unlawful presence.” Pet. Br. 44–45 (citing *Utility Air Regulatory Grp. v. EPA*, 573 U.S. 302, 324 (2014)). Petitioners’ argument is meritless, *see* Resp. Br. ____, and relies on an incorrect premise. The availability of work authorization is not grounded in the DACA program. Instead, it flows from the Secretary of Homeland Security’s express authority to “authorize” various immigrants for employment who have shown “economic necessity to work.” 8 U.S.C. § 1324a(h)(3). The Secretary has for decades granted work authorization to certain qualified immigrants and exercised her discretion to do so for DACA recipients when instituting the program in 2012.

that DHS should not adopt broad policies of non-enforcement when they were not authorized by Congress, should only exercise its discretion on a case-by-case basis, and should project a clear message about “enforcement of the immigration laws.” [Nielsen Memo. at 2–3.] The five-page September Memorandum did not discuss these reasons for rescission.⁴⁴ [Sept. Mem.] The Nielsen Memorandum’s cursory discussion of recipients’ reliance interests, [Nielsen Memo. at 3], likewise had no root in the September Memorandum, [Sept. Mem.]. Such after-the-fact justifications are irrelevant to the Court’s arbitrary-and-capricious analysis. *See Camp*, 411 U.S. at 143; *Food Mktg. Inst.*, 587 F.2d at 1290.

* * *

Petitioners lean heavily on the Nielsen Memorandum to support their assertions that the decision to rescind the DACA program is not subject to judicial review and is substantively valid. *See* Pet. Br. 26–32, 37–43, 50–52. The three-page memorandum,

⁴⁴ Petitioners note that the District of Columbia district court concluded that certain of these policy reasons were not “post-hoc rationalizations.” Pet. Br. 29. *Amici* submit that these reasons are best viewed as new, post-hoc rationalizations for Acting Secretary Duke’s decision to rescind DACA. The September Memorandum provides only a single reason: the conclusion that DACA was unlawful [September Mem.]; it speaks nothing of “litigation risks,” “reasons for a law enforcement agency to avoid discretionary policies that are legally questionable,” or other “sound reasons for enforcement policy.” [Nielsen Mem. at 2.] As explained in the preceding paragraph, even these policy reasons merely expound on Acting Secretary Duke’s original legal conclusion, they do change the fact that Petitioners’ decision was arbitrary and capricious.

however, supplied little more than new reasons for the decision, first articulated nine months after the initial agency action, designed to prevent the Court's review and shore up legal arguments to support the September Memorandum. Under this Court's precedent, such explanations provide no basis to disturb the lower courts' reviewability and merits determinations.

CONCLUSION

For the foregoing reasons, the September Memorandum undermines *amici's* interests in fostering safe, prosperous communities where all individuals—including the hundreds of thousands of residents receiving deferred action under DACA—are given an opportunity to participate and grow. The courts below correctly decided that Petitioners' decision to rescind DACA is reviewable and unlawful. Accordingly, the Court should affirm the judgments of the Ninth Circuit and the District Court for the District of Columbia, and the orders of the Eastern District of New York.

Respectfully submitted,

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October 2019

MEMORANDUM
City Council Agenda Item

FROM:

DATE: September 17, 2019

SUBJECT: **Order 44-19/20 Designating 17 Structures on or Adjacent to Forest Avenue as Historic Landmarks and Amending the Map of Designated Historic Resources - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon Jennings, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes (If no why not?)

PRESENTATION: Christine Grimando, Acting Director, Department of Planning and Urban Development

Deb Andrews, Historic Preservation Program Manager

5-8 minute presentation

I. SUMMARY

The Historic Preservation Board is recommending that 17 historic structures on or adjacent to Forest Avenue be designated as individual landmarks under the provisions of the historic preservation ordinance, based on findings that each of the subject structures meets the minimum criteria for landmark designation.

II. AGENDA DESCRIPTION

The Historic Preservation Board met on July 24, 2019, and voted 6-0 to forward this item to the City Council with a recommendation for passage.

The Historic Preservation Board is recommending that seventeen 17 historic structures on or adjacent to Forest Avenue be designated as individual landmarks under the provisions of Portland's historic preservation ordinance. Properties recommended for landmark designation are as follows: 309, 330, 331, 343, 355, 364, 495, 501, 517, 525, 533, 617, 630, 643-651, 648 and 660 Forest Avenue; and 536 Deering Avenue.

All of the buildings, located between the I-295 interchange and Woodfords Corner, are thematically related in that they represent key chapters in Forest Avenue's late 19th and early 20th century development, particularly its era as a street car line serving the emerging suburban neighborhoods around it as well as the period when this section of Forest Avenue was known as "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses. The Historic Preservation Board's recommendation is based on findings that each of the buildings meet the historic preservation ordinance's minimum criteria for designation.

Designation of Forest Avenue's key historic structures is pursuant to a number of expressed goals and strategies included in the City's recently adopted Comprehensive Plan, Portland's Plan 2030. In the Plan, Woodfords Corner is identified as a priority node warranting enhancement in order to better serve

neighborhood needs. The Plan identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth. The Plan also recommends ongoing identification and designation of important historic assets, particularly in off-peninsula areas, and highlights historic preservation as an effective economic development tool. By preserving and enhancing Forest Avenue's key historic assets, the corridor's unique identity will be retained and the positive urban design characteristics exhibited by the identified historic structures will serve as a model for new development.

Landmark designation does not run counter to the City's goal of encouraging additional mixed-use, higher density growth along Forest Avenue. As is made clear in the cover document accompanying the recommended landmark designations and in the individual building descriptions themselves, the subject properties may be more intensively developed in the future, either through the construction of additional floors set back from the building façade and/or removal of noncontributing rear portions of the building for redevelopment. This preservation approach has been used effectively in numerous communities with designated one-or two-story historic auto showrooms.

This item was given a first reading on September 4, 2019. Second reading was given on September 16, 2019 and postponed to this meeting. Five affirmative votes are required for passage.

III. BACKGROUND

This designation initiative is based on the findings of several historic building surveys conducted of Forest Avenue, including a 2011 survey conducted by the Maine Historic Preservation Commission that found all of the subject structures eligible for listing in the National Register of Historic Places. An updated and more detailed survey conducted by Greater Portland Landmarks in 2015 with assistance from the City of Portland shed additional light on their significance and eligibility for designation.

Other considerations prompted this designation effort as well. Planning and Historic Preservation staff wish to be proactive in identifying Forest Avenue's historic structures as assets that warrant preservation rather than responding on a case-by-case basis when a proposal for demolition or redevelopment is brought forward. Designation provides a level of certainty regarding the status of the property that is to all parties' advantage. Staff recognize that this section of Forest Avenue is likely to evolve in the coming years as the mix of uses changes, USM grows, demand for housing increases, etc. With these potential changes, there is an opportunity to build upon the identified assets of the street and encourage a development pattern that is more consistent with the City's urban design goals. The historic buildings that remain on Forest Avenue exhibit many of the urban design characteristics that the Planning & Urban Development Department hopes to encourage in new development.

Finally, this designation proposal is part of a broader initiative on the part of the City of Portland to invest in Forest Avenue and Woodfords Corner with public infrastructure improvements, public art and zoning changes. It also complements the goals of the Friends of Woodfords Corner, which was formed in 2015 to become an advocate for revitalizing the area. Indeed, by seeking Main Street Affiliate status through the National Main Street program, the organization recognizes that preservation is a key element of the Main Street strategy.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

As noted above, designation of key historic landmarks on Forest Avenue and at Woodfords Corner is consistent with several stated goals of the 2030 Comprehensive Plan.

V. FINANCIAL IMPACT

There is no immediate or direct fiscal impact from the proposed change. Designated historic commercial structures have been shown to not only hold their value, but to appreciate at a higher rate than new commercial structures. Additionally, as noted above, historic designation does not preclude more intensive development on portions of the subject properties.

VI. STAFF ANALYSIS AND BACKGROUND

Prior to any public review process, Historic Preservation and Planning Staff made numerous efforts - in letters and e-mails - to reach out to the owners of properties identified for potential designation. Property owners were invited to meet with or call staff so that their questions could be answered and any specific concerns addressed. With little to no response from the affected property owners, staff was directed to proceed with the public review process. Four preliminary workshops were held to review the intent of designation, describe the historic and/or architectural significance of the individual structures and describe the larger planning context of this initiative. Public comment was taken at each meeting.

During the workshops, a number of the affected property owners voiced opposition to the designation. Among the arguments made were that designation would reduce the value of their property, make their building difficult to sell, affect their ability to use the property as they needed to, make it harder and more costly to make changes to their building. Some owners objected to any outside oversight of their buildings, noting that they had been good stewards of their property and that they saw designation as "punishment" for their efforts.

To further clarify the process and implications of designation, affected property owners were invited to an additional informational session prior to the public hearing. The presentation included details on what activities require review under the historic preservation ordinance, the review process, timeframes for review and approval, etc. The session was attended by representatives of only two of the nominated properties.

VII. RECOMMENDATION

On July 24th, the Historic Preservation Board voted unanimously to recommend to the City Council that the properties at 309, 330, 331, 343, 355, 364, 495, 501, 517, 525, 533, 617, 630, 643-651, 648 and 660 Forest Avenue and 536 Deering Avenue receive landmark designation.

VIII. LIST ATTACHMENTS

1. Staff Memo re Final Edits to Cover Document and Building Descriptions
2. Amendment to Order 44-FY19 Forest Avenue Historic Structures Designation 9.4.2019
3. Att. 1 - Forest Avenue Historic Structures Designation 9.4.2019
4. Att. 2 - Redlined Cover Document for Forest Avenue and Deering Avenue Landmark Nominations (1)
5. Att. 3 - Edited Inventory Forms
6. Att. 4 - 7-24-29 staff report to HP Board
7. Att. 5 - 10-7-19 CC Workshop Staff Report and Attachments
8. Att. 6 - Forest Avenue Summary Historic Context Statement
9. Att. 7 - Map of Forest Avenue designations
10. Att. 8 - Summary page for nominated landmarks
11. Att. 9 - Individual Building Descriptions
12. Att. 10 - Public Comment

Prepared by:

Date: 9/17/2019



CITY OF PORTLAND
Planning & Urban Development

MEMORANDUM

TO: Mayor Strimling and Members of the Council
FROM: Christine Grimando, Acting Director, Dept. of Planning & Urban Development
Deb Andrews, Historic Preservation Program Manager
DATE: October 16, 2019
SUBJECT: Forest Avenue Landmark Designations – Suggested edits to cover document
(including added design guidelines), edits to individual building descriptions

At the October 7 workshop on the proposed landmark designation of seventeen historic structures on Forest Avenue and Deering Avenue, several councilors expressed the view that the documents describing the landmark designations should include greater specificity with respect to potential future alterations, additions and/or new construction at the subject properties. The aim of such specificity would be to communicate to property owners as well as future staff and review boards the City's intent to balance the goal of preserving key historic structures along this section of Forest Avenue with the goal of encouraging more intensive development. Councilors also wanted greater clarity as to how new infill construction adjacent to the designated landmarks would be reviewed.

In response to Council comment, staff has edited the cover document that accompanies the Historic Resource Inventory Forms (building descriptions) for each of the seventeen structures. Staff has also edited the individual building descriptions to more clearly identify those portions of the designated landmarks that would be considered "noncontributing" in future reviews. Note that a number of the nominated structures do not include "noncontributing" areas of the building (e.g. Odd Fellows Hall) and therefore do not include added language identifying such. It should be noted, however, that building additions and alterations are not precluded for any historic property under the historic preservation ordinance.

Attached are red-lined versions of the edited cover document and inventory forms. Note that design guidelines have been added to the cover document which will apply to this group of designated landmarks. The design guidelines address the issues of building height, alterations not readily visible from a public way, review implications for noncontributing portions of buildings and applicability of the 100-foot rule for adjacent development.

**AMENDMENT 1 TO ORDER 44-19/20
PREPARED BY COUNCILOR COOK**

COSPONSORED BY COUNCILORS COOK, COSTA AND BASTON

RE: DESIGNATING 5 STRUCTURES AT WOODFORDS CORNER AS LANDMARKS

**ORDER DESIGNATING 5 STRUCTURES ON ~~OR ADJACENT TO~~
FOREST AVENUE AS HISTORIC LANDMARKS
AND AMENDING THE MAP OF DESIGNATED HISTORIC RESOURCES**

WHEREAS, the City Council is authorized pursuant to Portland City Code Chapter 14, Section 622 to designate structures as historic landmarks in the City; and

WHEREAS, the Portland Historic Preservation Board has recommended ~~the designation of seventeen these~~ (517) structures on ~~or adjacent to~~ Forest Avenue as historic landmarks, based on findings that each of the structures meets the minimum criteria for landmark designation; and

WHEREAS, the 517 structures remain as a record of Forest Avenue's development history; ~~including its era as a streetcar line serving Deering's new residential neighborhoods around the turn of the century and the decades when it was recognized as Portland's "Auto Row";~~ and

WHEREAS, the designation of the 517 structures on ~~or adjacent to~~ Forest Avenue as historic landmarks will fulfill a stated objective of the Comprehensive Plan called the Portland Plan 2030 to protect the City's historic resources through ongoing identification and designation of eligible landmarks and districts; and

WHEREAS, the designation of the 517 structures on ~~or adjacent to~~ Forest Avenue as historic landmarks will fulfill other stated objectives of the Portland Plan 2030, which identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth, through identifying and designating important historic assets in this off-peninsula area; and

WHEREAS, the designation will prevent the demolition of these 517 structures on ~~or adjacent to~~ Forest Avenue and avoid the incremental loss of character that can occur through inappropriate building alterations and additions over time, and will

encourage renovation and additions that are compatible with the buildings' historic character; and

WHEREAS, the designation will not preclude future redevelopment of noncontributing portions of the subject properties, which are identified in the individual building descriptions;

NOW THEREFORE BE IT HEREBY ORDERED, that, pursuant to Chapter 14, Section 622, the Portland City Council hereby designates the 517 structures on ~~or adjacent to~~ Forest Avenue in the following list as historic landmarks; and

1. ~~309 Forest Avenue;~~
2. ~~330 Forest Avenue;~~
3. ~~331 Forest Avenue;~~
4. ~~343 Forest Avenue;~~
5. ~~355 Forest Avenue;~~
6. ~~364 Forest Avenue;~~
7. ~~495 Forest Avenue;~~
8. ~~501 Forest Avenue;~~
9. ~~517 Forest Avenue;~~
10. ~~525 Forest Avenue;~~
11. ~~533 Forest Avenue;~~
12. 1. 617 Forest Avenue;
13. 2. 630 Forest Avenue;
14. 3. 643-651 Forest Avenue;
15. 4. 648 Forest Avenue;
16. 5. 660 Forest Avenue; and
17. ~~536 Deering Avenue;~~

BE IT FURTHER ORDERED, that the map of Historic Districts with Landmarks and Historic Landscape Districts is hereby amended to include the 517 structures on ~~or adjacent to~~ Forest Avenue as landmarks as set forth on the attached map.

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER DESIGNATING 17 STRUCTURES ON OR ADJACENT TO
FOREST AVENUE AS HISTORIC LANDMARKS
AND AMENDING THE MAP OF DESIGNATED HISTORIC RESOURCES**

WHEREAS, the City Council is authorized pursuant to Portland City Code Chapter 14, Section 622 to designate structures as historic landmarks in the City; and

WHEREAS, the Portland Historic Preservation Board has recommended the designation of seventeen (17) structures on or adjacent to Forest Avenue as historic landmarks, based on findings that each of the structures meets the minimum criteria for landmark designation; and

WHEREAS, the 17 structures remain as a record of Forest Avenue's development history, including its era as a streetcar line serving Deering's new residential neighborhoods around the turn of the century and the decades when it was recognized as Portland's "Auto Row"; and

WHEREAS, the designation of the 17 structures on or adjacent to Forest Avenue as historic landmarks will fulfill a stated objective of the Comprehensive Plan called the Portland Plan 2030 to protect the City's historic resources through ongoing identification and designation of eligible landmarks and districts; and

WHEREAS, the designation of the 17 structures on or adjacent to Forest Avenue as historic landmarks will fulfill other stated objectives of the Portland Plan 2030, which identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth, through identifying and designating important historic assets in this off-peninsula area; and

WHEREAS, the designation will prevent the demolition of these 17 structures on or adjacent to Forest Avenue and avoid the incremental loss of character that can occur through inappropriate building alterations and additions over time, and will encourage renovation and additions that are compatible with the buildings' historic character; and

WHEREAS, the designation will not preclude future redevelopment of noncontributing portions of the subject properties, which are identified in the individual building descriptions;

NOW THEREFORE BE IT HEREBY ORDERED, that, pursuant to Chapter 14, Section 622, the Portland City Council hereby designates the 17 structures on or adjacent to Forest Avenue in the following list as historic landmarks; and

1. 309 Forest Avenue;
2. 330 Forest Avenue;
3. 331 Forest Avenue;
4. 343 Forest Avenue;
5. 355 Forest Avenue;
6. 364 Forest Avenue;
7. 495 Forest Avenue;
8. 501 Forest Avenue;
9. 517 Forest Avenue;
10. 525 Forest Avenue;
11. 533 Forest Avenue;
12. 617 Forest Avenue;
13. 630 Forest Avenue;
14. 643-651 Forest Avenue;
15. 648 Forest Avenue;
16. 660 Forest Avenue; and
17. 536 Deering Avenue;

BE IT FURTHER ORDERED, that the map of Historic Districts with Landmarks and Historic Landscape Districts is hereby amended to include the 17 structures on or adjacent to Forest Avenue as landmarks as set forth on the attached map.

Forest Avenue and Deering Avenue Landmark Nominations



The seventeen historic structures described in the following Historic Resources Inventory forms ~~are have been nominated designated for as~~ individual landmarks ~~s designation~~ under the provisions of Portland's historic preservation ordinance. The buildings ~~are~~ 309, 330, 331, 343, 355, 364, 355, 495, 510, 517, 525, 533, 617, 630, 643-651, 648, and 660 Forest Avenue and 536 Deering Avenue.

The buildings, all but one of which are located on Forest Avenue, represent key chapters in Forest Avenue's late nineteenth and early twentieth century development, particularly its era as a street car line that served the emerging suburban Deering neighborhoods around it as well as the period when it became known as Portland's "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses.

Although the buildings are historically and thematically related, they are ~~nominated designated as for~~ individual landmarks ~~s designation~~. Given the distance between some of the buildings, the option of creating a contiguous historic district that encompassed all seventeen structures and included large areas of non-historic development was determined not to be appropriate. All of the buildings meet at least one or more criteria for landmark designation because of their significance to the historical development of Forest Avenue and because many of the buildings are architecturally significant in their own right or represent a unique building type in Portland.

In recommending that the City Council designate historic structures on Forest Avenue and at Woodfords Corner, the Historic Preservation Board recognized ~~d~~s the need to balance the goal of preserving historic assets with the need to encourage new development along this important corridor. To that end, the Board ~~wishes to note~~ noted that the historic preservation ordinance review standards are not intended to preclude alterations or additions to historic structures, including the introduction of additional floors to existing low-scale buildings. Indeed, numerous building rooftop additions have been approved under the ordinance. The historic preservation

review process ensures that any addition is compatible with the existing building in terms of scale, materials, form, setback, fenestration, etc.

The Historic Preservation Board also noted~~s~~ that a number of the nominated buildings extend deep into their respective lots. For some of these buildings, particularly the auto showroom buildings, it is the front portion of the building that is of architectural significance and the rear portion is fairly utilitarian in both use and appearance. The historic preservation ordinance allows for consideration of partial demolition of a designated structure for redevelopment where removal of that portion would not materially diminish the identified architectural character-defining features and would retain a sufficient amount of the original structure so that the essential form and integrity of the historic property is not impaired. The ~~attached~~ individual building descriptions should prove helpful to future Historic Preservation Board members and property owners in determining the key character-defining features of the subject properties as well as any opportunities for partial demolition and/or more intensive development.

In designating the Forest Avenue structures as individual landmarks, the~~r~~ buildings' unique characteristics and orientation toward Forest Avenue make it appropriate that ~~h~~Historic ~~p~~Preservation reviews of alterations would focus particular attention on those portions of the structure most visible from a public way.

With respect to future new construction adjacent to the designated Forest Avenue/Deering Avenue landmarks, the B2b zone currently includes design standards that govern new development in the zone. Because these design standards address a number of the urban design characteristics exhibited by the designated landmarks (e.g. zero setback, orientation to the street, high level of glazing at the ground floor level, etc.) application of the site plan ordinance's "100-foot rule" is likely not as necessary for this group of landmarks as it might be in other circumstances.

Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue

Given the unique circumstances of Forest Avenue and the desire to balance the goal of preserving its character-defining historic buildings with the goal of encouraging new development, the following design guidelines shall apply in the review of alterations, additions and new construction at the designated properties:

- For new construction or additions, the Historic Preservation Board shall not impose conditions more restrictive than the dimensional requirements of the B2-b zone. For rooftop additions, the manner in which the maximum allowable height is achieved shall be subject to review by the Historic Preservation Board to ensure that the placement and setback of the addition is generally compatible with the designated historic landmark. The new work shall be differentiated from the old and shall be compatible with the size, scale, material and character of the subject property.

- Alterations or additions determined by historic preservation staff not to be readily visible from a public way shall not be subject to historic preservation review. (“Readily visible” is defined in Chapter 14 as “visible at pedestrian heights from any open space or street when viewed from any height between four (4) and six (6) feet above such space or street.”
- Any portion of a building identified as “noncontributing” in the Historic Resources Inventory’s building description may be demolished and redeveloped.
- Section 14-524 (a) iii. f of the site plan ordinance shall not apply in the review of a site plan application for new construction within 100 feet of the identified Forest Avenue/Deering Avenue landmarks.



Firestone Auto Supply & Service Store

ADDRESS

309 Forest Avenue

ARCHITECT

unknown

DATES

1930-1931

STYLE

Art Deco

Building History

The former Firestone Auto Supply & Service store at 309 Forest Avenue is currently known as the William C. Rowell Building. The building was first occupied by Firestone Auto Supply and Service store in 1931. Although the building has undergone exterior changes it retains its thematic association with Forest Avenue's automotive history and retains several character-defining details of its style.

Firestone Auto Supply and Service was located at 355 Forest Avenue in the former LC Gilson Automobile Company Building along with Forest City Tire Company. In 1931 Firestone relocated to this new building at 309 Forest Avenue. Firestone's auto supply stores were part of Firestone Tire and Rubber Company, a company founded in 1900 by Harvey Samuel Firestone (1868-1938). Firestone's business model was a policy of vertical integration. His company owned rubber plantations that supplied the raw materials to the company's manufacturing plants and owned the retail stores to distribute their various manufactured rubber products.

Architectural Description

The building is a two-story yellow brick structure with a flat roof. The building exhibits character-defining Art Deco details, particularly on the upper façade, that provide visual interest. These details include pilasters topped by concrete ziggurats located between each of the seven bays. The pilasters provide a vertical counterpoint to the otherwise horizontal building. Also ornamenting the front façade is a series of inset concrete

panels between the first and second floor levels that feature a stylized sunburst motif. At the second-floor level, narrow vertical windows are arranged in a horizontal band. At the ground floor level, the window openings are larger, separated by the brick piers. The current windows extend to the ground. A two-story bay that projects slightly beyond the face of the balance of the façade is located on the west side of the building where it connects to 311 Forest Avenue. The remaining three sides are simpler in detail with flush brick walls and windows arranged in horizontal bands like the front façade. Given the presence of an access drive to Hannaford Plaza immediately east of the property, the east elevation of the building is as visually prominent as the front façade.

Alterations, Additions since Construction

Because the building was constructed after the 1924 tax reevaluation initiative when every building was photographed, we do not know its exact original appearance. It is likely that the windows and doors have been replaced, but the overall form and composition of the façade is unchanged.

The building is significant for its role in the development of Forest Avenue as Portland's "auto row". Additionally, it is architectural significant as a rare example of Art Deco style commercial architecture in the city.



In considering alterations, additions and/or new construction at 309 Forest Avenue, please refer to Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.



Van Blarcom incorporated Automobile Garage

ADDRESS

330 Forest Avenue

ARCHITECT

unknown

DATES

1919; interior alterations in 1934, 1959

STYLE

Art Deco/Moderne & Commercial

Building History

The building at 330 Forest Avenue was built in 1919 for the Frank H. Van Blarcom Company. Van Blarcom opened a public garage in this structure, one of the earliest automobile-related businesses on the length of Forest Avenue that would become Portland's so-called Auto Row. The property has undergone several changes of use but has always served as a commercial space.

A steel structure was added at the rear of the main building in 1921 to be used as an oil room for Cumberland Automobile Sales, the tenants at that time. In 1924, Forest City Motor Company sold Lincoln automobiles from this location. An addition in brick enlarged the boiler room in 1930 after the structure had changed use and had become the location for Ideal Cleansers and Dyers. John J. Cunningham became the owner of the property in 1932 and retained ownership through 1959. Dunlop Tire and Rubber Company operated at 330 Forest Avenue following Ideal Cleansers until 1934, when the building became a glass shop and office. The contractor for the required interior remodeling was New Deal Stores Incorporated. The building's use changed again in 1935, this time to Littlefield and Greene Automobile Accessories. From the late 1930s until the late 1950s, the building functioned as showroom and garage space for several used car dealerships, including the Elliott Peterson Used Car Depot. Extensive interior alterations in 1959 modified the interior for use as a retail space; Brookline, Massachusetts-based Beacon Way Stores sold fabric here in 1962 until at least 1970, and the building was occupied by home furnishings retailer Pier 1 Imports in 1985. The building is currently houses Kitchen Cove Cabinetry and Design.

Architectural Description

330 Forest Avenue is located at the southwest corner of Forest and Bedford Street. Given its location, the southwest side elevation is exposed, as is the front façade. Its northwest elevation is located in close

proximity to the neighboring building; the two structures appear to be joined by a narrow connector that is set back slightly from the street.

The building is a one-story brick structure with six bays on its primary façade, five of which are large showroom windows. In this respect, the façade composition is somewhat unusual as most of the auto showrooms on Forest feature a three-bay composition. Today, the flat roof retains the original parapet detail on its two side elevations and the heavy cornice remains in place throughout. The tax assessor's photograph from 1924 shows a parapet along the primary façade as well. This roof section contained the same Art Deco geometric ornamentation in stucco as on northwest and southeast elevations and also featured an oval medallion on a triangular pediment centered above the building's entrance. The parapet detail no longer remains along the primary façade and the date of its removal is not known.

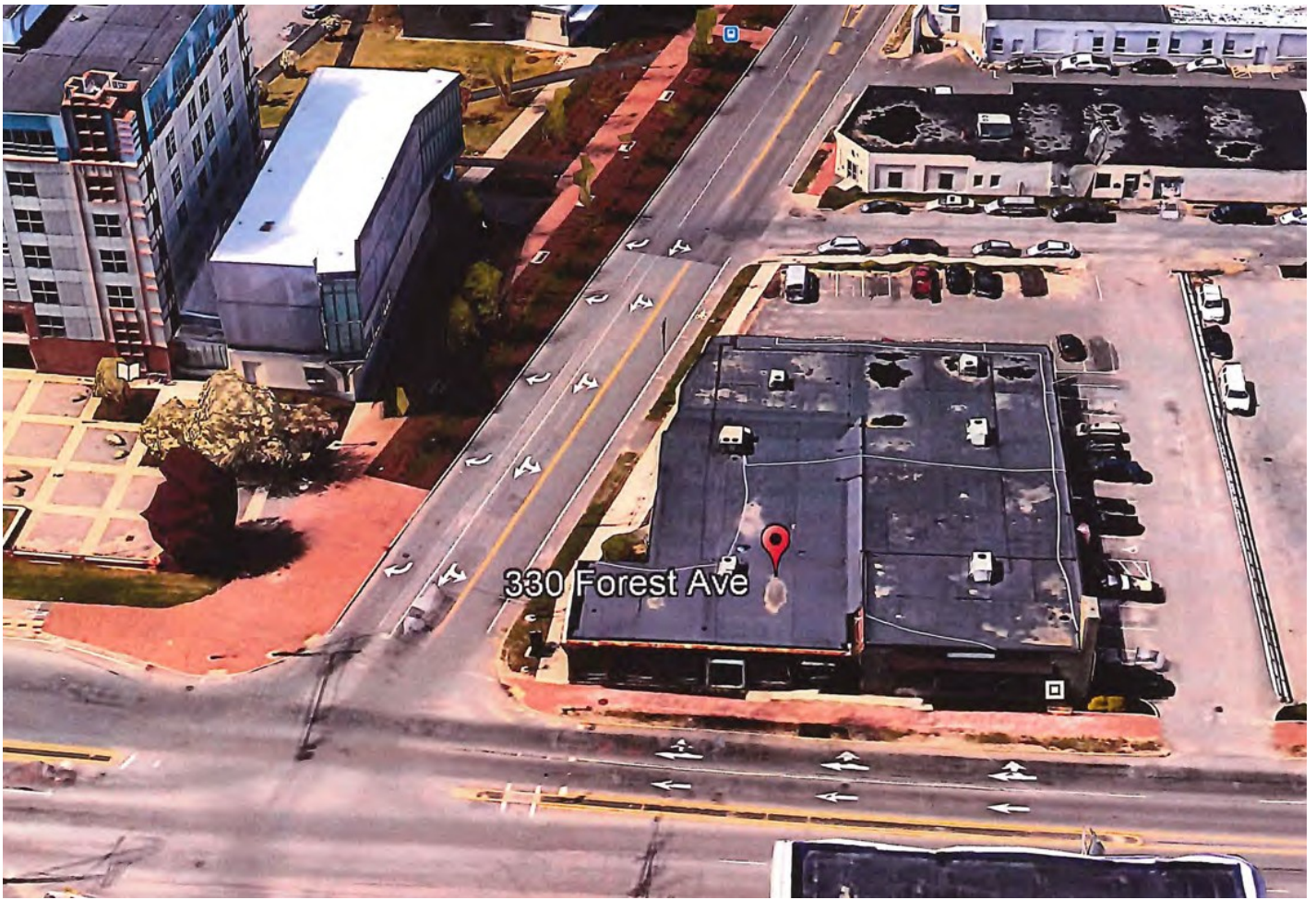
Below the projecting cornice, the building façade is enlivened by the diamond-shaped stucco details spaced to reinforce the spacing of the bays. The brickwork itself provides a level of ornamentation as well. Windows are deep, extending almost to the ground. The 1924 photo also shows that there were multi-lite transom windows above the single-lite showroom windows.

The rear portion of the building, which is set back from the showroom portion of the block and visible from Bedford Street, is utilitarian in appearance and lacks architectural significance (see photos). As such, it is considered a noncontributing portion of the building.

Alterations and Additions since 1924

The showroom windows and entries of 330 Forest have been replaced over time, as is the case with most of the existing showrooms on Forest Avenue. The placement of entries have moved and an additional entry was introduced in the easternmost bay of the building, together with the introduction of a handicap ramp. Notwithstanding these changes, the original scale and massing of the building and composition of the front façade, remain unchanged. The building also retains a number of its key ornamental features. Today, the building still clearly conveys its roots as an early auto-related structure at the southwestern end of Portland's "auto row".





*In considering alterations, additions and/or new construction at 330 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



A.S. HINDS LABORATORY BUILDING

ADDRESS

331 Forest Avenue

ARCHITECT

John Calvin Stevens
John Howard Stevens

DATES

1920

STYLE

Beaux Arts Revival & Commercial

Building History

Noted Portland architects John Calvin Stevens and his son John Howard Stevens designed the building at 331 Forest Avenue for Aurelius Stone Hinds in 1920. Hinds worked for the apothecary of H. H. Hay & Company in downtown Portland until 1864. While running a drugstore of his own on the peninsula, Hinds perfected the formula for his world-famous Honey and Almond Cream. He established A. S. Hinds Company in 1875, and began producing and selling his skincare products from the purpose-built laboratory space on Forest Avenue in 1920.

Hinds' Honey and Almond Cream was an extremely successful product, both domestically and internationally, and a branch laboratory was established in Montreal, Canada. In 1906, an advertising department was formed to handle marketing of the cream (Fig. 1). Although the company was acquired in 1907 by the Manhattan-based Lehn & Fink, who had brought Lysol from Germany to the United States market in 1890, the A. S. Hinds Company continued to operate independently for a number of years.

The laboratory occupied the upper floors of the building, while the first and second levels were reserved for retail and office use. In 1926, the A. S. Hinds Laboratory was no longer located in this building; operations had moved to Lehn & Fink plants in New Jersey. A wholesale druggist and the Marmon Company Autos automobile dealership operated at 331-337 Forest Avenue that same year. A number of automobile-related businesses, such as Firestone Tire & Rubber Company and Gemmer Motors Company, were tenants of the

building from 1926 through 1932. From this point the building's commercial use shifted towards suppliers, including the Portland Pipe Line Company, and warehouse storage.

In 1926, three large show windows were installed to accommodate the automobile dealerships, and alterations were undertaken in a previously added private garage space to convert the building from its former manufacturing layout to retail and warehouse space. These alterations were designed by John Calvin Stevens and John Howard Stevens and were overseen by local contractor Frank A. Rumery, who would go on to design an automobile dealership at 517-533 Forest Avenue in 1927-30. A freight elevator was installed in 1930; by 1946, the main occupant was Reliable Furniture and the third floor was remodeled in 1955 to meet their needs as a used furniture retailer. The building served as a Discount Book Outlet in 1993, after it had lain vacant for two years. It currently contains 70 residential units as Bayview Court and maintains the first floor as retail space for Back Bay Cycle.

Architectural Description

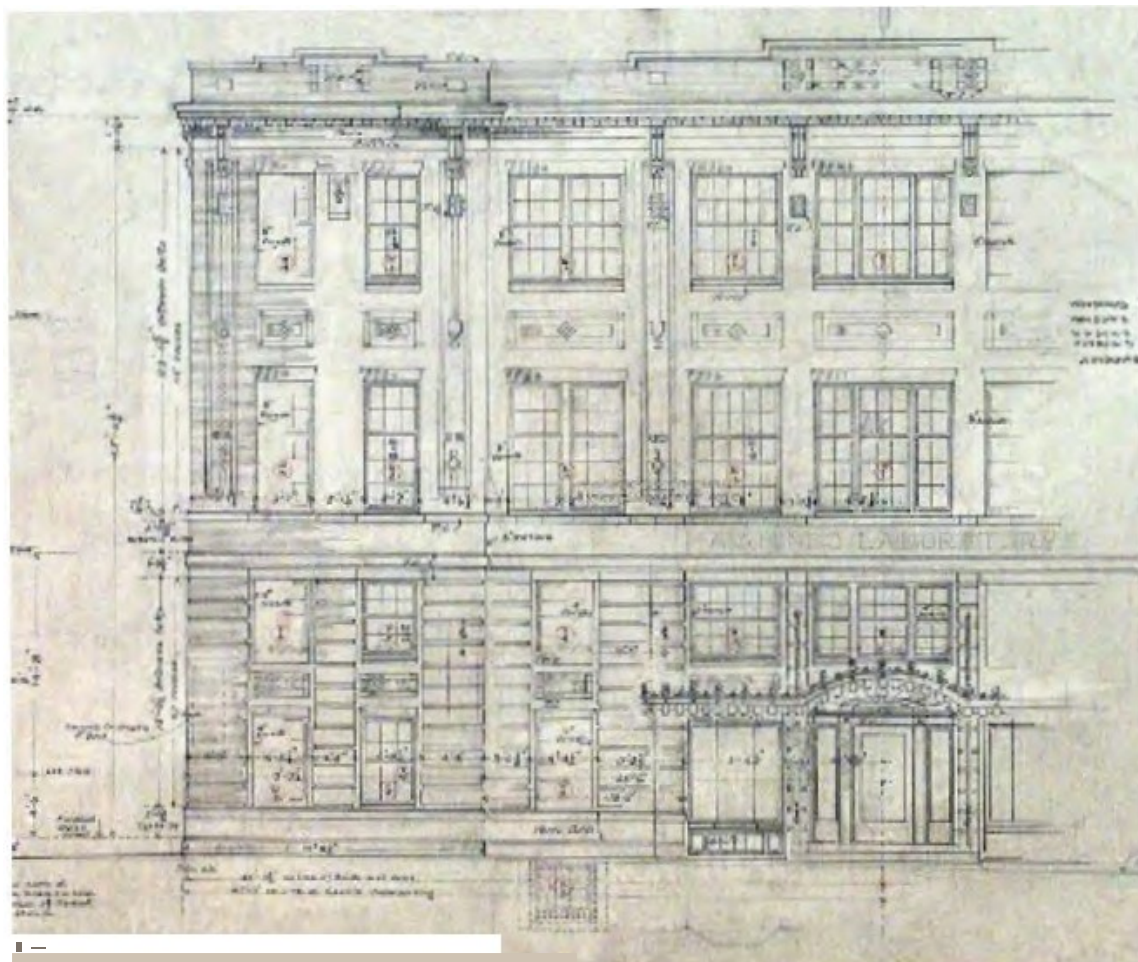
The A. S. Hinds Laboratory Building is a four-story yellow brick structure built in the Beaux Arts Revival and Commercial styles. Given its siting and the presence of a low-scale structure and a driveway on either side of the building, the side elevations are visually prominent. Relative to other buildings constructed on Forest Avenue during this period, the building is noteworthy for its size. It is also architecturally notable; it is clear that the design is the product of a skilled architect. The building's flat roof has a subtle parapet detail, the lines of which are highlighted by cast stone ornamentation. The heavy cornice features prominent brackets and dentils. Patterned brick ornamentation and small cast stone medallions grace the façade. The upper story window pattern varies, with some windows mulled to form groupings. Other windows are individual punched openings. This fenestration pattern lends visual interest to the building, notwithstanding the fact that the windows themselves (originals were six-over-six) have changed in appearance with their replacement. Blueprints drawn by John Calvin Stevens are held in the collections at the Maine Historical Society in Portland.

As noted above, the ground floor was modified in 1926 to accommodate the automobile showroom. On the exterior, three large showroom windows were installed to showcase the automobiles to passing traffic.

Alterations and Additions since Construction

Although the ground floor was altered in 1926, the modifications have gained significance in their own right as they were made to accommodate an auto showroom. The changes made, just a short time after the building's original construction, reinforce the fact that this section of Forest Avenue was quickly evolving to become Portland's Auto Row. Other than the ground floor alterations, the only other significant change has been the replacement of the original multi-light sash with one-over-one windows. The building remains in well preserved condition and is a commanding presence on Forest Avenue.

*In considering alterations, additions and/or new construction at 331 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***







Miles B. Mank Motor Car Company

ADDRESS

343 Forest Avenue

ARCHITECT

unknown

DATES

1916-1917

STYLE

Vernacular

Building History

Built in 1917, the large two-story brick structure at 343 Forest Avenue was first occupied by Miles B. Mank Motor Car Company. In 1910 Miles B. Mank, with his partner George Stuart, established the Mank-Stuart Motor Car Company, a dealer of Cadillac cars. They first built a large garage on Forest Avenue near Congress Street. (Figure2) A few years after George Stuart retired in 1912, Mank built this two-story building along a section of Forest Avenue that would become Portland's Auto Row. While Mank continued to own the building in the 1920s he moved his dealership to Preble Street. 343 Forest Avenue was then occupied by Myron D. Kidder, Inc. a REO auto and truck dealership previously known as Darling-Kidder Inc. and located at 630 Forest Avenue. In the 1930s through the 1960s, 343 Forest Avenue was occupied by the Portland Burial Case Company, a casket manufacturer.

Architectural Description

Built as an auto showroom, the Mank building is an unusually large example of its type, both in terms of its width and it being a two-story structure. As documented in 1924, shortly after its construction, the building featured a highly glazed first floor, with relatively thin posts separating the large floor-to-ceiling showroom windows. The entrances appear to have been located at the two ends of the façade. The corners of the ground floor were cut away and the projecting upper floors supported by a round column. The building featured an unusually tall frieze band above the storefront windows, capped by a projecting intermediate cornice. The brick structure was unpainted with cast stone used for the cornice and second story window



1924 City of Portland Tax Photo

lintels. Projecting brick piers divide the upper floors into a series of bays, with all but the end bays featuring groups of three windows connected by a continuous lintel. A flush cast stone cross was centered in the stepped parapet. Upper floor windows were six-over-one. Typical of this building type, most of the architectural embellishment is concentrated on the front portion of the building, returning for a short distance on the side elevations.

Alterations since 1924

While the two-story brick structure has lost its glass showroom façade and multi-pane upper story windows, the general form, cornice band, sign band, and brick details remain. The brick soldier course below the second story windows, the cornice band, and the parapet cross are now somewhat obscured by the paint that has been applied to the brick façade. The first-floor alterations reinforced the upper story bays and the division of the commercial windows echo the tri-partite pattern of the windows above. The showroom entrance at the corner of Forest Avenue and Bank Road was lost in the alterations, but the garage entrance off Bank Road is still apparent, although filled in by a commercial storefront system. A secondary pedestrian entrance was added on the Bank Road façade by elongating an existing window opening.

Although the building has undergone exterior changes, particularly on the first floor, it retains the essential façade composition associated with its building type and clearly conveys its association with Forest Avenue's automotive history.

A Modern Service Station

A Portland automobile concern whose growth has been phenomenal since its organization in 1910, now operating one of the largest, most modern, and finely equipped garages in New England is the Miles B. Mank Motor Car Company, 9 to 21 Forest avenue. From a small beginning, occupying one room and employing one repair man, this enterprising and progressive concern has come by leaps and bounds to the front and today they give steady employment to 11 people and utilize over 35,000 square feet of floor space.

The Mank-Stuart Motor Car Company was established in 1910. Mr. Stuart retired in 1912, the company being incorporated in 1913 as the Miles B. Mank Motor Car Co.

The service station of the company has a wide spread and long established reputation for the superiority of its service and is metropolitan in features and modern in methods. The garage is well lighted and ventilated, is fireproof throughout, and is kept scrupulously clean. The repair department has recently been equipped with the latest and most improved machinery for carrying on this industry and none but skilled workmen are employed.

The Company are State agents for the Cadillac, "the standard of the world," and each year the public looks to the Cadillac for that which marks the climax in motor car progress. This Cadillac will be exhibited at the Portland

Dealers' Auto Show, February 9 to 14, and the company invite your inspection. Mr. Miles B. Mank, the live wire of the company, is known as one of the foremost and progressive automobile dealers in the State. He is an expert in every detail of the trade and is highly esteemed in all circles of the city.—Adv't.



Service Station of Miles B. Mank Motor Car Co., Portland, Me.

Traveling Men's Opinions

It is somewhat surprising to note how little the magnitude of the automobile industry is appreciated by the general public, says the Automobile Journal. It might be assumed that as a body, traveling men were well informed as to industrial enterprises. The following quotation from The Manufacturing Jeweler is an example of the regard with which their opinion is held:

Traveling men say they cannot account for the present dullness. Some of the jewelry drummers have an idea that the purchase of so many automobiles by thousands of people throughout the country, and the necessary expense incurred in running the same, may have some effect.

A traveling man, who was engaging the attention of passengers on a train out of New York recently, with somewhat similar opinions and the further observation that within a year there would be but half a dozen automobile manufacturers in America, was asked how many he thought there were today. "Offhand, about 30," was his reply.

He was surprised to learn there were more than 200; that they had produced 450,000 cars during the past year, and had shipped nearly \$28,000,000 worth of these machines abroad. The opinion of traveling men regarding the stability of the automobile industry evidently needs decided revision.

Figure 2. A 1913 article on the first Miles B. Mank Motor Car Co. Building on Forest Avenue, near Congress Street.



First row, left to right: Miles B. Mank, Miles B. Mank Motor Co., Portland; Myron D. Kidder, Myron D. Kidder Co., Inc., Portland; Haven Sawyer, Sawyer Motor Car Co., Bangor; W. B. Thombs, Portland. Second row: Carl Curtis, Lewiston Buick Co., Lewiston; V. S. Darling, Darling Automobile Co., Auburn; C. G. Abbott, the Henley-Kimball Co., Portland

Figure 3. A 1922 photograph of Maine car dealers including Miles B. Mank in the first row, on the left.



*In considering alterations, additions and/or new construction at 343 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



L.C. Gilson Automobile Co. Building

ADDRESS

355 Forest Avenue

ARCHITECT

Unknown

DATES

1922; rear addition 1981

Art Deco/Moderne

STYLE

Art Deco/Modern

Building History

The L. C. Gilson Automobile Company, building at 355 Forest Avenue was built in 1922. It is one of several early automobile-related businesses to locate along Forest Avenue between Baxter Boulevard and Woodford's Corner in the early years of the twentieth century. Based on the concentration of auto-related businesses in the area, Forest Avenue would become known as Portland's Auto Row. Although the building has undergone exterior changes it retains its thematic association with the Forest Avenue's automotive history and retains several character defining details of its style and building type.

Gilson had already established an automobile dealership at 881-891 Congress Street by 1906, selling cars from Ford, Reo, and Stanley in what Portland's Board of Trade Journal called, "one of the largest, and most modern [garages] in New England." By 1924, the Congress Street block had been converted into apartments and the Gilson Automobile Company had relocated to the building owned by Frank W. Sparrow at 355 Forest Avenue.

The building has always been utilized for automobile sales or servicing purposes. It was occupied by Brewster Tire Stores -Inc. in 1927. In 1929, Forest City Tire Company shared the building with Firestone Tire Stores Incorporated, which continued on as the property's sole occupant in 1930-31.

The building has become best known as the Palmer Spring Company building due to its signature orange façade and the company's presence at this address since 1932. Palmer Spring Company was established in 1849 and is thought to be the oldest spring company in the United States. Joseph Benjamin Palmer founded the company in Boston after bringing his trade from England and served as its first blacksmith. The company's Conestoga wagon logo reminds its patrons of the vehicles originally serviced by Palmer Spring Company.

In 1949, Palmer Spring Company operated a service station and spring manufacture from its building on Forest Avenue and completed interior renovations in 1950 to expand its manufacturing room. A rear ell was added in 1981.

The company continues to operate at 355 Forest Avenue with a service garage and a blacksmith.

Architectural Description

Purpose-built as an auto showroom, 355 Forest is a classic example of a new building type that was created in response to the advent of the automobile. Like most early automobile showroom buildings, it is a one-story masonry building with a showroom in the front and service facilities in the rear accessed from an alley or side street. Also like many showrooms, most of the building's architectural detail is concentrated on the showroom portion of the building. In the case of 355 Forest, architectural embellishment is provided by contrasting brick, recessed brickwork panels, and the geometric brickwork on each pier. The rear garage portion of the building is rather utilitarian in appearance. As such, this portion is considered "noncontributing" for purposes of review.

Typical of early auto showrooms, the front façade features large floor-to-ceiling windows flanking a central pedestrian entrance. Masonry piers serve to define the three bays of the façade. Large floor-to-ceiling windows are repeated on the side elevations near the leading corners of the building. The high level of glazing was intended to catch the attention of passing vehicles and provide a clear view of the automobiles for sale within the showroom. On the side elevations, the main portion of the building extends the depth of one bay; beyond that point, the building steps down in height and features a series of large service doors. As noted above, the front section of the building exhibits the greatest architectural significance.

Alterations and Additions since 1924

Typical of many of the remaining automobile showrooms along Forest Avenue, the original storefront windows have been replaced and infilled to some extent. However, the original pattern and size of the window openings remains, as does the character-defining ornamental brickwork. Although alterations have been made, they are readily reversible and the building still communicates its original function. In the rear, the pattern of door openings remains largely intact and although a number have been infilled or altered.

*In considering alterations, additions and/or new construction at 355 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



City of Portland Tax Photo, 1924





Oakhurst Dairy

ADDRESS

364 Forest Avenue

ARCHITECT

Earle Webster

DATES

1922; additions in 1951-3, 1988, and 2005

STYLE

International (central building)

Building History

Oakhurst Dairy at 364 Forest Avenue was constructed in phases to accommodate the growing needs of its successful business. The central building, recognizable by the Mid-Century Modern metal “Oakhurst” sign across its façade, was designed by architect Earle Webster and was built perpendicular to the Dairy’s original 1920s brick structure. Later additions from 1989 and 2005 flank this central building, forming a large complex on the lot. Designation is limited to the 1950’s structure pictured above.

The dairy was in the Bennett family of Portland since Stanley T. Bennett bought the Oakhurst Dairy from Arthur Leadbetter in 1921. Leadbetter had established his dairy in 1902 on Woodford Street. After acquiring the dairy, Bennett relocated it from its original location to its current site on Forest Avenue; an announcement in the national weekly American Machinist from 1922 stated that the planned two-story building and associated power plant unit would cost Oakhurst Dairy an estimated \$100,000. In 1933, Oakhurst Dairy became the first dairy distributor in the United States to require that the milk it processed did not contain tuberculin, used to test for bovine tuberculosis. Oakhurst Dairy has continued to oppose using additives such as bovine growth hormones in its milk.

The design and construction of the 1951-53 addition (which is the focus of this designation) was overseen by Bennett’s son Donald. Donald worked with architect Earle Webster to create a state-of-the-art manufacturing facility in the International style.

Oakhurst Dairy bought the adjacent lot, owned by the Henley Kimball Automobile Dealership, in 1973 and built a cold storage facility in 1988. The final addition to the lot was designed in 2005 by Pennsylvania-based Facilities Design, Incorporated and provided the dairy with new receiving and updated cold storage areas.

In 2014, Oakhurst Dairy was sold to Dairy Farmers of America, a national farmer-owned cooperative based in Missouri, after 92 years of family ownership.

Architectural Description

Constructed of blond brick, the two-story, flat-roof building features a very simple box-like massing and is set close to the street. While straightforward in form, the placement and treatment of its fenestration provides a dynamic tension to the overall design. At the top of the upper façade, immediately beneath the aluminum cornice, there is a continuous band of mullioned windows that stretches across the entire façade and returns onto the side elevations. At the west end of the façade and at the leading corner of the west elevation, this window treatment extends down to the ground to create a glazed tower-like element at the corner. The building entrance is located at the base of this tower. In the center of the façade is a wide window surrounded by a large “picture frame” constructed of natural aluminum. This window was designed to ensure that people could view the plant’s operations. At the east side of the façade and wrapping the east elevation is a narrow band of glazing made up of glass block. This offset treatment provides visual interest. Until very recently, a sign consisting of individual aluminum letters, was set on top of a narrow ledge above the center window. In its typeface and material, the sign was designed to be an integral component of the overall building design. Its execution in natural aluminum repeated the same material selected for all building trim and presented a strikingly modern building design when it was constructed.



Alterations, Additions since Construction

Although the overall design and façade composition of the building remains unchanged, the recent replacement of most of the windows has changed somewhat the overall intended character of the building. (The windows within the vertical entry “tower” are still original.) While the window divisions have been replicated in the replacements, the new windows feature green aluminum frames. The change to a colored frame diminishes the intended aesthetic of the building, which featured a natural aluminum finish on all trim and door/window frames. The natural aluminum clearly reinforced the Modernist design aesthetic.

Other changes include the replacement of the glass block windows within the horizontal band at the southeast corner of the building. Glass blocks have been replaced with opaque white spandrel panels. The original sign on the Forest Avenue façade, which was comprised of individual standing letters, was also recently replaced with a single, mounted sign panel featuring cut-out letters.

Finally, a three-story stainless tank has been positioned near the leading corner of the building, next to the west elevation. A simple one-story detached structure has been constructed next to this tank. Mechanicals and solar arrays have been added to the roof.

Notwithstanding these alterations, the building remains largely consistent with its original appearance, particularly for that portion closest to the street, and contributes to the architectural heritage of Forest Avenue. The significance of the building’s Modernist design was recognized by the Portland Society of Architects in 2009, when they gave it their 50-Year Building Award.

In considering alterations, additions and/or new construction at 364 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.**



Packard Motor Car Company Showroom

ADDRESS

495 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1927

STYLE

Commercial

Building History

Originally occupied by the Packard Motor Car Co. of Boston, the building at 495 Forest Avenue was built with its physical and stylistic twin at 501 Forest Avenue in 1927 as part of the redevelopment of the former Ricker Estate. It is one of several automobile-related businesses along the section of Forest Avenue that would become known as Portland's Auto Row. Although the building has undergone exterior changes, particularly the storefront windows, it retains its thematic association with the Forest Avenue's automotive history and retains several character-defining details of its style and building type.

During World War II the building was used for Army storage, then subsequently occupied by Brown Motors, Inc., a division of the Brown Company, manufacturers of pulp wood and paper in Berlin N.H. The Brown family once owned a large estate on Forest Avenue, as well as the Berlin Mills wharf on Portland's waterfront. Brown Motors was a Chrysler-Plymouth dealership. The company was operated by Simmons Brown, who lived with his family on State Street, before moving to Falmouth Foreside.

Architectural Description

Because 495 Forest Avenue was built in 1927, after the tax reevaluation of 1924 when every taxable property was photographed, we do not have an early photograph of the building. In this case, however, we can make reasonable assumptions about its original appearance given the fact that its twin was built next door and given that auto showrooms of the period followed the same basic form, size and facade composition.

Like its twin next door, the three-bay commercial building features a brick facade laid in a variant of a Flemish bond. Both buildings feature a showroom at the street and access to the rear of the dealership

through a garage door that is set well back from the street. A shared courtyard is created between the two buildings in this area and the buildings share a common side wall. An intermediate cornice located below the roof parapet of both 495 Forest and its neighbor at 501 extends the full depth of the side elevations of both buildings, turning onto the elevation where the two connected structures meet. This cornice reinforces the linkage between the two buildings.

Like its neighbor, the center of the parapet is highlighted by a shallow stepped gable. The building's horizontal lines are emphasized by a strong cornice band wrapping the facade and side elevations below the parapet, a brick soldier course connecting each window opening, and a continuous lintel above the facade windows and the side elevation windows closest to the street.

Given the fact that the neighboring building to the southeast of 495 Forest is set well back from the street, the southeast elevation of 495 is entirely visible. This elevation features a series of tall, regularly spaced individual punched window openings. A secondary entrance is located toward the rear of this elevation.

The building extends deep into the lot; ~~most of the rear portion of the building is not visible from a public way. The rear portion of the building—beginning just behind the first three windows on the side elevation (see photo below)—shall be considered “noncontributing” for the purposes of any proposed partial demolition/new construction. Any additional floors to the existing structure should be set back the same distance from the front façade.~~



Alterations and Additions since Construction

The most significant alteration to the building has been the replacement of the two large showroom windows on the facade and at the leading corners of the side elevations. The original single windows have been replaced with individual punched window openings separated by brick. Subtle indications in the existing brickwork suggests that the original openings matched those of its twin. The center entry doors have been replaced as well (as have the entry doors on most other showroom buildings on Forest.) Despite the change in fenestration and entry, the building still retains its essential form, facade composition and a number of its character-defining features. It still clearly communicates its original roots as a first-generation automobile showroom and is especially interesting in its relationship to the twin showroom next door. It also contributes to one's appreciation of Forest Avenue's automobile-related history.



495 Forest Avenue

*In considering alterations, additions and/or new construction at 495 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



Gleason Company Chrysler Dealership

ADDRESS

501 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1927

STYLE

Commercial

Building History

Originally occupied by the William H. Gleason Co. Chrysler-Plymouth dealership, the building at 501 Forest Avenue was built with its physical and stylistic twin at 495 Forest Avenue in 1927 as part of the redevelopment of the former Ricker Estate. It is one of several automobile related businesses along the stretch of Forest Avenue that would become known as Portland's Auto Row.

After World War II, the auto showroom was occupied by John S. Goff's DeSoto and Plymouth dealership. The dealership was previously located at 525 Forest Avenue, before moving to 489 Forest Avenue in 1943. The Goff dealership was only in the building a short time, moving in 1955 to 628 Congress Street. The building was subsequently occupied by a number of commercial businesses, including several realty companies. The building is currently occupied by Bow Street Beverage with a retail showroom and distribution area in the rear.

Telephone Forest 4164

WILLIAM H. GLEASON CO.

DISTRIBUTORS

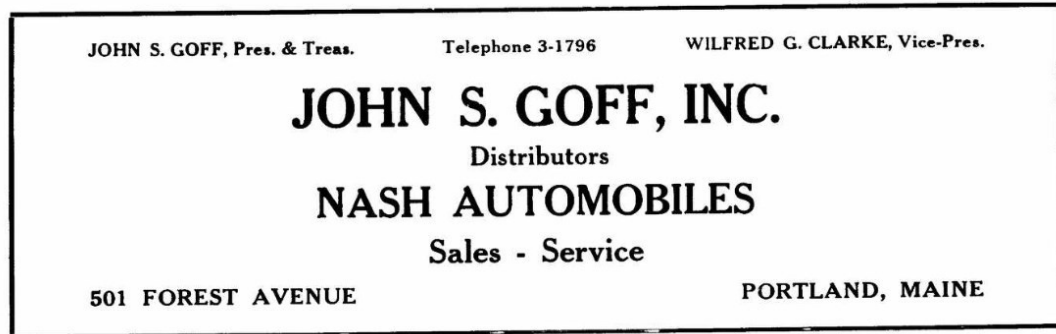
CHRYSLER CARS

PLYMOUTH CARS

501 FOREST AVE. PORTLAND, ME.

"The Car For Everybody"





Architectural Description

As the building was built in 1927, after the tax reevaluation of 1924 when every taxable property was photographed, we do not have an early photograph of the building. In this case, however, we can make reasonable assumptions about its original appearance given the fact that its twin was built next door and given that auto showrooms followed the same basic façade composition.

Like its twin next door, the three-bay commercial building features a brick façade laid in a variant of a Flemish bond. Both buildings have a showroom at the street and access to the rear of the dealership through a garage door in the shared courtyard off Forest Avenue. The building's horizontal lines are emphasized by the strong cornice band wrapping the building below the parapet, a brick soldier course connecting each window opening, and the wide band of storefront windows. Note that the parapet features a shallow stepped gable at the center of the façade. Distinct from some early auto showrooms, the windows do not extend to the base of the building. The windows are framed in cast stone which extends to the building base.

Typical of the building type, 501 had large showroom windows at the front corners of its side elevations. The window. The west elevation is obscured by an abutting structure, but the east elevation is entirely exposed. The showroom window on the side elevation matches the height of those on the façade. The cornice continues the entire depth of the side elevations. On the east side, the cornice returns to face of the recessed connector shared by 495 and 501 Forest. This cornice treatment on both buildings, which joins at the connector, reinforces the relationship between the two structures.

Little of the rear portion of the building is visible from the street. The rear portion of the building—beginning just behind the first three windows on the side elevation (see photo below)—shall be considered “noncontributing” for the purposes of any proposed partial demolition/new construction. Any additional floors to the existing structure should be set back the same distance from the front façade.



Alterations and Additions since Construction

The most significant alteration to the building has been the replacement of the large showroom windows with smaller vertical glazing alternated with opaque spandrel panels. The window openings themselves, however, remain intact and the alteration is readily reversible. Despite this change, the building remains a clear example of its building type, retains most of its character-defining architectural details, and contributes to one's appreciation of Forest Avenue's automotive history.



501 Forest Avenue

In considering alterations, additions and/or new construction at 495 Forest Avenue, please refer to Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.

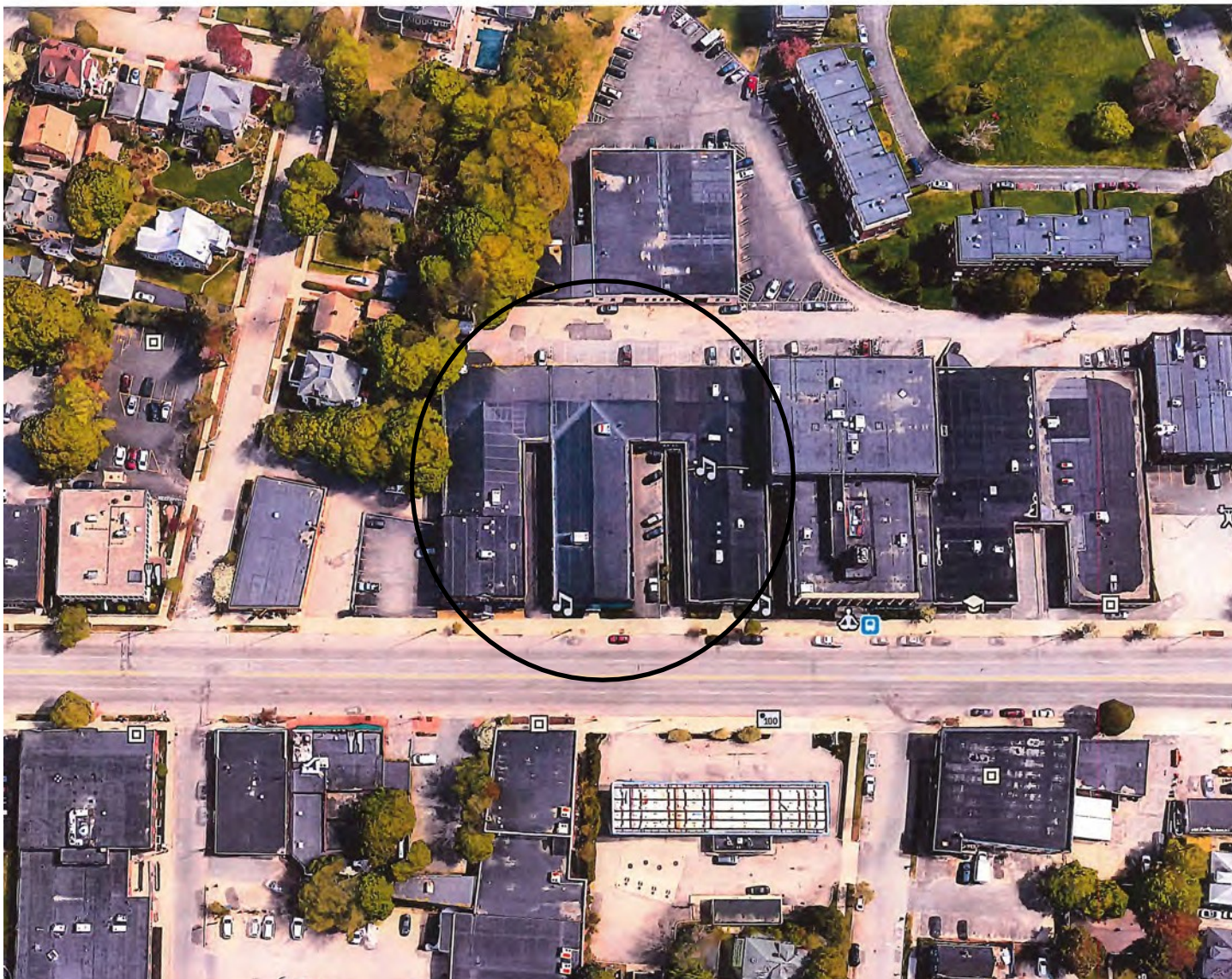


STUDEBAKER AUTOMOBILE BLOCK & ~~GARAGE~~

517-533 Forest Avenue ~~and 44 Indian Lane~~

Contractor Frank A. Rumery is thought to have designed the buildings at 533, 525, and 517 Forest Avenue as a group, along with a second automobile dealership complex slightly further south on Forest Avenue. These projects were part of a plan to redevelop the former Ricker estate into apartments, a filling station, car dealerships with frontage on Forest Avenue, plans which included a shared power plant. The Ricker Mansion was built in 1855 for Joseph S. Ricker, a tanner who also served as director of the street's railroad system. The mansion was one of several large estates just outside the city along the less-developed Forest Avenue and boasted a "grapery" and greenhouses on its extensive grounds. The Ku Klux Klan's Portland chapter bought the property in 1923 and maintained it as a meeting and event space until the house burned down in the later 1920s. Redevelopment of the lot occurred between 1927-30 and the area was renamed Ricker Park.

Rumery was already well-known at this time for his active involvement in many development projects along Forest Avenue and was also the contractor for the Ricker Park apartments. John P. Thomas, the Portland-based architect who would design the Stevens Avenue Armory at 772 Stevens Avenue in 1940, was commissioned to address the design of the new apartment buildings the lot.



Studebaker Automobile Block

Left to right: 533, 525, 517

*In considering alterations, additions and/or new construction at 495 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



STUDEBAKER AUTOMOBILE DEALER BUILDING

ADDRESS

533 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Building History

Part of a group of five auto-related buildings designed and built by contractor Frank A. Rumery along this block of Forest Avenue between 1927 and 1928 (see description of overall Studebaker Block), the Studebaker Automobile Dealership at 533 Forest Avenue was built in 1928 for the Hennings Motor Company. Rumery's redevelopment of this section of Forest Avenue was part of a larger plan to redevelop the former expansive Ricker estate following the loss of the Ricker mansion in the mid 1920's. The buildings at 517, 525 and 533 Forest were physically connected at the rear. Two other Rumery-designed buildings at 495 and 501 Forest were also joined at the rear. At 533, the Studebaker brand's logo depicting a "Studebaker" banner spread across a spoked wheel still remains at the apex of the parapet gable; this structure is therefore considered the primary building of the three adjoining structures on Forest Avenue. Together, these buildings form an "E", with the shorter arms oriented perpendicular to Forest Avenue. Behind the longconnected section of the buildings is the dealership's associated garage, located alone on the small alley of Indian Lane.

The Hennings Motor Company, formerly Gray-Son Motor Company and Waterville Motor Company, sold Studebaker and Erskine motor cars. Prior to its location at 533 Forest Avenue, its salesroom was at the edge of the Deering neighborhood at 26 Forest Ave while its main office and service department were on Allen Avenue in Morrill's Corner. In 1929 it appears to have shared its space at 533 Forest Avenue with a dentist's office. Hennings had moved to 511 Forest Avenue by 1934 and the building was then occupied by Couri Motor Company, a dealer in Pontiacs and later also GMCs, Tempests, and Vauxhalls. Couri still owned 533 Forest Avenue in 1969 and had acquired the neighboring 525 Forest Avenue building in 1955.

Harold Wiley Pontiac joined with Couri, and in 1981, sold the building to Young's Furniture. This sale required alterations to the structure to accommodate a retail furniture business, such as the addition of a loading dock. Today it is occupied by Skillful Home Recreation, an outdoor furniture retailer.

Architectural Description

533 Forest is a two-story brick structure. In this respect the building breaks with the typical pattern on Forest of one-story auto showrooms. At the ground floor level, the building features the classic three-bay façade composition associated with this building type: two large window openings (originally with single plate glass windows) flanking a center entrance. At the second floor level, four evenly spaced tall windows are located on either side of a larger opening in the center of the façade. The center opening is framed with cast stone; cast stone is also used for the upper floor window sills and the narrow projecting band that delineates the parapet from the main building façade. A flat roofed building, the roof parapet features a centered triangular gable within which is the cast stone Studebaker logo. A decorative pattern of variously projecting headers in the Flemish bond brickwork creates a textured masonry surface. This textured masonry is repeated on the adjoining buildings at 525 and 517 Forest Avenue.



Both of the building's side elevations are exposed to view. The southeast elevation is separated from the adjoining structure at 525 by a driveway that leads back to a deeply recessed connector that links the buildings. A garage door at the center of the connector faces the street. On the opposite side of the building, a surface parking lot immediately abutting the building exposes the elevation to view. As is typical of auto showrooms, the large showroom windows of the front façade are continued for one bay on the northwest elevation and three bays on the south east elevation. (The windows have been bricked in on the southeast elevation, but the openings and cast stone headers are still evident.) The upper story window pattern established on the front façade continues on the side elevations as well.

For purposes of future reviews, the rear portion of the building shall be defined as that portion behind the first window bay on the side elevations. (See photo below.) This rear portion shall be considered “noncontributing” for the purposes of any proposed partial demolition/new construction. Any additional floors to the existing structure should be set back the same distance from the front façade.



Alterations and Additions since Construction

The Studebaker Automobile Dealership building was constructed after the City’s 1924 photodocumentation initiative and we do not have other early photographs to confirm its original appearance. Despite the lack of documentation to confirm the building’s original appearance, it is clear that the building’s form and general façade composition, as well as most of its architectural details, remain intact. Typical of commercial structures, the ground floor windows and entry have been replaced with new windows and doors, but the character-defining openings remain unchanged. The building remains in well-preserved condition and contributes to the visual character of the street and automotive history of Forest Avenue.

*In considering alterations, additions and/or new construction at 495 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



JOHN S. GOFF CHEVROLET BUILDING

ADDRESS

525 Forest Avenue

Architect

Frank A. Rumery

DATES

1927-28

Style

Commercial

Building History

Although the John S. Goff Chevrolet Company building does not carry the mark of a specific automobile company on its façade, it is both physically and stylistically linked to its neighbor, the Studebaker Automobile Showroom at 533 Forest Avenue and is part of a grouping of three connected showrooms built by Frank Rumery in 1928. (See description of larger Studebaker Block.)

John S. Goff Chevrolet Company owned the building from 1927 until 1935; by 1955 the business had relocated to 628 Congress Street. In 1944, both 525 and 517 Forest Avenue held US Army Quarters. The structure at 525 Forest Avenue was still used by the US Army as a sales office in 1945 and was acquired in 1955 by Couri Motor Company, who had already occupied 533 Forest Avenue for 20 years. The building currently serves as a gym.

Architectural Description

A one-story structure with a shallow pitched gable roof, the roof form of the showroom building at 525 Forest is fairly unique. (Most first-generation showrooms featured a flat roof, usually with a parapet to provide some additional building height and architectural interest.) The shallow gable end that faces the street features a wide window opening above the first floor with two mullied multi-lite windows. A heavy frame around the window opening draws further attention to the center. The gable also features a step at the center which further emphasizes this architectural element. At the two ends of the façade, the brick extends to suggest projecting piers that frame the center gable.

As with the Studebaker Dealership building at 533 Forest, the Goff Company building features an exterior of Flemish bond brickwork with irregularly-parapet detailing. In this building, the ends of these extending bricks are brought closer to the façade than at 533 Forest Avenue. The Goff Building also shares its overall form and decorative elements with the one+ story building at 517 Forest Avenue. Unifying details include the cast stone ornamentation above the side bays, the low-pitched roof with slight parapet detailing and the multi-lite fenestration centered in the gable.

Typical of this building type, the front façade's ground floor is three bays wide with two large showroom windows flanking a center entrance. It is evident from remaining headers that both side elevations also featured two showroom windows at the leading corners of the building; the openings have been infilled.

Note that the spacing between the Goff building and its connected neighbor at 517 is wider than the spacing between the Goff building and the Studebaker Dealership building at 533. This wider spacing accommodates two garage entrance set back from the street. The garage for 525 Forest is located at grade; at 517, a driveway leads down to a below-grade garage.

For purposes of future reviews, the rear portion of the building shall be defined as that portion behind the first window bay on the side elevations. (See photo below.) This rear portion shall be considered “noncontributing” for the purposes of any proposed partial demolition/new construction. Any additional floors to the existing structure should be set back the same distance from the front façade.



Alterations and Additions since Construction

As is typical of commercial structures, the ground floor windows and entry have been replaced with new windows and doors, but the character-defining wide openings remain unchanged. Openings on the side elevations are infilled, but still evident. The building remains in well-preserved condition and contributes to the visual character of the street and automotive history of Forest Avenue.

In considering alterations, additions and/or new construction at 495 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.**



CLIFTON R. SHAW AUTOMOBILE DEALERSHIP

ADDRESS

517 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Building History

Clifton R. Shaw Automobiles relocated from 365 Forest Avenue to 517 Forest Avenue when the latter building was constructed in 1928. This building is the third in the group of three structures geographically and aesthetically related to the Studebaker Automobile Dealership at 533 Forest Avenue. Connected to 525 Forest Avenue at the rear of the structure, it demonstrates a strongly shared form, scale, and ornamentation program with this neighboring building and also draws on the stylistic motifs of the Studebaker Automobile Dealership at 533 Forest Avenue.

Unlike its adjoining buildings, this structure was not consistently occupied. It was occupied by Fred's Motor Transportation Company in 1934 but lay vacant in 1935. In 1944, 517 and 525 Forest Avenue were utilized as US Army Quarters. The car dealership of Nash-Brown Incorporated and the Pattison Automobile Company, who marketed Dodge-Plymouth automobiles, operated at 517 Forest Avenue in 1945 and 1955 respectively, but by 1965 this location was again vacant. It currently serves as a dance studio for Casco Bay Movers.

Architectural Description

As with 525 Forest Avenue, the one story structure's low-pitched parapet gable roof emphasizes its horizontality and there is a multi-light window centered in the gable. Slightly projecting brick headers interrupt the Flemish bond pattern in an irregular decoration, a motif that is repeated in each of the three related buildings. The degree of this façade ornamentation is less pronounced than it is on its neighboring buildings.

As with its “twin” building at 525 Forest, the showroom portion of the building is clearly defined and exhibits the greatest architectural interest. The pier projections above the roofline, clearly evident on the southwest side elevation, terminate at a certain depth. Larger window openings also extend to this point on the side elevations. Beyond this point, the building takes on a more utilitarian appearance.

On the 517 Forest facade, the original height of the showroom windows is clearly evident, as there is no canopy obscuring the original openings. The top portion of the windows has been infilled with spandrel glass, however and the once-expansively wide individual showroom windows are broken into narrower muller panes.

On the northeast side of the building, a driveway leads down to a below-grade garage entry below the building connector. In this respect, 517 is different from the other buildings in this grouping.

For purposes of future reviews, the rear portion of the building shall be defined as that portion behind the first window bay on the side elevations. (See photo below.) This rear portion shall be considered “noncontributing” for the purposes of any proposed partial demolition/new construction. Any additional floors to the existing structure should be set back the same distance from the front façade.



Alterations and Additions since Construction

But for typical alterations cited above, the building still retains its original form and classic façade composition, as well as its key architectural details. The building continues to convey its original use and its close visual and function relationship to its neighbors adds additional interest.

*In considering alterations, additions and/or new construction at 495 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



The Great Atlantic & Pacific Tea Co. Store

ADDRESS

617 Forest Avenue

ARCHITECT

unknown

DATES

1915

STYLE

19th/20th Century Revival

Building History

The building at 617 Forest Avenue was built in 1915 as a mixed-use structure. The mixed-use nature of the building reveals the fact that this portion of Forest Avenue was transitioning from a largely residential area at the turn of the century to an increasingly commercial one. The building is located at the corner of Arlington Place, a short dead end residential street known in the late 19th century as Belmont Place. In 1917, William Oxnard sold the lot with buildings to Mina and Abbie Ambrose. Abbie Ambrose was the widow of Edward Ambrose, a Readfield attorney who died in 1915. Daughter Mina worked as a high school teacher and later was the assistant principal of Cape Elizabeth high School. The family does not appear to have lived in the building, rather using it as an investment property.

The shop front of the three-story building was first occupied by the Great Atlantic and Pacific Tea Company, a national grocery chain later known as the A&P. The company was founded in 1859 in New York City. In 1915 the company had 1600 stores nationwide. The upper portion of the building was occupied by two five-room apartments that were rented for \$35/month in 1924.

The building was sold by the Ambrose family in 1923 to Joseph Kalil (1886-1959) of Portland. Joseph immigrated to Portland in 1904 from Lebanon. Joseph and his wife Ida lived upstairs and Joseph's dry goods store was in the storefront below for several years before he became a travelling salesman.

The shopfront was occupied by C.F. Cook and Sons, a meat and provisions dealer in the 1930s-1950s. Today the second floor, which was built for residential use, is leased as office space.

Architectural Description

The building is a three-story brick structure with a flat roof. The façade features a projecting two-story faceted bay that is centered on the façade. The storefront originally featured a recessed central entrance flanked by two storefront windows. Today, the storefront consists of a recessed side entry with one large storefront window with two large mullied windows over a recessed wood panel base. The entry to the upper floors is located to the right of the storefront, as it has been since the building was constructed. The building features a projecting cornice supported by a deep frieze and modillions. The east elevation, which is exposed due to the building's corner location, features pairs of mullied windows in the center and single windows on each side. All windows are topped by decorative brick lintels. A curious smaller window opening near the leading corner of the building retains its original pedimented roof. The second-floor unit is now leased as office space. The building's brick exterior features fine mortar joints, typical of early twentieth century masonry.

Alterations and Additions since 1924

While the storefront and upper story entrances have been altered, the building retains most of its character - defining details including the bay details, the projecting cornice and modillions, and the unique temple framed window on the Arlington Place façade. These details and the building form and massing contribute to the character of Woodfords Corner and the Forest Avenue corridor.



617-619 Forest Avenue in 1924.



617 Forest, southeast elevation



Darling-Kidder Motor Car Company

ADDRESS

630 Forest Avenue

ARCHITECT

unknown

DATES

1917

STYLE

Vernacular

Building History

Originally occupied by the Darling-Kidder Automobile Dealership, the brick building at 630 Forest Avenue was built 1916-1917. It is one of several early automobile related businesses on the length of Forest Avenue that would become known as Portland's Auto Row.

Darling-Kidder was established in 1916 as a joint venture between Veranus Darling of Auburn and Myron Kidder of Portland. The partnership was short lived dissolving in 1919. Veranus Darling was a pioneer in Maine's automobile business. Initially an owner in a bicycle shop, he was a natural mechanic that seized on the opportunity presented by the new auto industry. He established the second automobile dealership in Maine and became the state agent for Reo motor cars. He also served as the director of the Maine Auto Dealers' Association. Veranus Darling died in 1924 and his son Elmer Darling succeeded him in the Darling Automobile Company.

In 1919 Myron D. Kidder moved the REO auto and truck dealership to 343-349 Forest Avenue. REO Motor Car Company was established in Lansing, MI in 1905. It was founded by Ransom E. Olds, founder of the Olds Motor Vehicle Company, later Oldsmobile. In 1910 REO added trucks to their manufacturing and in 1936 switched their focus solely to truck manufacturing.

The building was subsequently occupied by Chandler Motors of Maine, distributors of the Chandler and Cleveland Motor Cars, and Regent Motor Sales, Inc., a new and used car dealership. In the 1940s the former showroom and automobile service center was converted to a retail shop for Tom Taylors, a men's clothing shop.



1924 tax photo of the Darling-Kidder building

Architectural description

A one story commercial block located at the corner of Forest Ave. and Revere Street, the building takes advantage of its corner location by wrapping the corner with a curved façade. Tall, wide commercial windows with multi-lite transoms are separated by stout brick piers. The building features a deep frieze band below a projecting horizontal cornice. Above the cornice is a parapet which is punctuated by projections that continue from the projecting brick piers below. The entry, which is recessed, is on the Forest Avenue façade.

Alterations, Additions since construction

A rear addition was introduced some years after the building's original construction and does not contribute to the building's significance. It is recessive in appearance, however, and does not compete with the original structure. The break between the original structure and the addition is discernible on the Revere Street elevation. Other changes include the wrapping or coating of the original brick parapet, visible in the 1924 photo. Alteration to the parapet had the effect of altering the proportions of the building. Windows and doors have been replaced as well, although a number of the original divided-lite wood transom windows remain at the west end of the building.

Although 630 Forest has undergone exterior changes, particularly within the storefront bays, the building retains its original façade composition and bay spacing, as well as a number of its key architectural details, including several of its original divided-light transoms, its cornice, and strong brick piers. The former auto showroom building still clearly conveys its association with Forest Avenue's automotive history and continues to contribute to the visual character of Woodford's Corner and the Forest Avenue corridor.

IN THE TRADE

EASTERN STATES

MAINE—PORTLAND.—One of the Reo Motor Car Co.'s progressive dealers, the Darling-Kidder Co., has recently moved into its new, thoroughly up-to-date building, built especially for the housing and sale of Reo cars and trucks. The new quarters occupies a lot of about 5,000 square feet, and cost about \$20,000. The salesroom is at the right hand side of the building and the service station, which will accommodate 15 to 20 cars, is on the left. Especially attractive is the twelve-foot sidewalk around the building, and parking spaces, between the concrete walk and the curb.

From the February 23, 1918 publication of
Automobile Topics

Darling-Kidder Company

V. S. DARLING, Pres.

M. D. KIDDER, Treas. and Man.

"HOME OF THE REO"

SALES

SERVICES

Cumberland and York County Distributors

REO MOTOR CARS AND TRUCKS



Aerial view showing footprint of later addition. Rear addition is noncontributing and could be demolished as of right.

In considering alterations, additions and/or new construction at 330 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.**

|



ODD FELLOWS BLOCK

ADDRESS

643-651 Forest Avenue

ARCHITECT

F. H. Fassett & E. F. Fassett

DATES

1897

STYLE

Italianate

Building History

Built in 1897, the Odd Fellows Block was designed by Francis H. Fassett and his son Edward F. Fassett, well-known Portland architects of the time. Francis H. Fassett heavily influenced the architectural heritage of Portland through his use of the Victorian High Gothic, Queen Anne, and Italianate styles. Most famous for his grand residences, churches, and civic architecture, Fassett and his son designed this building for the Independent Order of Odd Fellows in the Italianate style.

The Independent Order of Odd Fellows is a fraternal organization with roots in 18th Century England. The charitable and service-based values held by the Odd Fellows may be visible in the variety of functions their building could accommodate. The 1926 Portland City Directory describes a multipurpose space that allowed for commercial tenants such as dentists and a tailor as well as gathering spaces for Masons and the Odd Fellows themselves in addition to an area for the Second Church of Christ (Scientist). By 1955, the uses seem to have been pared, with only one dentist on record, and halls only for the Masons and Odd Fellows. The Odd Fellows also owned the building at 645 Forest Avenue, adjacent to the rear of the main Block, which served as a bank and offices, and a social hall in downtown Portland at 21 Forest Avenue.

Considered majestic when the building was completed in 1897, the citizens of a then-independent town of Deering wished for it to serve as their town hall; Portland annexed Deering by an Act of the legislature in 1899 and had two separate city councils for one transitional year, before fully absorbing Deering's government in 1900.



Architectural Description

The Odd Fellows Block is a four story red brick flatiron structure that sits at the center of Woodfords Corner and stands as the prominent anchor of the main intersection of Forest Avenue, Woodford Street, and Deering Avenue due to its overall scale, corner-oriented clock tower and architectural interest. The tower, with its Doric columns and cupola, rises well above the flat roof. Below the cornice on the Forest Avenue frontage, light bricks form the letters “I. O. O. F. Block”.

The upper floors of the building feature a regular pattern of fenestration, with arched-topped windows on the second and third floors and semi-circular-topped windows on the fourth. At the corner facing the intersection, the windows openings are wider, with paired windows. Projecting brick piers divide the upper floors into bays. The decorative brickwork in stringcourses, window lintels, panels between floors, and a Greek key motif at the frieze beneath the cornice further enliven the building elevations. The deeply projecting cornice, which is supported by wood brackets, breaks at the corner, which emphasizes the vertical tower element facing Woodford’s Corner.

The two ends of the Forest Avenue elevation, though similar in treatment, are architecturally differentiated. The break between the two treatments occurs near the center of the façade where two brick piers define what was likely a building entrance at the ground floor level. Between the piers at the second floor level is an oval cast stone plaque with the date of the building and the initials “I.O.O.F.”. To the south (right), second floor windows repeat as on the left side of the elevation, but taller windows span the third and fourth floors, providing a distinctly vertical emphasis. Beyond the main four-story block, the building steps down to a two-story structure that is distinguished by a different frieze/cornice treatment.

At the ground floor, an intermediate cornice/sign band divided the base of the building from the upper floors. This cornice terminates just before the two storefronts at the south end of the Forest Ave. elevation.

Today the ground floor level features a variety of window and entry treatments. At the corner entry are a pair of contemporary steel doors. On the north (left) side of the Forest Avenue elevation are a series of square window openings infilled with three mullied windows. At the south end of this elevation are two storefronts, each with their own door/window pattern. The storefront on the left features a recessed center entry flanked by two faceted storefront windows. The storefront on the right features a recessed entry at the left, with a single broad storefront window on the right. The storefront window extends closer to the ground. A tall infill panel is located above each storefront, likely covering an area that once featured a transom window and sign panel.

The Woodford Street elevation is less detailed than the Forest Avenue elevation and appears to have been treated as a secondary elevation from the building's construction (see photo). The windows are more widely spaced and some of the brick detailing (e.g. the brick piers) have been eliminated. At the ground floor level are a series of widely spaced horizontal window openings infilled with three-lite mullied windows. A metal fire escape is attached to this elevation.

The flatiron form of the Odd Fellows Block is repeated in a more conservative manner at the Chapman Building on the opposite side of Forest Avenue, built seventeen years later, and interpreted in a modern architectural vocabulary in the diagonally-facing Mid-Century Modernist building across the main intersection. These structures serve as the architectural cornerstones of Woodford's Corner and form a gateway for those approaching the City of Portland from the north.

Alterations and Additions since Construction

As the building has been in the ownership of a non-profit organization, it was not documented as part of the 1924 tax reevaluation. Additional photographs in the IOOF's archives will be helpful in confirming the nature and scope of alterations made since the building's construction. The most evident alterations are to the main entrance that faces Woodford's Corner and to the ground floor in general. Original upper floor windows have been replaced as well, but the openings remain unchanged. On the rear elevation, some window openings have been bricked in and door openings infilled with steel doors. Notwithstanding these changes, the building remains in well-preserved condition thanks to the stewardship of the Odd Fellows. The most recent initiative of the organization was the restoration of the building's signature clock tower.

*In considering alterations, additions and/or new construction at 330 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***





CHAPMAN BLOCK

ADDRESS

648 Forest Avenue

ARCHITECT

unknown

DATES

C. 1916

STYLE

Italianate

Building History

The flatiron building at 648 Forest was constructed circa 1916. According to the 1924 tax records, the building was owned by Albion L. Chapman as of that date. Presumably, the building was built for Mr. Chapman as he and his partner George Wyman were local to Woodford's Corner and had an apothecary at 552-554 Deering Avenue on the corner of Forest and Deering Avenues in 1900. The architect is not known. This block should not be confused with the Chapman Building at 447 Congress on the peninsula, often referred to as the Time & Temperature Building.

The Chapman Block has housed a variety of occupants over its history. In 1926, a milliner named Alberta L. Stickney and the Deering Loan and Building Association both operated from the Chapman Block's office spaces. Nearly ten years later the building's resident businesses had expanded to include a beauty shop, physician and dentist offices, a real estate and insurance agency, and a music teacher. Virginia Sweetser taught music in this building for at least ten years until 1936.

The Chapman Block also accommodated several eateries over the years, a function it has shared with the Modernist structure located across the busy Woodford's Corner intersection at 660 Forest Avenue. This building housed the former Valle's Sandwich Shop from 1964 to 1966 and remained an integral part of the region's food service industry in its capacity as the Valle corporate headquarters until 2000. In the 1970s, Woodford's Tavern occupied space within the Chapman Block; today, the building accommodates the Bayou Kitchen restaurant.

In 1967, the upper floors of the Chapman Block changed use from office space to apartments and interior alterations were necessary. Bayou Kitchen expanded into space previously occupied by a tattoo parlor in 2011, which required significant interior remodeling.

Architectural Description

The Chapman Block is a three story brick flatiron structure. Stacked bay windows on the second and third levels dominate the building's façade which faces the Woodfords Corner intersection. The bays, which are ornamented with decorative panels in wood and brick, project well beyond a recessed entryway at the ground floor. Abutting this entry are storefront windows on either side that extend a short distance around the building corners. Beyond this point on both the Forest Avenue and Deering Avenue elevations are brick fields that separate the "nose" of the building from the storefronts that face the respective streets. This separation is reinforced by the treatment of the cornice separating the ground floor from the upper floors. The cornice stops at the corner and picks up again above the storefronts on the side elevations.

On the Forest Avenue elevation is a building entrance with sidelight and a storefront with recessed entry. To the right of the building entrance are two boarded-up window openings and another single storefront window. The ground floor of the Deering Avenue elevation features a single storefront with recessed entry and a single window. On this elevation the solid brick field is wider, but is enhanced by two decorative flush panels.

The upper floors feature punched window openings of vertical proportions. Some windows are grouped in two's or three's and others are single openings. The current windows are one-over-one and it is likely that they were one-over-one when built, given the era of construction. Flat cast stone lintels cap the second floor windows; the third floor windows openings have arched panels above with arched brick lintels. A decorative band of vertically-oriented bricks run between the third floor windows, adding visual interest. A deep cornice of cast stone with a parapet above terminate the building at the roofline. Immediately below the projecting cornice is decorative brickwork. The roof itself is flat.

In form, orientation and general architectural expression, the Chapman Block complements the earlier Odd Fellows flatiron block across the street, but is more modest in scale and architectural detail. The pairing of the two flatiron blocks forms a gateway when entering Portland along Forest Avenue from the north.

Alterations and Additions since Construction

The Chapman Block remains in relatively unaltered condition. A number of the upper floor windows have been replaced, as have some components of the storefronts (e.g. transoms and bulkheads), but the prominent bays facing Woodfords Corner retain their original detail and the overall composition of each façade remains unchanged. Enough original elements remain to guide a future rehabilitation effort. It should be noted that partial repointing was completed in the recent past; the repointing is not consistent with the original masonry.





Forest Avenue elevation of Chapman Block



Deering Avenue elevation

In considering alterations, additions and/or new construction at 330 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.**



VALLE'S SANDWICH SHOP

ADDRESS

660 Forest Avenue

ARCHITECT

William Nelson Jacobs Associates

DATES

1964

STYLE

Modern/Contemporary

Building History

The building at 660 Forest Avenue was purpose-built in 1964 to house Valle's Sandwich Shop, a short-lived smaller-scale arm of Valle's Steak House. Valle's Steak House operated from 1933 to 2000 and was a very successful regional restaurant with 25 locations along the East Coast.

Donald Della Valle emigrated from Italy to Portland in 1912 and opened the 12-seat Valle's Café in the Woodford's Corner area at the end of Prohibition in 1933. The first steak house, located at 660 Forest Avenue after World War II, was a one-story building and contained a large sign projecting from the flat roof above the front door (see photo). In 1960, the restaurant business was moved from this location in Woodford's Corner to Brighton Avenue and in 1962, Valle was granted permission to demolish a theater adjacent to his Woodford's Corner lot with the notation, "Land to be built on later". The current structure was built on the site of the former steak house and theater in 1964 and operated as a sandwich shop for a short period, before serving as the corporate offices for Valle's Steak House from 1966 until 2000.

As with the current building, the space at the rear of the earlier structure was shared with another commercial enterprise; in 1950, the popular New England chain Benjamin Franklin general store occupied the secondary space and today the commercial space in the rear ell is used by a combination dry cleaners and tanning salon.

Architectural Description

The building was designed by the Boston-based firm of William Nelson Jacobs Associates and remains one of Portland's few extant and largely unaltered Modern/Contemporary structures.

Located in the center of Woodford's Corner, this Mid-Century Modern building faces the Chapman Building and the block erected for the Independent Order of Odd Fellows across the main intersection of Forest Avenue, Woodford Street, and Deering Avenue. Although distinct in both scale and architectural style from these older structures, the building at 660 Forest Avenue echoes their flatiron facades in its diagonally-oriented placement on the corner. Its dynamic positioning re-interprets their strong street level presence with a projecting three bay façade, large floor-to-ceiling windows capped with a tripartite parallel gable roof, and exaggerated angular overhangs. Other Valle's locations also featured this unique three-bay façade and exaggerated roofline, a characteristic referenced in the company's mid-century logo. The rear ell of the building, which features a simple box-like massing and a flat roof, is a nondescript, secondary component of the overall structure, exhibiting none of the architectural exuberance of the corner element. As such, it is considered a noncontributing element of the building.

Alterations, Additions since Construction

Since the building's construction, no major alterations have taken place.



Previous structure on site

VALLE'S
STEAK HOUSE



From this aerial view, one can see that the rear portion of the building does not contribute to the building's architectural significance.

*In considering alterations, additions and/or new construction at 330 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



Engine Company No. 8 Firehouse

ADDRESS

536 Deering Avenue

ARCHITECT

unknown

DATES

1907

STYLE

Classical Revival

Building History

The former Engine Company No. 8 Firehouse is located at 536 Deering Avenue, in close proximity to the Woodford's Corner intersection. Currently the site of Big Sky Bread Company, the firehouse was built in 1907 to serve the surrounding Deering neighborhood and operated as a firehouse until 1967.

Woodford's Corner had an active fire-fighting group starting in 1873, two years after the formation of the town of Deering. This fire brigade was called the Woodford's Engine Company and by 1889 it occupied space in Lewis Hall at 165 Woodford Street, sharing the building with the Deering Town Offices and another fire company, Ladder Company Four. When the City of Portland annexed Deering in 1899, the resulting integration and reorganization of fire companies saw the brigade at Woodford's Corner become Portland's Engine Company Eight. In 1907 Ladder Company Four moved to a newly-constructed firehouse close to Morrill's Corner on Arbor Street and Engine No. 8 transferred to the purpose-built brick fire station at 536 Deering Avenue.

The Engine Company No. Eight Firehouse played an important role in the Portland Fire Department. In 1916, it was the first station in Portland to put a motorized fire truck into service. It was the headquarters for the City's District Two Fire Chief from 1909 until its closure. Engine Company No. 8 remained an active fire department company at 536 Deering Avenue until 1967 when the engine company was relocated, along with the District Chief's offices, to North Deering.

After the engine company relocated to North Deering in 1967, the City of Portland leased the unoccupied firehouse to the Children’s Theatre of Maine in 1971 for a period of five years at the cost of one dollar. This change of use necessitated some interior modifications, such as the removal of the fire pole and the addition of a metal fire escape. Following the Theatre’s leasing period, the firehouse was used by the City for storage but remained vacant until a private owner bought the building in 1994. The building’s current tenant, Big Sky Bread Company, moved into the space the same year.

Architectural Description

The building is a two story brick structure with a flat roof. Although the building is simple and straightforward in its massing, the level of architectural detail belies the functional its nature of its use. The façade features a pair of two-story tall openings separated by a center brick pier. At the ground floor level are garage doors and above are three mulled one-over-one windows. Separating the doors and the windows above are three square wood panels featuring a decorative cross-brace detail. This detail also appeared in the station’s original doors—see historic photos. At the center of the façade a flagpole is mounted at the second story level and extends well above the roofline. The deeply overhanging cornice is supported by brackets and the frieze is ornamented with dentils. The brickwork itself is an important character-defining feature with narrow mortar joints that give the masonry a very uniform appearance. This type of brickwork was popular in the early 20th century. The “Engine 8” sign that can be seen in historic images is no longer hanging on the façade. A siren tower was erected on the roof in 1951.

The side elevations feature simple punched window openings, the placement of which reflecting the interior layout more than a strict adherence to architectural uniformity. The one-over-one windows feature rusticated granite sills and lintels of soldier course brick. Behind the main block of the building is a rear ell that is set back from the main block’s side elevation. The decorative cornice continues around the entire ell. The ell’s south elevation features a garage door opening with steel header and a large loft opening with projecting hoisting arm. Given the building’s location at the corner of Deering Avenue and Revere Street, the building’s entire south elevation is clearly visible. The rear elevation of the ell is also visible; the window openings on the rear have been bricked in.

Additions and Alterations since Construction

As a municipal, tax-exempt structure, the firehouse was not included in the 1924 tax revaluation and therefore no photograph was taken. Fortunately, other early photos exist to confirm its original appearance. From those photos we know the original appearance of the firehouse doors. These have been replaced with more contemporary doors that feature a high degree of glazing. But for the door replacement, the building retains its original features and is in well preserved condition thanks to a major rehabilitation by the current owner in 1994. It remains an important landmark in the Woodford’s Corner/Deering neighborhood.

*In considering alterations, additions and/or new construction at 330 Forest Avenue, please refer to **Design Guidelines Applicable to Designated Landmarks on Forest and Deering Avenue.***



Engine Company No. 8 Firehouse circa 1912. Maine Historical Society Image.



Building in 1994, when City sold it to current owner.



View of building from Revere Street

**HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE**

**PUBLIC HEARING
FOREST AVENUE AND WOODFORDS CORNER**

TO: Chair Sheridan and Members of the Historic Preservation Board
FROM: Deb Andrews, Historic Preservation Program Manager
DATE: July 15, 2019
RE: July 24, 2019 **PUBLIC HEARING**
**Finding of eligibility for landmark designation according to ordinance
designation criteria and formal recommendation to City Council
regarding designation**

Subject Structures:

536 Deering Avenue	Engine Company No. 8 Firehouse	1907
309 Forest Avenue	Firestone Auto Supply & Service Store	1930-31
330 Forest	Van Blarcom Incorporated Auto. Garage	1919
331 Forest	A.S. Hinds Laboratory Bldg.	1920
343 Forest	Miles B. Mank Motor Car Company	1916-1917
355 Forest	L.C. Gilson Automobile Co. Bldg.	1922
364 Forest	Oakhurst Dairy	1951-1953
495 Forest	Packard Motor Car Co. Showroom	1927
501 Forest	Gleason Chrysler Auto Dealership	1927
517 Forest	Clifton R. Shaw Auto Dealership	1928
525 Forest	John S. Goff Chevrolet Bldg.	1927-1928
533 Forest	Studebaker Automobile Dealership	1928
617 Forest	Great Atlantic & Pacific Tea Co. Store	1915
630 Forest	Darling-Kidder Motor Car Company	1917
643-651 Forest	Odd Fellows Block	1897
648 Forest	Chapman Block	1916
660 Forest	Valle's Sandwich Shop	1964

Introduction

Following four preliminary review sessions, the Historic Preservation Board will hold a public hearing and conduct final deliberations on the Planning Department's proposal to designate seventeen historic structures on Forest Avenue and Deering Avenue as individual landmarks under the criteria set forth in the historic preservation ordinance (Article IX of the Land Use Code). The nominated buildings record the story of Forest Avenue's development history, especially its era as a street car line

around the turn of the twentieth century and the decades when it was recognized as Portland's "Auto Row".

The Board will be making 1) a formal finding as to whether each of the identified structures meets the minimum criteria for landmark designation, citing applicable criteria; and 2) a recommendation to the City Council regarding designation of the subject structure as a local landmark. As the buildings are being considered for individual landmark designation, each building will be voted upon separately.

Context of Proposed Designations, Planning Goals

As noted in previous staff reports and presentations, a number of precipitating factors and planning goals have prompted this designation initiative. First and foremost, given the historical significance of Forest Avenue as one of Portland's earliest and most important transportation corridors and given the fact that important historic structures remain to record key chapters in the corridor's evolution, it is consistent with the stated purpose of Portland's historic preservation ordinance to designate such structures in order to ensure their preservation over time.

This designation initiative is also pursuant to the findings of several historic building surveys conducted of Forest Avenue. A survey conducted by the Maine Historic Preservation Commission in 2011 identified the structures now under consideration as historically and/or architecturally significant and eligible for listing in the National Register of Historic Places. An updated and more detailed survey conducted by Greater Portland Landmarks in 2015 with assistance from the City of Portland shed additional light on their significance and eligibility for designation.

Other considerations prompted this designation effort as well. Planning and Historic Preservation staff wish to be proactive in identifying Forest Avenue's historic structures as assets that warrant preservation rather than responding on a case-by-case basis when a proposal for demolition or redevelopment is brought forward. Designation provides a level of certainty regarding the status of the property that is to all parties' advantage. Staff recognize that this section of Forest Avenue is likely to evolve in the coming years as the mix of uses changes, USM grows, demand for housing increases, etc. With these potential changes, there is an opportunity to build upon the identified assets of the street and encourage a development pattern that is more consistent with the City's urban design goals. The historic buildings that remain on Forest Avenue exhibit many of the urban design characteristics that the Planning & Urban Development Department hopes to encourage in new development: for example, the buildings are set close to the street, are constructed of high quality materials, provide architectural interest and feature expansive storefront windows that allow for visibility of the interior and attract pedestrian traffic.

As has been demonstrated in the Old Port Historic District, Congress Street Historic District and India Street Historic District, preservation is an effective and proven economic development tool. As suburban sprawl and roadside development make more and more commercial areas look the same, preservation of historic structures along traditional commercial corridors like Forest Avenue ensures that what makes the corridor unique or distinctive is retained.

Preserving these landmarks can provide the area with a competitive edge. Studies from across the country have shown that when key landmarks are highlighted and enhanced through sensitive rehabilitation, others are inspired to invest in the area. Quality investment stabilizes commercial areas and boosts property values.

Finally, this designation proposal is part of a broader initiative on the part of the City of Portland to invest in Forest Avenue and Woodfords Corner with public infrastructure improvements, public art and zoning changes. It also complements the goals of the Friends of Woodfords Corner, which was formed in 2015 to become an advocate for revitalizing the area. Indeed, by seeking Main Street Affiliate status through the National Main Street program, the organization recognizes that preservation is a key element of the Main Street strategy.

Landmark Designation Criteria

In evaluating the eligibility of a structure, site or area for landmark or historic district designation, the Board must find that the nominated historic resource meets **at least one** of six identified criteria under Sec. 14-610 (a) of the ordinance (Minimum Criteria for Designation). Additionally, the Board must find that the structure, site or area meets the ordinance's "integrity" standard under Sec. 14-611.

The minimum criteria for designation are as follows:

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

- 1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;*
- 2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;*
- 3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;*
- 4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;*
- 5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or*
- 6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.*

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

Nominated Structures, Areas of Significance:

All seventeen structures nominated for landmark designation are located between the I-295 interchange and Woodfords Corner. With the exception of the former Engine Company No. 8 Firehouse at 536 Deering Avenue, all of the buildings are located on Forest Avenue. The identified buildings are thematically related in that they all represent key chapters in Forest Avenue's late nineteenth and early twentieth century development, particularly its era as a street car line serving the new suburban neighborhoods that were developing off the Portland peninsula as well as the period when it became known as "Auto Row" due to the concentration of first-generation auto showrooms, garages and auto supply businesses located along this section of Forest.

Four of the nominated buildings—the Odd Fellows Block at 643-651 Forest, the Chapman Building at 648 Forest, the mixed-use building at 617 Forest that housed an A&P Store, and Engine Company No. 8 Firehouse at 536 Deering Avenue—are clustered at Woodfords Corner and convey the story of this key intersection at the turn of the twentieth century, when it functioned as a village center.

The auto showrooms at 330, 343, 355, 495, 501, 517, 525, 533, and 630 Forest Avenue are not only historically significant for their association with Forest Avenue's reputation as Auto Row, they're also architecturally significant as examples of a **unique building type** that was introduced with the advent of the automobile. First generation auto showrooms were purpose-built for optimal merchandising of vehicles. As such, the buildings featured a center entry flanked by two expansive showroom windows that extended to the floor to provide full views of the cars from passing traffic. These wide windows continued around the front corners of the buildings for one or two bays on the side elevations, again to provide maximum visibility of the showroom interior. Buildings were typically single story with a high ceiling. Often featuring a roof parapet, the parapet provided additional height and an area for architectural embellishment. Most of the architectural ornamentation was concentrated on the front façade and the first two bays of the side elevations. The rear portion of these showrooms was typically utilitarian in both function and appearance.

A number of the nominated structures are noteworthy for their architectural design. The former Valle's Sandwich Shop at 660 Forest is a rare example of Mid-Century Modern style architecture in Portland. The architect-designed 1953 Oakhurst Dairy Building is a good example of the International style. Similarly, the Firestone Auto Supply & Service Store (now the Rowell Building) at 309 Forest is one of the few examples of Art Deco architecture in Portland. The Beaux Arts Revival Hinds Laboratory Building at 331 Forest was designed by Portland's most celebrated architect John Calvin Stevens. And Odd Fellows Hall at 643-651 Forest was designed by well-known nineteenth century architect Francis Fassett.

Based on a review of the individual nominated structures, staff is of the opinion that nominated buildings meet the following minimum criteria for significance:

Address	Original Use	Applicable Designation Criteria
536 Deering Avenue	Engine Company No. 8 Firehouse	Criteria 1 and 6
309 Forest Avenue	Firestone Auto Supply & Service Store	4 and 6
330 Forest	Van Blarcom Incorporated Auto. Garage	4 and 6
331 Forest	A.S. Hinds Laboratory	Bldg. 1, 5 and 6
343 Forest	Miles B. Mank Motor Car Company	4 and 6
355 Forest	L.C. Gilson Automobile Co. Bldg.	4 and 6
364 Forest	Oakhurst Dairy	1 and 4
495 Forest	Packard Motor Car Co. Showroom	4 and 6
501 Forest	Gleason Chrysler Auto Dealership	4 and 6
517 Forest	Clifton R. Shaw Auto Dealership	4 and 6
525 Forest	John S. Goff Chevrolet Bldg.	4 and 6
533 Forest	Studebaker Automobile Dealership	4 and 6
617 Forest	Great Atlantic & Pacific Tea Co. Store	6
630 Forest	Darling-Kidder Motor Car Company	4 and 6
643-651 Forest	Odd Fellows Block	1, 3, 5 and 6
648 Forest	Chapman Block	1 and 6
660 Forest	Valle's Sandwich Shop	4 and 6

Consideration of Design Guidelines or Ordinance Amendments to Accompany Designations

Under the provisions of the historic preservation ordinance, any designation recommendation—either for an individual landmark or historic district—may be accompanied by design guidelines specific to the district or landmark to inform future reviews of alterations or construction (see Sec. 14-617 (c)). “The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of Division 7 (Standards for Review of Application for Certificate of Appropriateness).”

Although there are no specialized design guidelines for most of Portland’s historic districts, some of the recent district designations were accompanied by amendments to the historic preservation ordinance or site plan ordinance that would address the special circumstances of that district. In the Congress Street Historic District, for example, for new construction in the B3 zone “the historic preservation board shall not impose conditions more restrictive than the dimensional requirements of the B3 zone”. This provision was written to reflect the fact that building heights on Congress Street vary considerably and that the heights allowed by the underlying zone were acceptable. In the case of the India Street Historic District, the site plan ordinance was amended to exempt new development within 100 feet of the district boundary from the “100-ft. rule”, which requires an advisory review by Historic Preservation staff (which can incorporate Historic Preservation Board input) as to whether a development is “generally compatible” with the character of an abutting district or landmark. This amendment was proposed by the Planning Board based on their confidence that the design guidelines

and dimensional standards of the new India Street Neighborhood Form-Base Code would be sufficient to ensure compatible development adjacent to the historic district.

During preliminary workshops on the nominated Forest Avenue structures, there was discussion of some of the unique characteristics of many of the nominated buildings (in particular, the single-story nature of most of the auto showrooms) and the potential for adding floors to these buildings. There was also discussion of some of the Planning Department's urban design goals as regards future development on Forest Avenue, including provisions for more intensive development and multi-story structures. The Historic Preservation Board was in agreement that designation of key historic structures was not intended to preclude the possibility of adding floors to existing one or two-story structures, provided the addition was of a scale, character and setback that did not negatively impact the original structure and met the historic preservation ordinance review standards. It was also generally agreed that designation was not intended to preclude more intensively developing a portion of a designated property where that portion was found to be of limited architectural significance. Staff had suggested the potential of added design guidelines applicable to the proposed individual designations that would inform current and future property owners as well as future members of the Historic Preservation Board as to the Board's intent at the time of designation.

While appreciative of the intent to provide some level of reassurance to property owners as regards Board intent, several members of the Board expressed concern about the potential for design guidelines to "prejudge or limit a future review or outcome". Chair Sheridan also noted that the ordinance as currently written allows for consideration of alterations, additions (including additional floors) and even some level of redevelopment if the specific circumstances of the property justify it. As such, Ms. Sheridan suggested there was no need for added guidelines that stated the same.

If the Board determines that additional design guidelines or modifications to the applicable ordinances are needed, staff will prepare amendment(s) to the Historic Preservation ordinance or Site Plan ordinance which will require review and approval by the City Council. The Historic Preservation Board's formal recommendation regarding landmark designation of the seventeen identified properties can proceed at this time with the understanding that any agreed-upon amendments will be pursued forthwith.

The general issues identified during preliminary workshops that prompted consideration of added design guidelines included the following:

- Applicability of the site plan ordinance's "100' rule". (The 100' rule requires that the Planning Board find that new construction within 100 feet of a designated landmark or district be found to be generally compatible with the adjacent landmark or district and requires that Historic Preservation staff provide a written assessment of the proposed development's compatibility for the Planning Board's consideration. This provision also allows HP staff to consult with the HP Board in preparing this assessment.) There were questions as whether this site plan provision need apply to the Forest Avenue designations given that the B2 zone includes design guidelines for new construction and

the question of design compatibility with existing structures is less relevant along Forest Avenue as it would be in a more architecturally cohesive area like Exchange Street.

Note: An amendment to this site plan provision would not affect the proposed landmark properties themselves, only parcels in their immediate vicinity. As such, it is not really relevant to the question of designation now before the Board. Amending the applicable site plan ordinance standard (Sec. 14-526 (b)) would require review and approval by the Planning Board and Council. In practice, where the context around a landmark is fairly eclectic, staff notes that fact in the memo to the Planning Board and the level of review is cursory.

- Alterations and additions not readily visible from a public way. As the ordinance is currently written, any exterior alteration to a designated landmark, whether visible from a public way or not, is subject to review. That is not the case for contributing buildings in historic districts. There was general consensus that for the Forest Avenue buildings under consideration, only readily visible alterations and additions should be subject to review.

Note: One option for addressing this issue would be to amend the applicable provision in the historic preservation ordinance (Sec. 14-635 (e)) to create an exception for Forest Avenue landmarks. Alternatively, information included in this report and in the final report to the City Council—as well as in a cover page attached to the group of nominated Forest Avenue landmarks (see attached)—that describes the intended limits of review intended limits of review can serve as a reference for future reviews. No separate approval process for these options would be required.

- Height allowance. The Board appeared to be in general agreement that the allowable building height in the B2 zone should be honored in any review of building additions or new construction. The *manner* in which the overall height is achieved would be subject to historic preservation review, however.

Note: This issue could be addressed in an amendment to the Historic Preservation ordinance, as was done for the Congress Street Historic District and India Street Historic District. Alternatively, the information included in the final designation report to the Council—or in the cover page attached to the nominated Forest Avenue structures—can serve as a reference for future reviews. Any change to the Historic Preservation ordinance would be subject to Council adoption.

- Consideration of future additions, including additional floors, or of partial redevelopment.

Note: As described above, there was mixed opinion as to whether additional design guidelines were necessary or appropriate to develop for the nominated landmarks on Forest Avenue. Again, the description of the Board's intent included in this report,

and/or in a cover page attached to the group of nominated structures, could serve as a reference for current or future property owners or potential developers. As well, photos with captions featuring Forest Avenue properties could be added to the Historic Resources Design Manual to illustrate how the introduction of additional floors or partial redevelopment is evaluated under the ordinance.

The individual building descriptions have been edited to identify the chief character-defining features of each building and note where a portion of the building has minimal architectural character. This information is intended to inform future reviews. If the Board felt that in addition to these changes to the individual building descriptions, amending the Historic Resource Design Manual was also needed, amending that document would require Historic Preservation Board review and approval.

The existing provisions of the Historic Preservation ordinance, combined with the summary narrative that will accompany the building descriptions, provides adequate protection, guidance, and flexibility for future review of the landmark properties without any changes to the Land Use Code or Design Manual. However, if the Board found any of the additional modifications outlined above advisable, staff would bring forward proposed amendments on a separate schedule.

Summary of Public Comment

During the preliminary workshops, a number of the affected property owners voiced opposition to the designation. Among the arguments made were that designation would reduce the value of their property, make their building difficult to sell, affect their ability to use the property as they needed to, make it harder and more costly to make changes to their buildings. Some owners objected to any outside oversight of their buildings, noting that they had been good stewards of their property and that designation was “punishment” for their efforts. The owners of 355 and 495 Forest Avenue and 536 Deering Avenue submitted written requests to remove their property from consideration. During public comment at the June 19th workshop, the owner of 495 Forest encouraged the Board, if it recommended designation, to include design guidelines or clarifying provisions that would make clear the Board’s intent that designation not preclude the possibility of added floors or other changes.

To further clarify the process and implications of designation, affected property owners were invited to an informational session on July 11th. The presentation included details on what activities require review, the review process, timeframes for review and approval, etc. The session was attended by representatives of two of the nominated properties.

Motions for Consideration

Please vote separately on each building, citing applicable designation criteria. See list of individual buildings with applicable designation criteria below the suggested motion.

On the basis of information and analysis provided in the July 24, 2019 staff report, including a historic context statement detailing the development history of Forest Avenue and documentation on each of the seventeen structures nominated for landmark designation, as well as consideration of public testimony, the Board:

- 1) Finds that the -----at ----- **meets (fails to meet)** designation criteria -----&-- of Sec. 14-610 of the historic preservation ordinance, **and meets (but fails to meet)** the integrity requirement under Sec. 14-611 of the ordinance; and
 - 2) **Based on these findings (notwithstanding these findings) recommends (does not recommend)** that ----- at -----be designated a local landmark subject to the protections of Portland's historic preservation ordinance (Article IX of the Land Use Code).
1. Engine Company No. 8 Firehouse at 536 Deering Avenue ... Criteria 1 and 6
 2. Firestone Auto Supply & Service Store at 309 Forest AvenueCriteria 4 and 6
 3. Van Blarcom Incorporated Automobile Garage at 330 Forest Avenue ... Criteria 4 and 6
 4. A.S. Hinds Laboratory Building at 331 Forest Avenue ... Criteria 1, 5 and 6
 5. Miles B. Mank Motor Car Company at 343 Forest Avenue ... Criteria 4 and 6
 6. L.C. Gilson Automobile Company Building at 355 Forest Avenue ... Criteria 4 and 6
 7. Oakhurst Dairy 1953 addition at 364 Forest Avenue ... Criteria 1 and 4
 8. Packard Motor Car Company Showroom at 495 Forest Avenue ... Criteria 4 and 6
 9. Gleason Chrysler Auto Dealership at 501 Forest Avenue ... Criteria 4 and 6
 10. Clifton R. Shaw Auto Dealership at 517 Forest Avenue ... Criteria 4 and 6
 11. John S. Goff Chevrolet Building at 525 Forest Avenue ... Criteria 4 and 6
 12. Studebaker Automobile Dealership at 533 Forest Avenue ... Criteria 4 and 6
 13. Great Atlantic & Pacific Tea Company Store at 617 Forest Avenue ... Criteria 6
 14. Darling-Kidder Motor Car Company at 630 Forest Avenue ... Criteria 4 and 6
 15. Odd Fellows Block at 643-651 Forest Avenue ... Criteria 1, 3, 5 and 6
 16. Chapman Block at 648 Forest Avenue ... Criteria 1 and 6
 17. Valle's Sandwich Shop at 660 Forest Avenue ... Criteria 4 and 6

ATTACHMENTS

1. Historic Context Statement - *Forest Avenue: Its Early Development & Transportation History*
2. Map of Forest Avenue identifying nominated structures
3. Draft cover letter or summary page proposed to accompany building descriptions
4. Updated building descriptions of nominated properties



CITY OF PORTLAND
Planning & Urban Development

MEMORANDUM

TO: Mayor Strimling and Members of the Council
FROM: Christine Grimando, Acting Director, Dept. of Planning & Urban Development
Deb Andrews, Historic Preservation Program Manager
DATE: October 2, 2017
SUBJECT: Proposed Landmark Designation of 17 Historic Structures on or adjacent to
FOREST AVENUE – Information for October 7 Workshop

On September 16th, the Council held a public hearing on Order 44-19/20 Designating 17 Structures on or adjacent to Forest Avenue as Historic Landmarks. The item was forwarded by the Historic Preservation Board, which voted unanimously (6-0) to recommend individual landmark designation of the 17 buildings based on findings that each of the buildings met the historic preservation ordinance's criteria for designation and that designation of Forest Avenue's key historic structures was pursuant to a number of specific goals and strategies included in Portland's 2030 Comprehensive Plan. The Historic Preservation Board's formal deliberations and vote followed four preliminary workshops on the proposal.

Following a staff presentation and statement from a representative of the Historic Preservation Board, public comment was taken. Nineteen individuals, mostly owners of affected properties and/or their representatives, provided comment. As the Council began its deliberations, Councilor Cook offered an amendment that would move forward with a decision on five of the nominated structures (617, 630, 638, 660 and 651 Forest) and postpone, without judgement, consideration of the remaining twelve. This would allow time for additional information to be provided and a possible workshop to be scheduled. Ultimately, the Council voted unanimously to postpone action on all seventeen buildings until October 21st and to schedule a workshop on the matter.

At the upcoming workshop, staff will provide a brief summary of the Historic Preservation Board's review process and describe the Board's effort to communicate its receptiveness to (and the historic preservation ordinance's allowance for) more intensive development on the subject properties, particularly those with single-story former auto showrooms.

In anticipation of Monday's workshop, Councilor Ray forwarded a number of questions prompted by the proposed designation. Following are Councilor Ray's questions. A staff response follows each question.

1. *When this process initially began, there were more than 17 structures on the Forest Ave. corridor under consideration for historical designation, correct?*

Yes. The process for identifying structures eligible for local landmark designation started as an open-ended process, evaluating all of the buildings on Forest Avenue between I-295 and Woodfords Corner. That particular section of Forest was selected for study by the Planning Department as it was the target area for a number of public improvement projects and other initiatives designed to enhance and revitalize this key off-peninsula commercial corridor.

The process began with preparing a "historic context statement" that describes the development history, significance and unique characteristics of Forest Avenue, with a particular focus on this section of Forest. (See attached context statement prepared by architectural historian Scott Hanson—ATTACHMENT 1.) An understanding of an area's development history is key to assessing the relative significance of the older structures that remain. In this case, it helps answer the question of how/to what extent does a given building help communicate the unique history of Forest Avenue.

After the context statement was completed, a "reconnaissance-level" architectural survey was conducted of every building within the defined survey area. (A total of 77 buildings are located within the survey area.) This is a preliminary assessment done with the aim of identifying buildings that warrant further evaluation/documentation. The identified buildings were evaluated for their 1) historic, architectural and/or cultural significance; especially their relationship to key chapters in Forest Avenue's development and 2) their level of integrity (i.e. condition, level of alteration). This evaluation resulted in some winnowing of the initial list of buildings under consideration. The Forest Gardens building at 371-373 Forest, for example, had cultural significance as a longstanding neighborhood social center, but had been altered substantially. The mixed-use structure at 617 Forest Avenue, which is architecturally very similar, still retains its historic integrity. The choice was made to include 617 Forest Avenue on the list of buildings proposed for designation, but eliminate the Forest Gardens building. Similarly, the former Merrill's Garage at 634 Forest, the former Franklin Service and Sales Company Building at 369 Forest and the Studebaker complex's rear garage were eliminated from the list based on various factors. Engine 8 Firehouse, while not located on Forest Avenue, was included on the list of proposed

landmarks based on its historical association with Woodfords Corner and its individual architectural significance.

It should be noted that the list of buildings identified as eligible for National Register or local landmark designation did not vary significantly from one survey initiative to another, regardless of the nature or scope of the documentation effort. As noted below, this area was assessed by the Maine Historic Preservation Commission in 2011, by Scott Hanson in 2015 (in conjunction with his study of Forest Avenue and Stevens Avenue for Greater Portland Landmarks) and by Landmarks' graduate student interns later in 2015 as part of a more detailed building documentation initiative.

My understanding is that this is a “bare bones” list. Can you talk a little about the process of whittling this list down, for example:

- a. *How many buildings were included initially:*
 - i. *in the 2011 Maine Historic Preservation Commission report?*

The Maine Historic Preservation Commission's 2011 assessment of Forest Avenue's buildings was prompted by a federally-funded MDOT project to improve four intersections along Forest Avenue. Because federal funds were being used for the project, MDOT was required to conduct an architectural survey to document all resources 45 years old or older within the “area of potential effects” around each intersection and evaluate whether any resources are eligible for listing in the National Register. *Note that MDOT only surveyed those “areas of potential effects” around the intersections targeted for improvements. Accordingly, the survey did not include the entire section of Forest Avenue between I-295 and Woodfords and was not a contiguous survey.* As required, MDOT reported its findings to the Maine Historic Preservation Commission, which had the opportunity to concur or disagree with the MDOT report.

The MDOT report concluded that there were no buildings within the surveyed areas eligible for the National Register. (See ATTACHMENT 2.) In a letter dated October 3, 2011, Deputy State Historic Preservation Officer Kirk Mohney stated that the Commission did not agree with MDOT's conclusion and identified 13 structures *within the areas that were surveyed* to be eligible for listing in the National Register. Note that a portion of this stretch of Forest was not included in the survey; as such, MHPC did not comment on historic

resources in this section. (See MHPC letter, ATTACHMENT 3, which includes list of buildings found to be NR eligible.

ii. in GP Landmarks 2015 survey?

The 2015 report commissioned by Greater Portland Landmarks and prepared by Scott Hanson addressed historic resources on both Forest Avenue and Stevens Avenue (ATTACHMENT 1). The total number of resources surveyed is not indicated. At the end of the report, Mr. Hanson includes current and historic views of 18 structures on Forest which represent various building types on Forest. Most, but not all, of the buildings illustrated were included in staff's list of proposed designations. Mr. Hanson's report also lists the following structures as "significant surviving resources" on Forest:

Valle's Corporate Offices, 660 Forest
Odd Fellows block, 643-651 Forest
Chapman Block, 650 Forest
Engine 8 Firehouse, 536 Deering Ave
Merrill's Garage, 634 Forest
Studebaker complex, inc. garage, 517-533 Forest and 44 Indian Lane
Oakhurst Dairy, 364 Forest
Palmer Spring Building, 355 Forest
Mank Motor Company building, 330 Forest
A.S. Hinds building, 331 Forest
William C. Rowell building, 309 Forest

The survey work completed by Landmarks' summer interns in 2014 consisted of more detailed documentation of 10 of the historic buildings within the area of Forest between I-295 and Woodfords Corner. Landmarks only had enough funding to document 10 buildings; the list of buildings documented was never intended to a conclusive list of significant structures.

In response to my request to Landmarks to confirm the nature and extent of their 2015 survey, Julie Larry responded as follows:

"When we began our research on Forest and Stevens Avenue in 2015, we had limited funds. We were able to complete the context statement, a reconnaissance survey of over 200 buildings on Stevens and Forest Avenues, and in-depth research on 15 buildings on both streets. Landmarks, in consultation with architectural historian Scott Hanson, selected fifteen buildings that were iconic or representative of the types of buildings present in the survey area for intensive research. We certainly recognized, as we knew the Maine Historic Preservation Commission had before us,

that there were additional properties of note on Forest Avenue, but we simply didn't have the funds or staff time during the project to include more of them. As we worked with the Friends of Woodfords Corner on various programs the report was completed, we expanded on our initial research to include the properties the Historic Preservation Board recommended for designation, as well as other buildings near Woodfords Corner and in adjacent neighborhoods like Oakdale, Boulevard Park, and Deering Highlands.” Julie Larry, Director of Advocacy, Greater Portland Landmarks

iii. at beginning of this process with HP Board?

Seventeen structures were presented by staff for consideration by the HP Board. The number of buildings remained unchanged over the course of the Board's review. Although there was brief discussion of recommending additional historic structures for designation, such as the commercial storefront addition at 430 Forest (the former Breau Lu), the Woodfords Club and Woodfords Congregational Church, the Board elected to be conservative in its recommendation

b. Which buildings were included at various points in this multi-year, multi-organization analysis?

536 Deering Avenue	Engine Company No. 8 Firehouse	1907
309 Forest Avenue	Firestone Auto Supply & Service Store	1930-31
330 Forest	Van Blarcom Inc. Auto. Garage	1919
331 Forest Avenue	A.S. Hinds Laboratory Bldg.	1920
343-349 Forest	Miles B. Mank Motor Car Company	1916-1917
355 Forest	L.C. Gilson Automobile Co. Bldg.	1922
364 Forest	Oakhurst Dairy	1951-1953
495 Forest	Packard Motor Car Co. Showroom	1927
501 Forest	Gleason Chrysler Auto Dealership	1927
517 Forest	Clifton R. Shaw Auto Dealership	1928
525 Forest	John S. Goff Chevrolet Bldg.	1927-1928
533 Forest	Studebaker Automobile Dealership	1928
617 Forest	Great Atlantic & Pacific Tea Co. Store	1915
630 Forest	Darling-Kidder Motor Car Company	1917
643-651 Forest	Odd Fellows Block	1897
646-650 Forest	Chapman Block	1916
660 Forest	Valle's Sandwich Shop	1964

364 Forest	Oakhurst (1922 building)	
369 Forest	Franklin Service & Sales Co	
371-373 Forest	Forest Gardens	
428 Forest	Breau Lu	

634 Forest	Merrill's Garage
44 Indian Lane	Studebaker garage
49 Dartmouth	ca. 1930 commercial structure
179 Woodfords St.	Woodfords Club
202 Woodfords St.	Woodfords Congregational Church

c. *Which were eliminated from the HP Board recommendation and why?*

As noted above, any buildings eliminated from consideration (see second list above) were eliminated prior to the Historic Preservation Board's review process. During Board workshops, Board members raised questions about some of the buildings that had not been recommended, but did not pursue their nomination/designation.

Although a number of the affected property owners requested that their buildings be removed from consideration, Board members found that the buildings met the criteria for designation and were important in providing a unique visual character to this section of Forest Avenue. Board members also felt that many of the concerns expressed by property owners were based on ill-founded assumptions.

2. *There are multiple single-story buildings included in the list, and some multi-story buildings have single-story sections. For these properties can you clarify the following:*

a. *What do we know about the viability of building up—on top—of the single-story buildings (or portions of buildings) in this area?*

That is a difficult question to answer without knowing about the structural system, capacity and condition of a particular building. It is also likely to vary from building to building. We do know that there are numerous historic buildings on Congress Street and Exchange Street, for example, where two or more floors were added some years after the building's original construction.

There are a number of factors that will come into play. For example, the structural load on the existing building will depend on the construction type of the proposed addition. Some of the newer systems are much lighter than traditional construction systems.

i. *Is it feasible without demolition?*

Yes, in many cases. An existing structural system can be augmented or reinforced and that is a fairly common strategy.

ii. *If so, is it cost prohibitive in any instances?*

Again, that's a difficult question to answer and will depend on the circumstances of the particular building and what is being proposed.

iii. *Are there structural issues that couldn't be solved regardless of how much money one was willing and able to spend?*

For reference, the East Bayside Brownfields Study (January 2018) examined the possibility of building on top of an existing warehouse style property in East Bayside. The study found that in that case, significant structural improvements would be required and that making those necessary structural improvements would likely cost significantly more than either pursuing a mix of reuse and new construction or demolishing the building and starting over.

That could be the case for some buildings, however that is difficult to know at this time. There is always the option of demolishing the rear portion of the building and rehabilitating the front section facing the street. In the case of most single-story auto showroom buildings, most of the architectural interest is concentrated on the front section of the building. The building descriptions and photographs included in the individual inventory forms, as well as the cover page that accompanies this group of proposed designations, are referred to in any application review and these documents indicate that partial demolition of less significant rear sections of buildings will be considered.

It should also be noted that the historic preservation ordinance includes a provision that allows for the amendment or rescission of a designated property's classification. A property owner can request reconsideration of the building's original classification based on new information, including information about its condition that was not known at the time of designation. Since the historic preservation ordinance was adopted in 1990, a dozen or more buildings have had their original classification amended or rescinded based on a number of considerations.

b. *Several of the descriptions of these single-story former auto showrooms indicate that the front façades are the primary targets for historical designation and preservation. In these cases, is demolition of the remaining façades possible?*

Yes, demolition of rear portions of buildings is possible. It should be noted, however, that the area to be preserved extends beyond the front façade *alone*.

As the descriptions indicate, the front section of the building—including the façade itself and a depth of one (sometimes two bays) where the showroom windows return around the corners of the building—is the section most important to preserve. This historic view of the Palmer Springs building illustrates the typical condition:



- i. *If not, why not?*
- ii. *If so, can we be explicit about what property owners are required to preserve under these designations so there will be no question when/if people seek demolition or building permits for these sites? A benefit of being explicit is that it could streamline the review and permitting process, providing another benefit to historical designation.*

If the Council wishes, the descriptions of the applicable buildings could be revised to make this more explicit. The Historic Preservation Board elected not be explicit, as they did not think it appropriate to predict or suggest a specific direction for future use of the property. They also had confidence that the historic preservation ordinance allowed for consideration of partial demolition and there is established precedence for such. Finally, they felt the building descriptions and designation cover document communicated this possibility.

In terms of streamlining the review and permitting process, any demolition of the rear portion of an auto showroom building would likely be associated with the construction of a new addition or structure. This new addition or construction would be subject to historic preservation review in any case.

- iii. *NOTE: As I recall, when GP Landmarks discussed the possibility of historic designation of the Palmer Spring Co building (in 2016 when CVS was contemplating building a store in that area), it was only the front façade that was to be preserved. If that is consistent with the current recommendation from the*

HP Board, I'd like to see it explicitly stated. If that is not still the recommendation, I'd like to understand why.

I checked with Julie Larry at Greater Portland Landmarks and she confirmed that Landmarks' position was consistent with what is described above.

"Landmarks advocated that the front bays, the portion of the buildings used as the showrooms, were the important elements to preserve. That would include the decorative front façade and generally one or two bays back from the street, depending on the building. Our position is consistent with the board's discussions that I witnessed at the various meetings this summer."

3. *Potential amendments to the ordinance for this particular group of designations.*
 - a. *100-foot rule: should it apply here?*

In staff's view, the 100' rule is not terribly relevant and needn't apply to the proposed Forest Avenue and Deering Avenue landmarks, as the goal of designation in this case is to ensure the preservation of the identified historic structures over time, not necessarily to manage the character of adjacent construction. This can be achieved through the B2b zone's design review standards. Additionally, the character of development on Forest Avenue is today, and likely will be, more eclectic in character than is the case in most historic districts where the 100' rule can help avoid abrupt transitions in character.

In practice, however, application of the 100' rule will likely have little effect on proposed new development adjacent to the proposed landmarks and exemption from application is probably not necessary. The "100-foot rule" is a site plan ordinance standard that applies to developments located within 100 feet of a designated landmark, historic district or historic landscape district and requires that "such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development." (See ATTACHMENT 4 for full text of standard.) A determination of compatibility is made by the Planning Board. The standard simply requires that historic preservation staff provide a written analysis of the context to aid the Planning Board in its review. In the case of Forest Avenue, there is no consistent or discernable development that would warrant a detailed written analysis and staff would provide a brief memo stating that fact. As such, the 100' rule will not add layers of review nor will it result in a lengthier review process for new construction in the vicinity of the proposed landmarks.

The Council should bear in mind that amendments to Chapter 14 (Land Use Code) need to be advertised as text amendments, and go through the Planning Board and Council

for review and adoption. These changes could not be made from the floor at the hearing.

- b. *Should underlying zoning heights (or other dimensional standards) take precedence, and if so, do we need an amendment clearly stating this?*

In practice, the Historic Preservation Board typically honors the dimensional standards, including height allowances, of the underlying zone. Where height is a sensitive issue, the Board's focus is typically on *how* the overall height is achieved.

There is precedent, however, for explicitly stating that the historic preservation ordinance height standards shall not supersede the underlying zone's height allowances. In the Congress Street Historic District, the following provision was added to the historic preservation ordinance's new construction standards: *"In the Congress Street Historic District, for new construction within the B3 zone, the historic preservation board shall not impose conditions more restrictive than the dimensional requirements of the B3 zone."*

As described above, any text amendments to Chapter 14 would need to be advertised and go through the Planning Board and Council for review and adoption.

- c. *Alterations and additions not readily visible from a public way: should we include an amendment to allow such alteration and additions without review?*

The historic preservation ordinance currently includes language that makes such alterations not readily visible from a public way exempt from review, *except in the case of landmarks*. (See Sec. 14-643 (a) (3). This exception was intended to ensure that any alteration to a highly significant building such as the Portland Observatory or Victoria Mansion be evaluated for its impact. While a number of the individual landmark designations are indeed, "Landmarks" in the traditional sense, the definition of landmark in the ordinance includes individually-designated historic structures that have significance in their context, but are not necessarily "Landmarks" as typically understood.

An amendment could be prepared to address this issue, if the Council wishes. See reference to Chapter 14 amendments above.

- d. *Additional design guidelines (as mentioned in 2(a)(iv)(2) and 2(a)(v) above to explicitly state portions of buildings to be preserved, desirability of additional stories, etc.*

As an alternative to amending the site plan and historic preservation ordinances to address the questions identified above, additional design guidelines could be developed. The intent of the designation's cover document, however, was to anticipate and address these questions. Perhaps this document could be edited to be more explicit.

- 4. *Can we get the following information regarding public outreach:*
 - a. *Dates & sign in lists for the outreach meetings, workshop, forums that were held?*

Preliminary outreach efforts consisted of individual letters or calls to property owners, advising them of the Forest Avenue designation initiative, informing them that their property had been identified in a survey as eligible for designation, and asking to set up a meeting or phone call to discuss the matter and answer questions.

In June 2018, as staff was still finalizing its list of properties for which local landmark would likely be pursued, staff reached out to a small number of owners to solicit early feedback. (See ATTACHMENT 5 for sample letter.) There was no response. In October 2018, a second round of letters were sent (see ATTACHMENT 6). The letter included an informational sheet developed specifically for owners of Forest Avenue properties. (See ATTACHMENT 7.) Again, the letter generated little response. Exceptions included a meeting with the owner of 343 Forest and a phone call with the owner of 536 Deering Avenue. Both indicated that they did not support designation. A third letter was sent in February 2019 (see ATTACHMENT 8), again with little response. In March 2019, after staff had finalized the list of properties it intended to present for consideration to the Historic Preservation Board, staff reached out to those owners that had not been previously contacted (see ATTACHMENT 9). In response to that outreach, staff met with representatives of Oakhurst Dairy and the owner of 495 Forest.

The Historic Preservation Board's review process began on April 3, 2019. Four preliminary workshops were held: April 3, April 17, May 15 and June 19. Notices

were sent to the affected property owners in advance of each workshop. In addition to notices for each workshop, a separate letter (dated May 6) was sent to each property owner advising them of the fact that their building had been formally nominated for designation.

On July 11, prior to scheduling a final public hearing on the nominations, an informational session was held at City Hall to explain what activities are subject to review under the historic preservation ordinance, the historic preservation review process, the review standards, etc. Representatives of 2 of the 17 properties attended the workshop. Attendees included Mr. and Mrs. Weeks (355 Forest, Palmer Springs building) and members of the Rowell Family Trust (309 Forest, Bradford Rug building). There was no sign-in sheet for the session.

The final public hearing and HP Board vote was held on July 24, 2019. Notices were sent to the subject property owners and all property owners within 500 feet of the Forest Avenue corridor.

b. A list of addresses to which notifications of meetings were sent.

See ATTACHMENT 11 for the list of subject property owners and their address. Note that some entities own more than one of the nominated properties. Income Property Management, for example, owns four buildings at 501, 517, 525 and 533 Forest Avenue.

c. Any additional information regarding public outreach that could be helpful (including press releases, press coverage, other staff efforts to engage public, etc.)

As noted above, the Forest and Deering Avenue property owners were invited to a general informational session on what it means to own property in a historic district.

Staff met with Friends of Woodfords Corner board members to describe the initiative and answer questions. FoWC board members expressed enthusiasm for the initiative and noted its consistency with their efforts to achieve “Main Street” affiliate status for Woodfords Corner. The Main Street program emphasizes historic preservation as a cornerstone element of economic revitalization.

At an FoWC meeting to discuss the Main Street program with area business and property owners, staff described the City's interest in designating key historic structures at Woodfords Corner and elsewhere on Forest Avenue.

Separate from the City's efforts, Greater Portland Landmarks promoted the initiative in numerous outreach efforts and gave presentations at Odd Fellow Hall on the history and development of Forest Avenue.

ATTACHMENTS

1. *Forest Avenue and Stevens Avenue – Historic Context*
report prepared by Scott Hanson, Sutherland Conservation & Consulting for GPL
2. MDOT report of architectural survey findings
3. MHPC response to MDOT findings
4. Site plan ordinance “100-foot” provision
5. Sample June 2018 letter to property owners
6. Sample October 2018 letter
7. Informational sheet attached to letters to property owners
8. Sample February 2019 letter
9. Sample March 2019 letter
10. List of property owners and addresses



Forest Avenue and Stevens Avenue Portland, Maine

Historic Context

Scott T. Hanson
Sutherland Conservation & Consulting
August 2015

General context

Development of Colonial Falmouth

European settlement of the area that became the city of Portland, Maine, began with English settlers establishing homes on the islands of Casco Bay and on the peninsula known as Casco Neck in the early seventeenth century. As in much of Maine, early settlers were attracted by abundant natural resources, specifically fish and trees. Also like other early settlement efforts, those at Casco Bay and Casco Neck were tenuous and fitful, as British and French conflicts in Europe extended across the Atlantic to New England and both the French and their Native American allies frequently sought to limit British territorial claims in the lands between Massachusetts and Canada.

Permanent settlement did not come to the area until the early eighteenth century and complete security against attacks from French and Native forces did not come until the fall of Quebec to the British in 1759. Until this historic event opened the interior to settlement in a significant way, the town on Casco Neck, named Falmouth, was primarily focused on the sea with minimal contact with the interior. Falmouth developed as a compact village in the vicinity of present day India Street. As it expanded, it grew primarily to the west along what would become Fore, Middle, and Congress streets. A second village developed at Stroudwater, several miles up the Fore River. Roads to the interior were limited and used primarily to move logs to the coast for sawing or use as ship's masts.

The town on the peninsula broke off from the larger town of Falmouth (then comprising modern Falmouth, Portland, Cape Elizabeth, South Portland, and Westbrook)¹ and became the town of Portland in 1786, incorporating as a city in 1832. Westbrook broke off from Falmouth in 1814, extending from adjacent to the peninsula to the villages of Saccarappa and Cumberland Mills on the Presumpscot River, taking in Stroudwater and East Deering as well.² The sections of Westbrook closest to Portland became the town of Deering in 1871. The town incorporated as the city of Deering in 1892.³ In 1899, the city of Portland annexed Deering combining the peninsula city with its suburban neighbor.

Early Roads

With the opening of the interior and coastal regions east of Falmouth to settlement in the mid-eighteenth century came early roads connecting the peninsula town to areas to the south, west, and east.⁴ Among the earliest roads were the beginnings of today's Stevens/Allen, Forest, and Deering/Ocean Avenues. Although now named as separate streets, Stevens and Allen Avenues were laid out as a single road in 1730,⁵ as were Deering and Allen Avenues in 1735. Later in the 18th century, a road was built running between the two roads and continuing on toward Windham. The section between the two future



This view showing Falmouth in 1775 shows the early roads that later became Deering Avenue and Stevens Avenue. at the upper center and upper left of image Image courtesy of Maine Historical Society, Portland, Maine. (MHS)

- 1 Greater Portland Landmarks. *Portland*, Portland, Maine, 1972, 20.
- 2 Barry William David and Anderson, Patricia McGraw. *Deering*, Portland, Maine, 2010, 50.
- 3 Barnes, 124.
- 4 Barnes, Albert F. *Greater Portland Celebration 350*, Portland, Maine 1984, 83.
- 5 Barry & Anderson, 52.

avenues was called Bishop's Road and beyond Stevens/Allen Avenue it was called Windham Road. In the early nineteenth century, citizens petitioned for a new road to be constructed from Bishop's Road to where Deering's Bridge was to be built. This new road, Bishop's Road, and Windham Road to the Westbrook line are today's Forest Avenue. Over time, homes, farms, and shops were developed along these roads, generally moving from the town on the peninsula or Stoudwater outward over time. In the early-to mid-nineteenth century, some of this development took on a proto-suburban character for the area near Back Cove, just northwest of the peninsula. With the arrival of horsecars and later electric trolleys, the suburban development accelerated.

Development at the Corners

Denser development occurred early on where these roads intersected, particularly at Woodford's Corner and Morrill's Corner. Deering/Ocean Avenue crossed Forest Avenue at Woodford's and Stevens/Allen crossed Forest at Morrill's Corner. Forest Avenue was the primary road to the lakes and mountains to the northwest and on to northern New Hampshire and Vermont. As inland settlement increased, this became a major route for farmers bringing produce to market in Portland. Deering/Allen Avenue was the primary route from the Portland peninsula to Falmouth and points east up the coast. Stevens/Allen Avenue was the primary route up



Morrill's Tavern was built at the intersection of today's Forest Avenue (left) and Allen Avenue (right) around 1805. It was approximately 100 years old when this image was taken. (MHS)

the coast from the south, bypassing the Portland peninsula. These intersections were natural locations for the development of inns and taverns to serve travelers as well as tradesmen's shops to supply their needs. Mainline railroads also established suburban railroad stations at these locations when their lines were built through the corners. Both the York & Cumberland Railroad (later the Portland and Rochester and then the Boston & Maine) and the Portland and Kennebec Railroad (later Maine Central) passed through both corners. More residential development followed the building of street car lines on Forest and Stevens Avenues in the mid-1860s and these corners became neighborhood centers with businesses and institutions catering to the residents. These included schools and churches as well as social clubs and a garden cemetery.

Street Car Suburbs

The construction of a horse car line from the Portland peninsula to Morrill's Corner along Forest and Stevens Avenues triggered the development of the city's first "street car suburbs" starting in the mid-1860s. In the National Park Service's National Register Bulletin, *Historic Residential Suburbs*, the authors state, "The laying out of new transportation routes, using new technologies, spurred the outward movement of suburban development. New circulation patterns formed the skeleton around which new land uses and suburbs became organized. Farmland near the city was acquired, planned, and developed into residential subdivisions of varying sizes. Separate from the city, new subdivisions were designed as residential landscapes, combining the open space, fresh air, and greenery of the country with an efficient arrangement of houses."⁶ In this national context document, the development of suburban neighborhoods is broken into four chronological eras: Railroad and Horsecar Suburbs (1830-1890); Streetcar Sub-

⁶ Ames, David L. and McClelland, Linda Flint. *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places*, U.S. Department of the Interior, National Park Service, 2002.

urbs (1888-1928); Early Automobile Suburbs (1908-1945); Post-World War II and Early Freeway Suburbs (1945-1960).⁷ All of these phases of development occurred in Portland, Maine, within the same general time frames indicated for the national context. The Deering neighborhoods along Forest and Stevens Avenues that are included in the study area were developed through all four periods, with the majority of surviving historic resources from the 1860 to 1930 period. Development in the last two phases primarily occurred further out from the peninsula, but had large impacts on the study area nonetheless, particularly Forest Avenue.

Horse-drawn omnibuses were introduced in America's larger cities by 1830 and were the first form of what would eventually come to be called "mass-transit."⁸ Omnibuses were large, enclosed, sprung vehicles seating a dozen or more passengers pulled by a team of horses. Because of their size and weight, they required paved streets and were largely restricted to developed city centers where pavement was most common. The first phase of suburban development utilizing "mass transit" followed the establishment of common carrier railroad lines between cities. In the areas immediately outside city centers, areas just beyond reasonable walking distance, railroad companies built passenger depots that triggered the development of residential neighborhoods for upper-middle and upper-class families whose breadwinner worked in the city and commuted several miles daily by rail.⁹ The passenger depots that were established at Woodford's Corner and Morrill's Corner around 1846 were examples of this national trend and impacted development along both Forest and Stevens Avenues.



The Woodford's railroad station was built to serve the Portland & Kennebec RR when it came through in 1846, making it possible for well-to-do suburban residents to commute to their businesses in Portland. (MHS)

In the 1850s, omnibuses that were pulled on iron or steel rails began to appear in American cities. This provided a much lower rolling resistance and allowed the horses to pull a greater load for a longer distance, and did not require paved streets. In the *Historic Residential Suburbs* National Register Bulletin, the authors note:

Horse-drawn cars increased the distance one could commute in one-half hour from two to three miles, thereby extending the distance between the center city and land desirable for residential development from 13 to almost 30 square miles. Horsecar tracks followed the main roads radiating out from the center city toward the emerging railroad suburbs on the periphery. Transportation began to influence the geography of social and economic class, as the the cost of traveling between home and work determined where different groups settled. The middle and working classes settled in neighborhoods closer to the central city accessible by horse-drawn cars...¹⁰

The construction of the horsecar line along Forest and Stevens Avenues during the Civil War brought this

7 Ames and McClelland, 16.

8 Ames and McClelland, 16.

9 Ames and McClelland, 16.

10 Ames and McClelland, 17.

new and more affordable form of mass transportation to Portland and Deering.

The second phase of this development, the electrification of hosecar lines for use by self-propelled trolley cars, ushered in a new age of suburbanization starting with the first such system in Richmond, Virginia in 1887. The electric streetcar allowed a person to travel as far in ten minutes as they could walk in thirty. Once introduced, streetcar, or trolley, trackage in American cities increased rapidly. There were 5,783 miles of it in 1890, which increased to 22,000 miles by 1902 and to 34,404 by 1907.¹¹ The Bulletin quoted above states, "In older cities, electric streetcars quickly replaced horse-drawn cars, making it possible to extend transportation lines outward and greatly expanding the availability of land for residential development. Growth occurred first in outlying rural villages that were now interconnected by streetcar lines, and, second, along the new residential corridors created along the streetcar routes," noting further that, "Socioeconomically, streetcar suburbs

attracted a wide range of people from the working to upper-middle class, with the great majority being middle class. By keeping fares low in cost and offering a flat fare with free transfers, streetcar operators encouraged households to move to the suburban periphery, where the cost of land and a new home was cheaper." Writing of the later part of the streetcar era of suburban development, the authors state, "As streetcar systems evolved, cross-town lines made it possible to travel from one suburban center to another, and interurban lines connected outlying towns to the central city and to each other."¹² These efficient and affordable mass transportation systems affected the way communities were designed and built:

Concentrated along radial streetcar lines, streetcar suburbs extended outward from the city, ... Unlike railroad suburbs which grew in nodes around rail stations, streetcar suburbs formed continuous corridors. Because the streetcar made numerous stops spaced at short intervals, developers platted rectilinear subdivisions where homes, generally on small lots, were built within a five- or 10-minute walk of the streetcar line. ... Neighbor-



A horsecar enters Market (now Monument) Square on Congress Street in Portland, c. 1870. Image courtesy of Bangor Public Library, Bangor, Maine (BPL)



Early electric trolleys in Monument Square, Portland, c. 1895 (BPL).

¹¹ Ames and McClelland, 17.

¹² Ames and McClelland, 17.

hood oriented commercial facilities, such as grocery stores, bakeries, and drugstores, clustered at the intersections of streetcar lines or along the more heavily traveled routes. Multiple story apartment houses also appeared at these locations...¹³

All of these national trends related to the development of first horsecar lines and their later expansion as electric trolley lines occurred in Portland and Deering and greatly impacted the development of Forest and Stevens Avenues.

Impact of the Automobile

The introduction of the personal automobile had an enormous impact on suburban development in greater Portland, which reflected nationwide trends. Around the turn of the 20th century, the first automobiles were expensive toys for the wealthy. With the introduction of the Ford's relatively inexpensive Model-T car, automobile ownership soared and suburbanization entered its next phase. Between 1910 and 1930, automobile registrations in the U.S. increased from 458,000 to nearly 22 million. Eight thousand autos were in use in the U.S. in 1900, one half



Automobiles being delivered to the Portland waterfront, c. 1910. Image courtesy of Maine Historical Society.

million were in use in 1910, nine and a quarter million in 1920, and nearly twenty-seven million in 1930. Annual car sales increased from over two and a quarter million in 1922 to nearly four and half million in 1929.¹⁴ Largely due to wide-spread adoption of the automobile, streetcar lines across the nation were shut down and abandoned by the 1940s,¹⁵ as they were in Portland and its suburbs starting in the late 1930s. Along with automobiles came the "auto showroom" dealership to sell them from. Automobile companies built model, or "object lesson" showrooms in major cities for dealers to emulate in their own buildings across the country.¹⁶ In *Main Street to Miracle Mile*, historian Chester H. Liebs describes the "birth of a new type of commercial district – automobile row":

The evolution of these marketplaces for motorcars usually began when a dealer – often motivated by company object lessons, along with a desire to forsake high rents or taxes and cramped quarters in the central city – relocated along a main road, farther out of town. Before long another dealer moved in nearby, then another. Soon speculators built small, one story showrooms in the gaps between the larger, more impressive sales buildings. These in turn were rented by agents of smaller, lesser-known automakers. Within a few years, a whole new Main Street was born, lined by walls of buildings whose shop windows, instead of being crammed full of jewelry, clothing, hardware, or groceries, showcased a single product – automobiles. By walking, driving, or riding a trolley down the street, shoppers could survey the latest cars available, while gaining an impression of dealers and the companies they represented from the appearance of their buildings.¹⁷

This description could have been written specifically about the development of the stretch of Forest

13 Ames and McClelland, 17.

14 Ames and McClelland, 18.

15 Ames and McClelland, 17.

16 Liebs, Chester H. *Main Street to Miracle Mile*. Baltimore, Maryland, 1995, 79.

17 Liebs, 83-84.

Avenue from Baxter Boulevard to Bedford Street between 1915 and 1930.

The fourth phase of suburban development followed World War II and is usually described as a “housing boom,” concentrated in bedroom communities further from the urban centers than the earlier streetcar suburbs. The development of interstate and arterial highways, especially following the Federal Aid Highway Act of 1956, further fueled the development of suburbs farther from the urban core. The Act funded the construction of a 41,000-mile system of interstate highways that included five thousand miles of urban freeways.¹⁸ As explored below, this large scale change in how American’s got from home to work, and elsewhere, significantly influenced the built resources of the study area, particularly along Forest Avenue.

The major historical themes represented by the surviving historic resources in the study area include transportation, community development (particularly suburban development), education, and religion.

Forest Avenue

Road to the Interior - Transportation

Prior to the construction of a bridge across the mill pond at Deering Oaks in 1806, the only road into Portland from the northeast was today’s Deering Avenue, which crossed the narrow land connection between the peninsula and mainland. Leaving the city, one would have traveled out Deering Avenue, cutting through the Deering estate, to what is now Woodford’s Corner, where the road west toward New Hampshire intersected Deering/Ocean Avenue. At this time, the city was concentrated between India and State streets on the peninsula, with the business center located in the southeastern portion of that area.



This drawing by Charles Goodhue was done late in the 19th century and represents Mr. Goodhue’s recollection of how Deering’s Bridge appeared in the 1840s. Image courtesy of Maine Historical Society.

Deering’s Bridge - Transportation

The new bridge, a joint project of the towns of Falmouth and Portland, was agreed to in 1805 and became known as Deering’s Bridge after construction.¹⁹ It crossed a portion of Back Cove that extended into Deering’s woods where today’s Deering Oaks pond is located. With the County Road (now Forest Av-

¹⁸ Ames and McClelland, 28.

¹⁹ Barry & Anderson, 44

enue) extended from today's Woodford's Corner over the new bridge and up the hill to Congress Street, the distance to the heart of the city was substantially reduced.²⁰ The bridge was combined with a causeway that served as a tidal dam and a tide mill was constructed alongside the bridge to make use of the waterpower. Over time, the area around the bridge became home to a number of industries, including tanneries and a stoneware factory. Eventually, fill was hauled in to create new land around the bridge, which is today occupied by a portion of Deering Oaks park, the Portland Post Office and Federal Building, and the intersection of Forest Avenue, State Street, Kennebec Street, and Marginal Way.

Early estates - Suburban Development



A detail from the 1886 bird's eye view of Deering showing several of the estates that extended from Forest Avenue to Back Cove. Image courtesy of Boston Public Library.

Beyond the new bridge, James Deering had built his mansion in 1804 and established Portland's first suburban "gentleman farmer" estate.²¹ Deering owned all of the land west of the County Road (Forest Avenue) from the bridge nearly to what soon became known as Woodford's Corner. On the opposite side of the County Road, other prominent Portland businessmen followed Deering's example and built homes on sizable estates that ran down to Back Cove in the decades that followed.²² The presence of these suburban estates prevented commercial development along Forest Avenue between Deering's Bridge and Woodford's Corner until the early twentieth century.

Woodford's Corner - Transportation and Suburban Development

A Connecticut merchant named Chauncey Woodford settled near the intersection of Forest Avenue and Deering/Ocean Avenue around 1799 and was later joined by his two brothers. All three were engaged in the tinware business and were soon joined by other businesses at the "corner," including taverns, blacksmiths, shoemakers, and stores.²³ Additional activity at the corner followed the arrival of the railroads, with passenger and freight depots to serve the developing community center.

The first railroad to come through Woodford's Corner was the Kennebec and Portland RR, chartered in 1836 and opened through to Brunswick in 1847. The line ran from a junction at Commercial Street with the Portland, Saco & Portsmouth Railroad which connected to other lines running to Boston. The K&P RR followed the Fore River around the base of Bramhall Hill (today's Western Promenade) before turning northerly to parallel St. John Street to Brighton Avenue and then passed between Deering Heights and Deering Avenue to cross Woodford Street and Forest Avenue at Woodford's Corner. From there it roughly paralleled Forest Avenue on the east to Morrill's Corner and then turned eastward toward Falmouth.

The York and Cumberland Railroad was built through Woodford's Corner in 1850, running from a depot

20 Barry & Anderson, 45

21 Barry & Anderson, 58.

22 Barry & Anderson, 59.

23 Barry & Anderson, 45.

on Back Cove across Forest Avenue at Deering's Bridge (on a wooden trestle) and roughly paralleling Forest Avenue to the west on a right-of-way taken from the Deering estate.²⁴ Just southeast of Woodford's, the railroad crossed back over Forest Avenue and continued westward crossing and then paralleling the Kennebec & Portland railroad to Morrill's Corner, where it re-crossed Forest Avenue to continue to Westbrook and points west. The Kennebec and Portland was eventually absorbed into the Maine Central Railroad and remains in use as part of the Pan Am Railroad. The York & Cumberland became part of the Portland & Rochester RR before that line was absorbed into the Boston & Maine Railroad. The Boston & Maine RR eventually owned or controlled multiple lines into Portland from the south and the redundant line through Woodford's was abandoned and removed in 1911.



Detail from the 1876 Portland bird's eye view print showing the Deering's Bridge area with the York & Cumberland (Portland & Rochester) Railroad line running through the Deering estate parallel to Forest Avenue toward Woodford's Corner. Image courtesy of Library of Congress.



Detail from the 1886 bird's eye view of Deering showing the Woodford's Corner area. The area was served by two railroads and the horsecar line by this date and suburban residential development was well under way. Image courtesy of Boston Public Library.

²⁴ Barry & Anderson, 73.

Construction of the four story brick Odd Fellows Hall with its tall clock tower in 1897 represented a new scale and urban character for what had been essentially a village center of two story wood buildings. At the same time the new Odd Fellows Block was being erected, the historic Federal style Ebenezer and Mary Woodford House on the opposite side of Woodford Street was raised a story and placed on a new brick base housing a commercial use with a storefront on Woodford Street.²⁵ For the few years between completion of the Odd Fellows Block and the annexation of Deering by Portland, the Deering city offices were housed in the new block.



Construction of the brick Odd Fellows Block at Woodford's Corner in 1897 introduced a new scale and urban character to the neighborhood center which had more resembled a rural New England village until that time. Other large masonry buildings followed. Image courtesy of Maine Historical Society.

Other new commercial development followed at Woodford's, including Albion Chapman's three story brick "flatiron" building of 1916 in the angle between Forest and Deering Avenues, the new fire station of 1907, and several one and two story brick commercial buildings. By 1920, the former "village center" had a decidedly urban character. Woodford's Corner continued to serve as a neighborhood center for goods and services through the middle part of the twentieth century. The Woodford's Club was built just up from the intersection in 1913 while the Odd Fellows and Masons both met in their halls in the Odd Fellows Block. In the 1950s, shops included Houle's Drug, the Economy Market, Buster Brown Shoes, two bakeries, a movie theater, a bank, and several restaurants.²⁶ Automobile traffic through Woodford's increased dramatically as new suburban development occurred further out in Portland, Westbrook, Windham, and Falmouth starting in the 1950s. Over time, changes were made to accommodate the increased traffic which decreased pedestrian access and safety, eventually making the location unsuitable for the types of businesses that had historically been located there.

Beyond Woodford's Corner, the land along Forest Avenue nearly to Morrill's Corner was again primarily occupied by large estates in the nineteenth century, including the F.O.J. Smith estate on the west side of the road (today's Baxter Woods is a part of this property) and other large properties extending toward Ocean Avenue and Back Cove. Development occurred along the east side of the street between Woodford's and Morrill's Corner after removal of the Portland & Rochester (Boston & Maine) railroad tracks in 1911. This was primarily commercial in use and character. The Maine Central Railroad tracks remained, separating these commercial buildings from the residential subdivisions being developed west of Ocean Avenue.

Horse Cars and Trolleys – Transportation

The early suburban residential development along Forest Avenue was built for wealthy businessmen who commuted to offices in the city in private carriages with their own drivers. It was only after the construction of a horse car line that homes for middle class residents began to be constructed in any number. Horse cars could transport large numbers of passengers for a low fare, making it possible for those

²⁵ Barry & Anderson, 78, and City of Portland 1924 tax record for 661-667 Forest Avenue.

²⁶ Shettleworth, Earle G., Jr. Oral history interview by S.T. Hanson, August 7, 2015.

who were not wealthy to live off-peninsula and commute to work. The Portland and Forest Avenue Railroad Company (later Portland Railroad Company) was chartered in 1860 and began construction of a street railway line on India Street in 1863 with rails imported from Canada. The Civil War was underway and American rails were unobtainable. The company was chartered with \$100,000 in capital.²⁷ The first section of street car line extended from the Grand Trunk depot on India Street up Middle Street to Congress Street at Market (Monument) Square, west to High Street, down High to Spring and then westerly to Clark Street. The following year, a line was built from Market Square down Preble Street to Portland Street, west to Forest Avenue, along Forest to Woodford's, then along Pleasant Avenue to Stevens Avenue and northerly along Stevens to Morrill's Corner. Running 3.3 miles from Market Square, this line propelled substantial suburban development in Deering.²⁸ In the month of May 1865, the line carried 77,406 passengers.²⁹ By the time the lines were electrified in 1895, the system had expanded from Woodford's to Lunt's Corner and East Deering along Ocean and Washington Avenues, as well as up to Munjoy Hill and out to Stroudwater from downtown. There were 50 horse cars and 225 horses operating at the time of electrification.³⁰

Once electrified, the lines in Deering expanded further along Stevens Avenue to Congress Street, across Woodford's Street from Woodford's Corner, and out Brighton Avenue to Westbrook. Although the section of Forest Avenue from Woodford's to Morrill's Corner never had a trolley line, a branch was extended along Forest Avenue from Stevens/Allen Avenue line at Morrill's Corner to Riverton, at the Westbrook city line, to serve the trolley company's recreational park there.³¹ The Portland Railroad Company expanded by absorbing lines in surrounding communities, ultimately covering much of greater Portland and carrying 23 million passengers in 1923.³² Within twenty years, the automobile would displace the trolleys and the system would be gone entirely.

Subdivisions - Suburban Development

The wealthy had been moving from the peninsula to large estates along Forest and Ocean Avenues for several decades before the construction of the horse car line in 1864. Most of these estates would remain intact into the twentieth century, forcing new middle class residential development further out

27 Barnes, 82.

28 Robertson, Edwin B. *Remember the Portland, Maine Trolleys*, Westbrook, Maine, 1982, 6,7.

29 Barnes, 81.

30 Robertson, 8.

31 Robertson, 11.

32 Barnes, 144.



Route of the Portland and Forest Avenue Railroad Company horsecar line, 1865 (BPL)

from the peninsula and to the west, along Deering and Stevens Avenues. The Great Fire of 1866, which destroyed much of the city center, spurred the demand for new housing both on and off the peninsula. Pleasant Avenue, connecting Forest and Stevens Avenues with the horse car line down its center, was among the first of these subdivisions. The land along both sides of the street was purchased by Dr. Eliphalet Clark, a director of the horse car company, and divided into house lots in 1866. Dr. Clark also donated a lot at the corner of Pleasant and Forest Avenues for the construction of a Methodist Episcopal church, now the Clark Memorial Church.³³ Just southeast of Woodford's Corner, Warren Sparrow had built his Gothic Revival style villa on a large estate reaching Back Cove in 1852. In the early 1870s, he began to subdivide the estate and build additional single family and double houses to sell on Arlington Street, Arlington Place, and the northwest side of Clifton Street.³⁴



Warren Sparrow's Gothic Revival house on Arlington Street, just off Forest Avenue. Several decades after building this house, he subdivided his estate into lots and built other Gothic cottages to sell. 1924 Portland tax photo.

The most important residential subdivision bordering the section of Forest Avenue included in the study area was the Oakdale Plan for a 45 acre portion of the Deering family estate acquired in 1881 by a group of developers and investors called the Deering Land Company. Extending from Falmouth Street to Dartmouth Street and from Forest Avenue to Brighton Avenue, this large upper middle class subdivision is a classic nineteenth century "streetcar suburb." Across Forest Avenue and closer to Woodford's Corner, twelve acres of the former Coyle estate was subdivided to form 69 house lots on Belmont and Coyle Streets and the southeast side of Clifton Street in 1899. This development, called Coyle Park, was



This Victorian double-house on Forest Avenue was part of the Oakdale Plan development. It is one of the few houses on Forest Avenue to survive into the 21st century, with a c. 1925 commercial storefront built in front of the left side. 1924 Portland tax photo.

33 Barry & Anderson, 101-102.

34 Barry & Anderson, 88-90.

largely built out by 1911.³⁵ The west side of Forest Avenue, beyond the Oakdale Plan development that stopped at Dartmouth Street, remained largely undeveloped in 1886,³⁶ but was subdivided and filled with homes by the turn of the century.³⁷ Boulevard Park was a smaller subdivision, located along a new street called Deerfield Road, developed in the first decade of the twentieth century. It was bordered by Forest Avenue on the west, the William Wentworth Brown estate on the north, Baxter Boulevard on the east, and the Portland Stoneware Company property to the south. The last of the large estates on the east side of Forest Avenue, the Joseph S. Ricker and W.E. Gould-W.W. Brown estates would stand until the 1920s and 1940s, respectively, before making way for automobile-era development along Forest Avenue.

The houses built in all of these subdivisions reflected the architectural styles of the periods in which they were developed. The earlier ones featured primarily Italianate and Queen Anne style houses and the later ones Colonial Revival and Arts & Crafts styles. After the turn of the twentieth century, new residential buildings on Forest Avenue tended to be two-family American Four Square style houses and a few triple-decker apartment houses. Only four houses remain on Forest Avenue between Interstate 295 and Coyle Street, all of which have been converted to commercial uses. Seven residential buildings remain between Coyle Street and Woodford's Corner, all on the east side of the street.

Churches - Religion

As Woodford's Corner developed as the "village center" for early suburban residents, those residents created churches in their neighborhood. A Methodist chapel was built in 1856 and quickly outgrown. A much larger, Stick style church was designed by John Calvin Stevens and built on a lot donated by developer Dr. Eliphalet Clark at the corner of Pleasant and Forest Avenues. It was later renamed in honor of Clark.³⁸ In 1871, a Congregational Church designed by Francis H. and Edward F. Fassett was built on Woodford Street, just up the hill from the intersection with Forest Avenue. This church



The Methodist Episcopal church at Woodford's Corner, named in memory of Dr. Eliphalet Clark. Clark was a director of the horsecar company and developed the house lots along Pleasant Avenue in the 1860s. Image courtesy of Maine Historical Society.

served until the congregation built a new church by Boston architect Arland A. Derlam across Woodford Street in 1957, next to the Miller, Mayo & Beal designed Parish House, which had been built in 1925.³⁹ The Episcopalians built Trinity Church at 113 Coyle Street in 1891, which has been expanded twice.⁴⁰ The most recent expansion, designed by architect Wilbur R. Ingall, Jr. and completed in 1963, gives the building a distinctly modernist façade and extends the building to Forest Avenue, over the one-time right-of-way of the Portland & Rochester Railroad.

35 Barry & Anderson, 160, 161.

36 A.F. Poole & Co. Bird's eye view of Deering, Maine, 1886.

37 City of Portland 1924 tax record collection on Maine Memory Network (mainememory.net).

38 Barry & Anderson, 130.

39 Barry & Anderson, 131.

40 Barry & Anderson, 131.

Automobiles - Transportation

Maine's first automobile, owned by well-known photographer Maynard D. Hanson, was delivered to Portland's docks on July 19, 1899. Hanson attracted a crowd along the streets as he drove the steam powered car to his home on Beacon Street in Deering. Two years later, there were 27 automobiles in Portland.⁴¹ These early autos were essentially toys for wealthy men and a very few women. Hanson's wife, Margaret Dorman Hanson, claimed to be the first female licensed driver in the nation.⁴² In 1912, the Portland Sunday Telegram asserted that "hardly anybody turns around to take a second look at an automobile on Congress Street today," and that there were 2,765 cars in Maine that spring, up 618 from the previous year.⁴³ A decade later, automobiles had become affordable to the middle class and were impacting the revenues of the trolley company. In an interview, the manager of the Portland Railroad Company, "pointed out the inroad made by the motorist on street railway returns. In 1910, the autos operated in the city of Portland were valued at but \$389,000, while in 1923 the figure had increased to \$2,581,000. In the (10 communities) territory served by the railroad, including Portland, there were but 538 automobiles in 1910. In the same area in 1923, there were 10,534 cars assessed at over \$4 million."⁴⁴

This dramatic change in the transportation patterns of Portland residents impacted the built environment of Forest Avenue significantly as the stretch from Deering Oaks to Belmont Street became known as the "Auto Row." Numerous car dealerships were built along this section of Forest Avenue in the nineteen-teens and twenties, along with garages and filling stations. The first car dealerships in the city had been located on the peninsula, primarily in buildings converted from others uses, but as a new form of building was created to house these new businesses, the largely undeveloped estates remaining on Forest Avenue became a magnet for dealerships. Car dealerships needed large-footprint buildings with significant enclosed interior space

for displaying and servicing autos and outdoor display space as well. Primarily one and two story buildings, with large plate-glass show windows on the street, these dealerships were among the first architectural building types developed in response to the automobile. As Patricia McGraw Anderson stated in *Deering*, "A building was required whose needs were unrelated to anything familiar – certainly not a barn – comprising and attractive and spacious showroom, office space, and an extensive maintenance and repair area, usually in the rear, and with access in at least two places. Fulfilling this building program created the earliest of the horizontal buildings that have come to dominate our suburban commercial



The first of the auto showrooms built on Forest Avenue was the Forest City Motor Company, built at the corner of Bedford Street in 1915. This building still stands in good condition. 1924 Portland tax photo.

41 Barnes, 128.

42 Barry & Anderson, 130.

43 Barnes, 128.

44 Barnes, 144.

landscapes.”

In 1910, there were six automobile dealerships in Portland, all on the peninsula.⁴⁵ But, with open space and thousands of commuters passing by daily on the crowded trolleys, Forest Avenue was recognized as an ideal location for dealers to display their cars and by 1924 there were seventeen buildings devoted to automobile sales and service between today’s Interstate 295 and Falmouth Street. These included several tire and battery stores and another new building type, the filling station. The earliest of these buildings built as a car showroom was constructed in 1915, with three more built in the following two years. The other thirteen buildings were built between 1920 and 1924.⁴⁶ Auto Row was extended to Belmont Street several years later, when the Ricker estate was redeveloped with four auto dealerships along Forest Avenue and the Ricker Park apartment complex along Baxter Boulevard. While architect John P. Thomas was hired to design the apartment blocks, the auto dealerships and service garage were designed by contractor Frank Rumery, who was the builder of many Forest Avenue commercial buildings during this period as well as many residences in Deering.⁴⁷ Other important buildings built in this area during the same period included the Oakhurst Dairy building of 1922 and the T. A. Huston Bakery and A. H. Hind’s Laboratory by John Calvin Stevens, both from 1920.

Another new building type that appeared at this time was the

45 Barry & Anderson, 170.

46 City of Portland, 1924 tax records.

47 Barry & Anderson, 175.



The Miles B. Mank Motor Company building of 1916-17 was one of the largest of the early automobile showrooms. It still stands in good condition. 1924 Portland tax photo.



Gilson Auto Company at 345 Forest Avenue was built in 1922. It remains standing and has housed the Palmer Spring Company for many years. 1924 Portland tax photo.



Gasoline stations were another new building type created by the automobile. This Socony station was part of the Forest and Falmouth Motor Company showroom complex on Forest Avenue. 1924 Portland tax photo.

residential garage in which to keep an automobile stored under cover. Many of the homes built in Deering after around 1910 had a garage built alongside, generally a small one or two car garage with a hipped roof. Many of these remain.

The last of the great nineteenth century estates along Back Cove was Oakland, built by banker W. E. Gould and owned for several generations by the William Wentworth Brown family. The Browns owned the Berlin Mills lumber and paper company in Berlin, New Hampshire (later renamed the Brown Company) as well as the Berlin Mills wharf in Portland. The site was not redeveloped until the early 1940s, when the Forest Park apartment complex was built along Baxter Boulevard for World War II shipyard workers and an A&P grocery store and Howard Johnson's restaurant were built along Forest Avenue.⁴⁸ The residential units were designed by architect William O. Armitage and were completed in 1944.⁴⁹ Howard Johnson's was one of the earliest national chains of restaurants catering to an auto-centric public. By 1940 Howard Johnson had built himself an empire of roadside restaurants, with more than 125 restaurants stretching from Maine to Florida doing a gross annual business of fourteen million dollars a year.⁵⁰ The free-standing A&P store, surrounded by paved parking, was a step in the evolution from corner grocery store to the modern supermarket.



Oakland, built by W. E. Gould and later occupied by the William Wentworth Brown family for several generations. Now the site of Forest Avenue Plaza and the Forest Park apartments on Baxter Boulevard. 1924 Portland tax photo.

Further out Forest Avenue, at Woodford's Corner, the nineteen thirties and forties saw continued development of the area as a commercial center for the surrounding residential area. Donald Della Valle opened a sandwich shop in the flatiron building in 1933 and expanded into a building at the corner of Forest Ave. and Woodford Street immediately after WWII. This building had housed the National Groceteria grocery store in 1924.⁵¹ A movie theater was built next to it by Ralph S. Snider in 1941.⁵² Valle would eventually own a chain of 25 restaurants including one on Brighton Avenue near the turnpike exit, which remained in business until 2000.



The site of Valle's first steak house, 660 Forest Avenue was remodeled into Gigino's sandwich shop by Donald Valle after his large new steak house was built on Brighton Avenue around 1960. He had this building demolished and built the existing Modernist building on the site in 1964. It housed Gigino's briefly and then the Valle's corporate offices until 2000. Image courtesy of Maine Historic Preservation Commission (MHPC)

48 Barry & Anderson, 125.

49 Barry & Anderson, 181.

50 Liebs, 200.

51 City of Portland 1924 tax records for 660 Forest Avenue.

52 Barry & Anderson, 134.

Arterial to Outer Suburbs - Transportation and Suburban Development

The post-war housing boom that followed World War II led to the rapid development of numerous residential subdivisions in North Deering, Westbrook, Falmouth, and Windham. Forest Avenue became the primary commuter arterial road for the residents of these new homes, most of whom still worked and shopped in downtown Portland. The trolley system had been completely abandoned before the start of the war and, although it was replaced with bus service, the majority of the new suburbanites were traveling by automobile. Eventually, the increasing number of people living beyond the traditionally defined urban and suburban core triggered the development of modern shopping centers further out. One of the first was the Pine Tree Shopping Center on Brighton Avenue, built in 1959.⁵³ The nearby Exit 8 interchange of the recently built Maine Turnpike created a new focus for development and soon impacted Forest Avenue as the car dealerships began to leave their old showrooms for new buildings nearer the highway exit. Other modern shopping centers which included supermarkets soon were built at Northgate in North Deering, Westgate, in Libbytown, and just across the city line in Westbrook on Riverside Drive. Among the businesses drawn to the new interstate highway exit was Howard Johnson's which built a new hotel and restaurant on Riverside Street. Valle's Steakhouse also built a large new restaurant on Brighton Avenue, near the highway exit, and demolished their 1940s building at Woodford's Corner for a new building. Forest Avenue Plaza, a modern shopping center, set well back from the street with acres of parking in front, was built on the site of the Forest Avenue Howard Johnsons and A&P grocery store. Only a handful of other new buildings appeared in the study area along Forest Avenue at mid-century. These included a new Oakhurst Dairy plant by architect Earle Webster, and the 1964 Modernist Valle's Building at Woodford's Corner, on the site of the original Valle's Steakhouse. The new building briefly housed a Valle's sandwich shop, much like their original operation at Woodford's. It only lasted a short time and was replaced by Valle's corporate offices.⁵⁴ Between Coyle and Belmont Streets, three relatively small mid-century office buildings form an interesting group from that period and a nearby 1920s car dealership had a striking Mid-Century Modernist façade added.

Significant surviving resources include:

Valle's Corporate Offices, 660 Forest Avenue

Odd Fellows Block, 643-651 Forest Avenue

Chapman Block, 650 Forest Avenue

Engine 8 Firehouse (Big Sky Bakery), 536 Deering Avenue

Merrill's Garage, 634 Forest Avenue

Studebaker complex, including rear garage, 517-533 Forest Avenue and 44 Indian Lane

Oakhurst Dairy, 364 Forest Avenue

Gilson Auto Company building (Palmer Spring Co.), 355 Forest Avenue

Mank Motor Car Company building, 330 Forest Avenue

A.S. Hinds building, 331 Forest Avenue

William C. Rowell building, 309 Forest Avenue

53 Barnes, 205.

54 Shettleworth, Earle G., Jr. Oral history interview by S.T. Hanson, August 7, 2015.

Stevens Avenue

Road from Stroudwater - Transportation

The road that was to become Stevens Avenue began as a crude “mast road” for moving massive white pine trees to the mast landing at Stroudwater. It was laid out from Stroudwater to the Presumpscot River by Colonel Thomas Westbrook and his partner Samuel Waldo in 1730.⁵⁵ Westbrook and Waldo controlled the mast trade at Falmouth, which was of great significance to the British Navy. It is likely that the road was used to move mast pines that had been cut further up the Presumpscot and floated down to a landing at the east end of the road. Once transported along the road to the Fore River at Stroudwater by oxen, the mast trees could be sorted and stored at the protected mast yard near Westbrook’s house there.⁵⁶

Early industry on Stevens Plains - Pre-Suburban Development



Detail from the 1886 bird’s eye view of Deering showing the Stevens family homes and shops, Westbrook Seminary, Universalist Church, and other homes and shops along the road at Stevens Plains. A corner of Evergreen Cemetery is at the upper left. Image courtesy of Boston Public Library.

Among the earliest settlers along the new road was Zachariah Brackett (1716-1776), whose parents had a farm on Back Cove. His fifty acres of land ran on both sides of the road and were covered with pitch pine, which he cleared to farm the level land. His daughter, Sarah (1749-1830) married Isaac Stevens (1748-1820) in 1767. Between 1767 and 1769, the couple built a home on what became known as Stevens Plains Road.⁵⁷ The house, later known as Stevens Tavern, was a two-and-a-half story center chimney colonial style building that later got a rear ell and a two-story enclosed entry porch. Stevens’ land extended roughly from today’s New Street to the Stevens Avenue Armory.

Zachariah Brackett Stevens, son of Isaac and Sarah, built a home near his parents and established a blacksmith and tinsmith shop next to it in 1798. Historian William David Barry documents that in 1803, “the English tinsmith and decorator Thomas Briscoe bought land from Stevens and began operating a business. With his wife and five nieces, Briscoe joined the Stevens family in pioneering the painted tinware industry. Boxes, baskets, trays, and flower holders were produced on Steven’s Plains and peddled throughout the Northeast by local men with horse and wagon.”⁵⁸ Other metal works were attracted to the neighborhood, including noted pewterers Allen and Freeman Porter and Rufus Durham, all of whom arrived in Stevens Plains around 1830.⁵⁹ These craftsmen, and others who owned metal working shops

55 Sawyer, Theodore L. *Back Cove to Quaker Lane*, Portland, Maine, 2001, 12.

56 Barry, William David and Peabody, Francis W. *Tate House, Crown of the Mast Trade*, Portland, Maine, 1982, 7-15.

57 Martin, Gina and Tucker, Lois. *American Painted Tinware, Vol. II*, Historical Society of Early American Decoration, Inc., Cooperstown, NY, 2002, xxv.

58 Barry & Anderson, 48.

59 Martin and Tucker, xxviii

in the immediate vicinity, employed hired help and apprentices, creating an industrial village strung out along the road to the intersection with Bishop's Road/Windham Road (Forest Avenue), today's Morrill's Corner. Historian Esther Stevens Brazer called the lineal village a "swarming beehive of activity and trade."⁶⁰

This small-shop industrial activity continued for several generations in the Stevens family, as more members built homes around the ancestral tavern. In the 1850s, two grandsons of Zachariah B. Stevens, each built an Italianate style house next to their parents home.⁶¹ The 1887 Bird's Eye View of Deering clearly shows these buildings alongside the older Colonial and Federal style Stevens family houses. Across the street, flanking today's Walton Street at its intersection with Stevens Avenue, two cemetery monument shops with outdoor cranes and long stone sheds are visible, indicating that some element of industrial character remained in the area at that time.⁶² This business would have appeared after the establishment of Evergreen Cemetery in 1852. Of the nearly ten houses built by four generations of the extended Stevens family along the west side of the avenue, only one small early 19th century Cape survives, in much altered condition. The others have been removed to accommodate the growth of Evergreen Cemetery and Westbrook College (now the University of New England Portland Campus).



Detail from the 1886 bird's eye view of Deering showing the development along Stevens Plains Avenue at Deering Center, south of the Stevens houses. The first Deering High School is at center with the Presumpscot Park racetrack to its left. Image courtesy of Boston Public Library.

The open plain to the south of the Stevens' family houses was used periodically by militia groups for musters and training between the War of 1812 and the Civil War.⁶³ It was also one of the first locations in greater Portland where horse racing occurred, often in conjunction with militia musters.⁶⁴ Further down Stevens Avenue, scattered small farms and residences extended to what is now Capisic Street.⁶⁵ North of the Stevens family houses and shops, was the site of Portland's first institution of higher education, Westbrook Seminary. Founded in 1831 as a Universalist school, the first building was built in 1833-34 on land purchased from Zachariah Stevens and James Hicks in 1832.⁶⁶ In 1859, Goddard Hall was added and Hersey Hall followed in 1869. Both buildings were Italianate in style. Shortly before the construction of Hersey Hall, Stevens donated land for the construction of a new Universalist church along Stevens Avenue, in front of the school buildings. The Gothic Revival style building was designed by Portland architect Francis H. Fassett.⁶⁷ These four buildings now comprise the Westbrook College National

60 Barry & Anderson, 47.

61 Buttrick, Norman L. "Report of Archaeological Activity at Stevens Plains and Stevens Tavern, Portland, Maine, July 6-14, 2000, np.

62 A.F. Poole & Co. Bird's eye view of Deering, Maine, 1886.

63 Barry & Anderson, 49.

64 Barry & Anderson, 47.

65 Barry & Anderson, 48.

66 "Westbrook Seminary," *Deering News*, June 27, 1896, np.

67 Barry & Anderson, 84.

Register historic district. Next door to the college, the Pine Grove cemetery was established in 1841.

A short distance north of the Stevens family land was Bishop's Corner, named for tavern keeper and grocer George Bishop and later known as Morrill's Corner. The later name likely derived from the tanners Rufus and Levi Morrill, whose family built and operated a large inn at the Corner called Morrill's Tavern. Dominating the northerly corner of Forest and Stevens Avenues, the brick structure may have been built as early as 1805.⁶⁸ Another three story brick Federal style dwelling, now 844 Stevens Avenue, was built at the intersection at about the same time. The 1924 Portland tax records indicate that the main block of the building was 120 years old at that time, and the rear ell 50 years old.⁶⁹ The building remained in residential use in 1924, owned by the heirs of Amelia C. Boothby. A third brick residence was built north of the Morrill Tavern (now 1241 Forest Avenue) around the middle of the nineteenth century. It is a two and a half story gable-end-to-the-street Greek Revival style house with a side hall plan. The heavy door hood hints at the Italianate style, and suggests a date of c. 1850.



Greek Revival style brick house at 1242 Forest Avenue, a short distance north of the site of Morrill's Tavern. This house remains in good condition. The heavy door hood and paired doors with arched lights are transitional Italianate style elements. 1924 Portland tax records.

Another substantial residence stood in the triangle formed where Stevens and Forest Avenues came together. The two-story L-shaped wood clapboarded house presented a five bay façade toward the intersection with a long six bay façade facing Forest Avenue. A one-story woodshed addition continued this elevation further along Forest Avenue, with a yard facing Stevens Avenue behind the main block. Around 1920, the owner of this house, Charles L. Hayes, built a two story, flat roofed commercial building in the triangular front yard, facing onto the Corner.⁷⁰ A much larger two-story flat roofed brick retail commercial structure with nine apartments on the second floor had been built at the corner of Forest Avenue and Bishop Street around 1910. The Forest Avenue elevation was 82 feet long and the Bishop Street elevation 128 feet long. Both the 1886 Deering bird's eye view and the 1924 Portland tax records show numerous residences in and



Federal style residence at the intersection of Stevens and Forest Avenues. A corner of the newly built commercial building in the triangular front yard can be seen at right in this 1924 view. Both buildings have been demolished. 1924 Portland tax records.

⁶⁸ Barry & Anderson, 47.

⁶⁹ When the 1924 Portland tax records are this precise about the dating of older building, it appears that the assessors were relying on first-hand information from owners or other informed sources. In most cases, the records are imprecise with the age recorded simply as "old" or "very old."

⁷⁰ 1924 Portland tax records for 835 and 839 Stevens Avenue.

around Morrill's Corner, as well as industrial, commercial, and railroad buildings. Morrill's Tavern was demolished in the 1950s to make way for a gas station and most of the other buildings documented in the 1924 tax records have been lost as well. Only the three story Federal style brick residence at 844 Stevens Avenue, the brick Greek Revival residence at 1241 Forest Avenue, the c. 1910 commercial block at Bishop Street, and a handful of smaller residences beyond the Corner remain in 2015.

Horsecars and Trolleys – Transportation

As described above in the Forest Avenue section of this document, the first railroad to come through Morrill's Corner was the Kennebec and Portland RR around 1845. The York and Cumberland Railroad was built through Morrill's Corner five years later. The two lines came in from the east and west, respectively, and ran parallel from Morrill's Corner to Woodford's Corner. The shared passenger depot at Morrill's Corner served the lineal village stretched out along Stevens Plains Avenue and increased commercial, residential, and industrial development at the Corner. Prior to the separation of Westbrook and Deering in 1871, the depot at Morrill's Corner was called "Westbrook."

Subdivisions - Suburban Development

A number of Greek Revival style homes were built along Stevens Avenue near Morrill's Corner before and during this period. With construction of the horsecar line from downtown Portland to Morrill's Corner via Pleasant and Stevens Avenues in 1864, increased development occurred further south on Stevens Avenue. New streets were built connecting Forest and Stevens Avenues north and south of the F.O.J. Smith estate, Forest Home, and were developed with suburban residences, primarily in the Stick Style and other styles of the post-Civil War era. Much more subdivision occurred after James Phinney Baxter purchased the late F.O.J. Smith's estate following the death of Mrs. Smith in 1880. Baxter had earned a fortune as a pioneer in the canning industry and lived in a mansion on Deering Street in downtown Portland. He demolished Smith's mansion and divided the estate, selling the northern-most portion to the Catholic Diocese of Portland, leaving the central portion wooded, and subdividing the southern portion on both sides of Stevens Avenue for residential development. Eight new streets were laid out, named Alba, Clinton, Florence, Hartley, James, Mable, Madeline, and Percival for his children.⁷¹



By 1924, this gas station stood in front of Morrill's Tavern at the intersection of Forest and Allen Avenues. Both buildings were demolished for a new gas station in the 1950s, which is now a Subway restaurant. 1924 Portland tax records.



Detail from the 1886 bird's eye view of Deering showing Morrill's Corner. Morrill's Tavern is the large building at upper right and the Charles E. Morrill tannery is at the lower left. The Portland & Rochester RR curves off to the left away from the Maine Central line. The shared depot is at their junction. The horsecar line is visible running along Stevens Avenue, through the Corner on Forest Avenue and continuing out of the image to the right along Allen Avenue. Boston Public Library.

⁷¹ Barry & Anderson, 137, 138.

The 1887 bird's eye view of Deering shows many homes already constructed on these streets by that date, appearing to be a mixture of Queen Anne, Italianate, and Second Empire style houses.⁷² One of the interesting features found on a number of houses built in Deering during this period is a decorative tripartite window found on primary elevations where a bay window would more typically appear. This "flat bay window" may have been used by a particular developer or contractor in the area. After the turn of the twentieth century, new residential buildings on Stevens Avenue tended to be one- and two-family Colonial Revival and American Four Square style houses, Arts & Crafts bungalows, and a few triple-decker apartment houses. A great many pre-World War I residential buildings remain on Stevens Avenue from Brighton Avenue to Morrill's Corner. A number of Greek Revival style houses survive, one at the intersection with Woodford's Street, a few at Deering Center, and a handful near Morrill's Corner. The remaining buildings are largely split between the Victorian styles of the horsecar era and the later styles that followed. A handful of post-World War II houses exist as well, including an exceptional post-war double house at 651-655 Stevens Avenue built in 1968.

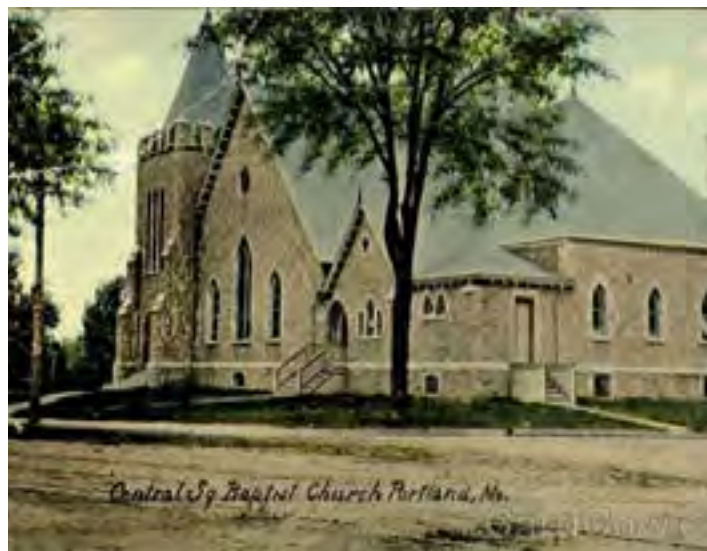


This Queen Anne style home built at the corner of Stevens Avenue and Concord Street is typical of the suburban development that followed construction of the horsecar line through Deering Center. 1924 Portland tax photo.

Churches and Schools – Religion

The earliest church within the study area along Stevens Avenue is the Gothic Revival building built for the Universalists in 1867, now the Ludcke Auditorium at the University of New England Portland Campus.⁷³

The wood board-and-batten sided structure with its asymmetrically placed buttressed tower with a soaring spire was designed by Portland's leading Victorian architect, Francis H. Fassett. A short distance to the north, on the other side of the Westbrook Seminary campus, the Free Church of Deering was built in 1887 and became the Stevens Avenue Congregational Church in 1913.⁷⁴ The stone Gothic Revival Central Square Baptist Church (now the Deering Center Community Church) was built in 1906-1907. Located on the corner of Stevens and Pleasant Avenues, the building is at the heart of the Deering Center neighborhood. An addition by designed by the Portland architectural firm Miller, Mayo & Beal was built in the 1920s. The diminutive Swedenborgian Church of the New



Historic postcard view of the Central Square Baptist Church at Deering Center, c. 1920. (MHPC)

72 A.F. Poole & Co. Bird's eye view of Deering, Maine, 1886.

73 Barry & Anderson, 101.

74 Barry & Anderson, 147, 148.

Jerusalem at 302 Stevens Avenue was designed by Maine's leading architect John Calvin Stevens in the Arts & Crafts style and built in 1909. This congregation had its roots in the 1820s, when a small group of Portland residents gathered in private homes to worship and study *The Doctrine of the New Jerusalem*, by Emanuel Swedenborg. They were incorporated as a church in 1835 and acquired their first church building on Congress Street in 1837. Later in the nineteenth century, such prominent Portland residents as James P. Baxter and pharmacist H.H. Hay were members of the church.⁷⁵

The most visible religious presence on Stevens Avenue is the complex of buildings that runs from Baxter Woods past Walton Street to include St. Joseph's Church and adjacent St. Brigid School. Originally part of F.O.J. Smith's Forest Home estate, James P. Baxter sold land between the woods and Walton Street to the Catholic Diocese of Portland in 1880. The property included the former Smith Home for Aged Indigent Women, designed by architect C.H. Howe in the Second Empire style in 1862, in which the Sisters of Mercy established St. Joseph's Academy, a parochial school for girls. In 1907, an additional 21 acres was acquired from the Baxter family for construction of the Sisters of Mercy Mother House, St. Joseph's Convent. The large building with a 130-foot tall tower topped by a gold dome was designed by the Boston architectural firm of Chickering & O'Connell. An addition was made to the building in 1915 to accommodate the newly founded St. Joseph's College for Women.⁷⁶ It was the only post-secondary college exclusively for women in Maine in the early 20th century. In 1949, the name was changed to the College of Our Lady of Mercy.⁷⁷ The college relocated to the rural Verrill Estate in Standish in 1956 and was then renamed St. Joseph's College. In 1969, St. Joseph's Academy girls' school and the Cathedral High School in Portland merged to form the Catherine McCauley High School for girls. A new building was built for the school, which also occupies a portion of the site near the corner of Walton Street. The Mother House was closed in 2004 and planning is underway for its conversion to apartments by a private developer in 2015.



Historic postcard view of St. Joseph's Convent and Academy prior to the 1915 addition with completed the symmetrical design of the main facade (MHPC).



Historic postcard view of St. Joseph's Church (1931) and Parish School (1929) (MHPC).

⁷⁵ "History" from The Church of the New Jerusalem website, <http://www.theportlandnewchurch.org/#!/history/c8de>, accessed August 11, 2015.

⁷⁶ Barry & Anderson, 137.

⁷⁷ Sisters of Mercy. *Missioned in Mercy*, brochure, Portland, Maine, no date.

The existing stone St. Joseph's Church, north of Walton Street at 673 Stevens Avenue, replaced an earlier wood building on the grounds of the mother house. In 1881, a small wood chapel that had served as the first Methodist church at Pleasant and Forest Avenues was being replaced by the current Clark Memorial Church and was relocated to the Walton Street side of the property after the purchase from J.P. Baxter.

⁷⁸ It was damaged by fire in 1898 but repaired and continued in use until 1915. In 1908, seventy-five families comprising 300 people were members of the church. The original building was replaced in 1915 with a new wood building that served as church and school until the current church was completed in 1931. The new Gothic Revival church was designed by Boston architect William B. Colleary and built by contractors F.W. Cunningham & Sons of Portland.⁷⁹ St. Joseph's Parish School was built next to the new church in 1929 and expanded with the Father Hayes Center, a Modernist building, in 1969. The school was renamed St. Brigid School in 2007 when St. Joseph's was combined with the parish schools of St. Pius and St. Patrick's.

Schools – Public and Private Education

Educational buildings have contributed to the character of Stevens Avenue since the Stevens family donated land to establish the Westbrook Seminary in 1831. The building now known as Alumni Hall was built in 1834, utilizing the cupola from the Portland Town Hall in Market Square, which was then being remodeled in the up-to-date Greek Revival style following Portland's incorporation as a city. The institution was quite exceptional for the period in admitting both male and female students. In 1863, the state granted the school "the right to 'incorporate a course of study for your ladies equivalent to that of any female college in New England'."⁸⁰ Italianate style Goddard Hall and Hersey Hall were added by 1869. In 1900, the McArthur Gymnasium was built to designs by Portland architect Francis H. Fassett.⁸¹ In 1925, the decision was made to stop admitting male students and the institution was renamed Westbrook Seminary and Junior College in 1929,⁸² The school was accredited as a junior college in 1933-1934⁸³ and added a few additional buildings, including several existing residences, before the middle of the twentieth century. In the 1960s and 1970s, men were readmitted to the school and it became Westbrook College.⁸⁴ It was expanded considerably, with historic buildings demolished or relocated and modern buildings, including a gymnasium and an art gallery, constructed. The school was merged with the Biddeford-based University of New England in 1996 and has added several large new buildings along Stevens Avenue. Most recently, the school acquired the former Maine State Armory which stands just north of the campus.



Detail from the 1886 Deering bird's eye view showing the Westbrook Seminary campus at that time. The 1834 building is at right with the 1858 Goddard Hall at center and 1869 Hersey Hall at left. Image courtesy of Boston Public Library.

It is likely that the community on Stevens Plains in the early nineteenth century, commonly known as

78 Barry & Anderson, 103.

79 "St Joseph's, A Calm Pool of Blue," *Central Square Times*, April 1992, np.

80 Biber, Joyce K. *Westbrook College Campus*, Charleston, SC, 2009, 8.

81 Biber, 23.

82 Biber, 9 and Federal Writers Project. *Maine: A Guide 'Down East'*, Boston, 1937, 81, 82.

83 Biber, 9.

84 Biber, 9.

Westbrook, was served by a small wooden schoolhouse, but no documentation for it was found in researching this document. The brick building at 806-808 Stevens Avenue appears to have been built as a school in the middle of the 19th century. It has a great deal in common architecturally with the 1844 Rosa True School and 1855 Staples School in nearby Portland, but its detailing is more Italianate. The building appears in the 1886 Deering bird's eye view, but is not identified as a school in that view.⁸⁵ The 1924 Portland tax records document that the building had been converted to residential use by that date, containing four apartments. A wood building on Stevens Avenue identified on the bird's eye view as "Primary School" was the former Deering High School. It was located in the same location as today's Longfellow Elementary School parking lot.

Deering High School was established in a rented room over Cobb's Grocery Store at Morrill's Corner in 1874. The first Deering High School building was erected in 1878 near the corner of Pleasant and Stevens Avenues in the heart of Deering Center.⁸⁶ In 1899, a new brick High School in the Romanesque Revival style was constructed to designs of architect Frederick A. Tompson. Although there were concerns that the new school was much larger than needed when it was built, it was soon filled as hundreds of new homes were constructed in Deering.⁸⁷ By the beginning of the 1920s the school was overcrowded and a fire in 1921 led to a decision to build a larger school on the former Presumpscot Park site a short distance south of the existing school. The 1899 building was reconstructed with a flat roof replacing the pre-fire hipped roof and it became the Deering Junior High School before being renamed Lincoln Middle School.⁸⁸

The new Deering High School was designed by Portland architect John P. Thomas in



Brick building at 806-808 Stevens Avenue that appears to have been built as a school. It was in use as apartments in 1924 and today houses professional offices. 1924 Portland tax photo.



The first Deering High School building near the corner of Pleasant and Stevens Avenues in Deering Center. This view was taken after the electrification of the horsecar line in 1895 (MHS).



Historic postcard view of the second Deering High School by Fassett, prior to 1921 fire and rebuilding as Lincoln Middle School (MHPC).

⁸⁵ A.F. Poole & Co. Bird's eye view of Deering, Maine, 1886.

⁸⁶ Barry & Anderson, 84.

⁸⁷ Barry & Anderson, 135.

⁸⁸ Barry & Anderson, 136, 136.

collaboration with the Boston architectural firm Thomas M. James Company. Facing Deering Avenue, it is a long two-story building in the English Renaissance style with a slightly taller central block topped with a tall clock tower and projecting wings at each end, with projecting entrance porticos. The central block also has an entrance portico below a mullioned cast stone bay window. Between the central block and projecting wings, a wide mullioned bay window on each side adds depth and interest to the façade. At the south and west elevations, the grade is lower and it is a three story building. Additions were made to the rear of the building in 1932 and 1981.



Historic postcard view of the third Deering High School by Portland architect John P. Thomas and the Boston firm Thomas M. James Co., built on the site of Presumpscot Park horse racing track. View c. 1930 (MHPC).

Longfellow Elementary School was built in 1951-1952 to designs by the Portland architectural firm Miller & Beal. It is a cast stone and brick building clearly intended to relate to the English Renaissance style of the adjoining Deering High School. The use of materials and style for this building is particularly interesting when compared to other new school buildings being constructed in Portland during this period, which were Modern in style and material usage.

Evergreen Cemetery – Community Development

Evergreen Cemetery was established when the city of Portland purchased 53 acres of land adjacent to the Pine Grove Cemetery from the Stevens family in 1852. Crowded conditions in the city's Eastern and Western Cemeteries compelled the peninsula-bound municipality to look beyond its own borders to bury its dead. Victorian Garden Cemeteries had come into being earlier in the century, first at Mt. Auburn Cemetery in Massachusetts in 1829. Maine's first Garden Cemetery was started in Bangor in 1834. Unlike the colonial era burying grounds, which tended toward an austere aesthetic to the extent that they had one, Garden Cemeteries were intended to be park-like and attract people to visit with their dearly departed. Originally set well back from Stevens Avenue, with a line of Stevens family homes between the street and the cemetery, Evergreen was first expanded with additional land purchases in 1869 and 1883. The names on the monuments and tombs in Evergreen Cemetery are a "who's-who" of nineteenth and twentieth century Portland. In 1900, nearly all of the houses between the cemetery and street were purchased and demolished, bringing the cemetery to the street. The eighteenth century Stevens Tavern and one early nineteenth century Stevens house were left in private hands. The tavern survived for nearly another century, in much altered form toward the end. Only its granite foundation remains today, and the lot has been added to the cemetery property.⁸⁹ Dedicated in 1902, the stone English Gothic style Wilde Chapel in Evergreen Cemetery was designed by Portland architect Frederick Thompson and built near the corner of Leland and New Streets, with its own gate and drive from Stevens Avenue.⁹⁰ The granite wall and gate for the chapel and the four Egyptian Revival style stone gate piers at the main entrance to the cemetery, erected in 1854, give the cemetery a strong presence along Stevens Avenue.

Village Center – Suburban Community Development

⁸⁹ Barry & Anderson, 90, 91.

⁹⁰ Barry & Anderson, 168-169.



Deering Center at the intersection of Stevens and Pleasant Avenues in the 1940s (MHS).

Perhaps more than any other neighborhood in Portland, Deering Center has the feel of a typical late-nineteenth century small town downtown. The concentration of imposing civic and institutional buildings, small group of commercial storefronts, and interspersed residences with long streets of homes adjoining, gives Stevens Avenue this special character. The nearby Evergreen Cemetery and Baxter Woods Park add to the effect. Other areas in Deering once had a similar character, including Woodford's, Morrill's, and Allens Corners, but modifications to the streets in those locations to accommodate arterial traffic to the outer suburbs have altered their character and made them unsuited to pedestrian activities. Deering Center is still an entirely walkable neighborhood, which contributes greatly to its character.

The impetus for the development of this neighborhood center was the Portland Railroad Company's horsecar line that extended from the waterfront to Morrill's Corner. It entered Deering Center on Pleasant Avenue and turned sharply onto Stevens Avenue to continue to Morrill's Corner. With convenient access from downtown Portland and ample open ground on Stevens Plains, it quickly attracted attention as a location for uses that require significant space. These included the development of Presumpscot Park in 1875. A horse racing track with baseball grounds in its center, the park featured a three-story grand stand and attracted up to 10,000 people for events.⁹¹ Following its heyday as a race track, the site hosted the State Fair several times as well as bicycle races. In 1920, it was purchased by the city as a site for a new Deering High School.⁹² With increased accessibility from Portland, Evergreen Cemetery became increasingly popular as a final resting place and was expanded to more than 300 acres over the half-decade following the arrival of the horsecars. The most significant use requiring large tracts of land that followed the arrival of the horsecar line was suburban residential development. As the neighborhood filled with new residents, small-scale commercial development occurred near the corner of Pleasant Avenue and Stevens Avenue to accommodate their needs. These buildings, primarily built between 1860 and 1920, continue to serve the same function today. The conversion of a residential structure opposite Deering High School into the Deering Branch of the Portland Public Library has contributed further to the feeling of a small town center.

Significant surviving resources include:

Central Square Baptist Church, 466 Stevens Avenue

⁹¹ Barry & Anderson, 85.

⁹² Barry & Anderson, 135.

Deering High School, 370 Deering Avenue

Lincoln Middle School, 522 Stevens Avenue

Longfellow Elementary School, 423 Stevens Avenue

St. Joseph's Convent and Church, east side of Stevens Avenue

Westbrook College Historic District, west side of Stevens Avenue

Stevens Avenue Armory, 772 Stevens Avenue

Federal style brick house, 844 Stevens Avenue

Current and Historic Views

Historic photos from 1924 Portland tax records unless otherwise noted.



A. S. Hinds Laboratory building at 331-337 Forest Ave. designed by John Calvin Stevens and completed in 1920. Several auto dealerships and Firestone Tires occupied the first floor store-fronts during the "Auto Row" period. (MHS and SCC)



State Motor Car Company auto showroom at 349 Forest Avenue in the 1940s and today. (MHS and SCC)



Gilson Auto Company building at 355 Forest Avenue was built in 1922. Palmer Spring Company has occupied the building since 1932. (SCC)



371-373 Forest Avenue in 1924 and today. The building continues to be mixed use, with commercial on the first floor and residential on the second. (SCC)



Victorian double house at 430-432 Forest Avenue is typical of Oakdale Plan development. The commercial storefront addition on the 430 side dates to c. 1925. (SCC)



Miles B. Mank Motor Company building at 443-445 Forest Avenue, built in 1916-17 was the largest of the early auto showrooms on Forest Avenue. (SCC)



The Ricker estate was located between Dartmouth and Belmont streets. The Ku Klux Klan used the mansion as a club house for some years prior to the mansion burning in 1924. It was redeveloped with Ricker Park apartments along Baxter Blvd. and a row of auto dealerships along Forest Avenue, 1927-1929. (SCC)



The Studebaker dealership was part of the Ricker estate redevelopment. The company's logo was incorporated into the cast stone detailing of the building and remains in place. (SCC)



These turn of the 20th century residential buildings remain in their original use along the east side of Forest Avenue near Woodford's Corner. (SCC)



This early 20th century triple-decker is reflective of the urbanized character that came to Woodford's Corner following construction of the Odd Fellows Block in 1897. (SCC)



This early 20th century commercial building with apartments above and the one-story commercial building next door represent the electric trolley community center period at Woodford's Corner. (SCC)



Forest Ave. toward Woodford's. The trolley is crossing the Portland & Rochester RR tracks in the historic view. This line was removed in 1911, allowing more buildings on Forest Avenue. (SCC)



Commercial buildings at Woodford's Corner in the 1950's (above) and today. The Ebenezer Woodford house stood just to the right of these buildings. It was demolished c. 1965. (MHS and SCC)



The Odd Fellows Block at Woodford's Corner in 1924 and today. This building brought a new scale and urban character to Woodford's when it was built in 1897. (SCC)



The “flat iron” Chapman Block at Woodford’s Corner added to the urbanized character of the former village center when it was built c. 1916. It remains a gateway building for the city. (SCC)



The National Grocerteria occupied the building at the corner of Forest and Woodford Street in 1924. Valle’s first steak house opened here in the 1940s and was replaced by the Modernist building in 1964 after Valle’s built their large new restaurant on Brighton Avenue near the turnpike exit. (MHS and SCC)



The Engine 8 firehouse at Woodford’s Corner, looking along Deering Avenue toward Forest. Built in 1907, the brick firehouse added to the urban character of Woodford’s Corner. (SCC)



This early 20th century house at 260 Stevens Avenue is typical of the suburban dwellings being built in Deering at the time, fueled by the expansion of the electric trolley system. (SCC)



These triple-deckers on Stevens Avenue are relatively rare in Deering, where multi-family housing was more typically in the form of double-houses and two-family apartment houses. (SCC)



Single family house at 297 Stevens Avenue dates from the 1890s, when the streetcar system was electrified and extended. A nearly identical house remains at 1107 Forest Avenue. (SCC)



This Bungalow style house was built at 322 Stevens Avenue c. 1909. The style was widely popular for modest homes in the early 20th century. Many of these were built from catalog company kits, or by local developers copying the catalog homes. (SCC)



The Greek Revival style Elishu Higgins house at 361 Woodford Street, at the corner of Stevens Avenue, is the oldest house along this section of Stevens Avenue. (SCC)



Queen Anne style house of the 1890s at 339-345 Stevens Avenue. Likely built as a large single-family house, it was divided into apartments by 1924. (SCC)



Queen Anne style residence at 397 Stevens Avenue is typical of the large single-family suburban houses of the late 19th century in Deering. This house was within easy walking distance of schools, stores, and the streetcar lines. (SCC)



Queen Anne style house with Colonial Revival overtones at 409-415 Stevens Avenue. At the end of the 19th century, Colonial Revival houses became increasingly common in Deering. (SCC)



This buff brick commercial building with apartments on the second story is located at the corner of Stevens and Pleasant Avenues. It replaced a large Second Empire style residence around 1930. (MHS and SCC)



Small scale residential buildings (one converted to commercial use by 1924) at the heart of Deering Center. These houses likely date from the 1860 to 1880 period. The Quality Shop remains in business in 2015 in a neighboring building. (SCC)



Early 20th century false-front commercial building on Stevens Avenue. A c. 1950s addition to the front of the building encompasses the smaller building next door. The small businesses in Deering Center continue to serve the surrounding residential neighborhood in the 21st century. (SCC)



Another early 20th century false-front commercial building and neighboring Greek Revival style house on Stevens Avenue in Deering Center. (SCC)



Early 19th century Cape at 270 Stevens Avenue, with Lincoln Middle School behind. The early development of Stevens Plains extended from Morrill's Corner to this area of Deering Center. (SCC)



American Four Square style house at 542 Stevens Avenue is a good example of this type of house, which became popular after 1900. Many were sold as kits from catalogs. Built c. 1905. (SCC)



Triple-decker with monumental Colonial Revival portico front built c. 1915 at 548 Stevens Avenue. Three large apartments would have been built for lower-middle class families. (SCC)



Greek Revival style cape at 612 Stevens Avenue is the only remaining Stevens family home of the multiple houses built along the avenue by four generations of the family between 1767 and 1870. (SCC)



Several monument works companies located on Stevens Avenue at Walton Street following the establishment of Evergreen Cemetery in 1852. This site was redeveloped for residential use in the 1960s, when this Mid-Century Modern version of a double-house was built at 651-655 Stevens Avenue. (SCC)



While Greek Revival in form, the detailing on this c. 1860 house is Italianate, with a bracketed cornice, paneled and molded corner boards, and arched double entry door. (SCC)



Brick building at 806-808 Stevens Avenue that appears to have been built as a school. It was in use as apartments in 1924 and today houses professional offices. 1924 Portland tax photo. (SCC)



Built for pewterer Elizur Forbes in 1854, this Greek Revival style house was later owned by the Webber family for several generations. From 1979 until 2000, it was owned by Westbrook College, housing the school's presidents. (SCC)



The Portland and Forest Avenue Railroad Co. built a wooden carhouse and stable here for their horsecar line in 1864. In 1908, a brick carhouse was built for the electric trolleys serving the line. In the 1940s, Portland architect John P. Thomas made additions and alterations to convert the former car barn into the Maine State Armory. (HA)



Modest story-and-a-half Greek Revival style residence at 805 Stevens Avenue is typical of early working-class dwellings along Stevens Plains, possibly built for a tin or pewter worker. (SCC)



This brick building at 806-808 Stevens Avenue that appears to have been built as a school. It was in use as apartments in 1924 and today houses professional offices. (SCC)



This modest Greek Revival style cottage at 820 Stevens Avenue was altered by Portland architect John Calvin Stevens in the early 20th century. (SCC)



Gothic Revival style house at 815 Stevens Avenue was likely built in the 1830s or '40s. Its lot originally extended to Forest Avenue, where the Cumberland Farms store now stands. (SCC)



Modest wood-framed commercial building on Stevens Avenue near Morrill's Corner. By the 1920s, commercial usage was mixing with residential use near the junction of Stevens and Forest Avenues. (SCC)



This large Federal style brick building at Morrill's Corner was built c. 1805 and is the oldest surviving building in the survey area. It was converted to commercial uses in 1937. (SCC)



This mixed use commercial and apartment block was built at Morrill's Corner around 1910. It is a good example of this type of mixed use building from the period. (SCC)



This fine example of the Bungalow style was built at 1231 Forest Avenue was built for Frank Godrich c. 1910. It is particularly interesting for the use of concrete columns on the porch. (SCC)



This substantial brick Greek Revival style residence just north of Morrill's Corner shows evidence of the Italianate style in the door hood and double doors. (SCC)



Built as the Unitarian church in 1867, this wood-framed Gothic Revival building by Portland architect Francis H. Fassett now serves as an auditorium for the University of New England Portland Campus. It is a contributing building in the Westbrook College local and National Register historic districts. (SCC)



The Central Square Baptist Church at Deering Center was designed by Bangor architect Victor Hodgins and built in 1907. In the 1920s, the Portland firm of Miller, Mayo & Beal designed an addition to the building. It is now called the Deering Center Community Church. (SCC)



Organized as the Free Church of Deering in 1886, the building was completed in 1888. Its name was changed to the Stevens Avenue Congregational Church in 1913 and it continues in use by the same congregation. (SCC)



St. Joseph's Catholic Church on Stevens Avenue as designed in the Gothic Revival style by Boston architect William B. Colleary and built by contractors F.W. Cunningham & Sons of Portland. It was completed in 1931. St. Joseph's Parish School was built next to the new church in 1929 and expanded with the Father Hayes Center, a Modernist building, in 1969. Both are now used by the St. Brigid School. (SCC)



The 130-foot tall tower of the St. Joseph's Convent Mother House dominates the skyline along Stevens Avenue. (SCC)

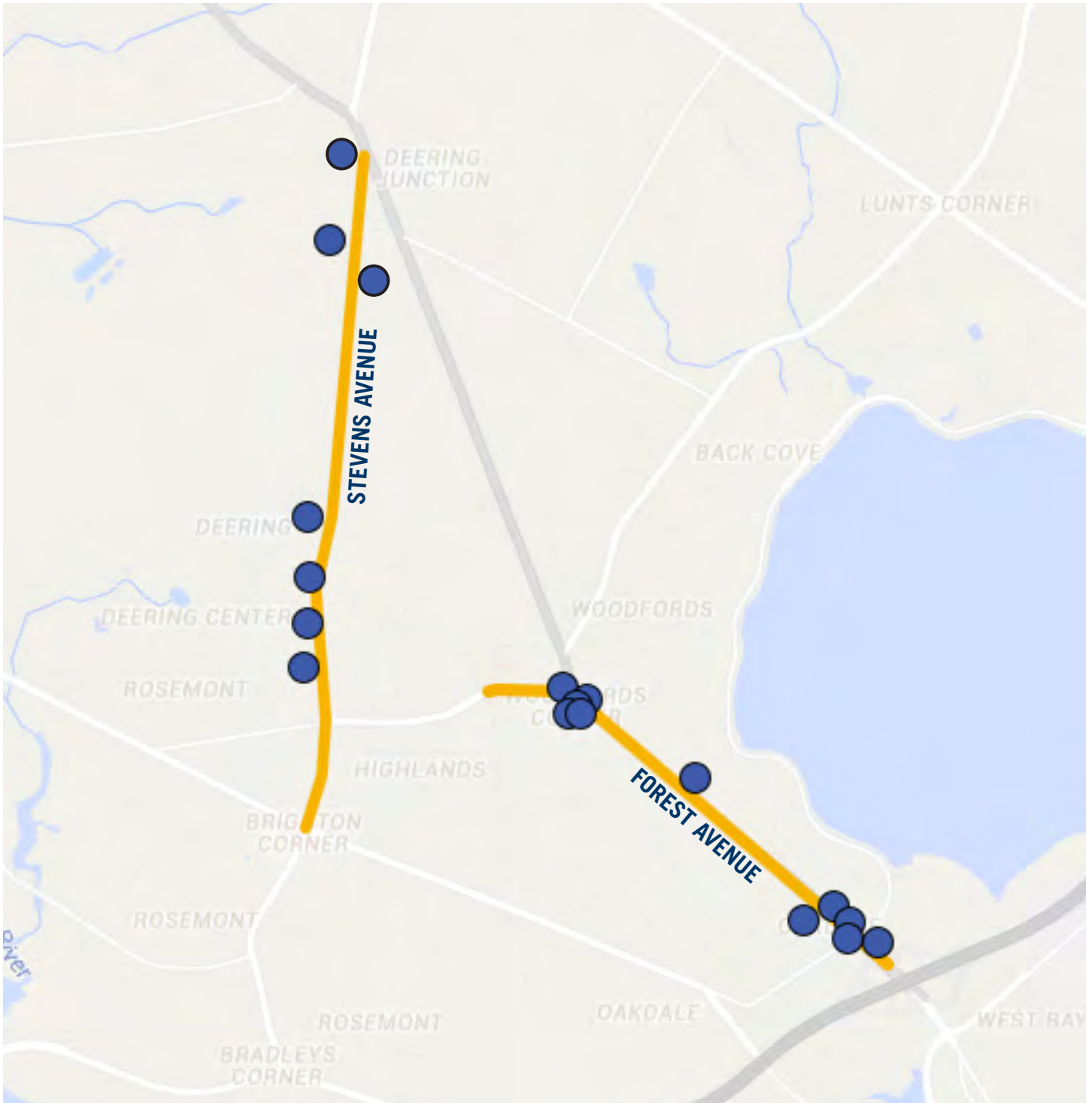
Historic images courtesy of Bangor Public Library, Boston Public Library, Maine Historical Society, City of Portland Planning Department, Maine Historic Preservation Commission.

Contemporary images by Sutherland Conservation & Consulting (SCC) and Hannah Allen (HA).

Bibliography

- A.F. Poole & Co., Bird's eye view of Deering, Maine, 1886 (Brockton, Mass: 1886).
- Ames, David L. and McClelland, Linda Flint. Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places. U.S. Department of the Interior, National Park Service, 2002.
- Barry, William David and Anderson, Patricia McGraw. Deering: A Social and Architectural History. Portland, Maine: Greater Portland Landmarks, 2010.
- Barry, William David and Peabody, Francis W. Tate House, Crown of the Mast Trade. Portland, Maine: National Society of Colonial Dames of America in the State of Maine, 1982.
- Barnes, Albert F. Greater Portland Celebration 350. Portland, Maine: Gannet Books, 1984.
- Bibber, Joyce K. Westbrook College Campus. Charleston, SC: Arcadia Publishing, 2009.
- Buttrick, Norman L. "Report of Archaeological Activity at Stevens Plains and Stevens Tavern, Portland, Maine." 2000.
- "1924 Portland Tax Records." Maine Memory Network. <https://www.mainememory.net/search/ptr/>. Federal Writers Project. Maine: A Guide 'Down East.' Boston: Houghton Mifflin Company, 1937.
- Greater Portland Landmarks. Portland. Portland, Maine: Library of Congress, 1973.
- Liebs, Chester H. Main Street to Miracle Mile: American Roadside Architecture. Baltimore, Maryland: The John Hopkins University Press, 1995.
- Martin, Gina, and Lois Tucker. "American Painted Tinware: A Guide to Its Identification." The Historical Society of Early American Decoration, Inc. Vol. 2 (2002).
- Robertson, Edwin B. Remember the Portland, Maine Trolleys. Westbrook, Maine: Robertson Books, 1982.
- Sawyer, Theodore L. Back Cove to Quaker Lane. Maine Historical Society: Portland, Maine: 2001.
- Shettleworth, Earle G., Jr. Oral History Interview by S.T. Hanson, August 7, 2015.
- "Missioned in Mercy." Sisters of Mercy. Portland, Maine.
- "St. Joseph's, A Calm Pool of Blue," Central Square Times. April, 1992.
- "The Portland New Church." The Portland New Church. Accessed August 13, 2015. <http://www.theportlandnewchurch.org/#!/history/c8de>.
- "Westbrook Seminary," Deering News. June 27, 1896.

STEVENS-FOREST AREA ARCHITECTURAL INTENSIVE SURVEY RESOURCES





VAN BLARCOM INCORPORATED AUTOMOBILE GARAGE

ADDRESS

330 Forest Avenue

ARCHITECT

Unknown

DATES

1919; interior alterations in 1934, 1959

STYLE

Art Deco/Moderne & Commercial

The building at 330 Forest Avenue was built in 1919 for the Frank H. van Blarcom Company. Van Blarcom opened a public garage in this structure, one of the earliest automobile-related businesses on the length of Forest Avenue that would become Portland's so-called Auto Row. The property has undergone several changes of use but has always served as a commercial space.

The building is a one story brick structure with six bays on its primary façade, five of which are large showroom windows. Today, the flat roof retains the original parapet detail on its northwest- and southeast-facing façades and the heavy cornice with brackets remains in place. The tax assessor's photograph from 1924 shows a parapet along the primary façade as well (Fig. 1). This roof section contained the same Art Deco geometric ornamentation in stucco as on the northwest and southeast elevations and also featured an oval medallion on a triangular pediment centered above the building's entrance. The parapet detail no longer remains along the primary façade and the date of its removal could not be found.

A steel structure was added at the rear of the main building in 1921 to be used as an oil room for Cumberland Automobile Sales, the tenants at that time. In 1924, Forest City Motor Company sold Lincoln automobiles from this location. An addition in brick enlarged the boiler room in 1930 after the structure had changed use and had become the location for Ideal Cleansers and Dyers. John J. Cunningham became the owner of the property in 1932 and retained ownership through 1959. Dunlop Tire and Rubber Company operated at 330 Forest Avenue following Ideal Cleansers until 1934, when the building became a glass shop and office. The contractor for the required interior remodeling was New

Deal Stores Incorporated. The building's use changed again in 1935, this time to Littlefield and Greene Automobile Accessories. From the late 1930s until the late 1950s, the building functioned as showroom and garage space for several used car dealerships, including the Elliott Peterson Used Car Depot. Extensive interior alterations in 1959 modified the interior for use as a retail space; Brookline, Massachusetts-based Beacon Way Stores sold fabric here in 1962 until at least 1970, and the building was occupied by home furnishings retailer Pier 1 Imports in 1985. The building is currently houses Kitchen Cove Cabinetry and Design.



Fig. 1



A. S. HINDS LABORATORY BUILDING

ADDRESS

331-337 Forest Avenue

DATES

1920

ARCHITECT

John Calvin Stevens and
John Howard Stevens

STYLE

Beaux Arts Revival & Commercial

Noted Portland architects John Calvin Stevens and his son John Howard Stevens designed the building at 331-337 Forest Avenue for Aurelius Stone Hinds in 1920. Hinds worked for the apothecary of H. H. Hay & Company in downtown Portland until 1864. While running a drugstore of his own on the peninsula, Hinds perfected the formula for his world famous Honey and Almond Cream. He established A. S. Hinds Company in 1875, and began producing and selling his skincare products from the purpose-built laboratory space on Forest Avenue in 1920.

Hinds' Honey and Almond Cream was an extremely successful product, both domestically and internationally, and a branch laboratory was established in Montreal, Canada. In 1906, an advertising department was formed to handle marketing of the cream (Fig. 1). Although the company was acquired in 1907 by the Manhattan-based Lehn & Fink, who had brought Lysol from Germany to the United States market in 1890, the A. S. Hinds Company continued to operate independently for a number of years.

The A. S. Hinds Laboratory Building is a four story brick structure built in the Beaux Arts Revival and Commercial styles. The building's flat roof has a subtle parapet detail, the lines of which are highlighted by cast stone ornamentation. The heavy cornice features prominent brackets and dentils. Patterned brick ornamentation and small cast stone medallions grace the façade. Blueprints drawn by John Calvin Stevens are held in the collections at the Maine Historical Society in Portland (Fig. 2).

The laboratory occupied the upper floors of the building, while the first and second levels were reserved for retail and office use. In 1926, the A. S. Hinds Laboratory was no longer located in this building; operations had moved to Lehn & Fink plants in New Jersey. A wholesale druggist and the Marmon Company Autos automobile dealership operated at 331-337 Forest Avenue that same year. A number of automobile-related businesses, such as Firestone Tire & Rubber Company and Gemmer Motors Company, were tenants of the building from 1926 through 1932. From this point the building's commercial use shifted towards suppliers, including the Portland Pipe Line Company, and warehouse storage.

In 1926, three large show windows were installed to accommodate the automobile dealerships, and alterations were undertaken in a previously added private garage space to convert the building from its former manufacturing layout to retail and warehouse space. These alterations were designed by John Calvin Stevens and John Howard Stevens and were overseen by local contractor Frank A. Rumery, who would go on to design an automobile dealership at 517-533 Forest Avenue in 1927-30. A freight elevator was installed in 1930; by 1946, the main occupant was Reliable Furniture and the third floor was remodeled in 1955 to meet their needs as a used furniture retailer. The building served as a Discount Book Outlet in 1993, after it had lain vacant for two years. It currently contains 70 residential units as Bayview Court and maintains the first floor as retail space for Back Bay Cycle.



Fig. 1

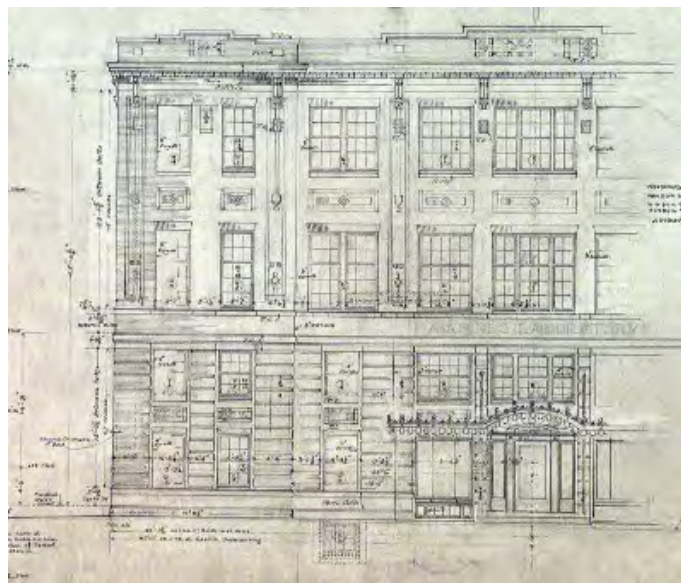


Fig. 2



L. C. GILSON AUTOMOBILE COMPANY BUILDING

ADDRESS

355 Forest Avenue

ARCHITECT

Unknown

DATES

1922; rear addition in 1981

STYLE

Vernacular & Art Deco/Moderne

Originally occupied by the L. C. Gilson Automobile Company, the building at 355 Forest Avenue was built in February 1922. Gilson had already established an automobile dealership at 881-891 Congress Street by 1906, selling cars from Ford, Reo, and Stanley in what Portland's Board of Trade Journal called, "one of the largest, and most modern [garages] in New England." By 1924, the Congress Street block had been converted into apartments and the Gilson Automobile Company had relocated to the building owned by Frank W. Sparrow at 355 Forest Avenue (Fig. 1).

The one story brick structure has three bays, a flat roof, and ornamentation in contrasting brick on the façade piers. A rear ell was added in 1981. The building has always been utilized for automobile sales or servicing purposes. It was occupied by Brewster Tire Stores Incorporated in the 1927. In 1929, Forest City Tire Company shared the building with Firestone Tire Stores Incorporated, which continued on as the property's sole occupant in 1930-1.

The building has become best known as Palmer Spring Company building due to its signature orange façade (Fig. 2) and the company's presence at this address since 1932. Palmer Spring Company was established in 1849 and is thought to be the oldest spring company in the United States. Joseph Benjamin Palmer founded the company in Boston after bringing his trade from England and served as its first blacksmith. The company's Conestoga wagon logo reminds its patrons of the vehicles originally serviced by Palmer Spring Company.

In 1949, Palmer Spring Company operated a service station and spring manufacture from its building on Forest Avenue and completed interior renovations in 1950 to expand its manufacturing room. The company continues to operate at 355 Forest Avenue with a service garage and a blacksmith.



Fig. 1



Fig.



OAKHURST DAIRY

ADDRESS

364 Forest Avenue

ORIGINAL ARCHITECT

Unknown

DATES

1922; additions in 1951-3, 1988,
and 2005

STYLE

International (central building)

The Oakhurst Dairy at 364 Forest Avenue was constructed in phases to accommodate the growing needs of its successful business. The central building, recognizable by the Mid-Century Modern metal “Oakhurst” sign across its façade, was designed by architect Earle Webster and was built perpendicular to the Dairy’s original 1920s brick structure. Later additions from 1989 and 2005 flank this central building, forming a large complex on the lot.

The dairy has been in the Bennett family of Portland since Stanley T. Bennett bought the Oakhurst Dairy from Arthur Leadbetter in 1921. Leadbetter had established his dairy in 1902 on Woodford Street. After acquiring the dairy, Bennett relocated it from its original location to its current site on Forest Avenue; an announcement in the national weekly *American Machinist* from 1922 stated that the planned two story building and associated power plant unit would cost Oakhurst Dairy an estimated \$100,000. In 1933, Oakhurst Dairy became the first dairy distributor in the United States to require that the milk it processed did not contain tuberculin, used to test for bovine tuberculosis. Oakhurst Dairy has continued to oppose using additives such as bovine growth hormones in its milk.

Bennett’s son Donald oversaw the design and construction of the addition in 1951-3, working with architect Earle Webster to create a state-of-the-art manufacturing facility in the International style. Constructed of brick, the two story building has a two bay façade with a large window at its center to ensure that people could view the plant’s operations (Fig. 1). The Portland Society of Architects gave this structure its 2009 50-Year Building Award in recognition of its Modernist design. Oakhurst Dairy bought the adjacent lot, owned by the Henley Kimball Automobile Dealership, in 1973 and built a cold storage

facility in 1988. The final addition to the lot was designed in 2005 by Pennsylvania-based Facilities Design, Incorporated and provided the dairy with new receiving and updated cold storage areas.

In 2014, Oakhurst Dairy was sold to Dairy Farmers of America, a national farmer-owned cooperative based in Missouri, after 92 years of family ownership.



Fig. 1



STUDEBAKER AUTOMOBILE BLOCK & GARAGE

517-533 Forest Avenue and 44 Indian Lane

Contractor Frank A. Rumery is thought to have designed the buildings at 533, 525, and 517 Forest Avenue as a group, along with a second automobile dealership complex slightly further south on Forest Avenue. These projects were part of a plan to redevelop the former Ricker estate into apartments, a filling station, car dealerships with frontage on Forest Avenue, plans which included a shared power plant. The Ricker Mansion was built in 1855 for Joseph S. Ricker, a tanner who also served as director of the street's railroad system. The mansion was one of several large estates just outside the city along the less-developed Forest Avenue and boasted a "grapery" and greenhouses on its extensive grounds. The Ku Klux Klan's Portland chapter bought the property in 1923 and maintained it as a meeting and event space until the house burned down in the later 1920s. Redevelopment of the lot occurred between 1927-30 and the area was renamed Ricker Park.

Rumery was already well-known at this time for his active involvement in many development projects along Forest Avenue and was also the contractor for the Ricker Park apartments. John P. Thomas, the Portland-based architect who would design the Stevens Avenue Armory at 772 Stevens Avenue in 1940, was commissioned to address the design of the new apartment buildings the lot.



STUDEBAKER AUTOMOBILE DEALER BUILDING

ADDRESS

533 Forest Avenue

ORIGINAL ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

The Studebaker Automobile Dealership at what is now 533 Forest Avenue (the historic address appears to be 531 Forest Avenue) was built in 1928 for the Hennings Motor Company. The car brand's logo depicting a "Studebaker" banner spread across a spoked wheel still remains at the apex of the parapet gable; this structure is therefore considered the primary building of the three adjoining structures on Forest Avenue. Together, these buildings form an "E", with the shorter arms oriented perpendicularly to Forest Avenue. Behind the long connected section of the buildings is the dealership's associated garage, located alone on the small alley of Indian Lane.

The two story brick building has three main bays, two large showroom windows at street level, and a flat roof with a centered triangular parapet gable. The texture created by the decorative pattern of variously projecting headers in the Flemish bond brickwork is carried through to the adjoining buildings at 525 and 517 Forest Avenue. Large bricked over bays run along each side of the building and feature squared ornamentations of cast stone above.

The Hennings Motor Company, formerly Gray-Son Motor Company and Waterville Motor Company, sold Studebaker and Erskine motor cars. Prior to its location at 533 Forest Avenue, its salesroom was at the edge of the Deering neighborhood at 26 Forest Ave while its main office and service department were on Allen Avenue in Morrill's Corner. In 1929 it appears to have shared its space at 533 Forest Avenue with a dentist's office. Hennings had moved to 511 Forest Avenue by 1934 and the building was then occupied by Couri Motor Company, a dealer in Pontiacs and later also GMCs, Tempests, and Vauxhalls. Couri still owned 533 Forest Avenue in 1969 and had acquired the neighboring 525 Forest Avenue building in 1955. Harold Wiley Pontiac joined with Couri, and in 1981, sold the building to Young's Furniture. This sale required alterations to the structure to accommodate a retail furniture business, such as the addition of a loading dock. Today it is occupied by Skillful Home Recreation, an outdoor furniture retailer.



JOHN S. GOFF CHEVROLET BUILDING

ADDRESS

525 Forest Avenue

ORIGINAL ARCHITECT

Frank A. Rumery

DATES

1927-8

STYLE

Commercial

Although the John S. Goff Chevrolet Company building does not carry the mark of a specific automobile company on its façade, it is both physically and stylistically linked to its neighbor, the Studebaker Automobile Showroom at 533 Forest Avenue. As with the Studebaker Dealership building, the Goff Company building possesses a façade of Flemish bond brickwork with irregularly-positioned projecting headers providing texture and decoration.

In this building, the ends of these extending bricks are brought closer to the façade than at 533 Forest Avenue. It also closely shares its overall form and decorative elements with the one story building at 517 Forest Avenue, such as the cast stone ornamentation above the side bays, the low-pitched roof with slight parapet detailing, and the multi-light fenestration centered in the gable.

John S. Goff Chevrolet Company owned the building from 1927 until 1935; by 1955 the business had relocated to 628 Congress Street. In 1944, both 525 and 517 Forest Avenue held US Army Quarters. The structure at 525 Forest Avenue was still used by the US Army as a sales office in 1945 and was acquired in 1955 by Couri Motor Company, who had already occupied 533 Forest Avenue for 20 years. The building currently serves as a gym.



CLIFTON R. SHAW AUTOMOBILE DEALERSHIP

ADDRESS

517 Forest Avenue

ORIGINAL ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Clifton R. Shaw Automobiles relocated from 365 Forest Avenue to 517 Forest Avenue when the latter building was constructed in 1928. This building is the third in the group of three structures geographically and aesthetically related to the Studebaker Automobile Dealership at 533 Forest Avenue. Connected to 525 Forest Avenue at the rear of the structure, it demonstrates a strongly shared form, scale, and ornamentation program with this neighboring building and also draws on the stylistic motifs of the Studebaker Automobile Dealership at 533 Forest Avenue.

As with 525 Forest Avenue, the one story structure's low-pitched parapet gable roof emphasizes its horizontality and there is a multi-light fenestration in the gable. Slightly projecting brick headers interrupt the Flemish bond pattern in an irregular decoration, a motif that is repeated in each of the three related buildings. The degree of this façade ornamentation decreases as the street number decreases, resulting in a lower relief at 517 Forest Avenue than at 533 Forest Avenue.

Unlike its adjoining buildings, this structure was not consistently occupied. It was occupied by Fred's Motor Transportation Company in 1934 but lay vacant in 1935. In 1944, 517 and 525 Forest Avenue were utilized as US Army Quarters. The car dealership of Nash-Brown Incorporated and the Pattison Automobile Company, who marketed Dodge-Plymouth automobiles, operated at 517 Forest Avenue in 1945 and 1955 respectively, but by 1965 this location was again vacant. It currently serves as a dance studio for Casco Bay Movers.



STUDEBAKER GARAGE

ADDRESS

44 Indian Lane

ORIGINAL ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

This structure sits behind the Studebaker Automobile Block and is thought to have been constructed for use as the dealership's garage. Today it is the sole building with an address on Indian Lane, a small alley that runs parallel to Forest Avenue, and it would have been part of the Ricker Park redevelopment. The one story concrete block building has a side ell and a flat roof with a parapet detail that mimics the roofs of 525 and 517 Forest Avenue. The mix of concrete and wooden structural elements is still visible in the open garage interior. It is currently used as a parking garage for the Ricker Park apartment complex.



JORDAN AUTOMOBILE SERVICE & FILLING STATION

ADDRESS

634 Forest Avenue

ARCHITECT

Unknown

DATES

1934; alterations in 1979

STYLE

19th/20th Century Revival

The one story English Cottage style building at 634 Forest Avenue in Woodford's Corner was built to house Jordan's Automobile Service & Filling Station. It is currently occupied by Merlin Motors. The three bay building features brick quoins over stuccoed cement block, jerkinhead roof details, a small arched window above the two garage bays, and an enclosed front ell that was completed decades after initial construction. There is a large parking area on two sides of the building to accommodate its current commercial use as a used car sales lot and service center. The station has a nearly identical twin structure in Newburyport, Massachusetts, although the latter does not share the same front ell form. This building allows a more descriptive view of the original intent of the building's unique design (Fig. 1). Jenney Oil operated this service station in the mid-1950s and similarities between this structure and others in the region under Jenney's management may indicate that the company preferred the use of a standardized design.

At the time this building was completed in 1934, the lot was owned by Edward C. Jordan, a prominent civil engineer in Portland credited with designing a plan for 400 lots for the Diamond Island Association in 1882 and a design for Little Diamond Island's West End for the Maine Coast Realty Company in 1908. Jordan's property at 634 Forest Avenue included a tenement building, laundry, and grocery store when he was granted a permit to demolish all but the grocery store so as to erect an automobile service and filling station, complete with office and lubritorium, on the lot. The original form of two-car garage and office remains in place today. In 1936, the lot and newly built service station was owned by Henry I. Jordan, also a local civil engineer.

Although this building has been occupied by several commercial tenants, very few modifications have been made to the structure. Jenney Oil, also referred to as Jenney Manufacturing, owned the building in 1954 and was issued a demolition permit for the service station. It seems this was never acted upon as later retailers at this location were granted permission to erect signs of various types, including a rotating “bow-tie” sign in 1965. The original footprint included an open canopy that extended as a front ell from the main building; this was enclosed in 1979 by Pine Tree Auto Sound, a retail radio installation service center. That same year, an addition that would have extended beyond the original structure and encompassed the entire lot was proposed, although that plan does not seem to have garnered approval at the City Planning level as none of these modifications were made.

Since its construction in the mid-1930s through to its present commercial use, this building has been associated with the servicing of automobiles or the sale of automobile accessories.



Fig. 1



CHAPMAN BLOCK

ADDRESS

646-650 Forest Avenue (alternate address is 543-547 Deering Avenue)

ARCHITECT

Unknown

DATES

C. 1916

STYLE

Italianate

Owned by Albion L. Chapman in 1924, this flatiron building at 650 Forest Avenue in Woodford's Corner was constructed in approximately 1916; the architect is not known. This block should not be confused with the Chapman Building at 447 Congress on the peninsula, often referred to as the Time & Temperature Building. That structure was designed by Herbert W. Rhodes was the tallest building in Portland at 12 stories when it was constructed in 1924.

Albion L. Chapman and his partner George Wyman were local to Woodford's Corner, and had an apothecary at 552-554 Deering Avenue on the corner of Forest and Deering Avenues in 1900. The Chapman Block on Forest Avenue is a three story brick flatiron structure with stacked bay windows on the second and third levels its façade, which project over the recessed entryway (Fig. 1). These bay windows are ornamented with decorative panels constructed of wood. A thick cornice is of cast stone with a parapet surround at its flat roof. The building complements the earlier flatiron block built across the street at 643-651 Forest Avenue for the Independent Order of Odd Fellows in its use of the Italianate style, but is more modest in scale. The pairing of the Chapman and Odd Fellows Blocks forms a gateway when entering Portland along Forest Avenue from the north.

The Chapman Block has housed a variety of occupants. In 1926, a milliner named Alberta L. Stickney and the Deering Loan and Building Association both operated from the Chapman Block's office spaces. Nearly ten years later the building's resident businesses had expanded to include a beauty shop, physician and dentist offices, a real estate and insurance agency, and a music teacher. Virginia Sweetser taught music in this building for at least ten years until 1936.

The Chapman Block also accommodated several eateries over the years, a function it shares with the Modernist structure located across the busy Woodford's Corner intersection at 660 Forest Avenue. This building housed the former Valle's Sandwich Shop from 1964 to 1966 and remained an integral part of the region's food service industry in its capacity as the Valle corporate headquarters until 2000. In the 1970s, Woodford's Tavern occupied space within the Chapman Block; today, the building accommodates the Bayou Kitchen restaurant.

In 1967, the upper floors of the Chapman Block changed use from office space to apartments and interior alterations were necessary. Bayou Kitchen expanded into space previously occupied by a tattoo parlor in 2011, which required significant interior remodeling.



Fig. 1



ODD FELLOWS BLOCK

ADDRESS

643-651 Forest Avenue

ARCHITECT

F. H. Fassett & E. F. Fassett

DATES

1897

STYLE

Italianate

Built in 1897, the Odd Fellows Block was designed by Francis H. Fassett and his son Edward F. Fassett, well-known Portland architects of the time. Francis H. Fassett heavily influenced the architectural heritage of Portland through his use of the Victorian High Gothic, Queen Anne, and Italianate styles. Most famous for his grand residences, churches, and civic architecture, Fassett and his son designed this building for the Independent Order of Odd Fellows in the Italianate style.

The Odd Fellows Block is a four story red brick flatiron structure that sits at the center of Woodfords Corner and remains readily visible as the anchor of the main intersection of Forest Avenue, Woodford Street, and Deering Avenue due to its overall scale and corner-oriented clock tower. The tower, with its Doric columns and cupola, rises well above the flat roof (Fig. 1). Below the cornice on the Forest Avenue frontage, light bricks form the letters “I. O. O. F. Block”. Considered especially majestic when the building was completed in 1897 (Fig. 2), the citizens of a then-independent town of Deering wished for it to serve as their town hall; Portland annexed Deering by an Act of the legislature in 1899 and had two separate city councils for one transitional year, before fully absorbing Deering’s government in 1900.

The flatiron form of the Odd Fellows Block is repeated in a traditional manner at the Chapman Building on the opposite side of Forest Avenue and interpreted in a modern fashion in the diagonally facing Modernist building across the main Woodford’s Corner intersection. These structures serve as the architectural cornerstones of Woodford’s and form a gateway for those approaching the City of Portland from the north.



Fig. 1

The Independent Order of Odd Fellows is a fraternal organization with roots in 18th Century England. The charitable and service-based values held by the Odd Fellows may be visible in the variety of functions their building could accommodate. The 1926 Portland City Directory describes a multipurpose space that allowed for commercial tenants such as dentists and a tailor as well as gathering spaces for Masons and the Odd Fellows themselves in addition to an area for the Second Church of Christ (Scientist). By 1955, the uses seem to have been pared, with only one dentist on record, and halls only for the Masons and Odd Fellows. The Odd Fellows also owned the building at 645 Forest Avenue, adjacent to the rear of the main Block, which served as a bank and offices, and a social hall in downtown Portland at 21 Forest Avenue.



Fig. 2



VALLE'S SANDWICH SHOP

ADDRESS

660 Forest Avenue

ARCHITECT

William Nelson Jacobs Associates

DATES

1964

STYLE

Modern/Contemporary

The building at 660 Forest Avenue was purpose-built in 1964 to house Valle's Sandwich Shop, a short-lived smaller-scale arm of Valle's Steak House, a very successful restaurant business with 25 locations along the East Coast that operated from 1933 to 2000. The building was designed by the Boston-based firm of William Nelson Jacobs Associates and it remains one of Portland's few extant and largely unaltered Modern/Contemporary structures.

Located in the center of Woodford's Corner, this Mid-Century Modern building faces the Chapman Building and the block erected for the Independent Order of Odd Fellows across the main intersection of Forest Avenue, Woodford Street, and Deering Avenue. Although distinct in both scale and architectural style from these older structures, the building at 660 Forest Avenue echoes their flatiron façades in its diagonally-oriented placement on the corner. Its dynamic positioning re-interprets their strong street level presence with a projecting three bay façade, large floor-to-ceiling windows capped with a tripartite parallel gable roof, and exaggerated angular overhangs. The rear ell of the building is rectangular and has a flat roof. Other Valle's locations also featured this unique three-bay façade and exaggerated roofline, a characteristic referenced in the company's mid-century logo (Fig. 2).

Donald Della Valle emigrated from Italy to Portland in 1912 and opened the 12-seat Valle's Café in the Woodford's Corner area at the end of Prohibition in 1933. The first steak house, located at 660 Forest Avenue after World War II, was a one story building and contained a large sign projecting from the flat roof above the front door (Fig. 1). In 1960, the restaurant business was moved from this location

in Woodford's Corner to Brighton Avenue and in 1962, Valle was granted permission to demolish a theater adjacent to his Woodford's Corner lot with the notation, "Land to be built on later". The current structure was built on the site of the former steak house and theater in 1964 and operated as a sandwich shop for a short period, before serving as the corporate offices for Valle's Steak House from 1966 until 2000.

As with the current building, the space at the rear of the earlier structure was shared with another commercial enterprise; in 1950, the popular New England chain Benjamin Franklin general store occupied the secondary space and today the commercial space in the rear ell is used by a combination dry cleaners and tanning salon. Since the building's construction, no major alterations have taken place. Valle's Incorporated, which retains ownership of the building, received permission in summer 2015 to convert the office space back into a restaurant; in the plans submitted, no major alterations will be made to the structure, and no business name or estimated opening date have been filed.



Fig. 1



Fig. 2



DEERING HIGH SCHOOL

ADDRESS

370 Forest Avenue

ORIGINAL ARCHITECT

John P. Thomas

DATES

1922-3; alterations in 1932, 1981-2

STYLE

19th/20th Century Revival

Bordered by playing fields at the rear of its lot, Deering High School is located at 370 Stevens Avenue, in the Deering Center neighborhood. The site was previously the location of Presumpscot Park, a horse racing track and baseball field opened in 1875. The red brick building has a primary façade of two stories, with a change in grade resulting in three stories on the west and south elevations (Fig. 1). It was designed in the English Renaissance style by Portland architect John P. Thomas, in collaboration with the Boston architectural firm Thomas M. James Company as consulting architects. Thomas's partner, Charles O. Poor, died in a train accident at Woodford's Corner just after their firm won the commission for this project, and it is thought that Thomas's inexperience with school architecture prompted his partnership with the Boston-based firm.

The building's Tudor inspiration can be seen in the large bay window with heraldic motifs above the main entrance, its strong horizontal banding and its quoin detailing. This style was typical of Thomas's work and characterized his aesthetic, contrasting with his more contemporary design for the Stevens Avenue Armory less than twenty years later. While the neighboring Longfellow Elementary School was not designed until the early 1950s, its architecture complements that of Deering High School through similar style and ornamentation.

Prior to the construction of this building, Deering High School was located further north on Stevens Avenue in what is currently Lincoln Middle School. Construction of a new high school at 370 Stevens Avenue was necessitated in 1922 by a growing number of students and by a school fire that occurred one year earlier. This fire damaged much of what is now Lincoln Middle School and left

Portland's Fire Captain dead with six other firefighters injured. A wing was added to the current Deering High School building in 1932 and a large addition was designed in 1981 by the Portland-based architectural firm Wadsworth, Boston, Dimick, Mercer and Weatherill. This firm also designed Luther I. Bonney Hall for what is now University of Southern Maine-Portland in 1965.

Deering High School is the first of three public schools encountered when traveling north along Stevens Avenue towards Morrill's Corner and has always been an important community hub. The 1940 Portland City Guide notes that the music department at Deering High School was renowned throughout the state at that time; the Children's Theatre of Maine, based in the Engine Eight firehouse at Woodford's Corner during the early 1970s, performed at Deering High School regularly during the early 1940s. The city has another public high school, Portland High School, which is located on Cumberland Avenue and primarily serves students who live on the Portland peninsula while Deering High School serves nearly 1,000 students in the Deering neighborhood.



Fig. 1



LONGFELLOW ELEMENTARY SCHOOL

ADDRESS

432 Stevens Avenue

ARCHITECT

William R. Miller and Lester I. Beal

DATES

1951-2

STYLE

19th/20th Century Revival

Longfellow Elementary School at 432 Stevens Avenue was designed by the Portland-based architectural firm of Miller and Beal in 1951-2, and was intended to complement the adjacent Deering High School building, built approximately 30 years earlier. Miller and Beal used similar motifs, materials, and form to ensure these neighboring school buildings were harmonious. As with Deering High School, the Longfellow Elementary School building is a red brick structure, although it has only two stories compared to the high school's three. The building has ornamentation of cast stone painted to resemble limestone and features contrasting quoins and a projecting bay above the main entrance with Gothic decorative elements (Figs. 1 & 2). The school's design is markedly different from the numerous public elementary schools built in Portland at this time, most of which were designed in the Modernist style. Along with Lincoln Middle School further north on Stevens Avenue, Longfellow Elementary School and Deering High School form an important core of public schools for the Deering Center neighborhood.

One of the firm's earlier iterations was the partnership of Miller and Mayo, who designed downtown Portland's Central Fire Station in 1923-4, with assistance from then-draftsman Beal. During the 1920s Miller and Beal worked on other projects in the Deering neighborhood, designing the Thomas B. Reed School (1925) and the Woodfords Congregational Church Parish House (1926), and making alterations to Clark Memorial Church (1923), originally designed by John Calvin Stevens. As Miller, Mayo and Beal, the firm designed an addition for the Deering Center Community Church, one block north of Longfellow Elementary School on Stevens Avenue, during the 1920s.



Fig. 1



Fig. 2

In order to make room for the new construction at 370 Stevens Avenue, the pre-existing wood frame school that had functioned as a high school in the late 1800s had to be demolished; the City of Portland paid Brown Construction Company one dollar to undertake the demolition. Since the completion of the current building in 1952, no record of significant alternations can be found.

A memorial stone and plaque dedicated to Alan M. Argondizza, a former Longfellow Elementary School principal and beloved educator who died in 1989, rests under a tree between the building's northeast corner and Stevens Avenue (Fig. 3). Argondizza was recognized for his contributions to elementary science education with a named award established by the State of Maine Education Department.



Fig. 3



DUNN MEMORIAL CHURCH

ADDRESS

466 Stevens Avenue

ORIGINAL ARCHITECT

Victor Hodgins

DATES

1906-7; addition in 1920s

STYLE

Gothic Revival/Queen Anne

The Dunn Memorial Church, later called Central Square Baptist Church and known today as Deering Center Community Church, stands at 466 Stevens Avenue near the main intersection of Pleasant Street and Stevens Avenue in the Deering Center neighborhood. The church was constructed in 1906-7 (Fig. 1) and named in memory of Reverend Albert Teele Dunn (1850-1902), who served as the State Secretary of the Maine Baptist Convention and was instrumental in raising building funds for the Central Square Baptist Church's construction from parishes across Maine.

Victor Hodgins, a prominent and prolific architect from Bangor, designed the church in the same style and using similar materials as his 1905 St. Mary's Catholic Church, which is listed in the Main Street Historic District in Orono, Maine. In 1914-15, Hodgins designed the Morse Building in Bangor, Maine, which is now used as the University of Maine's art gallery. This building and two of his other structures were included on the National Register of Historic Places in 1984 as part of Bangor's Great Fire of 1911 Historic District. Portland architects Miller, Mayo and Beal designed an addition for the church building in the 1920s. Miller and Beal also designed the Longfellow Elementary School building in 1951-2 that stands slightly further south on Stevens Avenue.

The stone church is built in the Gothic Revival style, as can be seen in the castellations of the tower below the spire, the quatrefoil exterior ornamentation, irregular trefoil interior form of the nave (Fig. 2), and the transoms above the pointed Gothic-arched doors. Elements of the Queen Anne style are visible in the decorative stonework which creates ornamentation by utilizing two different colors of rockfaced ashlar. The ashlar stone of the entire structure is laid in an irregular pattern adding rustic character to

an otherwise traditional form. The church's structure itself is also Queen Anne in style due to the tower and general asymmetry of the main Stevens Avenue-facing facade.

The church community had its roots in a communal Sunday school established in 1901 for all denominations but soon became more closely aligned with the First Baptist Church in Portland based on a predominantly Baptist membership.



Fig. 1



Fig. 2



LINCOLN MIDDLE SCHOOL

ADDRESS

522 Stevens Avenue

ORIGINAL ARCHITECT

Frederick A. Thompson

DATES

1897; annex in 1913, reconstruction in 1921, gymnasium added 1962, renovations in 1996

STYLE

19th/20th Century Revival

The school building known today as Lincoln Middle School is situated in the Deering Center neighborhood at 522 Stevens Avenue. The oldest of the three public school buildings found on Stevens Avenue, it was designed by prominent local architect Frederick A. Thompson in 1897, approximately 25 years before the next school on this street was constructed. Thompson worked in Francis H. Fassett's firm from 1877 until 1891. He had completed a structure for Deering Oaks, the Castle in the Park, three years prior to designing the Lincoln School building and would go on to design downtown Portland's grand Masonic Temple building in the Beaux Arts style in 1911. Thompson's commission was announced in the January 1, 1898 edition of *The School Journal*, a teachers' magazine published from 1871 to 1916 by E. L. Kellogg Co. out of New York City.

The four story brick school building is set back from the street and has a three bay façade. The central bay features three large second story windows, above which two lunettes with decorative elements flank a central lunette identifying 1897 as the initial date of construction. The building also contains classical motifs wrought in ornamental brickwork and a small cupola set on its flat roof, which was originally hipped in form.

The building was dedicated in 1899 and was originally intended to serve as the town of Deering's high school. Many residents in the then-independent town of Deering did not support its construction, feeling that it was too large for their needs and would be too costly. Deering was annexed by the City of Portland that same year, however. An almost threefold increase in student population by 1913 required a plan to enlarge the building. A deadly fire in 1921 (Fig. 1), which left the Fire Chief dead and several firefighters

injured, and a consistently growing student body necessitated the construction of a new larger high school a short distance south of the this building, on the site of the former Presumpscot Park horse racing track. The damaged building at 522 Stevens Avenue was reconstructed, with the original hip roof replaced by a flat one (Fig. 2). In 1924, Deering Junior High School was formally opened in the reconstructed building, the first junior high school in Portland. The building's name was changed to Lincoln Junior High School the following year.

The Wagnis Memorial Gym was built in 1962 and named to commemorate teacher Joseph J. Wagnis following his untimely death. In 1981, the School Department considered closing the school but, in contrast to the building's initial reception in the late 1890s, Deering neighborhood residents rallied to keep the school open and its historic building functional; a significant interior renovation undertaken in the mid-1990s added much-needed classroom space and upgraded the facility to modern standards. During this construction, all classes and administrative functions during the 1994-1995 school year took place at 772 Stevens Avenue in the Portland Armory.



Fig. 1



Fig. 2



PORTLAND ARMORY

ADDRESS

772 Stevens Avenue

ARCHITECT

John P. Thomas

DATES

Original structure c. 1908
Significant renovation in 1940, with
alterations in 1942, 1945-1949, 1961

STYLE

Art Deco

The Portland Armory, also called the Stevens Avenue Armory, is located at 772 Stevens Avenue, adjacent to the central quad of University of New England's (UNE) Portland campus. Originally a utilitarian brick car barn for the Portland Railroad Company's electric trolleys, the current appearance of the building is the result of alterations and additions designed in 1940 by Portland architect John P. Thomas. The Armory was once used by members of the 103rd Infantry during World War II and later became an important recruiting and mustering site for the Maine Army National Guard. In 1942, the second story was added; interior alterations and window replacements were made in the latter part of the 1940s, and in 1961. Across the façade, undersized vinyl windows have been installed, each with a surround of vinyl clapboard siding.

The building's architect, John P. Thomas, himself an experienced naval veteran who served on a submarine in the First World War and as a reservist during the second, was commissioned to design the building by the State Military Defense Commission. Thomas' style was often heavily influenced by early English Renaissance and Georgian architecture, as can be seen in his earlier designs for the Deering High School building further south on Stevens Avenue (1922-3), the Ricker Park apartment complex on Baxter Boulevard (1926-7), and the Walter G. Davis Summer House in Cape Elizabeth (1927-28). The Portland Armory is less stylistically typical for Thomas because of its then-contemporary American Art Deco form and ornamentation.

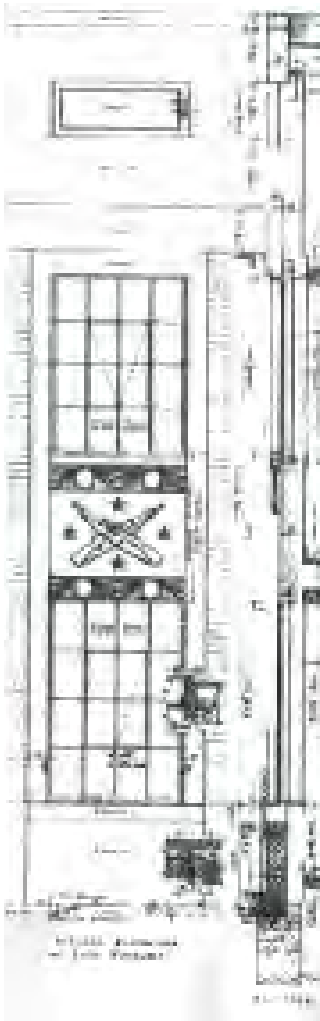


Fig. 1

The façade of the two-story Armory features a cast stone element which identified the building as the “State of Maine Armory” currently painted in contrasting colors. Vertical windows frame the main entryway; this main bay is flanked by two large wings with window spandrels depicting crossed rifles as yet another sign of the building’s military function (Fig. 1). This simple Art Deco ornamentation is also of cast stone that has since been painted.

The building stands on the site once occupied by the wooden Stevens Avenue car barn and stables, which served the busy Deering horsecar line. This route was the first line to run on electric power in 1891 and the last to close in 1942 when the trolley system died out in the Portland area. The City’s horse-drawn trolley system had turned to electric power by 1895 and the wooden car barn of this era was replaced on this site in 1908 by a brick structure that still stood in 1913. Remnants of the Deering trolley line can still be seen in the segments of track and Belgian block that curve from Stevens Avenue towards the Armory.

After 75 years of ownership, the Maine Army National Guard gave the Portland Armory to UNE in June 2015 in exchange for undeveloped land the University held in Saco, Maine. Though now part of the UNE Portland campus, the Armory is not included in the University’s Historic District designation. A Determination of Eligibility for listing on the National Register of Historic Places was approved in 2014, prior to the building’s transfer of ownership. At the time of the ownership change, a Section 106 review was underway. Copies of the John P. Thomas blueprints and historic images (Fig. 2) of the Armory are held in the collections of the Maine State Historic Preservation Office in Augusta, Maine.

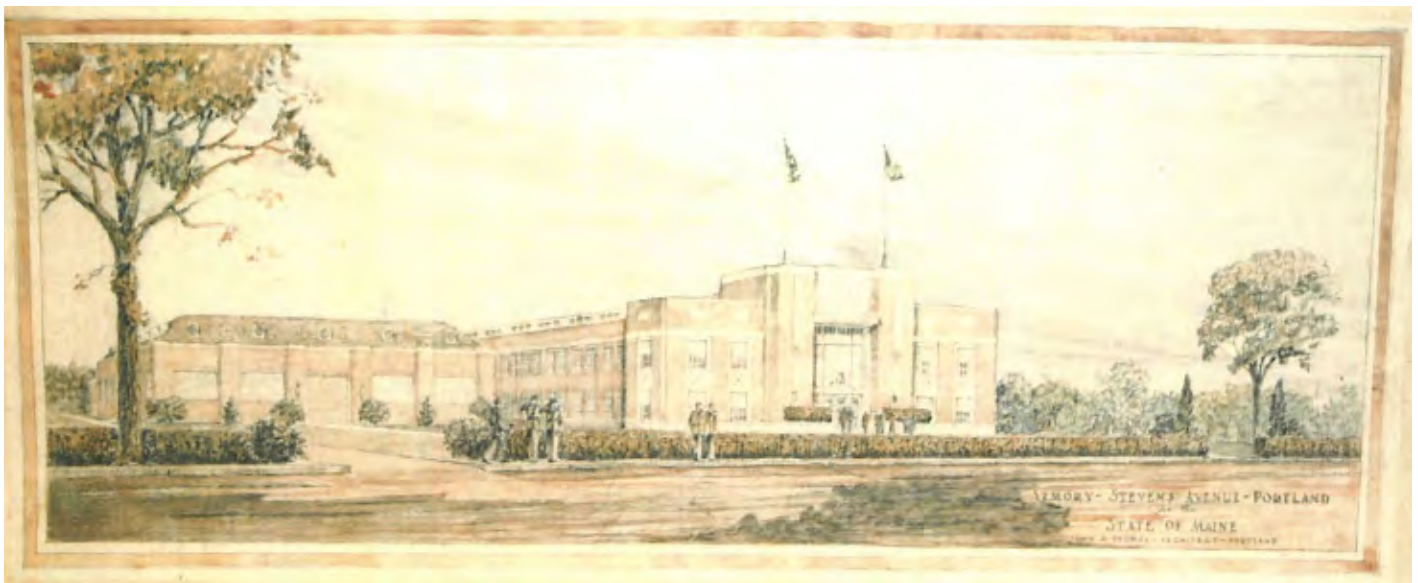


Fig. 2



Forbes-Webber House

ADDRESS

735 Stevens Avenue

ARCHITECT

Unknown

DATES

1854

STYLE

Greek Revival

In 1851, Zachariah B. Stevens sold a lot of land to Elizur Forbes, who had this house built in 1854. Forbes and his family lived here until he died in 1884, according to writings by Dorothy Healy, UNE Historical Collection. Born in East Granville, MA, Forbes married in Hartford, CT and moved to Stevens Plains in 1840 to become foreman at the Porter Company. In the census of 1850, he is listed as a Britannia worker and ten years later as a pewterer. The area of Stevens Plains was poetically described in 1881 as “a place of ‘umbrageous’ elms and maples, of old time mansions mingled with more pretentious residences.” The home displays the simplicity and harmony of Greek Revival architecture with its temple-like pediment, Doric columns and paneled pilasters. The Greek Revival motif is carried around the interior with mantels of labyrinthine decoration including continuous fretwork in repeated geometric shapes.

In 1889, the Forbes estate sold the house to Justine Babcock O’Brien and husband, Horace. The property remained in the that family until the death of their daughter, Martha Babcock O’Brien Webber (1891-1979), who had married Dr. Millard C. Webber (1882-1960), in 1915. The Webbers raised two sons in the house. Dr. Webber was a Bowdoin graduate and well-known family practice doctor who practiced medicine in Portland for nearly 50 years,

serving on the staffs of both Mercy Hospital and Maine Medical Center. When Martha died in 1979, she bequeathed the house and land to Westbrook College (now University of New England Portland Campus). It served as residence for the President of Westbrook College for several decades. It has since been sold and returned to use as a private residence.

Some alterations have been made since the house was built, most notably the addition of a sun porch on the side elevation and glazing on the porch to create a vestibule at the main entry.

Text prepared by Barbara Adlard, Naples, ME and Christopher Closs, Greater Portland Landmarks



Fig. 1

1924 Portland tax photo of the Forbes-Webber House at 735 Stevens Avenue.



844 Stevens Avenue

ADDRESS

844 Stevens Avenue

ARCHITECT

Unknown

DATES

C. 1805; alterations in 1937, and later

STYLE

Federal and Colonial Revival

The three story brick Federal style building at 844 Stevens Avenue is the oldest building in the survey area. It was built c. 1805, around the same time as the nearby Morrill's Tavern (now demolished). No information was found about its early history.

According to the U.S. Census, in 1900 the residents were Elmer and Amelia Boothby and her brother, Stephen Cram. Following the death of Elmer Boothby, in 1910 and 1920, Mrs. Boothby and her brother were the only residents. Mrs. Boothby died later in 1920 and the house was converted into four apartments.

The building remained in residential use until 1937, when the first floor entry door and windows on the facade were altered to accommodate a retail store. The second story windows on the facade were also altered at this time or later. The existing Colonial Revival pilasters and cornice on the first story storefront may date from the 1937 work.

In the later twentieth century a small one-story addition in the rear and a drive up window were added when the building became a bank branch.



Fig. 1

844 Stevens Avenue as depicted in the 1886 bird's eye view of Deering.



Fig. 2

1924 Portland tax photo of 844 Stevens Avenue. At that time, the house had been converted to apartments, with four five-room units. It was owned by the heirs of Ameila C. Boothby.

Architectural Survey Report

Portland
PIN 17857.00

Martha Burke
Martha Burke Consulting
24 Wildwood Circle, Portland, ME 04103
marthad@maine.rr.com
207.899.4189

Prepared for:

Sponsoring agency or entity

Maine DOT, Environmental Office, State House Station # 16, Augusta, ME 04333-0016, 207-624-3100, David.Gardner@maine.gov.

Dates:

Provide the dates from when the project was started up through when the report was written and/or revised and submitted.

2 August - 13 September 2011

Level:

Reconnaissance or Intensive

Reconnaissance

Name of surveyors:

(If different from author, provide contact information for each surveyor.)

Martha Burke

Continuing project?

If so, please summarize previous efforts.

No

I. EXECUTIVE SUMMARY

This survey documented and evaluated resources within the APE to determine whether any are listed in or eligible for listing in the National Register of Historic Places. The proposed undertaking will upgrade traffic and pedestrian signals at eight intersections on Forest Avenue. No properties were found to be eligible for listing in the National Register.

II. RESEARCH DESIGN AND BACKGROUND RESEARCH

A. Basis:

Describe the purpose of this survey. Identify the Federal or State regulations mandating this survey, or any Programmatic Agreements associated with this project.

This survey will identify and document all resources 45 years old or older within the APE and evaluate whether any resources are eligible for listing in the National Register of Historic Places. The survey is mandated by Section 106 of the National Historic Preservation Act of 1966, as amended, 16 U.S.C 470 f, which states that prior to the expenditure of any Federal funds, the agency should take into account the effect of any undertaking on any district, site, building, structure or object listed in or eligible for the National Register of Historic Places. The Maine Department of Transportation will report all findings to the Maine Historic Preservation Commission pursuant to the Programmatic Agreement with Federal Highway Administration, Federal Transportation Administration and MDOT.

B. Project Description/ Scope of Work:

Describe the underlying project, specifically citing the type of project and duration of project. Summarize planned or anticipated alterations to landscapes, buildings, structures, districts, objects or sites.

The proposed project will consist of traffic signal upgrades along Forest Avenue including installation of new pedestrian signals and poles at the following intersections: Forest Ave & Bedford & Baxter, Forest Ave & Falmouth/Preble, Forest Ave & Ashmont St, Forest Ave & Woodford St, Forest Ave & Ocean Ave/Vannah Ave, Forest Ave & Stevens Ave, Forest Ave & Allen Ave, and Forest Ave & Warren Ave.

C. Area of Potential Effect:

1. On a USGS topographic map draw the outermost boundary of the area of potential effect in red. Label this line "Project APE". If necessary, additional topographic maps or overlays may be submitted showing the limits of each specific APE if more than one potential effect is present within the project area.

2. List all the potential effects associated with the above cited scope of work. Distinguish between direct and indirect effects when applicable.

The direct effects associated with this project will be due to the installation of the pedestrian signals and poles at the intersections including change in physical features. These effects will only be experienced by the properties adjacent to the proposed project.

Indirect effects associated with this project are visual for any property that has visual line of the project area.

3. Provide a narrative of how the geographical limit of each potential effect within the project area was established.

The Area of Potential Effects is defined as the area in which the project may cause alterations to the visual setting or characteristics of properties in the vicinity of the project. This definition is illustrated on the topographic map submitted with the survey package.

D. Survey Boundaries:

1. Draw the boundaries of the survey on the topographic map in blue or black and label this line "Survey Boundaries." The boundaries of a survey map include portions of a property that lie outside the APE.

2. Describe the limits of the surveyed area. The survey boundary may be larger than the APE. Make reference to geographic landmarks, addresses or political boundaries. Utilize reasonable demarcations – tree lines, back lots.

The survey boundaries follow the back property lines of properties adjacent to or having a visual line of the eight intersections, marked A-H, in the project area. The boundary includes properties on both sides of Forest Avenue, just north of I- 295 Exit 6A to the northerly side lots of properties approximately 150' NW of the intersection of Forest and Warren Avenues. In some cases, the boundary extends to include properties on intersecting streets. The survey boundary is discontinuous in areas where properties are neither adjacent to nor have a visual line of the eight intersections. The survey boundaries are illustrated on the seven Portland maps submitted with the survey package.

E. Survey Methodology:

1. Describe background research method.

First the surveyor consulted the National Register Information System (NRIS) to determine if there were any historic resources within the APE that have been listed in the National Register. Next, the surveyor searched the files at MHPC to determine whether any properties within the APE had been included in previous surveys.

2. Describe field research method.

The surveyor drove the survey area and determined that there were resources within the area that met the survey criteria of having been

constructed more than forty-five years ago. All resources appearing to meet that criteria were documented in the MHPC CARMA database using the aerial view, by digital and film photographs, and were located on the Portland city maps, keyed to the USGS topo map provided by the ME DOT.

3. Did you undertake a file search at MHPC for NR or previously recorded properties?

Yes

III. SURVEY FINDINGS

A. Acres:

Provide the total number of acres within the survey boundaries.

The survey boundaries include approximately 144 acres.

B. Setting:

Provide a general overview of the setting, including topography, development, and landscape.

The setting is an urban area, flat in topography, which is highly developed with commercial and residential properties. Properties in the survey area were constructed from the early 19th century to the 21st century. Only those properties 45 years or older were documented in this survey. The urban landscape includes little vegetation along Forest Avenue, more on adjacent streets.

C. Number of Resources Recorded:

Count each individually recorded building, structure, object, or site. Do not include farmstead forms or continuation sheets in this count.

Ninety-one resources were documented in this survey.

D. Previously Inventoried Properties:

Address whether any of the resources had been previously surveyed. If so, how many, and how were these properties represented and evaluated within the current project?

None of the properties in the survey area had been previously inventoried.

E. Types of Properties:

1. Summarize general trends within the project area: commercial, residential, urban, rural, etc.

The project area includes both commercial and residential properties in an urban setting. Some commercial properties are very large, either as a result of additions to the original block (8) or as properties, now renovated or rehabilitated for new uses, which needed a large floor area when constructed. Some previous uses include a bakery (1) and automobile showrooms (7,20,21). Many residential properties now serve commercial uses.

2. Summarize the age, style, and condition of the resources within the project area.

The majority of the properties are in good condition, a few in fair or poor condition. Most properties are vernacular in style, but some include stylistic evidence of the Federal, Greek Revival, Italianate, Art Deco, Moderne, Craftman, or 19th-20th Century Revival styles. Many have been so greatly changed by renovation that no original stylistic evidence remains. Several early capes and a vernacular farmhouse with an attached carriage barn are located at the northern end of the survey area, indicating that this area once had a more rural character.

3. Describe in detail any eligible individual properties or historic districts.

There are no eligible individual or historic districts within the survey area.

F. NR Eligibility:

1. Address resource integrity, NR criteria, area of significance and period of significance.

There are no eligible individual or historic districts within the survey area.

2. For a historic district provide a topographic map showing the limits of the proposed district illustrating street or landscape views and all non-historic or non-contributing resources.

IV. BIBLIOGRAPHY

DeLorme Topo Quads was used to estimate acreage of the APE. Molly Casto, Senior Planner, City of Portland, provided the city maps which were used to locate the properties in the survey area.

Barry, William David, and Anderson, Patricia McGraw. Deering: A Social and Architectural History. Greater Portland Landmarks, Inc., 2010.

Maine Writers' Project. Portland City Guide. Portland: The Forest City Printing Company, 1940.

Bibber, Joyce K., and Shettleworth, Earle G., Jr. Portland: Postcard History Series. Charleston, SC: Arcadia Publishing 2007.

V. FINDING OF EFFECTS

The proposed project will have no adverse effects on any historic properties.

STATE OF MAINE

MEMORANDUM

October 3, 2011

To: David Gardner, ENV/Maine Department of Transportation

From: Kirk F. Mohny, Deputy State Historic Preservation Officer *KFM*

Project: PIN 17857.00; intersection improvements, Forest Avenue, Portland; MHPC #1082-11

In response to your recent request, I have reviewed the information received September 26, 2011 to continue consultation on the above referenced undertaking pursuant to the Maine Programmatic Agreement and Section 106 of the National Historic Preservation Act of 1966, as amended.

Identification of Historic Properties

The Commission does not agree with the conclusion of the Architectural Survey Report that there are no historic properties in the area of potential effect (APE). Based on the information in the survey, as well as staff knowledge about the historic function and architectural significance of the buildings in the survey – particularly those related to early twentieth century automobile dealerships – the Commission believes that the following properties are eligible for listing in the National Register of Historic Places:

Automobile Related Buildings

- 309 Forest Avenue (Survey Map No. 2)
- 330 Forest Avenue (Survey Map No. 5)
- 364 Forest Avenue (Survey Map No. 6)
- 355 Forest Avenue (Survey Map No. 11)
- 369 Forest Avenue (Survey Map No. 13)
- 525 Forest Avenue (Survey Map No. 20)
- 533 Forest Avenue (Survey Map No. 21)
- 540 Deering Avenue (Survey Map No. 43)
- 660 Forest Avenue (Survey Map No. 47)

The buildings noted above represent a concentration of early twentieth century automobile related resources that is unlike any other in Maine. Although their historic function has, for the most part, changed and alterations have been made to the store fronts, they are

significant under Criterion A. Individual buildings may also be eligible under Criterion C as representatives of a type, period or method of construction. However, further research would need to be conducted and a more detailed evaluation of their integrity would need to be made in order to reach a determination as to the applicability of Criterion C.

Other Buildings

- 331 Forest Avenue (Survey Map No. 4), Criterion A and C
- 617-619 Forest Avenue (Survey Map No. 38), Criterion C
- 643-651 Forest Avenue (Survey Map No. 42), Criterion A and C
- 536 Deering Avenue (Survey Map No. 44), Criterion A and C
- 1190 Forest Avenue (Survey Map No. 68), Criterion A and possibly C
- 1241 Forest Avenue (Survey Map No. 83), Criterion C

In addition to the properties noted above, the brick building at 844 Stevens Avenue (Survey Map No. 66) is reputed to date from the early 19th century and does exhibit Federal style characteristics. Further research into the history of this building would need to be undertaken to confirm whether or not it is eligible for listing in the Register.

No other architectural resources in the APE appear to be eligible for listing in the Register, and there are no archaeological resources in the APE.

Projer

shall not substantially obstruct public views corridors identified in the Downtown Vision View Corridor Protection Plan, as provided in the City of Portland Design Manual, Appendix 1.

5. *Historic Resources:*

- a. Developments affecting designated landmarks or within designated historic districts or historic landscape districts: Any proposed development required to obtain a certificate of appropriateness under article IX (historic preservation) of the land use code shall be exempt from the following design standards, as described in the Design Manual:
 - (i) Section (b) of the Design Manual (development in B-3 zone), except for (b) (1) e.2. (increasing setback beyond street build-to line), (b) (1)f. (shadow impact on open space), (b) (1)h. (wind impacts), and (b) (1)g. (setbacks from existing structures);
 - (ii) Section (c) of the Design Manual (development in B-5 and B-5b zones), except for (c)a. (shared infrastructure) and (c)d. (parking lot location);
 - (iii) Section (k) of the Design Manual (small residential lot development in R-6 zone);
 - (iv) Section (e) of the Design Manual (University of Southern Maine);
 - (v) Section (f) of the Design Manual (development in B-7 zone), except for (f) (1)a. (transportation demand management);
 - (vi) Section (g) of the Design Manual (development in Eastern Waterfront zone); and
 - (vii) Section (l) of the Design Manual (IS-FBC Building Design Standards)
- b. Development adjacent to designated landmarks,

"100-foot rule"

historic districts or historic landscape districts: when any part of a proposed development is within one hundred (100) feet of any designated landmark, historic district, except the India Street historic district, or historic landscape district, such development shall be generally compatible with the major character-defining elements of the landmark or portion of the district in the immediate vicinity of the proposed development. Character-defining elements of landmarks and historic districts are identified in the historic resources inventory and respective historic district designation reports. For the purposes of this provision, "compatible" design shall be defined as design which respects the established building patterns and visual characteristics that exist in a given setting and, at the same time, is a distinct product of its own time. To aid the planning board in its deliberations, historic preservation staff shall provide a written analysis of the proposed development's immediate context, identifying the major character-defining elements and any established building patterns that characterize the context.

- c. Preservation and/or Documentation of Archaeological Resources. Where a state or local archaeological resource is known to exist or is discovered on the site, the developer shall inform the City and State and shall protect and/or document such resources.
 - (i) Protection shall include leaving archaeological resources untouched beneath a new development through adaptation of foundation design or architectural layout.
 - (ii) Where the applicant can demonstrate that complete protection is not feasible, the applicant shall excavate and document archeological resources. Such measures shall be conducted in consultation with the City Historic Preservation Program and Maine Historic Preservation Commission. For resources of state significance, excavation

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

June 25, 2018

Joseph Wojcik
Income Property Management
211 Falmouth Road
Falmouth, Maine 04105

Dear Mr. Wojcik:

I am following up on a couple of recent phone calls to let you know about an initiative of the City of Portland to designate a number of historic properties on Forest Avenue as local landmarks. Your buildings at 501, 517, 525, and 533 Forest are structures identified in a recent historic building survey as eligible for designation. I am contacting you in hopes of setting up a meeting to discuss the City's goals as it moves forward with this initiative and what designation would mean for you as a property owner.

As you may know, all of the buildings listed above were built in the 1920's as auto dealerships and are among a number of auto-related buildings constructed along this stretch of Forest Avenue shortly after the advent of the automobile. In fact, the area came to be recognized as Portland's "Auto Row".

In conjunction with a number of planned improvements for Forest Avenue, the City of Portland is interested in designating some of the most architecturally notable buildings on the street (in particular the stretch between I-295 and Woodfords Corner), ensuring that Forest Avenue's early history remains evident over time. The intent of historic designation is not to prevent change, but to manage it so that the unique character of historic structures is retained. Designation also brings with it tangible benefits in the form of access to historic tax credits to offset rehabilitation costs. State and federal historic tax credits have been used in the rehab of over 120 buildings in Portland to date.

Historic Preservation Manager Deb Andrews and I would very much appreciate the opportunity to discuss the possibility of including these four Forest Avenue buildings among the other designated historic properties in the city. Would you have time to meet in the next few weeks? If so, why don't you suggest some times that would work for you and I'll get back to you to confirm. I can be reached by phone (874-8726) or e-mail (dga@portlandmaine.gov). I look forward to speaking with you.

Sincerely,

Stuart "Tuck" O'Brien, Planning Director
City of Portland
389 Congress Street
Portland, Maine 04101



Planning & Urban Development Department

June 20, 2018

Bill Loeffler
c/o Odd Fellows Hall
649 Forest Avenue
Portland, Maine 04101

Dear Mr. Loeffler,

I'm following up on a brief phone conversation we had several months ago about Odd Fellows Hall and its significance to Woodfords Corner. City Planning Director, Tuck O'Brien, and I are hoping to set up a meeting with you to discuss the status of the building and the City's interest in formally recognizing it as a landmark under Portland's historic preservation program.

As you know, the City of Portland is currently completing a number of public infrastructure improvements at Woodfords Corner. In conjunction with this effort and in response to the Friends of Woodfords Corner's interest in revitalizing the area, the City of Portland is considering designating a number of historic buildings in and around Woodfords Corner as local landmarks. Designation as a local Landmark brings with it a number of important and tangible benefits:

- * Designation highlights the building's historical and architectural significance to the community.
- * Designation ensures that the building is preserved over time. Design and technical assistance is provided to those responsible for maintaining the building.
- * Designation provides owners of the property access to historic tax credits and other financial incentives which offset rehabilitation costs.

Tuck O'Brien and I would very much appreciate the opportunity to discuss the possibility of including the Odd Fellows Hall among the other designated historic landmarks in the city. Would you and/or others from your organization have time to meet in the next week or two? If so, why don't you suggest some times that would work for you. We could meet at the Hall or here in the Planning Department in City Hall.

You can reach me by phone (874-8726) or e-mail (dga@portlandmaine.gov). I look forward to speaking with you.

Sincerely,

Deborah Andrews
Historic Preservation Program Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Cc: Tuck O'Brien



Planning & Urban Development Department

October 19, 2018

Joseph Wojcik
Income Property Management
211 Falmouth Road
Falmouth, Maine 04105

Dear Mr. Wojcik:

I'm following up on a letter I sent to you in late June informing you that the City of Portland is planning to designate a number of historic properties on Forest Avenue as local landmarks. Your buildings at 501, 517, 525 and 533 Forest are structures identified in a recent historic building survey as eligible for designation. I am contacting you again in hopes of setting up a meeting to discuss the City's goals as it moves forward with this initiative and what designation would mean for you as a property owner.

Please contact me (874-8724) or Deb Andrews (874-8726) to discuss this initiative or to set up a time to meet. In the meantime, I've attached some information about the benefits and responsibilities of historic designation. I look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Tuck O'Brien", is written over the word "Sincerely,".

Tuck O'Brien, Planning Director
Department of Planning & Urban Development

Cc: Deb Andrews, Historic Preservation Program Manager

Enc.

Landmark Designation – What Could it Mean for Owners of Historic Properties on Forest Avenue?

- Along Forest Avenue—particularly the section between I-295 and Woodford’s Corner—several important historic buildings remain from the area’s early streetcar days and the period when it was recognized as Portland’s “auto row”. The Portland Planning Department is interested in designating key historic structures on Forest Ave. as local landmarks because it sees them as community assets that should be recognized and preserved into the future. Just as important, the Planning Department sees historic designation as an effective and proven economic development tool that can spur the revitalization of Forest Avenue. Historic preservation has been central to the revitalization of the Old Port and Congress Street; the Planning Department is confident that preservation can do the same for Forest Avenue.

As suburban sprawl and roadside development make more and more commercial areas look the same, preservation of historic structures along traditional commercial corridors like Forest Avenue ensures that what makes the corridor unique or distinctive is retained. Preserving these landmarks can provide the area with a competitive edge. Studies from across the country have shown that when key landmarks are highlighted and enhanced through sensitive rehabilitation, others are inspired to invest in the area. Quality investment stabilizes commercial areas and boosts property values.

- What can designation accomplish? Without some measure to ensure sensitive renovation, it’s left entirely up to chance whether a historic structure or commercial district retains its special character over time. We all know of historic buildings that have gradually lost their appeal due to one round of ill-conceived alterations after another. Small changes can add up, ultimately impacting our appreciation of a historic building. Had these alterations or additions been given more careful consideration, the buildings could have retained their historic character without significantly higher costs. Taken in the aggregate, the effect of sensitive rehab is to improve the visual appeal of older commercial areas and thereby strengthen them economically.

Landmark designation ensures that the architectural elements that contribute to a building’s historic character and significance are not lost or diminished through insensitive or expedient renovations. Proposed alterations or additions are reviewed for conformance with rehab standards developed by the National Park Service. Portland’s historic preservation program is administered by a local review board and staff that have extensive expertise and experience in the rehabilitation of historic buildings. Their mission is to assist owners of historic properties in finding reasonable and cost-effective solutions for their buildings while honoring the very qualities that make them special.

What are the Specific Benefits of Local Landmark Designation?

- Local landmark designation confers official recognition that the property is of historic, architectural and/or cultural significance—not just within the context of Forest Avenue, but within the community as a whole.

- Owners of designated income-producing historic properties may qualify for both federal (20%) and state (25%) historic tax credits for rehabilitation work. A tax credit lowers the amount of tax owed. For example, in the case of the federal tax credit, the credit is equal to 20% of the money spent on rehabilitation and is subtracted from the taxes you pay. The tax credit may be taken for interior and/or exterior work.
- Not-for-profit owners of designated historic properties are eligible for matching grants from the Maine Historic Preservation Commission for bricks-and-mortar projects or studies (e.g. structural assessments, accessibility evaluations, etc.). A number of local fraternal organizations with historic buildings (e.g. Mechanics Hall and the Masonic Temple) have received such grants.
- The City of Portland has offered matching grants for storefront façade improvement projects. This grant program has traditionally targeted historic commercial corridors.
- Waivers of some otherwise-applicable code requirements, such as ADA requirements, may be considered for designated historic structures if meeting the strict letter of the code would compromise the historic integrity of the building or would otherwise be infeasible to meet.
- Designation provides access to technical and design assistance from the City's Historic Preservation Board and staff when considering repairs, alterations, restoration work or additions. City staff can assist you in finding contractors or tradesmen that specialize in historic rehab. Staff is also available to meet with applicants on site to consult on the project.

What Responsibilities come with Local Landmark Designation?

- Designated historic properties must comply with the requirements of Portland's historic preservation ordinance. Portland's ordinance has been in effect since 1990. To date, approximately 2000 historic properties have been designated in the City, some as individual landmarks and some within historic districts.
- Designation does not mean that the building owner cannot make changes to the property. Nor does designation come with a requirement that the building be restored or that any work done prior to designation be reversed. Ordinary maintenance or replacement-in-kind does not require review, nor does changing a building's paint color.
- Proposed alterations or additions require review and approval under nationally-adopted review standards. Before proceeding with a project, the property owner is required to file an application for review. Applications can be submitted on line. If a project also requires a building permit, you can file one application for both reviews. Routine or minor alterations are typically reviewed and approved at the staff level. In 2017, for example, 70% of all applications were approved administratively.
- Major projects, such as building additions or comprehensive remodeling of a portion of the building exterior, would require review by the Historic Preservation Board.
- Designated landmarks may not be demolished unless the property owner can demonstrate there is no reasonable use of the property based on its condition.



February 7, 2019

Flatbush Ventures LLC
536 Washington Avenue
Portland, Maine 04103

Dear Sir/Madam:

I am writing to let you know that the City of Portland is proposing to designate a number of historic properties at Woodfords Corner and on Forest Avenue as local landmarks. Your property at 630 Forest is one of the structures identified in a recent historic building survey to be eligible for designation. I am contacting you in hopes of setting up a meeting to discuss the City's goals as it moves forward with this initiative and what designation would mean for you as a property owner.

As you're probably aware, your building at 630 Forest was built in 1917 for the Darling-Kidder Motor Car Company and is one of several early automobile-related businesses on the length of Forest Avenue that would become known as Portland's Auto Row. I'm attaching some information on the building and the area that might be of interest to you.

In conjunction with a number of recently completed improvements in Woodfords Corner, the City of Portland is interested in designating some of the most architecturally notable buildings at Woodfords Corner and along Forest Avenue to recognize the area's early history and encourage preservation of key structures that tell the story. The intent of historic designation is not to prevent change, but to thoughtfully manage it so that the unique character of the historic structure is retained. Designation also brings with it tangible benefits in the form of access to historic tax credits to offset rehabilitation costs. To date, over 120 historic structures in Portland have been rehabilitated with the assistance of state and federal historic tax credits.

Jeff Levine, Director of Planning & Urban Development, and I would very much appreciate the opportunity to discuss the possibility of including the Darling-Kidder Motor Car Company building among the other designated historic structures in the city. Would you have time to meet in the next couple weeks? If so, why don't you suggest some times that would work for you.

You can reach me by phone (874-8726) or e-mail (dga@portlandmaine.gov). I look forward to speaking with you.

Sincerely,

Deb Andrews
Historic Preservation Program Manager
Department of Planning & Urban Development

Cc: Jeff Levine, Director, Department of Planning & Urban Development

Enc.



March 19, 2019

MKC Properties, Inc.
12 Payson Road
Falmouth, ME 04105

Dear Sir or Madam:

I am writing to let you know that the City of Portland is considering designating a number of historic structures on Forest Avenue as local landmarks. Your property at 617 Forest is one of the structures identified in a recent historic building survey as eligible for designation. I am contacting you in hopes of setting up a meeting to discuss the City's goals as it moves forward with this initiative and answer any questions you might have about what designation would mean for you as a property owner.

As you are no doubt aware, Forest Avenue, especially the section between I-295 and Woodfords Corner, has an interesting history—first, as a streetcar line serving the early suburbs of Deering, and later, as Portland's first "auto row". Your building at 617 Forest was built in the early 20th century as a mixed-use structure. It housed an A&P grocery store on the ground floor with apartments above.

In conjunction with a number of public improvements recently completed in Woodford's Corner and along Forest Avenue, the City of Portland is interested in designating some of the most notable historic buildings in the area. As Forest Avenue evolves over time, the City wants to ensure that its early history is recognized and preserved. The intent of historic designation is not to prevent change, but to manage it so that the unique character of a historic structure is retained over time. Designation also brings with it tangible benefits in the form of access to historic tax credits to offset rehabilitation costs. To date, over 120 historic structures in Portland have been rehabilitated with the assistance of state and federal historic tax credits.

Jeff Levine, Director of Planning and Urban Development, and I would very much appreciate the opportunity to discuss the possibility of including the 617 Forest among the other designated historic structures in the city. Would you have time to meet in the next couple weeks? If so, why don't you suggest some times that would work for you. If not, and you would like more information, I can be reached by phone (874-8726) or e-mail (dga@portlandmaine.gov). I look forward to speaking with you.

Thank you in advance for your consideration.

Sincerely,

Deborah Andrews
Historic Preservation Program Manager
City of Portland
389 Congress Street
Portland, Maine 04101

Cc: Jeff Levine, Director of Planning & Urban Development

Owners of Forest Avenue and Deering Avenue Properties
Nominated for Landmark Designation

<u>Landmark</u>	<u>Property Owner</u>
309 Forest Avenue	William C. Rowell Family Limited Partnership 115 Codman Street Portland, ME 04101
330 & 364 Forest Avenue	Oakhurst Dairy John Bennett & Jean Driscoll 364 Forest Avenue Portland, ME 04101
331 Forest Avenue	Bayview Court, LLC. 723 Riverside Street Portland, ME 04103
343 Forest Avenue	343, LLC. 4 Milk Street, Suite 103 Portland, ME 04101
355 Forest Avenue	Palmer Spring Company PO Box 8009 Portland, ME 04104
495 Forest Avenue	Alta Vista, LLC. 79 Bow Street Freeport, ME 04032
617 Forest Avenue	MKC Properties, Inc. 12 Payson Road Falmouth, ME 04105
630 Forest Avenue	Flatbush Ventures, LLC. 536 Washington Avenue Portland, ME 04103
643-651 Forest Avenue	Old Fellows Hall Co. of Deering Attn. Kevin Cole 651 Forest Avenue Portland, ME 04101

Landmark

Property Owner

501, 517, 525 & 533 Forest Avenue

Joseph Wojcik
Income Property Management
211 Falmouth Road
Falmouth, ME 04105

648 Forest Avenue

Geoffrey Rice
657 Congress Street, 1st Floor
Portland, ME 04101

660 Forest Avenue

Old Valle's, LLC.
263 Blanchard Road
Cumberland, ME 04021

536 Deering Avenue

Michael Kaplan
Kaplan 536, LLC.
49 Ocean Avenue
Portland, ME 04103

Order 44-19/20 Designating 17 Structures on or Adjacent to Forest Avenue as Historic Landmarks and Amending the Map of Designated Historic Resources - Sponsored by Jon P. Jennings, City Manager.

The Planning Board met on July 24, 2019, and voted 6-0 to forward this item to the City Council with a recommendation for passage.

The Historic Preservation Board is recommending that seventeen 17 historic structures on or adjacent to Forest Avenue be designated as individual landmarks under the provisions of Portland's historic preservation ordinance. Properties recommended for landmark designation are as follows: 309, 330, 331, 343, 355, 364, 495, 501, 517, 525, 533, 617, 630, 643-651, 648 and 660 Forest Avenue; and 536 Deering Avenue.

All of the buildings, located between the I-295 interchange and Woodfords Corner, are thematically related in that they represent key chapters in Forest Avenue's late 19th and early 20th century development, particularly its era as a street car line serving the emerging suburban neighborhoods around it as well as the period when this section of Forest Avenue was known as "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses. The Historic Preservation Board's recommendation is based on findings that each of the buildings meet the historic preservation ordinance's minimum criteria for designation.

Designation of Forest Avenue's key historic structures is pursuant to a number of expressed goals and strategies included in the City's recently adopted Comprehensive Plan, Portland's Plan 2030. In the Plan, Woodfords Corner is identified as a priority node warranting enhancement in order to better serve neighborhood needs. The Plan identifies Forest Avenue as a priority corridor where additional planning measures are recommended to discourage typical suburban commercial development patterns and attract quality mixed-use, higher density growth. The Plan also recommends ongoing identification and designation of important historic assets, particularly in off-peninsula areas, and highlights historic preservation as an effective economic development tool. By preserving and enhancing Forest Avenue's key historic assets, the corridor's unique identity will be retained and the positive urban design characteristics exhibited by the identified historic structures will serve as a model for new development.

Landmark designation does not run counter to the City's goal of encouraging additional mixed-use, higher density growth along Forest Avenue. As is made clear in the cover document accompanying the recommended landmark designations and in the individual building descriptions themselves, the subject properties may be more intensively developed in the future, either through the construction of additional floors set back from the building façade and/or removal of noncontributing rear portions of the building for redevelopment. This preservation approach has been used effectively in numerous communities with designated one-or two-story historic auto showrooms.

This item must be read on two separate days. It was given a first reading on September 4, 2019. Five affirmative votes are required for passage after public comment.

**HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE**

**PUBLIC HEARING
FOREST AVENUE AND WOODFORDS CORNER**

TO: Chair Sheridan and Members of the Historic Preservation Board
FROM: Deb Andrews, Historic Preservation Program Manager
DATE: July 15, 2019
RE: July 24, 2019 **PUBLIC HEARING**
Finding of eligibility for landmark designation according to ordinance
designation criteria and formal recommendation to City Council
regarding designation

Subject Structures:

536 Deering Avenue	Engine Company No. 8 Firehouse	1907
309 Forest Avenue	Firestone Auto Supply & Service Store	1930-31
330 Forest	Van Blarcom Incorporated Auto. Garage	1919
331 Forest	A.S. Hinds Laboratory Bldg.	1920
343 Forest	Miles B. Mank Motor Car Company	1916-1917
355 Forest	L.C. Gilson Automobile Co. Bldg.	1922
364 Forest	Oakhurst Dairy	1951-1953
495 Forest	Packard Motor Car Co. Showroom	1927
501 Forest	Gleason Chrysler Auto Dealership	1927
517 Forest	Clifton R. Shaw Auto Dealership	1928
525 Forest	John S. Goff Chevrolet Bldg.	1927-1928
533 Forest	Studebaker Automobile Dealership	1928
617 Forest	Great Atlantic & Pacific Tea Co. Store	1915
630 Forest	Darling-Kidder Motor Car Company	1917
643-651 Forest	Odd Fellows Block	1897
648 Forest	Chapman Block	1916
660 Forest	Valle's Sandwich Shop	1964

Introduction

Following four preliminary review sessions, the Historic Preservation Board will hold a public hearing and conduct final deliberations on the Planning Department's proposal to designate seventeen historic structures on Forest Avenue and Deering Avenue as individual landmarks under the criteria set forth in the historic preservation ordinance (Article IX of the Land Use Code). The nominated buildings record the story of Forest Avenue's development history, especially its era as a street car line

around the turn of the twentieth century and the decades when it was recognized as Portland's "Auto Row".

The Board will be making 1) a formal finding as to whether each of the identified structures meets the minimum criteria for landmark designation, citing applicable criteria; and 2) a recommendation to the City Council regarding designation of the subject structure as a local landmark. As the buildings are being considered for individual landmark designation, each building will be voted upon separately.

Context of Proposed Designations, Planning Goals

As noted in previous staff reports and presentations, a number of precipitating factors and planning goals have prompted this designation initiative. First and foremost, given the historical significance of Forest Avenue as one of Portland's earliest and most important transportation corridors and given the fact that important historic structures remain to record key chapters in the corridor's evolution, it is consistent with the stated purpose of Portland's historic preservation ordinance to designate such structures in order to ensure their preservation over time.

This designation initiative is also pursuant to the findings of several historic building surveys conducted of Forest Avenue. A survey conducted by the Maine Historic Preservation Commission in 2011 identified the structures now under consideration as historically and/or architecturally significant and eligible for listing in the National Register of Historic Places. An updated and more detailed survey conducted by Greater Portland Landmarks in 2015 with assistance from the City of Portland shed additional light on their significance and eligibility for designation.

Other considerations prompted this designation effort as well. Planning and Historic Preservation staff wish to be proactive in identifying Forest Avenue's historic structures as assets that warrant preservation rather than responding on a case-by-case basis when a proposal for demolition or redevelopment is brought forward. Designation provides a level of certainty regarding the status of the property that is to all parties' advantage. Staff recognize that this section of Forest Avenue is likely to evolve in the coming years as the mix of uses changes, USM grows, demand for housing increases, etc. With these potential changes, there is an opportunity to build upon the identified assets of the street and encourage a development pattern that is more consistent with the City's urban design goals. The historic buildings that remain on Forest Avenue exhibit many of the urban design characteristics that the Planning & Urban Development Department hopes to encourage in new development: for example, the buildings are set close to the street, are constructed of high quality materials, provide architectural interest and feature expansive storefront windows that allow for visibility of the interior and attract pedestrian traffic.

As has been demonstrated in the Old Port Historic District, Congress Street Historic District and India Street Historic District, preservation is an effective and proven economic development tool. As suburban sprawl and roadside development make more and more commercial areas look the same, preservation of historic structures along traditional commercial corridors like Forest Avenue ensures that what makes the corridor unique or distinctive is retained.

Preserving these landmarks can provide the area with a competitive edge. Studies from across the country have shown that when key landmarks are highlighted and enhanced through sensitive rehabilitation, others are inspired to invest in the area. Quality investment stabilizes commercial areas and boosts property values.

Finally, this designation proposal is part of a broader initiative on the part of the City of Portland to invest in Forest Avenue and Woodfords Corner with public infrastructure improvements, public art and zoning changes. It also complements the goals of the Friends of Woodfords Corner, which was formed in 2015 to become an advocate for revitalizing the area. Indeed, by seeking Main Street Affiliate status through the National Main Street program, the organization recognizes that preservation is a key element of the Main Street strategy.

Landmark Designation Criteria

In evaluating the eligibility of a structure, site or area for landmark or historic district designation, the Board must find that the nominated historic resource meets **at least one** of six identified criteria under Sec. 14-610 (a) of the ordinance (Minimum Criteria for Designation). Additionally, the Board must find that the structure, site or area meets the ordinance's "integrity" standard under Sec. 14-611.

The minimum criteria for designation are as follows:

Sec. 14-610. Minimum criteria for designation.

(a) The historic preservation board shall limit its consideration to the following criteria in making a determination on a proposed nomination of an area, site, structure or object for designation by ordinance as a landmark or district:

- 1. Its value as a significant example of the cultural, historic, architectural, archeological or related aspect of the heritage of the City of Portland, State of Maine, New England region, or the United States;*
- 2. Its location as a site of a significant historic or prehistoric event or activity which may have taken place within or which involved the use of any existing structure on the property;*
- 3. Its identification with a person or persons who significantly contributed to the cultural, historic, architectural, archeological or related aspect of the development of the City of Portland, State of Maine, New England region, or the United States;*
- 4. Its exemplification of a significant architectural type, style or design distinguished by innovation, rarity, uniqueness or overall quality of design, detail, materials or craftsmanship;*
- 5. Its identification as the work of an architect, designer, engineer or builder whose individual work is significant in the history or development of the City of Portland, the State of Maine, the New England region, or the United States; or*
- 6. Its representation of a significant cultural, historic, architectural, archeological or related theme expressed through distinctive areas, sites, structures or objects that may or may not be contiguous.*

Sec. 14-611. Integrity of landmarks and historic districts.

Any area, structure or object that meets the criteria in section 14-610 must also have sufficient integrity of location, design, condition, materials and workmanship to make it worthy of preservation or restoration.

Nominated Structures, Areas of Significance:

All seventeen structures nominated for landmark designation are located between the I-295 interchange and Woodfords Corner. With the exception of the former Engine Company No. 8 Firehouse at 536 Deering Avenue, all of the buildings are located on Forest Avenue. The identified buildings are thematically related in that they all represent key chapters in Forest Avenue's late nineteenth and early twentieth century development, particularly its era as a street car line serving the new suburban neighborhoods that were developing off the Portland peninsula as well as the period when it became known as "Auto Row" due to the concentration of first-generation auto showrooms, garages and auto supply businesses located along this section of Forest.

Four of the nominated buildings—the Odd Fellows Block at 643-651 Forest, the Chapman Building at 648 Forest, the mixed-use building at 617 Forest that housed an A&P Store, and Engine Company No. 8 Firehouse at 536 Deering Avenue—are clustered at Woodfords Corner and convey the story of this key intersection at the turn of the twentieth century, when it functioned as a village center.

The auto showrooms at 330, 343, 355, 495, 501, 517, 525, 533, and 630 Forest Avenue are not only historically significant for their association with Forest Avenue's reputation as Auto Row, they're also architecturally significant as examples of a **unique building type** that was introduced with the advent of the automobile. First generation auto showrooms were purpose-built for optimal merchandising of vehicles. As such, the buildings featured a center entry flanked by two expansive showroom windows that extended to the floor to provide full views of the cars from passing traffic. These wide windows continued around the front corners of the buildings for one or two bays on the side elevations, again to provide maximum visibility of the showroom interior. Buildings were typically single story with a high ceiling. Often featuring a roof parapet, the parapet provided additional height and an area for architectural embellishment. Most of the architectural ornamentation was concentrated on the front façade and the first two bays of the side elevations. The rear portion of these showrooms was typically utilitarian in both function and appearance.

A number of the nominated structures are noteworthy for their architectural design. The former Valle's Sandwich Shop at 660 Forest is a rare example of Mid-Century Modern style architecture in Portland. The architect-designed 1953 Oakhurst Dairy Building is a good example of the International style. Similarly, the Firestone Auto Supply & Service Store (now the Rowell Building) at 309 Forest is one of the few examples of Art Deco architecture in Portland. The Beaux Arts Revival Hinds Laboratory Building at 331 Forest was designed by Portland's most celebrated architect John Calvin Stevens. And Odd Fellows Hall at 643-651 Forest was designed by well-known nineteenth century architect Francis Fassett.

Based on a review of the individual nominated structures, staff is of the opinion that nominated buildings meet the following minimum criteria for significance:

Address	Original Use	Applicable Designation Criteria
536 Deering Avenue	Engine Company No. 8 Firehouse	Criteria 1 and 6
309 Forest Avenue	Firestone Auto Supply & Service Store	4 and 6
330 Forest	Van Blarcom Incorporated Auto. Garage	4 and 6
331 Forest	A.S. Hinds Laboratory	Bldg. 1, 5 and 6
343 Forest	Miles B. Mank Motor Car Company	4 and 6
355 Forest	L.C. Gilson Automobile Co. Bldg.	4 and 6
364 Forest	Oakhurst Dairy	1 and 4
495 Forest	Packard Motor Car Co. Showroom	4 and 6
501 Forest	Gleason Chrysler Auto Dealership	4 and 6
517 Forest	Clifton R. Shaw Auto Dealership	4 and 6
525 Forest	John S. Goff Chevrolet Bldg.	4 and 6
533 Forest	Studebaker Automobile Dealership	4 and 6
617 Forest	Great Atlantic & Pacific Tea Co. Store	6
630 Forest	Darling-Kidder Motor Car Company	4 and 6
643-651 Forest	Odd Fellows Block	1, 3, 5 and 6
648 Forest	Chapman Block	1 and 6
660 Forest	Valle's Sandwich Shop	4 and 6

Consideration of Design Guidelines or Ordinance Amendments to Accompany Designations

Under the provisions of the historic preservation ordinance, any designation recommendation—either for an individual landmark or historic district—may be accompanied by design guidelines specific to the district or landmark to inform future reviews of alterations or construction (see Sec. 14-617 (c)). “The specific design guidelines may provide explanation by text and/or schematic examples of visual compatibility for purposes of Division 7 (Standards for Review of Application for Certificate of Appropriateness).”

Although there are no specialized design guidelines for most of Portland’s historic districts, some of the recent district designations were accompanied by amendments to the historic preservation ordinance or site plan ordinance that would address the special circumstances of that district. In the Congress Street Historic District, for example, for new construction in the B3 zone “the historic preservation board shall not impose conditions more restrictive than the dimensional requirements of the B3 zone”. This provision was written to reflect the fact that building heights on Congress Street vary considerably and that the heights allowed by the underlying zone were acceptable. In the case of the India Street Historic District, the site plan ordinance was amended to exempt new development within 100 feet of the district boundary from the “100-ft. rule”, which requires an advisory review by Historic Preservation staff (which can incorporate Historic Preservation Board input) as to whether a development is “generally compatible” with the character of an abutting district or landmark. This amendment was proposed by the Planning Board based on their confidence that the design guidelines

and dimensional standards of the new India Street Neighborhood Form-Base Code would be sufficient to ensure compatible development adjacent to the historic district.

During preliminary workshops on the nominated Forest Avenue structures, there was discussion of some of the unique characteristics of many of the nominated buildings (in particular, the single-story nature of most of the auto showrooms) and the potential for adding floors to these buildings. There was also discussion of some of the Planning Department's urban design goals as regards future development on Forest Avenue, including provisions for more intensive development and multi-story structures. The Historic Preservation Board was in agreement that designation of key historic structures was not intended to preclude the possibility of adding floors to existing one or two-story structures, provided the addition was of a scale, character and setback that did not negatively impact the original structure and met the historic preservation ordinance review standards. It was also generally agreed that designation was not intended to preclude more intensively developing a portion of a designated property where that portion was found to be of limited architectural significance. Staff had suggested the potential of added design guidelines applicable to the proposed individual designations that would inform current and future property owners as well as future members of the Historic Preservation Board as to the Board's intent at the time of designation.

While appreciative of the intent to provide some level of reassurance to property owners as regards Board intent, several members of the Board expressed concern about the potential for design guidelines to "prejudge or limit a future review or outcome". Chair Sheridan also noted that the ordinance as currently written allows for consideration of alterations, additions (including additional floors) and even some level of redevelopment if the specific circumstances of the property justify it. As such, Ms. Sheridan suggested there was no need for added guidelines that stated the same.

If the Board determines that additional design guidelines or modifications to the applicable ordinances are needed, staff will prepare amendment(s) to the Historic Preservation ordinance or Site Plan ordinance which will require review and approval by the City Council. The Historic Preservation Board's formal recommendation regarding landmark designation of the seventeen identified properties can proceed at this time with the understanding that any agreed-upon amendments will be pursued forthwith.

The general issues identified during preliminary workshops that prompted consideration of added design guidelines included the following:

- Applicability of the site plan ordinance's "100' rule". (The 100' rule requires that the Planning Board find that new construction within 100 feet of a designated landmark or district be found to be generally compatible with the adjacent landmark or district and requires that Historic Preservation staff provide a written assessment of the proposed development's compatibility for the Planning Board's consideration. This provision also allows HP staff to consult with the HP Board in preparing this assessment.) There were questions as whether this site plan provision need apply to the Forest Avenue designations given that the B2 zone includes design guidelines for new construction and

the question of design compatibility with existing structures is less relevant along Forest Avenue as it would be in a more architecturally cohesive area like Exchange Street.

Note: An amendment to this site plan provision would not affect the proposed landmark properties themselves, only parcels in their immediate vicinity. As such, it is not really relevant to the question of designation now before the Board. Amending the applicable site plan ordinance standard (Sec. 14-526 (b)) would require review and approval by the Planning Board and Council. In practice, where the context around a landmark is fairly eclectic, staff notes that fact in the memo to the Planning Board and the level of review is cursory.

- Alterations and additions not readily visible from a public way. As the ordinance is currently written, any exterior alteration to a designated landmark, whether visible from a public way or not, is subject to review. That is not the case for contributing buildings in historic districts. There was general consensus that for the Forest Avenue buildings under consideration, only readily visible alterations and additions should be subject to review.

Note: One option for addressing this issue would be to amend the applicable provision in the historic preservation ordinance (Sec. 14-635 (e)) to create an exception for Forest Avenue landmarks. Alternatively, information included in this report and in the final report to the City Council—as well as in a cover page attached to the group of nominated Forest Avenue landmarks (see attached)—that describes the intended limits of review intended limits of review can serve as a reference for future reviews. No separate approval process for these options would be required.

- Height allowance. The Board appeared to be in general agreement that the allowable building height in the B2 zone should be honored in any review of building additions or new construction. The *manner* in which the overall height is achieved would be subject to historic preservation review, however.

Note: This issue could be addressed in an amendment to the Historic Preservation ordinance, as was done for the Congress Street Historic District and India Street Historic District. Alternatively, the information included in the final designation report to the Council—or in the cover page attached to the nominated Forest Avenue structures—can serve as a reference for future reviews. Any change to the Historic Preservation ordinance would be subject to Council adoption.

- Consideration of future additions, including additional floors, or of partial redevelopment.

Note: As described above, there was mixed opinion as to whether additional design guidelines were necessary or appropriate to develop for the nominated landmarks on Forest Avenue. Again, the description of the Board's intent included in this report,

and/or in a cover page attached to the group of nominated structures, could serve as a reference for current or future property owners or potential developers. As well, photos with captions featuring Forest Avenue properties could be added to the Historic Resources Design Manual to illustrate how the introduction of additional floors or partial redevelopment is evaluated under the ordinance.

The individual building descriptions have been edited to identify the chief character-defining features of each building and note where a portion of the building has minimal architectural character. This information is intended to inform future reviews. If the Board felt that in addition to these changes to the individual building descriptions, amending the Historic Resource Design Manual was also needed, amending that document would require Historic Preservation Board review and approval.

The existing provisions of the Historic Preservation ordinance, combined with the summary narrative that will accompany the building descriptions, provides adequate protection, guidance, and flexibility for future review of the landmark properties without any changes to the Land Use Code or Design Manual. However, if the Board found any of the additional modifications outlined above advisable, staff would bring forward proposed amendments on a separate schedule.

Summary of Public Comment

During the preliminary workshops, a number of the affected property owners voiced opposition to the designation. Among the arguments made were that designation would reduce the value of their property, make their building difficult to sell, affect their ability to use the property as they needed to, make it harder and more costly to make changes to their buildings. Some owners objected to any outside oversight of their buildings, noting that they had been good stewards of their property and that designation was “punishment” for their efforts. The owners of 355 and 495 Forest Avenue and 536 Deering Avenue submitted written requests to remove their property from consideration. During public comment at the June 19th workshop, the owner of 495 Forest encouraged the Board, if it recommended designation, to include design guidelines or clarifying provisions that would make clear the Board’s intent that designation not preclude the possibility of added floors or other changes.

To further clarify the process and implications of designation, affected property owners were invited to an informational session on July 11th. The presentation included details on what activities require review, the review process, timeframes for review and approval, etc. The session was attended by representatives of two of the nominated properties.

Motions for Consideration

Please vote separately on each building, citing applicable designation criteria. See list of individual buildings with applicable designation criteria below the suggested motion.

On the basis of information and analysis provided in the July 24, 2019 staff report, including a historic context statement detailing the development history of Forest Avenue and documentation on each of the seventeen structures nominated for landmark designation, as well as consideration of public testimony, the Board:

- 1) Finds that the -----at ----- **meets (fails to meet)** designation criteria -----&-- of Sec. 14-610 of the historic preservation ordinance, **and meets (but fails to meet)** the integrity requirement under Sec. 14-611 of the ordinance; and
 - 2) **Based on these findings (notwithstanding these findings) recommends (does not recommend)** that ----- at -----be designated a local landmark subject to the protections of Portland's historic preservation ordinance (Article IX of the Land Use Code).
1. Engine Company No. 8 Firehouse at 536 Deering Avenue ... Criteria 1 and 6
 2. Firestone Auto Supply & Service Store at 309 Forest AvenueCriteria 4 and 6
 3. Van Blarcom Incorporated Automobile Garage at 330 Forest Avenue ... Criteria 4 and 6
 4. A.S. Hinds Laboratory Building at 331 Forest Avenue ... Criteria 1, 5 and 6
 5. Miles B. Mank Motor Car Company at 343 Forest Avenue ... Criteria 4 and 6
 6. L.C. Gilson Automobile Company Building at 355 Forest Avenue ... Criteria 4 and 6
 7. Oakhurst Dairy 1953 addition at 364 Forest Avenue ... Criteria 1 and 4
 8. Packard Motor Car Company Showroom at 495 Forest Avenue ... Criteria 4 and 6
 9. Gleason Chrysler Auto Dealership at 501 Forest Avenue ... Criteria 4 and 6
 10. Clifton R. Shaw Auto Dealership at 517 Forest Avenue ... Criteria 4 and 6
 11. John S. Goff Chevrolet Building at 525 Forest Avenue ... Criteria 4 and 6
 12. Studebaker Automobile Dealership at 533 Forest Avenue ... Criteria 4 and 6
 13. Great Atlantic & Pacific Tea Company Store at 617 Forest Avenue ... Criteria 6
 14. Darling-Kidder Motor Car Company at 630 Forest Avenue ... Criteria 4 and 6
 15. Odd Fellows Block at 643-651 Forest Avenue ... Criteria 1, 3, 5 and 6
 16. Chapman Block at 648 Forest Avenue ... Criteria 1 and 6
 17. Valle's Sandwich Shop at 660 Forest Avenue ... Criteria 4 and 6

ATTACHMENTS

1. Historic Context Statement - *Forest Avenue: Its Early Development & Transportation History*
2. Map of Forest Avenue identifying nominated structures
3. Draft cover letter or summary page proposed to accompany building descriptions
4. Updated building descriptions of nominated properties

Forest Avenue: Its Early Development & Transportation History

January 2016



Woodford's Corner in the 1940s

This document is largely excerpted from the historic context statement prepared for *Forest Avenue and Stevens Avenue, Portland, Maine* prepared by Scott T. Hanson of Sutherland Conservation and Consulting in August of 2015. Additional details can be found in that report. Copies of *Forest Avenue and Stevens Avenue, Portland, Maine* are available from the City of Portland and Greater Portland Landmarks.

Introduction

Forest Avenue is one of Portland's oldest and most important transportation corridors. It serves as a vital connector between the peninsula and the suburban neighborhoods of Deering as well as adjacent communities to the west. A significant number of historic buildings remain along Forest Avenue that represents the social, cultural, economic, commercial and residential history of Portland's suburban development. Forest Avenue retains a number of automobile showrooms and auto-related businesses built in the early 20th century in a concentrated area between Baxter Boulevard and Belmont Street that served as Portland's Automobile Row.

Early Development along Forest Avenue

With the settlement of inland areas away from Portland's coast in the mid-eighteenth century came early roads connecting the peninsula town to these sparsely settled towns. Among the earliest roads was Forest Avenue. The route of present day Forest Avenue was completed in 1805 when a new bridge was constructed over a portion of Back Cove connecting Deering to the Parkside neighborhood. Forest Avenue was the primary road to the lakes and mountains and on to northern New Hampshire and Vermont. Over time, homes, farms, and shops were constructed along the road, generally developing from the peninsula outward. As inland settlement increased, this became a major route for farmers bringing produce to market in Portland.

Dense development occurred in the late 18th century where early roads intersected, particularly at Woodford's and Morrill's corners. These intersections were natural locations for the development of commercial establishments as well as taverns to serve stage coach travelers.

Railroad & Horse Car Suburban Development

Following the stage coach, railroads established suburban railroad stations at these major road crossings. The first railroad traversed Woodford's Corner in 1847 and a depot was built just to the north of the current intersection. Away from these commercial centers, residential development along Forest Avenue consisted of sizable estates for wealthy businessmen who commuted by private carriage from Deering to downtown Portland.

In 1864 a horse car line extended from the peninsula to Forest Avenue. The affordability of the new transportation method as well as demand for housing following the Great Fire of 1866 spurred suburban development for the middle class, especially near the growing business and neighborhood centers at Woodford's and Morrill's corners. The large estates nearest the corners were the first to be subdivided for this new residential development. "Separate from the city, these new subdivisions were designed as residential landscapes, combining open space, fresh air, and greenery of the country with an efficient arrangement of houses."¹ One of the first subdivisions was Dr. Eliphet Clark's plat in 1866 along Pleasant Avenue between Forest and Stevens Avenues. Other subdivisions were Warren Sparrow's along Arlington Street, Arlington Place, and Clifton Street in the 1870s and the Oakdale subdivision in 1881.

¹ Ames, David L. and McClelland, Linda Flint. Historic Residential Suburbs: Guidelines for the Evaluation and Documentation for the National Register of Historic Places, US Department of the Interior, National Park Service, 2002.

Street Car Suburban Development

The horse car lines were electrified in 1895, extending the transportation lines outward and expanding the availability of land for residential development. Following national trends, the suburban development in Deering attracted a wide range of people from the working to the upper middle class, with a large portion of the new residents being middle class. Suburban residential developments from this era include the Coyle Park development in 1899 and the Boulevard Park subdivision along Deerfield Road in the early 20th century. The houses built in all of these subdivisions reflected the architectural styles of the periods in which they were developed. While the earlier 19th century subdivisions featured primarily Italianate and Queen Ann style houses, the later ones were built in the Colonial Revival, Classical Revival, and Arts and Crafts styles.

At Woodford's the village center at the corner was substantially altered by the construction of the Odd Fellows Hall in 1897. The four story building with its clock tower was urban in scale and character. For a few years before the annexation of Deering by Portland, the Deering city offices were located in the new block. Additional commercial, social, and civic development built near the corner includes the new fire station on Deering Avenue in 1907, the Woodford's Club in 1913, and Albion Chapman's three story brick "flat iron" building of 1916 in the angle between Deering and Forest Avenues. Woodford's Corner continued to serve as an important neighborhood center for goods and services through the middle part of the twentieth century.

The Automobile and Its Impact on Development along Forest Avenue

In the first decade of the 20th century, the impact of the auto was minimal along Forest Avenue. Most residents of the area could work and shop in the area or they could quickly and affordably travel into the downtown via street cars. As the number of residents living along Forest Avenue increased due to the affordability of commuting into Portland, new residential forms appeared along the street to accommodate a diversity of housing needs. New residential buildings on Forest Avenue tended to be multi-family homes after 1900. Several two-family homes, a few triple decker apartment houses, and a couple of mixed use buildings constructed in the early part of the century remain. Mixed use buildings generally had a commercial use at the street level and residential apartments above.

The introduction of the personal automobile had an enormous impact on suburban development along Forest Avenue, reflecting a larger trend in the city, state and nation. In 1901 there were only 27 automobiles in Portland² and they were primarily toys for the wealthy businessmen. Nationwide and in Portland automobile ownership increased exponentially between 1910 and 1930. In 1915 the national average was one car for every forty-three citizens. By 1923, fifty percent of American households owned an automobile. The rise in auto ownership negatively impacted the ridership on the area's street cars, but it also created new businesses to fuel, service, and detail automobiles and generated new building types.

In the residential neighborhoods on either side of Forest Avenue, the impact of the automobile is represented by the small single car garage. Initially carriage barns were converted for use as garages, but in the 1920s one-story, single bay garages were often constructed to the side and rear of homes to accommodate vehicle storage. Several examples remain on streets like Deerfield Road, Belmont Street, Coyle Street, and Longfellow Street.

Portland's Auto Row

² Barnes, Albert F. Greater Portland Celebration 350. Portland, Maine 1984, 128.

Another new building type, the automobile showroom was generated by the success of the auto industry. Automobile companies built model showrooms that were emulated in small cities and towns across the country. In Portland, auto sales and services were initially incorporated into existing businesses and located in the downtown. As demand increased, Portland's auto dealer's emulated national developments and moved their showrooms outward along Forest Avenue, creating a concentrated area of dealerships known as an automobile row. Dealers congregated their dealerships along Forest Avenue between Baxter Boulevard and Bedford Street between 1915 and 1930 in an area occupied by large estates in the late 19th century.

These new car dealership buildings had a large footprint with significant enclosed interior space for displaying and servicing autos. Primarily one or two story buildings built of masonry construction with wood or steel truss roofs, these dealerships were among the first architectural building types developed in response to the automobile. The automobile showroom was located at the street where large plate glass windows gave ample view to passers-by of the autos for sale inside. The rear of the building was the service facilities, often with access from alleys or side streets. The buildings were designed in a variety of styles, with most of the architectural ornamentation concentrated on the showrooms.

In 1910 there were six automobile dealerships in Portland, all on the peninsula.³ The first auto showroom on Forest Avenue was built in 1915 with three more built in the following two years. By 1924 there were seventeen buildings devoted to auto sales and service on Forest Avenue. These include tire and battery stores as well as another new building type, the filling station. Portland's auto row expanded west to Belmont Street several years later with the subdivision of the Ricker estate for four new auto dealerships and the Ricker Park apartments.

In 1910 there were three hundred companies producing automobiles in the United States. In Portland, many of the manufacturer names we recognize today, Ford, Chevrolet, Oldsmobile, and Chrysler were joined by lesser known manufacturers like Grant, Franklin, Peerless, and Hudson. Many of the smaller manufacturers succumbed to fierce competition or were consolidated into larger companies in the mid 1920s. Some manufacturers that survived until the late 1920s closed during the Great Depression.

The last great estate along Forest Avenue was redeveloped in the 1940s when the Forest Park development was built along Baxter Boulevard to house World War II shipyard workers. On the Forest Avenue portion of the development parcel a Howard Johnson's and A&P Grocery store were constructed.

Post World War II and the Impact of Interstate and Arterial Highways

Following national trends, Portland's suburban development after World War II was concentrated in bedroom communities further from the downtown than the earlier street car suburbs. The development of interstate and arterial highways, like I-295 and the Maine Turnpike following the Federal Aid Highway Act of 1956 fueled suburban development away from the historic core of the city. Many of the residents in these suburban communities still worked and shopped in Portland and Forest Avenue became a primary commuter arterial. The trolley system was abandoned before the war and although it was replaced by bus service, most of the suburbanites traveled by car. Automobile traffic through Morrill's and Woodford's Corners increased dramatically in the 1950s and changes were made to accommodate the increased traffic. These changes decreased pedestrian access and safety and the resulting reduction in pedestrian activity made it challenging to sustain the scale and type of businesses that had historically been located in the neighborhood.

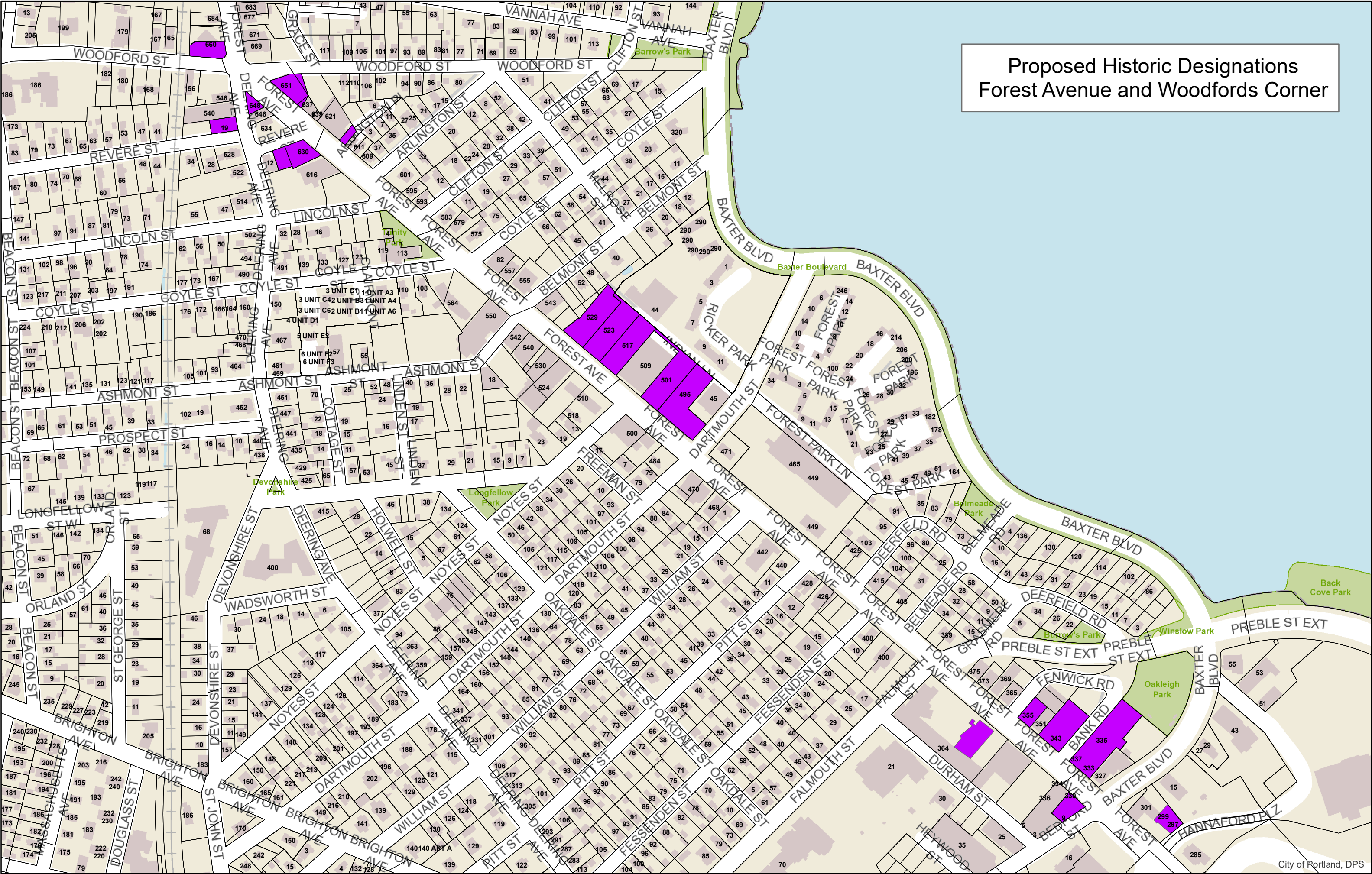
³ Barry, William David and Anderson, Patricia McGraw. *Deering*. Portland, Maine, 2010, 50.

Eventually the increasing number of people living beyond the traditional urban and suburban core triggered commercial development of modern shopping centers further out. The Pine Tree Shopping Center was built off Brighton Avenue in 1959. Other modern shopping centers were built at Westgate in Libbytown, Northgate in North Deering, and near Riverside in Westbrook. Additional commercial development sprang up around the Exit 8 interchange of the Main Turnpike. This development impacted the auto dealerships along Forest Avenue as new larger car dealerships with large lots were built near the turnpike exit. Howard Johnson's built a new hotel and restaurant on Riverside near Exit 8 and demolished their 1940s building on Forest Avenue. A new modern shopping plaza, Forest Avenue Plaza, with a large front parking lot was built on the site of the former Howard Johnson's and the A&P grocery. Valle's Steakhouse built a new restaurant on Brighton Avenue near Exit 8, demolished their 1940s building at Woodford's Street and Forest Avenue, and built a new sandwich shop at that corner in 1964, in a building now occupied by the Woodford Food and Beverage.

Since the mid 20th century, Forest Avenue has increasingly become a street lined with commercial properties. Forest Avenue's residential history has nearly disappeared in the section between I-295 and Woodford's Corner. Only four homes and one mixed use building with apartments remain on Forest Avenue between I-295 and Coyle Street. All of the homes have been converted to commercial uses. Seven residential buildings remain between Coyle Street and Woodford's Corner, and all are located on the east side of the street.

The historic buildings that remain to represent Forest Avenue's social, cultural, residential, and commercial history are significant to an understanding of the development of Portland's off-peninsula suburbs in the 19th and early 20th centuries. The remaining buildings represent a range of styles and building types that are representative of a broad period in the historical development of Forest Avenue. Forest Avenue is also significant as the location of Portland's Automobile Row. The remaining automobile showrooms and auto-related businesses built in the early 20th century in a concentrated area between Baxter Boulevard and Belmont Street are representative of Forest Avenue's significance as a transportation corridor. The automobile dealerships, filling stations, and automotive related commercial buildings are also significant as examples of the commercial impact of the automobile industry in early 20th century Portland.

Proposed Historic Designations
Forest Avenue and Woodfords Corner



Forest Avenue and Deering Avenue Landmark Nominations



The seventeen historic structures described in the following inventory forms are nominated for individual landmark designation under the provisions of Portland’s historic preservation ordinance. The buildings, all but one of which are located on Forest Avenue, represent key chapters in Forest Avenue’s late nineteenth and early twentieth century development, particularly its era as a street car line that served the emerging suburban Deering neighborhoods around it as well as the period when it became known as Portland’s “Auto Row” due to its concentration of first-generation auto showrooms, garages and auto supply businesses.

Although the buildings are historically and thematically related, they are nominated for individual landmark designation. Given the distance between some of the buildings, the option of creating a contiguous historic district that encompassed all seventeen structures and included large areas of non-historic development was determined not to be appropriate. All of the buildings meet at least one or more criteria for landmark designation because of their significance to the historical development of Forest Avenue and because many of the buildings are architecturally significant in their own right or represent a unique building type in Portland.

In recommending that the City Council designate historic structures on Forest Avenue and at Woodfords Corner, the Historic Preservation Board recognizes the need to balance the goal of preserving historic assets with the need to encourage new development along this important corridor. To that end, the Board wishes to note that the historic preservation ordinance review standards are not intended to preclude alterations or additions to historic structures, including the introduction of additional floors to existing low-scale buildings. Indeed, numerous building rooftop additions have been approved under the ordinance. The historic preservation review

process ensures that any addition is compatible with the existing building in terms of scale, materials, form, setback, fenestration, etc.

The Historic Preservation Board also notes that a number of the nominated buildings extend deep into their respective lots. For some of these buildings, particularly the auto showroom buildings, it is the front portion of the building that is of architectural significance and the rear portion is fairly utilitarian in both use and appearance. The historic preservation ordinance allows for consideration of partial demolition of a designated structure for redevelopment where removal of that portion would not materially diminish the identified architectural character-defining features and would retain a sufficient amount of the original structure so that the essential form and integrity of the historic property is not impaired. The attached building descriptions should prove helpful to future Historic Preservation Board members and property owners in determining the key character-defining features of the subject properties as well as any opportunities for more intensive development.

In designating the Forest Avenue structures as individual landmarks, their unique characteristics and orientation toward Forest Avenue make it appropriate that Historic Preservation reviews of alterations would focus particular attention on those portions of the structure visible from a public way. Finally, the Historic Preservation Board recognizes that there are design standards in place that govern new development in the B2 zone and that the standards address a number of the urban design characteristics exhibited by the nominated structures (no setback, orientation to the street, high level of glazing, etc.) and which would be encouraged by the Historic Preservation Board during any advisory review.



Firestone Auto Supply & Service Store

ADDRESS

309 Forest Avenue

ARCHITECT

unknown

DATES

1930-1931

STYLE

Art Deco

Building History

The former Firestone Auto Supply & Service store at 309 Forest Avenue is currently known as the William C. Rowell Building. The building was first occupied by Firestone Auto Supply and Service store in 1931. Although the building has undergone exterior changes it retains its thematic association with Forest Avenue's automotive history and retains several character-defining details of its style.

Firestone Auto Supply and Service was located at 355 Forest Avenue in the former LC Gilson Automobile Company Building along with Forest City Tire Company. In 1931 Firestone relocated to this new building at 309 Forest Avenue. Firestone's auto supply stores were part of Firestone Tire and Rubber Company, a company founded in 1900 by Harvey Samuel Firestone (1868-1938). Firestone's business model was a policy of vertical integration. His company owned rubber plantations that supplied the raw materials to the company's manufacturing plants and owned the retail stores to distribute their various manufactured rubber products.

Architectural Description

The building is a two story yellow brick structure with a flat roof. The building exhibits character-defining Art Deco details, particularly on the upper façade, that provide visual interest. These details include pilasters topped by concrete ziggurats located between each of the seven bays. The pilasters provide a vertical counterpoint to the otherwise horizontal building. Also ornamenting the front façade is a series of inset concrete

panels between the first and second floor levels that feature a stylized sunburst motif. At the second floor level, narrow vertical windows are arranged in a horizontal band. At the ground floor level, the window openings are larger, separated by the brick piers. The current windows extend to the ground. A two-story bay that projects slightly beyond the face of the balance of the façade is located on the west side of the building where it connects to 311 Forest Avenue. The remaining three sides are simpler in detail with flush brick walls and windows arranged in horizontal bands like the front façade. Given the presence of an access drive to Hannaford Plaza immediately east of the property, the east elevation of the building is as visually prominent as the front façade.

Alterations, Additions since Construction

Because the building was constructed after the 1924 tax reevaluation initiative when every building was photographed, we do not know its exact original appearance. It is likely that the windows and doors have been replaced, but the overall form and composition of the façade is unchanged.

The building is significant for its role in the development of Forest Avenue as Portland's "auto row". Additionally, it is architectural significant as a rare example of Art Deco style commercial architecture in the city.





VAN BLARCOM INCORPORATED AUTOMOBILE GARAGE

ADDRESS

330 Forest Avenue

ARCHITECT

unknown

DATES

1919; interior alterations in 1934, 1959

STYLE

Art Deco/Moderne & Commercial

Building History

The building at 330 Forest Avenue was built in 1919 for the Frank H. Van Blarcom Company. Van Blarcom opened a public garage in this structure, one of the earliest automobile-related businesses on the length of Forest Avenue that would become Portland's so-called Auto Row. The property has undergone several changes of use but has always served as a commercial space.

A steel structure was added at the rear of the main building in 1921 to be used as an oil room for Cumberland Automobile Sales, the tenants at that time. In 1924, Forest City Motor Company sold Lincoln automobiles from this location. An addition in brick enlarged the boiler room in 1930 after the structure had changed use and had become the location for Ideal Cleansers and Dyers. John J. Cunningham became the owner of the property in 1932 and retained ownership through 1959. Dunlop Tire and Rubber Company operated at 330 Forest Avenue following Ideal Cleansers until 1934, when the building became a glass shop and office. The contractor for the required interior remodeling was New Deal Stores Incorporated. The building's use changed again in 1935, this time to Littlefield and Greene Automobile Accessories. From the late 1930s until the late 1950s, the building functioned as showroom and garage space for several used car dealerships, including the Elliott Peterson Used Car Depot. Extensive interior alterations in 1959 modified the interior for use as a retail space; Brookline, Massachusetts-based Beacon Way Stores sold fabric here in 1962 until at least 1970, and the building was occupied by home furnishings retailer Pier 1 Imports in 1985. The building is currently houses Kitchen Cove Cabinetry and Design.

Architectural Description

330 Forest Avenue is located at the southwest corner of Forest and Bedford Street. Given its location, the southwest side elevation is exposed, as is the front façade. Its northwest elevation is located in close

proximity to the neighboring building; the two structures appear to be joined by a narrow connector that is set back slightly from the street.

The building is a one story brick structure with six bays on its primary façade, five of which are large show-room windows. In this respect, the façade composition is somewhat unusual as most of the auto showrooms on Forest feature a three-bay composition. Today, the flat roof retains the original parapet detail on its two side elevations and the heavy cornice remains in place throughout. The tax assessor's photograph from 1924 shows a parapet along the primary façade as well. This roof section contained the same Art Deco geometric ornamentation in stucco as on northwest and southeast elevations and also featured an oval medallion on a triangular pediment centered above the building's entrance. The parapet detail no longer remains along the primary façade and the date of its removal is not known.

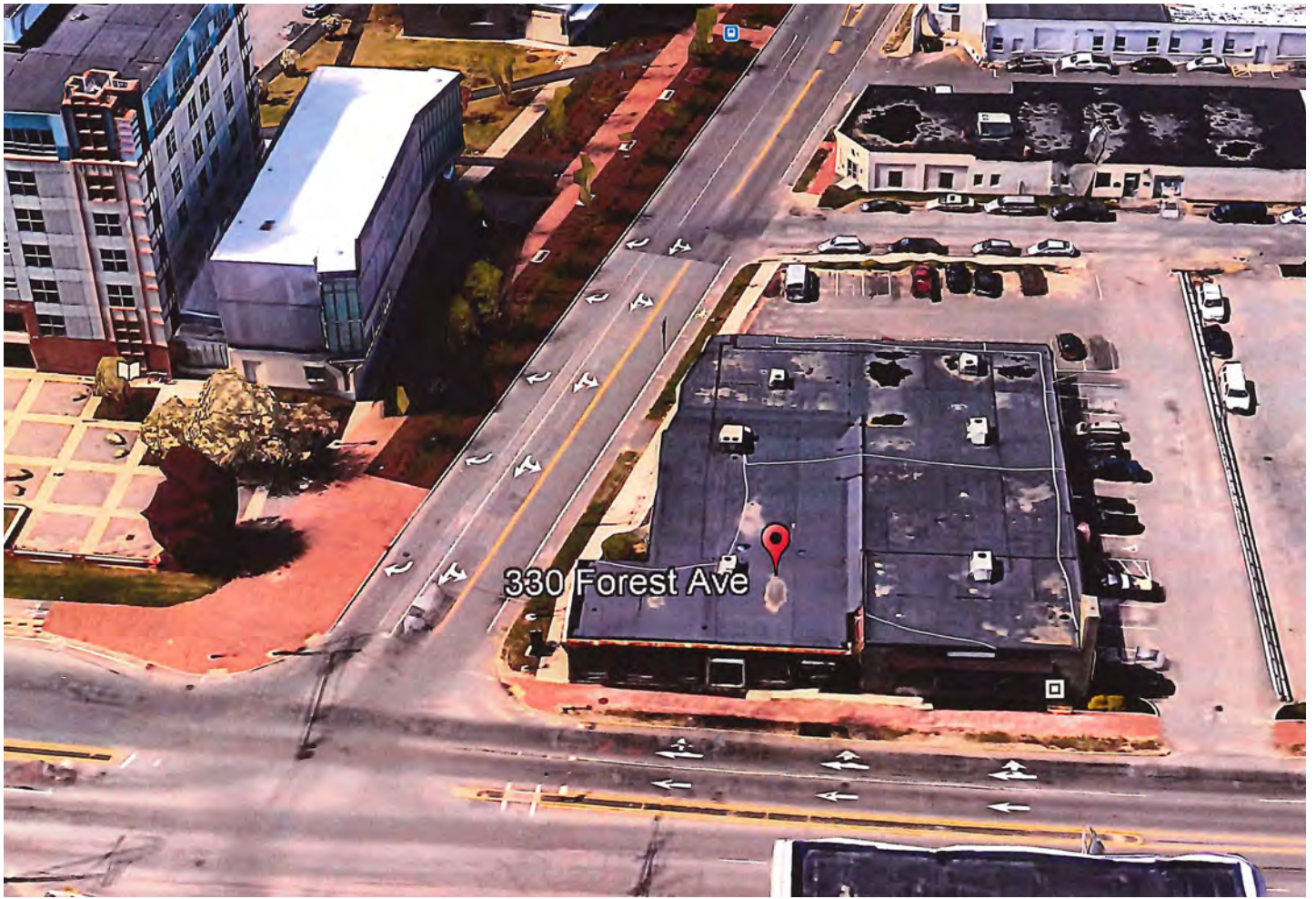
Below the projecting cornice, the building façade is enlivened by the diamond-shaped stucco details spaced to reinforce the spacing of the bays. The brickwork itself provides a level of ornamentation as well. Windows are deep, extending almost to the ground. The 1924 photo also shows that there were multi-lite transom windows above the single-lite showroom windows.

The rear portion of the building, which is set back from the showroom portion of the block and visible from Bedford Street, is utilitarian in appearance and lacks architectural significance (see photos).

Alterations and Additions since 1924

The showroom windows and entries of 330 Forest have been replaced over time, as is the case with most of the existing showrooms on Forest Avenue. The placement of entries have moved and an additional entry was introduced in the easternmost bay of the building, together with the introduction of a handicap ramp. Notwithstanding these changes, the original scale and massing of the building and composition of the front façade, remain unchanged. The building also retains a number of its key ornamental features. Today, the building still clearly conveys its roots as an early auto-related structure at the southwestern end of Portland's "auto row".







A.S. HINDS LABORATORY BUILDING

ADDRESS

331 Forest Avenue

ARCHITECT

John Calvin Stevens
John Howard Stevens

DATES

1920

STYLE

Beaux Arts Revival & Commercial

Building History

Noted Portland architects John Calvin Stevens and his son John Howard Stevens designed the building at 331 Forest Avenue for Aurelius Stone Hinds in 1920. Hinds worked for the apothecary of H. H. Hay & Company in downtown Portland until 1864. While running a drugstore of his own on the peninsula, Hinds perfected the formula for his world famous Honey and Almond Cream. He established A. S. Hinds Company in 1875, and began producing and selling his skincare products from the purpose-built laboratory space on Forest Avenue in 1920.

Hinds' Honey and Almond Cream was an extremely successful product, both domestically and internationally, and a branch laboratory was established in Montreal, Canada. In 1906, an advertising department was formed to handle marketing of the cream (Fig. 1). Although the company was acquired in 1907 by the Manhattan-based Lehn & Fink, who had brought Lysol from Germany to the United States market in 1890, the A. S. Hinds Company continued to operate independently for a number of years.

The laboratory occupied the upper floors of the building, while the first and second levels were reserved for retail and office use. In 1926, the A. S. Hinds Laboratory was no longer located in this building; operations had moved to Lehn & Fink plants in New Jersey. A wholesale druggist and the Marmon Company Autos automobile dealership operated at 331-337 Forest Avenue that same year. A number of automobile-related businesses, such as Firestone Tire & Rubber Company and Gemmer Motors Company, were tenants of the

building from 1926 through 1932. From this point the building's commercial use shifted towards suppliers, including the Portland Pipe Line Company, and warehouse storage.

In 1926, three large show windows were installed to accommodate the automobile dealerships, and alterations were undertaken in a previously added private garage space to convert the building from its former manufacturing layout to retail and warehouse space. These alterations were designed by John Calvin Stevens and John Howard Stevens and were overseen by local contractor Frank A. Rumery, who would go on to design an automobile dealership at 517-533 Forest Avenue in 1927-30. A freight elevator was installed in 1930; by 1946, the main occupant was Reliable Furniture and the third floor was remodeled in 1955 to meet their needs as a used furniture retailer. The building served as a Discount Book Outlet in 1993, after it had lain vacant for two years. It currently contains 70 residential units as Bayview Court and maintains the first floor as retail space for Back Bay Cycle.

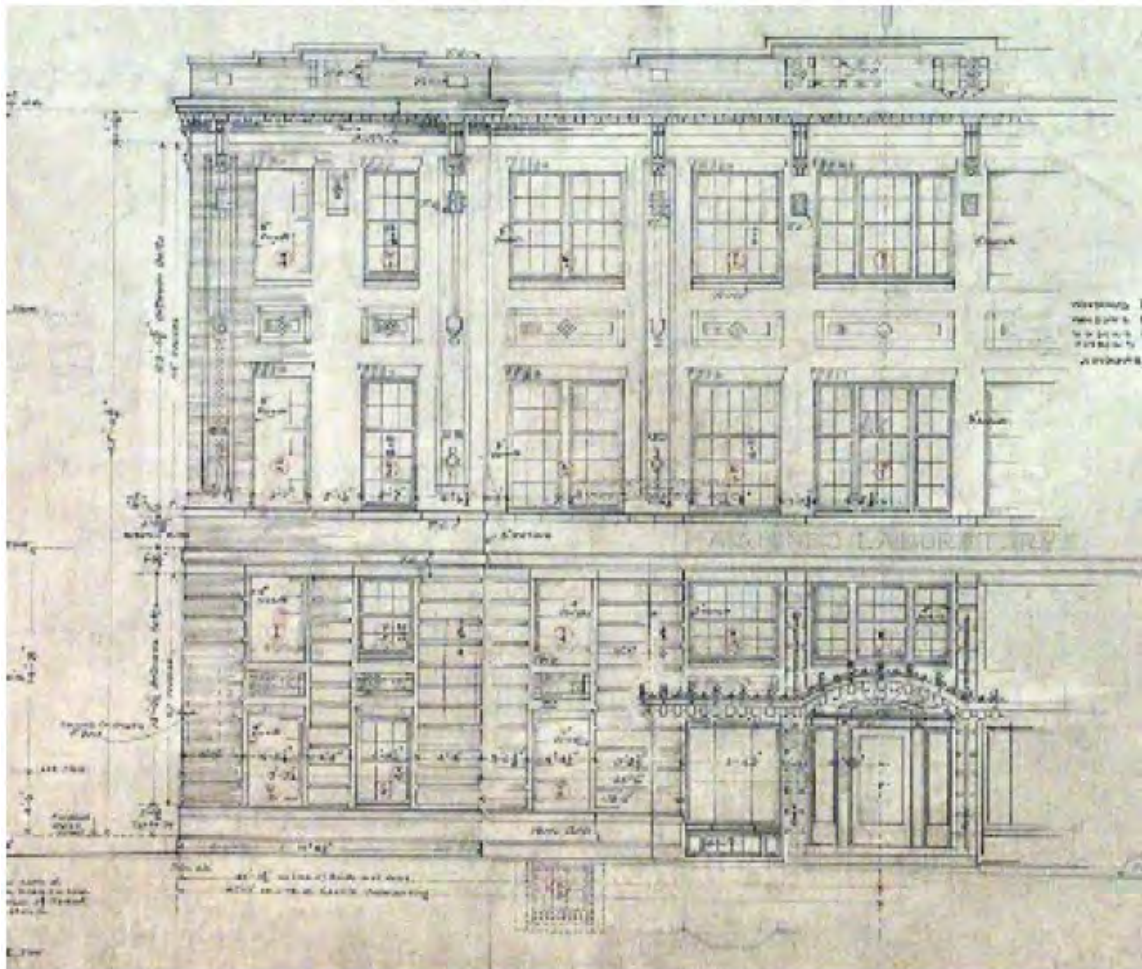
Architectural Description

The A. S. Hinds Laboratory Building is a four story yellow brick structure built in the Beaux Arts Revival and Commercial styles. Given its siting and the presence of a low-scale structure and a driveway on either side of the building, the side elevations are visually prominent. Relative to other buildings constructed on Forest Avenue during this period, the building is noteworthy for its size. It is also architecturally notable; it is clear that the design is the product of a skilled architect. The building's flat roof has a subtle parapet detail, the lines of which are highlighted by cast stone ornamentation. The heavy cornice features prominent brackets and dentils. Patterned brick ornamentation and small cast stone medallions grace the façade. The upper story window pattern varies, with some windows mulled to form groupings. Other windows are individual punched openings. This fenestration pattern lends visual interest to the building, notwithstanding the fact that the windows themselves (originals were six-over-six) have changed in appearance with their replacement.. Blueprints drawn by John Calvin Stevens are held in the collections at the Maine Historical Society in Portland.

As noted above, the ground floor was modified in 1926 to accommodate the automobile showroom. On the exterior, three large showroom windows were installed to showcase the automobiles to passing traffic.

Alterations and Additions since Construction

Although the ground floor was altered in 1926, the modifications have gained significance in their own right as they were made to accommodate an auto showroom. The changes made, just a short time after the building's original construction, reinforce the fact that this section of Forest Avenue was quickly evolving to become Portland's Auto Row. Other than the ground floor alterations, the only other significant change has been the replacement of the original multi-light sash with one-over-one windows. The building remains in well preserved condition and is a commanding presence on Forest Avenue







Miles B. Mank Motor Car Company

ADDRESS

343 Forest Avenue

ARCHITECT

unknown

DATES

1916-1917

STYLE

Vernacular

Building History

Built in 1917, the large two-story brick structure at 343 Forest Avenue was first occupied by Miles B. Mank Motor Car Company. In 1910 Miles B. Mank, with his partner George Stuart, established the Mank-Stuart Motor Car Company, a dealer of Cadillac cars. They first built a large garage on Forest Avenue near Congress Street. (Figure2) A few years after George Stuart retired in 1912, Mank built this two-story building along a section of Forest Avenue that would become Portland's Auto Row. While Mank continued to own the building in the 1920s he moved his dealership to Preble Street. 343 Forest Avenue was then occupied by Myron D. Kidder, Inc. a REO auto and truck dealership previously known as Darling-Kidder Inc. and located at 630 Forest Avenue. In the 1930s through the 1960s, 343 Forest Avenue was occupied by the Portland Burial Case Company, a casket manufacturer.

Architectural Description

Built as an auto showroom, the Mank building is an unusually large example of its type, both in terms of its width and it being a two-story structure. As documented in 1924, shortly after its construction, the building featured a highly glazed first floor, with relatively thin posts separating the large floor-to-ceiling showroom windows. The entrances appear to have been located at the two ends of the façade. The corners of the ground floor were cut away and the projecting upper floors supported by a round column. The building featured an unusually tall frieze band above the storefront windows, capped by a projecting intermediate cornice. The brick structure was unpainted with cast stone used for the cornice and second story window



1924 City of Portland Tax Photo

lintels. Projecting brick piers divide the upper floors into a series of bays, with all but the end bays featuring groups of three windows connected by a continuous lintel. A flush cast stone cross was centered in the stepped parapet. Upper floor windows were six-over-one. Typical of this building type, most of the architectural embellishment is concentrated on the front portion of the building, returning for a short distance on the side elevations.

Alterations since 1924

While the two-story brick structure has lost its glass showroom façade and multi-pane upper story windows, the general form, cornice band, sign band, and brick details remain. The brick soldier course below the second story windows, the cornice band, and the parapet cross are now somewhat obscured by the paint that has been applied to the brick façade. The first floor alterations reinforced the upper story bays and the division of the commercial windows echo the tri-partite pattern of the windows above. The showroom entrance at the corner of Forest Avenue and Bank Road was lost in the alterations, but the garage entrance off Bank Road is still apparent, although filled in by a commercial storefront system. A secondary pedestrian entrance was added on the Bank Road façade by elongating an existing window opening.

Although the building has undergone exterior changes, particularly on the first floor, it retains the essential façade composition associated with its building type and clearly conveys its association with Forest Avenue's automotive history.

A Modern Service Station

A Portland automobile concern whose growth has been phenomenal since its organization in 1910, now operating one of the largest, most modern, and finely equipped garages in New England is the Miles B. Mank Motor Car Company, 9 to 21 Forest avenue. From a small beginning, occupying one room and employing one repair man, this enterprising and progressive concern has come by leaps and bounds to the front and today they give steady employment to 11 people and utilize over 35,000 square feet of floor space.

The Mank-Stuart Motor Car Company was established in 1910. Mr. Stuart retired in 1912, the company being incorporated in 1913 as the Miles B. Mank Motor Car Co.

The service station of the company has a wide spread and long established reputation for the superiority of its service and is metropolitan in features and modern in methods. The garage is well lighted and ventilated, is fireproof throughout, and is kept scrupulously clean. The repair department has recently been equipped with the latest and most improved machinery for carrying on this industry and none but skilled workmen are employed.

The Company are State agents for the Cadillac, "the standard of the world," and each year the public looks to the Cadillac for that which marks the climax in motor car progress. This Cadillac will be exhibited at the Portland

Dealers' Auto Show, February 9 to 14, and the company invite your inspection. Mr. Miles B. Mank, the live wire of the company, is known as one of the foremost and progressive automobile dealers in the State. He is an expert in every detail of the trade and is highly esteemed in all circles of the city.—Adv.



Service Station of Miles B. Mank Motor Car Co., Portland, Me.

Traveling Men's Opinions

It is somewhat surprising to note how little the magnitude of the automobile industry is appreciated by the general public, says the Automobile Journal. It might be assumed that as a body, traveling men were well informed as to industrial enterprises. The following quotation from The Manufacturing Jeweler is an example of the regard with which their opinion is held:

Traveling men say they cannot account for the present dullness. Some of the jewelry drummers have an idea that the purchase of so many automobiles by thousands of people throughout the country, and the necessary expense incurred in running the same, may have some effect.

A traveling man, who was engaging the attention of passengers on a train out of New York recently, with somewhat similar opinions and the further observation that within a year there would be but half a dozen automobile manufacturers in America, was asked how many he thought there were today. "Offhand, about 30," was his reply.

He was surprised to learn there were more than 200; that they had produced 450,000 cars during the past year, and had shipped nearly \$28,000,000 worth of these machines abroad. The opinion of traveling men regarding the stability of the automobile industry evidently needs decided revision.

Figure 2. A 1913 article on the first Miles B. Mank Motor Car Co. Building on Forest Avenue, near Congress Street.



First row, left to right: Miles B. Mank, Miles B. Mank Motor Co., Portland; Myron D. Kidder, Myron D. Kidder Co., Inc., Portland; Haven Sawyer, Sawyer Motor Car Co., Bangor; W. B. Thombs, Portland. Second row: Carl Curtis, Lewiston Buick Co., Lewiston; V. S. Darling, Darling Automobile Co., Auburn; C. G. Abbott, the Henley-Kimball Co., Portland

Figure 3. A 1922 photograph of Maine car dealers including Miles B. Mank in the first row, on the left.





L.C. Gilson Automobile Co. Building

ADDRESS

355 Forest Avenue

Architect

Unknown

DATES

1922; rear addition 1981

Style

Art Deco/Moderne

Building History

The L. C. Gilson Automobile Company, building at 355 Forest Avenue was built in 1922. It is one of several early automobile-related businesses to locate along Forest Avenue between Baxter Boulevard and Woodford's Corner in the early years of the twentieth century. Based on the concentration of auto-related businesses in the area, Forest Avenue would become known as Portland's Auto Row. Although the building has undergone exterior changes it retains its thematic association with the Forest Avenue's automotive history and retains several character defining details of its style and building type.

Gilson had already established an automobile dealership at 881-891 Congress Street by 1906, selling cars from Ford, Reo, and Stanley in what Portland's Board of Trade Journal called, "one of the largest, and most modern [garages] in New England." By 1924, the Congress Street block had been converted into apartments and the Gilson Automobile Company had relocated to the building owned by Frank W. Sparrow at 355 Forest Avenue.

The building has always been utilized for automobile sales or servicing purposes. It was occupied by Brewster Tire Stores Inc. in 1927. In 1929, Forest City Tire Company shared the building with Firestone Tire Stores Incorporated, which continued on as the property's sole occupant in 1930-31.

The building has become best known as the Palmer Spring Company building due to its signature orange façade and the company's presence at this address since 1932. Palmer Spring Company was established in 1849 and is thought to be the oldest spring company in the United States. Joseph Benjamin Palmer founded the company in Boston after bringing his trade

from England and served as its first blacksmith. The company's Conestoga wagon logo reminds its patrons of the vehicles originally serviced by Palmer Spring Company.

In 1949, Palmer Spring Company operated a service station and spring manufacture from its building on Forest Avenue and completed interior renovations in 1950 to expand its manufacturing room. A rear ell was added in 1981.

The company continues to operate at 355 Forest Avenue with a service garage and a blacksmith.

Architectural Description

Purpose-built as an auto showroom, 355 Forest is a classic example of a new building type that was created in response to the advent of the automobile. Like most early automobile showroom buildings, it is a one-story masonry building with a showroom in the front and service facilities in the rear accessed from an alley or side street. Also like many showrooms, most of the building's architectural detail is concentrated on the showroom portion of the building, with the rear portion rather utilitarian in appearance. In the case of 355 Forest, architectural embellishment is provided by contrasting brick, recessed brickwork panels, and the geometric brickwork on each pier.

Typical of early auto showrooms, the front façade features large floor-to-ceiling windows flanking a central pedestrian entrance. Masonry piers serve to define the three bays of the façade. Large floor-to-ceiling windows are repeated on the side elevations near the leading corners of the building. The high level of glazing was intended to catch the attention of passing vehicles and provide a clear view of the automobiles for sale within the showroom. On the side elevations, the main portion of the building extends the depth of one bay; beyond that point, the building steps down in height and features a series of large service doors. As noted above, the front section of the building exhibits the greatest architectural significance.

Alterations and Additions since 1924

Typical of many of the remaining automobile showrooms along Forest Avenue, the original storefront windows have been replaced and infilled to some extent. However the original pattern and size of the window openings remains, as does the character-defining ornamental brickwork. Although alterations have been made, they are readily reversible and the building still communicates its original function. In the rear, the pattern of door openings remains largely intact and although a number have been infilled or altered.



City of Portland Tax Photo, 1924





Oakhurst Dairy

ADDRESS

364 Forest Avenue

ARCHITECT

Earle Webster

DATES

1922; additions in 1951-3, 1988, and 2005

STYLE

International (central building)

Building History

Oakhurst Dairy at 364 Forest Avenue was constructed in phases to accommodate the growing needs of its successful business. The central building, recognizable by the Mid-Century Modern metal “Oakhurst” sign across its façade, was designed by architect Earle Webster and was built perpendicular to the Dairy’s original 1920s brick structure. Later additions from 1989 and 2005 flank this central building, forming a large complex on the lot. Designation is limited to the 1950’s structure pictured above.

The dairy was in the Bennett family of Portland since Stanley T. Bennett bought the Oakhurst Dairy from Arthur Leadbetter in 1921. Leadbetter had established his dairy in 1902 on Woodford Street. After acquiring the dairy, Bennett relocated it from its original location to its current site on Forest Avenue; an announcement in the national weekly *American Machinist* from 1922 stated that the planned two-story building and associated power plant unit would cost Oakhurst Dairy an estimated \$100,000. In 1933, Oakhurst Dairy became the first dairy distributor in the United States to require that the milk it processed did not contain tuberculin, used to test for bovine tuberculosis. Oakhurst Dairy has continued to oppose using additives such as bovine growth hormones in its milk.

The design and construction of the 1951-53 addition (which is the focus of this designation) was overseen by Bennett’s son Donald. Donald worked with architect Earle Webster to create a state-of-the-art manufacturing facility in the International style.

Oakhurst Dairy bought the adjacent lot, owned by the Henley Kimball Automobile Dealership, in 1973 and built a cold storage facility in 1988. The final addition to the lot was designed in 2005 by Pennsylvania-based Facilities Design, Incorporated and provided the dairy with new receiving and updated cold storage areas.

In 2014, Oakhurst Dairy was sold to Dairy Farmers of America, a national farmer-owned cooperative based in Missouri, after 92 years of family ownership.

Architectural Description

Constructed of blond brick, the two-story, flat-roof building features a very simple box-like massing and is set close to the street. While straightforward in form, the placement and treatment of its fenestration provides a dynamic tension to the overall design. At the top of the upper façade, immediately beneath the aluminum cornice, there is a continuous band of mulled windows that stretches across the entire façade and returns onto the side elevations. At the west end of the façade and at the leading corner of the west elevation, this window treatment extends down to the ground to create a glazed tower-like element at the corner. The building entrance is located at the base of this tower. In the center of the façade is a wide window surrounded by a large “picture frame” constructed of natural aluminum. This window was designed to ensure that people could view the plant’s operations. At the east side of the façade and wrapping the east elevation is a narrow band of glazing made up of glass block. This offset treatment provides visual interest. Until very recently, a sign consisting of individual aluminum letters, was set on top of a narrow ledge above the center window. In its typeface and material, the sign was designed to be an integral component of the overall building design. Its execution in natural aluminum repeated the same material selected for all building trim and presented a strikingly modern building design when it was constructed.



Alterations , Additions since Construction

Although the overall design and façade composition of the building remains unchanged, the recent replacement of most of the windows has changed somewhat the overall intended character of the building. (The windows within the vertical entry “tower” are still original.) While the window divisions have been replicated in the replacements, the new windows feature green aluminum frames. The change to a colored frame diminishes the intended aesthetic of the building, which featured a natural aluminum finish on all trim and door/window frames. The natural aluminum clearly reinforced the Modernist design aesthetic.

Other changes include the replacement of the glass block windows within the horizontal band at the southeast corner of the building. Glass blocks have been replaced with opaque white spandrel panels. The original sign on the Forest Avenue façade, which was comprised of individual standing letters, was also recently replaced with a single, mounted sign panel featuring cut-out letters.

Finally, a three-story stainless tank has been positioned near the leading corner of the building, next to the west elevation. A simple one-story detached structure has been constructed next to this tank. Mechanicals and solar arrays have been added to the roof.

Notwithstanding these alterations, the building remains largely consistent with its original appearance, particularly for that portion closest to the street, and contributes to the architectural heritage of Forest Avenue. The significance of the building’s Modernist design was recognized by the Portland Society of Architects in 2009, when they gave it their 50-Year Building Award .



Packard Motor Car Company Showroom

ADDRESS

495 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1927

STYLE

Commercial

Building History

Originally occupied by the Packard Motor Car Co. of Boston, the building at 495 Forest Avenue was built with its physical and stylistic twin at 501 Forest Avenue in 1927 as part of the redevelopment of the former Ricker Estate. It is one of several automobile-related businesses along the section of Forest Avenue that would become known as Portland's Auto Row. Although the building has undergone exterior changes, particularly the storefront windows, it retains its thematic association with the Forest Avenue's automotive history and retains several character-defining details of its style and building type.

During World War II the building was used for Army storage, then subsequently occupied by Brown Motors, Inc., a division of the Brown Company, manufacturers of pulp wood and paper in Berlin N.H. The Brown family once owned a large estate on Forest Avenue, as well as the Berlin Mills wharf on Portland's waterfront. Brown Motors was a Chrysler-Plymouth dealership. The company was operated by Simmons Brown, who lived with his family on State Street, before moving to Falmouth Foreside.

Architectural Description Architectural Description

Because 495 Forest Avenue was built in 1927, after the tax reevaluation of 1924 when every taxable property was photographed, we do not have an early photograph of the building. In this case, however, we can make reasonable assumptions about its original appearance given the fact that its twin was built next door and given that auto showrooms of the period followed the same basic form, size and façade composition.

Like its twin next door, the three-bay commercial building features a brick façade laid in a variant of a Flemish bond. Both buildings feature a showroom at the street and access to the rear of the dealership

through a garage door that is set well back from the street. A shared courtyard is created between the two buildings in this area and the buildings share a common side wall. An intermediate cornice located below the roof parapet of both 495 Forest and its neighbor at 501 extends the full depth of the side elevations of both buildings, turning onto the elevation where the two connected structures meet. This cornice reinforces the linkage between the two buildings.

Like its neighbor, the center of the parapet is highlighted by a shallow stepped gable. The building's horizontal lines are emphasized by a strong cornice band wrapping the façade and side elevations below the parapet, a brick soldier course connecting each window opening, and a continuous lintel above the façade windows and the side elevation windows closest to the street.

Given the fact that the neighboring building to the southeast of 495 Forest is set well back from the street, the southeast elevation of 495 is entirely visible. This elevation features a series of tall, regularly spaced individual punched window openings. A secondary entrance is located toward the rear of this elevation.

The building extends deep into the lot; most of the rear portion of the building is not visible from a public way.

Alterations and Additions since Construction

The most significant alteration to the building has been the replacement of the two large showroom windows on the façade and at the leading corners of the side elevations. The original single windows have been replaced with individual punched window openings separated by brick. Subtle indications in the existing brickwork suggests that the original openings matched those of its twin. The center entry doors have been replaced as well (as have the entry doors on most other showroom buildings on Forest.) Despite the change in fenestration and entry, the building still retains its essential form, façade composition and a number of its character-defining features. It still clearly communicates its original roots as a first-generation automobile showroom and is especially interesting in its relationship to the twin showroom next door. It also contributes to one's appreciation of Forest Avenue's automobile-related history.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When these have been catalogued and are available to the public, copies of the early views will be added to this inventory form.



495 Forest Avenue



Gleason Company Chrysler Dealership

ADDRESS

501 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1927

STYLE

Commercial

Building History

Originally occupied by the William H. Gleason Co. Chrysler-Plymouth dealership, the building at 501 Forest Avenue was built with its physical and stylistic twin at 495 Forest Avenue in 1927 as part of the redevelopment of the former Ricker Estate. It is one of several automobile related businesses along the stretch of Forest Avenue that would become known as Portland's Auto Row.

After World War II, the auto showroom was occupied by John S. Goff's DeSoto and Plymouth dealership. The dealership was previously located at 525 Forest Avenue, before moving to 489 Forest Avenue in 1943. The Goff dealership was only in the building a short time, moving in 1955 to 628 Congress Street. The building was subsequently occupied by a number of commercial businesses, including several realty companies. The building is currently occupied by Bow Street Beverage with a retail showroom and distribution area in the rear.

Telephone Forest 4164

WILLIAM H. GLEASON CO.

DISTRIBUTORS

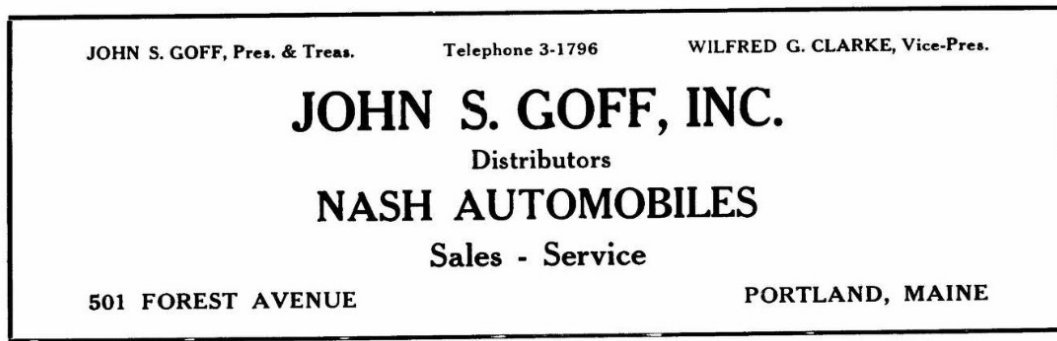
CHRYSLER CARS

PLYMOUTH CARS

501 FOREST AVE. PORTLAND, ME.

"The Car For Everybody"





Architectural Description

As the building was built in 1927, after the tax reevaluation of 1924 when every taxable property was photographed, we do not have an early photograph of the building. In this case, however, we can make reasonable assumptions about its original appearance given the fact that its twin was built next door and given that auto showrooms followed the same basic façade composition.

Like its twin next door, the three-bay commercial building features a brick façade laid in a variant of a Flemish bond. Both buildings have a showroom at the street and access to the rear of the dealership through a garage door in the shared courtyard off Forest Avenue. The building's horizontal lines are emphasized by the strong cornice band wrapping the building below the parapet, a brick soldier course connecting each window opening, and the wide band of storefront windows. Note that the parapet features a shallow stepped gable at the center of the façade. Distinct from some early auto showrooms, the windows do not extend to the base of the building. The windows are framed in cast stone which extends to the building base.

Typical of the building type, 501 had large showroom windows at the front corners of its side elevations. The window. The west elevation is obscured by an abutting structure, but the east elevation is entirely exposed. The showroom window on the side elevation matches the height of those on the façade. The cornice continues the entire depth of the side elevations. On the east side, the cornice returns to face of the recessed connector shared by 495 and 501 Forest. This cornice treatment on both buildings, which joins at the connector, reinforces the relationship between the two structures.

Little of the rear portion of the building is visible from the street.

Alterations and Additions since Construction

The most significant alteration to the building has been the replacement of the large showroom windows with smaller vertical glazing alternated with opaque spandrel panels. The window openings themselves, however, remain intact and the alteration is readily reversible. Despite this change, the building remains a clear example of its building type, retains most of its character-defining architectural details, and contributes to one's appreciation of Forest Avenue's automotive history.

Note: Staff has learned of a recent donation of photographs from a private collection to the Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early view of 501 Forest will be added to this inventory form.



501 Forest Avenue



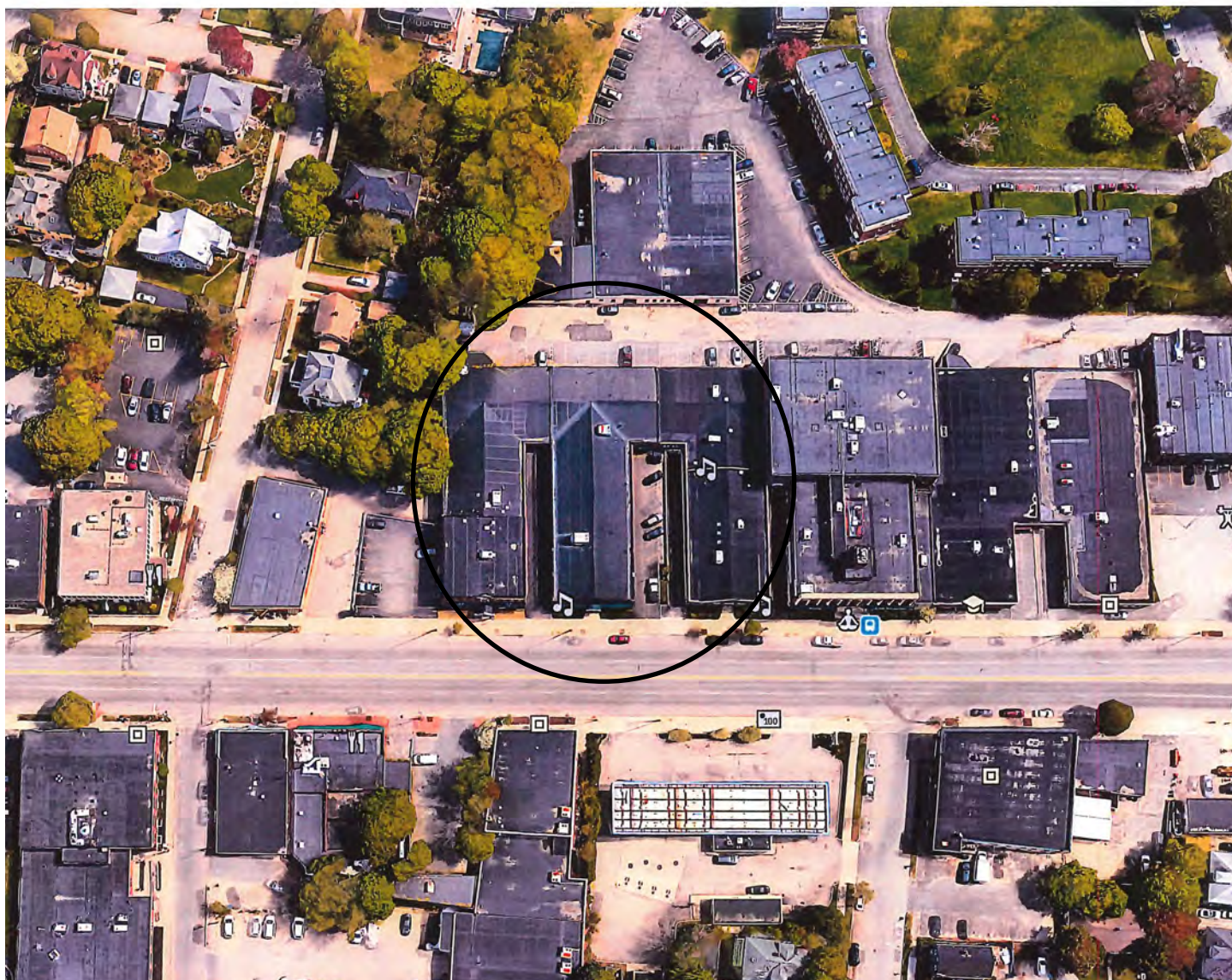
STUDEBAKER AUTOMOBILE BLOCK & GARAGE

517-533 Forest Avenue and 44 Indian Lane

Contractor Frank A. Rumery is thought to have designed the buildings at 533, 525, and 517 Forest Avenue as a group, along with a second automobile dealership complex slightly further south on Forest Avenue. These projects were part of a plan to redevelop the former Ricker estate into apartments, a filling station, car dealerships with frontage on Forest Avenue, plans which included a shared power plant. The Ricker Mansion was built in 1855 for Joseph S. Ricker, a tanner who also served as director of the street's railroad system. The mansion was one of several large estates just outside the city along the less-developed Forest Avenue and boasted a "grapery" and greenhouses on its extensive grounds. The Ku Klux Klan's Portland chapter bought the property in 1923 and maintained it as a meeting and event space until the house burned down in the later 1920s. Redevelopment of the lot occurred between 1927-30 and the area was renamed Ricker Park.

Rumery was already well-known at this time for his active involvement in many development projects along Forest Avenue and was also the contractor for the Ricker Park apartments. John P. Thomas, the Portland-based architect who would design the Stevens Avenue Armory at 772 Stevens Avenue in 1940, was commissioned to address the design of the new apartment buildings the lot.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early views will be added to the applicable inventory forms.



Studebaker Automobile Block

Left to right: 533, 525, 517



STUDEBAKER AUTOMOBILE DEALER BUILDING

ADDRESS

533 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Building History

Part of a group of five auto-related buildings designed and built by contractor Frank A. Rumery along this block of Forest Avenue between 1927 and 1928 (see description of overall Studebaker Block), the Studebaker Automobile Dealership at 533 Forest Avenue was built in 1928 for the Hennings Motor Company. Rumery's redevelopment of this section of Forest Avenue was part of a larger plan to redevelop the former expansive Ricker estate following the loss of the Ricker mansion in the mid 1920's. The buildings at 517, 525 and 533 Forest were physically connected at the rear. Two other Rumery-designed buildings at 495 and 501 Forest were also joined at the rear. At 533, the Studebaker brand's logo depicting a "Studebaker" banner spread across a spoked wheel still remains at the apex of the parapet gable; this structure is therefore considered the primary building of the three adjoining structures on Forest Avenue. Together, these buildings form an "E", with the shorter arms oriented perpendicular to Forest Avenue. Behind the long connected section of the buildings is the dealership's associated garage, located alone on the small alley of Indian Lane.

The Hennings Motor Company, formerly Gray-Son Motor Company and Waterville Motor Company, sold Studebaker and Erskine motor cars. Prior to its location at 533 Forest Avenue, its salesroom was at the edge of the Deering neighborhood at 26 Forest Ave while its main office and service department were on Allen Avenue in Morrill's Corner. In 1929 it appears to have shared its space at 533 Forest Avenue with a dentist's office. Hennings had moved to 511 Forest Avenue by 1934 and the building was then occupied by Couri Motor Company, a dealer in Pontiacs and later also GMCs, Tempests, and Vauxhalls. Couri still owned 533 Forest Avenue in 1969 and had acquired the neighboring 525 Forest Avenue building in 1955.

Harold Wiley Pontiac joined with Couri, and in 1981, sold the building to Young's Furniture. This sale required alterations to the structure to accommodate a retail furniture business, such as the addition of a loading dock. Today it is occupied by Skillful Home Recreation, an outdoor furniture retailer.

Architectural Description

533 Forest is a two-story brick structure. In this respect the building breaks with the typical pattern on Forest of one-story auto showrooms. At the ground floor level, the building features the classic three-bay façade composition associated with this building type: two large window openings (originally with single plate glass windows) flanking a center entrance. At the second floor level, four evenly spaced tall windows are located on either side of a larger opening in the center of the façade. The center opening is framed with cast stone; cast stone is also used for the upper floor window sills and the narrow projecting band that delineates the parapet from the main building façade. A flat roofed building, the roof parapet features a centered triangular gable within which is the cast stone Studebaker logo. A decorative pattern of variously projecting headers in the Flemish bond brickwork creates a textured masonry surface. This textured masonry is repeated on the adjoining buildings at 525 and 517 Forest Avenue.



Both of the building's side elevations are exposed to view. The southeast elevation is separated from the adjoining structure at 525 by a driveway that leads back to a deeply recessed connector that links the buildings. A garage door at the center of the connector faces the street. On the opposite side of the building, a surface parking lot immediately abutting the building exposes the elevation to view. As is typical of auto showrooms, the large showroom windows of the front façade are continued for one bay on the northwest elevation and three bays on the south east elevation. (The windows have been bricked in on the southeast elevation, but the openings and cast stone headers are still evident.) The upper story window pattern established on the front façade continues on the side elevations as well.

Alterations and Additions since Construction

The Studebaker Automobile Dealership building was constructed after the City's 1924 photodocumentation initiative and we do not have other early photographs to confirm its original appearance. Despite the lack of documentation to confirm the building's original appearance, it is clear that the building's form and general façade composition, as well as most of its architectural details, remain intact. Typical of commercial structures, the ground floor windows and entry have been replaced with new windows and doors, but the character-defining openings remain unchanged. The building remains in well-preserved condition and contributes to the visual character of the street and automotive history of Forest Avenue.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early views of 533 Forest will be added to this inventory form.



JOHN S. GOFF CHEVROLET BUILDING

ADDRESS

525 Forest Avenue

Architect

Frank A. Rumery

DATES

1927-28

Style

Commercial

Building History

Although the John S. Goff Chevrolet Company building does not carry the mark of a specific automobile company on its façade, it is both physically and stylistically linked to its neighbor, the Studebaker Automobile Showroom at 533 Forest Avenue and is part of a grouping of three connected showrooms built by Frank Rumery in 1928. (See description of larger Studebaker Block.)

John S. Goff Chevrolet Company owned the building from 1927 until 1935; by 1955 the business had relocated to 628 Congress Street. In 1944, both 525 and 517 Forest Avenue held US Army Quarters. The structure at 525 Forest Avenue was still used by the US Army as a sales office in 1945 and was acquired in 1955 by Couri Motor Company, who had already occupied 533 Forest Avenue for 20 years. The building currently serves as a gym.

Architectural Description

A one-story structure with a shallow pitched gable roof, the roof form of the showroom building at 525 Forest is fairly unique. (Most first-generation showrooms featured a flat roof, usually with a parapet to provide some additional building height and architectural interest.) The shallow gable end that faces the street features a wide window opening above the first floor with two mulled multi-lite windows. A heavy frame around the window opening draws further attention to the center. The gable also features a step at the center which further emphasizes this architectural element. At the two ends of the façade, the brick extends to suggest projecting piers that frame the center gable.

As with the Studebaker Dealership building at 533 Forest, the Goff Company building features an exterior of Flemish bond brickwork with irregularly-parapet detailing. In this building, the ends of these extending bricks are brought closer to the façade than at 533 Forest Avenue. The Goff Building also shares its overall form and decorative elements with the one+ story building at 517 Forest Avenue. Unifying details include the cast stone ornamentation above the side bays, the low-pitched roof with slight parapet detailing and the multi-lite fenestration centered in the gable.

Typical of this building type, the front façade's ground floor is three bays wide with two large showroom windows flanking a center entrance. It is evident from remaining headers that both side elevations also featured two showroom windows at the leading corners of the building; the openings have been infilled.

Note that the spacing between the Goff building and its connected neighbor at 517 is wider than the spacing between the Goff building and the Studebaker Dealership building at 533. This wider spacing accommodates two garage entrance set back from the street. The garage for 525 Forest is located at grade; at 517, a driveway leads down to a below-grade garage.

Alterations and Additions since Construction

As is typical of commercial structures, the ground floor windows and entry have been replaced with new windows and doors, but the character-defining wide openings remain unchanged. Openings on the side elevations are infilled, but still evident. The building remains in well-preserved condition and contributes to the visual character of the street and automotive history of Forest Avenue.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early view of 525 Forest will be added to this inventory form.



CLIFTON R. SHAW AUTOMOBILE DEALERSHIP

ADDRESS

517 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Building History

Clifton R. Shaw Automobiles relocated from 365 Forest Avenue to 517 Forest Avenue when the latter building was constructed in 1928. This building is the third in the group of three structures geographically and aesthetically related to the Studebaker Automobile Dealership at 533 Forest Avenue. Connected to 525 Forest Avenue at the rear of the structure, it demonstrates a strongly shared form, scale, and ornamentation program with this neighboring building and also draws on the stylistic motifs of the Studebaker Automobile Dealership at 533 Forest Avenue.

Unlike its adjoining buildings, this structure was not consistently occupied. It was occupied by Fred's Motor Transportation Company in 1934 but lay vacant in 1935. In 1944, 517 and 525 Forest Avenue were utilized as US Army Quarters. The car dealership of Nash-Brown Incorporated and the Pattison Automobile Company, who marketed Dodge-Plymouth automobiles, operated at 517 Forest Avenue in 1945 and 1955 respectively, but by 1965 this location was again vacant. It currently serves as a dance studio for Casco Bay Movers.

Architectural Description

As with 525 Forest Avenue, the one story structure's low-pitched parapet gable roof emphasizes its horizontality and there is a multi-light window centered in the gable. Slightly projecting brick headers interrupt the Flemish bond pattern in an irregular decoration, a motif that is repeated in each of the three related buildings. The degree of this façade ornamentation is less pronounced than it is on its neighboring buildings.

As with its “twin” building at 525 Forest, the showroom portion of the building is clearly defined and exhibits the greatest architectural interest. The pier projections above the roofline, clearly evident on the southwest side elevation, terminate at a certain depth. Larger window openings also extend to this point on the side elevations. Beyond this point, the building takes on a more utilitarian appearance.

On the 517 Forest facade, the original height of the showroom windows is clearly evident, as there is no canopy obscuring the original openings. The top portion of the windows has been infilled with spandrel glass, however and the once-expansively wide individual showroom windows are broken into narrower mullied panes.

On the northeast side of the building, a driveway leads down to a below-grade garage entry below the building connector. In this respect, 517 is different from the other buildings in this grouping.

Alterations and Additions since Construction

But for typical alterations cited above, the building still retains its original form and classic façade composition, as well as its key architectural details. The building continues to convey its original use and its close visual and function relationship to its neighbors adds additional interest.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early view of 517 Forest will be added to this inventory form.



STUDEBAKER GARAGE

ADDRESS

44 Indian Lane

Architect

Frank A. Rumery

DATES

1928

Style

Commercial

This structure sits behind the Studebaker Automobile Block and is thought to have been constructed for use as the dealership's garage. Today it is the sole building with an address on Indian Lane, a small alley that runs parallel to Forest Avenue, and it would have been part of the Ricker Park redevelopment. The one story concrete block building has a side ell and a flat roof with a parapet detail that mimics the roofs of 525 and 517 Forest Avenue. The mix of concrete and wooden structural elements is still visible in the open garage interior. It is currently used as a parking garage for the Ricker Park apartment complex.



The Great Atlantic & Pacific Tea Co. Store

ADDRESS

617 Forest Avenue

ARCHITECT

unknown

DATES

1915

STYLE

19th/20th Century Revival

Building History

The building at 617 Forest Avenue was built in 1915 as a mixed-use structure. The mixed-use nature of the building reveals the fact that this portion of Forest Avenue was transitioning from a largely residential area at the turn of the century to an increasingly commercial one. The building is located at the corner of Arlington Place, a short dead end residential street known in the late 19th century as Belmont Place. In 1917, William Oxnard sold the lot with buildings to Mina and Abbie Ambrose. Abbie Ambrose was the widow of Edward Ambrose, a Readfield attorney who died in 1915. Daughter Mina worked as a high school teacher and later was the assistant principal of Cape Elizabeth high School. The family does not appear to have lived in the building, rather using it as an investment property.

The shop front of the three-story building was first occupied by the Great Atlantic and Pacific Tea Company, a national grocery chain later known as the A&P. The company was founded in 1859 in New York City. In 1915 the company had 1600 stores nationwide. The upper portion of the building was occupied by two five-room apartments that were rented for \$35/month in 1924 .

The building was sold by the Ambrose family in 1923 to Joseph Kalil (1886-1959) of Portland. Joseph immigrated to Portland in 1904 from Lebanon. Joseph and his wife Ida lived upstairs and Joseph's dry goods store was in the storefront below for several years before he became a travelling salesman.

The shopfront was occupied by C.F. Cook and Sons, a meat and provisions dealer in the 1930s-1950s. Today the second floor, which was built for residential use, is leased as office space.

Architectural Description

The building is a three story brick structure with a flat roof. The façade features a projecting two-story faceted bay that is centered on the façade. The storefront originally featured a recessed central entrance flanked by two storefront windows. Today, the storefront consists of a recessed side entry with one large storefront window with two large mulled windows over a recessed wood panel base. The entry to the upper floors is located to the right of the storefront, as it has been since the building was constructed. The building features a projecting cornice supported by a deep frieze and modillions. The east elevation, which is exposed due to the building's corner location, features pairs of mulled windows in the center and single windows on each side. All windows are topped by decorative brick lintels. A curious smaller window opening near the leading corner of the building retains its original pedimented roof. The second floor unit is now leased as office space. The building's brick exterior features fine mortar joints, typical of early twentieth century masonry.

Alterations and Additions since 1924

While the storefront and upper story entrances have been altered, the building retains most of its character - defining details including the bay details, the projecting cornice and modillions, and the unique temple framed window on the Arlington Place façade. These details and the building form and massing contribute to the character of Woodfords Corner and the Forest Avenue corridor.



617-619 Forest Avenue in 1924.



617 Forest, southeast elevation



Darling-Kidder Motor Car Company

ADDRESS

630 Forest Avenue

ARCHITECT

unknown

DATES

1917

STYLE

Vernacular

Building History

Originally occupied by the Darling-Kidder Automobile Dealership, the brick building at 630 Forest Avenue was built 1916-1917. It is one of several early automobile related businesses on the length of Forest Avenue that would become known as Portland's Auto Row.

Darling-Kidder was established in 1916 as a joint venture between Veranus Darling of Auburn and Myron Kidder of Portland. The partnership was short lived dissolving in 1919. Veranus Darling was a pioneer in Maine's automobile business. Initially an owner in a bicycle shop, he was a natural mechanic that seized on the opportunity presented by the new auto industry. He established the second automobile dealership in Maine and became the state agent for Reo motor cars. He also served as the director of the Maine Auto Dealers' Association. Veranus Darling died in 1924 and his son Elmer Darling succeeded him in the Darling Automobile Company.

In 1919 Myron D. Kidder moved the REO auto and truck dealership to 343-349 Forest Avenue. REO Motor Car Company was established in Lansing, MI in 1905. It was founded by Ransom E. Olds, founder of the Olds Motor Vehicle Company, later Oldsmobile. In 1910 REO added trucks to their manufacturing and in 1936 switched their focus solely to truck manufacturing.

The building was subsequently occupied by Chandler Motors of Maine, distributors of the Chandler and Cleveland Motor Cars, and Regent Motor Sales, Inc., a new and used car dealership. In the 1940s the former showroom and automobile service center was converted to a retail shop for Tom Taylors, a men's clothing shop.



1924 tax photo of the Darling-Kidder building

Architectural description

A one story commercial block located at the corner of Forest Ave. and Revere Street, the building takes advantage of its corner location by wrapping the corner with a curved façade. Tall, wide commercial windows with multi-lite transoms are separated by stout brick piers. The building features a deep frieze band below a projecting horizontal cornice. Above the cornice is a parapet which is punctuated by projections that continue from the projecting brick piers below. The entry, which is recessed, is on the Forest Avenue façade.

Alterations, Additions since construction

A rear addition was introduced some years after the building's original construction and does not contribute to the building's significance. It is recessive in appearance, however, and does not compete with the original structure. The break between the original structure and the addition is discernible on the Revere Street elevation. Other changes include the wrapping or coating of the original brick parapet, visible in the 1924 photo. Alteration to the parapet had the effect of altering the proportions of the building. Windows and doors have been replaced as well, although a number of the original divided-lite wood transom windows remain at the west end of the building.

Although 630 Forest has undergone exterior changes, particularly within the storefront bays, the building retains its original façade composition and bay spacing, as well as a number of its key architectural details, including several of its original divided-light transoms, its cornice, and strong brick piers. The former auto showroom building still clearly conveys its association with Forest Avenue's automotive history and continues to contribute to the visual character of Woodford's Corner and the Forest Avenue corridor.

IN THE TRADE

EASTERN STATES

MAINE—PORTLAND.—One of the Reo Motor Car Co.'s progressive dealers, the Darling-Kidder Co., has recently moved into its new, thoroughly up-to-date building, built especially for the housing and sale of Reo cars and trucks. The new quarters occupies a lot of about 5,000 square feet, and cost about \$20,000. The salesroom is at the right hand side of the building and the service station, which will accommodate 15 to 20 cars, is on the left. Especially attractive is the twelve-foot sidewalk around the building, and parking spaces, between the concrete walk and the curb.

From the February 23, 1918 publication of
Automobile Topics

Darling-Kidder Company

V. S. DARLING, Pres. M. D. KIDDER, Treas. and Man.

"HOME OF THE REO"

SALES SERVICES

Cumberland and York County Distributors

REO MOTOR CARS AND TRUCKS



Aerial view showing footprint of later addition



ODD FELLOWS BLOCK

ADDRESS

643-651 Forest Avenue

ARCHITECT

F. H. Fassett & E. F. Fassett

DATES

1897

STYLE

Italianate

Building History

Built in 1897, the Odd Fellows Block was designed by Francis H. Fassett and his son Edward F. Fassett, well-known Portland architects of the time. Francis H. Fassett heavily influenced the architectural heritage of Portland through his use of the Victorian High Gothic, Queen Anne, and Italianate styles. Most famous for his grand residences, churches, and civic architecture, Fassett and his son designed this building for the Independent Order of Odd Fellows in the Italianate style.

The Independent Order of Odd Fellows is a fraternal organization with roots in 18th Century England. The charitable and service-based values held by the Odd Fellows may be visible in the variety of functions their building could accommodate. The 1926 Portland City Directory describes a multipurpose space that allowed for commercial tenants such as dentists and a tailor as well as gathering spaces for Masons and the Odd Fellows themselves in addition to an area for the Second Church of Christ (Scientist). By 1955, the uses seem to have been pared, with only one dentist on record, and halls only for the Masons and Odd Fellows. The Odd Fellows also owned the building at 645 Forest Avenue, adjacent to the rear of the main Block, which served as a bank and offices, and a social hall in downtown Portland at 21 Forest Avenue.

Considered majestic when the building was completed in 1897, the citizens of a then-independent town of Deering wished for it to serve as their town hall; Portland annexed Deering by an Act of the legislature in 1899 and had two separate city councils for one transitional year, before fully absorbing Deering's government in 1900.



Architectural Description

The Odd Fellows Block is a four story red brick flatiron structure that sits at the center of Woodfords Corner and stands as the prominent anchor of the main intersection of Forest Avenue, Woodford Street, and Deering Avenue due to its overall scale, corner-oriented clock tower and architectural interest. The tower, with its Doric columns and cupola, rises well above the flat roof. Below the cornice on the Forest Avenue frontage, light bricks form the letters "I. O. O. F. Block".

The upper floors of the building feature a regular pattern of fenestration, with arched-topped windows on the second and third floors and semi-circular-topped windows on the fourth. At the corner facing the intersection, the windows openings are wider, with paired windows. Projecting brick piers divide the upper floors into bays. The decorative brickwork in stringcourses, window lintels, panels between floors, and a Greek key motif at the frieze beneath the cornice further enliven the building elevations. The deeply projecting cornice, which is supported by wood brackets, breaks at the corner, which emphasizes the vertical tower element facing Woodford's Corner.

The two ends of the Forest Avenue elevation, though similar in treatment, are architecturally differentiated. The break between the two treatments occurs near the center of the façade where two brick piers define what was likely a building entrance at the ground floor level. Between the piers at the second floor level is an oval cast stone plaque with the date of the building and the initials "I.O.O.F." . To the south (right), second floor windows repeat as on the left side of the elevation, but taller windows span the third and fourth floors, providing a distinctly vertical emphasis. Beyond the main four-story block, the building steps down to a two-story structure that is distinguished by a different frieze/cornice treatment.

At the ground floor, an intermediate cornice/sign band divided the base of the building from the upper floors. This cornice terminates just before the two storefronts at the south end of the Forest Ave. elevation.

Today the ground floor level features a variety of window and entry treatments. At the corner entry are a pair of contemporary steel doors. On the north (left) side of the Forest Avenue elevation are a series of square window openings infilled with three mullied windows. At the south end of this elevation are two storefronts, each with their own door/window pattern. The storefront on the left features a recessed center entry flanked by two faceted storefront windows. The storefront on the right features a recessed entry at the left, with a single broad storefront window on the right. The storefront window extends closer to the ground. A tall infill panel is located above each storefront, likely covering an area that once featured a transom window and sign panel.

The Woodford Street elevation is less detailed than the Forest Avenue elevation and appears to have been treated as a secondary elevation from the building's construction (see photo). The windows are more widely spaced and some of the brick detailing (e.g. the brick piers) have been eliminated. At the ground floor level are a series of widely spaced horizontal window openings infilled with three-lite mullied windows. A metal fire escape is attached to this elevation.

The flatiron form of the Odd Fellows Block is repeated in a more conservative manner at the Chapman Building on the opposite side of Forest Avenue, built seventeen years later, and interpreted in a modern architectural vocabulary in the diagonally-facing Mid-Century Modernist building across the main intersection. These structures serve as the architectural cornerstones of Woodford's Corner and form a gateway for those approaching the City of Portland from the north.

Alterations and Additions since Construction

As the building has been in the ownership of a non-profit organization, it was not documented as part of the 1924 tax reevaluation. Additional photographs in the IOOF's archives will be helpful in confirming the nature and scope of alterations made since the building's construction. The most evident alterations are to the main entrance that faces Woodford's Corner and to the ground floor in general. Original upper floor windows have been replaced as well, but the openings remain unchanged. On the rear elevation, some window openings have been bricked in and door openings infilled with steel doors. Notwithstanding these changes, the building remains in well-preserved condition thanks to the stewardship of the Odd Fellows. The most recent initiative of the organization was the restoration of the building's signature clock tower.



Google Earth



CHAPMAN BLOCK

ADDRESS

648 Forest Avenue

ARCHITECT

unknown

DATES

C. 1916

STYLE

Italianate

Building History

The flatiron building at 648 Forest was constructed circa 1916. According to the 1924 tax records, the building was owned by Albion L. Chapman as of that date. Presumably, the building was built for Mr. Chapman as he and his partner George Wyman were local to Woodford's Corner and had an apothecary at 552-554 Deering Avenue on the corner of Forest and Deering Avenues in 1900. The architect is not known. This block should not be confused with the Chapman Building at 447 Congress on the peninsula, often referred to as the Time & Temperature Building.

The Chapman Block has housed a variety of occupants over its history. In 1926, a milliner named Alberta L. Stickney and the Deering Loan and Building Association both operated from the Chapman Block's office spaces. Nearly ten years later the building's resident businesses had expanded to include a beauty shop, physician and dentist offices, a real estate and insurance agency, and a music teacher. Virginia Sweetser taught music in this building for at least ten years until 1936.

The Chapman Block also accommodated several eateries over the years, a function it has shared with the Modernist structure located across the busy Woodford's Corner intersection at 660 Forest Avenue. This building housed the former Valle's Sandwich Shop from 1964 to 1966 and remained an integral part of the region's food service industry in its capacity as the Valle corporate headquarters until 2000. In the 1970s, Woodford's Tavern occupied space within the Chapman Block; today, the building accommodates the Bayou Kitchen restaurant.

In 1967, the upper floors of the Chapman Block changed use from office space to apartments and interior alterations were necessary. Bayou Kitchen expanded into space previously occupied by a tattoo parlor in 2011, which required significant interior remodeling.

Architectural Description

The Chapman Block is a three story brick flatiron structure. Stacked bay windows on the second and third levels dominate the building's façade which faces the Woodfords Corner intersection. The bays, which are ornamented with decorative panels in wood and brick, project well beyond a recessed entryway at the ground floor. Abutting this entry are storefront windows on either side that extend a short distance around the building corners. Beyond this point on both the Forest Avenue and Deering Avenue elevations are brick fields that separate the "nose" of the building from the storefronts that face the respective streets. This separation is reinforced by the treatment of the cornice separating the ground floor from the upper floors. The cornice stops at the corner and picks up again above the storefronts on the side elevations.

On the Forest Avenue elevation is a building entrance with sidelight and a storefront with recessed entry. To the right of the building entrance are two boarded-up window openings and another single storefront window. The ground floor of the Deering Avenue elevation features a single storefront with recessed entry and a single window. On this elevation the solid brick field is wider, but is enhanced by two decorative flush panels.

The upper floors feature punched window openings of vertical proportions. Some windows are grouped in two's or three's and others are single openings. The current windows are one-over-one and it is likely that they were one-over-one when built, given the era of construction. Flat cast stone lintels cap the second floor windows; the third floor windows openings have arched panels above with arched brick lintels. A decorative band of vertically-oriented bricks run between the third floor windows, adding visual interest. A deep cornice of cast stone with a parapet above terminate the building at the roofline. Immediately below the projecting cornice is decorative brickwork. The roof itself is flat.

In form, orientation and general architectural expression, the Chapman Block complements the earlier Odd Fellows flatiron block across the street, but is more modest in scale and architectural detail. The pairing of the two flatiron blocks forms a gateway when entering Portland along Forest Avenue from the north.

Alterations and Additions since Construction

The Chapman Block remains in relatively unaltered condition. A number of the upper floor windows have been replaced, as have some components of the storefronts (e.g. transoms and bulkheads), but the prominent bays facing Woodfords Corner retain their original detail and the overall composition of each façade remains unchanged. Enough original elements remain to guide a future rehabilitation effort. It should be noted that partial repointing was completed in the recent past; the repointing is not consistent with the original masonry.





Forest Avenue elevation of Chapman Block



Deering Avenue elevation



VALLE'S SANDWICH SHOP

ADDRESS

660 Forest Avenue

ARCHITECT

William Nelson Jacobs Associates

DATES

1964

STYLE

Modern/Contemporary

Building History

The building at 660 Forest Avenue was purpose-built in 1964 to house Valle's Sandwich Shop, a short-lived smaller-scale arm of Valle's Steak House. Valle's Steak House operated from 1933 to 2000 and was a very successful regional restaurant with 25 locations along the East Coast.

Donald Della Valle emigrated from Italy to Portland in 1912 and opened the 12-seat Valle's Café in the Woodford's Corner area at the end of Prohibition in 1933. The first steak house, located at 660 Forest Avenue after World War II, was a one story building and contained a large sign projecting from the flat roof above the front door (see photo). In 1960, the restaurant business was moved from this location in Woodford's Corner to Brighton Avenue and in 1962, Valle was granted permission to demolish a theater adjacent to his Woodford's Corner lot with the notation, "Land to be built on later". The current structure was built on the site of the former steak house and theater in 1964 and operated as a sandwich shop for a short period, before serving as the corporate offices for Valle's Steak House from 1966 until 2000.

As with the current building, the space at the rear of the earlier structure was shared with another commercial enterprise; in 1950, the popular New England chain Benjamin Franklin general store occupied the secondary space and today the commercial space in the rear ell is used by a combination dry cleaners and tanning salon.

Architectural Description

The building was designed by the Boston-based firm of William Nelson Jacobs Associates and remains one of Portland's few extant and largely unaltered Modern/Contemporary structures.

Located in the center of Woodford's Corner, this Mid-Century Modern building faces the Chapman Building and the block erected for the Independent Order of Odd Fellows across the main intersection of Forest Avenue, Woodford Street, and Deering Avenue. Although distinct in both scale and architectural style from these older structures, the building at 660 Forest Avenue echoes their flatiron facades in its diagonally-oriented placement on the corner. Its dynamic positioning re-interprets their strong street level presence with a projecting three bay façade, large floor-to-ceiling windows capped with a tripartite parallel gable roof, and exaggerated angular overhangs. Other Valle's locations also featured this unique three-bay façade and exaggerated roofline, a characteristic referenced in the company's mid-century logo . The rear ell of the building, which features a simple box-like massing and a flat roof, is a nondescript, secondary component of the overall structure, exhibiting none of the architectural exuberance of the corner element.

Alterations, Additions since Construction

Since the building's construction, no major alterations have taken place.



Previous structure on site

VALLE'S
STEAK HOUSE



660 Forest Ave



Engine Company No. 8 Firehouse

ADDRESS

536 Deering Avenue

ARCHITECT

unknown

DATES

1907

STYLE

19th/20th Century

Building History

The former Engine Company No. 8 Firehouse is located at 536 Deering Avenue, in close proximity to the Woodford's Corner intersection. Currently the site of Big Sky Bread Company, the firehouse was built in 1907 to serve the surrounding Deering neighborhood and operated as a firehouse until 1967.

Woodford's Corner had an active fire-fighting group starting in 1873, two years after the formation of the town of Deering. This fire brigade was called the Woodford's Engine Company and by 1889 it occupied space in Lewis Hall at 165 Woodford Street, sharing the building with the Deering Town Offices and another fire company, Ladder Company Four. When the City of Portland annexed Deering in 1899, the resulting integration and reorganization of fire companies saw the brigade at Woodford's Corner become Portland's Engine Company Eight. In 1907 Ladder Company Four moved to a newly-constructed firehouse close to Morrill's Corner on Arbor Street and Engine No. 8 transferred to the purpose-built brick fire station at 536 Deering Avenue.

The Engine Company No. Eight Firehouse played an important role in the Portland Fire Department. In 1916, it was the first station in Portland to put a motorized fire truck into service. It was the headquarters for the City's District Two Fire Chief from 1909 until its closure. Engine Company No. 8 remained an active fire department company at 536 Deering Avenue until 1967 when the engine company was relocated, along with the District Chief's offices, to North Deering.

After the engine company relocated to North Deering in 1967, the City of Portland leased the unoccupied firehouse to the Children's Theatre of Maine in 1971 for a period of five years at the cost of one dollar. This change of use necessitated some interior modifications, such as the removal of the fire pole and the addition of a metal fire escape. Following the Theatre's leasing period, the firehouse was used by the City for storage but remained vacant until a private owner bought the building in 1994. The building's current tenant, Big Sky Bread Company, moved into the space the same year.

Architectural Description

The building is a two story brick structure with a flat roof. Although the building is simple and straightforward in its massing, the level of architectural detail belies the functional nature of its use. The façade features a pair of two-story tall openings separated by a center brick pier. At the ground floor level are garage doors and above are three mullioned one-over-one windows. Separating the doors and the windows above are three square wood panels featuring a decorative cross-brace detail. This detail also appeared in the station's original doors—see historic photos. At the center of the façade a flagpole is mounted at the second story level and extends well above the roofline. The deeply overhanging cornice is supported by brackets and the frieze is ornamented with dentils. The brickwork itself is an important character-defining feature with narrow mortar joints that give the masonry a very uniform appearance. This type of brickwork was popular in the early 20th century. The "Engine 8" sign that can be seen in historic images is no longer hanging on the façade. A siren tower was erected on the roof in 1951.

The side elevations feature simple punched window openings, the placement of which reflecting the interior layout more than a strict adherence to architectural uniformity. The one-over-one windows feature rusticated granite sills and lintels of soldier course brick. Behind the main block of the building is a rear ell that is set back from the main block's side elevation. The decorative cornice continues around the entire ell. The ell's south elevation features a garage door opening with steel header and a large loft opening with projecting hoisting arm. Given the building's location at the corner of Deering Avenue and Revere Street, the building's entire south elevation is clearly visible. The rear elevation of the ell is also visible; the window openings on the rear have been bricked in.

Additions and Alterations since Construction

As a municipal, tax-exempt structure, the firehouse was not included in the 1924 tax revaluation and therefore no photograph was taken. Fortunately, other early photos exist to confirm its original appearance. From those photos we know the original appearance of the firehouse doors. These have been replaced with more contemporary doors that feature a high degree of glazing. But for the door replacement, the building retains its original features and is in well preserved condition thanks to a major rehabilitation by the current owner in 1994. It remains an important landmark in the Woodford's Corner/Deering neighborhood.



Engine Company No. 8 Firehouse circa 1912. Maine Historical Society Image.



Building in 1994, when City sold it to current owner.



View of building from Revere Street

Forest Ave. Public Comments



Friends of Woodfords Corner
c/o 57 Revere Street
Portland, ME 04103

07/23/19

Julia Sheridan, Chair
Historic Preservation Board
City of Portland

Dear Ms. Sheridan and board members:

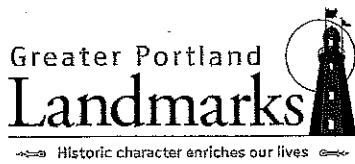
As a Main Streets affiliate organization established in 2015, the Friends of Woodfords Corner (FWC) supports economic development in the context of historic preservation, as it is one of the tenets of National Main Streets movement. Specifically, FWC supports the City of Portland's historic designation of certain properties in Woodfords Corner for a number of reasons:

- **Historic preservation has a proven track record** of promoting community and economic development by creating jobs, preserving historic buildings, and bringing new vitalities to our communities.
- **The Historic Preservation Tax Credit has helped revitalize communities and properties** across Maine and throughout the United States.
- Properties so designated are **eligible for receiving State and Federal Historic Preservation Tax Credits**
- This designation, and the tax credit, have enabled a flexible approach to preservation that has **stimulated significant economic growth through private investment** and the creation of new jobs.
- Through use of the tax credit, **owners of designated properties can save a great deal of money on improvements they make** to their properties (up to 40% on qualified rehabilitation expenses).
- In Maine, since the program began in 2002, investment in Main Streets communities has demonstrated **a Return on Investment (ROI) of \$20.18 to 1.**

Outcomes from Application of Historic Preservation Tax Credits (HTC) in Maine Since 2008

(From a 2017 article in Maine Biz)

- ✓ 83 HTC projects
- ✓ 5,180 new jobs



23 July 2019

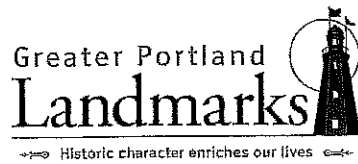
Chair Sheridan and Members of the Historic Preservation Board,

Greater Portland Landmarks urges you to find the seventeen nominated buildings along Forest Avenue eligible for landmark designation and formally recommend their designation to the Portland City Council. The nominated resources include a number of architecturally significant buildings and several iconic buildings that tell the story of Forest Avenue's development history. Included are a significant number of early twentieth century buildings occupied by new car dealers, used car dealers, parts suppliers, and auto repair shops that earned Forest Avenue its moniker as Portland's "Auto Row".

Landmarks feels strongly that the existing provision of the Historic Preservation Ordinance, combined with the summary narrative included with the descriptive individual property forms, provides adequate protection, guidance, and flexibility for future review of the proposed landmark properties without any changes to the Land Use Code:

- We do not support amending the site plan provision regarding the "100-foot rule" as we strongly believe that all development adjacent to a designated individual landmark within the city should follow the same rules. The flexibility in the design standards and the eclectic nature of the context along Forest Avenue are sufficient to allow opportunities for a variety of architectural solutions on abutting parcels.
- We do not support amending the historic preservation ordinance to create an exception that only readily visible alterations or additions be subject to review. Most of the proposed landmarks are visible on two or more sides from public ways and many share a common party wall with another structure. Again, we strongly believe that all designated individual landmarks within the city should be subject to the same rules. We believe the summary narrative included with the staff report describes the intended limits of review sufficient to inform future applicants and board members.
- We do not support amending the historic preservation ordinance to address the issue of building heights. We believe the summary narrative included with the staff report describes the intention of the board to review the manner of how an applicant proposes to achieve an allowed building height in a way that is sufficient to inform future applicants and board members.
- We do feel that it is appropriate to update the Historic Resources Design Manual to reflect not only the options for adding additional floors or partial redevelopment, but to include recent projects approved by the board that illustrate these and other design standards.

We encourage the board to include in the designation narrative a clarifying statement regarding the review of



alterations to discourage "facadism" when considering proposals for partial demolition. For example:

"The historic preservation ordinance allows for consideration of partial demolition of a designated structure for redevelopment where removal of that portion of the property would not materially diminish the identified architectural," *character defining features and would retain a sufficient amount of the original property so that the essential form and integrity of the historic property is not impaired.*

As several of the building owners have pointed out, they are doing excellent work to maintain or improve their buildings. The intent of landmark designation is not to penalize them, but to celebrate their good stewardship and to identify these landmarks as buildings of value in our city's streetscapes. We believe the city's proposed designations support the public interest by enhancing Woodford Corner's character as a destination business district, establishing a preferred development pattern to be emulated in future developments and incentivizing opportunities for economic redevelopment along the corridor.

Thank you for considering our views.

Julie Larry
Director of Advocacy

Alta Vista LLC
495 Forest Avenue
Portland, Maine 04101

July 24, 2019

Chair Sheridan
Members of the Historic Preservation Committee

We have received multiple letters and attended multiple workshops regarding the nomination of 495 Forest Avenue and its proposed designation as a historic building. Deb Andrews, Historic Preservation Program Manager, and the Historic Preservation Board have communicated appropriately and hosted significant opportunities for public comment. We have attended nearly all of the public sessions. Thank you.

Since attending public workshops, a site visit, and a site specific planning department meeting, our message to the board has been consistent. Beginning May 14, 2019 a request has been publicly and openly to be withdrawn from consideration.

Today, July 23, 2019 is the public hearing. We request that the HP board review the public testimony and the testimony of the owners regarding 495 Forest Avenue. Based on information gathered to date, the testimony provided at workshops and testimony by email, *we formally and respectfully request to be withdrawn for designation consideration at this time.*

Please see a brief timeline of events that we have based our request upon:

- April 4, 2017 - Purchased 495 Avenue.
- April - February 2018 - Invested significantly in renovations to preserve and upgrade the structure.
- March 19, 2019 - First formal notice for potential designation.
- April 3, 2019 - Attended Workshop Preliminary Review of Proposed Historic Designation by HP Manager Deborah Andrews.
- April 17, 2019 - Attended presentation by Planning Director Christine Grimando.
- April 24, 2019 - Met with HP Manager Deborah Andrews at 495 Forest Avenue to gain perspective, understanding and education on process.
- May 6, 2019 - Received letter of formal nomination by Chair Sheridan and member Pollard.
- May 9, 2019 - Met with Planning Director Christine Grimando at City Hall to gain an understanding of how planning, codes, ordinances, comprehensive plan, potential future development... combine with HP and how this can help or burden the future of the property
- May 14, 2019 - sent email to HP board - requesting to be withdrawn from consideration.
- May 15, 2019 - workshop with HP board - request to be withdrawn from consideration
- June 19, 2019 - workshop with HP board - request to be withdrawn from consideration
- July 29, 2019 - workshop with HP - this workshop was not attended due to repetition
- July 24, 2019 - Public Hearing HP board - request to be withdrawn from consideration

Thank you.

Sheila and Adam Nappi

Please support 17 potential landmark buildings along Forest Avenue.

nancy montgomery <nm@nmontgomerydesign.com>

Jul 24, 2019 1:20 PM

Posted in group: **Planning and Urban Development**

Honorable Planning Board Members,

Historic preservation enriches our lives.

As a long time resident of Portland, living a block away from Forest Avenue, I strongly urge your support for the landmark designation of the 17 vital buildings.

It is perhaps ironic that Forest Avenue developed along with the automobile. And today stands in danger of being swamped by the same. It would be so easy for this entrance to the city to fall into a development cycle that would soon make it just another busy, characterless street. The kind of street you see all across this land and not the kind of street that adds value to the fabric of our lives.

And this fabric is not purely aesthetic or backward looking. It has economic value. As we see as Portland today reaps the benefits of years of preservation efforts.

To see the new life coming to Woodfords is so encouraging. The citizens are working so hard to preserve and create a sense of place. It is working. New businesses are coming. Restaurants, bakeries, galleries are making this more desirable by the day. And the new intersection with its public art shows that forces of government are also playing a critical role.

But this progress is fragile. Your vote could go a long way to holding on to these resources that will only over time grown in value and help springboard this once overlooked stretch of street into yet another reason so many of us choose to live and work here in this very special place.

Thank you for your consideration. It is greatly appreciated.

Jack Vreeland and Nancy Montgomery
Montgomery Design
447 Deering Ave., Portland, ME 04103
207 879 9152

jackvreeland@gmail.com
nm@nmontgomerydesign.com

Forest Ave., etc.

Pamela White <whiteangeffa@gmail.com>

Jul 20, 2019 12:54 PM

Posted in group: **Planning and Urban Development**

Please recommend the preservation of landmark buildings on July 24th at the meeting. I hope the building owners and everyone will be on board to save these historic buildings.

Our city is changing very rapidly, especially along the waterfront. I'm thankful for the work of the Portland Hx. Soc., but we need to continue to value the past we love, as we grow. Thank you, Pamela of South Portland.

—
Pamela J. White

On Friday, July 19, 2019 at 7:49:40 AM UTC-4, Lauritzen, Amanda L. wrote:

Hello,

I am writing in support of designating landmarks on Forest Avenue, as from the email I received earlier this morning.

Thank you,

Amanda Lauritzen

On Friday, July 19, 2019 at 10:17:51 AM UTC-4, Loren Coleman wrote:

Dear Planning Members:

I wish to record my support for your positive consideration of the designation of 17 potential landmark buildings along Forest Avenue between Woodfords Corner and I-295. The designation would assist in the preservation of these significant examples of vanishing architecture in Portland.

I especially point to the mid century modern design of 660 Forest Avenue, which continues to vanish in contemporary renovations.

Thank you,

Loren

Loren Coleman, Founder and Director Emeritus

International Cryptozoology Museum

4 Thompson's Point Road, Suite 106

Portland, Maine 04102

USA

On Friday, July 19, 2019 at 10:04:57 AM UTC-4, Grace Braley wrote:

Ever since I moved here, I've been intrigued with Forest Avenue.

I think there are traffic and parking issues the city could address, and once I worked out my own plan.

These buildings are fascinating, and I often wonder what the history and expectations were as they got built and used. Their structure sets a tone or a style for this wide business street.

solid, not cluttered, not too high, dignified.....

Please landmark them.

If there are ways to avoid over-constraint on those who use them -- obviously, should.

Grace Braley



Deb Andrews <dga@portlandmaine.gov>

536 Deering Avenue withdrawal request from Historic Preservation designation

1 message

Michael Kaplan <KaplanCompany@msn.com>
 To: Deborah Andrews <dga@portlandmaine.gov>

Fri, Jun 21, 2019 at 12:14 PM

To Deb Andrews and the City of Portland Historic Preservation Board:

We are requesting the building at 536 Deering Avenue be withdrawn from Historic Preservation designation and confirmation this has been done.

For approximately 27 years, we (Martha Elkus {the owner of Big Sky Bread Company}, the building at 536 Deering Avenue, KAPLAN 536 LLC and the people in the neighborhood) have all gotten along very well without an extra layer of City of Portland Historic Preservation Board overseeing, managing, dictating to us. That is a very long time. You can see from the pictures and engineering study how the City of Portland maintained the building when the City of Portland owned and maintained the building at 536 Deering Avenue. At three of the previous City of Portland Historic Preservation Board meeting in multiple rooms at City Hall the heat was on very high and the windows were opened to adjust the temperature. As I understand it this waste of money and environmentally unfriendly way of adjusting the temperature in a room has happened every fall, winter and spring; day after day, week after week, year after year, decade after decade and most likely will continue year after year, decade after decade into the future. We do not need people who are from away and do not own property in Portland to manage and oversee our property. We are requesting the building at 536 Deering Avenue be withdrawn from Historic Preservation designation not only for myself but for my sons who were born in Portland and grew up in the house I have been living in since 1965 (54 years) which is a few streets away from 536 Deering Avenue and my sons are currently help managing and will eventually own the building. Dealing with City of Portland Historic Preservation Board will add expenses (extra fees) delays (waiting for one more layer of government approval) that we have proven over the last 27 years that we do not need or deserve to have to deal with. We are very capable of managing 536 Deering Avenue without the current City of Portland Historic Preservation Board and future board members dictating to us their opinion on managing our well maintained and efficiently run property. We do not want any historic tax credits from the federal, state or city governments. We have always paid our real estate taxes, storm water fees, sewer and water invoices, downtown district tax and annual apartment inspection fees when they are due. We have never been late for 54 years. We would greatly prefer not to waste our time and energy attending another 5 pm City of Portland Historic Board meeting, having to get up and say the same thing we said at the last meetings and ending up with nothing being accomplished. Its stressful, a waste and inefficient use of my time. We have done nothing wrong to be treated like this.

We are attaching the pictures of the building at 536 Deering Avenue showing the condition of the building when we bought from the City of Portland. We are also attaching the engineering study, that the City of Portland paid for, reviewing the condition of the building prior to the City of Portland selling it to us. We are also attaching the Greater Portland Landmarks award that the Martha Elkus & Bill Harris and we received without any City of Portland Historic Preservation Board oversight and newspaper article further describing the building's condition while the City of Portland owned it. We are requesting that you show these pictures, City of Portland engineering study and Greater Portland Landmarks letter and award certificate and newspaper article on the projection screen and in all of the information packets when discussing 536 Deering Avenue at all of the future meetings. Please confirm that you will be showing on the projection screen and include in all of the information packets when discussing 536 Deering Avenue

7/24/2019

City of Portland Mail - 536 Deering Avenue withdrawal request from Historic Preservation designation

all of the attachments at all of the future meetings. If you refuse to comply with our request you will leave us no alternative but to spend and waste more time and more expense of going to Staples and having everything enlarged and put on white backer boards to present at each of the future meetings.

We are requesting the building at 536 Deering Avenue be withdrawn from Historic Preservation designation and confirmation this has been done.

Michael Kaplan
KAPLAN 536 LLC
49 Ocean Avenue
Portland, ME 04103-5722
telephone 207.774.9492
kaplancompany@msn.com

3 attachments

-  **Scan engineering review and GPL award 6.20.19.pdf**
5600K
-  **Scan 536 Deering pictures of building as sold by City of Portia.pdf**
2761K
-  **Scan newspaper article 536 Deering 6.20.19.pdf**
1678K

P.O. Box 432, South Freeport, Maine 04078 207/865-9289

Mr. Richard Lauck
Portland Public Works
55 Portland St.
Portland, ME 04101

Dear Richard:

Part I - Field Investigation

- A. The fire station is boarded up, with no electrical, heating or ventilation systems operating. The roof membrane has failed, allowing rainwater to enter the structure in several areas.
- B. Plaster and drywall used as interior finishes are heavily water damaged and probably not salvageable. Wood paneling used as an interior finish has been stained. These stains appear to be caused by molds, and could possibly be repaired. Several areas of wood paneling may have been damaged by fungus and may require replacement.
*New Electrical & Mechanical
Baker & Co. →*
- C. Wood floor deck has absorbed large amounts of moisture. Deterioration of the deck indicates that wood has absorbed moisture beyond its fiber saturation point. Swelling and buckling of floor deck members and fungal attack to the wet wood indicates that the wood floors will have to be replaced if the building is renovated.
- D. Mold stains (powdery appearance) on floor and roof joists are common throughout the building. Mold stains do not present a structural hazard. Fungal stains (cottony appearance) were observed to a lesser extent at floor and roof joists. Fungal stains were concentrated in the 1st floor joist exposed in the basement. Deterioration from fungal attack included a watersoaked appearance and visible signs of decay. Floor and roof joists will have to be reinforced at areas of decay if the building is renovated.
- E. Decay due to fungal attack is common at wood beams supporting floors and roof. In many cases rotted wood could be scraped off the surface of the beams. Most wood beams in the building will have to be replaced if the building is renovated.
- F. Masonry walls are in good condition. No settling or cracking of brickwork was noted.

[illegible]

Old Woodfords Fire Station
Framing Review

Part II - Structural Review

- A. 1st floor joists are rough cut 2 x 12's @ 17" to 18" o.c.
2nd floor joists are rough cut 2 x 10's @ 17" to 18" o.c.
Roof joists are rough cut 2 x 10's @ 24" o.c.

<u>span</u>	<u>original capacity</u>	<u>remarks</u>
14 ft. or less (floor)	90 - 300 psf	reinf. decayed joists
17' - 0" (floor)	85 psf	add add'l bearing to reduce span
14 ft. or less (roof)	75 - 120 psf	reinf. decayed joists

- B. 1st floor beams are full size 6 x 12 and 8 x 12.
2nd floor beams are full size 6 x 10.
Roof beams are full size 6 x 10 and 4 1/2 x 9 3/4.

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
6 x 12 - 8'-6" (floor)	107 psf	fungus decay noted
8 x 12 - 8'-6" (floor)	50 psf	fungus decay noted, supports wood bearing wall above
8 x 12 - 11'-0" (floor)	100 psf	fungus decay noted
6 x 10 - 8'-6" (floor)	80 psf	fungus decay noted, supported by hanger from roof
6 x 10 - 12'-3" (floor)	35 psf	fungus decay noted, supported by hanger from roof
6 x 10 - 15'-3" (roof)	15 psf	fungus decay noted, supporting 2nd floor hanger loads
6 x 10 - 9'-6" (roof)	150 psf	fungus decay noted
4 1/2" x 9 3/4" - 8'-10" (roof)	60 psf	fungus decay noted
4 1/2" x 9 3/4" - 12'-3" (roof)	35 psf	fungus decay noted

- C. Wood bearing walls are rough cut 2 x 4's @ 16" o.c.

<u>span</u>	<u>original capacity</u>	<u>remarks</u>
13'-9"	80 psf	supports floor & roof

Old Woodfords Fire Station
Framing Review

D. Wood posts:

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
6" x 6" - 13'-9"	120 psf	supports floor & roof
6" O.D. - 13'-9"	70 psf	supports floor & roof

E. Steel beams:

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
15" deep - 25'-0"	100 psf	
8" deep - 13'-9"	90 psf	beams added to shore 1st floor section loss due to rust

F. Steel posts:

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
5" O.D. - 5'-8"	800 psf	posts added to shore 1st floor section loss due to rust
4" O.D. - 6'-1"	600 psf	beams added to shore 1st floor section loss due to rust
TS 10 x 5 - 13'-9"	200 psf	

Part III - Recommendations

- A. Renovate property as soon as possible. Existing conditions will lead to additional decay of wood framing. Decay will accelerate as temperature in the building rises above freezing. Renovations must include roof and window repairs that would make the building watertight and a ventilation system that would provide air exchange and dry out the existing framing.
- B. Remove all existing sheathing, decks and finishes. Reinforce wood joists at any areas of fungal decay. Replace wood beams in building with new steel or glue-laminated wood beams designed for code loading for future occupancy. Reinforce wood studs and posts where under code load capacity.
- C. Install new heating and ventilation system, with any required ductwork. Install new electrical and fire protection service. Install watertight exterior windows and doors.
- D. Replace decks and sheathing with new plywood. Remove existing roof and insulation. Roof deck may have to be replaced when roof is torn off. Install new fully adhered EPDM membrane roof on new insulation.

Old Woodfords Fire Station
Framing Review

- E. Interior finish work should be done after all structural, mechanical and electrical renovations are completed.
- F. Renovations should include providing handicap access to the building as required under Maine and Federal law.
- G. This investigation did not include any survey for toxic substances or hazardous waste. A specialist environmental consultant should survey the site and report on existing conditions.

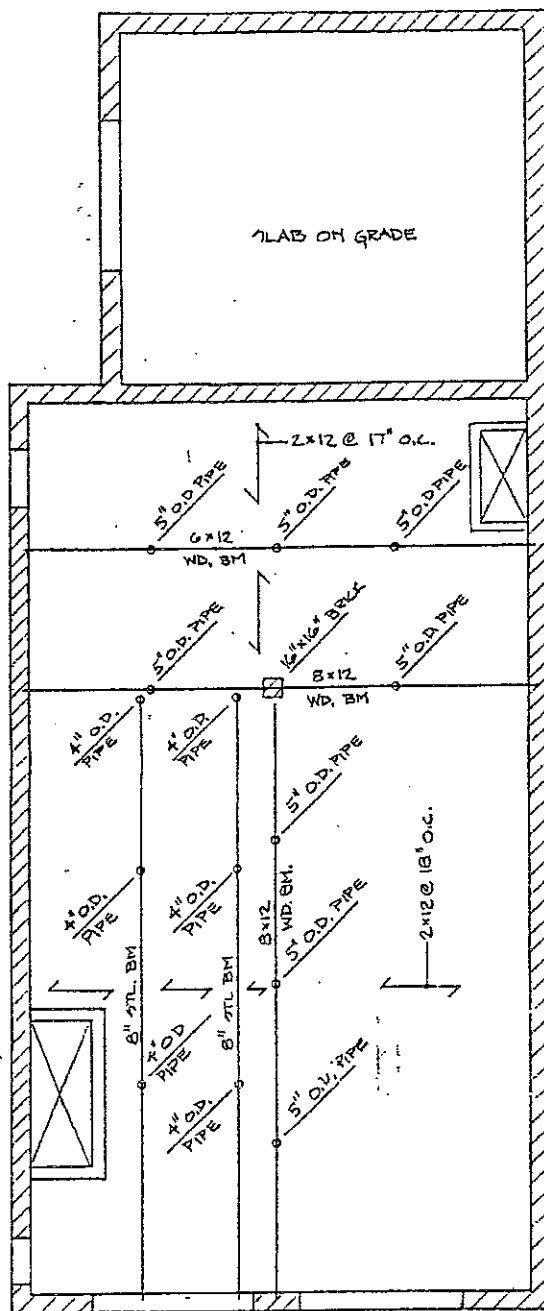
We have enclosed sketches of existing framing as noted in the field. Interior partitions are not shown. Framing details should be verified during renovation work.

Thank you for the opportunity to be of service. If you wish to go through the building to view specific areas of deterioration, please contact me to arrange a site visit. If you have any questions on the report, please call.

Sincerely,



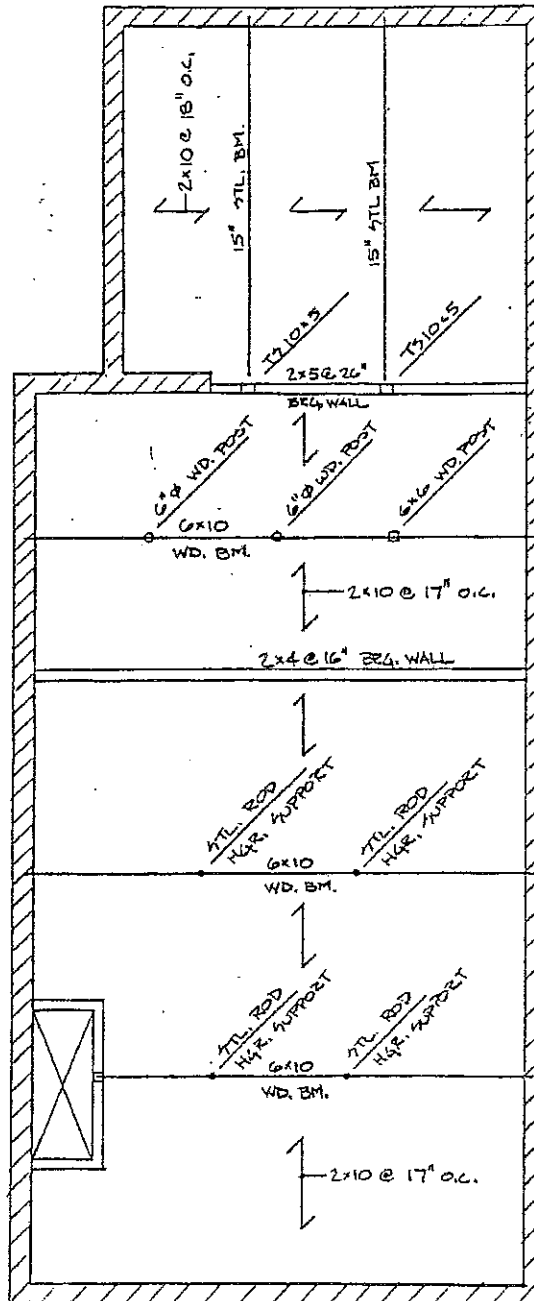
Michael W. Claus, P.E.



OLD WOODFORD'S FIRE STATION

T/ FL. + 7'-0" ±

FIRST FLOOR FRAMING
1/8" = 1'-0"

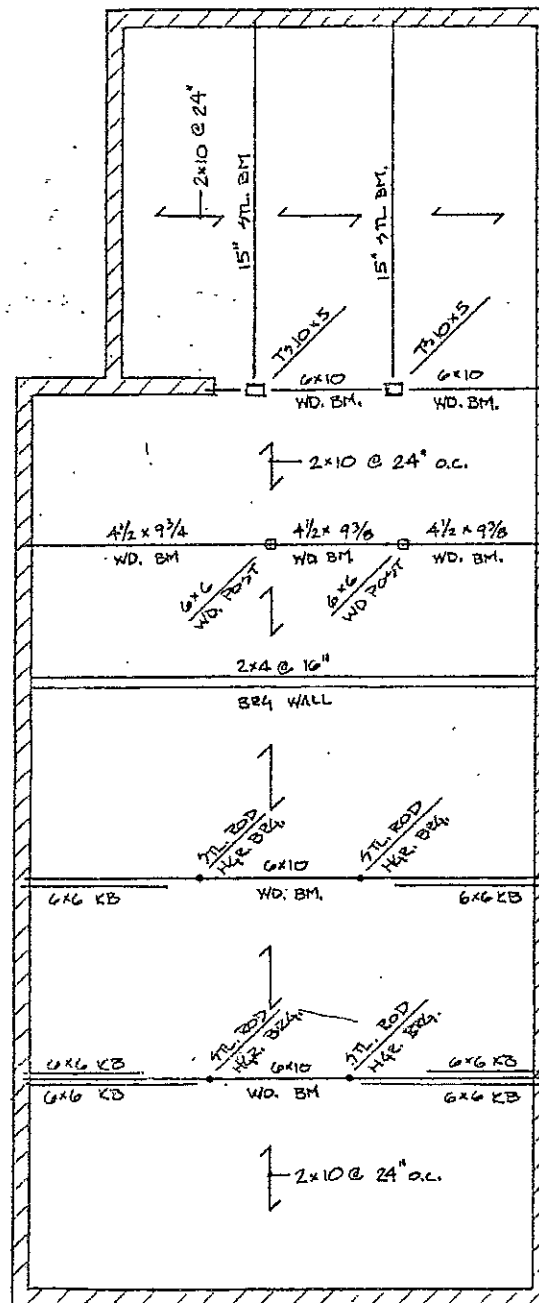


OLD WOODFORDS FIRE STATION

T/ FL + 21'-4" ±

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

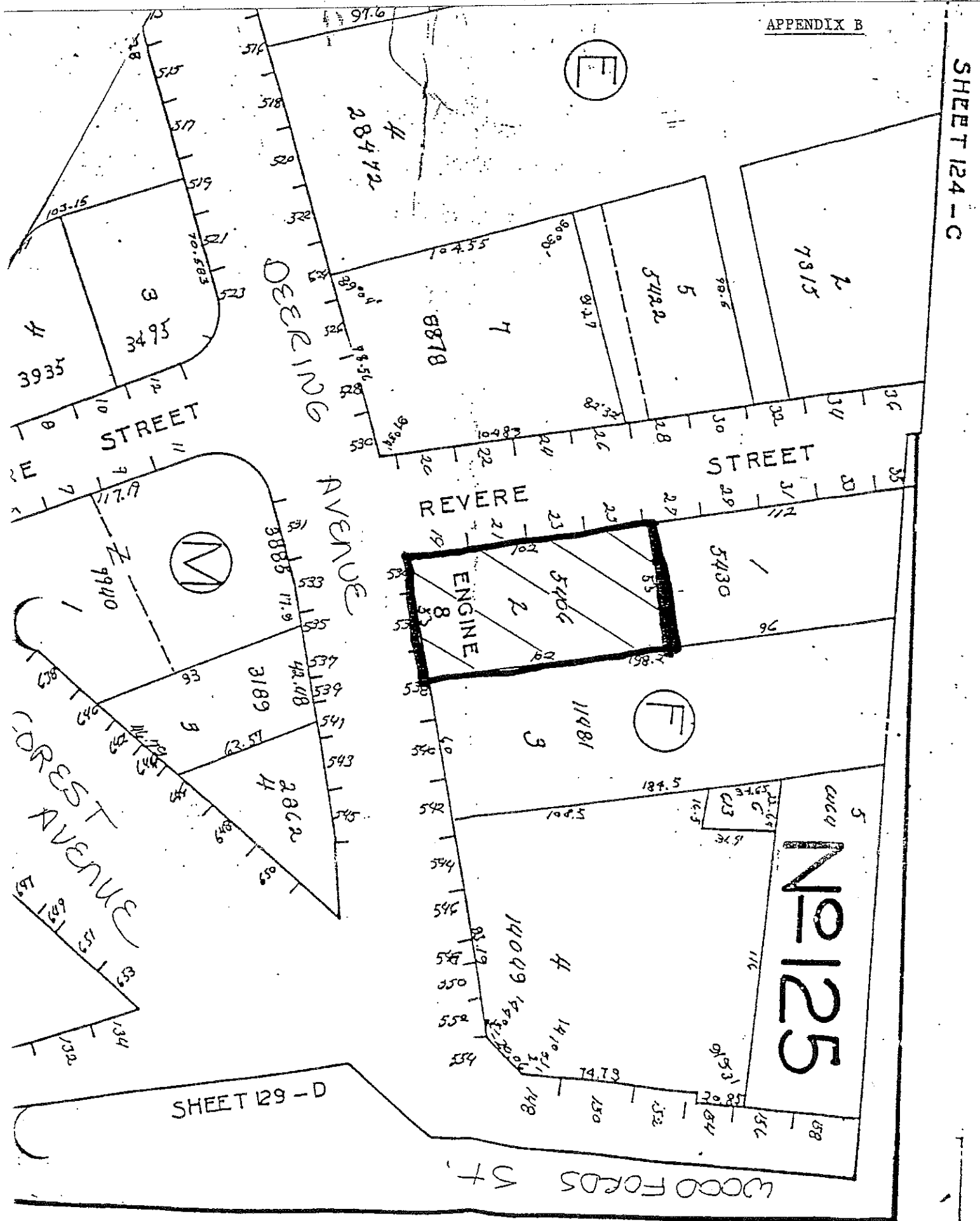
OLD WOODFORDS FIRE STATION

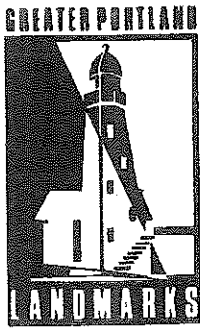


T/ ROOF 36'-4" @ L.P.

THIRD FLOOR FRAMING

1/8" = 1'-0"





165 State Street
Portland, Maine 04101
207-774-5561

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Martha B. Deprez
Executive Director

May 30, 1995

Michael Kaplan
Big Sky Bread Company
536 Deering Avenue
Portland, ME 04103

Dear Mr. Kaplan:

Each year at its annual meeting, Greater Portland Landmarks recognizes individuals, firms, or organizations that have made an outstanding contribution in the area of historic preservation, community revitalization, architecture, or urban planning.

Landmarks' Board of Trustees have voted Big Sky Bread Company as this year's outstanding adaptive re-use project. We will present an Annual Award to recognize the imaginative rehabilitation of the historic Deering Fire Station which, until recently, stood vacant and endangered.

Annual Meeting is scheduled for Tuesday, June 20 at the Casino on Little Diamond Island, leaving from Casco Bay Lines at 5:45 pm. An invitation is enclosed. The business meeting and annual awards presentation will begin on arrival at the island, followed by an island cottage and garden tour by Dr. Harold Hackett, refreshments, and dinner. The ferry will arrive back at the dock at 8:45. We hope that you, Martha Elkus, and Bill Harris will be our guests. Please let me know if you will be able to attend.

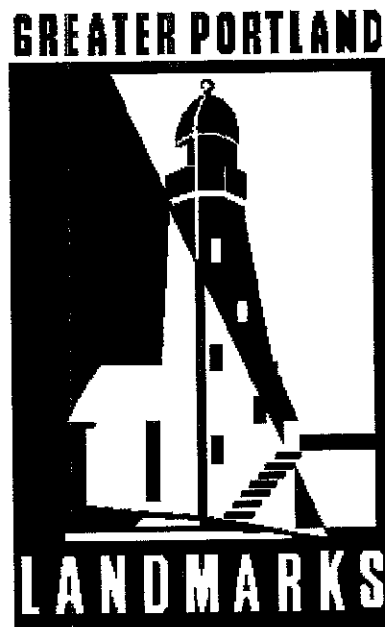
We are delighted with the fine preservation of the Big Sky Bread Company and look forward to recognizing this excellent project.

Sincerely,

Martha B. Deprez

Martha B. Deprez
Executive Director

Enclosure



This award is presented to

**Michael Kaplan
Martha Elkus and William D. Harris**

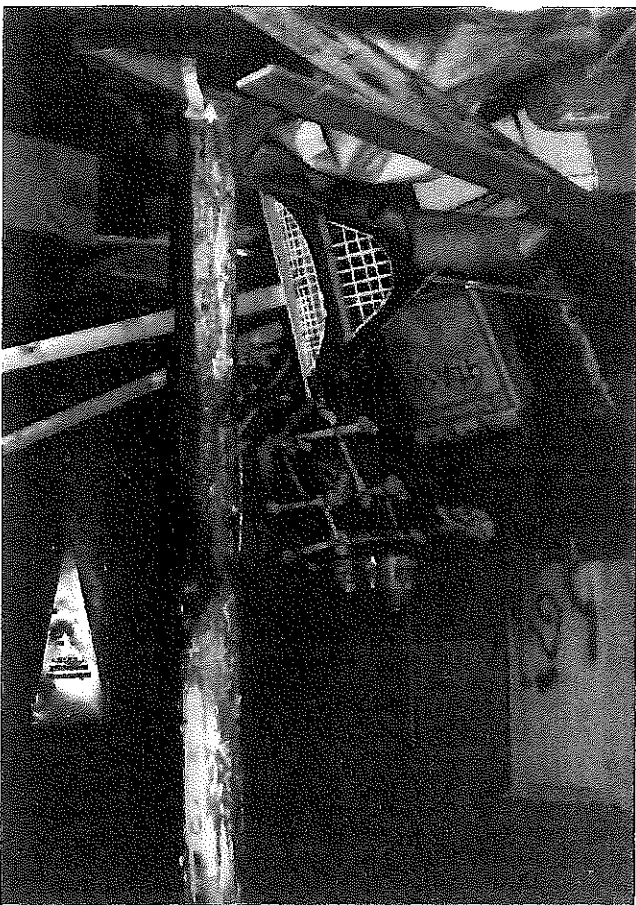
Optimism, creativity, and imagination have enabled owner Michael Kaplan and tenants Martha Elkus and William D. Harris to successfully rehabilitate the historic Deering Fire Station. Their commitment to create the Big Sky Bread Company transformed a deteriorating underutilized structure, recently threatened with demolition, to productive service as exceptional commercial space. Respectful of the building's historic features, the owner and tenants have created a model adaptive use of one of Portland's unique historic resources.

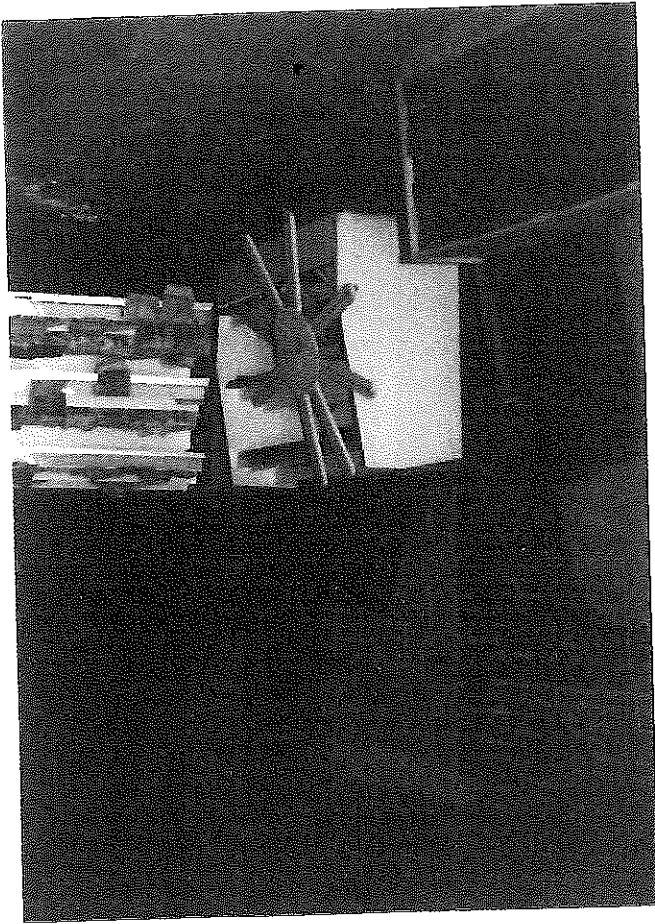
Victoria Bonebakker
President

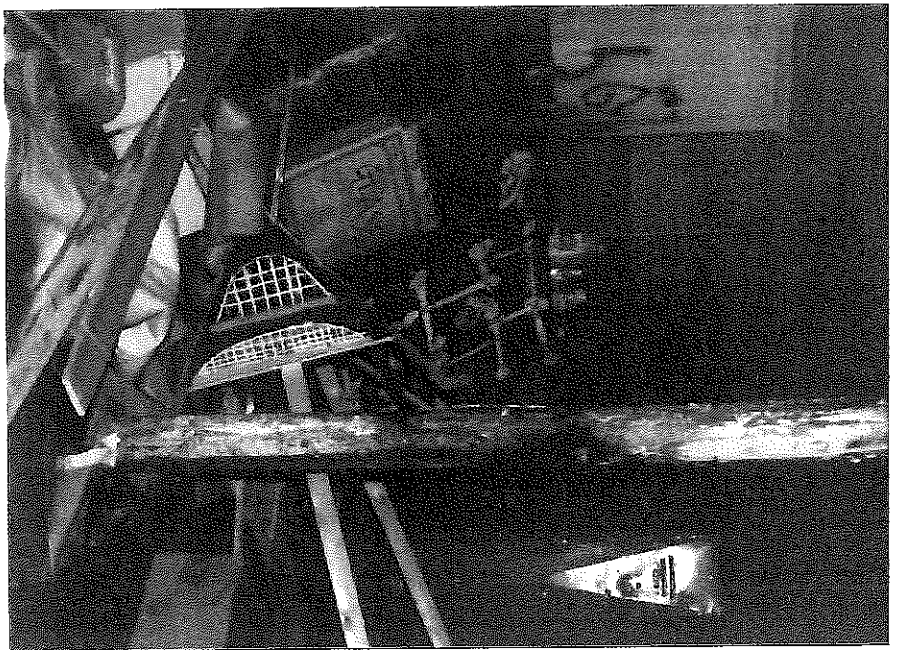
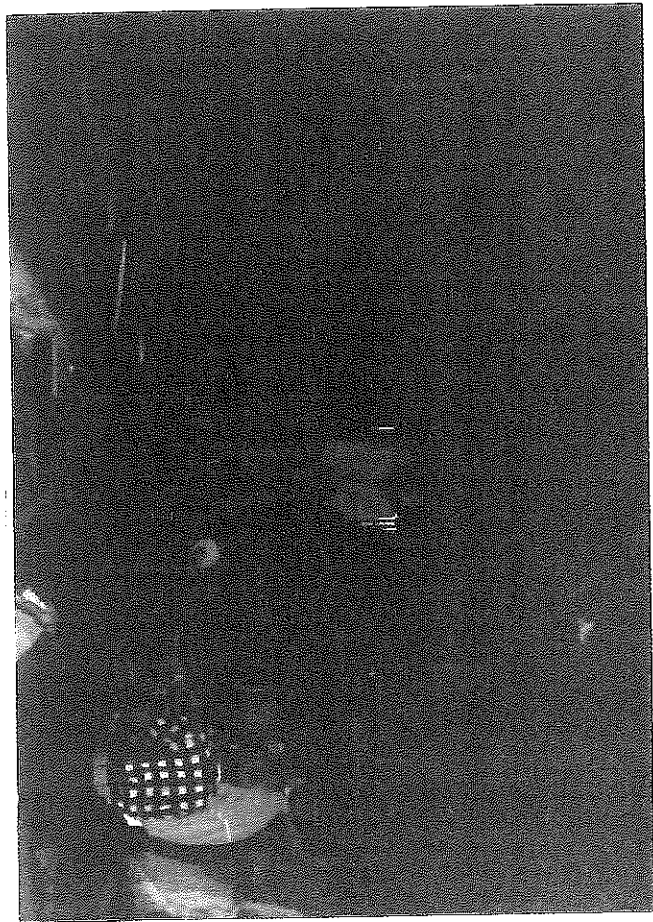
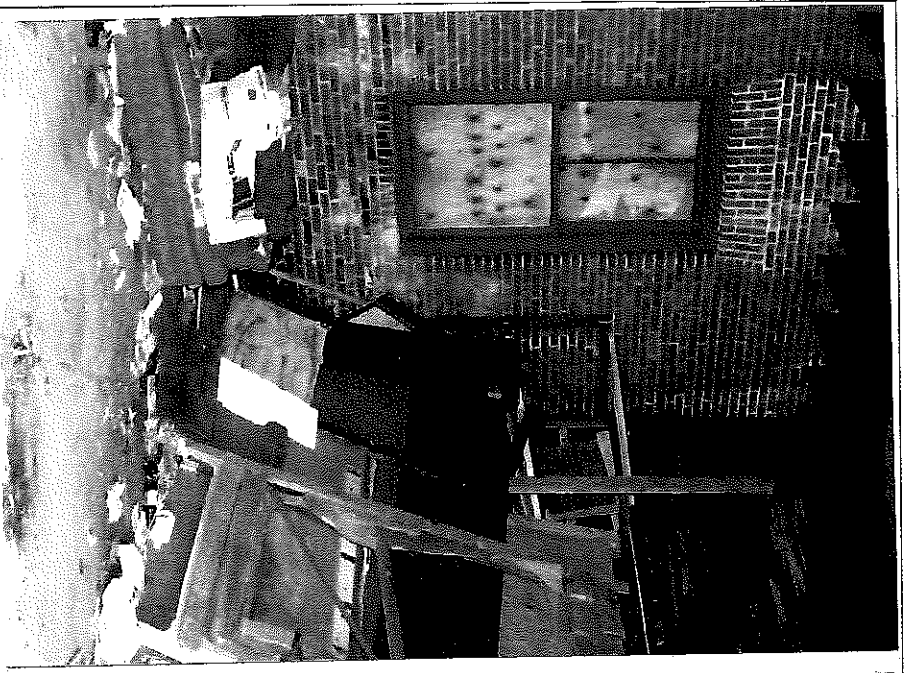
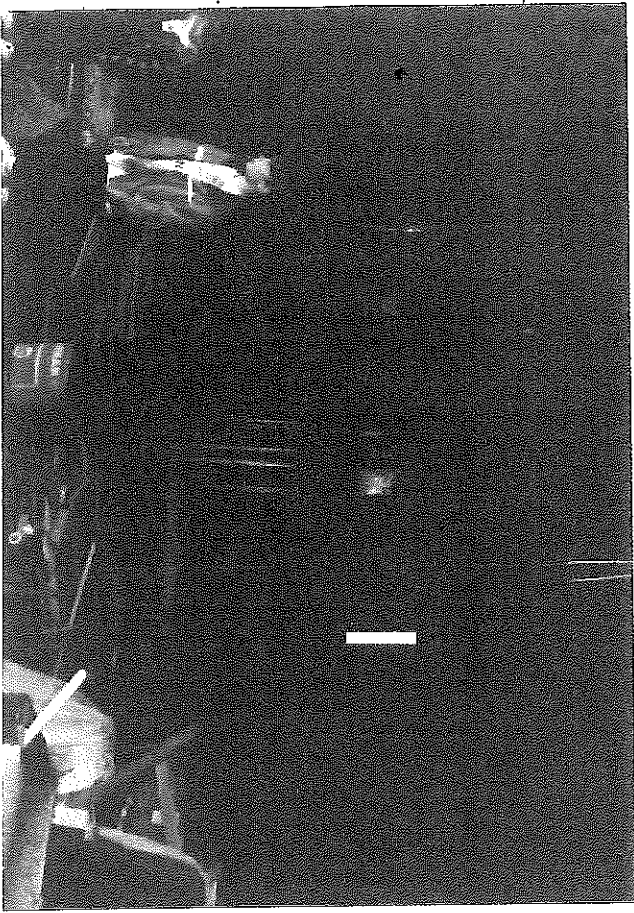
Martha B. Deprez
Executive Director

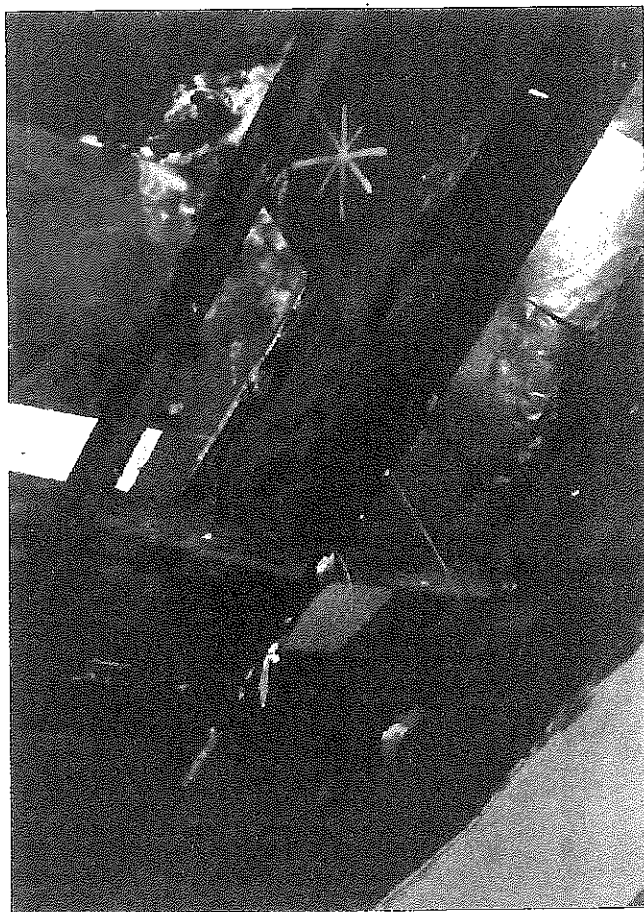
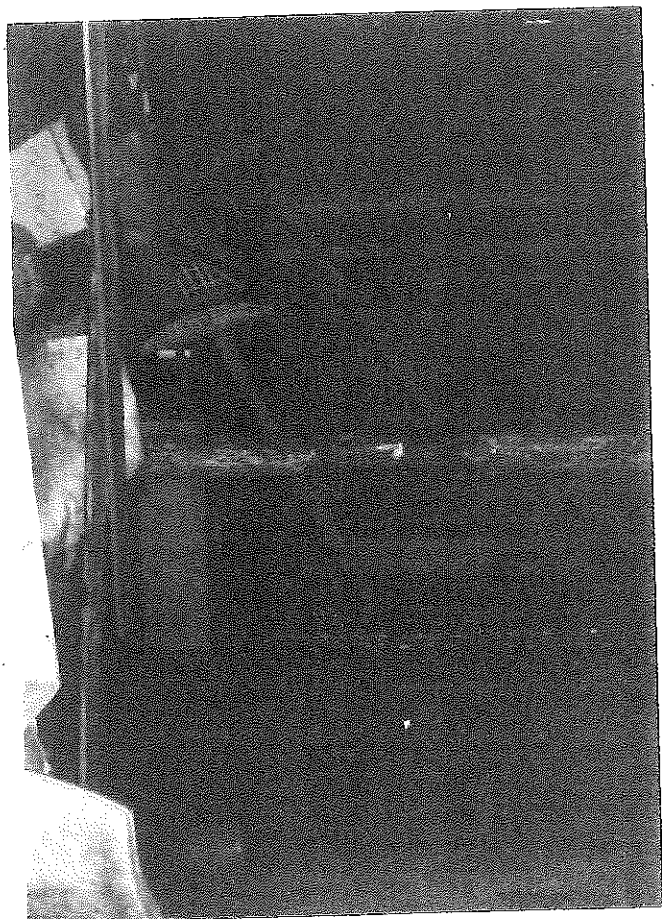
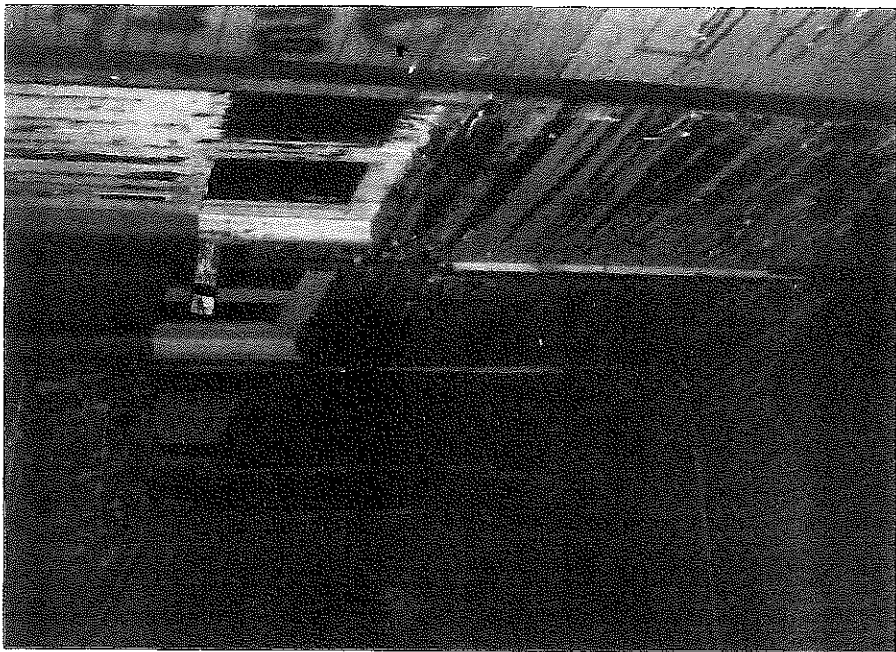
June 1995











Bread baked in old Deering fire station sells hot out c

Engine Co. 8, built in 1907 in the age of iron and steam, was high-tech for its day. At the alarm, its horses raced through spring-loaded doors to their assigned engines; there, harnesses dropped from pulleys onto them.

Deering's central fire station, hay still in its walls, had long been empty. Now it has re-emerged as a different sort of neighborhood center. What was once high-tech is now old world, stone ground, whole wheat and very tasty.

The Big Sky Bread Co. is a new bakery at Portland's Woodlark Corner. Using Montana whole wheat milled fresh each morning, it offers 12 kinds of bread plus creations like Chna-Monsters, its huge sweet cinnamon buns.

Big Sky's tone is neighborly. They give out warm slices of anything you want. They bake in an open space and welcome kibitzers. They sell half their bread so hot it has to be in a paper bag — and give you plastic for when it cools.

The owners, Martha Elkus and her husband, Bill Harris, want Big Sky to feel like home, when that was where bread got baked. And not, he says, "designer bread."

Says Elkus, "It's bread you can eat every day." A native of Ohio, Elkus has had

Abby Zimet



jobs ranging from legislative assistant to environmental planner to director of PROPs Foster Grandparent Program. Harris is a "reco-vering lawyer" studying to be an architect. Both were nonbakers.

Big Sky really started when one of Elkus' four brothers decided to open a bakery in Ohio. He and his wife trained with a Mormon baker in Utah, she says, and "introduced bread to Cincinnati that Cincinnati had never seen before."

Neither had she, which was why she came back from every trip to Ohio "with as many loaves as I could fit in my suitcase." Then "a light bulb went off." After research, she "saw there was an opening — there was nothing like it here."

"And of course there was the romantic side. Baking — at the end of the day, we'd have all these loaves of bread lined up on a shelf, and happy customers."

Romance took a bit of a beating during training with her brother, who gave her "a pretty good dose of reality." She learned baking was long, hard, hot work.

The fire station was long, hard, cold work. The couple began working on it in February. Built in 1907, it had been almost unused since 1967. The roof was rotted, the fungi were many, the basement was an ice rink, there was no heat.

Elkus: "It was sort of miserable." Harris: "Not sort of. Very."

They made it open and spacious. They kept the brick walls, the glass front, the board that once listed fire boxes, which now lists breads.

The start-up had the usual glitches. The wheat got stuck in Billings in a Teamsters' strike. Then it arrived: 22,500 pounds. Says Elkus, "They pull up and say, 'Your wheat is here.' That's it. They are not interested in unloading."

They learned to adjust to 4 a.m.-8 p.m. workdays (closed Mondays) and they threw away batches of dough ruined by weird weather or their own inexperience. Says Elkus, "Bread-baking is definitely an art, not a science."

Now they advertise "the best bread under the sky." They may be right. The bread, weighing two



Staff photo by Gordon

Martha Elkus and Bill Harris, owners of Big Sky Bread Co., display some of the many types of breads and rolls they produce.

pounds a loaf, ranges from honey whole wheat to sauerkraut sour dough rye. There are also muffins, cookies, sweet breads, granola.

It is almost all made from Montana wheat, piled everywhere in 50-pound bags. Why Montana wheat? Says Harris, "That's like asking, why Maine lobster?"

They use Maine honey as sweetener, and no sugar, preservatives or oil. The label on wheat honey lists wheat, water, honey, salt, yeast. It is short, notes, "and you can pronounce the words."

Big Sky maintains connect family — Elkus' father, uncle

----- Forwarded message -----

From: **Nancy Barba** <nbarba@barbawheelock.com>
Date: Mon, Sep 16, 2019 at 12:30 PM
Subject: Forest Avenue Corridor
To: cdg@portlandmaine.gov <cdg@portlandmaine.gov>

Hello Christine Grimando,

I am writing in support of designating seventeen (17) buildings in the Forest Avenue corridor as local landmarks.

Could you please make this available for the Councilors before the meeting?

As a 20-year resident of Deering Highlands I traveled that corridor daily by bicycle, bus and car. The buildings identified for designation are important in anchoring future development in a way that respects the history of this route. The Historic Preservation Board has done a great job at creating a flexible ordinance that allows creative solutions for upward expansion.

I know firsthand as an applicant for over a dozen projects that the Historic Preservation Board that the Board is a great resource for design excellence. Without the designation as local landmarks, the Planning Board is left to review development options without the tools needed to protect this heritage.

We just moved to our newly built home just off Brighton Avenue near the Breakwater School intersection. Driving in from I-95 we are well aware how utterly awful the entrances and gateway roads are into Portland. There is great need for design standards and a masterplan for these areas that are often the first image visitors have of Portland. This won't come to pass without public funding for addressing this area and Forest Avenue, that is, unless individual property owners take incremental well-designed development steps to begin the process. Local landmark designation is the best tool to affect better design along the Forest Avenue Corridor.

Taking action to protect what is great about Portland's architectural heritage is a key step to allowing interested property owners to take advantage of the extremely lucrative historic tax credits in any development opportunity for their property. Property Owners who are not interested in availing themselves of the tax credits have no additional burden on their properties, only the minimum maintenance provision that requires them to be proactive in caring for their properties. This minimum requirement is important in providing public safety.

I strongly urge you to support the designation.

Nancy

Nancy L. Barba

Principal, AIA, LEED AP

ME, NH, NCARB Licensed Architect

[barba + wheelock](#)

Architecture, Sustainability, Preservation

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Forest Avenue: Its Early Development & Transportation History

January 2016



Woodford's Corner in the 1940s

This document is largely excerpted from the historic context statement prepared for *Forest Avenue and Stevens Avenue, Portland, Maine* prepared by Scott T. Hanson of Sutherland Conservation and Consulting in August of 2015. Additional details can be found in that report. Copies of *Forest Avenue and Stevens Avenue, Portland, Maine* are available from the City of Portland and Greater Portland Landmarks.

Introduction

Forest Avenue is one of Portland's oldest and most important transportation corridors. It serves as a vital connector between the peninsula and the suburban neighborhoods of Deering as well as adjacent communities to the west. A significant number of historic buildings remain along Forest Avenue that represents the social, cultural, economic, commercial and residential history of Portland's suburban development. Forest Avenue retains a number of automobile showrooms and auto-related businesses built in the early 20th century in a concentrated area between Baxter Boulevard and Belmont Street that served as Portland's Automobile Row.

Early Development along Forest Avenue

With the settlement of inland areas away from Portland's coast in the mid-eighteenth century came early roads connecting the peninsula town to these sparsely settled towns. Among the earliest roads was Forest Avenue. The route of present day Forest Avenue was completed in 1805 when a new bridge was constructed over a portion of Back Cove connecting Deering to the Parkside neighborhood. Forest Avenue was the primary road to the lakes and mountains and on to northern New Hampshire and Vermont. Over time, homes, farms, and shops were constructed along the road, generally developing from the peninsula outward. As inland settlement increased, this became a major route for farmers bringing produce to market in Portland.

Dense development occurred in the late 18th century where early roads intersected, particularly at Woodford's and Morrill's corners. These intersections were natural locations for the development of commercial establishments as well as taverns to serve stage coach travelers.

Railroad & Horse Car Suburban Development

Following the stage coach, railroads established suburban railroad stations at these major road crossings. The first railroad traversed Woodford's Corner in 1847 and a depot was built just to the north of the current intersection. Away from these commercial centers, residential development along Forest Avenue consisted of sizable estates for wealthy businessmen who commuted by private carriage from Deering to downtown Portland.

In 1864 a horse car line extended from the peninsula to Forest Avenue. The affordability of the new transportation method as well as demand for housing following the Great Fire of 1866 spurred suburban development for the middle class, especially near the growing business and neighborhood centers at Woodford's and Morrill's corners. The large estates nearest the corners were the first to be subdivided for this new residential development. "Separate from the city, these new subdivisions were designed as residential landscapes, combining open space, fresh air, and greenery of the country with an efficient arrangement of houses."¹ One of the first subdivisions was Dr. Eliphet Clark's plat in 1866 along Pleasant Avenue between Forest and Stevens Avenues. Other subdivisions were Warren Sparrow's along Arlington Street, Arlington Place, and Clifton Street in the 1870s and the Oakdale subdivision in 1881.

¹ Ames, David L. and McClelland, Linda Flint. Historic Residential Suburbs: Guidelines for the Evaluation and Documentation for the National Register of Historic Places, US Department of the Interior, National Park Service, 2002.

Street Car Suburban Development

The horse car lines were electrified in 1895, extending the transportation lines outward and expanding the availability of land for residential development. Following national trends, the suburban development in Deering attracted a wide range of people from the working to the upper middle class, with a large portion of the new residents being middle class. Suburban residential developments from this era include the Coyle Park development in 1899 and the Boulevard Park subdivision along Deerfield Road in the early 20th century. The houses built in all of these subdivisions reflected the architectural styles of the periods in which they were developed. While the earlier 19th century subdivisions featured primarily Italianate and Queen Ann style houses, the later ones were built in the Colonial Revival, Classical Revival, and Arts and Crafts styles.

At Woodford's the village center at the corner was substantially altered by the construction of the Odd Fellows Hall in 1897. The four story building with its clock tower was urban in scale and character. For a few years before the annexation of Deering by Portland, the Deering city offices were located in the new block. Additional commercial, social, and civic development built near the corner includes the new fire station on Deering Avenue in 1907, the Woodford's Club in 1913, and Albion Chapman's three story brick "flat iron" building of 1916 in the angle between Deering and Forest Avenues. Woodford's Corner continued to serve as an important neighborhood center for goods and services through the middle part of the twentieth century.

The Automobile and Its Impact on Development along Forest Avenue

In the first decade of the 20th century, the impact of the auto was minimal along Forest Avenue. Most residents of the area could work and shop in the area or they could quickly and affordably travel into the downtown via street cars. As the number of residents living along Forest Avenue increased due to the affordability of commuting into Portland, new residential forms appeared along the street to accommodate a diversity of housing needs. New residential buildings on Forest Avenue tended to be multi-family homes after 1900. Several two-family homes, a few triple decker apartment houses, and a couple of mixed use buildings constructed in the early part of the century remain. Mixed use buildings generally had a commercial use at the street level and residential apartments above.

The introduction of the personal automobile had an enormous impact on suburban development along Forest Avenue, reflecting a larger trend in the city, state and nation. In 1901 there were only 27 automobiles in Portland² and they were primarily toys for the wealthy businessmen. Nationwide and in Portland automobile ownership increased exponentially between 1910 and 1930. In 1915 the national average was one car for every forty-three citizens. By 1923, fifty percent of American households owned an automobile. The rise in auto ownership negatively impacted the ridership on the area's street cars, but it also created new businesses to fuel, service, and detail automobiles and generated new building types.

In the residential neighborhoods on either side of Forest Avenue, the impact of the automobile is represented by the small single car garage. Initially carriage barns were converted for use as garages, but in the 1920s one-story, single bay garages were often constructed to the side and rear of homes to accommodate vehicle storage. Several examples remain on streets like Deerfield Road, Belmont Street, Coyle Street, and Longfellow Street.

Portland's Auto Row

² Barnes, Albert F. Greater Portland Celebration 350. Portland, Maine 1984, 128.

Another new building type, the automobile showroom was generated by the success of the auto industry. Automobile companies built model showrooms that were emulated in small cities and towns across the country. In Portland, auto sales and services were initially incorporated into existing businesses and located in the downtown. As demand increased, Portland's auto dealer's emulated national developments and moved their showrooms outward along Forest Avenue, creating a concentrated area of dealerships known as an automobile row. Dealers congregated their dealerships along Forest Avenue between Baxter Boulevard and Bedford Street between 1915 and 1930 in an area occupied by large estates in the late 19th century.

These new car dealership buildings had a large footprint with significant enclosed interior space for displaying and servicing autos. Primarily one or two story buildings built of masonry construction with wood or steel truss roofs, these dealerships were among the first architectural building types developed in response to the automobile. The automobile showroom was located at the street where large plate glass windows gave ample view to passers-by of the autos for sale inside. The rear of the building was the service facilities, often with access from alleys or side streets. The buildings were designed in a variety of styles, with most of the architectural ornamentation concentrated on the showrooms.

In 1910 there were six automobile dealerships in Portland, all on the peninsula.³ The first auto showroom on Forest Avenue was built in 1915 with three more built in the following two years. By 1924 there were seventeen buildings devoted to auto sales and service on Forest Avenue. These include tire and battery stores as well as another new building type, the filling station. Portland's auto row expanded west to Belmont Street several years later with the subdivision of the Ricker estate for four new auto dealerships and the Ricker Park apartments.

In 1910 there were three hundred companies producing automobiles in the United States. In Portland, many of the manufacturer names we recognize today, Ford, Chevrolet, Oldsmobile, and Chrysler were joined by lesser known manufacturers like Grant, Franklin, Peerless, and Hudson. Many of the smaller manufacturers succumbed to fierce competition or were consolidated into larger companies in the mid 1920s. Some manufacturers that survived until the late 1920s closed during the Great Depression.

The last great estate along Forest Avenue was redeveloped in the 1940s when the Forest Park development was built along Baxter Boulevard to house World War II shipyard workers. On the Forest Avenue portion of the development parcel a Howard Johnson's and A&P Grocery store were constructed.

Post World War II and the Impact of Interstate and Arterial Highways

Following national trends, Portland's suburban development after World War II was concentrated in bedroom communities further from the downtown than the earlier street car suburbs. The development of interstate and arterial highways, like I-295 and the Maine Turnpike following the Federal Aid Highway Act of 1956 fueled suburban development away from the historic core of the city. Many of the residents in these suburban communities still worked and shopped in Portland and Forest Avenue became a primary commuter arterial. The trolley system was abandoned before the war and although it was replaced by bus service, most of the suburbanites traveled by car. Automobile traffic through Morrill's and Woodford's Corners increased dramatically in the 1950s and changes were made to accommodate the increased traffic. These changes decreased pedestrian access and safety and the resulting reduction in pedestrian activity made it challenging to sustain the scale and type of businesses that had historically been located in the neighborhood.

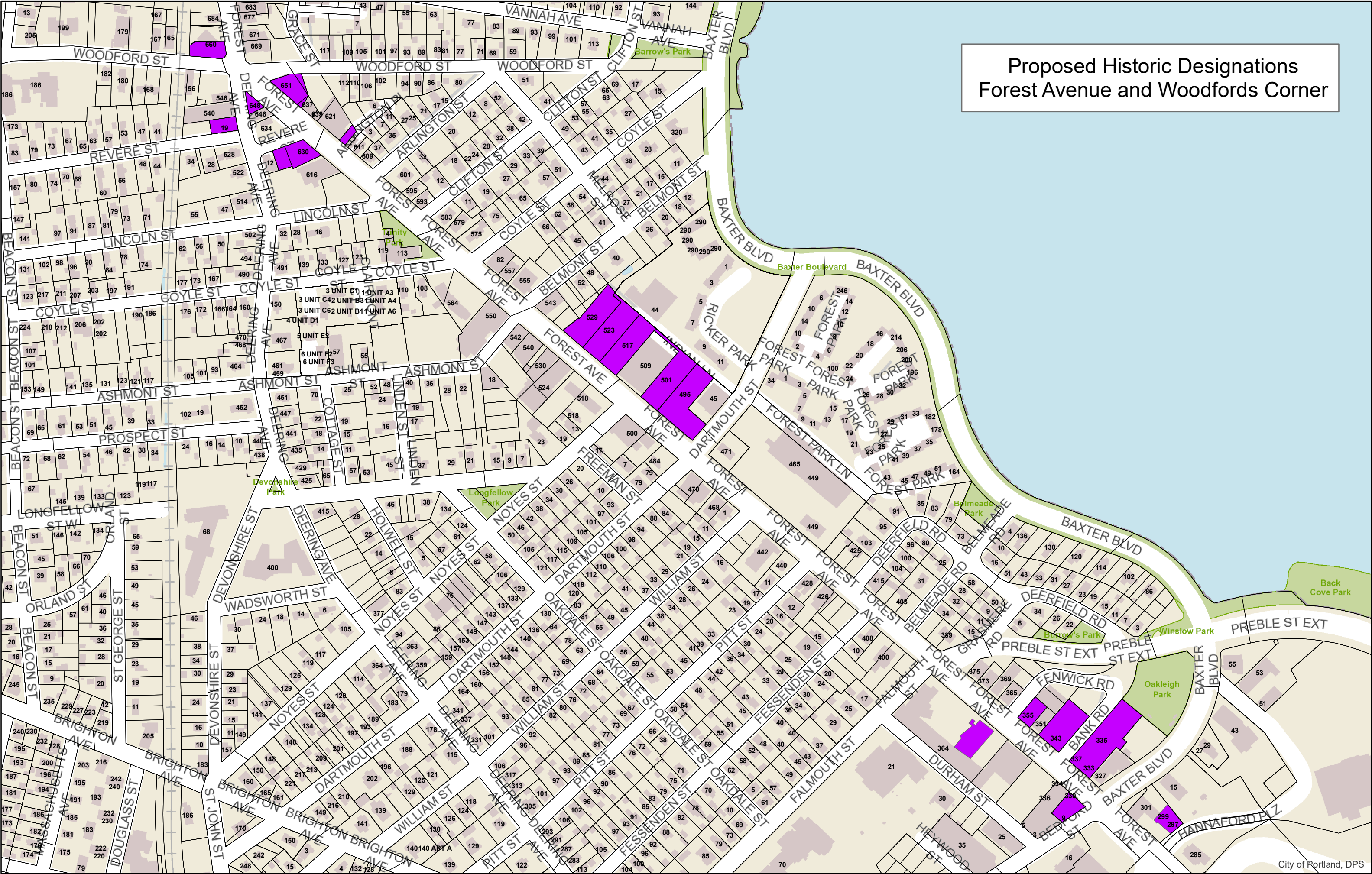
³ Barry, William David and Anderson, Patricia McGraw. *Deering*. Portland, Maine, 2010, 50.

Eventually the increasing number of people living beyond the traditional urban and suburban core triggered commercial development of modern shopping centers further out. The Pine Tree Shopping Center was built off Brighton Avenue in 1959. Other modern shopping centers were built at Westgate in Libbytown, Northgate in North Deering, and near Riverside in Westbrook. Additional commercial development sprang up around the Exit 8 interchange of the Main Turnpike. This development impacted the auto dealerships along Forest Avenue as new larger car dealerships with large lots were built near the turnpike exit. Howard Johnson's built a new hotel and restaurant on Riverside near Exit 8 and demolished their 1940s building on Forest Avenue. A new modern shopping plaza, Forest Avenue Plaza, with a large front parking lot was built on the site of the former Howard Johnson's and the A&P grocery. Valle's Steakhouse built a new restaurant on Brighton Avenue near Exit 8, demolished their 1940s building at Woodford's Street and Forest Avenue, and built a new sandwich shop at that corner in 1964, in a building now occupied by the Woodford Food and Beverage.

Since the mid 20th century, Forest Avenue has increasingly become a street lined with commercial properties. Forest Avenue's residential history has nearly disappeared in the section between I-295 and Woodford's Corner. Only four homes and one mixed use building with apartments remain on Forest Avenue between I-295 and Coyle Street. All of the homes have been converted to commercial uses. Seven residential buildings remain between Coyle Street and Woodford's Corner, and all are located on the east side of the street.

The historic buildings that remain to represent Forest Avenue's social, cultural, residential, and commercial history are significant to an understanding of the development of Portland's off-peninsula suburbs in the 19th and early 20th centuries. The remaining buildings represent a range of styles and building types that are representative of a broad period in the historical development of Forest Avenue. Forest Avenue is also significant as the location of Portland's Automobile Row. The remaining automobile showrooms and auto-related businesses built in the early 20th century in a concentrated area between Baxter Boulevard and Belmont Street are representative of Forest Avenue's significance as a transportation corridor. The automobile dealerships, filling stations, and automotive related commercial buildings are also significant as examples of the commercial impact of the automobile industry in early 20th century Portland.

Proposed Historic Designations
Forest Avenue and Woodfords Corner



Forest Avenue and Deering Avenue Landmark Nominations



The seventeen historic structures described in the following inventory forms are nominated for individual landmark designation under the provisions of Portland's historic preservation ordinance. The buildings, all but one of which are located on Forest Avenue, represent key chapters in Forest Avenue's late nineteenth and early twentieth century development, particularly its era as a street car line that served the emerging suburban Deering neighborhoods around it as well as the period when it became known as Portland's "Auto Row" due to its concentration of first-generation auto showrooms, garages and auto supply businesses.

Although the buildings are historically and thematically related, they are nominated for individual landmark designation. Given the distance between some of the buildings, the option of creating a contiguous historic district that encompassed all seventeen structures and included large areas of non-historic development was determined not to be appropriate. All of the buildings meet at least one or more criteria for landmark designation because of their significance to the historical development of Forest Avenue and because many of the buildings are architecturally significant in their own right or represent a unique building type in Portland.

In recommending that the City Council designate historic structures on Forest Avenue and at Woodfords Corner, the Historic Preservation Board recognizes the need to balance the goal of preserving historic assets with the need to encourage new development along this important corridor. To that end, the Board wishes to note that the historic preservation ordinance review standards are not intended to preclude alterations or additions to historic structures, including the introduction of additional floors to existing low-scale buildings. Indeed, numerous building rooftop additions have been approved under the ordinance. The historic preservation review

process ensures that any addition is compatible with the existing building in terms of scale, materials, form, setback, fenestration, etc.

The Historic Preservation Board also notes that a number of the nominated buildings extend deep into their respective lots. For some of these buildings, particularly the auto showroom buildings, it is the front portion of the building that is of architectural significance and the rear portion is fairly utilitarian in both use and appearance. The historic preservation ordinance allows for consideration of partial demolition of a designated structure for redevelopment where removal of that portion would not materially diminish the identified architectural character-defining features and would retain a sufficient amount of the original structure so that the essential form and integrity of the historic property is not impaired. The attached building descriptions should prove helpful to future Historic Preservation Board members and property owners in determining the key character-defining features of the subject properties as well as any opportunities for more intensive development.

In designating the Forest Avenue structures as individual landmarks, their unique characteristics and orientation toward Forest Avenue make it appropriate that Historic Preservation reviews of alterations would focus particular attention on those portions of the structure visible from a public way. Finally, the Historic Preservation Board recognizes that there are design standards in place that govern new development in the B2 zone and that the standards address a number of the urban design characteristics exhibited by the nominated structures (no setback, orientation to the street, high level of glazing, etc.) and which would be encouraged by the Historic Preservation Board during any advisory review.



Firestone Auto Supply & Service Store

ADDRESS

309 Forest Avenue

ARCHITECT

unknown

DATES

1930-1931

STYLE

Art Deco

Building History

The former Firestone Auto Supply & Service store at 309 Forest Avenue is currently known as the William C. Rowell Building. The building was first occupied by Firestone Auto Supply and Service store in 1931. Although the building has undergone exterior changes it retains its thematic association with Forest Avenue's automotive history and retains several character-defining details of its style.

Firestone Auto Supply and Service was located at 355 Forest Avenue in the former LC Gilson Automobile Company Building along with Forest City Tire Company. In 1931 Firestone relocated to this new building at 309 Forest Avenue. Firestone's auto supply stores were part of Firestone Tire and Rubber Company, a company founded in 1900 by Harvey Samuel Firestone (1868-1938). Firestone's business model was a policy of vertical integration. His company owned rubber plantations that supplied the raw materials to the company's manufacturing plants and owned the retail stores to distribute their various manufactured rubber products.

Architectural Description

The building is a two story yellow brick structure with a flat roof. The building exhibits character-defining Art Deco details, particularly on the upper façade, that provide visual interest. These details include pilasters topped by concrete ziggurats located between each of the seven bays. The pilasters provide a vertical counterpoint to the otherwise horizontal building. Also ornamenting the front façade is a series of inset concrete

panels between the first and second floor levels that feature a stylized sunburst motif. At the second floor level, narrow vertical windows are arranged in a horizontal band. At the ground floor level, the window openings are larger, separated by the brick piers. The current windows extend to the ground. A two-story bay that projects slightly beyond the face of the balance of the façade is located on the west side of the building where it connects to 311 Forest Avenue. The remaining three sides are simpler in detail with flush brick walls and windows arranged in horizontal bands like the front façade. Given the presence of an access drive to Hannaford Plaza immediately east of the property, the east elevation of the building is as visually prominent as the front façade.

Alterations, Additions since Construction

Because the building was constructed after the 1924 tax reevaluation initiative when every building was photographed, we do not know its exact original appearance. It is likely that the windows and doors have been replaced, but the overall form and composition of the façade is unchanged.

The building is significant for its role in the development of Forest Avenue as Portland's "auto row". Additionally, it is architectural significant as a rare example of Art Deco style commercial architecture in the city.





VAN BLARCOM INCORPORATED AUTOMOBILE GARAGE

ADDRESS

330 Forest Avenue

ARCHITECT

unknown

DATES

1919; interior alterations in 1934, 1959

STYLE

Art Deco/Moderne & Commercial

Building History

The building at 330 Forest Avenue was built in 1919 for the Frank H. Van Blarcom Company. Van Blarcom opened a public garage in this structure, one of the earliest automobile-related businesses on the length of Forest Avenue that would become Portland's so-called Auto Row. The property has undergone several changes of use but has always served as a commercial space.

A steel structure was added at the rear of the main building in 1921 to be used as an oil room for Cumberland Automobile Sales, the tenants at that time. In 1924, Forest City Motor Company sold Lincoln automobiles from this location. An addition in brick enlarged the boiler room in 1930 after the structure had changed use and had become the location for Ideal Cleansers and Dyers. John J. Cunningham became the owner of the property in 1932 and retained ownership through 1959. Dunlop Tire and Rubber Company operated at 330 Forest Avenue following Ideal Cleansers until 1934, when the building became a glass shop and office. The contractor for the required interior remodeling was New Deal Stores Incorporated. The building's use changed again in 1935, this time to Littlefield and Greene Automobile Accessories. From the late 1930s until the late 1950s, the building functioned as showroom and garage space for several used car dealerships, including the Elliott Peterson Used Car Depot. Extensive interior alterations in 1959 modified the interior for use as a retail space; Brookline, Massachusetts-based Beacon Way Stores sold fabric here in 1962 until at least 1970, and the building was occupied by home furnishings retailer Pier 1 Imports in 1985. The building is currently houses Kitchen Cove Cabinetry and Design.

Architectural Description

330 Forest Avenue is located at the southwest corner of Forest and Bedford Street. Given its location, the southwest side elevation is exposed, as is the front façade. Its northwest elevation is located in close

proximity to the neighboring building; the two structures appear to be joined by a narrow connector that is set back slightly from the street.

The building is a one story brick structure with six bays on its primary façade, five of which are large show-room windows. In this respect, the façade composition is somewhat unusual as most of the auto showrooms on Forest feature a three-bay composition. Today, the flat roof retains the original parapet detail on its two side elevations and the heavy cornice remains in place throughout. The tax assessor's photograph from 1924 shows a parapet along the primary façade as well. This roof section contained the same Art Deco geometric ornamentation in stucco as on northwest and southeast elevations and also featured an oval medallion on a triangular pediment centered above the building's entrance. The parapet detail no longer remains along the primary façade and the date of its removal is not known.

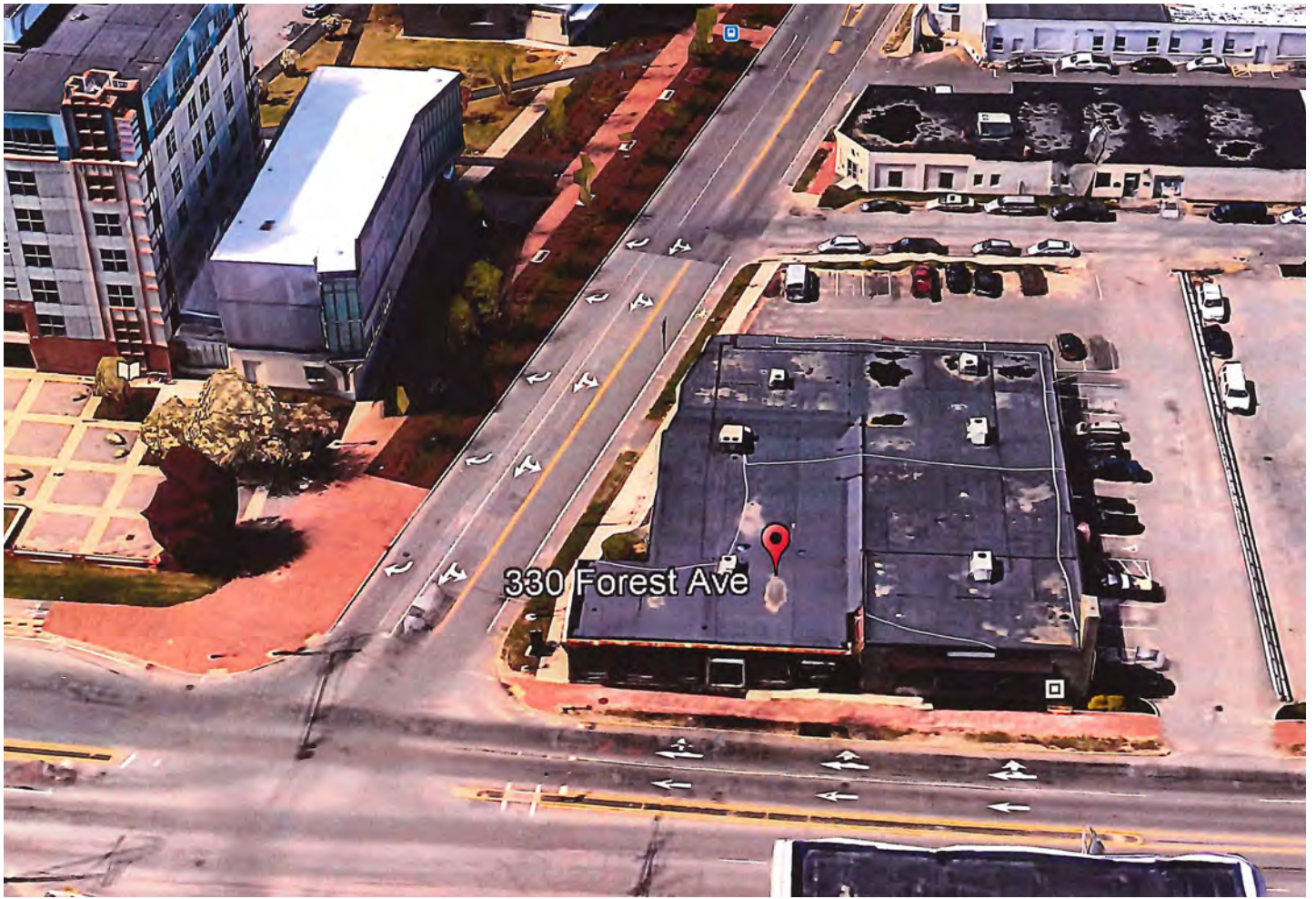
Below the projecting cornice, the building façade is enlivened by the diamond-shaped stucco details spaced to reinforce the spacing of the bays. The brickwork itself provides a level of ornamentation as well. Windows are deep, extending almost to the ground. The 1924 photo also shows that there were multi-lite transom windows above the single-lite showroom windows.

The rear portion of the building, which is set back from the showroom portion of the block and visible from Bedford Street, is utilitarian in appearance and lacks architectural significance (see photos).

Alterations and Additions since 1924

The showroom windows and entries of 330 Forest have been replaced over time, as is the case with most of the existing showrooms on Forest Avenue. The placement of entries have moved and an additional entry was introduced in the easternmost bay of the building, together with the introduction of a handicap ramp. Notwithstanding these changes, the original scale and massing of the building and composition of the front façade, remain unchanged. The building also retains a number of its key ornamental features. Today, the building still clearly conveys its roots as an early auto-related structure at the southwestern end of Portland's "auto row".







A.S. HINDS LABORATORY BUILDING

ADDRESS

331 Forest Avenue

ARCHITECT

John Calvin Stevens
John Howard Stevens

DATES

1920

STYLE

Beaux Arts Revival & Commercial

Building History

Noted Portland architects John Calvin Stevens and his son John Howard Stevens designed the building at 331 Forest Avenue for Aurelius Stone Hinds in 1920. Hinds worked for the apothecary of H. H. Hay & Company in downtown Portland until 1864. While running a drugstore of his own on the peninsula, Hinds perfected the formula for his world famous Honey and Almond Cream. He established A. S. Hinds Company in 1875, and began producing and selling his skincare products from the purpose-built laboratory space on Forest Avenue in 1920.

Hinds' Honey and Almond Cream was an extremely successful product, both domestically and internationally, and a branch laboratory was established in Montreal, Canada. In 1906, an advertising department was formed to handle marketing of the cream (Fig. 1). Although the company was acquired in 1907 by the Manhattan-based Lehn & Fink, who had brought Lysol from Germany to the United States market in 1890, the A. S. Hinds Company continued to operate independently for a number of years.

The laboratory occupied the upper floors of the building, while the first and second levels were reserved for retail and office use. In 1926, the A. S. Hinds Laboratory was no longer located in this building; operations had moved to Lehn & Fink plants in New Jersey. A wholesale druggist and the Marmon Company Autos automobile dealership operated at 331-337 Forest Avenue that same year. A number of automobile-related businesses, such as Firestone Tire & Rubber Company and Gemmer Motors Company, were tenants of the

building from 1926 through 1932. From this point the building's commercial use shifted towards suppliers, including the Portland Pipe Line Company, and warehouse storage.

In 1926, three large show windows were installed to accommodate the automobile dealerships, and alterations were undertaken in a previously added private garage space to convert the building from its former manufacturing layout to retail and warehouse space. These alterations were designed by John Calvin Stevens and John Howard Stevens and were overseen by local contractor Frank A. Rumery, who would go on to design an automobile dealership at 517-533 Forest Avenue in 1927-30. A freight elevator was installed in 1930; by 1946, the main occupant was Reliable Furniture and the third floor was remodeled in 1955 to meet their needs as a used furniture retailer. The building served as a Discount Book Outlet in 1993, after it had lain vacant for two years. It currently contains 70 residential units as Bayview Court and maintains the first floor as retail space for Back Bay Cycle.

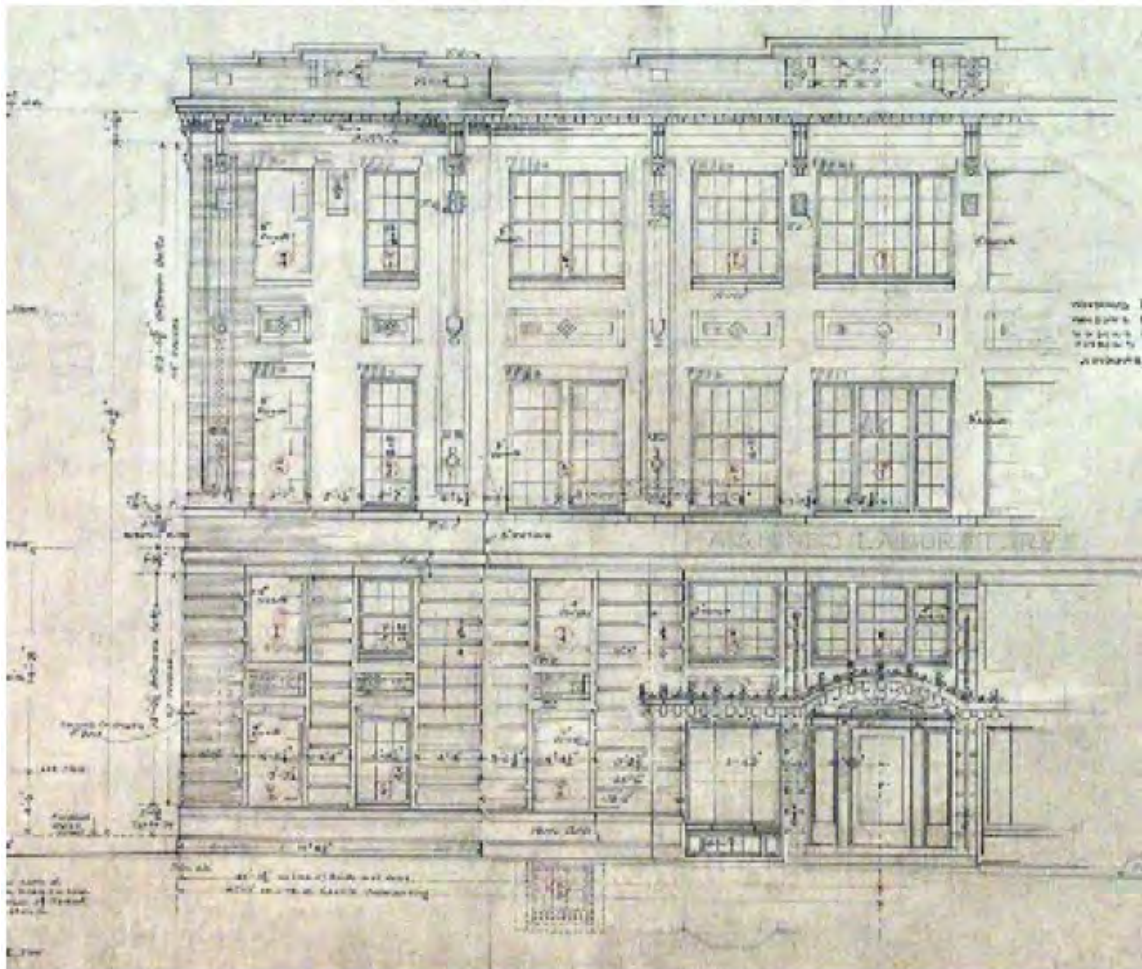
Architectural Description

The A. S. Hinds Laboratory Building is a four story yellow brick structure built in the Beaux Arts Revival and Commercial styles. Given its siting and the presence of a low-scale structure and a driveway on either side of the building, the side elevations are visually prominent. Relative to other buildings constructed on Forest Avenue during this period, the building is noteworthy for its size. It is also architecturally notable; it is clear that the design is the product of a skilled architect. The building's flat roof has a subtle parapet detail, the lines of which are highlighted by cast stone ornamentation. The heavy cornice features prominent brackets and dentils. Patterned brick ornamentation and small cast stone medallions grace the façade. The upper story window pattern varies, with some windows mulled to form groupings. Other windows are individual punched openings. This fenestration pattern lends visual interest to the building, notwithstanding the fact that the windows themselves (originals were six-over-six) have changed in appearance with their replacement.. Blueprints drawn by John Calvin Stevens are held in the collections at the Maine Historical Society in Portland.

As noted above, the ground floor was modified in 1926 to accommodate the automobile showroom. On the exterior, three large showroom windows were installed to showcase the automobiles to passing traffic.

Alterations and Additions since Construction

Although the ground floor was altered in 1926, the modifications have gained significance in their own right as they were made to accommodate an auto showroom. The changes made, just a short time after the building's original construction, reinforce the fact that this section of Forest Avenue was quickly evolving to become Portland's Auto Row. Other than the ground floor alterations, the only other significant change has been the replacement of the original multi-light sash with one-over-one windows. The building remains in well preserved condition and is a commanding presence on Forest Avenue







Miles B. Mank Motor Car Company

ADDRESS

343 Forest Avenue

ARCHITECT

unknown

DATES

1916-1917

STYLE

Vernacular

Building History

Built in 1917, the large two-story brick structure at 343 Forest Avenue was first occupied by Miles B. Mank Motor Car Company. In 1910 Miles B. Mank, with his partner George Stuart, established the Mank-Stuart Motor Car Company, a dealer of Cadillac cars. They first built a large garage on Forest Avenue near Congress Street. (Figure2) A few years after George Stuart retired in 1912, Mank built this two-story building along a section of Forest Avenue that would become Portland's Auto Row. While Mank continued to own the building in the 1920s he moved his dealership to Preble Street. 343 Forest Avenue was then occupied by Myron D. Kidder, Inc. a REO auto and truck dealership previously known as Darling-Kidder Inc. and located at 630 Forest Avenue. In the 1930s through the 1960s, 343 Forest Avenue was occupied by the Portland Burial Case Company, a casket manufacturer.

Architectural Description

Built as an auto showroom, the Mank building is an unusually large example of its type, both in terms of its width and it being a two-story structure. As documented in 1924, shortly after its construction, the building featured a highly glazed first floor, with relatively thin posts separating the large floor-to-ceiling showroom windows. The entrances appear to have been located at the two ends of the façade. The corners of the ground floor were cut away and the projecting upper floors supported by a round column. The building featured an unusually tall frieze band above the storefront windows, capped by a projecting intermediate cornice. The brick structure was unpainted with cast stone used for the cornice and second story window



1924 City of Portland Tax Photo

lintels. Projecting brick piers divide the upper floors into a series of bays, with all but the end bays featuring groups of three windows connected by a continuous lintel. A flush cast stone cross was centered in the stepped parapet. Upper floor windows were six-over-one. Typical of this building type, most of the architectural embellishment is concentrated on the front portion of the building, returning for a short distance on the side elevations.

Alterations since 1924

While the two-story brick structure has lost its glass showroom façade and multi-pane upper story windows, the general form, cornice band, sign band, and brick details remain. The brick soldier course below the second story windows, the cornice band, and the parapet cross are now somewhat obscured by the paint that has been applied to the brick façade. The first floor alterations reinforced the upper story bays and the division of the commercial windows echo the tri-partite pattern of the windows above. The showroom entrance at the corner of Forest Avenue and Bank Road was lost in the alterations, but the garage entrance off Bank Road is still apparent, although filled in by a commercial storefront system. A secondary pedestrian entrance was added on the Bank Road façade by elongating an existing window opening.

Although the building has undergone exterior changes, particularly on the first floor, it retains the essential façade composition associated with its building type and clearly conveys its association with Forest Avenue's automotive history.

A Modern Service Station

A Portland automobile concern whose growth has been phenomenal since its organization in 1910, now operating one of the largest, most modern, and finely equipped garages in New England is the Miles B. Mank Motor Car Company, 9 to 21 Forest avenue. From a small beginning, occupying one room and employing one repair man, this enterprising and progressive concern has come by leaps and bounds to the front and today they give steady employment to 11 people and utilize over 35,000 square feet of floor space.

The Mank-Stuart Motor Car Company was established in 1910. Mr. Stuart retired in 1912, the company being incorporated in 1913 as the Miles B. Mank Motor Car Co.

The service station of the company has a wide spread and long established reputation for the superiority of its service and is metropolitan in features and modern in methods. The garage is well lighted and ventilated, is fireproof throughout, and is kept scrupulously clean. The repair department has recently been equipped with the latest and most improved machinery for carrying on this industry and none but skilled workmen are employed.

The Company are State agents for the Cadillac, "the standard of the world," and each year the public looks to the Cadillac for that which marks the climax in motor car progress. This Cadillac will be exhibited at the Portland

Dealers' Auto Show, February 9 to 14, and the company invite your inspection. Mr. Miles B. Mank, the live wire of the company, is known as one of the foremost and progressive automobile dealers in the State. He is an expert in every detail of the trade and is highly esteemed in all circles of the city.—Advt.



Service Station of Miles B. Mank Motor Car Co., Portland, Me.

Traveling Men's Opinions

It is somewhat surprising to note how little the magnitude of the automobile industry is appreciated by the general public, says the Automobile Journal. It might be assumed that as a body, traveling men were well informed as to industrial enterprises. The following quotation from The Manufacturing Jeweler is an example of the regard with which their opinion is held:

Traveling men say they cannot account for the present dullness. Some of the jewelry drummers have an idea that the purchase of so many automobiles by thousands of people throughout the country, and the necessary expense incurred in running the same, may have some effect.

A traveling man, who was engaging the attention of passengers on a train out of New York recently, with somewhat similar opinions and the further observation that within a year there would be but half a dozen automobile manufacturers in America, was asked how many he thought there were today. "Offhand, about 30," was his reply.

He was surprised to learn there were more than 200; that they had produced 450,000 cars during the past year, and had shipped nearly \$28,000,000 worth of these machines abroad. The opinion of traveling men regarding the stability of the automobile industry evidently needs decided revision.

Figure 2. A 1913 article on the first Miles B. Mank Motor Car Co. Building on Forest Avenue, near Congress Street.



First row, left to right: Miles B. Mank, Miles B. Mank Motor Co., Portland; Myron D. Kidder, Myron D. Kidder Co., Inc., Portland; Haven Sawyer, Sawyer Motor Car Co., Bangor; W. B. Thombs, Portland. Second row: Carl Curtis, Lewiston Buick Co., Lewiston; V. S. Darling, Darling Automobile Co., Auburn; C. G. Abbott, the Henley-Kimball Co., Portland

Figure 3. A 1922 photograph of Maine car dealers including Miles B. Mank in the first row, on the left.





L.C. Gilson Automobile Co. Building

ADDRESS

355 Forest Avenue

Architect

Unknown

DATES

1922; rear addition 1981

Style

Art Deco/Moderne

Building History

The L. C. Gilson Automobile Company, building at 355 Forest Avenue was built in 1922. It is one of several early automobile-related businesses to locate along Forest Avenue between Baxter Boulevard and Woodford's Corner in the early years of the twentieth century. Based on the concentration of auto-related businesses in the area, Forest Avenue would become known as Portland's Auto Row. Although the building has undergone exterior changes it retains its thematic association with the Forest Avenue's automotive history and retains several character defining details of its style and building type.

Gilson had already established an automobile dealership at 881-891 Congress Street by 1906, selling cars from Ford, Reo, and Stanley in what Portland's Board of Trade Journal called, "one of the largest, and most modern [garages] in New England." By 1924, the Congress Street block had been converted into apartments and the Gilson Automobile Company had relocated to the building owned by Frank W. Sparrow at 355 Forest Avenue.

The building has always been utilized for automobile sales or servicing purposes. It was occupied by Brewster Tire Stores Inc. in 1927. In 1929, Forest City Tire Company shared the building with Firestone Tire Stores Incorporated, which continued on as the property's sole occupant in 1930-31.

The building has become best known as the Palmer Spring Company building due to its signature orange façade and the company's presence at this address since 1932. Palmer Spring Company was established in 1849 and is thought to be the oldest spring company in the United States. Joseph Benjamin Palmer founded the company in Boston after bringing his trade

from England and served as its first blacksmith. The company's Conestoga wagon logo reminds its patrons of the vehicles originally serviced by Palmer Spring Company.

In 1949, Palmer Spring Company operated a service station and spring manufacture from its building on Forest Avenue and completed interior renovations in 1950 to expand its manufacturing room. A rear ell was added in 1981.

The company continues to operate at 355 Forest Avenue with a service garage and a blacksmith.

Architectural Description

Purpose-built as an auto showroom, 355 Forest is a classic example of a new building type that was created in response to the advent of the automobile. Like most early automobile showroom buildings, it is a one-story masonry building with a showroom in the front and service facilities in the rear accessed from an alley or side street. Also like many showrooms, most of the building's architectural detail is concentrated on the showroom portion of the building, with the rear portion rather utilitarian in appearance. In the case of 355 Forest, architectural embellishment is provided by contrasting brick, recessed brickwork panels, and the geometric brickwork on each pier.

Typical of early auto showrooms, the front façade features large floor-to-ceiling windows flanking a central pedestrian entrance. Masonry piers serve to define the three bays of the façade. Large floor-to-ceiling windows are repeated on the side elevations near the leading corners of the building. The high level of glazing was intended to catch the attention of passing vehicles and provide a clear view of the automobiles for sale within the showroom. On the side elevations, the main portion of the building extends the depth of one bay; beyond that point, the building steps down in height and features a series of large service doors. As noted above, the front section of the building exhibits the greatest architectural significance.

Alterations and Additions since 1924

Typical of many of the remaining automobile showrooms along Forest Avenue, the original storefront windows have been replaced and infilled to some extent. However the original pattern and size of the window openings remains, as does the character-defining ornamental brickwork. Although alterations have been made, they are readily reversible and the building still communicates its original function. In the rear, the pattern of door openings remains largely intact and although a number have been infilled or altered.



City of Portland Tax Photo, 1924





Oakhurst Dairy

ADDRESS

364 Forest Avenue

ARCHITECT

Earle Webster

DATES

1922; additions in 1951-3, 1988, and 2005

STYLE

International (central building)

Building History

Oakhurst Dairy at 364 Forest Avenue was constructed in phases to accommodate the growing needs of its successful business. The central building, recognizable by the Mid-Century Modern metal “Oakhurst” sign across its façade, was designed by architect Earle Webster and was built perpendicular to the Dairy’s original 1920s brick structure. Later additions from 1989 and 2005 flank this central building, forming a large complex on the lot. Designation is limited to the 1950’s structure pictured above.

The dairy was in the Bennett family of Portland since Stanley T. Bennett bought the Oakhurst Dairy from Arthur Leadbetter in 1921. Leadbetter had established his dairy in 1902 on Woodford Street. After acquiring the dairy, Bennett relocated it from its original location to its current site on Forest Avenue; an announcement in the national weekly American Machinist from 1922 stated that the planned two-story building and associated power plant unit would cost Oakhurst Dairy an estimated \$100,000. In 1933, Oakhurst Dairy became the first dairy distributor in the United States to require that the milk it processed did not contain tuberculin, used to test for bovine tuberculosis. Oakhurst Dairy has continued to oppose using additives such as bovine growth hormones in its milk.

The design and construction of the 1951-53 addition (which is the focus of this designation) was overseen by Bennett’s son Donald. Donald worked with architect Earle Webster to create a state-of-the-art manufacturing facility in the International style.

Oakhurst Dairy bought the adjacent lot, owned by the Henley Kimball Automobile Dealership, in 1973 and built a cold storage facility in 1988. The final addition to the lot was designed in 2005 by Pennsylvania-based Facilities Design, Incorporated and provided the dairy with new receiving and updated cold storage areas.

In 2014, Oakhurst Dairy was sold to Dairy Farmers of America, a national farmer-owned cooperative based in Missouri, after 92 years of family ownership.

Architectural Description

Constructed of blond brick, the two-story, flat-roof building features a very simple box-like massing and is set close to the street. While straightforward in form, the placement and treatment of its fenestration provides a dynamic tension to the overall design. At the top of the upper façade, immediately beneath the aluminum cornice, there is a continuous band of mulled windows that stretches across the entire façade and returns onto the side elevations. At the west end of the façade and at the leading corner of the west elevation, this window treatment extends down to the ground to create a glazed tower-like element at the corner. The building entrance is located at the base of this tower. In the center of the façade is a wide window surrounded by a large “picture frame” constructed of natural aluminum. This window was designed to ensure that people could view the plant’s operations. At the east side of the façade and wrapping the east elevation is a narrow band of glazing made up of glass block. This offset treatment provides visual interest. Until very recently, a sign consisting of individual aluminum letters, was set on top of a narrow ledge above the center window. In its typeface and material, the sign was designed to be an integral component of the overall building design. Its execution in natural aluminum repeated the same material selected for all building trim and presented a strikingly modern building design when it was constructed.



Alterations , Additions since Construction

Although the overall design and façade composition of the building remains unchanged, the recent replacement of most of the windows has changed somewhat the overall intended character of the building. (The windows within the vertical entry “tower” are still original.) While the window divisions have been replicated in the replacements, the new windows feature green aluminum frames. The change to a colored frame diminishes the intended aesthetic of the building, which featured a natural aluminum finish on all trim and door/window frames. The natural aluminum clearly reinforced the Modernist design aesthetic.

Other changes include the replacement of the glass block windows within the horizontal band at the southeast corner of the building. Glass blocks have been replaced with opaque white spandrel panels. The original sign on the Forest Avenue façade, which was comprised of individual standing letters, was also recently replaced with a single, mounted sign panel featuring cut-out letters.

Finally, a three-story stainless tank has been positioned near the leading corner of the building, next to the west elevation. A simple one-story detached structure has been constructed next to this tank. Mechanicals and solar arrays have been added to the roof.

Notwithstanding these alterations, the building remains largely consistent with its original appearance, particularly for that portion closest to the street, and contributes to the architectural heritage of Forest Avenue. The significance of the building’s Modernist design was recognized by the Portland Society of Architects in 2009, when they gave it their 50-Year Building Award .



Packard Motor Car Company Showroom

ADDRESS

495 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1927

STYLE

Commercial

Building History

Originally occupied by the Packard Motor Car Co. of Boston, the building at 495 Forest Avenue was built with its physical and stylistic twin at 501 Forest Avenue in 1927 as part of the redevelopment of the former Ricker Estate. It is one of several automobile-related businesses along the section of Forest Avenue that would become known as Portland's Auto Row. Although the building has undergone exterior changes, particularly the storefront windows, it retains its thematic association with the Forest Avenue's automotive history and retains several character-defining details of its style and building type.

During World War II the building was used for Army storage, then subsequently occupied by Brown Motors, Inc., a division of the Brown Company, manufacturers of pulp wood and paper in Berlin N.H. The Brown family once owned a large estate on Forest Avenue, as well as the Berlin Mills wharf on Portland's waterfront. Brown Motors was a Chrysler-Plymouth dealership. The company was operated by Simmons Brown, who lived with his family on State Street, before moving to Falmouth Foreside.

Architectural Description Architectural Description

Because 495 Forest Avenue was built in 1927, after the tax reevaluation of 1924 when every taxable property was photographed, we do not have an early photograph of the building. In this case, however, we can make reasonable assumptions about its original appearance given the fact that its twin was built next door and given that auto showrooms of the period followed the same basic form, size and façade composition.

Like its twin next door, the three-bay commercial building features a brick façade laid in a variant of a Flemish bond. Both buildings feature a showroom at the street and access to the rear of the dealership

through a garage door that is set well back from the street. A shared courtyard is created between the two buildings in this area and the buildings share a common side wall. An intermediate cornice located below the roof parapet of both 495 Forest and its neighbor at 501 extends the full depth of the side elevations of both buildings, turning onto the elevation where the two connected structures meet. This cornice reinforces the linkage between the two buildings.

Like its neighbor, the center of the parapet is highlighted by a shallow stepped gable. The building's horizontal lines are emphasized by a strong cornice band wrapping the façade and side elevations below the parapet, a brick soldier course connecting each window opening, and a continuous lintel above the façade windows and the side elevation windows closest to the street.

Given the fact that the neighboring building to the southeast of 495 Forest is set well back from the street, the southeast elevation of 495 is entirely visible. This elevation features a series of tall, regularly spaced individual punched window openings. A secondary entrance is located toward the rear of this elevation.

The building extends deep into the lot; most of the rear portion of the building is not visible from a public way.

Alterations and Additions since Construction

The most significant alteration to the building has been the replacement of the two large showroom windows on the façade and at the leading corners of the side elevations. The original single windows have been replaced with individual punched window openings separated by brick. Subtle indications in the existing brickwork suggests that the original openings matched those of its twin. The center entry doors have been replaced as well (as have the entry doors on most other showroom buildings on Forest.) Despite the change in fenestration and entry, the building still retains its essential form, façade composition and a number of its character-defining features. It still clearly communicates its original roots as a first-generation automobile showroom and is especially interesting in its relationship to the twin showroom next door. It also contributes to one's appreciation of Forest Avenue's automobile-related history.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When these have been catalogued and are available to the public, copies of the early views will be added to this inventory form.



495 Forest Avenue



Gleason Company Chrysler Dealership

ADDRESS

501 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1927

STYLE

Commercial

Building History

Originally occupied by the William H. Gleason Co. Chrysler-Plymouth dealership, the building at 501 Forest Avenue was built with its physical and stylistic twin at 495 Forest Avenue in 1927 as part of the redevelopment of the former Ricker Estate. It is one of several automobile related businesses along the stretch of Forest Avenue that would become known as Portland's Auto Row.

After World War II, the auto showroom was occupied by John S. Goff's DeSoto and Plymouth dealership. The dealership was previously located at 525 Forest Avenue, before moving to 489 Forest Avenue in 1943. The Goff dealership was only in the building a short time, moving in 1955 to 628 Congress Street. The building was subsequently occupied by a number of commercial businesses, including several realty companies. The building is currently occupied by Bow Street Beverage with a retail showroom and distribution area in the rear.

Telephone Forest 4164

WILLIAM H. GLEASON CO.

DISTRIBUTORS

CHRYSLER CARS

PLYMOUTH CARS

501 FOREST AVE. PORTLAND, ME.

"The Car For Everybody"





Architectural Description

As the building was built in 1927, after the tax reevaluation of 1924 when every taxable property was photographed, we do not have an early photograph of the building. In this case, however, we can make reasonable assumptions about its original appearance given the fact that its twin was built next door and given that auto showrooms followed the same basic façade composition.

Like its twin next door, the three-bay commercial building features a brick façade laid in a variant of a Flemish bond. Both buildings have a showroom at the street and access to the rear of the dealership through a garage door in the shared courtyard off Forest Avenue. The building's horizontal lines are emphasized by the strong cornice band wrapping the building below the parapet, a brick soldier course connecting each window opening, and the wide band of storefront windows. Note that the parapet features a shallow stepped gable at the center of the façade. Distinct from some early auto showrooms, the windows do not extend to the base of the building. The windows are framed in cast stone which extends to the building base.

Typical of the building type, 501 had large showroom windows at the front corners of its side elevations. The window. The west elevation is obscured by an abutting structure, but the east elevation is entirely exposed. The showroom window on the side elevation matches the height of those on the façade. The cornice continues the entire depth of the side elevations. On the east side, the cornice returns to face of the recessed connector shared by 495 and 501 Forest. This cornice treatment on both buildings, which joins at the connector, reinforces the relationship between the two structures.

Little of the rear portion of the building is visible from the street.

Alterations and Additions since Construction

The most significant alteration to the building has been the replacement of the large showroom windows with smaller vertical glazing alternated with opaque spandrel panels. The window openings themselves, however, remain intact and the alteration is readily reversible. Despite this change, the building remains a clear example of its building type, retains most of its character-defining architectural details, and contributes to one's appreciation of Forest Avenue's automotive history.

Note: Staff has learned of a recent donation of photographs from a private collection to the Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early view of 501 Forest will be added to this inventory form.



501 Forest Avenue



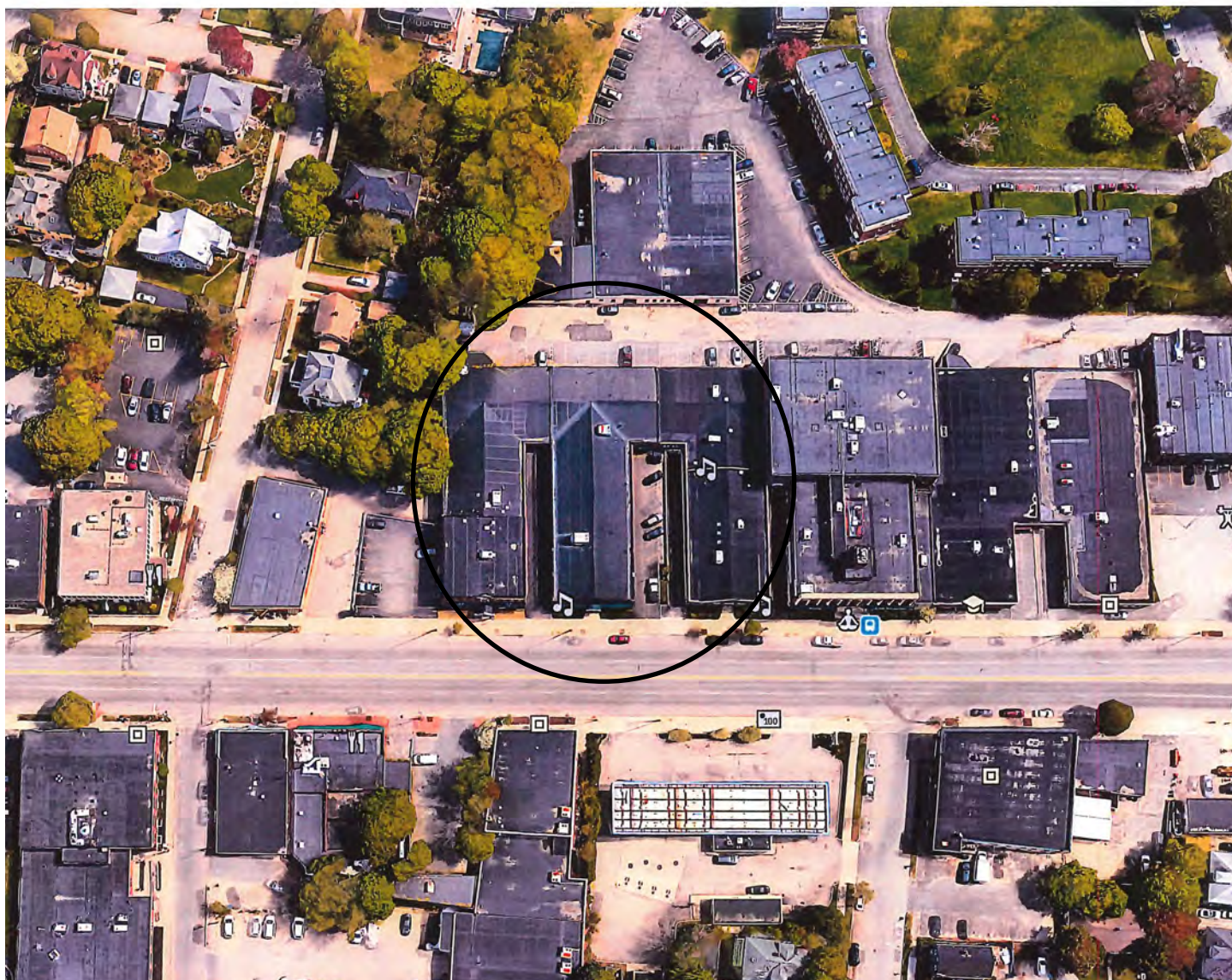
STUDEBAKER AUTOMOBILE BLOCK & GARAGE

517-533 Forest Avenue and 44 Indian Lane

Contractor Frank A. Rumery is thought to have designed the buildings at 533, 525, and 517 Forest Avenue as a group, along with a second automobile dealership complex slightly further south on Forest Avenue. These projects were part of a plan to redevelop the former Ricker estate into apartments, a filling station, car dealerships with frontage on Forest Avenue, plans which included a shared power plant. The Ricker Mansion was built in 1855 for Joseph S. Ricker, a tanner who also served as director of the street's railroad system. The mansion was one of several large estates just outside the city along the less-developed Forest Avenue and boasted a "grapery" and greenhouses on its extensive grounds. The Ku Klux Klan's Portland chapter bought the property in 1923 and maintained it as a meeting and event space until the house burned down in the later 1920s. Redevelopment of the lot occurred between 1927-30 and the area was renamed Ricker Park.

Rumery was already well-known at this time for his active involvement in many development projects along Forest Avenue and was also the contractor for the Ricker Park apartments. John P. Thomas, the Portland-based architect who would design the Stevens Avenue Armory at 772 Stevens Avenue in 1940, was commissioned to address the design of the new apartment buildings the lot.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early views will be added to the applicable inventory forms.



Studebaker Automobile Block

Left to right: 533, 525, 517



STUDEBAKER AUTOMOBILE DEALER BUILDING

ADDRESS

533 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Building History

Part of a group of five auto-related buildings designed and built by contractor Frank A. Rumery along this block of Forest Avenue between 1927 and 1928 (see description of overall Studebaker Block), the Studebaker Automobile Dealership at 533 Forest Avenue was built in 1928 for the Hennings Motor Company. Rumery's redevelopment of this section of Forest Avenue was part of a larger plan to redevelop the former expansive Ricker estate following the loss of the Ricker mansion in the mid 1920's. The buildings at 517, 525 and 533 Forest were physically connected at the rear. Two other Rumery-designed buildings at 495 and 501 Forest were also joined at the rear. At 533, the Studebaker brand's logo depicting a "Studebaker" banner spread across a spoked wheel still remains at the apex of the parapet gable; this structure is therefore considered the primary building of the three adjoining structures on Forest Avenue. Together, these buildings form an "E", with the shorter arms oriented perpendicular to Forest Avenue. Behind the long connected section of the buildings is the dealership's associated garage, located alone on the small alley of Indian Lane.

The Hennings Motor Company, formerly Gray-Son Motor Company and Waterville Motor Company, sold Studebaker and Erskine motor cars. Prior to its location at 533 Forest Avenue, its salesroom was at the edge of the Deering neighborhood at 26 Forest Ave while its main office and service department were on Allen Avenue in Morrill's Corner. In 1929 it appears to have shared its space at 533 Forest Avenue with a dentist's office. Hennings had moved to 511 Forest Avenue by 1934 and the building was then occupied by Couri Motor Company, a dealer in Pontiacs and later also GMCs, Tempests, and Vauxhalls. Couri still owned 533 Forest Avenue in 1969 and had acquired the neighboring 525 Forest Avenue building in 1955.

Harold Wiley Pontiac joined with Couri, and in 1981, sold the building to Young's Furniture. This sale required alterations to the structure to accommodate a retail furniture business, such as the addition of a loading dock. Today it is occupied by Skillful Home Recreation, an outdoor furniture retailer.

Architectural Description

533 Forest is a two-story brick structure. In this respect the building breaks with the typical pattern on Forest of one-story auto showrooms. At the ground floor level, the building features the classic three-bay façade composition associated with this building type: two large window openings (originally with single plate glass windows) flanking a center entrance. At the second floor level, four evenly spaced tall windows are located on either side of a larger opening in the center of the façade. The center opening is framed with cast stone; cast stone is also used for the upper floor window sills and the narrow projecting band that delineates the parapet from the main building façade. A flat roofed building, the roof parapet features a centered triangular gable within which is the cast stone Studebaker logo. A decorative pattern of variously projecting headers in the Flemish bond brickwork creates a textured masonry surface. This textured masonry is repeated on the adjoining buildings at 525 and 517 Forest Avenue.



Both of the building's side elevations are exposed to view. The southeast elevation is separated from the adjoining structure at 525 by a driveway that leads back to a deeply recessed connector that links the buildings. A garage door at the center of the connector faces the street. On the opposite side of the building, a surface parking lot immediately abutting the building exposes the elevation to view. As is typical of auto showrooms, the large showroom windows of the front façade are continued for one bay on the northwest elevation and three bays on the south east elevation. (The windows have been bricked in on the southeast elevation, but the openings and cast stone headers are still evident.) The upper story window pattern established on the front façade continues on the side elevations as well.

Alterations and Additions since Construction

The Studebaker Automobile Dealership building was constructed after the City's 1924 photodocumentation initiative and we do not have other early photographs to confirm its original appearance. Despite the lack of documentation to confirm the building's original appearance, it is clear that the building's form and general façade composition, as well as most of its architectural details, remain intact. Typical of commercial structures, the ground floor windows and entry have been replaced with new windows and doors, but the character-defining openings remain unchanged. The building remains in well-preserved condition and contributes to the visual character of the street and automotive history of Forest Avenue.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early views of 533 Forest will be added to this inventory form.



JOHN S. GOFF CHEVROLET BUILDING

ADDRESS

525 Forest Avenue

Architect

Frank A. Rumery

DATES

1927-28

Style

Commercial

Building History

Although the John S. Goff Chevrolet Company building does not carry the mark of a specific automobile company on its façade, it is both physically and stylistically linked to its neighbor, the Studebaker Automobile Showroom at 533 Forest Avenue and is part of a grouping of three connected showrooms built by Frank Rumery in 1928. (See description of larger Studebaker Block.)

John S. Goff Chevrolet Company owned the building from 1927 until 1935; by 1955 the business had relocated to 628 Congress Street. In 1944, both 525 and 517 Forest Avenue held US Army Quarters. The structure at 525 Forest Avenue was still used by the US Army as a sales office in 1945 and was acquired in 1955 by Couri Motor Company, who had already occupied 533 Forest Avenue for 20 years. The building currently serves as a gym.

Architectural Description

A one-story structure with a shallow pitched gable roof, the roof form of the showroom building at 525 Forest is fairly unique. (Most first-generation showrooms featured a flat roof, usually with a parapet to provide some additional building height and architectural interest.) The shallow gable end that faces the street features a wide window opening above the first floor with two mulled multi-lite windows. A heavy frame around the window opening draws further attention to the center. The gable also features a step at the center which further emphasizes this architectural element. At the two ends of the façade, the brick extends to suggest projecting piers that frame the center gable.

As with the Studebaker Dealership building at 533 Forest, the Goff Company building features an exterior of Flemish bond brickwork with irregularly-parapet detailing. In this building, the ends of these extending bricks are brought closer to the façade than at 533 Forest Avenue. The Goff Building also shares its overall form and decorative elements with the one+ story building at 517 Forest Avenue. Unifying details include the cast stone ornamentation above the side bays, the low-pitched roof with slight parapet detailing and the multi-lite fenestration centered in the gable.

Typical of this building type, the front façade's ground floor is three bays wide with two large showroom windows flanking a center entrance. It is evident from remaining headers that both side elevations also featured two showroom windows at the leading corners of the building; the openings have been infilled.

Note that the spacing between the Goff building and its connected neighbor at 517 is wider than the spacing between the Goff building and the Studebaker Dealership building at 533. This wider spacing accommodates two garage entrance set back from the street. The garage for 525 Forest is located at grade; at 517, a driveway leads down to a below-grade garage.

Alterations and Additions since Construction

As is typical of commercial structures, the ground floor windows and entry have been replaced with new windows and doors, but the character-defining wide openings remain unchanged. Openings on the side elevations are infilled, but still evident. The building remains in well-preserved condition and contributes to the visual character of the street and automotive history of Forest Avenue.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early view of 525 Forest will be added to this inventory form.



CLIFTON R. SHAW AUTOMOBILE DEALERSHIP

ADDRESS

517 Forest Avenue

ARCHITECT

Frank A. Rumery

DATES

1928

STYLE

Commercial

Building History

Clifton R. Shaw Automobiles relocated from 365 Forest Avenue to 517 Forest Avenue when the latter building was constructed in 1928. This building is the third in the group of three structures geographically and aesthetically related to the Studebaker Automobile Dealership at 533 Forest Avenue. Connected to 525 Forest Avenue at the rear of the structure, it demonstrates a strongly shared form, scale, and ornamentation program with this neighboring building and also draws on the stylistic motifs of the Studebaker Automobile Dealership at 533 Forest Avenue.

Unlike its adjoining buildings, this structure was not consistently occupied. It was occupied by Fred's Motor Transportation Company in 1934 but lay vacant in 1935. In 1944, 517 and 525 Forest Avenue were utilized as US Army Quarters. The car dealership of Nash-Brown Incorporated and the Pattison Automobile Company, who marketed Dodge-Plymouth automobiles, operated at 517 Forest Avenue in 1945 and 1955 respectively, but by 1965 this location was again vacant. It currently serves as a dance studio for Casco Bay Movers.

Architectural Description

As with 525 Forest Avenue, the one story structure's low-pitched parapet gable roof emphasizes its horizontality and there is a multi-light window centered in the gable. Slightly projecting brick headers interrupt the Flemish bond pattern in an irregular decoration, a motif that is repeated in each of the three related buildings. The degree of this façade ornamentation is less pronounced than it is on its neighboring buildings.

As with its “twin” building at 525 Forest, the showroom portion of the building is clearly defined and exhibits the greatest architectural interest. The pier projections above the roofline, clearly evident on the southwest side elevation, terminate at a certain depth. Larger window openings also extend to this point on the side elevations. Beyond this point, the building takes on a more utilitarian appearance.

On the 517 Forest facade, the original height of the showroom windows is clearly evident, as there is no canopy obscuring the original openings. The top portion of the windows has been infilled with spandrel glass, however and the once-expansively wide individual showroom windows are broken into narrower mullied panes.

On the northeast side of the building, a driveway leads down to a below-grade garage entry below the building connector. In this respect, 517 is different from the other buildings in this grouping.

Alterations and Additions since Construction

But for typical alterations cited above, the building still retains its original form and classic façade composition, as well as its key architectural details. The building continues to convey its original use and its close visual and function relationship to its neighbors adds additional interest.

Note: Staff has learned of a recent donation of photographs from a private collection to the Maine Historical Society that includes mid-twentieth century photographs of 495, 501, 517, 525 and 533 Forest Avenue. When the photos have been processed and made available to the public, copies of the early view of 517 Forest will be added to this inventory form.



STUDEBAKER GARAGE

ADDRESS

44 Indian Lane

Architect

Frank A. Rumery

DATES

1928

Style

Commercial

This structure sits behind the Studebaker Automobile Block and is thought to have been constructed for use as the dealership's garage. Today it is the sole building with an address on Indian Lane, a small alley that runs parallel to Forest Avenue, and it would have been part of the Ricker Park redevelopment. The one story concrete block building has a side ell and a flat roof with a parapet detail that mimics the roofs of 525 and 517 Forest Avenue. The mix of concrete and wooden structural elements is still visible in the open garage interior. It is currently used as a parking garage for the Ricker Park apartment complex.



The Great Atlantic & Pacific Tea Co. Store

ADDRESS

617 Forest Avenue

ARCHITECT

unknown

DATES

1915

STYLE

19th/20th Century Revival

Building History

The building at 617 Forest Avenue was built in 1915 as a mixed-use structure. The mixed-use nature of the building reveals the fact that this portion of Forest Avenue was transitioning from a largely residential area at the turn of the century to an increasingly commercial one. The building is located at the corner of Arlington Place, a short dead end residential street known in the late 19th century as Belmont Place. In 1917, William Oxnard sold the lot with buildings to Mina and Abbie Ambrose. Abbie Ambrose was the widow of Edward Ambrose, a Readfield attorney who died in 1915. Daughter Mina worked as a high school teacher and later was the assistant principal of Cape Elizabeth high School. The family does not appear to have lived in the building, rather using it as an investment property.

The shop front of the three-story building was first occupied by the Great Atlantic and Pacific Tea Company, a national grocery chain later known as the A&P. The company was founded in 1859 in New York City. In 1915 the company had 1600 stores nationwide. The upper portion of the building was occupied by two five-room apartments that were rented for \$35/month in 1924 .

The building was sold by the Ambrose family in 1923 to Joseph Kalil (1886-1959) of Portland. Joseph immigrated to Portland in 1904 from Lebanon. Joseph and his wife Ida lived upstairs and Joseph's dry goods store was in the storefront below for several years before he became a travelling salesman.

The shopfront was occupied by C.F. Cook and Sons, a meat and provisions dealer in the 1930s-1950s. Today the second floor, which was built for residential use, is leased as office space.

Architectural Description

The building is a three story brick structure with a flat roof. The façade features a projecting two-story faceted bay that is centered on the façade. The storefront originally featured a recessed central entrance flanked by two storefront windows. Today, the storefront consists of a recessed side entry with one large storefront window with two large mulled windows over a recessed wood panel base. The entry to the upper floors is located to the right of the storefront, as it has been since the building was constructed. The building features a projecting cornice supported by a deep frieze and modillions. The east elevation, which is exposed due to the building's corner location, features pairs of mulled windows in the center and single windows on each side. All windows are topped by decorative brick lintels. A curious smaller window opening near the leading corner of the building retains its original pedimented roof. The second floor unit is now leased as office space. The building's brick exterior features fine mortar joints, typical of early twentieth century masonry.

Alterations and Additions since 1924

While the storefront and upper story entrances have been altered, the building retains most of its character - defining details including the bay details, the projecting cornice and modillions, and the unique temple framed window on the Arlington Place façade. These details and the building form and massing contribute to the character of Woodfords Corner and the Forest Avenue corridor.



617-619 Forest Avenue in 1924.



617 Forest, southeast elevation



Darling-Kidder Motor Car Company

ADDRESS

630 Forest Avenue

ARCHITECT

unknown

DATES

1917

STYLE

Vernacular

Building History

Originally occupied by the Darling-Kidder Automobile Dealership, the brick building at 630 Forest Avenue was built 1916-1917. It is one of several early automobile related businesses on the length of Forest Avenue that would become known as Portland's Auto Row.

Darling-Kidder was established in 1916 as a joint venture between Veranus Darling of Auburn and Myron Kidder of Portland. The partnership was short lived dissolving in 1919. Veranus Darling was a pioneer in Maine's automobile business. Initially an owner in a bicycle shop, he was a natural mechanic that seized on the opportunity presented by the new auto industry. He established the second automobile dealership in Maine and became the state agent for Reo motor cars. He also served as the director of the Maine Auto Dealers' Association. Veranus Darling died in 1924 and his son Elmer Darling succeeded him in the Darling Automobile Company.

In 1919 Myron D. Kidder moved the REO auto and truck dealership to 343-349 Forest Avenue. REO Motor Car Company was established in Lansing, MI in 1905. It was founded by Ransom E. Olds, founder of the Olds Motor Vehicle Company, later Oldsmobile. In 1910 REO added trucks to their manufacturing and in 1936 switched their focus solely to truck manufacturing.

The building was subsequently occupied by Chandler Motors of Maine, distributors of the Chandler and Cleveland Motor Cars, and Regent Motor Sales, Inc., a new and used car dealership. In the 1940s the former showroom and automobile service center was converted to a retail shop for Tom Taylors, a men's clothing shop.



1924 tax photo of the Darling-Kidder building

Architectural description

A one story commercial block located at the corner of Forest Ave. and Revere Street, the building takes advantage of its corner location by wrapping the corner with a curved façade. Tall, wide commercial windows with multi-lite transoms are separated by stout brick piers. The building features a deep frieze band below a projecting horizontal cornice. Above the cornice is a parapet which is punctuated by projections that continue from the projecting brick piers below. The entry, which is recessed, is on the Forest Avenue façade.

Alterations, Additions since construction

A rear addition was introduced some years after the building's original construction and does not contribute to the building's significance. It is recessive in appearance, however, and does not compete with the original structure. The break between the original structure and the addition is discernible on the Revere Street elevation. Other changes include the wrapping or coating of the original brick parapet, visible in the 1924 photo. Alteration to the parapet had the effect of altering the proportions of the building. Windows and doors have been replaced as well, although a number of the original divided-lite wood transom windows remain at the west end of the building.

Although 630 Forest has undergone exterior changes, particularly within the storefront bays, the building retains its original façade composition and bay spacing, as well as a number of its key architectural details, including several of its original divided-light transoms, its cornice, and strong brick piers. The former auto showroom building still clearly conveys its association with Forest Avenue's automotive history and continues to contribute to the visual character of Woodford's Corner and the Forest Avenue corridor.

IN THE TRADE

EASTERN STATES

MAINE—PORTLAND.—One of the Reo Motor Car Co.'s progressive dealers, the Darling-Kidder Co., has recently moved into its new, thoroughly up-to-date building, built especially for the housing and sale of Reo cars and trucks. The new quarters occupies a lot of about 5,000 square feet, and cost about \$20,000. The salesroom is at the right hand side of the building and the service station, which will accommodate 15 to 20 cars, is on the left. Especially attractive is the twelve-foot sidewalk around the building, and parking spaces, between the concrete walk and the curb.

From the February 23, 1918 publication of
Automobile Topics

Darling-Kidder Company

V. S. DARLING, Pres. M. D. KIDDER, Treas. and Man.

"HOME OF THE REO"

SALES SERVICES

Cumberland and York County Distributors

REO MOTOR CARS AND TRUCKS



Aerial view showing footprint of later addition



ODD FELLOWS BLOCK

ADDRESS

643-651 Forest Avenue

ARCHITECT

F. H. Fassett & E. F. Fassett

DATES

1897

STYLE

Italianate

Building History

Built in 1897, the Odd Fellows Block was designed by Francis H. Fassett and his son Edward F. Fassett, well-known Portland architects of the time. Francis H. Fassett heavily influenced the architectural heritage of Portland through his use of the Victorian High Gothic, Queen Anne, and Italianate styles. Most famous for his grand residences, churches, and civic architecture, Fassett and his son designed this building for the Independent Order of Odd Fellows in the Italianate style.

The Independent Order of Odd Fellows is a fraternal organization with roots in 18th Century England. The charitable and service-based values held by the Odd Fellows may be visible in the variety of functions their building could accommodate. The 1926 Portland City Directory describes a multipurpose space that allowed for commercial tenants such as dentists and a tailor as well as gathering spaces for Masons and the Odd Fellows themselves in addition to an area for the Second Church of Christ (Scientist). By 1955, the uses seem to have been pared, with only one dentist on record, and halls only for the Masons and Odd Fellows. The Odd Fellows also owned the building at 645 Forest Avenue, adjacent to the rear of the main Block, which served as a bank and offices, and a social hall in downtown Portland at 21 Forest Avenue.

Considered majestic when the building was completed in 1897, the citizens of a then-independent town of Deering wished for it to serve as their town hall; Portland annexed Deering by an Act of the legislature in 1899 and had two separate city councils for one transitional year, before fully absorbing Deering's government in 1900.



Architectural Description

The Odd Fellows Block is a four story red brick flatiron structure that sits at the center of Woodfords Corner and stands as the prominent anchor of the main intersection of Forest Avenue, Woodford Street, and Deering Avenue due to its overall scale, corner-oriented clock tower and architectural interest. The tower, with its Doric columns and cupola, rises well above the flat roof. Below the cornice on the Forest Avenue frontage, light bricks form the letters “I. O. O. F. Block”.

The upper floors of the building feature a regular pattern of fenestration, with arched-topped windows on the second and third floors and semi-circular-topped windows on the fourth. At the corner facing the intersection, the windows openings are wider, with paired windows. Projecting brick piers divide the upper floors into bays. The decorative brickwork in stringcourses, window lintels, panels between floors, and a Greek key motif at the frieze beneath the cornice further enliven the building elevations. The deeply projecting cornice, which is supported by wood brackets, breaks at the corner, which emphasizes the vertical tower element facing Woodford’s Corner.

The two ends of the Forest Avenue elevation, though similar in treatment, are architecturally differentiated. The break between the two treatments occurs near the center of the façade where two brick piers define what was likely a building entrance at the ground floor level. Between the piers at the second floor level is an oval cast stone plaque with the date of the building and the initials “I.O.O.F.”. To the south (right), second floor windows repeat as on the left side of the elevation, but taller windows span the third and fourth floors, providing a distinctly vertical emphasis. Beyond the main four-story block, the building steps down to a two-story structure that is distinguished by a different frieze/cornice treatment.

At the ground floor, an intermediate cornice/sign band divided the base of the building from the upper floors. This cornice terminates just before the two storefronts at the south end of the Forest Ave. elevation.

Today the ground floor level features a variety of window and entry treatments. At the corner entry are a pair of contemporary steel doors. On the north (left) side of the Forest Avenue elevation are a series of square window openings infilled with three mullied windows. At the south end of this elevation are two storefronts, each with their own door/window pattern. The storefront on the left features a recessed center entry flanked by two faceted storefront windows. The storefront on the right features a recessed entry at the left, with a single broad storefront window on the right. The storefront window extends closer to the ground. A tall infill panel is located above each storefront, likely covering an area that once featured a transom window and sign panel.

The Woodford Street elevation is less detailed than the Forest Avenue elevation and appears to have been treated as a secondary elevation from the building's construction (see photo). The windows are more widely spaced and some of the brick detailing (e.g. the brick piers) have been eliminated. At the ground floor level are a series of widely spaced horizontal window openings infilled with three-lite mullied windows. A metal fire escape is attached to this elevation.

The flatiron form of the Odd Fellows Block is repeated in a more conservative manner at the Chapman Building on the opposite side of Forest Avenue, built seventeen years later, and interpreted in a modern architectural vocabulary in the diagonally-facing Mid-Century Modernist building across the main intersection. These structures serve as the architectural cornerstones of Woodford's Corner and form a gateway for those approaching the City of Portland from the north.

Alterations and Additions since Construction

As the building has been in the ownership of a non-profit organization, it was not documented as part of the 1924 tax reevaluation. Additional photographs in the IOOF's archives will be helpful in confirming the nature and scope of alterations made since the building's construction. The most evident alterations are to the main entrance that faces Woodford's Corner and to the ground floor in general. Original upper floor windows have been replaced as well, but the openings remain unchanged. On the rear elevation, some window openings have been bricked in and door openings infilled with steel doors. Notwithstanding these changes, the building remains in well-preserved condition thanks to the stewardship of the Odd Fellows. The most recent initiative of the organization was the restoration of the building's signature clock tower.



Google Earth



CHAPMAN BLOCK

ADDRESS

648 Forest Avenue

ARCHITECT

unknown

DATES

C. 1916

STYLE

Italianate

Building History

The flatiron building at 648 Forest was constructed circa 1916. According to the 1924 tax records, the building was owned by Albion L. Chapman as of that date. Presumably, the building was built for Mr. Chapman as he and his partner George Wyman were local to Woodford's Corner and had an apothecary at 552-554 Deering Avenue on the corner of Forest and Deering Avenues in 1900. The architect is not known. This block should not be confused with the Chapman Building at 447 Congress on the peninsula, often referred to as the Time & Temperature Building.

The Chapman Block has housed a variety of occupants over its history. In 1926, a milliner named Alberta L. Stickney and the Deering Loan and Building Association both operated from the Chapman Block's office spaces. Nearly ten years later the building's resident businesses had expanded to include a beauty shop, physician and dentist offices, a real estate and insurance agency, and a music teacher. Virginia Sweetser taught music in this building for at least ten years until 1936.

The Chapman Block also accommodated several eateries over the years, a function it has shared with the Modernist structure located across the busy Woodford's Corner intersection at 660 Forest Avenue. This building housed the former Valle's Sandwich Shop from 1964 to 1966 and remained an integral part of the region's food service industry in its capacity as the Valle corporate headquarters until 2000. In the 1970s, Woodford's Tavern occupied space within the Chapman Block; today, the building accommodates the Bayou Kitchen restaurant.

In 1967, the upper floors of the Chapman Block changed use from office space to apartments and interior alterations were necessary. Bayou Kitchen expanded into space previously occupied by a tattoo parlor in 2011, which required significant interior remodeling.

Architectural Description

The Chapman Block is a three story brick flatiron structure. Stacked bay windows on the second and third levels dominate the building's façade which faces the Woodfords Corner intersection. The bays, which are ornamented with decorative panels in wood and brick, project well beyond a recessed entryway at the ground floor. Abutting this entry are storefront windows on either side that extend a short distance around the building corners. Beyond this point on both the Forest Avenue and Deering Avenue elevations are brick fields that separate the "nose" of the building from the storefronts that face the respective streets. This separation is reinforced by the treatment of the cornice separating the ground floor from the upper floors. The cornice stops at the corner and picks up again above the storefronts on the side elevations.

On the Forest Avenue elevation is a building entrance with sidelight and a storefront with recessed entry. To the right of the building entrance are two boarded-up window openings and another single storefront window. The ground floor of the Deering Avenue elevation features a single storefront with recessed entry and a single window. On this elevation the solid brick field is wider, but is enhanced by two decorative flush panels.

The upper floors feature punched window openings of vertical proportions. Some windows are grouped in two's or three's and others are single openings. The current windows are one-over-one and it is likely that they were one-over-one when built, given the era of construction. Flat cast stone lintels cap the second floor windows; the third floor windows openings have arched panels above with arched brick lintels. A decorative band of vertically-oriented bricks run between the third floor windows, adding visual interest. A deep cornice of cast stone with a parapet above terminate the building at the roofline. Immediately below the projecting cornice is decorative brickwork. The roof itself is flat.

In form, orientation and general architectural expression, the Chapman Block complements the earlier Odd Fellows flatiron block across the street, but is more modest in scale and architectural detail. The pairing of the two flatiron blocks forms a gateway when entering Portland along Forest Avenue from the north.

Alterations and Additions since Construction

The Chapman Block remains in relatively unaltered condition. A number of the upper floor windows have been replaced, as have some components of the storefronts (e.g. transoms and bulkheads), but the prominent bays facing Woodfords Corner retain their original detail and the overall composition of each façade remains unchanged. Enough original elements remain to guide a future rehabilitation effort. It should be noted that partial repointing was completed in the recent past; the repointing is not consistent with the original masonry.





Forest Avenue elevation of Chapman Block



Deering Avenue elevation



VALLE'S SANDWICH SHOP

ADDRESS

660 Forest Avenue

ARCHITECT

William Nelson Jacobs Associates

DATES

1964

STYLE

Modern/Contemporary

Building History

The building at 660 Forest Avenue was purpose-built in 1964 to house Valle's Sandwich Shop, a short-lived smaller-scale arm of Valle's Steak House. Valle's Steak House operated from 1933 to 2000 and was a very successful regional restaurant with 25 locations along the East Coast.

Donald Della Valle emigrated from Italy to Portland in 1912 and opened the 12-seat Valle's Café in the Woodford's Corner area at the end of Prohibition in 1933. The first steak house, located at 660 Forest Avenue after World War II, was a one story building and contained a large sign projecting from the flat roof above the front door (see photo). In 1960, the restaurant business was moved from this location in Woodford's Corner to Brighton Avenue and in 1962, Valle was granted permission to demolish a theater adjacent to his Woodford's Corner lot with the notation, "Land to be built on later". The current structure was built on the site of the former steak house and theater in 1964 and operated as a sandwich shop for a short period, before serving as the corporate offices for Valle's Steak House from 1966 until 2000.

As with the current building, the space at the rear of the earlier structure was shared with another commercial enterprise; in 1950, the popular New England chain Benjamin Franklin general store occupied the secondary space and today the commercial space in the rear ell is used by a combination dry cleaners and tanning salon.

Architectural Description

The building was designed by the Boston-based firm of William Nelson Jacobs Associates and remains one of Portland's few extant and largely unaltered Modern/Contemporary structures.

Located in the center of Woodford's Corner, this Mid-Century Modern building faces the Chapman Building and the block erected for the Independent Order of Odd Fellows across the main intersection of Forest Avenue, Woodford Street, and Deering Avenue. Although distinct in both scale and architectural style from these older structures, the building at 660 Forest Avenue echoes their flatiron facades in its diagonally-oriented placement on the corner. Its dynamic positioning re-interprets their strong street level presence with a projecting three bay façade, large floor-to-ceiling windows capped with a tripartite parallel gable roof, and exaggerated angular overhangs. Other Valle's locations also featured this unique three-bay façade and exaggerated roofline, a characteristic referenced in the company's mid-century logo . The rear ell of the building, which features a simple box-like massing and a flat roof, is a nondescript, secondary component of the overall structure, exhibiting none of the architectural exuberance of the corner element.

Alterations, Additions since Construction

Since the building's construction, no major alterations have taken place.



Previous structure on site

VALLE'S
STEAK HOUSE





Engine Company No. 8 Firehouse

ADDRESS

536 Deering Avenue

ARCHITECT

unknown

DATES

1907

STYLE

19th/20th Century

Building History

The former Engine Company No. 8 Firehouse is located at 536 Deering Avenue, in close proximity to the Woodford's Corner intersection. Currently the site of Big Sky Bread Company, the firehouse was built in 1907 to serve the surrounding Deering neighborhood and operated as a firehouse until 1967.

Woodford's Corner had an active fire-fighting group starting in 1873, two years after the formation of the town of Deering. This fire brigade was called the Woodford's Engine Company and by 1889 it occupied space in Lewis Hall at 165 Woodford Street, sharing the building with the Deering Town Offices and another fire company, Ladder Company Four. When the City of Portland annexed Deering in 1899, the resulting integration and reorganization of fire companies saw the brigade at Woodford's Corner become Portland's Engine Company Eight. In 1907 Ladder Company Four moved to a newly-constructed firehouse close to Morrill's Corner on Arbor Street and Engine No. 8 transferred to the purpose-built brick fire station at 536 Deering Avenue.

The Engine Company No. Eight Firehouse played an important role in the Portland Fire Department. In 1916, it was the first station in Portland to put a motorized fire truck into service. It was the headquarters for the City's District Two Fire Chief from 1909 until its closure. Engine Company No. 8 remained an active fire department company at 536 Deering Avenue until 1967 when the engine company was relocated, along with the District Chief's offices, to North Deering.

After the engine company relocated to North Deering in 1967, the City of Portland leased the unoccupied firehouse to the Children's Theatre of Maine in 1971 for a period of five years at the cost of one dollar. This change of use necessitated some interior modifications, such as the removal of the fire pole and the addition of a metal fire escape. Following the Theatre's leasing period, the firehouse was used by the City for storage but remained vacant until a private owner bought the building in 1994. The building's current tenant, Big Sky Bread Company, moved into the space the same year.

Architectural Description

The building is a two story brick structure with a flat roof. Although the building is simple and straightforward in its massing, the level of architectural detail belies the functional nature of its use. The façade features a pair of two-story tall openings separated by a center brick pier. At the ground floor level are garage doors and above are three mullioned one-over-one windows. Separating the doors and the windows above are three square wood panels featuring a decorative cross-brace detail. This detail also appeared in the station's original doors—see historic photos. At the center of the façade a flagpole is mounted at the second story level and extends well above the roofline. The deeply overhanging cornice is supported by brackets and the frieze is ornamented with dentils. The brickwork itself is an important character-defining feature with narrow mortar joints that give the masonry a very uniform appearance. This type of brickwork was popular in the early 20th century. The "Engine 8" sign that can be seen in historic images is no longer hanging on the façade. A siren tower was erected on the roof in 1951.

The side elevations feature simple punched window openings, the placement of which reflecting the interior layout more than a strict adherence to architectural uniformity. The one-over-one windows feature rusticated granite sills and lintels of soldier course brick. Behind the main block of the building is a rear ell that is set back from the main block's side elevation. The decorative cornice continues around the entire ell. The ell's south elevation features a garage door opening with steel header and a large loft opening with projecting hoisting arm. Given the building's location at the corner of Deering Avenue and Revere Street, the building's entire south elevation is clearly visible. The rear elevation of the ell is also visible; the window openings on the rear have been bricked in.

Additions and Alterations since Construction

As a municipal, tax-exempt structure, the firehouse was not included in the 1924 tax revaluation and therefore no photograph was taken. Fortunately, other early photos exist to confirm its original appearance. From those photos we know the original appearance of the firehouse doors. These have been replaced with more contemporary doors that feature a high degree of glazing. But for the door replacement, the building retains its original features and is in well preserved condition thanks to a major rehabilitation by the current owner in 1994. It remains an important landmark in the Woodford's Corner/Deering neighborhood.



Engine Company No. 8 Firehouse circa 1912. Maine Historical Society Image.



Building in 1994, when City sold it to current owner.



View of building from Revere Street

Forest Ave. Public Comments



Friends of Woodfords Corner
c/o 57 Revere Street
Portland, ME 04103

07/23/19

Julia Sheridan, Chair
Historic Preservation Board
City of Portland

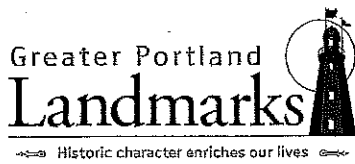
Dear Ms. Sheridan and board members:

As a Main Streets affiliate organization established in 2015, the Friends of Woodfords Corner (FWC) supports economic development in the context of historic preservation, as it is one of the tenets of National Main Streets movement. Specifically, FWC supports the City of Portland's historic designation of certain properties in Woodfords Corner for a number of reasons:

- **Historic preservation has a proven track record** of promoting community and economic development by creating jobs, preserving historic buildings, and bringing new vitalities to our communities.
- **The Historic Preservation Tax Credit has helped revitalize communities and properties** across Maine and throughout the United States.
- Properties so designated are **eligible for receiving State and Federal Historic Preservation Tax Credits**
- This designation, and the tax credit, have enabled a flexible approach to preservation that has **stimulated significant economic growth through private investment** and the creation of new jobs.
- Through use of the tax credit, **owners of designated properties can save a great deal of money on improvements they make** to their properties (up to 40% on qualified rehabilitation expenses).
- In Maine, since the program began in 2002, investment in Main Streets communities has demonstrated **a Return on Investment (ROI) of \$20.18 to 1.**

Outcomes from Application of Historic Preservation Tax Credits (HTC) in Maine Since 2008
(From a 2017 article in Maine Biz)

- ✓ 83 HTC projects
- ✓ 5,180 new jobs



23 July 2019

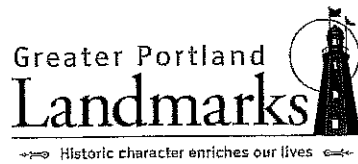
Chair Sheridan and Members of the Historic Preservation Board,

Greater Portland Landmarks urges you to find the seventeen nominated buildings along Forest Avenue eligible for landmark designation and formally recommend their designation to the Portland City Council. The nominated resources include a number of architecturally significant buildings and several iconic buildings that tell the story of Forest Avenue's development history. Included are a significant number of early twentieth century buildings occupied by new car dealers, used car dealers, parts suppliers, and auto repair shops that earned Forest Avenue its moniker as Portland's "Auto Row".

Landmarks feels strongly that the existing provision of the Historic Preservation Ordinance, combined with the summary narrative included with the descriptive individual property forms, provides adequate protection, guidance, and flexibility for future review of the proposed landmark properties without any changes to the Land Use Code:

- We do not support amending the site plan provision regarding the "100-foot rule" as we strongly believe that all development adjacent to a designated individual landmark within the city should follow the same rules. The flexibility in the design standards and the eclectic nature of the context along Forest Avenue are sufficient to allow opportunities for a variety of architectural solutions on abutting parcels.
- We do not support amending the historic preservation ordinance to create an exception that only readily visible alterations or additions be subject to review. Most of the proposed landmarks are visible on two or more sides from public ways and many share a common party wall with another structure. Again, we strongly believe that all designated individual landmarks within the city should be subject to the same rules. We believe the summary narrative included with the staff report describes the intended limits of review sufficient to inform future applicants and board members.
- We do not support amending the historic preservation ordinance to address the issue of building heights. We believe the summary narrative included with the staff report describes the intention of the board to review the manner of how an applicant proposes to achieve an allowed building height in a way that is sufficient to inform future applicants and board members.
- We do feel that it is appropriate to update the Historic Resources Design Manual to reflect not only the options for adding additional floors or partial redevelopment, but to include recent projects approved by the board that illustrate these and other design standards.

We encourage the board to include in the designation narrative a clarifying statement regarding the review of



alterations to discourage "facadism" when considering proposals for partial demolition. For example:

"The historic preservation ordinance allows for consideration of partial demolition of a designated structure for redevelopment where removal of that portion of the property would not materially diminish the identified architectural," *character defining features and would retain a sufficient amount of the original property so that the essential form and integrity of the historic property is not impaired.*

As several of the building owners have pointed out, they are doing excellent work to maintain or improve their buildings. The intent of landmark designation is not to penalize them, but to celebrate their good stewardship and to identify these landmarks as buildings of value in our city's streetscapes. We believe the city's proposed designations support the public interest by enhancing Woodford Corner's character as a destination business district, establishing a preferred development pattern to be emulated in future developments and incentivizing opportunities for economic redevelopment along the corridor.

Thank you for considering our views.

Julie Larry
Director of Advocacy

Alta Vista LLC
495 Forest Avenue
Portland, Maine 04101

July 24, 2019

Chair Sheridan
Members of the Historic Preservation Committee

We have received multiple letters and attended multiple workshops regarding the nomination of 495 Forest Avenue and its proposed designation as a historic building. Deb Andrews, Historic Preservation Program Manager, and the Historic Preservation Board have communicated appropriately and hosted significant opportunities for public comment. We have attended nearly all of the public sessions. Thank you.

Since attending public workshops, a site visit, and a site specific planning department meeting, our message to the board has been consistent. Beginning May 14, 2019 a request has been publicly and openly to be withdrawn from consideration.

Today, July 23, 2019 is the public hearing. We request that the HP board review the public testimony and the testimony of the owners regarding 495 Forest Avenue. Based on information gathered to date, the testimony provided at workshops and testimony by email, *we formally and respectfully request to be withdrawn for designation consideration at this time.*

Please see a brief timeline of events that we have based our request upon:

- April 4, 2017 - Purchased 495 Avenue.
- April - February 2018 - Invested significantly in renovations to preserve and upgrade the structure.
- March 19, 2019 - First formal notice for potential designation.
- April 3, 2019 - Attended Workshop Preliminary Review of Proposed Historic Designation by HP Manager Deborah Andrews.
- April 17, 2019 - Attended presentation by Planning Director Christine Grimando.
- April 24, 2019 - Met with HP Manager Deborah Andrews at 495 Forest Avenue to gain perspective, understanding and education on process.
- May 6, 2019 - Received letter of formal nomination by Chair Sheridan and member Pollard.
- May 9, 2019 - Met with Planning Director Christine Grimando at City Hall to gain an understanding of how planning, codes, ordinances, comprehensive plan, potential future development... combine with HP and how this can help or burden the future of the property
- May 14, 2019 - sent email to HP board - requesting to be withdrawn from consideration.
- May 15, 2019 - workshop with HP board - request to be withdrawn from consideration
- June 19, 2019 - workshop with HP board - request to be withdrawn from consideration
- July 29, 2019 - workshop with HP - this workshop was not attended due to repetition
- July 24, 2019 - Public Hearing HP board - request to be withdrawn from consideration

Thank you.

Sheila and Adam Nappi

Please support 17 potential landmark buildings along Forest Avenue.

nancy montgomery <nm@nmontgomerydesign.com>

Jul 24, 2019 1:20 PM

Posted in group: **Planning and Urban Development**

Honorable Planning Board Members,

Historic preservation enriches our lives.

As a long time resident of Portland, living a block away from Forest Avenue, I strongly urge your support for the landmark designation of the 17 vital buildings.

It is perhaps ironic that Forest Avenue developed along with the automobile. And today stands in danger of being swamped by the same. It would be so easy for this entrance to the city to fall into a development cycle that would soon make it just another busy, characterless street. The kind of street you see all across this land and not the kind of street that adds value to the fabric of our lives.

And this fabric is not purely aesthetic or backward looking. It has economic value. As we see as Portland today reaps the benefits of years of preservation efforts.

To see the new life coming to Woodfords is so encouraging. The citizens are working so hard to preserve and create a sense of place. It is working. New businesses are coming. Restaurants, bakeries, galleries are making this more desirable by the day. And the new intersection with its public art shows that forces of government are also playing a critical role.

But this progress is fragile. Your vote could go a long way to holding on to these resources that will only over time grown in value and help springboard this once overlooked stretch of street into yet another reason so many of us choose to live and work here in this very special place.

Thank you for your consideration. It is greatly appreciated.

Jack Vreeland and Nancy Montgomery
Montgomery Design
447 Deering Ave., Portland, ME 04103
207 879 9152

jackvreeland@gmail.com
nm@nmontgomerydesign.com

Forest Ave., etc.

Pamela White <whiteangeffa@gmail.com>

Jul 20, 2019 12:54 PM

Posted in group: **Planning and Urban Development**

Please recommend the preservation of landmark buildings on July 24th at the meeting. I hope the building owners and everyone will be on board to save these historic buildings.

Our city is changing very rapidly, especially along the waterfront. I'm thankful for the work of the Portland Hx. Soc., but we need to continue to value the past we love, as we grow. Thank you, Pamela of South Portland.

—
Pamela J. White

On Friday, July 19, 2019 at 7:49:40 AM UTC-4, Lauritzen, Amanda L. wrote:

Hello,

I am writing in support of designating landmarks on Forest Avenue, as from the email I received earlier this morning.

Thank you,

Amanda Lauritzen

On Friday, July 19, 2019 at 10:17:51 AM UTC-4, Loren Coleman wrote:

Dear Planning Members:

I wish to record my support for your positive consideration of the designation of 17 potential landmark buildings along Forest Avenue between Woodfords Corner and I-295. The designation would assist in the preservation of these significant examples of vanishing architecture in Portland.

I especially point to the mid century modern design of 660 Forest Avenue, which continues to vanish in contemporary renovations.

Thank you,

Loren

Loren Coleman, Founder and Director Emeritus

International Cryptozoology Museum

4 Thompson's Point Road, Suite 106

Portland, Maine 04102

USA

On Friday, July 19, 2019 at 10:04:57 AM UTC-4, Grace Braley wrote:

Ever since I moved here, I've been intrigued with Forest Avenue.

I think there are traffic and parking issues the city could address, and once I worked out my own plan.

These buildings are fascinating, and I often wonder what the history and expectations were as they got built and used. Their structure sets a tone or a style for this wide business street.

solid, not cluttered, not too high, dignified.....

Please landmark them.

If there are ways to avoid over-constraint on those who use them -- obviously, should.

Grace Braley



Deb Andrews <dga@portlandmaine.gov>

536 Deering Avenue withdrawal request from Historic Preservation designation

1 message

Michael Kaplan <KaplanCompany@msn.com>
 To: Deborah Andrews <dga@portlandmaine.gov>

Fri, Jun 21, 2019 at 12:14 PM

To Deb Andrews and the City of Portland Historic Preservation Board:

We are requesting the building at 536 Deering Avenue be withdrawn from Historic Preservation designation and confirmation this has been done.

For approximately 27 years, we (Martha Elkus {the owner of Big Sky Bread Company}, the building at 536 Deering Avenue, KAPLAN 536 LLC and the people in the neighborhood) have all gotten along very well without an extra layer of City of Portland Historic Preservation Board overseeing, managing, dictating to us. That is a very long time. You can see from the pictures and engineering study how the City of Portland maintained the building when the City of Portland owned and maintained the building at 536 Deering Avenue. At three of the previous City of Portland Historic Preservation Board meeting in multiple rooms at City Hall the heat was on very high and the windows were opened to adjust the temperature. As I understand it this waste of money and environmentally unfriendly way of adjusting the temperature in a room has happened every fall, winter and spring; day after day, week after week, year after year, decade after decade and most likely will continue year after year, decade after decade into the future. We do not need people who are from away and do not own property in Portland to manage and oversee our property. We are requesting the building at 536 Deering Avenue be withdrawn from Historic Preservation designation not only for myself but for my sons who were born in Portland and grew up in the house I have been living in since 1965 (54 years) which is a few streets away from 536 Deering Avenue and my sons are currently help managing and will eventually own the building. Dealing with City of Portland Historic Preservation Board will add expenses (extra fees) delays (waiting for one more layer of government approval) that we have proven over the last 27 years that we do not need or deserve to have to deal with. We are very capable of managing 536 Deering Avenue without the current City of Portland Historic Preservation Board and future board members dictating to us their opinion on managing our well maintained and efficiently run property. We do not want any historic tax credits from the federal, state or city governments. We have always paid our real estate taxes, storm water fees, sewer and water invoices, downtown district tax and annual apartment inspection fees when they are due. We have never been late for 54 years. We would greatly prefer not to waste our time and energy attending another 5 pm City of Portland Historic Board meeting, having to get up and say the same thing we said at the last meetings and ending up with nothing being accomplished. Its stressful, a waste and inefficient use of my time. We have done nothing wrong to be treated like this.

We are attaching the pictures of the building at 536 Deering Avenue showing the condition of the building when we bought from the City of Portland. We are also attaching the engineering study, that the City of Portland paid for, reviewing the condition of the building prior to the City of Portland selling it to us. We are also attaching the Greater Portland Landmarks award that the Martha Elkus & Bill Harris and we received without any City of Portland Historic Preservation Board oversight and newspaper article further describing the building's condition while the City of Portland owned it. We are requesting that you show these pictures, City of Portland engineering study and Greater Portland Landmarks letter and award certificate and newspaper article on the projection screen and in all of the information packets when discussing 536 Deering Avenue at all of the future meetings. Please confirm that you will be showing on the projection screen and include in all of the information packets when discussing 536 Deering Avenue

7/24/2019

City of Portland Mail - 536 Deering Avenue withdrawal request from Historic Preservation designation

all of the attachments at all of the future meetings. If you refuse to comply with our request you will leave us no alternative but to spend and waste more time and more expense of going to Staples and having everything enlarged and put on white backer boards to present at each of the future meetings.

We are requesting the building at 536 Deering Avenue be withdrawn from Historic Preservation designation and confirmation this has been done.

Michael Kaplan
KAPLAN 536 LLC
49 Ocean Avenue
Portland, ME 04103-5722
telephone 207.774.9492
kaplancompany@msn.com

3 attachments

-  **Scan engineering review and GPL award 6.20.19.pdf**
5600K
-  **Scan 536 Deering pictures of building as sold by City of Portland.pdf**
2761K
-  **Scan newspaper article 536 Deering 6.20.19.pdf**
1678K

P.O. Box 432, South Freeport, Maine 04078 207/865-9289

Mr. Richard Lauck
Portland Public Works
55 Portland St.
Portland, ME 04101

Dear Richard:

Part I - Field Investigation

- A. The fire station is boarded up, with no electrical, heating or ventilation systems operating. The roof membrane has failed, allowing rainwater to enter the structure in several areas.
- B. Plaster and drywall used as interior finishes are heavily water damaged and probably not salvageable. Wood paneling used as an interior finish has been stained. These stains appear to be caused by molds, and could possibly be repaired. Several areas of wood paneling may have been damaged by fungus and may require replacement.
*New Electrical & Mechanical
Baker & Co. →*
- C. Wood floor deck has absorbed large amounts of moisture. Deterioration of the deck indicates that wood has absorbed moisture beyond its fiber saturation point. Swelling and buckling of floor deck members and fungal attack to the wet wood indicates that the wood floors will have to be replaced if the building is renovated.
- D. Mold stains (powdery appearance) on floor and roof joists are common throughout the building. Mold stains do not present a structural hazard. Fungal stains (cottony appearance) were observed to a lesser extent at floor and roof joists. Fungal stains were concentrated in the 1st floor joist exposed in the basement. Deterioration from fungal attack included a watersoaked appearance and visible signs of decay. Floor and roof joists will have to be reinforced at areas of decay if the building is renovated.
- E. Decay due to fungal attack is common at wood beams supporting floors and roof. In many cases rotted wood could be scraped off the surface of the beams. Most wood beams in the building will have to be replaced if the building is renovated.
- F. Masonry walls are in good condition. No settling or cracking of brickwork was noted.

1. THE PROBLEM IS THE PROBLEM
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 10. THE PROBLEM IS THE PROBLEM

Old Woodfords Fire Station
Framing Review

Part II - Structural Review

- A. 1st floor joists are rough cut 2 x 12's @ 17" to 18" o.c.
2nd floor joists are rough cut 2 x 10's @ 17" to 18" o.c.
Roof joists are rough cut 2 x 10's @ 24" o.c.

<u>span</u>	<u>original capacity</u>	<u>remarks</u>
14 ft. or less (floor)	90 - 300 psf	reinf. decayed joists
17' - 0" (floor)	85 psf	add add'l bearing to reduce span
14 ft. or less (roof)	75 - 120 psf	reinf. decayed joists

- B. 1st floor beams are full size 6 x 12 and 8 x 12.
2nd floor beams are full size 6 x 10.
Roof beams are full size 6 x 10 and 4 1/2 x 9 3/4.

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
6 x 12 - 8'-6" (floor)	107 psf	fungus decay noted
8 x 12 - 8'-6" (floor)	50 psf	fungus decay noted, supports wood bearing wall above
8 x 12 - 11'-0" (floor)	100 psf	fungus decay noted
6 x 10 - 8'-6" (floor)	80 psf	fungus decay noted, supported by hanger from roof
6 x 10 - 12'-3" (floor)	35 psf	fungus decay noted, supported by hanger from roof
6 x 10 - 15'-3" (roof)	15 psf	fungus decay noted, supporting 2nd floor hanger loads
6 x 10 - 9'-6" (roof)	150 psf	fungus decay noted
4 1/2" x 9 3/4" - 8'-10" (roof)	60 psf	fungus decay noted
4 1/2" x 9 3/4" - 12'-3" (roof)	35 psf	fungus decay noted

- C. Wood bearing walls are rough cut 2 x 4's @ 16" o.c.

<u>span</u>	<u>original capacity</u>	<u>remarks</u>
13'-9"	80 psf	supports floor & roof

Old Woodfords Fire Station
Framing Review

D. Wood posts:

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
6" x 6" - 13'-9"	120 psf	supports floor & roof
6" O.D. - 13'-9"	70 psf	supports floor & roof

E. Steel beams:

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
15" deep - 25'-0"	100 psf	
8" deep - 13'-9"	90 psf	beams added to shore 1st floor section loss due to rust

F. Steel posts:

<u>size & span</u>	<u>original capacity</u>	<u>remarks</u>
5" O.D. - 5'-8"	800 psf	posts added to shore 1st floor section loss due to rust
4" O.D. - 6'-1"	600 psf	beams added to shore 1st floor section loss due to rust
TS 10 x 5 - 13'-9"	200 psf	

Part III - Recommendations

- A. Renovate property as soon as possible. Existing conditions will lead to additional decay of wood framing. Decay will accelerate as temperature in the building rises above freezing. Renovations must include roof and window repairs that would make the building watertight and a ventilation system that would provide air exchange and dry out the existing framing.
- B. Remove all existing sheathing, decks and finishes. Reinforce wood joists at any areas of fungal decay. Replace wood beams in building with new steel or glue-laminated wood beams designed for code loading for future occupancy. Reinforce wood studs and posts where under code load capacity.
- C. Install new heating and ventilation system, with any required ductwork. Install new electrical and fire protection service. Install watertight exterior windows and doors.
- D. Replace decks and sheathing with new plywood. Remove existing roof and insulation. Roof deck may have to be replaced when roof is torn off. Install new fully adhered EPDM membrane roof on new insulation.

Old Woodfords Fire Station
Framing Review

- E. Interior finish work should be done after all structural, mechanical and electrical renovations are completed.
- F. Renovations should include providing handicap access to the building as required under Maine and Federal law.
- G. This investigation did not include any survey for toxic substances or hazardous waste. A specialist environmental consultant should survey the site and report on existing conditions.

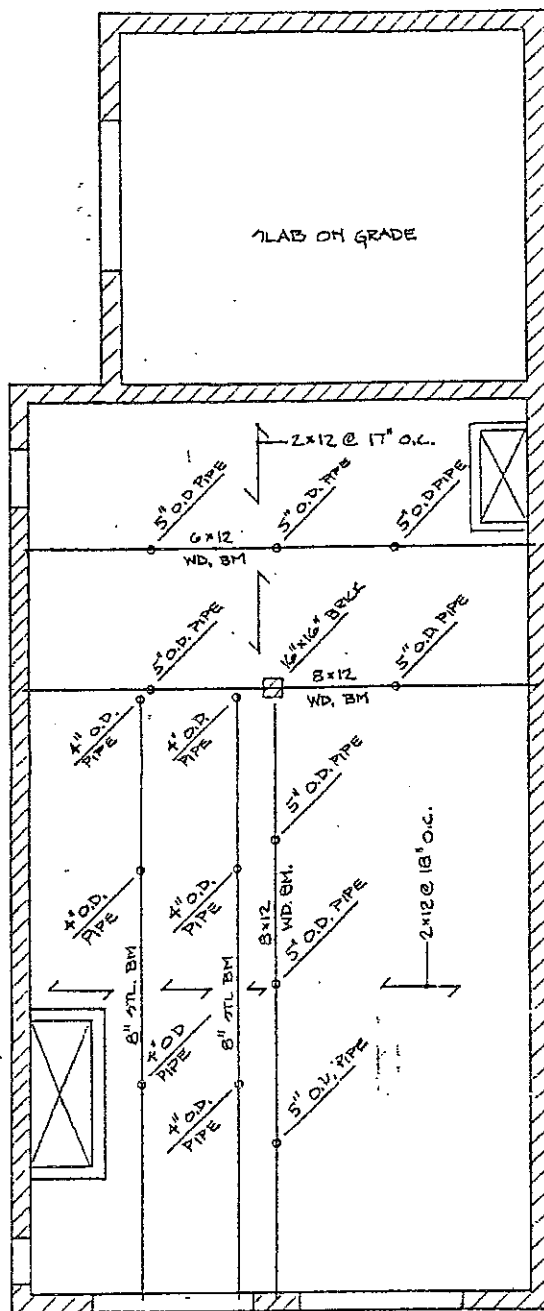
We have enclosed sketches of existing framing as noted in the field. Interior partitions are not shown. Framing details should be verified during renovation work.

Thank you for the opportunity to be of service. If you wish to go through the building to view specific areas of deterioration, please contact me to arrange a site visit. If you have any questions on the report, please call.

Sincerely,



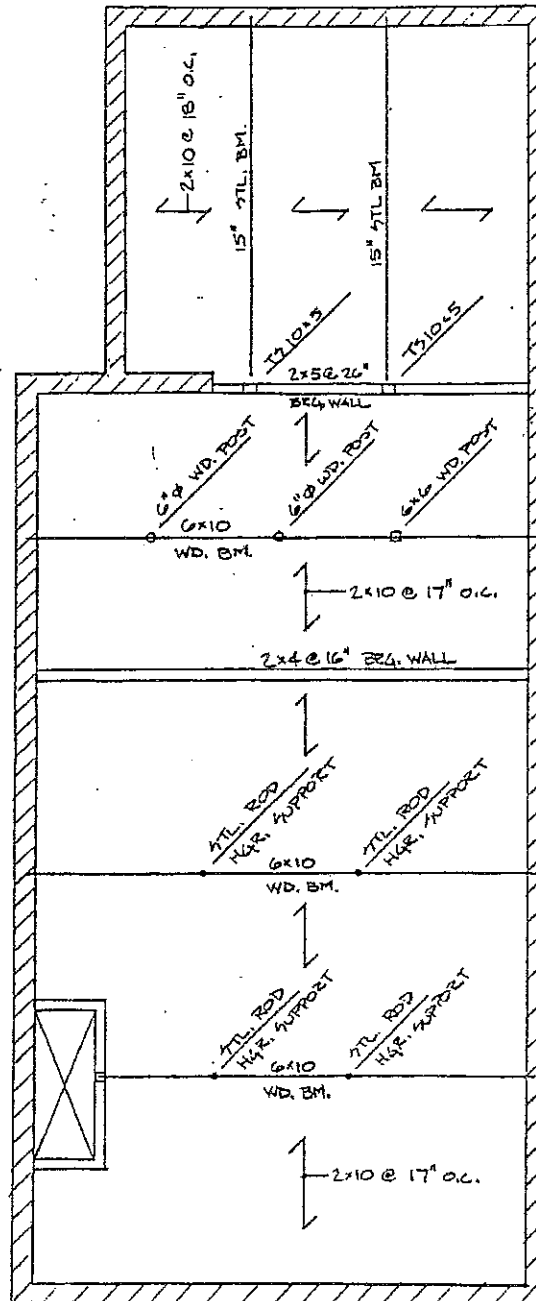
Michael W. Claus, P.E.



OLD WOODFORD'S FIRE STATION

T/ FL. + 7'-0" ±

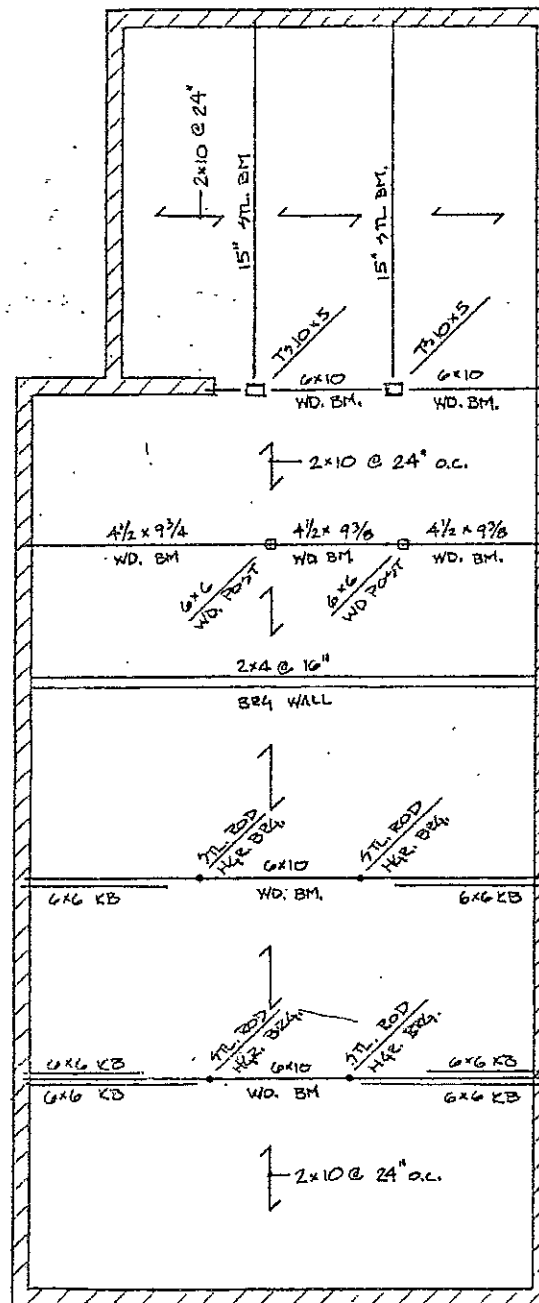
FIRST FLOOR FRAMING
1/6"=1'-0"



T/ FL + 21'-4" ±

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

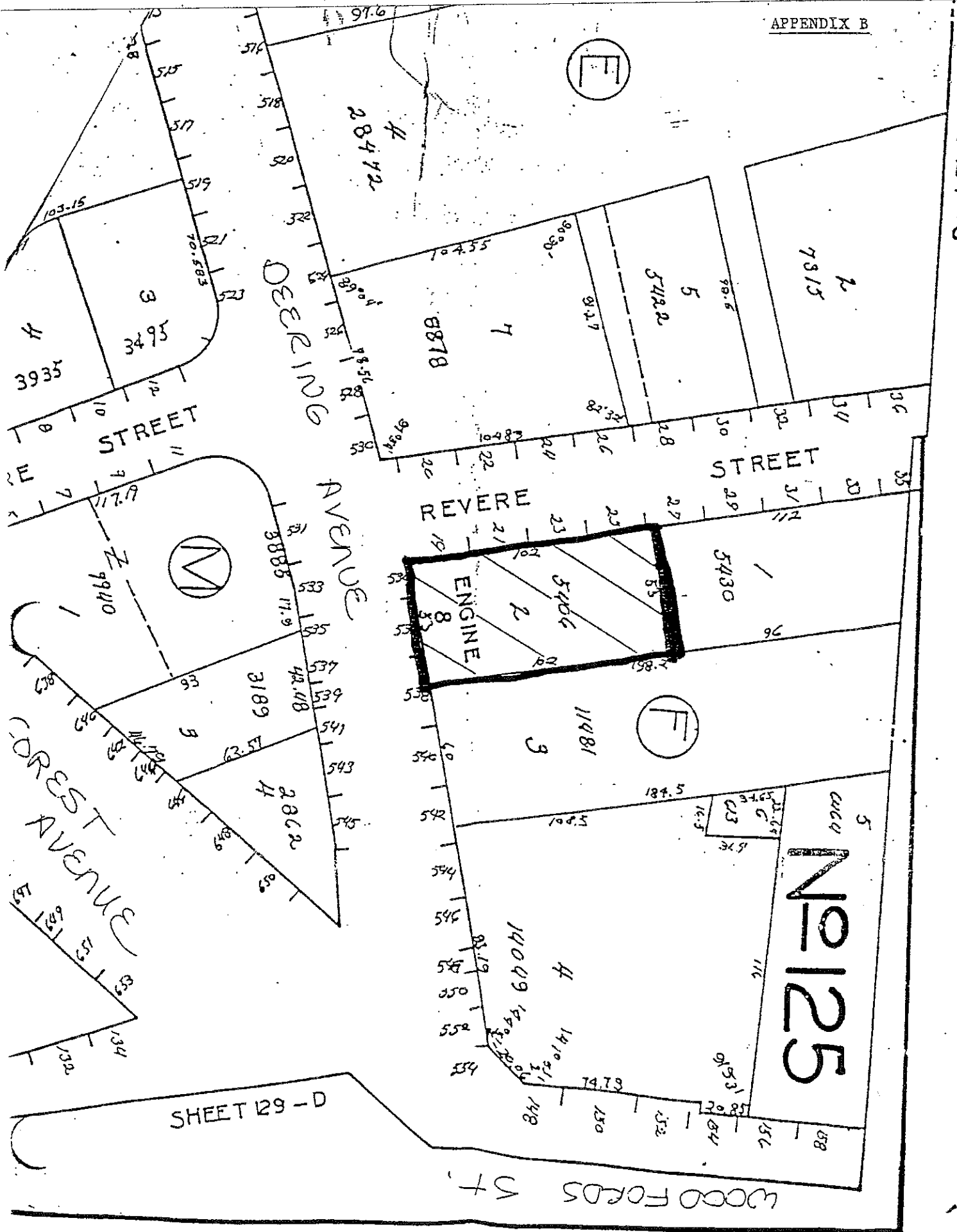
OLD WOODFORDS FIRE STATION

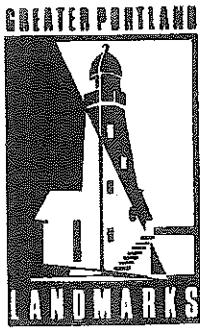


T/ ROOF 36'-4" @ L.P.

THIRD FLOOR FRAMING

1/8" = 1'-0"





165 State Street
Portland, Maine 04101
207-774-5561

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Victoria Loring
Treasurer & Secretary
Eric D. Altholz
V.P. Administration
Nancy V. Montgomery
V.P. Communications
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Margaret C. Morfit
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Donald N. Zilman

Trustee Emerita
Frances W. Peabody

Martha B. Deprez
Executive Director

May 30, 1995

Michael Kaplan
Big Sky Bread Company
536 Deering Avenue
Portland, ME 04103

Dear Mr. Kaplan:

Each year at its annual meeting, Greater Portland Landmarks recognizes individuals, firms, or organizations that have made an outstanding contribution in the area of historic preservation, community revitalization, architecture, or urban planning.

Landmarks' Board of Trustees have voted Big Sky Bread Company as this year's outstanding adaptive re-use project. We will present an Annual Award to recognize the imaginative rehabilitation of the historic Deering Fire Station which, until recently, stood vacant and endangered.

Annual Meeting is scheduled for Tuesday, June 20 at the Casino on Little Diamond Island, leaving from Casco Bay Lines at 5:45 pm. An invitation is enclosed. The business meeting and annual awards presentation will begin on arrival at the island, followed by an island cottage and garden tour by Dr. Harold Hackett, refreshments, and dinner. The ferry will arrive back at the dock at 8:45. We hope that you, Martha Elkus, and Bill Harris will be our guests. Please let me know if you will be able to attend.

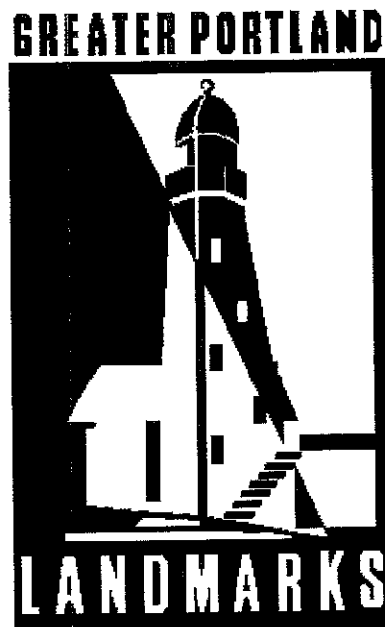
We are delighted with the fine preservation of the Big Sky Bread Company and look forward to recognizing this excellent project.

Sincerely,

Martha B. Deprez

Martha B. Deprez
Executive Director

Enclosure



This award is presented to

**Michael Kaplan
Martha Elkus and William D. Harris**

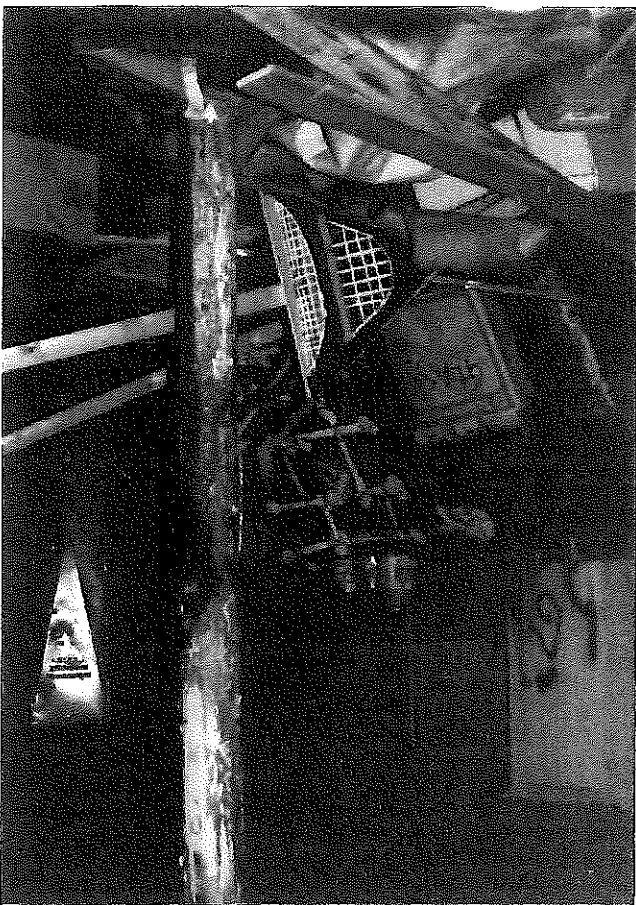
Optimism, creativity, and imagination have enabled owner Michael Kaplan and tenants Martha Elkus and William D. Harris to successfully rehabilitate the historic Deering Fire Station. Their commitment to create the Big Sky Bread Company transformed a deteriorating underutilized structure, recently threatened with demolition, to productive service as exceptional commercial space. Respectful of the building's historic features, the owner and tenants have created a model adaptive use of one of Portland's unique historic resources.

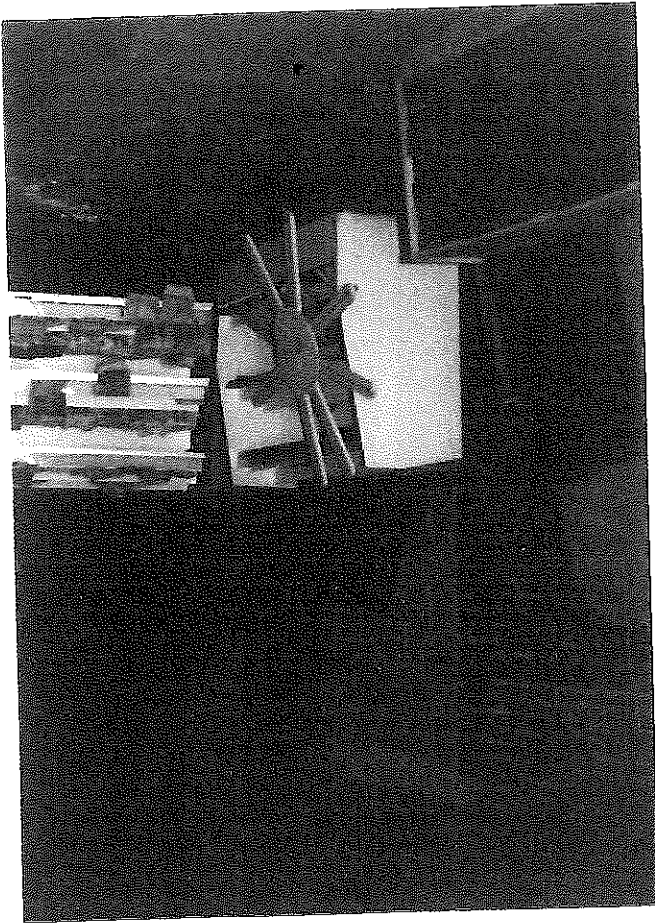
Victoria Bonebakker
President

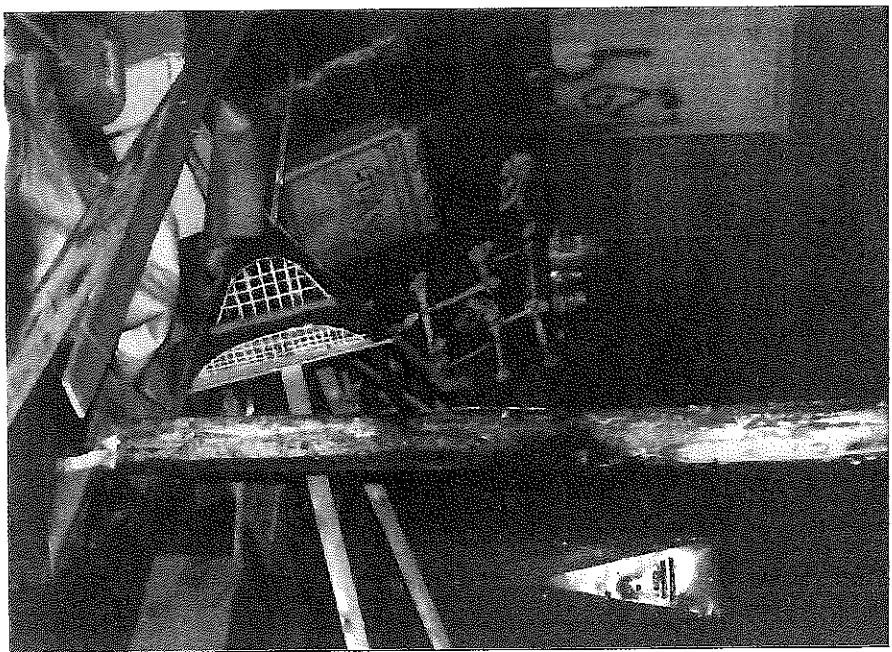
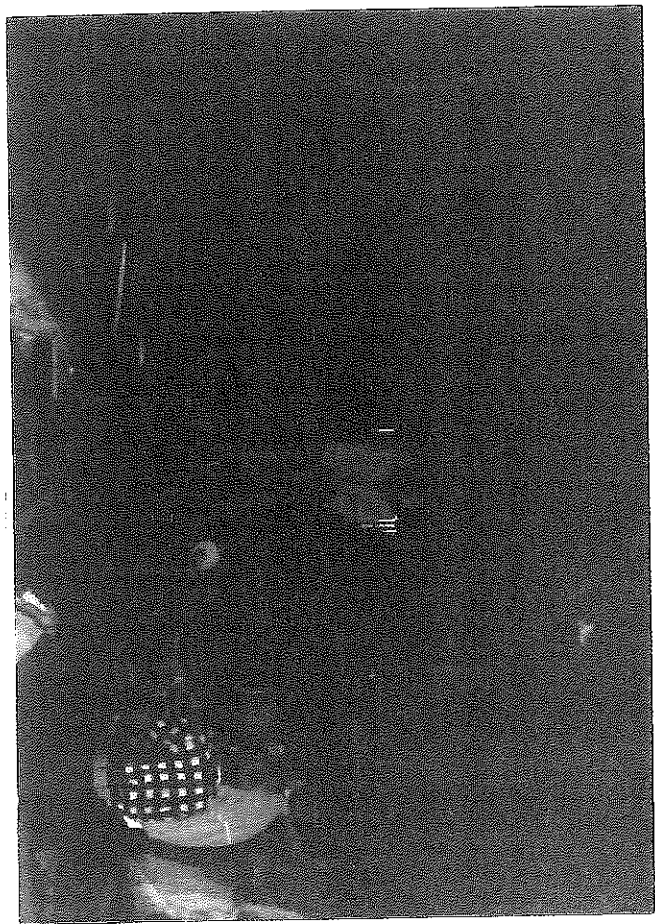
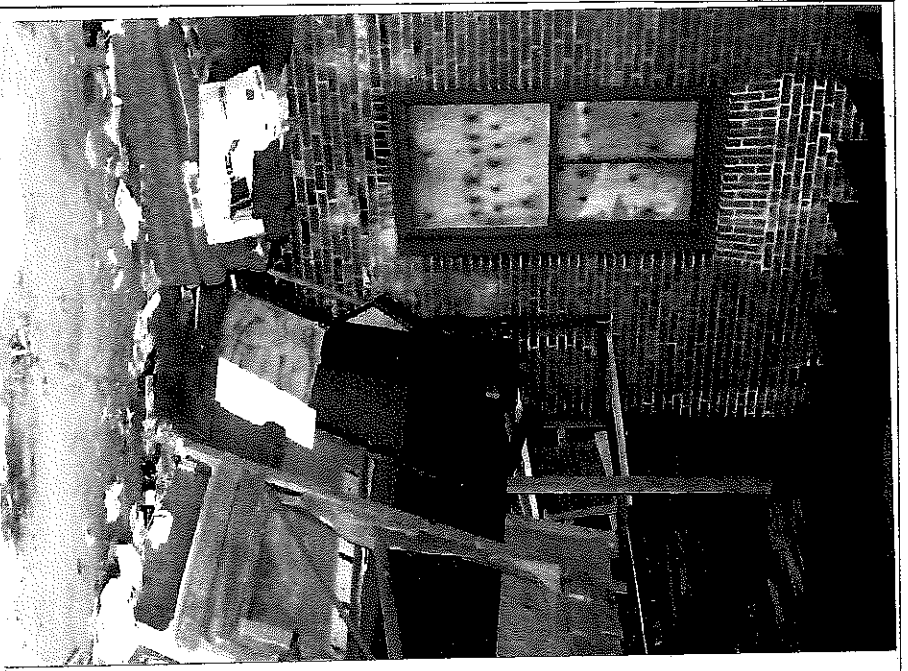
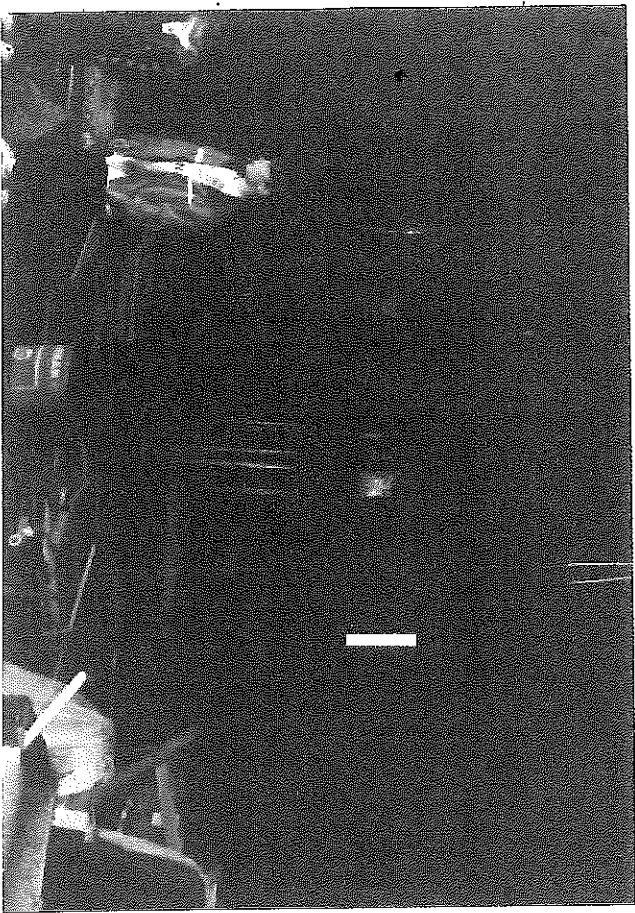
Martha B. Deprez
Executive Director

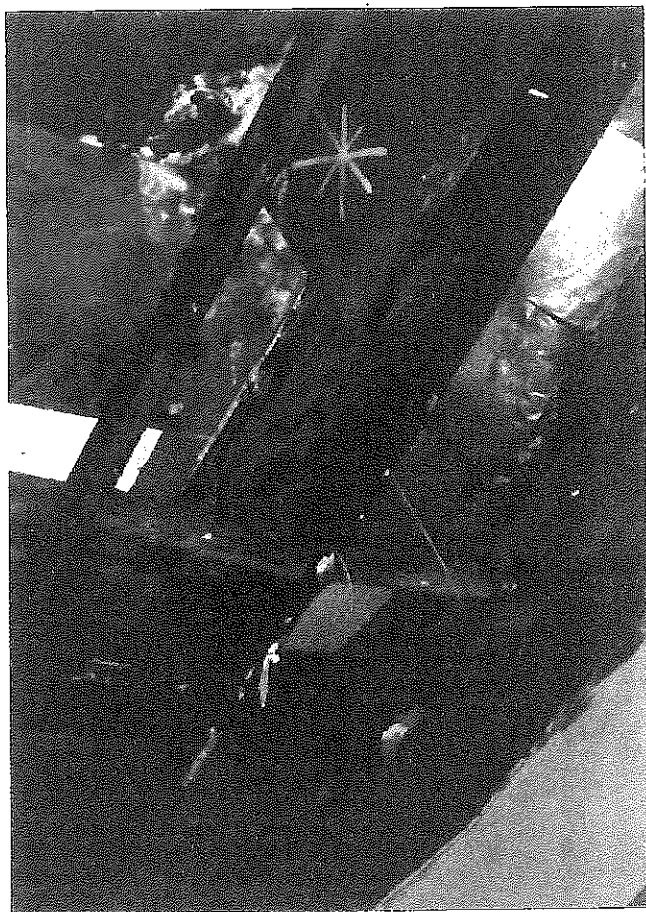
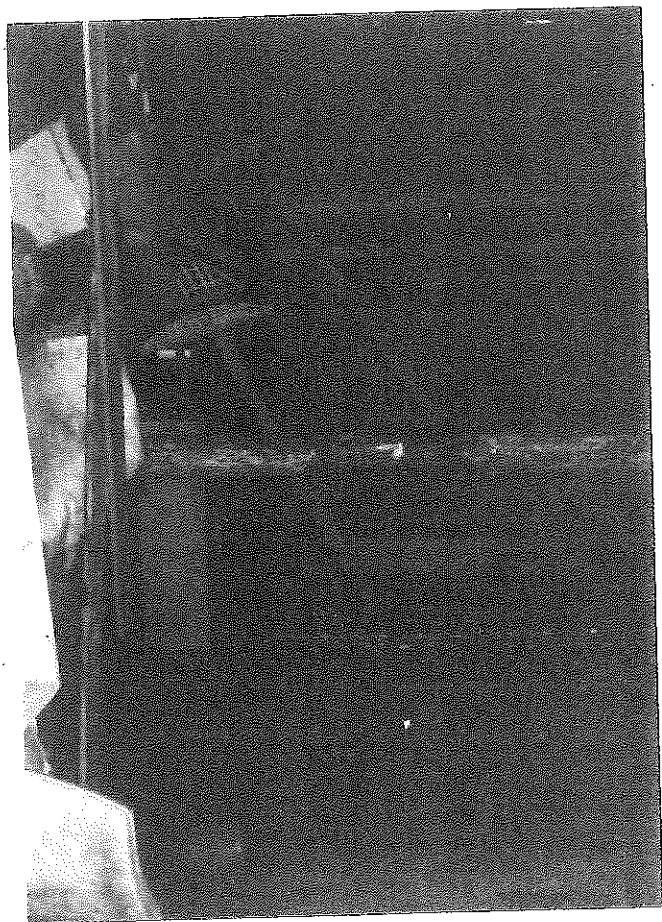
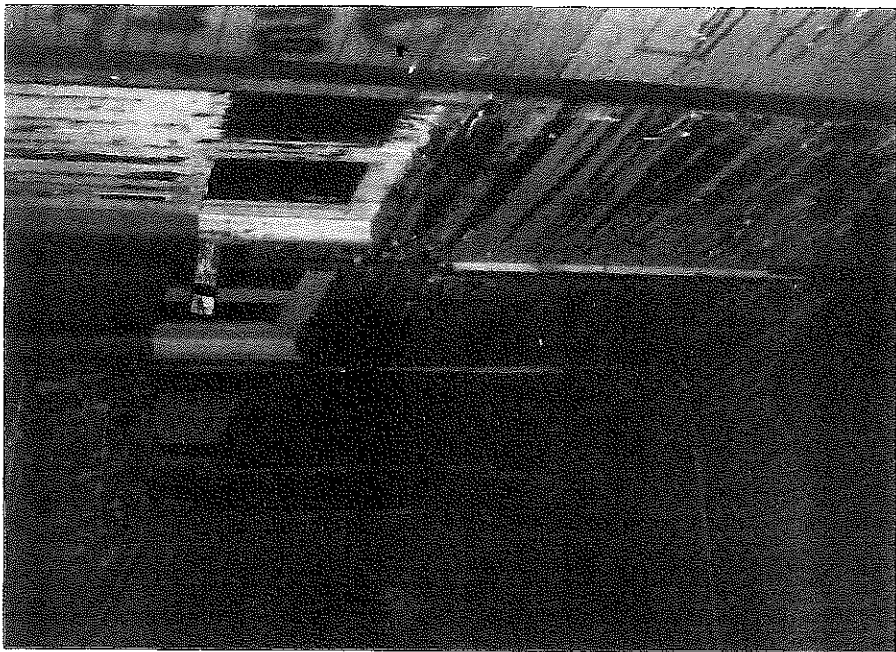
June 1995











Bread baked in old Deering fire station sells hot out c

Engine Co. 8, built in 1907 in the age of iron and steam, was high-tech for its day. At the alarm, its horses raced through spring-loaded doors to their assigned engines; there, harnesses dropped from pulleys onto them.

Deering's central fire station, hay still in its walls, had long been empty. Now it has re-emerged as a different sort of neighborhood center. What was once high-tech is now old world, stone ground, whole wheat and very tasty.

The Big Sky Bread Co. is a new bakery at Portland's Woodlotts Corner. Using Montana whole wheat milled fresh each morning, it offers 12 kinds of bread plus creations like Chna-Monsters, its huge sweet cinnamon buns.

Big Sky's tone is neighborly. They give out warm slices of anything you want. They bake in an open space and welcome kibitzers. They sell half their bread so hot it has to be in a paper bag — and give you plastic for when it cools.

The owners, Martha Elkus and her husband, Bill Harris, want Big Sky to feel like home, when that was where bread got baked. And not, he says, "designer bread."

Says Elkus, "It's bread you can eat every day."

A native of Ohio, Elkus has had

Abby Zimet



jobs ranging from legislative assistant to environmental planner to director of PROPs Foster Grandparent Program. Harris is a "reco-vering lawyer" studying to be an architect. Both were nonbakers.

Big Sky really started when one of Elkus' four brothers decided to open a bakery in Ohio. He and his wife trained with a Mormon baker in Utah, she says, and "introduced bread to Cincinnati that Cincinnati had never seen before."

Neither had she, which was why she came back from every trip to Ohio "with as many loaves as I could fit in my suitcase." Then "a light bulb went off." After research, she "saw there was an opening — there was nothing like it here."

"And of course there was the romantic side. Baking — at the end of the day, we'd have all these loaves of bread lined up on a shelf, and happy customers."

Romance took a bit of a beating during training with her brother, who gave her "a pretty good dose of reality." She learned baking was long, hard, hot work.

The fire station was long, hard, cold work. The couple began working on it in February. Built in 1907, it had been almost unused since 1967. The roof was rotted, the fungi were many, the basement was an ice rink, there was no heat.

Elkus: "It was sort of miserable." Harris: "Not sort of. Very."

They made it open and spacious. They kept the brick walls, the glass front, the board that once listed fire boxes, which now lists breads.

The start-up had the usual glitches. The wheat got stuck in Billings in a Teamsters' strike. Then it arrived: 22,500 pounds. Says Elkus, "They pull up and say, 'Your wheat is here.' That's it. They are not interested in unloading."

They learned to adjust to 4 a.m.-8 p.m. workdays (closed Mondays) and they threw away batches of dough ruined by weird weather or their own inexperience. Says Elkus, "Bread-baking is definitely an art, not a science."

Now they advertise "the best bread under the sky." They may be right. The bread, weighing two



Staff photo by Gordon

Martha Elkus and Bill Harris, owners of Big Sky Bread Co., display some of the many types of breads and rolls they produce.

pounds a loaf, ranges from honey whole wheat to sauerkraut sour dough rye. There are also muffins, cookies, sweet breads, granola.

It is almost all made from Montana wheat, piled everywhere in 50-pound bags. Why Montana wheat? Says Harris, "That's like asking, why Maine lobster?"

They use Maine honey as sweetener, and no sugar, preservatives or oil. The label on wheat honey lists wheat, water, honey, salt, yeast. It is short, notes, "and you can pronounce the words."

Big Sky maintains connect family — Elkus' father, uncle

MEMORANDUM
City Council Agenda Item

FROM: Victoria Volent, Housing Program Manager

DATE: October 8, 2019

SUBJECT: **Order 54-19/20 Appropriating \$36,000 from the Housing Trust Fund to Home Start for Affordable Housing at 18 Luther Street - Sponsored by the Housing Committee, Jill C. Duson, Chair**

SPONSOR: Sponsored by the Housing Committee, Jill C. Duson, Chair
The Housing Committee met on September 11, 2019 and voted 2-0 (Cook absent) to forward this item to the City Council with a recommendation for passage.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

Home Start, a 501 (c) (3), is requesting \$36,000 in Housing Trust funds to further upgrades on the single family rental house, and to add an accessory dwelling unit (ADU) to 18 Luther Street.

II. AGENDA DESCRIPTION

The Housing Committee met on September 11, 2019 and voted 2-0 (Cook absent) to forward this item to the City Council with a recommendation for passage.

Home Start, a 501 (c) (3), is requesting \$36,000 from the Housing Trust Fund to make further upgrades on the single-family rental house and to add an accessory dwelling unit (ADU) to 18 Luther Place.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Home Start is proposing to repair the three-bedroom affordable single-family rental house it owns and operates at 18 Luther Street on Peaks Island and add a studio accessory dwelling unit (ADU) to the rear of the house.

The ADU will be rent restricted to households that income qualify at 80% AMI, while the existing single-family house will continue to be rent restricted to 120% AMI (Home Start rents the single-family home at 50% AMI).

The 2019 Affordable Housing Development Application made available a total of \$1,269,085 from the 2019-2020 HOME fund (\$493,265) and Housing Trust Fund (\$753,320) for affordable housing development. The Housing Trust Fund balance is currently \$891,927 following recent expenditure commitments from the Council for 83 Middle Street and 47 Boyd Street and recent deposits totaling \$197,841.

Sherlock Homes Certified Home Inspections conducted an inspection of 18 Luther Street on May 16, 2019. Their report (see attached) identified numerous items requiring repair or replacement. The City of Portland conducted a Housing Safety inspection on August 8; the house passed the inspection.

Reed and Company Architecture provided a preliminary cost estimate of \$100,000 to \$125,000 for construction of the 500 sq ft accessory dwelling unit to be attached at the rear of the cottage with a shared entry. This will be a single story, handicapped accessible building. The cost estimate includes "some volunteer anticipation". Home Start submitted a development budget that estimates construction costs of \$117,500 plus a contingency budget of \$5,875 for a subtotal construction budget of \$123,375. Additional soft costs of \$21,848 and financing of \$6,980 totals \$152,203 in project costs.

Home Start is awaiting a decision by Bangor Savings Bank for up to \$40,000 in funding, and intends to expand their end of year solicitation. Genesis Community Loan Fund is prepared to issue a Commitment Letter for \$71,000 at 5.6% for a term of 60 months, interest-only for a construction period of up to 12 months, then amortizing over 30 years for the construction of the accessory dwelling unit and renovations to the existing unit.

Home Start has submitted a Capital Needs Plan appropriating a total of \$21,700 for priority improvements.

The staff recommendation to the Housing Committee was for funding in the amount of \$36,000 from the Housing Trust Fund, with funding contingent on (1) the ability of the applicant to raise a minimum of \$35,221 by April 1, 2020 through a capital campaign; (2) the City's funding would be used for construction hard costs only and; (3) the applicant would not be permitted to request future funding from the City to complete any of the repairs noted in the May 19, 2019 inspection report from Sherlock Homes Certified Home Inspections.

This item must be read on two separate days. The first read occurred on 10-7-19. This is the second read.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Portland embraces a One Portland vision plan where the City functions as a cohesive whole. Peaks Island is experiencing housing affordability challenges that need addressing.

V. FINANCIAL IMPACT

Recommendation for funding is \$36,000 from the Housing Trust Fund.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

The staff recommendation to the Housing Committee was for funding in the amount of \$36,000 from the Housing Trust Fund, with funding contingent on (1) the ability of the applicant to raise a minimum of \$35,221 by April 1, 2020 through a capital campaign; (2) the City's funding would be used for construction hard costs only and; (3) the applicant would not be permitted to request future funding from the City to complete any of the repairs noted in the May 19, 2019 inspection report from Sherlock Homes Certified Home Inspections.

VIII. LIST ATTACHMENTS

1. Appropriating Housing Trust funds to Home Start for 18 Luther St. 10.7.2019
2. 18 Luther Street memo

Prepared by:

Victoria Volent, Housing Program Manager

Date: 10/8/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING \$36,000 FROM THE HOUSING TRUST FUND
TO HOME START FOR AFFORDABLE HOUSING AT 18 LUTHER STREET**

ORDERED, that the amount of \$36,000 from the Housing Trust Fund is hereby appropriated to Home Start for the 18 Luther Street Affordable Housing Project; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute any and all documents necessary or convenient to carry out the intent of this order.

A. Project Summary

Home Start, a 501(c)(3) non-profit corporation with a mission to create year-round affordable housing on Peaks Island, owns and operates an affordable single family rental unit at 18 Luther Street on Peaks Island. The existing unit is a three-bedroom single family house in need of repairs but the affordable rents cannot support additional debt. In addition, Home Start would like to add an accessory dwelling unit (ADU) to 18 Luther Street to increase the supply of year-round affordable housing on Peaks Island. Home Start is currently in the process of amending the existing Conditional Zone Agreement (CZA) for 18 Luther to allow for the addition of the accessory dwelling unit. ADUs are allowed as a conditional use in the underlying and surrounding IR-2 zone but the existing CZA specifically limits the use of 18 Luther Street to one unit. This amendment was reviewed at a Planning Board workshop on May 28, 2019 and is scheduled for a public hearing on June 11, 2019.

18 Luther Street currently has deeded affordability restrictions to restrict the sale or lease of the property to individuals with household incomes at 120% or less of the U.S. Department of Housing and Urban Development moderate-income figure for metropolitan Cumberland County Maine. However, the current rent is affordable to households earning 50% of area median income. Located in Census Tract 24, a middle income level tract, this project will promote economic diversity.

A home inspection report prepared by Sherlock Homes Certified Home Inspections, dated May 16, 2019, a copy of which is attached, identifies the priority needs of the existing single family house. The proposed ADU would be a minimum of four hundred square feet and would maintain the single family appearance of the existing building. The site is served by public sewer and water and is located in the heart of the village, within walking distance to the ferry. Photos of the site and area are included as Attachment A, a conceptual site plan is included as Attachment B3, and a map showing the location of the site is included as Attachment B5.

B1. Evidence of Site Control

Attached is a Short Form Warranty Deed granting 18 Luther Street to Home Start on September 7, 2007, recorded in the Cumberland County Registry of Deeds in Book 25452, Page 211.

B2. Zoning Opinion

Attached is a Memo from City Planner Shukria Wiar regarding the zoning of 18 Luther Street as it relates to this proposed project.

B3. Conceptual Architectural and Site Plans (attached)

B4. Estimated Project Schedules

	<u>Existing Unit</u>	<u>Proposed ADU</u>
Conditional Zone Text Amendment:		July 2019
Financing commitments:	July 2019	September 2019
Construction loan closing:	August 2019	November 2019
Substantial completion:	October 2019	August 2020
Final completion/occupancy:	November 2019	September 2020

B5. Map Showing Location of Site (attached)

B6. Home Start Articles and By-Laws (attached)

B7. Home Start's DUNS Number is 969392344.

B8. Three years of financial statements are attached as well as three years of Form 990-N submitted to the IRS.

B9. Quarterly Income and Expense Report (attached)

B10. Home Start is not currently seeking CHDO funds.

B11. Development Team Summary

Home Start is a 501(c)(3) non-profit corporation with a mission to create year-round affordable housing on Peaks Island and will continue to own 18 Luther Street on Peaks Island. Our 501(c)(3) exemption certification is attached.

Board of Directors:

Elizabeth Remage-Healey, President

Most recently Director of Guidance at Winthrop High School in Winthrop Maine and at international schools in Panama and Egypt, she has had prior experience in a wide range of social services and programs. These include public interest research, urban renewal, family planning, older worker programs and college career counseling. After raising two sons in central Maine, she and her husband moved to Peaks Island eight years ago.

Chris Roberts, Treasurer

Graduating from Marlboro College with a degree in design as well as carpentry experience from the age of 10, Chris was a master carpenter and contractor for many years in upstate New York. More recently he has renovated 5 houses on Peaks Island as well as building a 6th from the ground up and a modern home on Munjoy Hill. In his spare time he is an avid sailor including a trip back and forth across the Atlantic.

Bill Hall, Board Member

A retired USAF colonel, Bill Hall has lent his talent to many organizations including the Fifth Maine Museum, the World Affairs Council and Greater Portland Landmarks. Home Start welcomed him to the board at the completion of his nine years on the Portland Planning Board.

Timothy Wyant, Board Member

Timothy Wyant, Ph.D. has run his home-based statistical consulting firm Ravenstat LLC for 40 years. In both an earlier stint as a statistician for the U.S. Geological Survey and his more recent consulting work, he has done many computer-mapping projects, including numerous oil spill risk analyses related to offshore oil drilling and transport, and likely exposure to radiation in the vicinity of nuclear engine plants. He does additional mapping analyses for civic groups on a volunteer basis. These volunteer projects have included analyses of impacts of zoning changes, analysis of fiscal viability of proposed new counties and independent towns, analysis of fairness of alternative re-districting plans that meet state and federal guidelines, and locations and abutments of paper streets.

Laura Reading, Board Member

Laura Reading graduated from the University of Michigan with a Master of Urban Planning degree and has worked as a Project Manager at Developers Collaborative since 2013, completing eight successful Low Income Housing Tax Credit (LIHTC) applications and contributing to the development of 299 affordable housing units throughout Maine.

Home Start's previous development experience includes the development of two new single family houses adjacent to 18 Luther Street in 2013, which are now owned by Volunteers of America (VOA). These homes were financed through MaineHousing's Affordable Housing Initiative for Maine Islands.

This project is the only project Home Start currently has in development.

The architect for this project is Richard Reed, who has been a professional architect for over 30 years. His experience includes a wide range of projects, from the complexity of providing new science laboratories within historic structures, to the simplicity of a wood-framed library in rural Maine. Mr. Reed was recently the project architect for the renovation of the Peaks Island Library and Community Center (right around the corner from 18 Luther Street), which was completed in 2018. Mr. Reed's work is guided by the belief that good architecture results from thoroughly understanding a client's needs and finding the simplest, most honest solution to those needs.

B12. Sources and Uses (attached)

B13. Development Budget (attached)

B14. Cost Estimates (attached)

B15. Home Inspection Report prepared by Sherlock Homes Certified Home Inspectors, dated May 16, 2019 (attached)

B16. First Year Operating Budget (attached)

B17. After completing this project, estimated annual contributions to reserves are \$450/unit for a total of \$900.

B18. The projected debt service coverage ratio ranges from 1.07 to 1.38 over the 15-year operating pro forma timeline (attached).

B19. 15-year operating pro forma with inflators of 2% on income and 3% on expenses (attached).

B20. Attached is a term sheet from Genesis for construction to permanent financing. If we receive funds in the amount of \$36,000 from the City of Portland (\$18,000/unit), we will launch a capital campaign and apply for additional grants in the summer of 2019 to secure the remainder of the project sources, approximately \$35,000.

B21. This project is not specifically serving special needs populations.

B22. 18 Luther Street will continue to be managed by Home Start, which has successfully and efficiently managed the property since 2007.

B23. According to the Island Institute's 2018 Waypoints report, Peaks Island has 4,000 summer residents and only 864 year-round residents, limiting the supply of housing available to year-round residents. The supply of rental housing is even more limited, with only approximately 15% of all occupied housing units being renter-occupied in Census Tract 24 (which includes other islands in addition to Peaks Island), according to the 2013-2017 American Community Survey 5-Year Estimates. Affordability is an even greater concern as 30% of renter-occupied households in Census Tract 24 spend 40% or more of their income on housing costs, also according to the 2013-2017 American Community Survey 5-Year Estimates. In fact, the waiting list for affordable senior housing rentals at the Fay Garman House on Peaks Island has grown from around three households five years ago to sixteen households currently. As part of the City of Portland, which has the highest housing costs in the state, and as an island subject to the influence of seasonal residents and second homes, there is a strong demand for affordable rental housing on Peaks Island.

B24. 18 Luther Street currently has a mortgage from Genesis in the amount of approximately \$176,000, with interest only payments. Since 18 Luther Street is Home Start's only property, the financial statements for 18 Luther Street are shown in Home Start's financial statements (Attachment B8) and the quarterly income and expense statement (Attachment B9). The monthly rent for the existing unit is currently \$1,050 and that lease expires as of June 15, 2019. Home Start has a tenant that is available to move in after the unit is cleaned and turned over.

Ultimately, that tenant would prefer to live in the proposed ADU and would move in to that unit upon its completion. Prior to that and during renovations of the existing unit, we do not anticipate that the tenant will need to relocate but have included a \$2,700 relocation budget in the overall project budget if it becomes necessary.

Capital Needs Plan

18 Luther Street Capital Improvements

PRIORITY IMPROVEMENTS		(to be funded by current proposal to City of Portland)	
Category	Item	Task	Cost Estimate
Interior	Baluster	Repair	\$100
Chimney	Chimney	Remove	\$1,500
Electrical	Outlets	Repair	\$500
Ventilation	Clothes dryer duct	Replace	\$100
Ventilation	Bathroom Fan	Clean, replace if necessary	\$100
Roof	Roof	Replace	\$4,500
Roof	Remove unused brick chimney	Remove and repair walls, floors, and ceilings	\$2,000
Exterior	Eaves, Soffits, and Fascias	Replace one fascia board and paint extensive exterior ti	\$3,000
Exterior	Doors (exterior)	New insulated front door	\$750
Exterior	Storm door	Replace	\$150
Exterior	Windows	Replace missing screens and windows as needed	
Interior	Windows	Sand and seal porch windows	\$4,000
Insulation	Exterior Walls	Add insulation as needed	
Insulation	Floor	Spray foam insulation in crawl space and exterior walls	\$5,000
Total			\$21,700

FUTURE IMPROVEMENTS		(to be completed as soon as possible based on funds raised through grants, annual campaigns and volunteer efforts)	
Category	Item	Recommendation	
Roof	Gutters and Downspouts	Add	
Exterior	Siding, flashing, trim	Replace and/or paint some	
Exterior	Deck	Repair and stain front porch	
Exterior	Porch	Stain back porch	
Interior	Ceilings	Repair prior ceiling repair on 2nd floor	
Interior	Floors	Repair front porch floor	
Interior	Floors	Repair upstairs bathroom floor	
Interior	Doors (interior)	Replace bedroom door on 2nd floor	
Interior	Crawlspace	Add gutter system to control water entry	
Plumbing	Plumbing vent pipe	Replace with 24" vent pipe	
Plumbing	Vanity, 2nd floor	Replace	
Insulation	Vapor barrier	Add	

MONITORING/MAINTENANCE		(to be funded by operating budget and grants/donations as needed)	
Interior	Floors	Monitor kitchen and bathroom floors for water damage	
Heating	Heating System	Clean annually, monitor/budget for replacement	
Plumbing	Hot Water Tank	Monitor/budget for replacement	
Inspections	Roof/Exterior/Interior/Plumbing/Ventilation/Insulation	Update Capital Improvement Plan as necessary	





Sources

City of Portland	36,000.00
Permanent Loan	70,982.05
Existing Cash	10,000.00
Capital Campaign/Grants	35,220.45

TOTAL SOURCES	152,202.50
---------------	------------

Uses

Construction	123,375
Soft Costs	21,848
Financing	6,980

TOTAL USES	152,202.50
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Development Budget	
	Total
CONSTRUCTION	
Construction Costs	117,500
Construction Contingency	5,875
Subtotal Construction	123,375
SOFT COSTS	
Approval Permits & Fees	7,500
Building Permit & Inspection	1,973
Engineer/Survey	-
Architect	-
Real Estate Attorney	-
Title Insurance & Recording	3,000
Construction Taxes	-
Construction Insurance	5,000
Home Inspection	375
Property Appraisal	3,000
Soft Cost Contingency	1,000
Subtotal Soft Costs	21,848
FINANCING	
Loan Origination Fee	500
Construction Legal & Inspection	-
Construction Interest	6,480
Other Financing Expenses	-
Subtotal Financing	6,980
TOTAL PROJECT COST	152,203

Reed and Company-Architecture

46 Cumberland Ave Portland Maine 04101



May 26, 2019

Project : 18 Luther St, Peaks Island

Owner: Homestart

Summary: The rental property at 18 Luther St., Peaks Island will be vacated, and Homestart plans to upgrade and maintain the building in preparation for a new tenant. The building is an older cottage, which is in need of further upgrades, and deferred maintenance.

Budget:

- **Insulation:** \$5000 The building is on posts with an enclosed crawl space area, plans are to spray foam floor area and add batt type mineral based insulation in attic areas
- **Exterior:** \$5000 Many windows need repair or replacement, installation of new egress windows in first floor bedrooms, replace exterior trim, caulk and provide storm windows as needed.
- **Interior:** \$5000 Remove existing unused brick chimney, replace kitchen base cabinets and countertops, provide new washer and dryer, repaint as required.

Accessory Dwelling unit Construction

Homestart also plans to add an approximately 500 sq ft Accessory Dwelling unit (ADU) attached at the rear of the cottage, with a shared entry. The single story ADU will be handicapped accessible, with modern building envelope to insure efficiency. Plans are for exterior to be compatible in style and color to existing structure.

Preliminary cost estimate for construction of Accessory Dwelling unit assuming approval by City of Portland of preliminary plans, current construction costs , and some volunteer participation to between \$100,000 and \$125,000

RICHARD K. REED, Maine Licensed Architect, LEED, AP



RICHARD K. REED, Maine Licensed Architect, LEED, AP

Richard Reed, a native of Maine, has been a professional architect for over 30 years. His experience includes a wide range of projects, from the complexity of providing new science laboratories within historic structures, to the simplicity of a wood-framed library in rural Maine. Mr. Reed's work is guided by the belief that good architecture results from thoroughly understanding a client's needs and finding the simplest, most honest solution to those needs.

Special Training

1994 "Child Care Design Institute," Harvard University Graduate School of Design

1992 "Public Library Planning and Design," Harvard University Graduate School of Design

Registration/Education

1972 Bachelor of Architecture, Pratt Institute

1976 Registration, Connecticut

1982 Registration, Maine

2009 LEED Accredited Professional for New Construction



Inspection Report

Betsy Remage-Healey

Property Address:

18 Luther Street
Peaks Island Maine 04108









Sherlock Homes Certified Home Inspections

Robert F Smith, CMI
20 Pound Road
Durham, Maine 04222
207-650-5117



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Date: 5/16/2019	Time: 11:01 AM	
Property: 18 Luther Street Peaks Island Maine 04108	Customer: Betsy Remage-Healey	Real Estate Professional:

Comment Key or Definitions

The following definitions of comment descriptions represent this inspection report. All comments by the inspector should be considered before purchasing this home. Any recommendations by the inspector to repair or replace suggests a second opinion or further inspection by a qualified contractor. All costs associated with further inspection fees and repair or replacement of item, component or unit should be considered before you purchase the property.

Inspected (IN) = I visually observed the item, component or unit and if no other comments were made then it appeared to be functioning as intended allowing for normal wear and tear.

Not Inspected (NI) = I did not inspect this item, component or unit and made no representations of whether or not it was functioning as intended and will state a reason for not inspecting.

Not Present (NP) = This item, component or unit is not in this home or building.

Monitor (MO) = This item, component or unit should be monitored on a regular basis.

Repair or Replace (RR) = The item, component or unit may not be functioning as intended, needs repair or maintenance, or needs further inspection by a qualified contractor. Items, components or units that can be repaired to satisfactory condition may not need replacement.

Safety Hazard (S) = This item, component or unit is presently or potentially a safety hazard.

When Things Go Wrong

There may come a time that you discover something wrong with the house, and you may be upset or disappointed with your home inspection.

Intermittent Or Concealed Problems

Some problems can only be discovered by living in a house. I do NOT move items or furniture, appliances or insulation. Some problems MAY indeed be hidden from view and will only be discovered when carpets were lifted, furniture is moved or finishes are removed. They cannot be discovered during the few hours of a home inspection. For example, some shower stalls leak when people are in the shower, but do not leak when you simply turn on the tap. A pipe that is hidden from view may leak but no leak was apparent during the inspection. Some roofs and basements only leak when specific conditions exist.

No Clues

These problems may have existed at the time of the inspection but there were no clues as to their existence. My inspections are based on the past performance of the house. If there are no clues of a past problem, it is unfair to assume I should foresee a future problem.

We Always Miss Some Minor Things

Some say inspectors are inconsistent because our reports identify some minor problems but not others. The minor problems that are identified were discovered while looking for more significant problems. We note them simply as a courtesy. The intent of the inspection is not to find the \$200 problems; it is to find the \$2,000 problems. These are the things that affect people's decisions to purchase.

Contractors' Advice

The main source of dissatisfaction with home inspectors comes from comments made by contractors. Contractors' opinions often differ from ours. Don't be surprised when three roofers all say the roof needs replacement when we said that, with some minor repairs, the roof would last a few more years.

Last Man In Theory

While my advice represents the most prudent thing to do, many contractors are reluctant to undertake these repairs. This is because of the "Last Man In Theory". The contractor fears that if he is the last person to work on the roof, he will get blamed if the roof leaks, regardless of whether the roof leak is his fault or not. Consequently, he won't want to do a minor repair with high liability when he could re-roof the entire house for more money and reduce the likelihood of a callback. This is understandable.

Most Recent Advice Is Best

There is more to the "Last Man In Theory". It suggests that it is human nature for homeowners to believe the last bit of "expert" advice they receive, even if it is contrary to previous advice. As home inspectors, we unfortunately find ourselves in the position of "First Man In" and consequently it is our advice that is often disbelieved.

Why Didn't We See It

Contractors may say, "I can't believe you had this house inspected, and they didn't find this problem". There are several reasons for these "apparent" oversights:

1. Conditions During Inspection

It is difficult for homeowners to remember the circumstances in the house, at the time of the inspection. Homeowners seldom remember that it was snowing, there was storage everywhere in the basement or that the furnace could not be turned on because the air conditioning was operating, et cetera. It's impossible for contractors to know what the circumstances were when the inspection was performed.

2. The Wisdom Of Hindsight

When the problem manifests itself, it is very easy to have 20/20 hindsight. Anybody can say that the basement is wet when there is 2 inches of water on the floor. Predicting the problem is a different story.

3. A Long Look

If we spent 1/2 an hour under the kitchen sink or 45 minutes disassembling the furnace, we'd find more problems too. Unfortunately, the inspection would take several days and would cost considerably more.

4. We're Generalists

We are generalists; we are not specialists. The heating contractor may indeed have more heating expertise than we do.

5. An Invasive Look

Problems often become apparent when carpets or plaster are removed, when fixtures or cabinets are pulled out, and so on. A home inspection is a visual examination. We don't perform any invasive or destructive tests.

Not All-Inclusive Insurance Coverage

In conclusion, a home inspection is designed to better your odds. It is not designed to eliminate all risk. Don't consider a home inspection that type of full coverage insurance policy. The premium that an insurance company would have to charge for a policy with no deductible, no limit and an indefinite policy period would be considerably more than the fee we charge. It would also not include the value added by the inspection.

Style of Home:

Cottage

Age Of Home:

1920+-

Home Faces:

Southerly

Client Is Present:

Yes

Radon Test:

No

Radon Water Test:

No

Water Test:

No

Weather:

Partly Cloudy

Temperature:

Below 60

Rain in last 3 days:

Yes



1. Roof and Attic

The inspector shall inspect from ground level or eaves: The roof covering. The gutters. The downspouts. The vents, flashings, skylights, chimney and other roof penetrations. The general structure of the roof from the readily accessible panels, doors or stairs.

The inspector is not required to: Walk on any roof surface, predict the service life expectancy, inspect underground downspout diverter drainage pipes, remove snow, ice, debris or other conditions that prohibit the observation of the roof surfaces, inspect antennae, lightning arresters, or similar attachments.

Styles & Materials

Roof Covering:
3-Tab fiberglass

Viewed roof covering from:
Ground
2nd story window
Telephoto Lens

Sky Light(s):
None

Chimney (exterior):
Brick

Roof Structure:
Not visible

Roof-Type:
Gable

Method used to observe attic:
Finished area

Attic info:
Attic space is finished
Roof structure not visible

Attic sheathing:
Not visible

Gutters and downspouts:
None

		IN	NI	NP	MO	RR	S
1.0	ROOF COVERINGS AND VENTS					•	
1.1	FLASHINGS - EAVES, RAKES AND SIDEWALLS	•					
1.2	CHIMNEYS, ROOF PENETRATIONS AND SKYLIGHTS					•	
1.3	ROOF DRAINAGE SYSTEMS - GUTTERS AND DOWNSPOUTS			•		•	
1.4	ROOF STRUCTURE AND ATTIC		•				
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:

1.0 Typical asphalt shingles will last from 20-25 years before replacement is necessary. Architectural shingles can last 30-35 years. This can vary of course, due to extreme weather conditions. Age of the roofing was not determined, however, shingles are showing considerable wear and granule loss. There is a fair amount of moss in areas which will reduce shingle life. Roofing should be replaced.

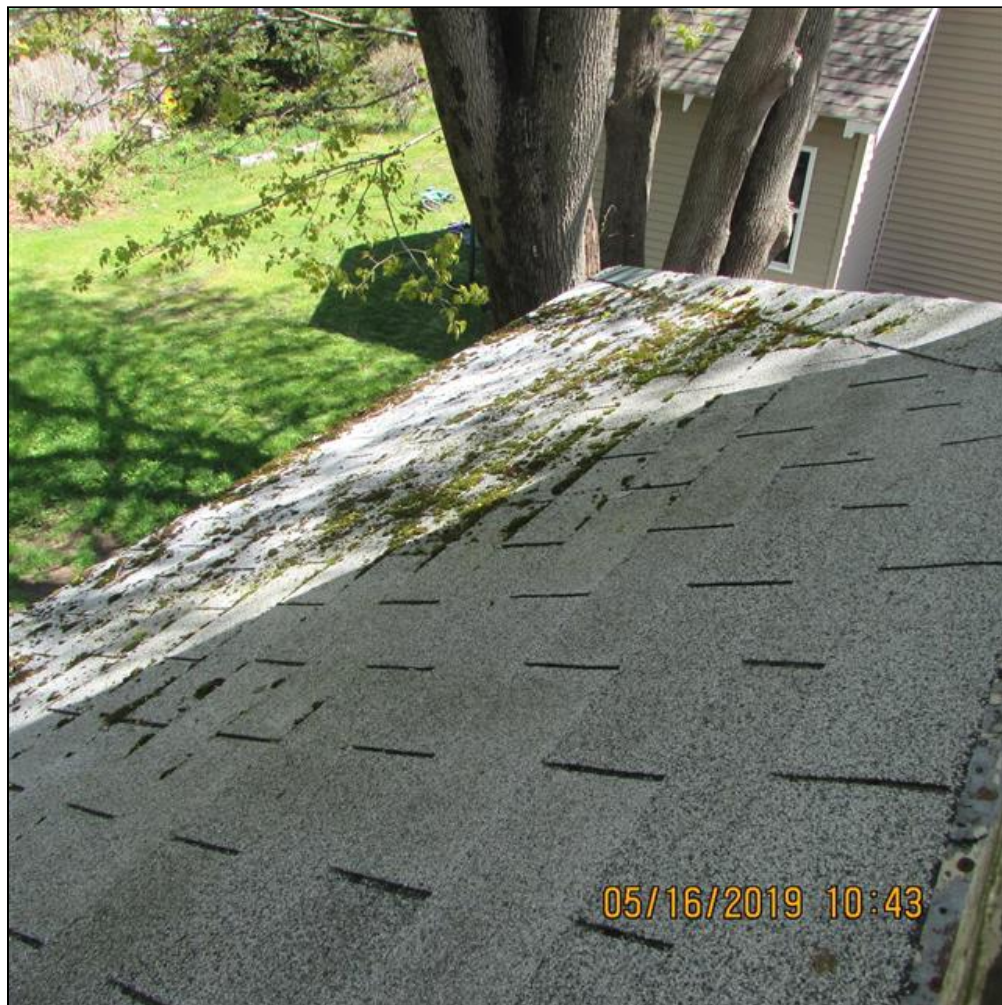
There are some shingles on the left side that are raised which could allow wind to rip them off and there is also some shingle damage. Repair recommended.



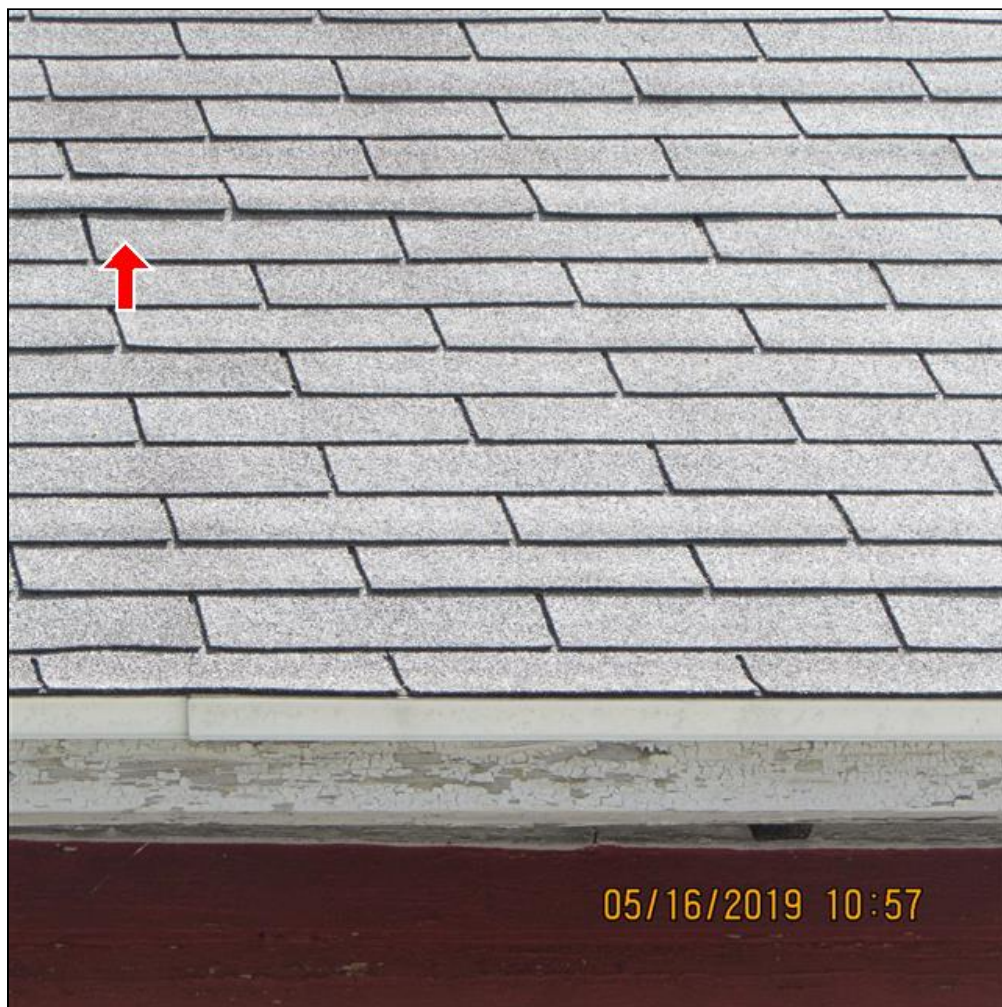
1.0 Item 1(Picture) Moss on roofing



1.0 Item 2(Picture) Roofing



1.0 Item 3(Picture) Roofing



1.0 Item 4(Picture) Raised shingles



1.0 Item 5(Picture) Shingle damage on left side of home

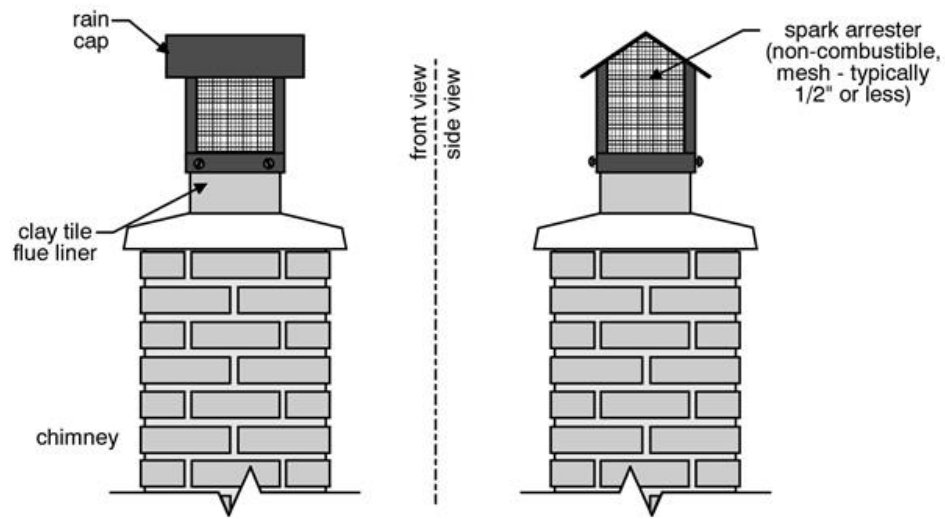
**1.2** Rain cap missing or deteriorated. Recommend replacement.

The flashing on one side of the chimney appears to be rusting and is also in need of pointing to avoid leakage. Have the chimney checked and repaired by a chimney sweep.

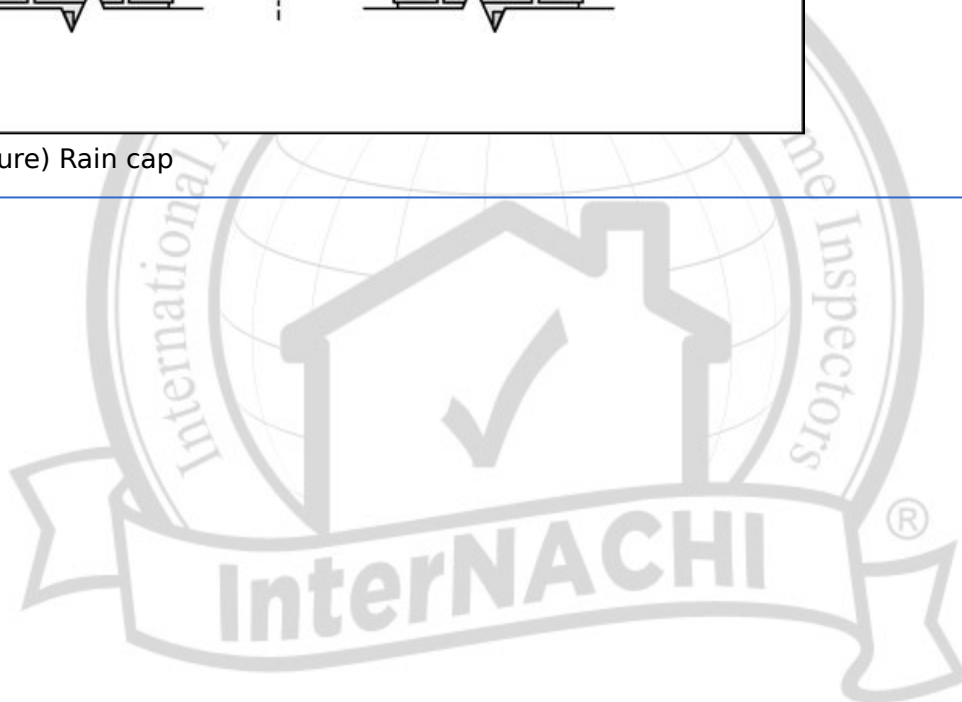


1.2 Item 1(Picture) Rain cap recommended

Rain caps and spark arresters

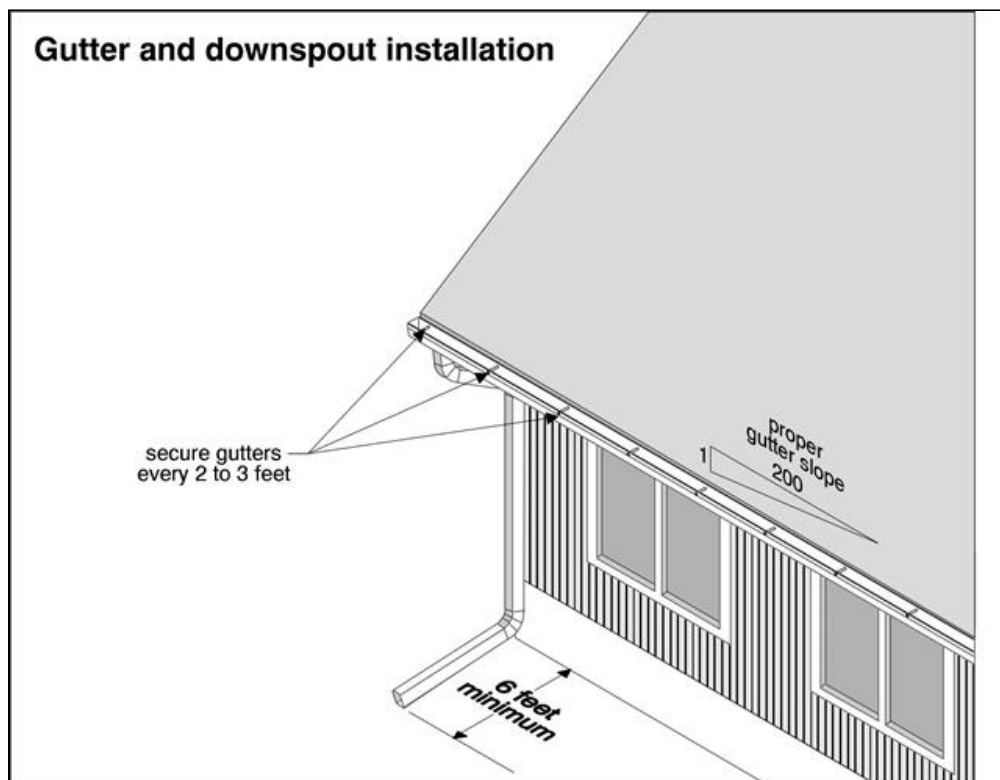


1.2 Item 2(Picture) Rain cap





1.2 Item 3(Picture) Rusty chimney flashing and missing mortar

**1.3** Gutters and downspouts are recommended or erosion or water intrusion can occur.**1.3 Item 1(Picture) Gutters and downspouts**

The roof of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Roof coverings and skylights can appear to be leak proof during inspection and weather conditions. My inspection makes an attempt to find a leak or potential areas of leakage but sometimes cannot. Best attempts are utilized to view flashings for any roof penetrations. Climbing on roofing however, is not normally done and flashings are observed with binoculars, telephoto lens or video camera if accessible. Thermal imaging is also done of interior ceilings to determine if leakage is present. All areas of flashings may not be visible and there is no guarantee regarding roof or flashing leakage. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

InterNACHI®

2. Exterior

The inspector shall inspect: The siding, flashing and trim. All exterior doors, decks, stoops, steps, stairs, porches, railings, eaves, soffits and fascias. And report as in need of repair any spacing between intermediate balusters, spindles, or rails for steps, stairways, balconies, and railings that permit the passage of an object greater than four inches in diameter. A representative number of windows. The vegetation, surface drainage and retaining walls when these are likely to adversely affect the structure. And describe the exterior wall covering.

The inspector is not required to: Inspect or operate screens, storm windows, shutters, awnings, fences, outbuildings, or exterior accent lighting, Inspect items, including window and door flashings, which are not visible or readily accessible from the ground, Inspect geological, geotechnical, hydrological and/or soil conditions, Inspect recreational facilities, Inspect seawalls, break-walls and docks, Inspect erosion control and earth stabilization measures, Inspect for safety type glass, Inspect underground utilities, Inspect underground items, Inspect wells or springs, Inspect solar systems, Inspect swimming pools or spas, Inspect septic systems or cesspools, Inspect playground equipment, Inspect sprinkler systems, Inspect drain fields or drywells, Determine the integrity of the thermal window seals or damaged glass.

Styles & Materials

Siding Style:

Shakes
T-111

Siding Material:

Wood

Exterior Entry Doors:

Wood
Metal
Storm

Appurtenance:

Covered porch

Driveway:

Gravel

Walkway:

None Installed

Porch:

Wood
Footings not visible
Enclosed Porch(s)
Flashing not visible

Drain:

exterior

		IN	NI	NP	MO	RR	S
2.0	SIDING, FLASHING AND TRIM					•	
2.1	EAVES, SOFFITS AND FASCIAS					•	
2.2	DOORS (Exterior)					•	
2.3	WINDOWS					•	
2.4	DECKS, BALCONIES, STOOPS, STEPS, AREAWAYS, PORCHES, PATIO/ COVER AND APPLICABLE RAILINGS					•	
2.5	DRIVEWAYS, VEGETATION, GRADING, DRAINAGE, PATIO FLOOR, WALKWAYS AND RETAINING WALLS (With respect to their effect on the condition of the building)					•	
2.6	VENTILATION	•					
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:



2.0 (1) When siding is in contact with the ground or covered with vegetation or snow, it is not possible to determine if rot is present. Often, siding rots at the bottom and works its way up and into framing members of the wall or sill. I did not inspect behind siding if these conditions exist.

There is some wood skirting around the crawlspace that you need to keep a close eye on. Be sure its kept painted to avoid rot.



2.0 (2) Some of the siding is in need of replacement and some siding is in need of paint.



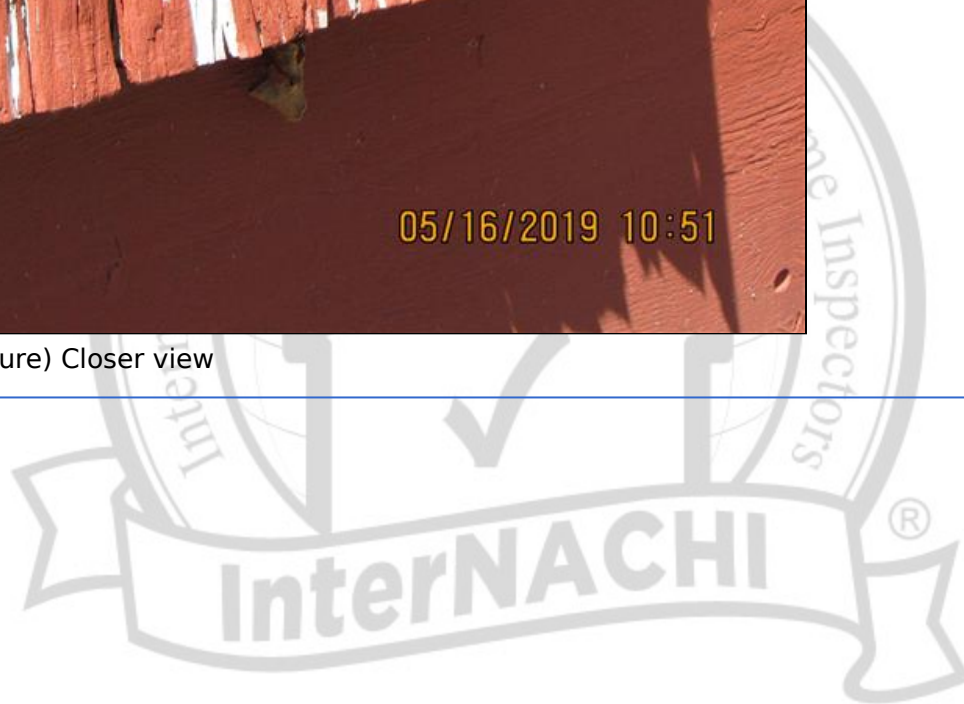
2.0 Item 1(Picture) Siding damage at front



2.0 Item 2(Picture) Siding needs replacement on the right of the front porch



2.0 Item 3(Picture) Closer view





2.0 Item 4(Picture) Keep siding painted



2.0 Item 5(Picture) Paint siding where needed



2.0 Item 6(Picture) Keep siding painted





2.1 Paint needed in all areas. One fascia board on the right is showing rot and replacement is needed.

There are some holes in the soffits on the left side of the home. These are access areas for bats and insects and need to be sealed.



2.1 Item 1(Picture) All fascia boards and trim need paint



2.1 Item 2(Picture) Fascia rot on right side of home



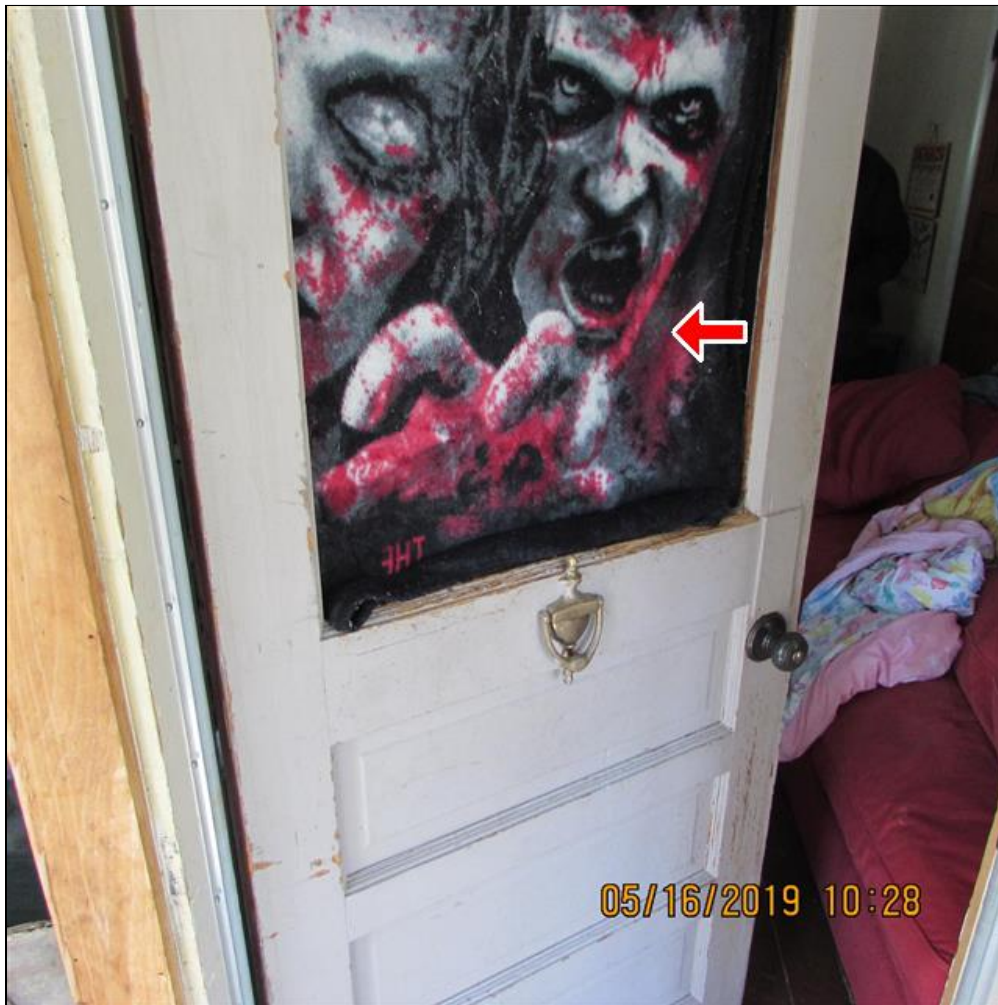
2.1 Item 3(Picture) Seal holes in soffits





2.2 The entry door to the interior from the front porch is missing a window. Repair or replace. An insulated door is recommended.

The storm door at the front entrance is in need of replacement.



2.2 Item 1(Picture) Window missing in front door



2.2 Item 2(Picture) Storm door damage and wear



2.3 Some screens may be missing. An exact count was not performed. Further investigation is recommended.

Windows are in need of paint.

The basement windows on the right of the home is showing rot and needs to be repaired or replaced.

A window at the rear is showing some rot. Replacement recommended.



2.3 Item 1(Picture) Exterior windows need paint



2.3 Item 2(Picture) Basement window rot



2.3 Item 3(Picture) Basement window rot



2.3 Item 4(Picture) Rear window



2.4 (1) Decks and porches should be painted or sealed yearly if wood. The front porch needs stain or paint and some repair.

The back porch needs sealing, stain or paint.



2.4 Item 1(Picture) Stain or paint needed



2.4 Item 2(Picture) Replace any damaged wood at front porch



2.4 Item 3(Picture) Back porch



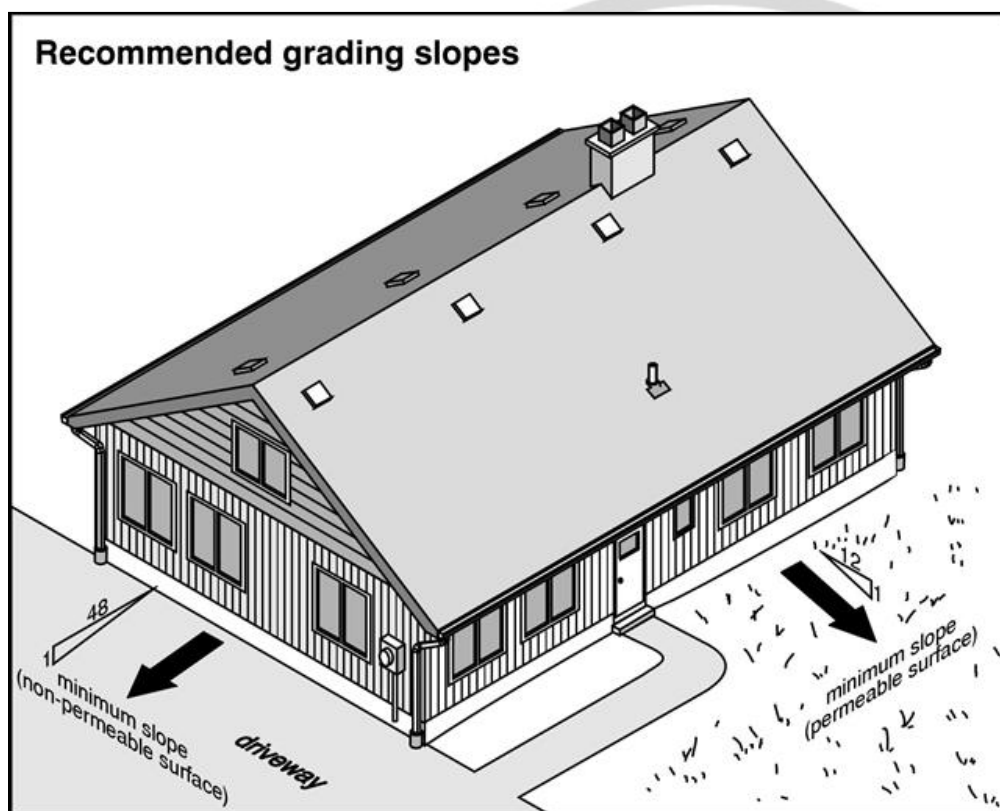
2.4 (2) Decks, porches, doors, windows and balconies should have proper flashing installed when constructed. Flashing keeps rain from entering behind the deck band, door frames, etc., and entering the wall of the home. Flashing is not visible in most instances. If flashing is not installed correctly, water can penetrate walls and rot door frames, windows, walls and sills. Most of the time these areas are not visible especially if insulation or some other type of covering is present. Best efforts are performed to check these areas if accessible.



2.5 (1) Trees and shrubs should be no closer than 16" from siding and roofing. Trim back all bushes if necessary. If you can't walk behind them, they are too close. Do not allow branches to touch or overhang buildings.



2.5 (2) Be sure to maintain proper grading around the perimeter of the home to avoid or diminish water penetration into the basement.



2.5 Item 1(Picture) Grading recommendations

The exterior of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

Fact Sheet: Arsenic Treated Wood

Maine CDC
Environmental and Occupational Health Program

About half of all Maine homes have a deck, or playground or some other structure that is made of wood treated with arsenic. This wood is called "CCA pressure-treated wood" or just "pressure-treated" wood. The wood was treated with arsenic to protect against rot and insects. Too much arsenic can cause cancer. So it is good to prevent arsenic getting into your body when you can. When you touch wood treated with arsenic, you can get arsenic on your hands. The arsenic on your hands can get into your mouth if you are not careful about washing before eating. Young children are most at risk because they are more likely to put their hands in their mouths. The good news is that there are simple things you can do to protect yourself and your family from arsenic treated wood. This fact sheet will tell you how.

Children touching unsealed treated wood, and then putting their hands in their mouths is the biggest concern.

Does Your New Home Have Arsenic (CCA) Treated Wood?

Common Questions

What is CCA wood?

CCA wood is made by dipping the wood in a mixture of chemicals. These chemicals include chromium, copper, and arsenic. This protects the wood against insects and rot. This wood is known as CCA wood or "pressure treated" wood. Most pressure treated wood in the U.S. is CCA wood. After December 31, 2003, no more CCA wood will be made for use around homes. CCA wood may still be sold for home use until April 1, 2004 in the state of Maine.

What is Arsenic?

Arsenic is found in soil and rocks. Most people get a little arsenic every day from the food they eat. Also, some people have arsenic in their private wells, which is why it is important that anyone with a well have it tested for arsenic. People who are exposed to too much arsenic over many years are more likely to get cancer.

First: Does your house have arsenic treated (CCA) wood?

When arsenic treated wood is new, it tends to have a greenish tint. When CCA wood is older, it is harder to tell. Ask your realtor if the seller knows whether CCA wood was used. You can also test the wood to find out if it contains arsenic. Call us to find out how.

Second: If so, reduce contact with the arsenic.

You can lower the amount of arsenic on the surface of the wood by applying a coating on the wood every 1-2 years. Oil-based sealants, varnishes, or polyurethane work best for sealing arsenic in the wood. Be sure to wash your children's hands when they finish playing on or near CCA wood.

Third: If you have any questions, call us toll-free in Maine: 866-292-3474

IF YOU WORK WITH CCA WOOD NEVER burn CCA wood. Wear gloves when handling CCA wood. Wear a dust mask when sanding or cutting CCA wood. Don't work with CCA wood in an enclosed area (like a garage). Apply a coating to seal the wood every 1-2 years.

TO LEARN MORE

Eric Frohberg
Environmental and Occupational Health Program
Maine CDC
Toll-free in Maine 866-292-3474
TTY: 207-287-8066

www.maine.gov/dhhs/eohp
Department of Health and Human Services
11 State House Station
Augusta, ME 04333

Toll Free in Maine: 866-292-3474
Fax: 207-287-3981
TTY: 207-287-8066
Email: ehu@maine.gov



3. Kitchen Appliances



Appliances are tested for operation if they are plugged in and water is turned on. All cycles of dishwashers are not tested, only a brief wash cycle. Always get assurance from the owners that the appliances included with the sale are operational prior to closing.

Styles & Materials

Range/Oven:

FRIGIDAIRE
ELECTRIC

Refrigerator:

FRIGIDAIRE

Dishwasher Brand:

NONE

Built in Microwave:

NONE

Disposer Brand:

NONE

Exhaust/Range hood:

VENTED
Serial # : Ventrula

Trash Compactors:

NONE

Washer:

120v outlet
Standpipe
Hot and cold water

Dryer:

Vented to exterior
220v
Electric

		IN	NI	NP	MO	RR	S
3.0	DISHWASHER			•			
3.1	RANGES/OVENS/COOKTOPS	•					
3.2	RANGE HOOD/VENT	•					
3.3	TRASH COMPACTOR			•			
3.4	FOOD WASTE DISPOSER			•			
3.5	MICROWAVE COOKING EQUIPMENT			•			
3.6	REFRIGERATOR	•					
3.7	OTHER APPLIANCES		•			•	
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:

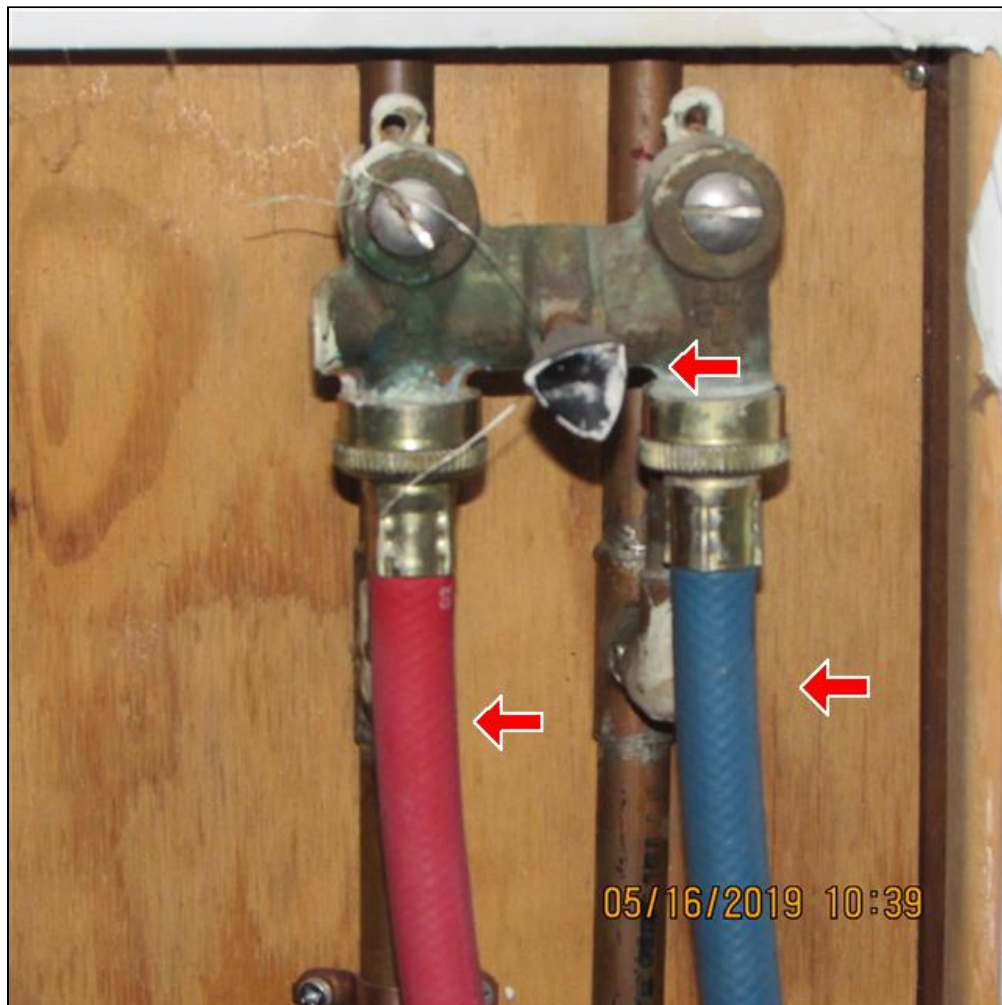
3.1 Self cleaning functions are not tested.

3.4 Not recommended with a septic system

 **3.7** Washing machines and dryers are not tested. I recommend a drip pan be installed under washing machines that are located in living space. **Be sure to turn off water when not in use and install high pressure hoses.**



3.7 Item 1(Picture) Drip pan recommended under the washer



3.7 Item 2(Picture) Turn off water and replace hoses

4. Interior, Windows and Doors

The home inspector shall observe: Walls, ceiling, and floors; Steps, stairways, balconies, and railings; Counters and a representative number of installed cabinets; and A representative number of doors and windows. The home inspector shall: Operate a representative number of windows and interior doors; and Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components. The home inspector is not required to observe: Paint, wallpaper, and other finish treatments on the interior walls, ceilings, and floors; Carpeting; or Draperies, blinds, or other window treatments.

The inspector shall: Open and close a representative number of doors and windows. Inspect the walls, ceilings, steps, stairways, and railings. Inspect garage doors and garage door openers by operating first by remote (if available) and then by the installed automatic door control. And report as in need of repair any installed electronic sensors that are not operable or not installed at proper heights above the garage door. And report as in need of repair any door locks or side ropes that have not been removed or disabled when garage door opener is in use. And report as in need of repair any windows that are obviously fogged or display other evidence of broken seals.

The inspector is not required to: Inspect paint, wallpaper, window treatments or finish treatments. Inspect central vacuum systems. Inspect safety glazing. Inspect security systems or components. Evaluate the fastening of countertops, cabinets, sink tops and fixtures, or firewall compromises. Move furniture, stored items, or any coverings like carpets or rugs in order to inspect the concealed floor structure. Move drop ceiling tiles. Inspect or move any household appliances. Inspect or operate equipment housed in the garage except as otherwise noted. Verify or certify safe operation of any auto reverse or related safety function of a garage door. Operate or evaluate security bar release and opening mechanisms, whether interior or exterior, including compliance with local, state, or federal standards. Operate any system, appliance or component that requires the use of special keys, codes, combinations, or devices. Operate or evaluate self-cleaning oven cycles, tilt guards/latches or signal lights. Inspect microwave ovens or test leakage from microwave ovens. Operate or examine any sauna, steam-jenny, kiln, toaster, ice-maker, coffee-maker, can-opener, bread-warmer, blender, instant hot water dispenser, or other small, ancillary devices. Inspect elevators. Inspect remote controls. Inspect appliances. Inspect items not permanently installed. Examine or operate any above-ground, movable, freestanding, or otherwise non-permanently installed pool/spa, recreational equipment or self-contained equipment. Come into contact with any pool or spa water in order to determine the system structure or components. Determine the adequacy of spa jet water force or bubble effect. Determine the structural integrity or leakage of a pool or spa.

Styles & Materials

Ceiling Materials:

Sheetrock/plaster

Wall Material:

Sheetrock/plaster
Paneling

Floor Covering(s):

Softwood

Interior Doors:

Raised panel
Wood

Window Types:

Thermal/Insulated
Single-hung
Casement
Fixed pane

Cabinetry:

Wood

Countertop:

Laminate

		IN	NI	NP	MO	RR	S
4.0	CEILINGS					•	
4.1	WALLS	•					
4.2	FLOORS					•	
4.3	STEPS, STAIRWAYS, BALCONIES AND RAILINGS	•					
4.4	COUNTERS AND A REPRESENTATIVE NUMBER OF CABINETS	•					
4.5	DOORS (REPRESENTATIVE NUMBER)					•	
4.6	WINDOWS (REPRESENTATIVE NUMBER)					•	
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:

4.0 There is an obvious ceiling repair on the 2nd floor. This may have been the old attic scuttle hole and it would really be a good idea to re-install it so you can access the attic area. I recommend you have this repaired by a professional.



4.0 Item 1(Picture) 2nd floor ceiling repair



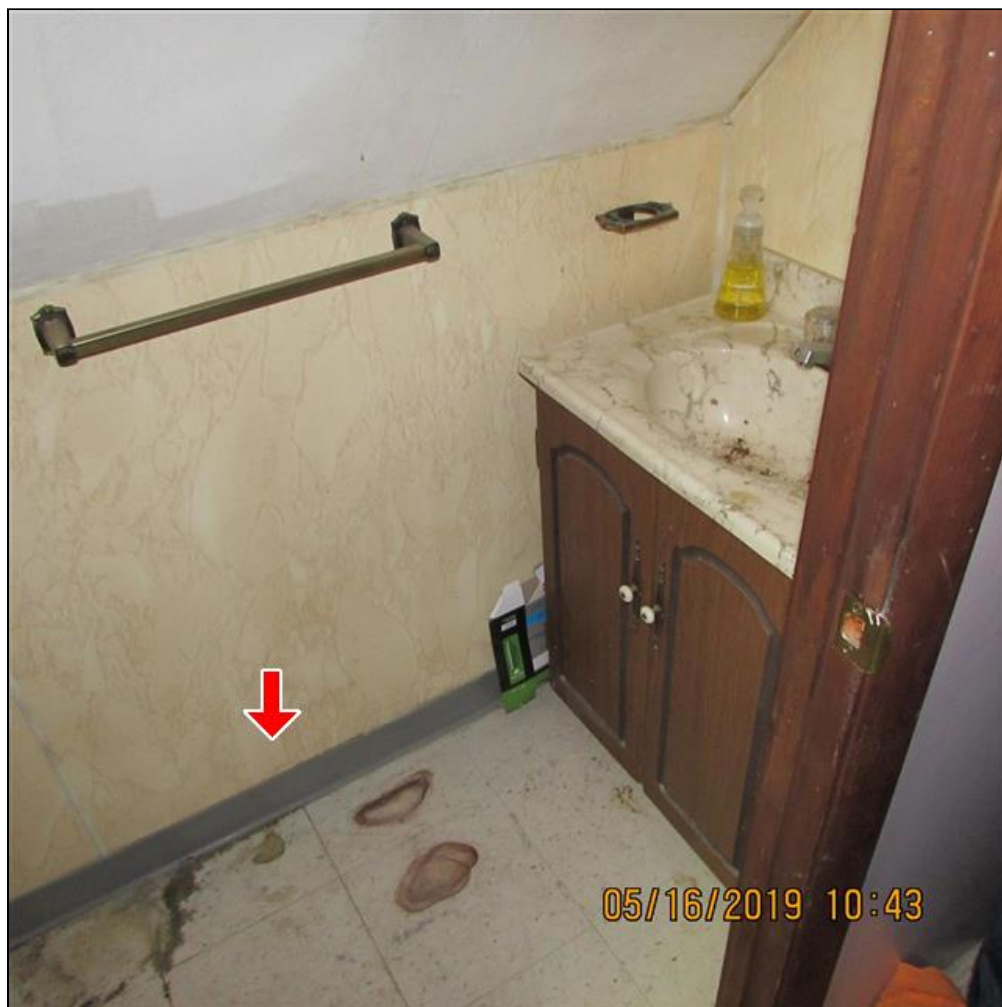
4.2 Keep in mind that due to the amount of personal belongings in this cottage, all areas were not visible. Other repair areas are likely.

The front porch floor is showing wear. Repair recommended.

The upstairs bathroom floor is damaged. Repair recommended.



4.2 Item 1(Picture) Front porch floor



4.2 Item 2(Picture) 2nd floor bathroom floor



4.2 Item 3(Picture) 2nd floor bathroom

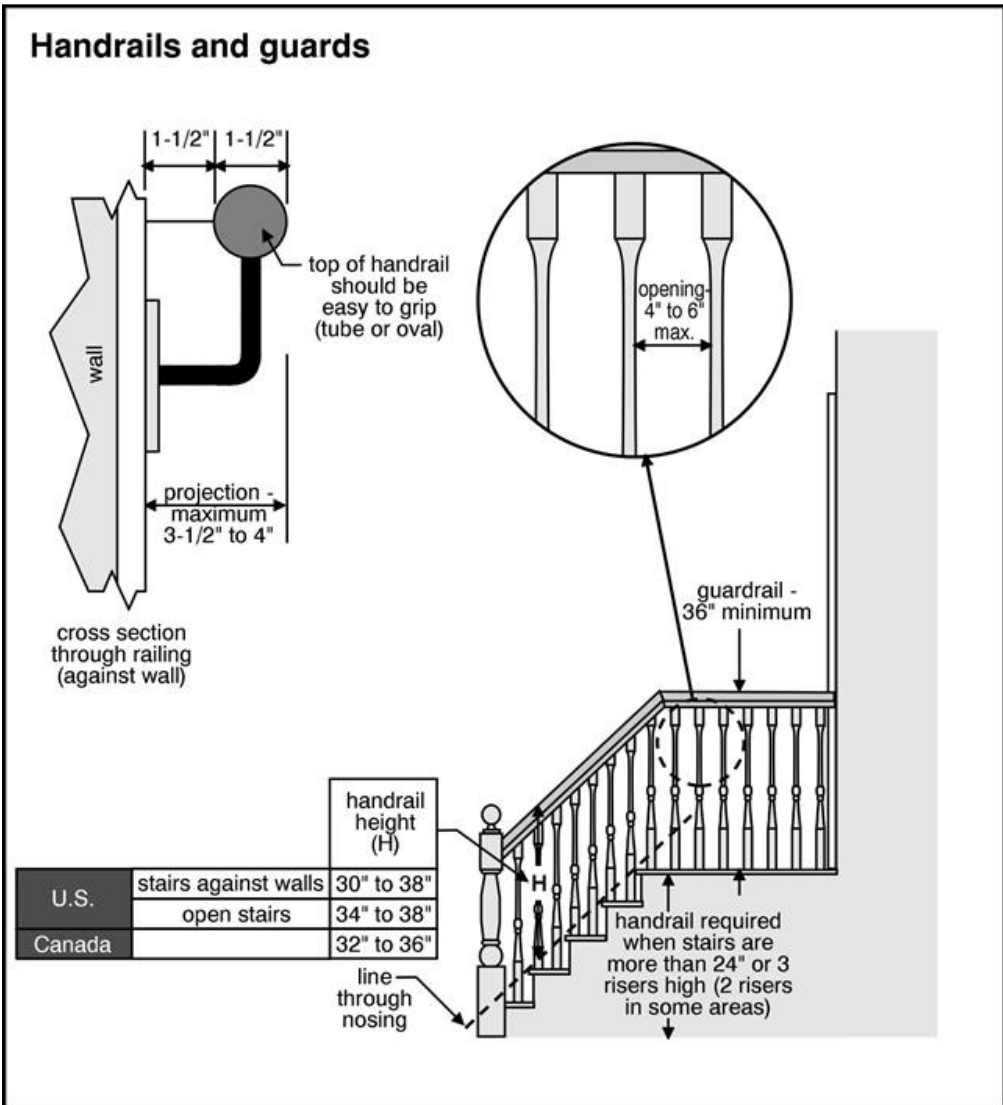


+ 4.3 The balusters on the guard rail at the second story stairs has balusters that are spaced to far apart for safety. A guard rail with balusters 4" or less apart is recommended for small children . Repair recommended.



4.3 Item 1(Picture) Balusters should be 4" apart

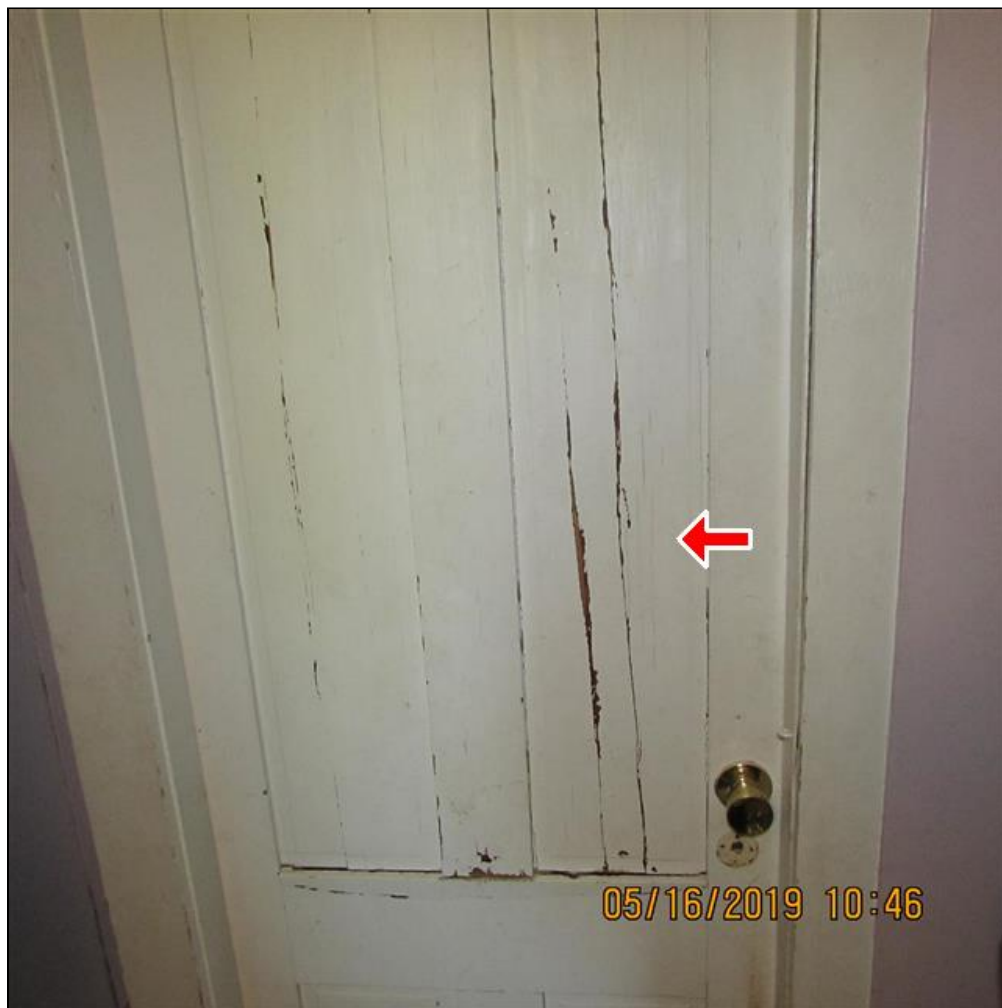
InterNACHI®



4.3 Item 2(Picture) Handrails and guards



4.5 Replace the bedroom door on the 2nd floor.



4.5 Item 1(Picture) 2nd floor bedroom door



4.6 The porch windows are in need of sanding and sealing. Water stains are visible.

The fixed pane window over the front entry door needs paint and glazing.

One of the windows on the right side of the home has some loose window trim. This does not seem to affect the operation, however, you should repair it.



4.6 Item 1(Picture) Water stains on porch window sills



4.6 Item 2(Picture) Porch windows need sealing



4.6 Item 3(Picture) Paint and glazing compound needed on front porch window





4.6 Item 4(Picture) Loose window trim

The interior of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. The inspection did not involve moving furniture and inspecting behind furniture, area rugs or areas obstructed from view. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

5. Chimney Flues and Fireplace

The inspector shall inspect: The fireplace, and open and close the damper door if readily accessible and operable. Hearth extensions and other permanently installed components. And report as in need of repair deficiencies in the lintel, hearth and material surrounding the fireplace, including clearance from combustible materials.

The inspector is not required to: Inspect the flue or vent system. Inspect the interior of chimneys or flues, fire doors or screens, seals or gaskets, or mantels. Determine the need for a chimney sweep. Operate gas fireplace inserts. Light pilot flames. Determine the appropriateness of such installation. Inspect automatic fuel feed devices. Inspect combustion and/or make-up air devices. Inspect heat distribution assists whether gravity controlled or fan assisted. Ignite or extinguish fires. Determine draft characteristics. Move fireplace inserts, stoves, or firebox contents. Determine adequacy of draft, perform a smoke test or dismantle or remove any component. Perform an NFPA inspection.

Chimney liners deteriorate over time. Clay liners especially have a limited life of 20-30 years and will begin to spall. If spalling becomes severe, replacement is necessary. A chimney sweep should always check the interior of your chimney's.

Styles & Materials

Types of Fireplaces/Woodstoves: Chimney:

Liner:

None

Masonry

Not Visible

		IN	NI	NP	MO	RR	S
5.0	SOLID FUEL HEATING DEVICES (Fireplaces, Woodstove)			•			
5.1	GAS/LP FIRELOGS AND FIREPLACES			•			
5.2	CHIMNEYS, FLUES AND VENTS					•	•
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:

+ **5.2** The liners for furnaces, boilers or fireplaces are not totally visible and inspection is limited. I recommend a qualified chimney sweep clean and inspect for safety prior to use. This chimney does not appear to be in use. To avoid further deterioration if you don't plan to utilize it, I recommend capping off the chimney top at the exterior. If you intend to use the chimney at some point, it will need repair.



5.2 Item 1(Picture) Spalling chimney in crawlspace



5.2 Item 2(Picture) Chimney is in need of repair



5.2 Item 3(Picture) Chimney deterioration

.....

The Fireplace or woodstove system of this home was inspected (if present) and reported on with the above information but it is incomplete. The liner or the safety aspect of the liner was not inspected. The inspection is not meant to be technically exhaustive and does not substitute an inspection by a certified chimney sweep. The inspection does not determine the safety of the fireplace in terms of the condition of liner or the absence of a liner. Any comments made by the inspector does not remove the need for an inspection by a certified chimney sweep. Chimneys should be inspected at least annually. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that a certified chimney sweep inspect the liner for safe operation.

PUBLIC Law, Chapter 250 LD 53, item 1, 124th Maine State Legislature

An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment

HP0046, LR 198, item 1, Signed on 2009-06-04 00:00:00.0 - First Regular Session - 124th Maine Legislature, page 1

An Act To Permit the Use of a Common Flue for Oil and Solid Fuel Burning Equipment

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2465, sub-§1-A, as enacted by PL 2005, c. 571, §1, is amended to read:

1-A. Routine technical rules. The Commissioner of Public Safety shall adopt rules pertaining to the construction, installation, maintenance and inspection of chimneys, fireplaces, vents and solid fuel burning appliances. Rules adopted pursuant to this subsection may include rules pertaining to maintenance and inspections, except as provided in subsection 1-B. Rules adopted pursuant to this subsection may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 2. 32 MRSA §2402-A, as enacted by PL 1999, c. 386, Pt. J, §16, is amended to read:

§ 2402-A. Rules

The board may adopt reasonable rules for the issuance of various types and classes of licenses to cover oil and solid fuel burner installations and to set forth standards and rules for product approval. Rules adopted pursuant to this section may not prohibit the continued use of an existing connection of a solid fuel burning appliance to a chimney flue to which another appliance burning oil or solid fuel is connected for any chimney existing and in use prior to February 2, 1998 as long as sufficient draft is available for each appliance, the chimney is lined and structurally intact and a carbon monoxide detector is installed in the building near a bedroom. A license may cover one or more types of installations. The board may further adopt reasonable rules concerning the term and type of experience required by candidates for examination.

Effective 90 days following adjournment of the 124th

Legislature, First Regular Session, unless otherwise indicated.

6. Basement, Foundation, Crawlspace and Structure

The inspector shall inspect: The basement. The foundation. The crawlspace. The visible structural components. Any present conditions or clear indications of active water penetration observed by the inspector. And report any general indications of foundation movement that are observed by the inspector, such as but not limited to sheetrock cracks, brick cracks, out-of-square door frames or floor slopes.

The inspector is not required to: Enter any crawlspaces that are not readily accessible or where entry could cause damage or pose a hazard to the inspector, Move stored items or debris, Operate sump pumps with inaccessible floats, Identify size, spacing, span, location or determine adequacy of foundation bolting, bracing, joists, joist spans or support systems, Provide any engineering or architectural service, Report on the adequacy of any structural system or component.

Styles & Materials

Foundation: Skirting Wood piers/columns Insulated on interior walls Footings visible	Method used to observe Crawlspace: Crawled	Floor Structure: Wood joists 6" or better Wood beams
Columns or Piers: Wood columns	Wall Structure: Wood frame	Ceiling Structure: Not visible
Crawlspace Floor: Dirt No vapor barrier		

		IN	NI	NP	MO	RR	S
6.0	FOUNDATIONS, BASEMENTS AND CRAWLSPACES (Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.)					•	
6.1	WALLS (Structural)	•					
6.2	COLUMNS OR PIERS	•					
6.3	FLOORS (Structural)				•		
6.4	CEILINGS (structural)		•				
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:



6.0 I am unable to determine the extent of water intrusion or how often it will occur. Insulation, storage and finished areas prevents total inspection of all basement areas. Keep in mind that many times door or window installers do not install flashing correctly. As a result, water can penetrate walls or floors and cause rot. If sills are insulated or not visible under doors and/or windows, rot may be present, however, we do not move insulation or coverings to inspect these areas.

It is apparent there is some seepage into the crawlspace. Installation of a gutter system and proper grading will help control water entry.

Due to insulation on the interior walls of the crawlspace, we could not see the condition of the wood skirting.



6.0 Item 1(Picture) Crawlspace

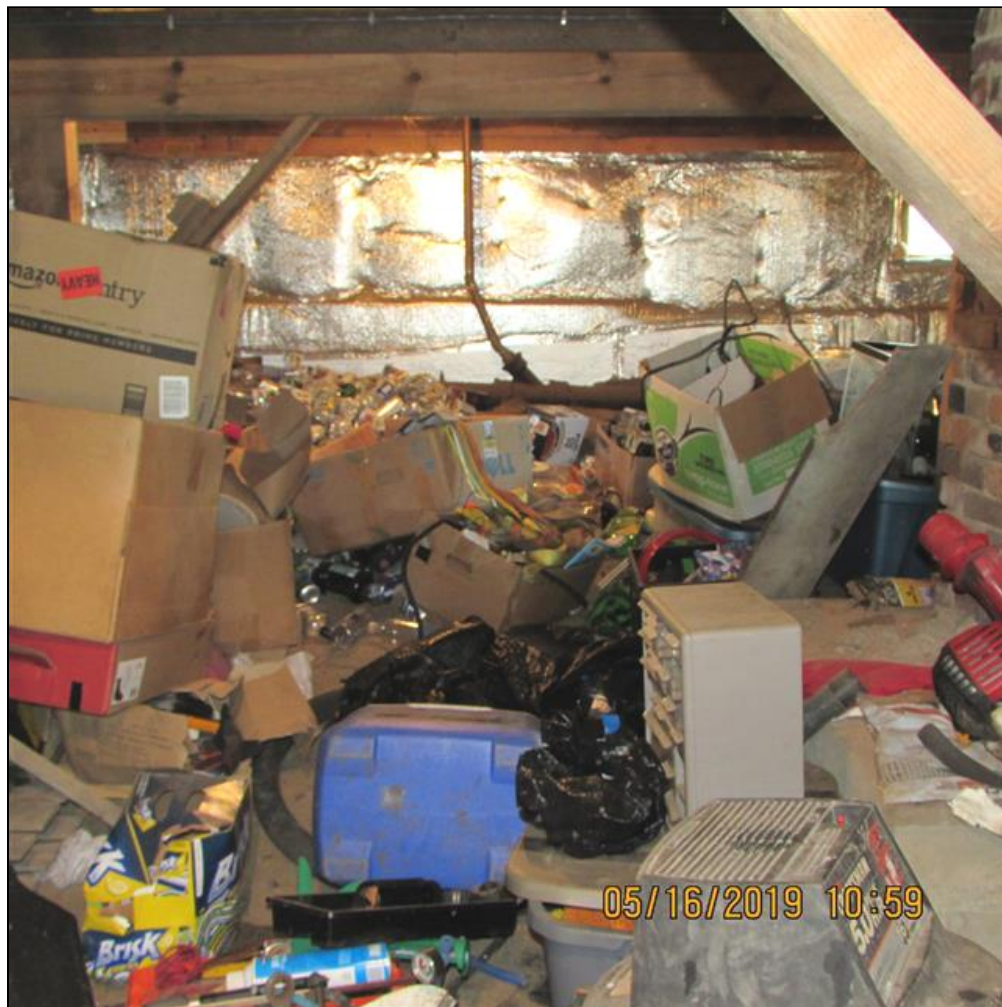


6.0 Item 2(Picture) Crawlspace



6.0 Item 3(Picture) Crawlspace





6.0 Item 4(Picture) Crawlspace



6.0 Item 5(Picture) Crawlspace





6.0 Item 6(Picture) Crawlspace





6.0 Item 7(Picture) Crawlspace



6.0 Item 8(Picture) Crawlspace



6.0 Item 9(Picture) Crawlspace



6.0 Item 10(Picture) Crawlspace



6.0 Item 11(Picture)



6.0 Item 12(Picture) Crawlspace



6.0 Item 13(Picture) Crawlspace



6.0 Item 14(Picture) Crawlspace



6.0 Item 15(Picture) Water seepage present



6.3 Best efforts are performed to inspect all sills, joists and floor structures. Unfortunately, all areas are not accessible in most crawlspaces and basements and many areas are covered with insulation or not totally accessible. Any problems discovered will be noted.

Some evidence of past water leakage on the sub floor. Flooring did not appear to need replacement, however, you need to monitor flooring below kitchens and bathrooms. These are areas where leakage often occurs which will eventually cause rot.



6.3 Item 1(Picture) Monitor sub flooring below bathrooms and kitchens

6.4 Obviously some ceilings are not visible due to sheetrock, plaster, insulation or some other form of covering. Ceilings between floors also not visible. Insulation also restricts inspection if present.

The structure of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

7. Heating and Cooling

The inspector shall inspect: The heating system and describe the energy source and heating method using normal operating controls. And report as in need of repair electric furnaces which do not operate. And report if inspector deemed the furnace inaccessible. The central cooling equipment using normal operating controls.

The inspector is not required to: Inspect or evaluate interiors of flues or chimneys, fire chambers, heat exchangers, humidifiers, dehumidifiers, electronic air filters, solar heating systems, solar heating systems or fuel tanks. Inspect underground fuel tanks. Determine the uniformity, temperature, flow, balance, distribution, size, capacity, BTU, or supply adequacy of the heating system. Light or ignite pilot flames. Activate heating, heat pump systems, or other heating systems when ambient temperatures or when other circumstances are not conducive to safe operation or may damage the equipment. Override electronic thermostats. Evaluate fuel quality. Verify thermostat calibration, heat anticipation or automatic setbacks, timers, programs or clocks. Determine the uniformity, temperature, flow, balance, distribution, size, capacity, BTU, or supply adequacy of the cooling system. Inspect window units, through-wall units, or electronic air filters. Operate equipment or systems if exterior temperature is below 60 degrees Fahrenheit or when other circumstances are not conducive to safe operation or may damage the equipment. Inspect or determine thermostat calibration, heat anticipation or automatic setbacks or clocks. Examine electrical current, coolant fluids or gasses, or coolant leakage.

Styles & Materials

Heat System Brand:

RINNAI

Heat Type:

Electric Baseboard

Space heater(s)

Energy Source:

Propane

Electric

**Number of Heat Systems
(excluding wood):**

One

Chimney:

Space heater(s) use direct vent

Oil Tank:

None

		IN	NI	NP	MO	RR	S
7.0	HEATING EQUIPMENT					•	
7.1	NORMAL OPERATING CONTROLS	•					
7.2	DISTRIBUTION SYSTEMS (including fans, pumps, ducts and piping, with supports, insulation, air filters, registers, radiators, fan coil units and convectors)	•					
7.3	PRESENCE OF INSTALLED HEAT SOURCE IN EACH ROOM			•		•	
7.4	CHIMNEYS, FLUES SMOKE STACKS AND VENTS (for gas water heaters or heat systems)	•					
7.5	Oil tank			•			
7.6	FUEL STORAGE AND DISTRIBUTION SYSTEMS (Interior and exterior fuel storage, piping, venting, supports, leaks)	•					
7.7	MAIN FUEL SHUT OFF (Describe Location)	•					
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:

7.0 (1) If the heating system has not been serviced in the last year (complete cleaning) it should be done as soon as possible.



7.0 Item 1(Picture)



7.0 (2) Age of the heating system could not be determined. Once an average heating system reaches 20 years of age it is considered to have reached the end of its life expectancy and you should budget for replacement.

I recommend having your heating system CLEANED yearly.

Be sure to check with the owner for the approximate age of all heating systems.

7.0 (3) There is some electric heat in the crawlspace to keep the pipes from freezing.



7.0 Item 2(Picture) Thermostat in crawlspace for heat

**7.3** There is no heat upstairs.**7.4** The space heater uses a direct vent.

7.4 Item 1(Picture) Direct vent

7.7 The main fuel shut off is at propane tank outside.

The heating and cooling system of this home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. The inspection is not meant to be technically exhaustive. The inspection does not involve removal and inspection behind service door or dismantling that would otherwise reveal something only a licensed heat contractor would discover. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

A heating system that is operating correctly today, may malfunction tomorrow. Unfortunately, we cannot see into the future and base our evaluation on what is seen at the time of inspection.

8. Plumbing

The inspector shall: Verify the presence of and identify the location of the main water shutoff valve. Inspect the water heating equipment, including combustion air, venting, connections, energy sources, seismic bracing, and verify the presence or absence of temperature-pressure relief valves and/or Watts 210 valves. Flush toilets. Run water in sinks, tubs, and showers. Inspect the interior water supply including all fixtures and faucets. Inspect the drain, waste and vent systems, including all fixtures. Describe any visible fuel storage systems. Inspect the drainage sump pumps testing sumps with accessible floats. Inspect and describe the water supply, drain, waste and main fuel shut-off valves, as well as the location of the water main and main fuel shut-off valves. Inspect and determine if the water supply is public or private. Inspect and report as in need of repair deficiencies in the water supply by viewing the functional flow in two fixtures operated simultaneously. Inspect and report as in need of repair deficiencies in installation and identification of hot and cold faucets. Inspect and report as in need of repair mechanical drain-stops that are missing or do not operate if installed in sinks, lavatories and tubs. Inspect and report as in need of repair commodes that have cracks in the ceramic material, are improperly mounted on the floor, leak, or have tank components which do not operate.

The inspector is not required to: Light or ignite pilot flames. Determine the size, temperature, age, life expectancy or adequacy of the water heater. Inspect interiors of flues or chimneys, water softening or filtering systems, well pumps or tanks, safety or shut-off valves, floor drains, lawn sprinkler systems or fire sprinkler systems. Determine the exact flow rate, volume, pressure, temperature, or adequacy of the water supply. Determine the water quality or potability or the reliability of the water supply or source. Open sealed plumbing access panels. Inspect clothes washing machines or their connections. Operate any main, branch or fixture valve. Test shower pans, tub and shower surrounds or enclosures for leakage. Evaluate the compliance with local or state conservation or energy standards, or the proper design or sizing of any water, waste or venting components, fixtures or piping. Determine the effectiveness of anti-siphon, back-flow prevention or drain-stop devices. Determine whether there are sufficient clean-outs for effective cleaning of drains. Evaluate gas, liquid propane or oil storage tanks. Inspect any private sewage waste disposal system or component of. Inspect water treatment systems or water filters. Inspect water storage tanks, pressure pumps or bladder tanks. Evaluate time to obtain hot water at fixtures, or perform testing of any kind to water heater elements. Evaluate or determine the adequacy of combustion air. Test, operate, open or close safety controls, manual stop valves and/or temperature or pressure relief valves. Examine ancillary systems or components, such as, but not limited to, those relating to solar water heating, hot water circulation.

Styles & Materials

Water Source:

Public

Water Filters:

None

Plumbing Water Supply (into home):

Copper

Plumbing Water Distribution (inside home):

Copper
PLASTIC

Drip Pan:

None

Plumbing Waste:

Public

Water Heater Power Source:

Electric

Manufacturer:

A.O. SMITH

Water Heater Capacity:

50 Gallon (2-3 people)

Water Heater Location:

Crawlspace

Radon Mitigation System:

None

Sump Pump(s):

None

		IN	NI	NP	MO	RR	S
8.0	MAIN WATER SHUT-OFF DEVICE (Describe location)	•					
8.1	PLUMBING DRAIN, WASTE AND VENT SYSTEMS					•	
8.2	PLUMBING WATER SUPPLY AND DISTRIBUTION SYSTEMS AND FIXTURES					•	
8.3	HOT WATER SYSTEMS, CONTROLS, CHIMNEYS, FLUES AND VENTS				•	•	
8.4	SUMP PUMP			•			
8.5	Radon Mitigation System			•			
		IN	NI	NP	MO	RR	S

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Comments:

8.0 The main shut off is the lever located underneath in the crawlspace by the meter. This is for your information.



8.0 Item 1(Picture) Water meter



8.0 Item 2(Picture) Water meter



8.0 Item 3(Picture) Main water shut off



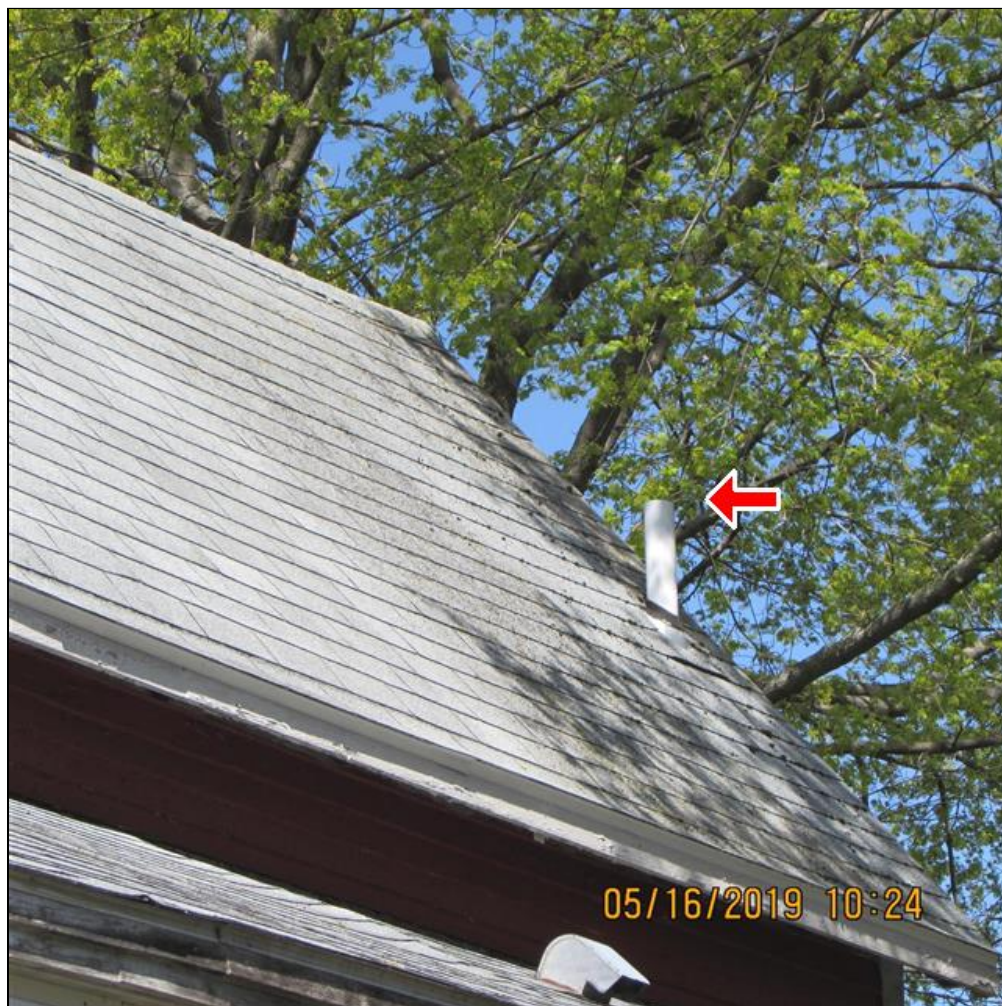
8.1 (1) If there are large trees on the property near the sewer lines, I recommend you have a plumber check the line with a camera to be sure roots have not encroached into the sewer line. You are responsible from the home to the street hookup and it can get costly if a sewer line has to be replaced due to roots. Some towns offer insurance for this purpose so check with the town to see if its available.



8.1 Item 1(Picture) Waste line access in crawlspace



8.1 (2) Plumbing vent pipe is too short. A minimum of 24" is recommended. This can easily get blocked with snow and cause sewer gas backup.



8.1 Item 2(Picture) Extension on vent pipe recommended

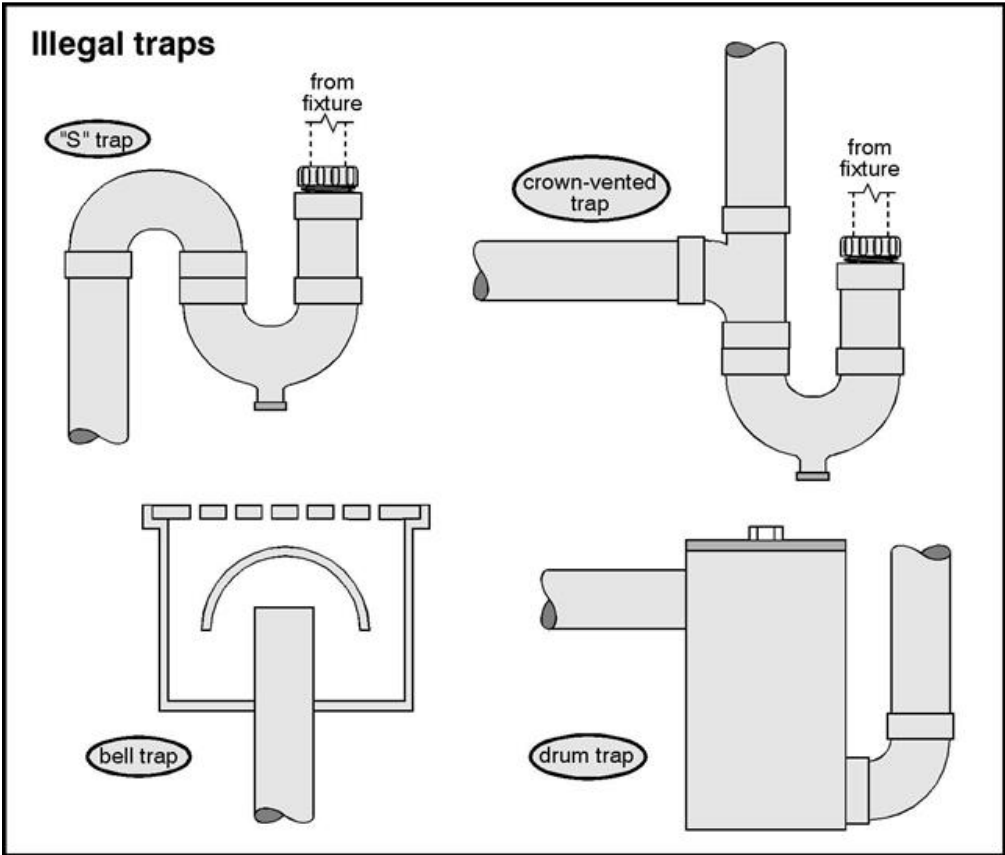


8.1 (3) The drain pipe under the kitchen sink may need repair at the connection. It looks like its been patched in the past.

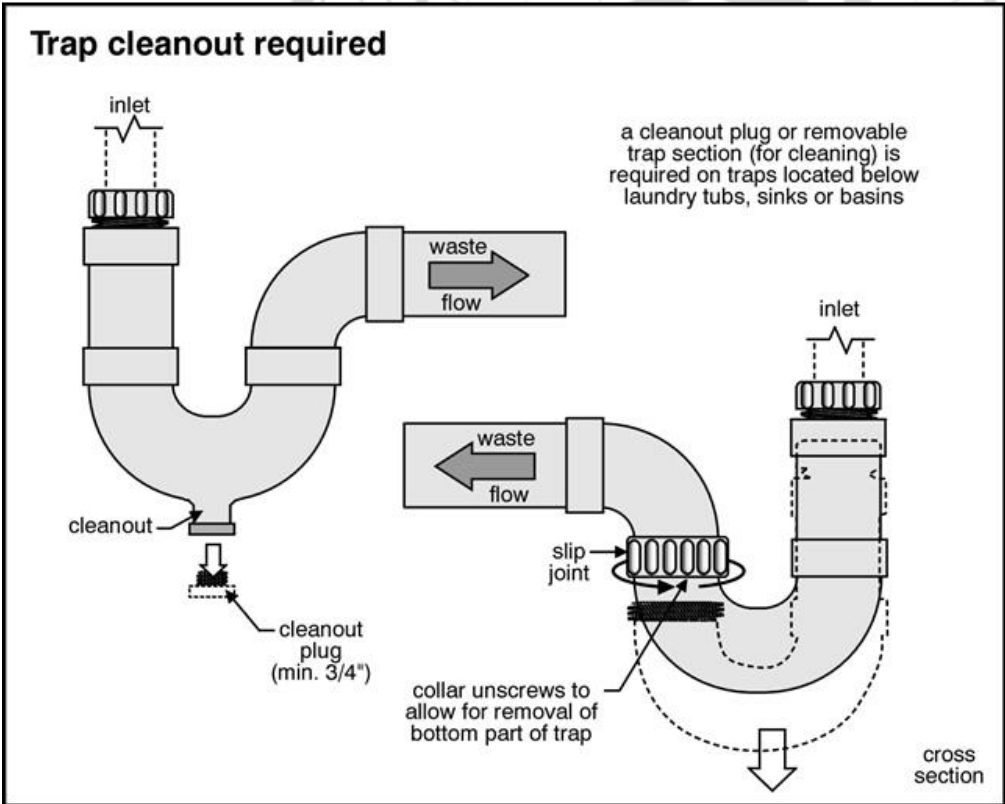
There are old drum traps present that are no longer used. P traps are now in use. The drum traps are grand-fathered however.



8.1 Item 3(Picture) Repair may be needed here



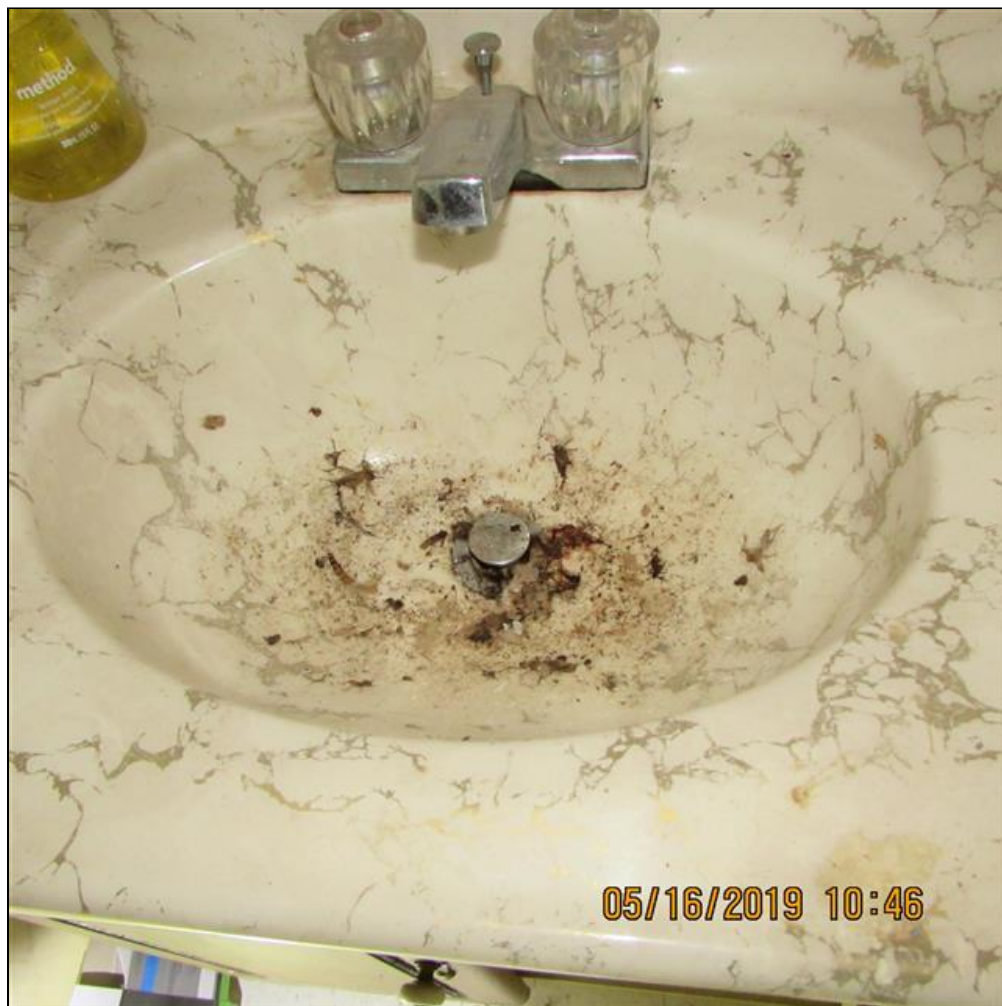
8.1 Item 4(Picture)



8.1 Item 5(Picture) P trap

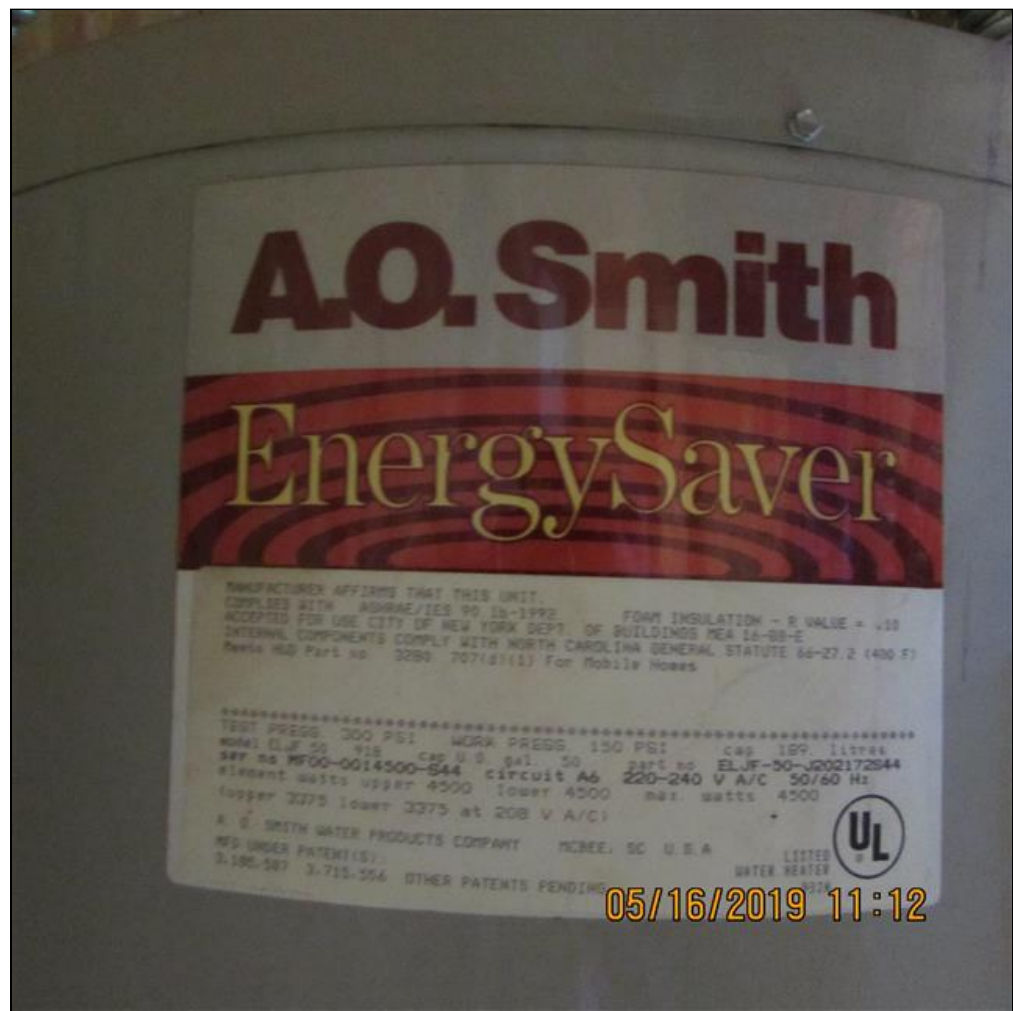


8.2 I recommend the upstairs vanity be replaced.



8.2 Item 1(Picture) 2nd floor vanity

 **8.3** Hot water tanks are designed to last for approximately 10 years on average. If a tank is over 8 years of age, failure probability is considered high and replacement may be needed at any time. April of 2000 appears to be the age of the tank according to the serial number. Budget to replace it at any time.



8.3 Item 1(Picture) Hot water heater in crawlspace



8.3 Item 2(Picture) Hot water heater

The plumbing in the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Washing machine drain line for example cannot be checked for leaks or the ability to handle the volume during drain cycle. Older homes with galvanized supply lines or cast iron drain lines can be obstructed and barely working during an inspection but then fails under heavy use. If the water is turned off or not used for periods of time (like a vacant home waiting for closing) rust or deposits within the pipes can further clog the piping system.

Home inspections are not Code inspections. Every town has different codes pertaining to plumbing requirements, such as distance of a well from a septic system. This type of information is beyond the scope of a home inspection and you are advised to always check with the local town when in doubt regarding plumbing and electrical issues.

Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

9. Electrical

The inspector shall inspect: The service line. The meter box. The main disconnect. And determine the rating of the service amperage. Panels, breakers and fuses. The service grounding and bonding. A representative sampling of switches, receptacles, light fixtures, AFCI receptacles and test all GFCI receptacles and GFCI circuit breakers observed and deemed to be GFCI's during the inspection. And report the presence of solid conductor aluminum branch circuit wiring if readily visible. And report on any GFCI-tested receptacles in which power is not present, polarity is incorrect, the receptacle is not grounded, is not secured to the wall, the cover is not in place, the ground fault circuit interrupter devices are not properly installed or do not operate properly, or evidence of arcing or excessive heat is present. The service entrance conductors and the condition of their sheathing. The ground fault circuit interrupters observed and deemed to be GFCI's during the inspection with a GFCI tester. And describe the amperage rating of the service. And report the absence of smoke detectors. Service entrance cables and report as in need of repair deficiencies in the integrity of the insulation, drip loop, or separation of conductors at weatherheads and clearances.

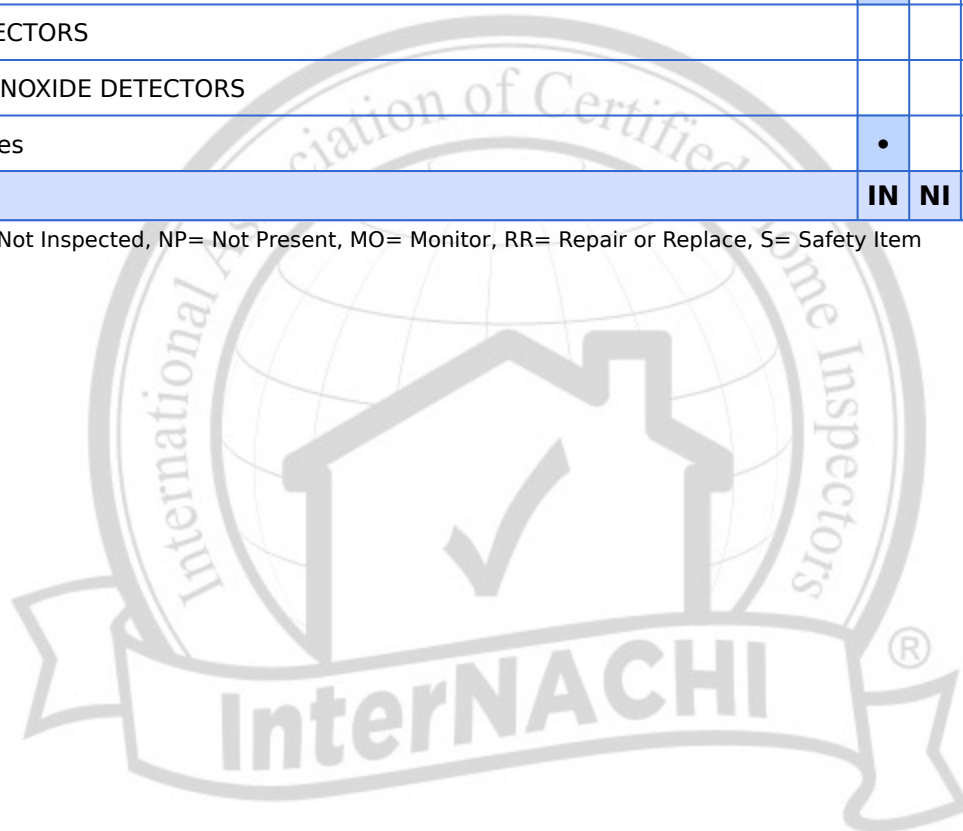
The inspector is not required to: Insert any tool, probe or device into the main panel, sub-panels, downstream panel, or electrical fixtures. Operate electrical systems that are shut down. Remove panel covers or dead front covers if not readily accessible. Operate over current protection devices. Operate non-accessible smoke detectors. Measure or determine the amperage or voltage of the main service if not visibly labeled. Inspect the alarm system and components. Inspect the ancillary wiring or remote control devices. Activate any electrical systems or branch circuits which are not energized. Operate overload devices. Inspect low voltage systems, electrical de-icing tapes, swimming pool wiring or any time-controlled devices. Verify the continuity of the connected service ground. Inspect private or emergency electrical supply sources, including but not limited to generators, windmills, photovoltaic solar collectors, or battery or electrical storage facility. Inspect spark or lightning arrestors. Conduct voltage drop calculations. Determine the accuracy of breaker labeling.

Styles & Materials

Electrical Service Conductors: Overhead service Aluminum 220 volts	Main Disconnect: On exterior of building	Distribution Panel Manufacturer: SIEMENS
Main Disconnect Manufacturer: GENERAL ELECTRIC	Panel capacity: 100 AMP	Panel Type: Circuit breakers
Branch wire 15 and 20 AMP: Copper	Wiring Methods: Romex	Grounding: Copper to water pipe
GFCI/AFCI's: GFCI's present in kitchen GFCI's present in bathroom(s)	Alarm Systems: None Installed	Generator panels: Not installed
Smoke and CO Detectors: Insufficient		

		IN	NI	NP	MO	RR	S
9.0	SERVICE ENTRANCE LINES	•					
9.1	MAIN and DISTRIBUTION PANELS and METER BOX, MAIN DISCONNECT, SERVICE GROUNDING/BONDING					•	•
9.2	BRANCH CIRCUIT CONDUCTORS, OVERCURRENT DEVICES AND COMPATIBILITY OF THEIR AMPERAGE AND VOLTAGE	•					
9.3	OUTLETS, SWITCHES, LIGHT FIXTURES and VISIBLE WIRING (observed from a representative number)					•	•
9.4	POLARITY AND GROUNDING OF RECEPTACLES WITHIN 6 FEET OF INTERIOR PLUMBING FIXTURES, AND ALL RECEPTACLES IN BASEMENT, CRAWLSPACE, GARAGE, CARPORT, EXTERIOR WALLS OF INSPECTED STRUCTURE	•					
9.5	OPERATION OF GFCI or AFCI (GROUND/ARC FAULT CIRCUIT INTERRUPTERS)	•					
9.6	LOCATION OF MAIN AND DISTRIBUTION PANELS	•					
9.7	SMOKE DETECTORS					•	•
9.8	CARBON MONOXIDE DETECTORS					•	•
9.9	Junction boxes	•					
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item



Comments:

9.1 (1) The main power disconnect is located on the left side of the home under the meter. Do not lock this box.

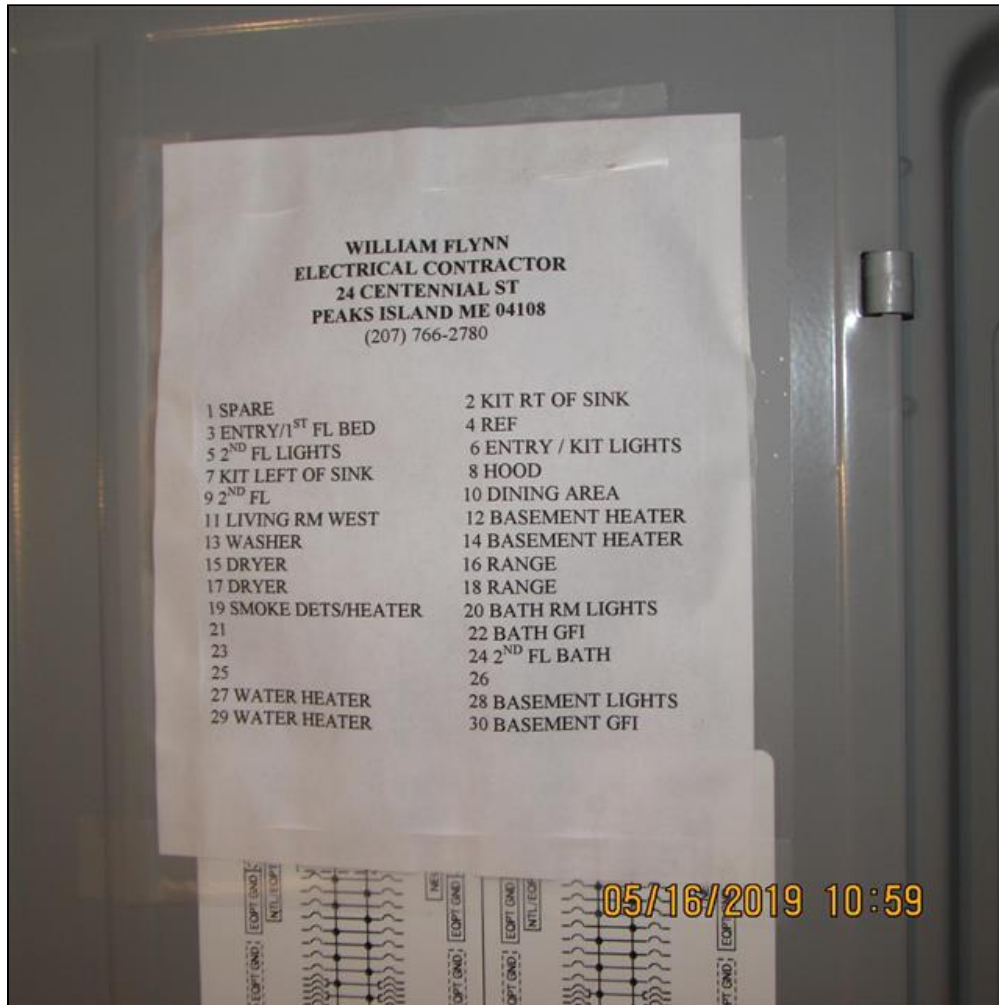


9.1 Item 1(Picture) Main power disconnect

+ **9.1** (2) The problem(s) discovered in the panel such as doubled wiring at circuit(s), and any other problems that an electrician may discover while performing repairs need correcting. I recommend a licensed electrician inspect further and correct as needed.



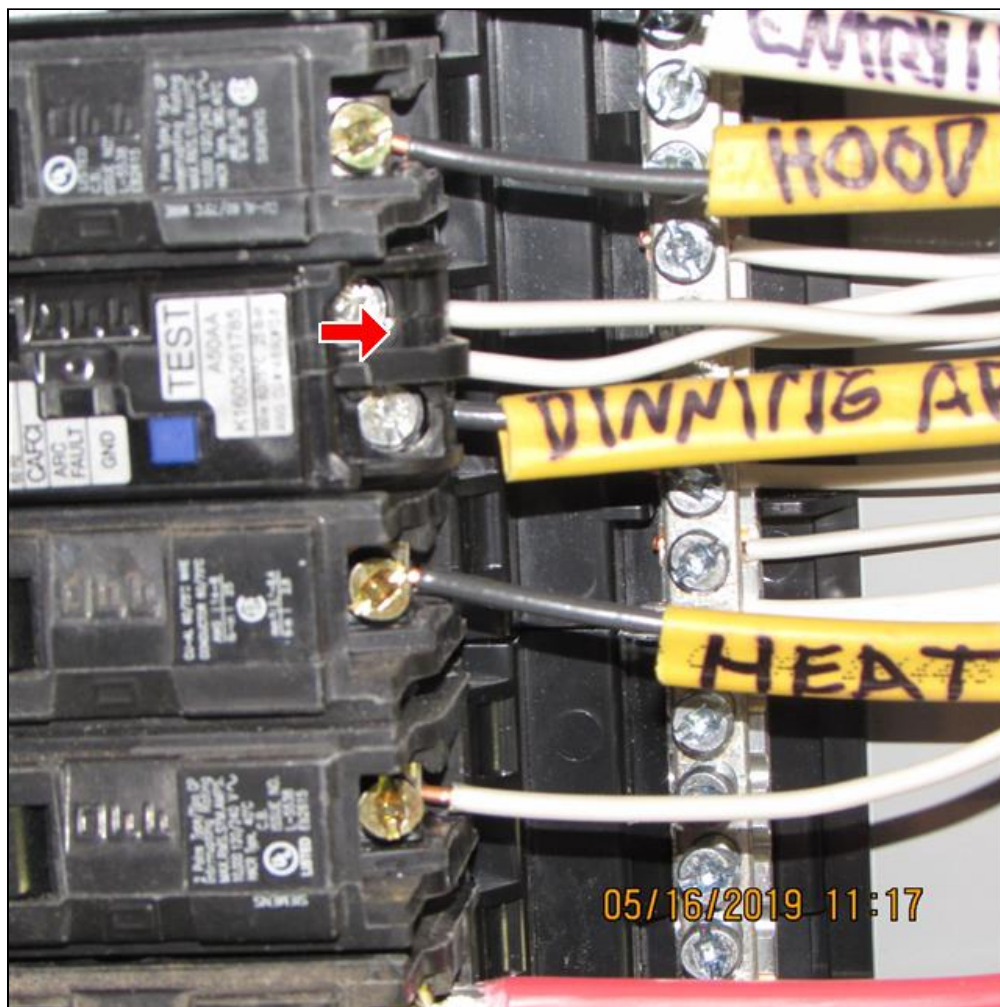
9.1 Item 2(Picture) Panel in crawlspace



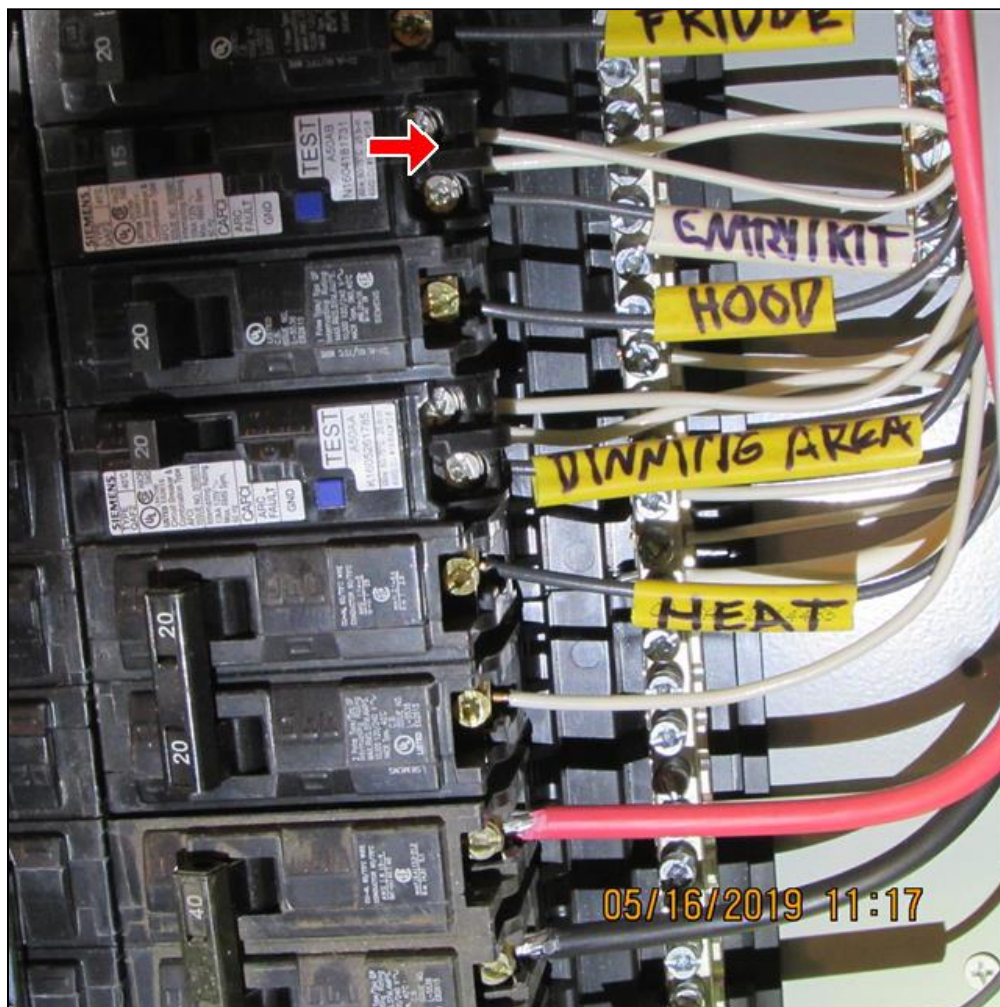
9.1 Item 3(Picture) Circuits are labeled



9.1 Item 4(Picture) Distribution panel in crawlspace



9.1 Item 5(Picture) Double tapped breakers present



9.1 Item 6(Picture) Double tapped breaker

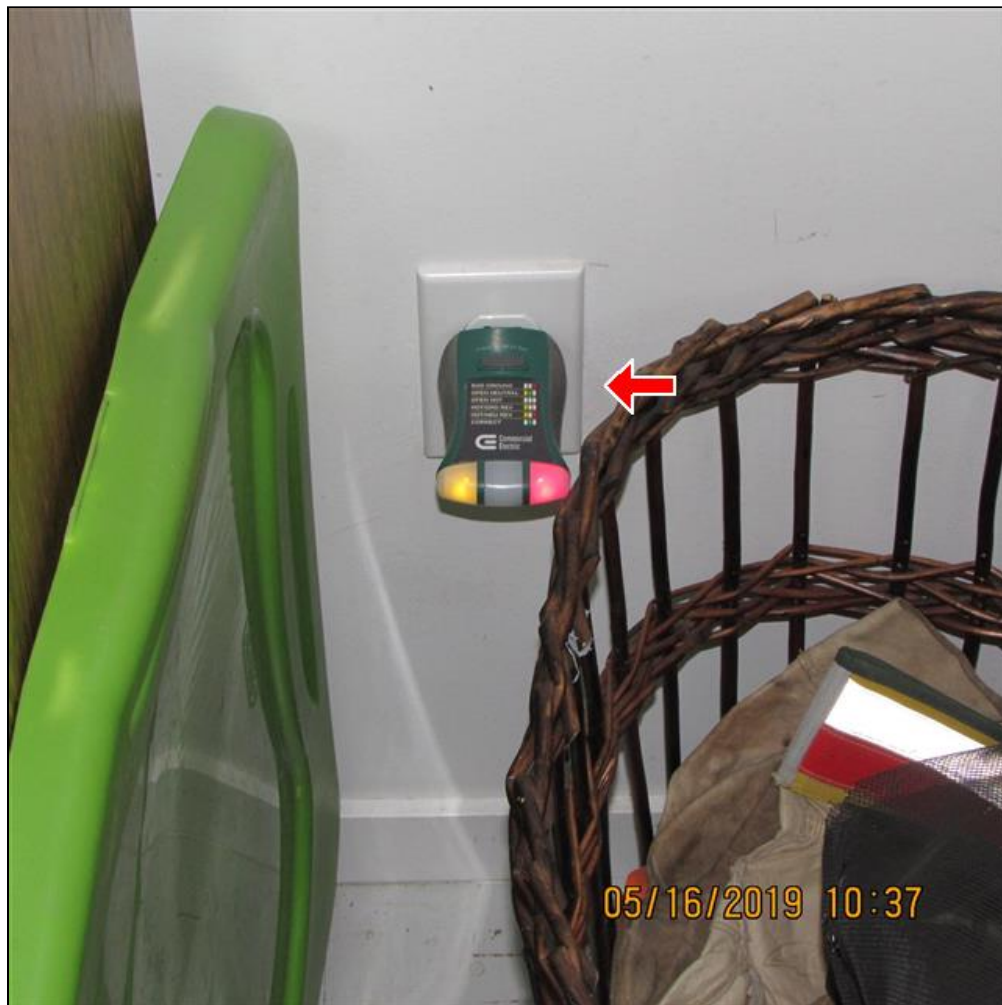
9.2 I recommend you have this checked by a qualified electrician.

+ **9.3** FYI - All outlets and switches must have covers.

The outlets in the dining area, new addition and laundry area have reversed polarity and need repair. Contact a licensed electrician.



9.3 Item 1(Picture) Cover needed in laundry area



9.3 Item 2(Picture) Reversed polarity outlets present



9.3 Item 3(Picture) Reversed polarity outlets need repair

9.4 FYI - All outlets within 6 feet of water, exterior outlets, garage outlets and basement outlets should be GFCI outlets. This is a safety concern.

+ **9.7** Always be sure there are enough smoke detectors and that the batteries are changed every six months. I recommend smoke detectors on every level of the home. Each bedroom should have one installed near the entry door and there should be a smoke detector in the middle of the hallway to the bedrooms.

It is up to the buyer of the property to make sure that the smoke alarm requirements are met. Be sure to read the Overview in this section regarding smoke alarms and the Maine Law.



9.7 Item 1(Picture) Replace missing smoke detectors



9.7 Item 2(Picture) 2nd floor missing smoke detector



9.8 Be sure you have carbon monoxide detectors on every floor of your home.

9.9 FYI - Junction boxes must have covers and openings are not allowed.

The electrical system of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Outlets were not removed and the inspection was only visual. Any outlet not accessible (behind the refrigerator for example) was not inspected or accessible. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

What the new Maine Smoke Detector and Carbon Monoxide Law Means

"10. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install **smoke detectors** in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if smoke detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The smoke detectors must be installed in accordance with the manufacturer's requirements at the time of installation. The smoke detectors must be powered by the electrical service in the building or by battery. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent or a lender for any damages resulting from the operation, maintenance or effectiveness of a smoke detector. Violation of this subsection does not create a defect in title."

"6. Transfer of dwelling. A person who, after October 31, 2009, acquires by sale or exchange a single-family dwelling or a multiapartment building shall install **carbon monoxide detectors** in the acquired dwelling within 30 days of acquisition or occupancy of the dwelling, whichever is later, if carbon monoxide detectors are not already present, and shall certify at the closing of the transaction that the purchaser will make the proper installation. This certification must be signed and dated by the purchaser. The carbon monoxide detectors must be installed in accordance with the manufacturer's requirements at the time of installation in each area within, or giving access to, bedrooms and must be powered both by the electrical service in the dwelling or building and by battery. A person may not have a claim for relief against a property owner, a property purchaser, an authorized agent of a property owner or purchaser, a person in possession of real property, a closing agent, or a lender for any damages resulting from the operation, maintenance or effectiveness of a carbon monoxide detector. Violation of this subsection does not create a defect in title."



10. Insulation and Ventilation

The home inspector shall observe: Insulation and vapor retarders in unfinished spaces; Ventilation of attics and foundation areas; Kitchen, bathroom, and laundry venting systems; and the operation of any readily accessible attic ventilation fan, and, when temperature permits, the operation of any readily accessible thermostatic control. The home inspector shall describe: Insulation in unfinished spaces; and Absence of insulation in unfinished space at conditioned surfaces. The home inspector shall: Move insulation where readily visible evidence indicates the need to do so; and Move insulation where chimneys penetrate roofs, where plumbing drain/waste pipes penetrate floors, adjacent to earth filled stoops or porches, and at exterior doors. The home inspector is not required to report on: Concealed insulation and vapor retarders; or Venting equipment that is integral with household appliances.

Styles & Materials

Attic Insulation:

Not visible - attic finished space

Ventilation:

Gable vent(s)

Dryer Vent:

Foil

Floor System Insulation:

NONE

Vapor Barrier:

Inadequate

Basement/Crawlspace Insulation:

Foil backed on walls

		IN	NI	NP	MO	RR	S
10.0	INSULATION IN ATTIC/KNEE WALLS		•				
10.1	ATTIC OR KNEE WALL ACCESS			•			
10.2	INSULATION UNDER FLOOR SYSTEM			•		•	
10.3	VAPOR RETARDERS/BARRIERS			•			
10.4	VENTILATION OF ATTIC AND FOUNDATION AREAS		•				
10.5	VENTING SYSTEMS (House, Kitchens, baths and laundry)					•	•
10.6	VENTILATION FANS AND THERMOSTATIC CONTROLS (ATTIC)			•			
10.7	WALL INSULATION					•	
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

Comments:

10.0 No attic access.



10.2 If the cottage is going to be used during winter months, I recommend insulating the floor.



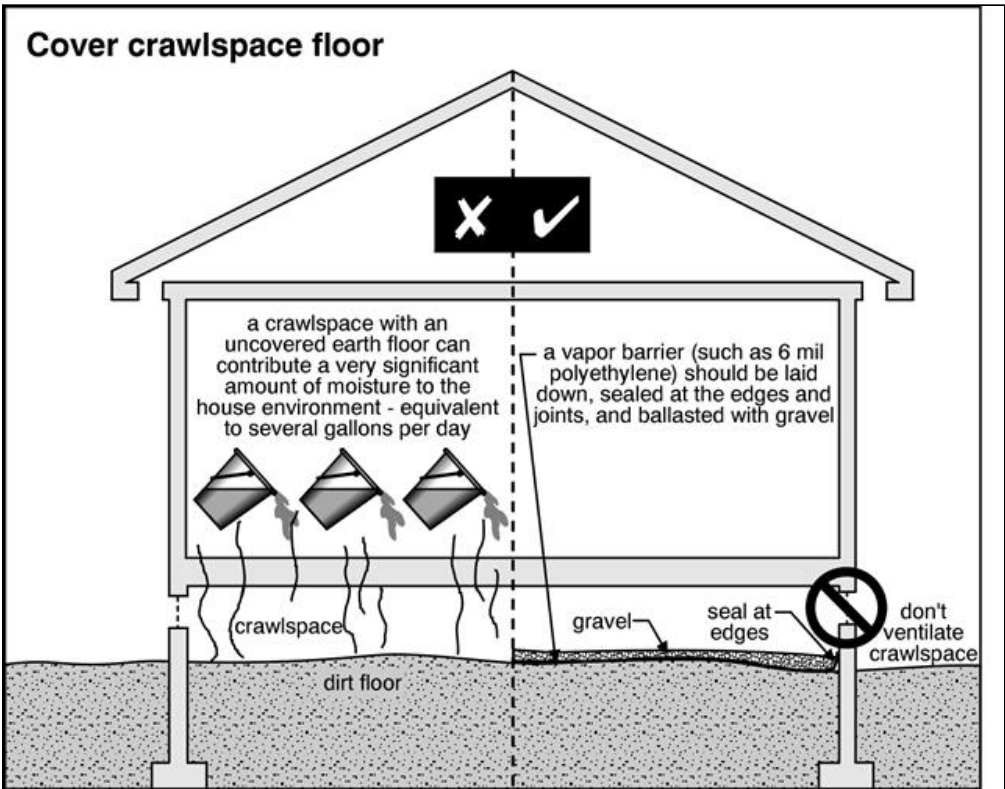
10.2 Item 1(Picture) Insulate the floor



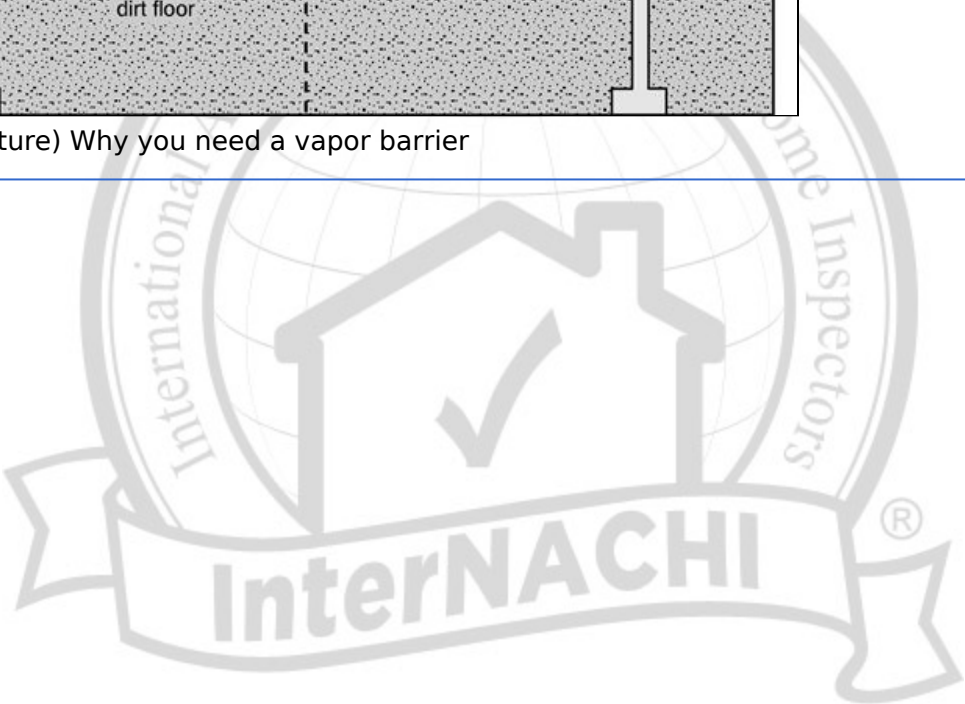
10.3 Because the crawlspace of this home has a dirt/gravel floor, a vapor barrier is recommended. This will help keep moisture from penetrating flooring and wall structures.



10.3 Item 1(Picture) install a vapor barrier in the crawlspace



10.3 Item 2(Picture) Why you need a vapor barrier



10.4 No attic access.

10.5 (1) All areas of attics are not normally accessible which may prohibit complete inspection of vent pipes. Insulation and/or storage restricts inspection and sometimes attic fans or dryer vents may be hidden out of sight under the insulation. I do not move insulation. It is VERY important that vent pipes vent to the exterior of the home, not directly into the attic space.



10.5 (2) All national and local building codes now require metal ducting for clothes dryers. Ideally, you should use rigid aluminum tubing pieces between the dryer and the outside vent. This type of tubing does the best job of resisting the collection of lint in the duct. Flexible aluminum ducting is available, however, it is more prone to collecting lint inside.



10.5 Item 1(Picture) Replace dryer duct



10.5 Item 2(Picture) Dryer duct at rear



10.5 Item 3(Picture) Replace dryer duct

 **10.5** (3) Bathroom fans are a source of potential fire if not kept clean. If the vents look dirty the fan needs cleaning. If a fan is noisy, replace it. Cleaning the ducts is also a good idea.



10.5 Item 4(Picture) Bathroom fan is noisy

 **10.7** Insulation appears inadequate.

The insulation and ventilation of the home was inspected and reported on with the above information. While the inspector makes every effort to find all areas of concern, some areas can go unnoticed. Venting of exhaust fans or clothes dryer cannot be fully inspected and bends or obstructions can occur without being accessible or visible (behind wall and ceiling coverings). **Be sure to clean your dryer vents as they present a fire hazard if blocked.** Only insulation that is visible was inspected. Please be aware that the inspector has your best interest in mind. Any repair items mentioned in this report should be considered before purchase. It is recommended that qualified contractors be used in your further inspection or repair issues as it relates to the comments in this inspection report.

11. Pest Assessment

A pest inspection generally includes looking for wood destroying insects and organisms such as wood-eating mold or fungus. If prolific, mice or rats (if suspected) will be noted as well as bees and wasps, birds, squirrels, raccoons, skunks, ground hogs, etc.

This is a NON-INVASIVE inspection. Storage, insulation, wall and floor coverings, finished areas, siding, inaccessible areas, etc., all limit the scope of the inspection. Every area of a structure is not inspected, and even after an extensive inspection some pests may be present. Best efforts are used to locate any problem pests however.

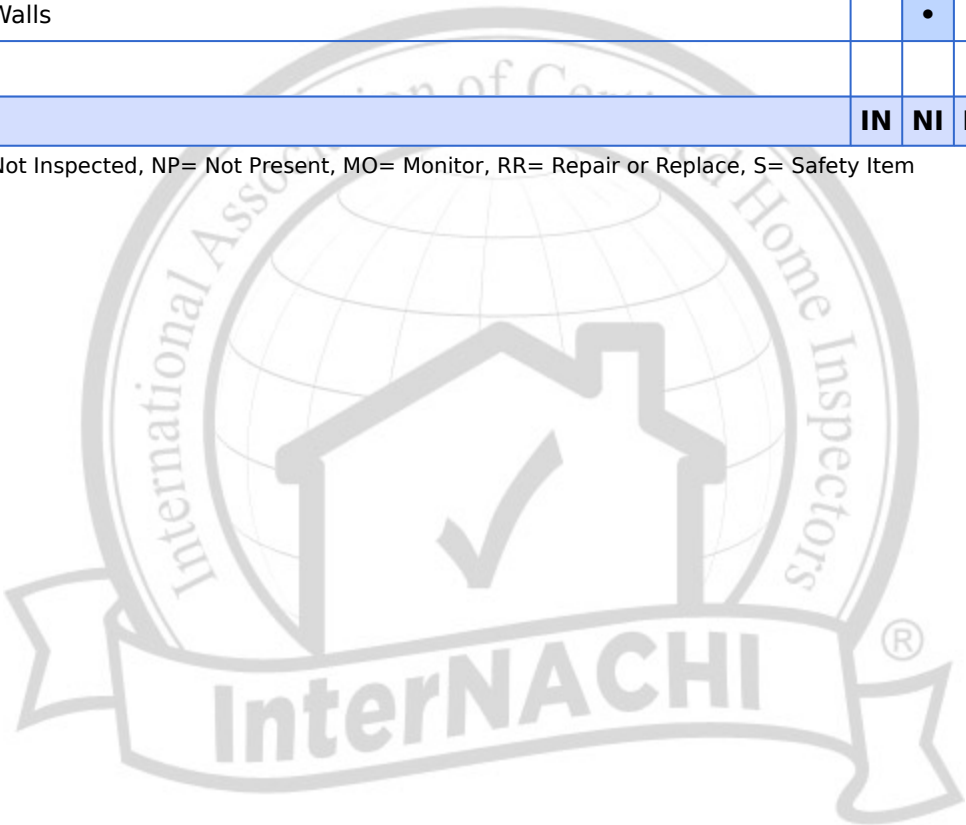
Styles & Materials

Wood destroying insects/or
wood rot:
Some exterior rot present

Mice:
Evidence visible

		IN	NI	NP	MO	RR	S
11.0	Interior	•					
11.1	Attic/Knee Walls		•				
11.2	Crawlspace					•	
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item



Comments:

11.0 Pest assessments are **non-invasive** and based upon visual evidence present or suspected. Inspection is restricted due to furnishings, storage, insulation, snow cover, lack of access and vegetation. Insulation, furnishings, wall coverings, storage, etc. are NOT moved.

 **11.1** All areas of crawlspaces and attics are not readily accessible. Insulation, vapor barriers, storage, flooring, and wiring restricts inspection.

No attic access.

 **11.2** Evidence of mice.



11.2 Item 1(Picture) Mouse nest in crawlspace

12. Mold Assessment



A mold assessment is a limited inspection of visible areas of the structure. All areas are NOT visible. If mold is suspected or observed, it will be noted in the report. All structures harbor mold to some extent, which is normal. If mold is not observed or suspected, it does not mean the structure is entirely void of mold.

Styles & Materials

No Suspected Mold:

In living space
In crawlspace

		IN	NI	NP	MO	RR	S
12.0	Interior (living space)	•					
12.1	Crawl space	•					
12.2	Attic/Knee Walls		•				
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item

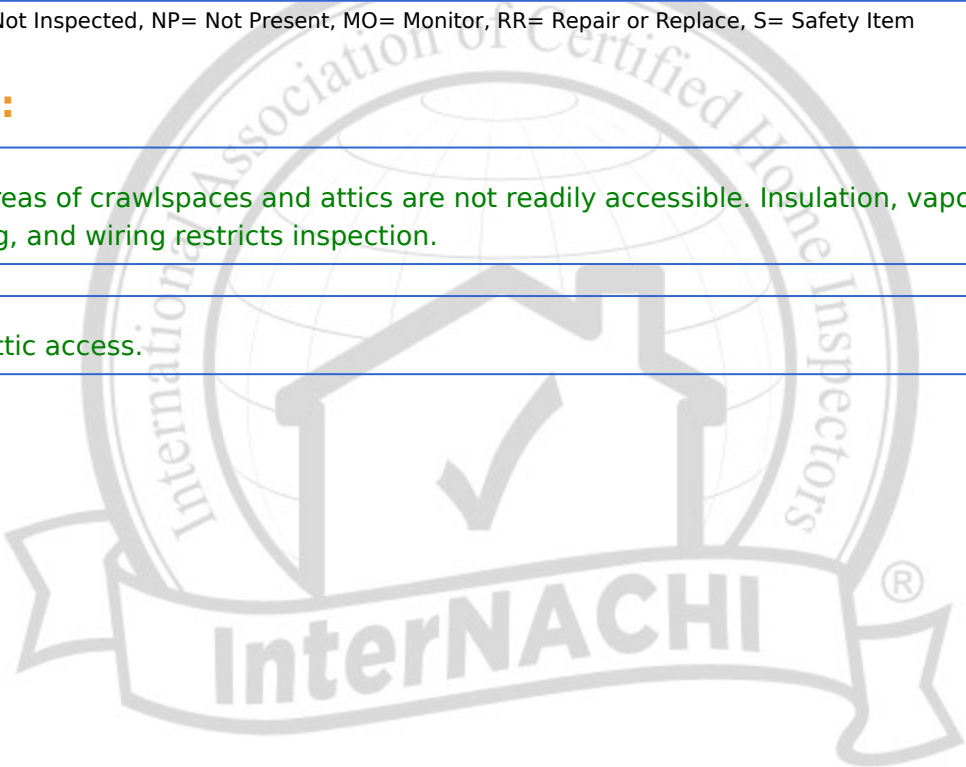
Comments:



12.1 All areas of crawlspaces and attics are not readily accessible. Insulation, vapor barriers, storage, flooring, and wiring restricts inspection.



12.2 No attic access.



13. Thermal Imaging

Thermal imaging was performed on this structure. If there were anomalies present, pictures have been included in the report. If no problems were located, pictures are not presented.

Thermal imaging often allows visibility of structural members, insulation, leakage in walls and ceilings, air penetration around doors and windows, and other anomalies. This can be very useful to you as a property owner.

During colder weather, blues generally show cold air penetration while yellows and reds show various degrees of heat. During hot, summer months, this may be reversed.

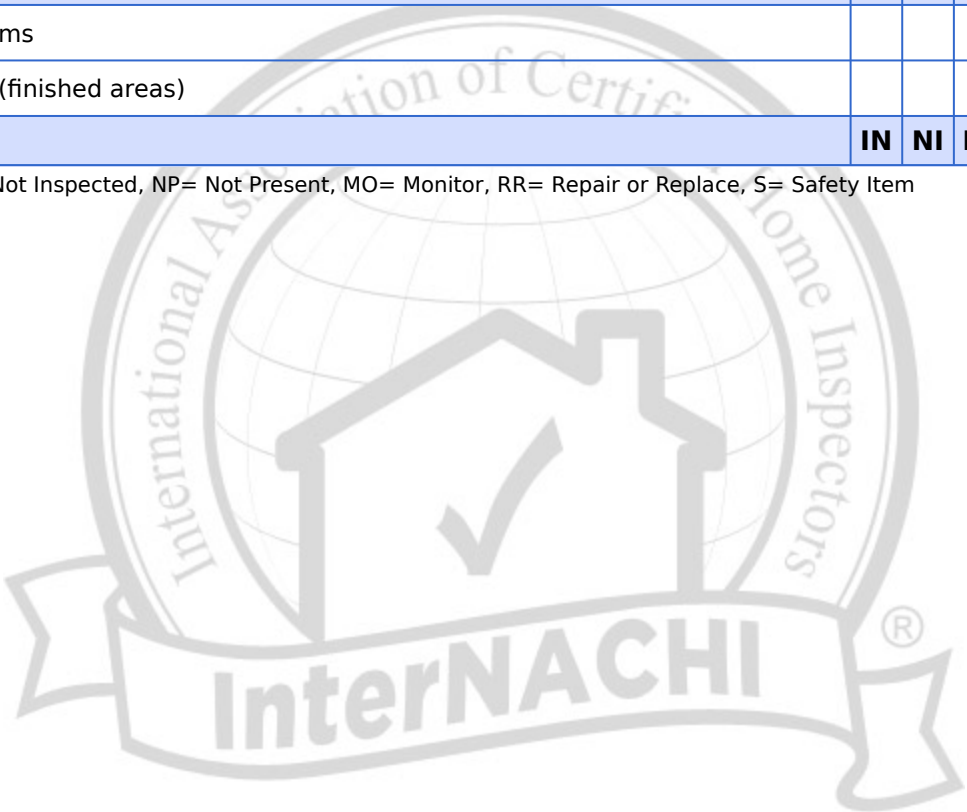
Styles & Materials

Problems discovered:

- Inadequate insulation
- Air infiltration at exterior wall outlets and switches

		IN	NI	NP	MO	RR	S
13.0	Interior Rooms					•	
13.1	Attic space (finished areas)					•	
		IN	NI	NP	MO	RR	S

IN= Inspected, NI= Not Inspected, NP= Not Present, MO= Monitor, RR= Repair or Replace, S= Safety Item



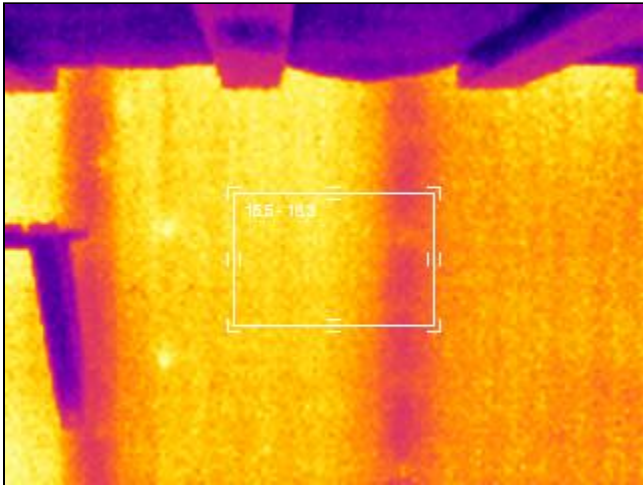
Comments:

13.0 Thermal imaging often allows visibility of structural members, insulation, leakage in walls and ceilings, air penetration around doors and windows, and other anomalies in MOST instances. There are times where even this latest technology cannot find problems. It is, however, another very useful tool to help locate problems or potential problems which can be very informative to you as a potential property owner. Pictures are included if there are anomalies that pose a serious problem, otherwise they are not.

Buy foam gaskets to insert in all exterior wall outlets and switches. Insulate and weather strip all exterior doors properly and all attic doors and hatches. Add storm doors where missing. Some insulation needed in exterior walls.



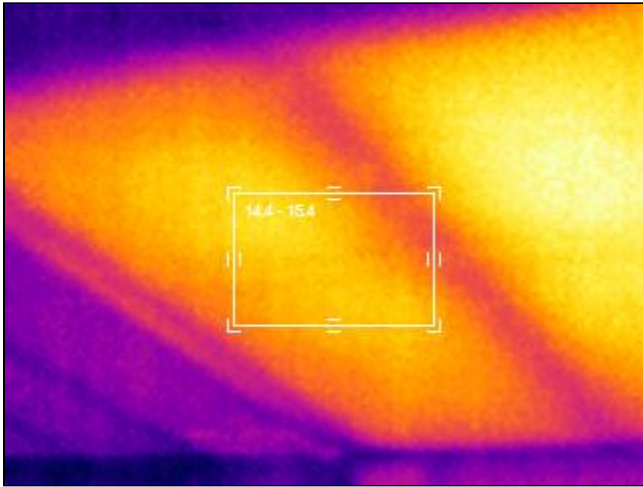
13.0 Item 1(Picture) Bedroom wall without thermal image



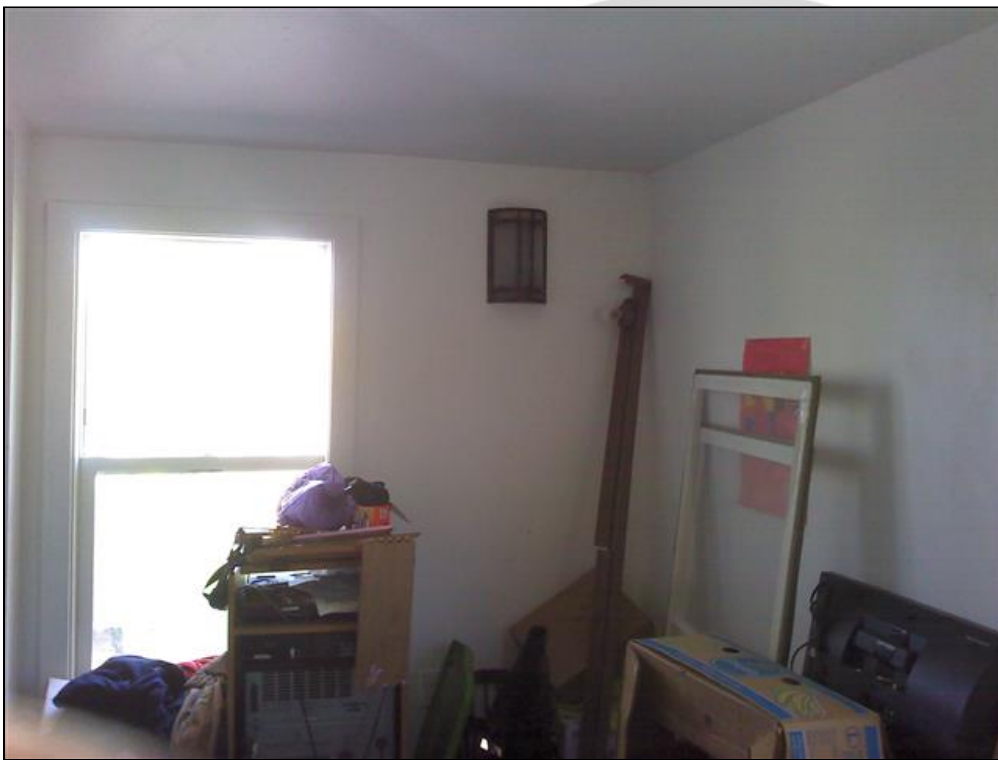
13.0 Item 2(Picture) Bedroom wall showing lack of insulation



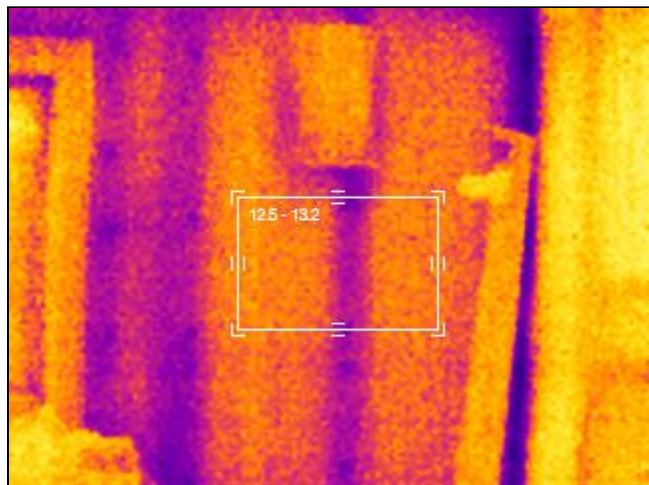
13.0 Item 3(Picture) Addition ceiling without thermal image



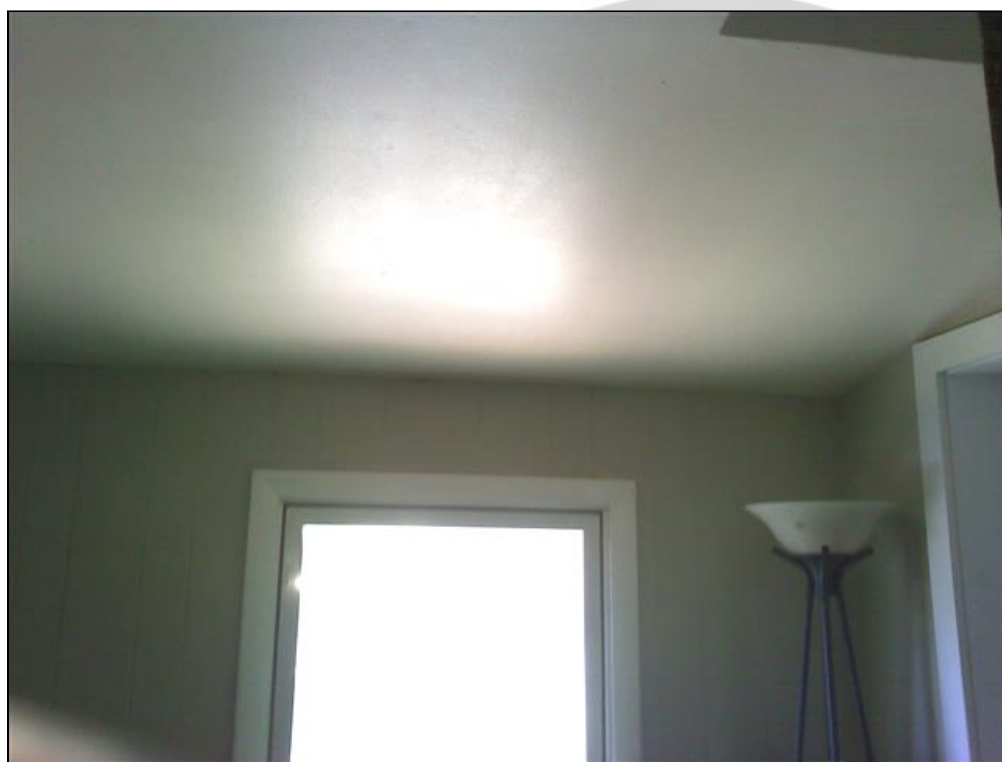
13.0 Item 4(Picture) Ceiling showing lack of insulation



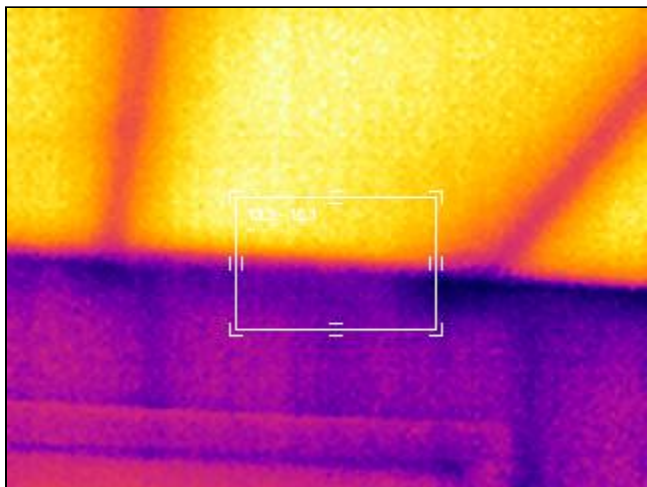
13.0 Item 5(Picture) Bedroom wall without thermal image



13.0 Item 6(Picture) Bedroom wall showing lack of insulation



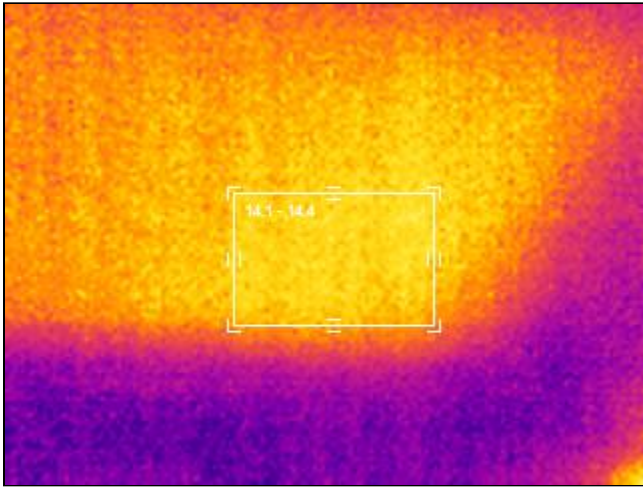
13.0 Item 7(Picture) Ceiling without thermal image



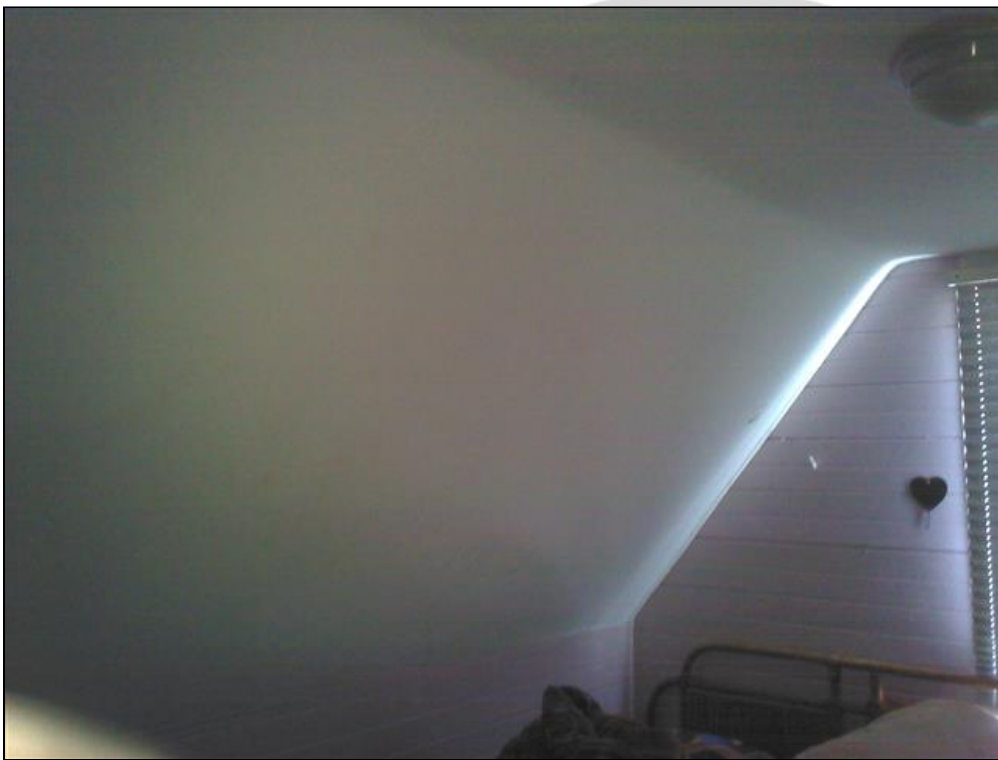
13.0 Item 8(Picture) Ceiling showing lack of insulation



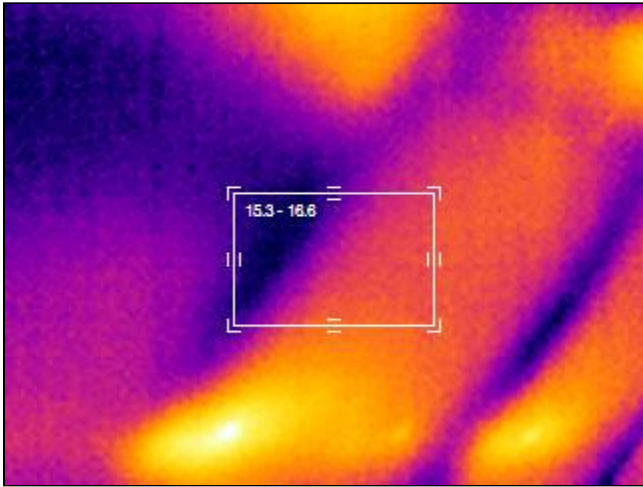
13.0 Item 9(Picture) 2nd floor ceiling patch



13.0 Item 10(Picture) Ceiling patch showing lack of insulation



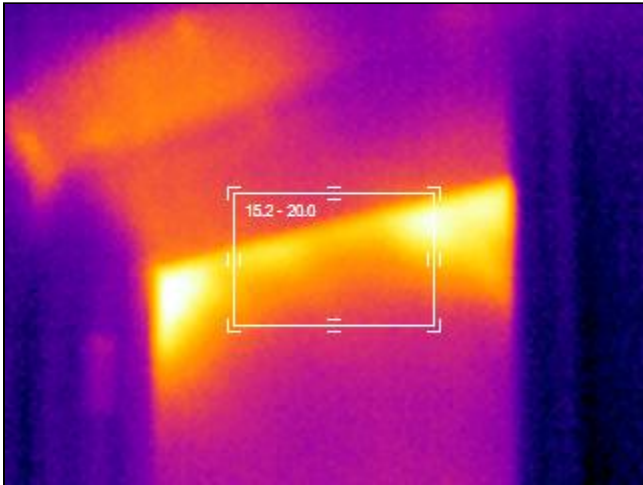
13.0 Item 11(Picture) 2nd floor ceiling without thermal image



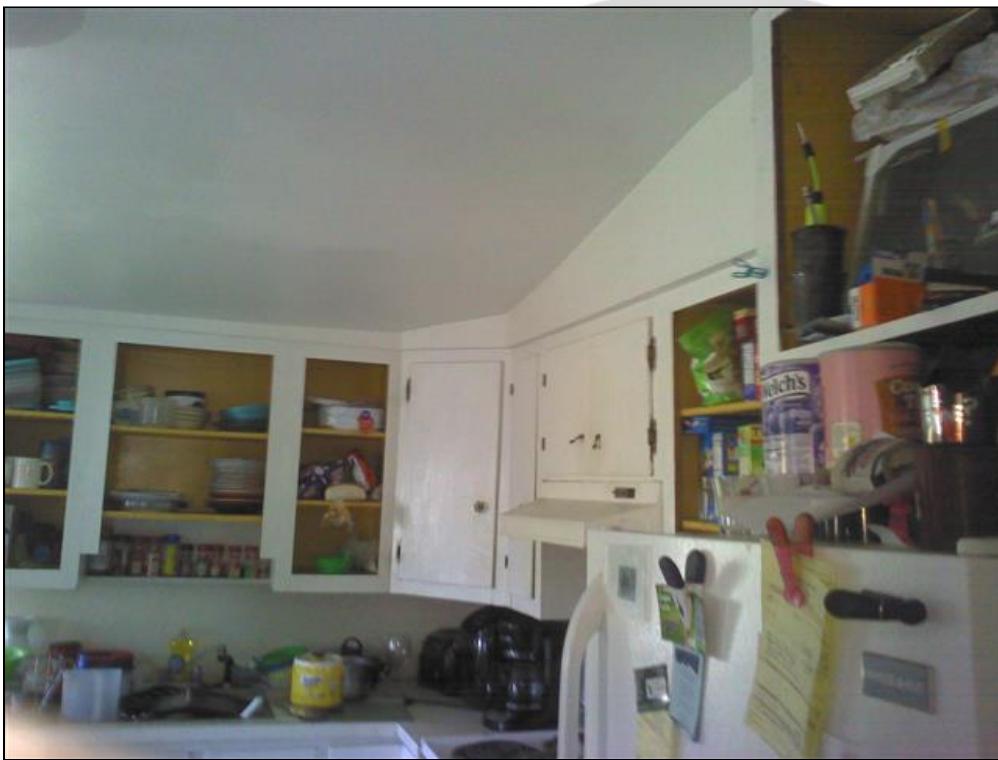
13.0 Item 12(Picture) 2nd floor ceiling showing missing insulation



13.0 Item 13(Picture) 2nd floor without thermal image



13.0 Item 14(Picture) 2nd floor showing air infiltration



13.0 Item 15(Picture) Kitchen without thermal image



13.0 Item 16(Picture) Kitchen ceiling showing lack of insulation



13.1 Thermal imaging can be very useful for finding leaks, missing insulation, structural problems, electrical problems and heat loss. Blues and purples are cold areas, while yellows, reds and oranges are warmer. Keep in mind that if there is no moisture present, the thermal camera will not show it.

Insulation upgrade recommended.



Summary Items



Sherlock Homes Certified Home Inspections

**20 Pound Road
Durham, Maine 04222
207-650-5117**

Customer
Betsy Remage-Healey

Address
18 Luther Street
Peaks Island Maine 04108

The following items or discoveries indicate that these systems or components **do not function as intended** or **adversely affects the habitability of the dwelling;** or **warrants further investigation by a specialist,** or **requires subsequent observation.** This summary shall not contain recommendations for routine upkeep of a system or component to keep it in proper functioning condition or recommendations to upgrade or enhance the function or efficiency of the home. This Summary is not the entire report. The complete report may include additional information of concern to the customer. It is recommended that the customer read the complete report.

1. Roof and Attic

1.0 ROOF COVERINGS AND VENTS

Repair or Replace



Typical asphalt shingles will last from 20-25 years before replacement is necessary. Architectural shingles can last 30-35 years. This can vary of course, due to extreme weather conditions. Age of the roofing was not determined, however, shingles are showing considerable wear and granule loss. There is a fair amount of moss in areas which will reduce shingle life. Roofing should be replaced.

There are some shingles on the left side that are raised which could allow wind to rip them off and there is also some shingle damage. Repair recommended.

1.2 CHIMNEYS, ROOF PENETRATIONS AND SKYLIGHTS

Repair or Replace



Rain cap missing or deteriorated. Recommend replacement.

The flashing on one side of the chimney appears to be rusting and is also in need of pointing to avoid leakage. Have the chimney checked and repaired by a chimney sweep.

1.3 ROOF DRAINAGE SYSTEMS - GUTTERS AND DOWNSPOUTS

Not Present, Repair or Replace



Gutters and downspouts are recommended or erosion or water intrusion can occur.

2. Exterior

2.0 SIDING, FLASHING AND TRIM

Repair or Replace



(1) When siding is in contact with the ground or covered with vegetation or snow, it is not possible to determine if rot is present. Often, siding rots at the bottom and works its way up and into framing members of the wall or sill. I did not inspect behind siding if these conditions exist.

There is some wood skirting around the crawlspace that you need to keep a close eye on. Be sure its kept painted to avoid rot.



(2) Some of the siding is in need of replacement and some siding is in need of paint.

2.1 EAVES, SOFFITS AND FASCIAS

Repair or Replace



Paint needed in all areas. One fascia board on the right is showing rot and replacement is needed.

There are some holes in the soffits on the left side of the home. These are access areas for bats and insects and need to be sealed.

2.2 DOORS (Exterior)

Repair or Replace



The entry door to the interior from the front porch is missing a window. Repair or replace. An insulated door is recommended.

The storm door at the front entrance is in need of replacement.

2.3 WINDOWS

Repair or Replace



Some screens may be missing. An exact count was not performed. Further investigation is recommended.

Windows are in need of paint.

The basement windows on the right of the home is showing rot and needs to be repaired or replaced.

A window at the rear is showing some rot. Replacement recommended.

2.4 DECKS, BALCONIES, STOOPS, STEPS, AREAWAYS, PORCHES, PATIO/ COVER AND APPLICABLE RAILINGS

Repair or Replace



(1) Decks and porches should be painted or sealed yearly if wood. The front porch needs stain or paint and some repair.

The back porch needs sealing, stain or paint.



(2) Decks, porches, doors, windows and balconies should have proper flashing installed when constructed. Flashing keeps rain from entering behind the deck band, door frames, etc., and entering the wall of the home. Flashing is not visible in most instances. If flashing is not installed correctly, water can penetrate walls and rot door frames, windows, walls and sills. Most of the time these areas are not visible especially if insulation or some other type of covering is present. Best efforts are performed to check these areas if accessible.

2.5 DRIVEWAYS, VEGETATION, GRADING, DRAINAGE, PATIO FLOOR, WALKWAYS AND RETAINING WALLS (With respect to their effect on the condition of the building)

Repair or Replace



(1) Trees and shrubs should be no closer than 16" from siding and roofing. Trim back all bushes if necessary. If you can't walk behind them, they are too close. Do not allow branches to touch or overhang buildings.



(2) Be sure to maintain proper grading around the perimeter of the home to avoid or diminish water penetration into the basement.

3. Kitchen Appliances



3.7 OTHER APPLIANCES

Not Inspected, Repair or Replace



Washing machines and dryers are not tested. I recommend a drip pan be installed under washing machines that are located in living space. **Be sure to turn off water when not in use and install high pressure hoses.**

4. Interior, Windows and Doors

4.0 CEILINGS

Repair or Replace



There is an obvious ceiling repair on the 2nd floor. This may have been the old attic scuttle hole and it would really be a good idea to re-install it so you can access the attic area. I recommend you have this repaired by a professional.

4.2 FLOORS

Repair or Replace



Keep in mind that due to the amount of personal belongings in this cottage, all areas were not visible. Other repair areas are likely.

The front porch floor is showing wear. Repair recommended.

The upstairs bathroom floor is damaged. Repair recommended.

4.5 DOORS (REPRESENTATIVE NUMBER)

Repair or Replace



Replace the bedroom door on the 2nd floor.

4.6 WINDOWS (REPRESENTATIVE NUMBER)

Repair or Replace



The porch windows are in need of sanding and sealing. Water stains are visible.

The fixed pane window over the front entry door needs paint and glazing.

One of the windows on the right side of the home has some loose window trim. This does not seem to affect the operation, however, you should repair it.

6. Basement, Foundation, Crawlspaces and Structure

6.0 FOUNDATIONS, BASEMENTS AND CRAWLSPACES (Report signs of abnormal or harmful water penetration into the building or signs of abnormal or harmful condensation on building components.)

Repair or Replace



I am unable to determine the extent of water intrusion or how often it will occur. Insulation, storage and finished areas prevents total inspection of all basement areas. Keep in mind that many times door or window installers do not install flashing correctly. As a result, water can penetrate walls or floors and cause rot. If sills are insulated or not visible under doors and/or windows, rot may be present, however, we do not move insulation or coverings to inspect these areas.

It is apparent there is some seepage into the crawlspace. Installation of a gutter system and proper grading will help control water entry.

Due to insulation on the interior walls of the crawlspace, we could not see the condition of the wood skirting.

6.3 FLOORS (Structural)

Monitor



Best efforts are performed to inspect all sills, joists and floor structures. Unfortunately, all areas are not accessible in most crawlspaces and basements and many areas are covered with insulation or not totally accessible. Any problems discovered will be noted.

Some evidence of past water leakage on the sub floor. Flooring did not appear to need replacement, however, you need to monitor flooring below kitchens and bathrooms. These are areas where leakage often occurs which will eventually cause rot.

7. Heating and Cooling

7.0 HEATING EQUIPMENT

Repair or Replace



(1) If the heating system has not been serviced in the last year (complete cleaning) it should be done as soon as possible.



(2) Age of the heating system could not be determined. Once an average heating system reaches 20 years of age it is considered to have reached the end of its life expectancy and you should budget for replacement.

I recommend having your heating system CLEANED yearly.

Be sure to check with the owner for the approximate age of all heating systems.

7.3 PRESENCE OF INSTALLED HEAT SOURCE IN EACH ROOM

Not Present, Repair or Replace



There is no heat upstairs.

8. Plumbing

8.1 PLUMBING DRAIN, WASTE AND VENT SYSTEMS

Repair or Replace



(1) If there are large trees on the property near the sewer lines, I recommend you have a plumber check the line with a camera to be sure roots have not encroached into the sewer line. You are responsible from the home to the street hookup and it can get costly if a sewer line has to be replaced due to roots. Some towns offer insurance for this purpose so check with the town to see if its available.



(2) Plumbing vent pipe is too short. A minimum of 24" is recommended. This can easily get blocked with snow and cause sewer gas backup.



(3) The drain pipe under the kitchen sink may need repair at the connection. It looks like its been patched in the past.

There are old drum traps present that are no longer used. P traps are now in use. The drum traps are grand-fathered however.

8.2 PLUMBING WATER SUPPLY AND DISTRIBUTION SYSTEMS AND FIXTURES

Repair or Replace



I recommend the upstairs vanity be replaced.

8.3 HOT WATER SYSTEMS, CONTROLS, CHIMNEYS, FLUES AND VENTS

Monitor, Repair or Replace



Hot water tanks are designed to last for approximately 10 years on average. If a tank is over 8 years of age, failure probability is considered high and replacement may be needed at any time. April of 2000 appears to be the age of the tank according to the serial number. Budget to replace it at any time.

9. Electrical

9.1 MAIN and DISTRIBUTION PANELS and METER BOX, MAIN DISCONNECT, SERVICE GROUNDING/BONDING

Repair or Replace, Safety Item



(1) The main power disconnect is located on the left side of the home under the meter. Do not lock this box.

10. Insulation and Ventilation

10.2 INSULATION UNDER FLOOR SYSTEM

Not Present, Repair or Replace



If the cottage is going to be used during winter months, I recommend insulating the floor.

10.3 VAPOR RETARDERS/BARRIERS

Not Present



Because the crawlspace of this home has a dirt/gravel floor, a vapor barrier is recommended. This will help keep moisture from penetrating flooring and wall structures.

10.5 VENTING SYSTEMS (House, Kitchens, baths and laundry)

Repair or Replace, Safety Item



(1) All areas of attics are not normally accessible which may prohibit complete inspection of vent pipes. Insulation and/or storage restricts inspection and sometimes attic fans or dryer vents may be hidden out of sight under the insulation. I do not move insulation. It is VERY important that vent pipes vent to the exterior of the home, not directly into the attic space.

10.7 WALL INSULATION

Repair or Replace



Insulation appears inadequate.

11. Pest Assessment

11.1 Attic/Knee Walls

Not Inspected



All areas of crawlspaces and attics are not readily accessible. Insulation, vapor barriers, storage, flooring, and wiring restricts inspection.

No attic access.

11.2 Crawlspace

Repair or Replace



Evidence of mice.

12. Mold Assessment



12.1 Crawl space

Inspected



All areas of crawlspaces and attics are not readily accessible. Insulation, vapor barriers, storage, flooring, and wiring restricts inspection.

12.2 Attic/Knee Walls

Not Inspected



No attic access.

13. Thermal Imaging

13.0 Interior Rooms

Repair or Replace



Thermal imaging often allows visibility of structural members, insulation, leakage in walls and ceilings, air penetration around doors and windows, and other anomalies in MOST instances. There are times where even this latest technology cannot find problems. It is, however, another very useful tool to help locate problems or potential problems which can be very informative to you as a potential property owner. Pictures are included if there are anomalies that pose a serious problem, otherwise they are not.

Buy foam gaskets to insert in all exterior wall outlets and switches. Insulate and weather strip all exterior doors properly and all attic doors and hatches. Add storm doors where missing. Some insulation needed in exterior walls.

13.1 Attic space (finished areas)

Repair or Replace



Thermal imaging can be very useful for finding leaks, missing insulation, structural problems, electrical problems and heat loss. Blues and purples are cold areas, while yellows, reds and oranges are warmer. Keep in mind that if there is no moisture present, the thermal camera will not show it.

Insulation upgrade recommended.

Home inspectors are not required to report on the following: Life expectancy of any component or system; The causes of the need for a repair; The methods, materials, and costs of corrections; The suitability of the property for any specialized use; Compliance or non-compliance with codes, ordinances, statutes, regulatory requirements or restrictions; The market value of the property or its marketability; The advisability or inadvisability of purchase of the property; Any component or system that was not observed; The presence or absence of pests such as wood damaging organisms, rodents, or insects; or Cosmetic items, underground items, or items not permanently installed. Home inspectors are not required to: Offer warranties or guarantees of any kind; Calculate the strength, adequacy, or efficiency of any system or component; Enter any area or perform any procedure that may damage the property or its components or be dangerous to the home inspector or other persons; Operate any system or component that is shut down or otherwise inoperable; Operate any system or component that does not respond to normal operating controls; Disturb insulation, move personal items, panels, furniture, equipment, plant life, soil, snow, ice, or debris that obstructs access or visibility; Determine the presence or absence of any suspected adverse environmental condition or hazardous substance, including but not limited to mold, toxins, carcinogens, noise, contaminants in the building or in soil, water, and air; Determine the effectiveness of any system installed to control or remove suspected hazardous substances; Predict future condition, including but not limited to failure of components; Since this report is provided for the specific benefit of the customer(s), secondary readers of this information should hire a licensed inspector to perform an inspection to meet their specific needs and to obtain current information concerning this property.

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Safety Items



Sherlock Homes Certified Home Inspections

**20 Pound Road
Durham, Maine 04222
207-650-5117**

Customer
Betsy Remage-Healey

Address
18 Luther Street
Peaks Island Maine 04108

4. Interior, Windows and Doors

4.3 STEPS, STAIRWAYS, BALCONIES AND RAILINGS

Inspected



The balusters on the guard rail at the second story stairs has balusters that are spaced to far apart for safety. A guard rail with balusters 4" or less apart is recommended for small children . Repair recommended.

5. Chimney Flues and Fireplace

5.2 CHIMNEYS, FLUES AND VENTS

Repair or Replace, Safety Item



The liners for furnaces, boilers or fireplaces are not totally visible and inspection is limited. I recommend a qualified chimney sweep clean and inspect for safety prior to use. This chimney does not appear to be in use. To avoid further deterioration if you don't plan to utilize it, I recommend capping off the chimney top at the exterior. If you intend to use the chimney at some point, it will need repair.

9. Electrical

9.1 MAIN and DISTRIBUTION PANELS and METER BOX, MAIN DISCONNECT, SERVICE GROUNDING/BONDING

Repair or Replace, Safety Item

-  (2) The problem(s) discovered in the panel such as doubled wiring at circuit(s), and any other problems that an electrician may discover while performing repairs need correcting. I recommend a licensed electrician inspect further and correct as needed.

9.3 OUTLETS, SWITCHES, LIGHT FIXTURES and VISIBLE WIRING (observed from a representative number)

Repair or Replace, Safety Item

-  FYI - All outlets and switches must have covers.

The outlets in the dining area, new addition and laundry area have reversed polarity and need repair. Contact a licensed electrician.

9.7 SMOKE DETECTORS

Repair or Replace, Safety Item

-  Always be sure there are enough smoke detectors and that the batteries are changed every six months. I recommend smoke detectors on every level of the home. Each bedroom should have one installed near the entry door and there should be a smoke detector in the middle of the hallway to the bedrooms.

It is up to the buyer of the property to make sure that the smoke alarm requirements are met. Be sure to read the Overview in this section regarding smoke alarms and the Maine Law.

9.8 CARBON MONOXIDE DETECTORS

Repair or Replace, Safety Item

-  Be sure you have carbon monoxide detectors on every floor of your home.

10. Insulation and Ventilation

10.5 VENTING SYSTEMS (House, Kitchens, baths and laundry)

Repair or Replace, Safety Item

-  (2) All national and local building codes now require metal ducting for clothes dryers. Ideally, you should use rigid aluminum tubing pieces between the dryer and the outside vent. This type of tubing does the best job of resisting the collection of lint in the duct. Flexible aluminum ducting is available, however, it is more prone to collecting lint inside.
-  (3) Bathroom fans are a source of potential fire if not kept clean. If the vents look dirty the fan needs cleaning. If a fan is noisy, replace it. Cleaning the ducts is also a good idea.

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**20 Pound Road
Durham, Maine 04222
207-650-5117**

Report Attachments

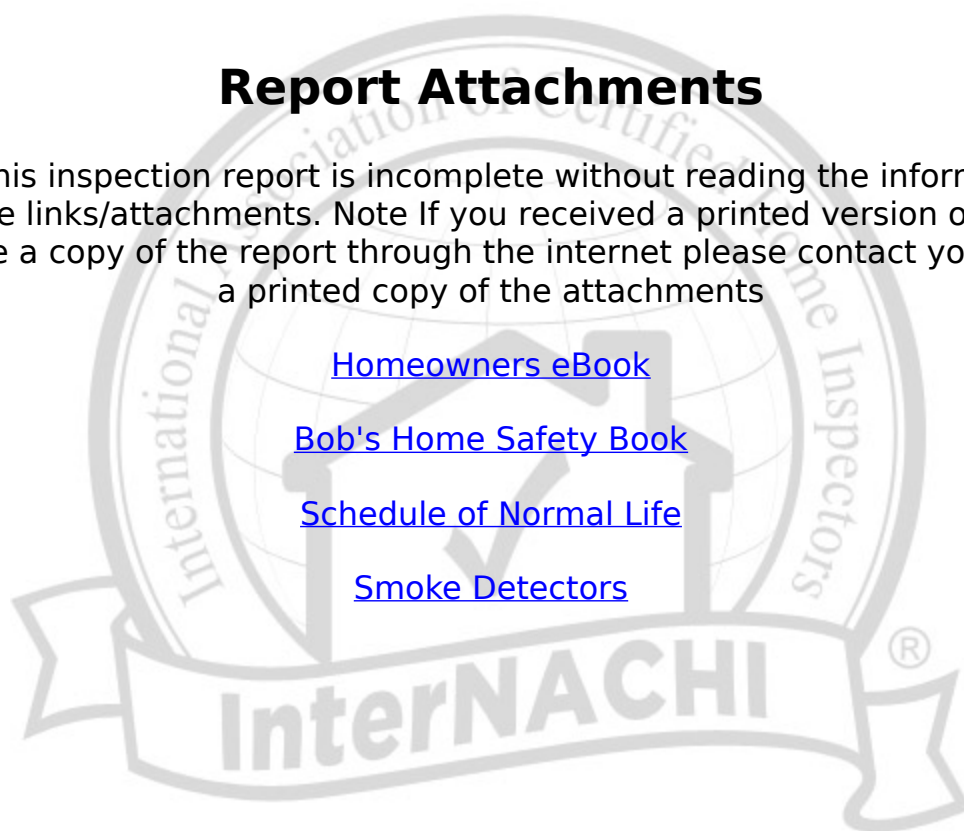
ATTENTION: This inspection report is incomplete without reading the information included herein at these links/attachments. Note If you received a printed version of this page and did not receive a copy of the report through the internet please contact your inspector for a printed copy of the attachments

[Homeowners eBook](#)

[Bob's Home Safety Book](#)

[Schedule of Normal Life](#)

[Smoke Detectors](#)





Sherlock Homes Certified Home Inspections LLC Inspection Agreement

(Please read carefully)

This Inspection Agreement is made and entered into by and between **Sherlock Homes Certified Home Inspections LLC**, referred to as "Inspector", and Betsy Remage-Healey, referred to as "Client" on 5/16/2019. By accepting this agreement online, you agree that you understand and accept all terms. In consideration of the promise and terms of this Inspection Agreement, the parties agree as follows:

1. The client agrees to pay the fee agreed upon, \$375.00 , for the inspection of the "Property", and garage or carport, if applicable, located at 18 Luther Street Peaks Island Maine 04108.
2. The Inspector will perform a visual inspection and prepare a written report of the apparent condition of the readily accessible installed systems and components of the property existing at the time of the inspection. Latent and concealed defects and deficiencies are excluded from the inspection.
3. The parties agree that the "Standards of Practice" (the "Standards") of the International Association of Certified Home Inspectors ("InterNACHI") posted at <http://www.nachi.org/sop.htm> shall define the standard of duty and the conditions, limitations, and exclusions of the inspection and are incorporated by reference herein. Client agrees that the Standards have been read and understood (the Standards can also be read online by clicking the appropriate link <http://sherlockhomes-web.com/hiring-a-home-inspector>).
4. Systems, items, and conditions which are not within the scope of the building inspection include, but are not limited to: radon, formaldehyde, lead paint, asbestos, toxic or flammable materials, molds, fungi, other environmental hazards; pest infestation; security and fire protection systems; household appliances; humidifiers; paint, wallpaper and other treatments to windows, interior walls, ceilings and floors; recreational equipment or facilities; underground storage tanks, energy efficiency measurements; concealed or private secured systems; septic systems; water wells; heating systems accessories; solar heating systems; sprinkling systems; water softener; central vacuum systems, telephone, intercom or cable TV systems; antennae, lightning arrestors, trees or plants; governing codes, ordinances, statutes and covenants and manufacturer specifications. Client understands that these systems, items and conditions are not included in this inspection unless otherwise agreed to. Any general comments about these systems, items and conditions not within the written report are informal only and DOES NOT represent the inspection.
5. It is understood and agreed to by both parties that Inspector is not an insurer and is not insuring the property against future failures or the future condition of this property, its structural components, or its various plumbing, mechanical and/or electrical systems. Virtually every home will have some flaws and defects not identified in the report. Some defects will be elusive to the Inspector. The risk of unexpected problems is not eliminated; the risk is only reduced.

6. INSPECTOR MAKES NO WARRANTY, EXPRESS OR IMPLIED, AS TO THE FITNESS FOR USE, CONDITION, PERFORMANCE OR ADEQUACY OF ANY INSPECTED STRUCTURE, ITEM, COMPONENT, OR SYSTEM.

7. The Client understand that Sherlock Homes Certified Home Inspections LLC and its representatives are participants in Boston Environmental's Tank Sure Program. For the client(s) to receive a \$1,000 tank replacement warranty (free for the first year) and the ongoing proactive tank replacement process, as well as potential discounts on their insurance premiums, it may be necessary to forward client contact information to Tank Sure participating fuel oil suppliers and insurance providers. The client understands and agrees that contact information may be forwarded to facilitate the activation of the warranty and insurance discounts. The inspector makes no representation or warranty concerning the useful remaining life of the oil tank(s) or tank system components.

8. The Inspection and report are performed and prepared for the sole and exclusive use and possession of the Client. No other person or entity may rely on the report issued pursuant to this Agreement. In the event that any person, not a party to this Agreement, makes any claim against Inspector, its employees or agents, arising out of the services performed by Inspector under this Agreement, the Client agrees to indemnify, defend and hold harmless Inspector from any and all damages, expenses, costs and attorney fees arising from such a claim.

9. The Inspection will not include an appraisal of the value or a survey. The written report is not a compliance or code inspection or certification for past or present governmental, State or Town codes or regulations of any kind.

10. In the event that the Client feels that there has been a misrepresentation of the property or its components by Inspector, the Client agrees to notify Inspector within 30 days following the discovery, and to allow Inspector an opportunity to re-examine these conditions before making any remedial repairs. Failure to do so will void any further responsibility of Inspector. If requested, the Client agrees to obtain at least 3 detailed written estimates of any remedial repairs or replacements and the cost of repairs involved.

11. In the event that a dispute or claim arises, it is agreed that the dispute or claim will first be mediated between both parties. Any legal action must be brought within one (1) year from the date of the inspection or will be deemed waived and forever barred. If the Client makes a claim against Inspector for any alleged error, omission or other act arising out of this inspection and/or inspection report and fails to prove such claim, Client will pay all attorney's fees, arbitrators' fees, legal expenses and costs incurred by the Inspector in defense of the claim. Client further understands that any legal action against InterNACHI itself allegedly arising out of this Agreement or Inspector's relationship with InterNACHI must be brought only in the District Court of Boulder County, Colorado. No such action may be filed unless the plaintiff has first provided InterNACHI with 30 days' written notice of the nature of the claim. In any action against InterNACHI, Client waives trial by jury.

12. If the Client or any third party makes a claim that Inspector has been negligent in making the inspection and/or preparing the report, or if the Client is not satisfied that Inspector has fully satisfied its obligation and duties under this inspection agreement, all parties agree that any claim against Inspector will be limited to the greater of double the home inspection fee paid by the client or \$1,000. This limitation applies to every type of claim or cause of action arising out of or related to this agreement, inspection or report, including but not limited to breach of contract, negligence or violation of an Unfair Trade Practices Act.

13. Payment of the fee to Inspector (less any deposit noted above) is due upon completion of the on-site inspection. The Client agrees to pay all legal and time expenses incurred in collecting due payments,

including attorney's fees, if any. If Client is a corporation, LLC, or similar entity, the person signing this Agreement on behalf of such entity does personally guaranty payment of the fee by the entity. If Client requests a re-inspection, the re-inspection is also subject to all the terms and conditions set forth in this agreement.

14. This Agreement, including the terms and conditions, represents the entire agreement between the parties and there are no other agreements either written or oral between them. This Agreement shall be amended only by written agreement signed by both parties. All prior communications are merged into this Agreement, and there are no terms or conditions other than those set forth herein. No statement or promise of Inspector or its agents shall be binding unless reduced to writing and signed by Inspector. This Agreement shall be construed and enforced in accordance with the laws of the State of Maine, and if that state's laws or regulations are more stringent than the forms of the agreement, the state law or rule shall govern. If any court declares any provision of this Agreement invalid, the remaining provisions will remain in effect. This Agreement shall be binding upon and enforceable by the parties and their heirs, executors, administrators, successors and assignees. Client has read this entire Agreement and accepts and understands this Agreement as hereby acknowledged.

DEFINITIONS:

1. Apparent Condition: Systems and components **may** be rated as follows:

SATISFACTORY - Indicates the component is functionally consistent with its original purpose but may show signs of normal wear and tear and deterioration.

MARGINAL - Indicates the component will probably require repair or replacement anytime within five years.

POOR - Indicates the component will need repair or replacement now or in the very near future.

MONITOR - Indicates system or component should be inspected periodically for potential problems

MAJOR CONCERNS - A system or component that is considered significantly deficient or is unsafe.

REPAIR OR REPLACE - A system or component that needs to be repaired or replaced and **may** be deficient or unsafe.

SAFETY HAZARD - Denotes a condition that is unsafe and in need of prompt attention.

2. **Installed systems and components:** structural components; exterior; interior; roofing; plumbing; electrical; heating; central air-conditioning (weather permitting); insulation and ventilation.

3. **Readily accessible systems and components:** only those systems and components where Inspector is not required to remove personal items, furniture, equipment, soil, snow, or other items which obstruct access or visibility.

Thermal Imaging Addendum to Inspection Contract

This is an addendum to the Agreement regarding the inspection of the property agreed to online or in person.

Thermal imaging is a technology that allows the Inspector to show you things about your home that no one can show you using other inspection methods. Thermal imaging produces images of invisible heat energy emitted from objects and systems in the home and allows us to measure or compare it by use of different picture pallets based upon differences of heat levels. As a home inspector, thermal temperature measurements are not deemed to be exact, but are the "**Apparent Temperature**". For building thermography, the exact temperatures are really not needed to determine anomalies. Thermal imaging helps

to diagnose the problem rather than merely identify symptoms and can sometimes, but not always, identify and document: Missing, damaged, and/or wet insulation, heat loss and air infiltration in walls, ceilings, floors, windows and doors, water and moisture intrusion that could lead to mold, hidden roof leaks, before they cause serious damage, air conditioner compressor leaks, structural defects, broken seals in double pane windows, energy loss and efficiency, dangerous flue leaks, damaged and/or malfunctioning radiant heating systems, unknown plumbing leaks, overheated equipment. These color images MAY then be included in the inspection report providing supporting documentation to the report

Client requests and authorizes Inspector to perform a thermal imaging scan on the structure at the original inspection address and subject to the following:

1. Inspector's liability arising for any damages allegedly arising out of any aspect of the thermal imaging service shall be subject to and limited by the terms of the Inspection Agreement and all terms of the Inspection Agreement are incorporated herein by reference.
2. The thermal imaging scan will be limited in scope to the equipment used by Inspector. The inspection will be a non-invasive and non-destructive examination of the visible, safely and readily accessible portions of the interior and/or exterior of the structure for atypical temperature/thermal variations.
3. Thermal imaging services do NOT include any inspections, examinations, testing or evaluations for harmful, dangerous, or toxic substances or materials or environmental hazards including but not limited to: mold, bio-aerosols, radon, lead, asbestos, non-biological airborne particulates, contaminants, petroleum products, petrochemicals, radioactive materials, electromagnetic radiation, plant, animal, or insect secretions or excretions. Infrared cameras are not moisture meters but can aid in identifying areas that warrant further investigation. If Inspector offers any information or opinions about any of the forgoing, this information shall be deemed to be informational only and supplied as a courtesy to the Client and shall not be deemed to be an amendment to this addendum or the inspection agreement.
4. All of the other terms of the Inspection Agreement are incorporated herein by reference.

Addendum to Contract Regarding Log Home Inspections:

Should the home being inspected consist of log construction, Client further understands and agrees to the following. All of the other terms of the Inspection Agreement are incorporated herein by reference.

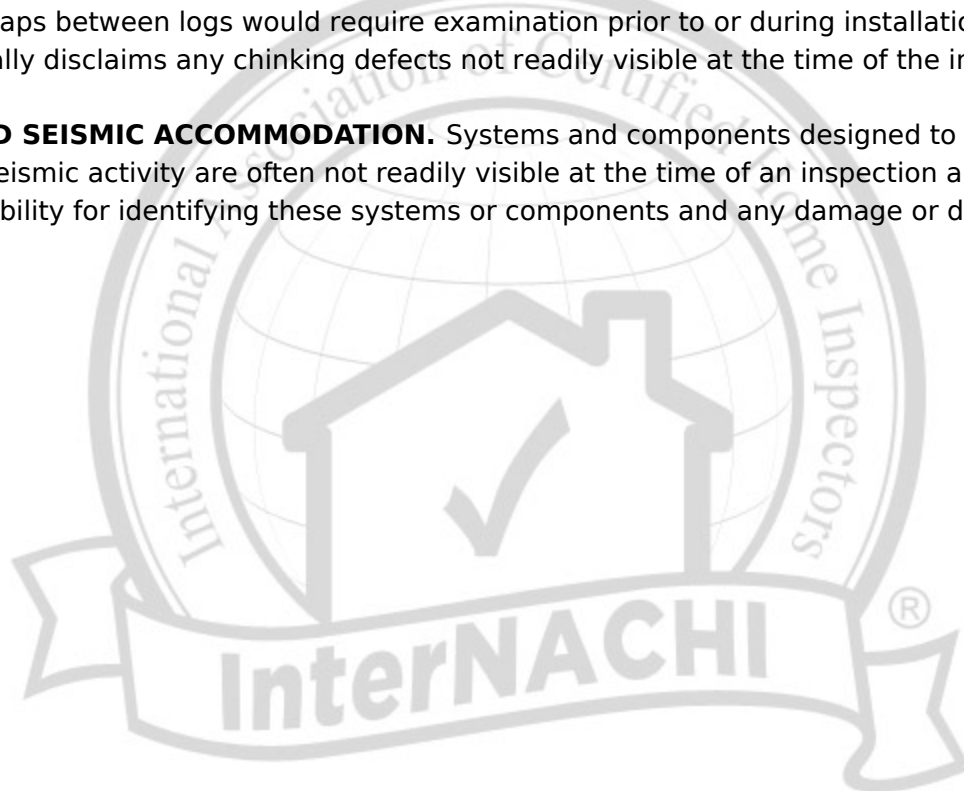
- 1. COMPLIANCE WITH CODES AND STANDARDS.** Confirming compliance with any building codes or standards relating to log home construction which are set forth by any agency, organization, council or association lies beyond the scope of the General Home Inspection or Log Home Inspection.
- 2. COMPLIANCE WITH ENGINEERING OR MANUFACTURER'S SPECIFICATIONS.** Because there exists a multitude of log home builders offering both manufactured and handcrafted homes, each using a method often of their own choosing and invention and often requiring that the contractor building or assembling the home adhere to a similar multitude of proprietary engineering specifications, the adherence to most of which cannot be confirmed without disassembly of the relevant home component, inspecting for compliance with any Manufacturer's Building or Engineer's Specifications lies beyond the scope of the General Home Inspection or Log Home Inspection. This includes any systems or components designed to accommodate or adjust for continual settling of logs in log walls.
- 3. FINISH COATING INSTALLATION.** Confirming proper preparation for installation or any installation of any log finish coating, both interior and exterior, would require examination prior to or during the installation of such finish coating, and as such lies beyond the scope of the General Home Inspection or Log Home Inspection.

4. HIDDEN WOOD DECAY. Although the Inspector uses techniques such as probing and visual examination in an effort to determine the presence of wood decay in the logs of log structures, these techniques are not technically exhaustive and will not reveal the presence of wood decay hidden in inaccessible places, such as log cores and/or the intersections of log walls. For this reason, locating or identifying wood decay which is not readily visible or decay of logs in inaccessible areas of log homes lies beyond the scope of the General Home Inspection or Log Home Inspection.

5. INSECT INFESTATION. The Inspector will perform an inspection for wood-destroying insects using techniques such as probing and visual examination in an effort to determine the presence of wood infestation. These techniques are not technically exhaustive and will not reveal the presence of insects hidden in inaccessible places, such as log cores and/or the intersections of log walls. For this reason, locating or identifying wood destroying insects which are not readily visible or in inaccessible areas of log homes lies beyond the scope of the General Home Inspection or Log Home Inspection. If insects are suspected, recommendations will be given.

6. PROPER CHINKING INSTALLATION. Confirmation that proper preparation and installation of chinking designed to seal gaps between logs would require examination prior to or during installation and the Inspector specifically disclaims any chinking defects not readily visible at the time of the inspection.

7. SETTLING AND SEISMIC ACCOMMODATION. Systems and components designed to accommodate settling or resist seismic activity are often not readily visible at the time of an inspection and the Inspector disclaims responsibility for identifying these systems or components and any damage or defects resulting from their neglect



Operating Budget

1

2021

INCOME

Rental Income 22,800

Vacancy (1,140)

Subtotal Rental Income 21,660

EXPENSES

Legal 50

Insurance 2,600

Utilities 600

Subtotal Expenses 3,250

NOI 18,410

DEBT SERVICE 17,182

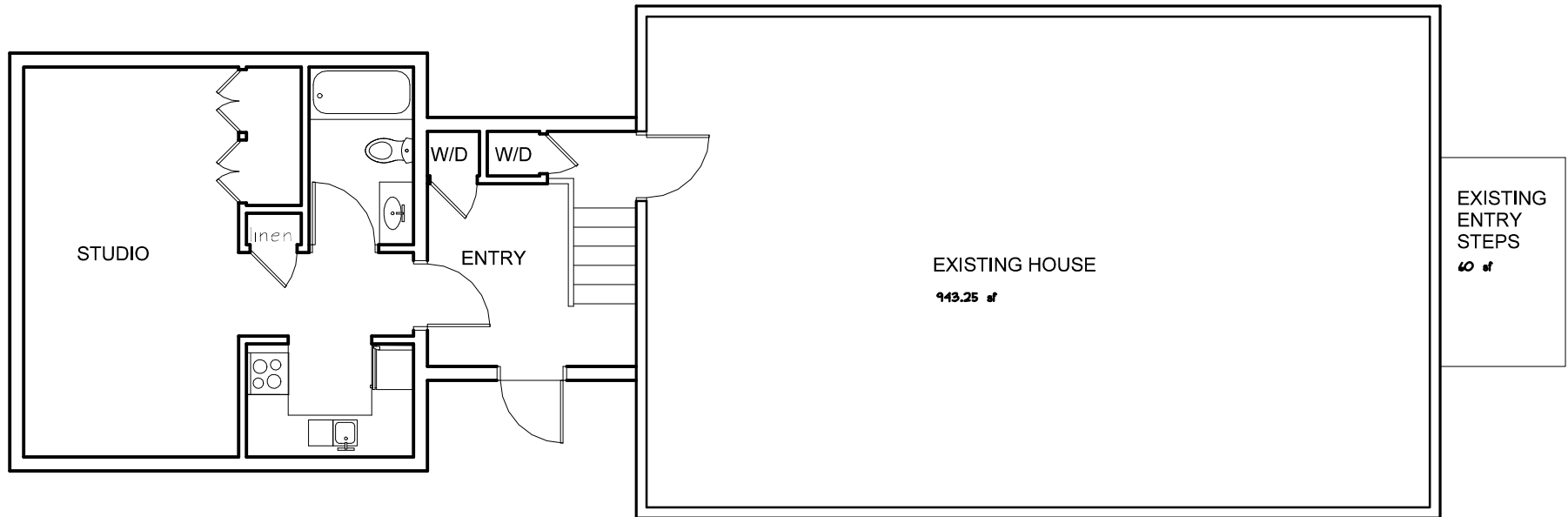
REPLACEMENT RESERVES 900

CASH FLOW 328

Operating Budget

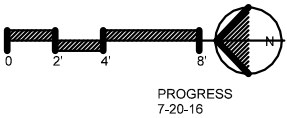
	1	2	3	4	5	6	7	8	9
	2021	2022	2023	2024	2025	2026	2027	2028	2029
INCOME									
Rental Income	22,800	23,256	23,721	24,196	24,679	25,173	25,677	26,190	26,714
Vacancy	(1,140)	(1,163)	(1,186)	(1,210)	(1,234)	(1,259)	(1,284)	(1,310)	(1,336)
Subtotal Rental Income	21,660	22,093	22,535	22,986	23,445	23,914	24,393	24,881	25,378
EXPENSES									
Legal	50	52	53	55	56	58	60	61	63
Insurance	2,600	2,678	2,758	2,841	2,926	3,014	3,105	3,198	3,294
Utilities	600	618	637	656	675	696	716	738	760
Subtotal Expenses	3,250	3,348	3,448	3,551	3,658	3,768	3,881	3,997	4,117
NOI	18,410	18,746	19,087	19,434	19,788	20,147	20,512	20,883	21,261
DEBT SERVICE	17,182	17,182	17,182	17,182	17,182	17,182	17,182	17,182	17,182
REPLACEMENT RESERVES	900	900	900	900	900	900	900	900	900
CASH FLOW	328	664	1,005	1,353	1,706	2,065	2,430	2,802	3,179
DCR	1.07	1.09	1.11	1.13	1.15	1.17	1.19	1.22	1.24

10 2030	11 2031	12 2032	13 2033	14 2034	15 2035
27,248	27,793	28,349	28,916	29,494	30,084
(1,362)	(1,390)	(1,417)	(1,446)	(1,475)	(1,504)
25,886	26,403	26,931	27,470	28,020	28,580
65	67	69	71	73	76
3,392	3,494	3,599	3,707	3,818	3,933
783	806	831	855	881	908
4,241	4,368	4,499	4,634	4,773	4,916
21,645	22,036	22,433	22,836	23,247	23,664
17,182	17,182	17,182	17,182	17,182	17,182
900	900	900	900	900	900
3,563	3,954	4,351	4,755	5,165	5,582
1.26	1.28	1.31	1.33	1.35	1.38



AREAS

Existing footprint	1,003.25 sf
ADU Addition	<u>525.75 sf</u>
Total footprint	1,529.00 sf
Lot Area	5,389.31 sf
percentage lot coverage	28%



ACCESSORY DWELLING UNIT

18 LUTHER STREET

Peaks Island, Maine

Title:

FIRST FLOOR PLAN

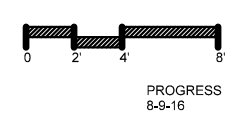
Sheet No.

A-1.1

Scale: 1/8" = 1'-0"

Date: 7-20-16

Revised:



ACCESSORY DWELLING UNIT
18 LUTHER STREET
Peaks Island, Maine

Title:
WEST ELEVATION
Sheet No.
A-2.1

Scale: 1/8" = 1'-0"
Date:
Revised:

Genesis

COMMUNITY LOAN FUND

May 20, 2019

Laura Reading
Home Start
PO Box 174
18 Luther Street
Peaks Island, ME 04108

Dear Ms. Reading:

Please accept this letter of interest and statement of terms for a loan for Home Start. Upon approval by its Loan Committee, the Genesis Fund will be prepared to issue a Commitment Letter with the following terms for financing your construction of an accessory dwelling unit and renovations to the existing unit. Terms and parameters would be:

Borrower: Home Start

Term: 60-months, interest-only for construction period of up to 12 months, then amortizing over 30 years

Purpose: Construction of an accessory dwelling unit and renovations to the existing unit

Amount: Seventy-one Thousand Dollars (\$71,000.00).

Origination Fee: \$710.00

Interest Rate: 5.6% Percent

Collateral: Collateral for the Loan shall be a first-priority mortgage and security agreement on the property located at 18 Luther Street, Peaks Island, ME 04108, and all related personal property. Seventy-one Thousand Dollars (\$71,000.00).

Projected LTV: 100%

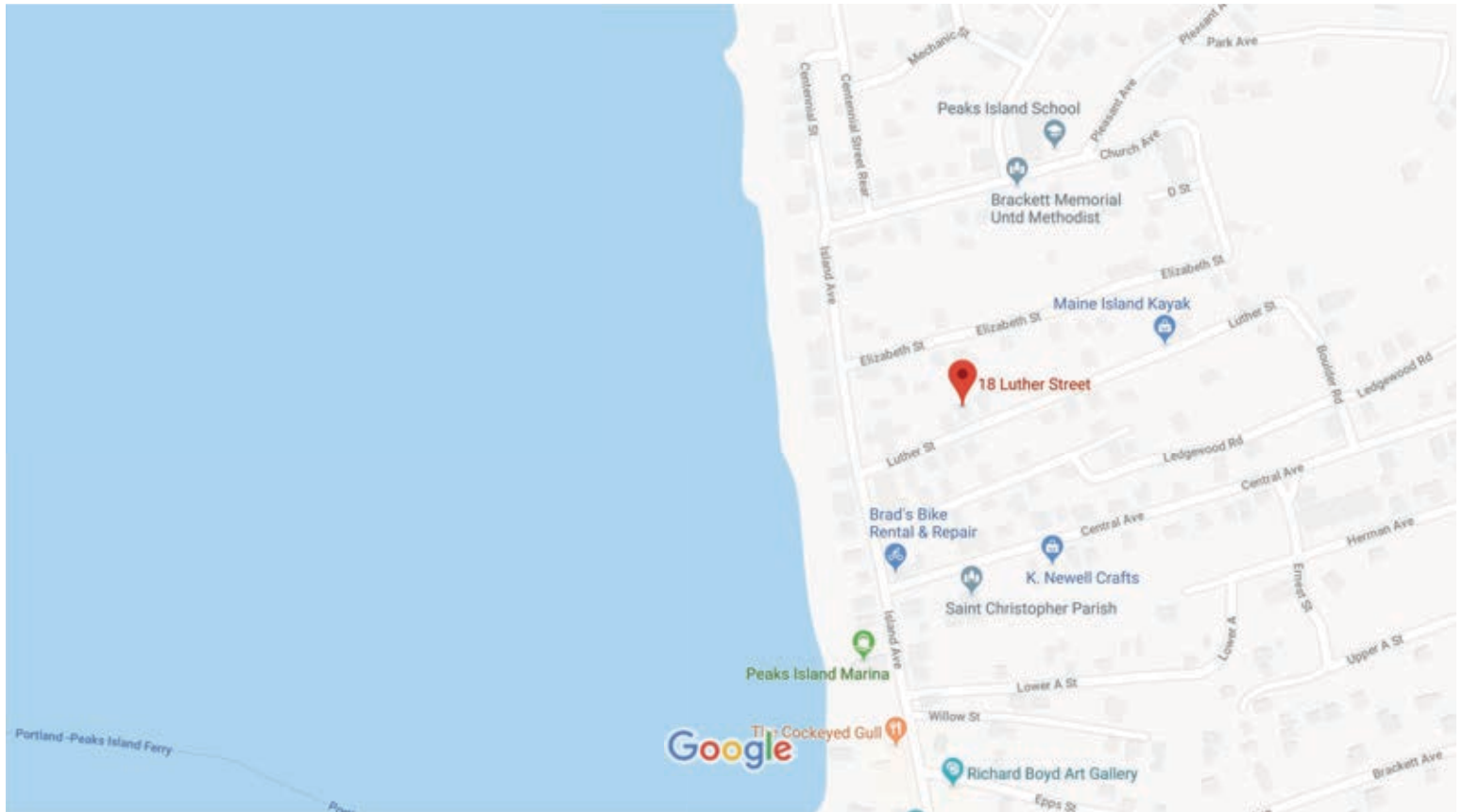
Conditions: Successfully meeting Genesis Fund terms and conditions

These terms represent a valid expression of interest in providing the loan. It does not represent a formal commitment or agreement to lend. Upon further investigation and underwriting and evidence of the borrower receiving the proposed financing, the Genesis Fund would be prepared to make this loan according to the terms stated above or as may be amended during the formal approval process by its Loan Committee.

Sincerely,



Elizabeth Fleming-Ives
Deputy Director



Map data ©2019 Google 200 ft



18 Luther St

Peaks Island, ME 04108



Directions



Save



Nearby



Send to your
phone



Share

Homestart
Statement of Activities
10/01/2017 through 09/30/2018

Operating Revenue

Earned

18 Luther Rental Income	11,550.00
Grants	18,384.00
Interest	4.10
Earned Operating Revenue	29,938.10

Contributed

Individual	7,090.00
Contributed Operating Revenue	7,090.00

Total Revenue	37,028.10
----------------------	------------------

Operating Expenses

18 Luther	
Interest	10,422.00
Insurance	2,339.20
Utilities	541.13
18 Luther Subtotal	13,302.33
Miscellaneous/Overhead	37.00
Financing/Bank Expense	268.00
Property Taxes	22.74
Memberships	600.00

Total Expenses	14,230.07
-----------------------	------------------

Profit (Loss) from Operations	22,798.03
--------------------------------------	------------------

Homestart
Statement of Activities
01/01/2019 through 03/30/2019

Operating Revenue

Earned

18 Luther Rental Income	3,150.00
Interest	5.11

Earned Operating Revenue	3,155.11
---------------------------------	-----------------

Contributed

Individual	150.00
------------	--------

Contributed Operating Revenue	150.00
--------------------------------------	---------------

Total Revenue	3,305.11
----------------------	-----------------

Operating Expenses

18 Luther

Interest	2,700.00
----------	----------

Insurance	197.00
-----------	--------

Utilities	42.50
-----------	-------

18 Luther Subtotal	2,939.50
--------------------	----------

Miscellaneous/Overhead	110.78
------------------------	--------

Total Expenses	3,050.28
-----------------------	-----------------

Profit (Loss) from Operations	254.83
--------------------------------------	---------------

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: October 9, 2019

SUBJECT: **Order 55-19/20 Authorizing the Issuance of General Airport Refunding Revenue Bonds Series 2019 (Green Bonds) to Refund the Outstanding General Airport Revenue Bonds Series 2010 - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No Our financial advisor and underwriter have outlined a schedule for this refunding to meet the earliest call date of January 1, 2020, which is expected to provide the maximum refunding savings. This action requires two Council readings and a public hearing. In order to meet these requirements and the refunding schedule the first reading must be at the October 7, 2019 City Council meeting followed by the second reading and the required public hearing at the October 21, 2019 City Council meeting.

PRESENTATION: Paul Bradbury, Airport Director, will introduce as needed and answer any Council questions on this item.

I. SUMMARY

Portland International Jetport staff requests City Council authorization to issue airport revenue refunding bonds in an amount not to exceed \$70,000,000 to refund on a current basis the General Airport Revenue Bonds Series 2010 with new General Airport Refunding Revenue Bonds Series 2019 at a lower rate.

II. AGENDA DESCRIPTION

The Portland International Jetport requests City Council authorization to issue airport revenue refunding bonds in an amount not to exceed \$70,000,000. This authorization will allow the City to refund on a current basis the General Airport Revenue Bonds Series 2010 with new General Airport Refunding Revenue Bonds Series 2019 at a lower rate.

At current rates, this refunding is estimated to provide \$14.4 million in net present value savings or approximately \$900,000 of annual debt service savings to the Jetport over the 20 year term.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Seven affirmative votes are required for passage after public comment.

III. BACKGROUND

In April of 2010 the City issued General Airport Revenue Bonds (GARBs) Series 2010 in the amount of \$72,310,000. The proceeds of these bonds were used to fund the Jetport's terminal expansion program completed in February of 2012. This expansion program included a new ticketing concourse, a new security screening concourse, a new baggage handling system with inline explosives detection system, an over-roadway

connection to the parking garage, additional aircraft gates, enlarged concessions space, a new multilane terminal roadway, and additional surface parking.

The Series 2010 GARBs, as revenue bonds, are funded and backed solely from revenues generated by the Portland International Jetport and are not backed by any tax or other revenues of the City of Portland. The Series 2019 refunding GARBs will have the same revenue backing as the Series 2010 GARBs. The primary revenue source for paying the GARBs is the Portland International Jetport's \$4.50 Passenger Facility Charge (PFC), which was approved by the FAA in 2010. The PFC is a \$4.50 fee charged for each passenger boarding a flight at the Jetport. The PFC covers 89.8% of the debt service, the balance of the debt service is covered through other Jetport revenues.

The Series 2010 GARBs maturing after January 1, 2021 are subject to redemption at the option of the City at any time on or after January 1, 2020. Given current favorable interest rates the recommendation is to proceed with this refunding and lock in net present value savings estimated at \$14.4 million.

The terminal project funded from the Series 2010 GARBs achieved U.S. Green Building Council Leadership in Energy and Environmental Design Gold certification. This certification allows the Series 2019 refunding GARBs to be designated Green Bonds.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The refunding of the Series 2010 GARBs will reduce the Jetport's annual debt service expense and improve the net cash flow generated by the Jetport. Additionally, the reduction in debt service will provide the opportunity, subject to future City Council and FAA approvals, to use positive annual PFC cash flow generated by this refunding to fund other PFC eligible projects outlined in the Jetport's master plan. These could include projects such as the purchase of additional passenger boarding bridges, the development of a Federal Inspection Services (Customs) Facility, and new baggage claim carousels. All of which are PFC eligible and included in the Jetport master plan.

V. FINANCIAL IMPACT

The refunding of the Series 2010 GARBs at current interest rates is estimated to provide \$14.4 million in net present value savings to the Jetport, which equates to approximately \$900,000 in annual debt service savings.

VI. STAFF ANALYSIS AND BACKGROUND

This refunding opportunity has been reviewed by Jetport and City Finance Staff as well as the City's external financial advisor. All agree that market conditions are appropriate for pursuing this refunding opportunity.

VII. RECOMMENDATION

Jetport and Finance Staff recommend the City Council take advantage of this opportunity to refund the Series 2010 GARBs at a more favorable interest rate.

VIII. LIST ATTACHMENTS

1. Portland Jetport 2019 Refunding Bond Order (2 readings)
2. Portland Jetport 2019 Revenue Bonds - TEFRA Notice (refund 2010 Bonds)

Prepared by:

Paul Bradbury, Jetport Director

Date: 10/9/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER AUTHORIZING REFUNDING OF
GENERAL AIRPORT REFUNDING REVENUE BONDS, SERIES 2010**

WHEREAS, the City previously issued its \$72,310,000 General Airport Revenue Bonds, Series 2010 dated April 28, 2010 (the “Prior Bonds”) to finance the expansion, renovation and equipping of the Portland International Jetport Terminal, which expansion and renovation included a new ticketing concourse, a new security screening checkpoint, a new baggage handling system with an inline explosives detection system, an over-roadway connection to the Jetport parking facilities, additional aircraft gates with passenger boarding bridges, enlarged concessions space, a new multilane terminal roadway, additional surface parking spaces, and other related improvements to the Portland Jetport (the “Project”); and

WHEREAS, due to a drop in interest rates, the City desires to issue its Refunding Revenue Bonds (defined below) to refinance and refund the Prior Bonds in order to obtain debt service savings on the Prior Bonds;

WHEREAS, the terminal expansion achieved U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Gold Certification and therefore the City Council will designate the Refunding Revenue Bonds as “Green Bonds”; and

NOW, THEREFORE, following a public hearing of the City Council of the City of Portland, Maine, held upon due notice pursuant to Article VII, Section 11 of the City Charter, **IT IS HEREBY ORDERED THAT:**

Pursuant to the City Charter and the Revenue Producing Municipal Facilities Act, Title 30-A, c. 213 of the Maine Revised Statutes, as amended, there be and hereby is authorized the issue and sale of the City’s General Airport Revenue Bonds (Green Bonds) in the aggregate principal amount not to exceed Seventy Million Dollars (\$70,000,000) (the “Refunding Revenue Bonds”) to refinance and refund the Prior Bonds, to pay redemption premium on the Prior Bonds, to pay interest on the Prior Bonds or the Refunding Revenue Bonds, to fund a debt service reserve fund for the Refunding Revenue Bonds and to pay such other expenses and costs as may be incidental and related thereto, including issuance costs for the Refunding Revenue Bonds.

BE IT FURTHER ORDERED

1. That the Director of Finance be and hereby is authorized, in the name of and on behalf of the City, to prepare, issue, and sell such Refunding Revenue Bonds under and pursuant to that certain General Certificate of Terms of Issuance of General Airport Revenue Bonds –

Portland International Jetport dated as of July 1, 2003 (as such has been or may be supplemented, amended or modified, the "General Certificate"), in the aggregate principal amount not to exceed \$70,000,000, at one time, or from time to time as one or more separate bond issues or series of bonds, and to determine the date, form, interest rate(s), maturities (as term bonds or serial bonds or some combination thereof and with the last maturity not to exceed 30 years from its date of issuance) and all other details of such Refunding Revenue Bonds, including the form and manner of their sale and award;

2. That because the terminal expansion achieved U.S. Green Building Council Leadership in Energy and Environmental Design (LEED) Gold Certification, the City Council hereby designates the Refunding Revenue Bonds as "Green Bonds";

3. That each Refunding Revenue Bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the Clerk;

4. That the Director of Finance be and hereby is authorized, in the name of and on behalf of the City, and pursuant to and as provided in the General Certificate, to pledge the revenues from the Portland International Jetport to the payment of the principal of, premium, if any, and interest and other charges on the Refunding Revenue Bonds and that the Director of Finance be and hereby is authorized to enter into a supplement to the General Certificate or other pledge agreement, trust indenture or similar other agreements as may be required in order to evidence such pledge of the revenues from the Portland International Jetport, such supplement or agreements to be in such form and contain such terms and provisions, not inconsistent herewith, as he or she may approve, such approval to be conclusively evidenced by his or her execution thereof;

5. That such Refunding Revenue Bonds shall not constitute a general obligation of the City nor be backed by a pledge of the faith and credit of the City, but shall be payable solely from revenues derived from the Portland International Jetport as provided in the General Certificate and shall not directly or indirectly obligate the City to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, except from the revenues pledged therefor;

6. That each Refunding Revenue Bond shall state on its face that it is a limited obligation of the City payable solely from the revenues pledged therefor and that the City is not obligated to levy or to pledge any form of taxation whatever therefor or to make any appropriation for its payment, except from the revenues of the Portland International Jetport pledged therefor;

7. That the Director of Finance be and hereby is authorized to provide that any of the Refunding Revenue Bonds hereinbefore authorized be made callable, with or without premiums, prior to their stated dates of maturity;

8. That the Director of Finance be and hereby is authorized to select the underwriter for the Refunding Revenue Bonds and to execute and deliver such contracts or agreements as may be necessary or appropriate in connection therewith;

9. That the Director of Finance be and hereby is authorized to prepare, or cause to be prepared, a Preliminary Official Statement and an Official Statement, a Request for Proposal or any other offering document for use in the offering and sale of the Refunding Revenue Bonds, such Preliminary Official Statement and Official Statement, Request for Proposal or offering document to be in such form and contain such information as may be approved by the Director of Finance, with the advice of the bond counsel for the City, and that the use and distribution of the Preliminary Official Statement and the Official Statement or offering document in the name of and on behalf of the City in connection with offering the Refunding Revenue Bonds for sale be and hereby is approved;

10. That the Director of Finance be and hereby is authorized to select the registrar, paying agent and transfer agent (the "Transfer Agent") and an escrow agent for the Refunding Revenue Bonds and to execute and deliver such contracts and agreements as may be necessary or appropriate to secure their services;

11. That the Refunding Revenue Bonds shall be transferable only on the registration books of the City kept by the Transfer Agent, in the same principal amount of the Refunding Revenue Bonds of the same maturity (but not of another maturity) upon surrender thereof at the principal office of the Transfer Agent, with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his or her attorney duly authorized in writing. Upon each exchange or transfer of a Refunding Revenue Bond, the City and the Transfer Agent shall make a charge sufficient to cover any tax, fee or any other governmental charge required to be payable with respect to such exchange or transfer, and with respect to such exchange or transfer, and subsequent to the first exchange or transfer, the cost of preparing new Refunding Revenue Bonds upon exchanges or transfer thereof to be paid by the person requesting the same;

12. That the Director of Finance be and hereby is authorized to undertake all acts necessary to provide for the issuance and transfer of such Refunding Revenue Bonds in book-entry form pursuant to the Depository Trust Company Book-Entry Only System, as an alternative to the provisions of the foregoing paragraph above regarding physical transfer of Refunding Revenue Bonds, and the Director of Finance be and hereby is authorized and empowered to enter into a Letter of Representation or any other contract, agreement or understanding necessary or, in his or her opinion, appropriate in order to qualify the Refunding Revenue Bonds for and participate in the Depository Trust Company Book-Entry Only System;

13. That the Director of Finance and Mayor from time to time shall execute such Refunding Revenue Bonds as may be required to provide for exchanges or transfers of Refunding Revenue Bonds as heretofore authorized, all such Refunding Revenue Bonds to bear the original signature of the Director of Finance and Mayor, and in case any officer of the City whose signature appears on any bond shall cease to be such officer before the delivery of said bond, such signature shall nevertheless be valid and sufficient for all purposes, the same as if such officer had remained in office until delivery thereof;

14. That, if the Refunding Revenue Bonds are issued on a tax-exempt basis, the Director of Finance be and hereby is authorized and directed to covenant and certify in the name of and on behalf of the City that no part of the proceeds of the issue and sale of such Refunding

Revenue Bonds or the Project shall be used directly or indirectly in a manner that would cause such Refunding Revenue Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended;

15. That, if the Refunding Revenue Bonds are issued on a tax-exempt basis, the Director of Finance be and hereby is authorized to covenant and agree, in the name of and on behalf of the City, for the benefit of the holders of such Refunding Revenue Bonds, that the City will file any required reports and take any other action that may be necessary to insure that interest on the Refunding Revenue Bonds will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Refunding Revenue Bonds to be subject to federal income taxation;

16. That the Director of Finance be and hereby is authorized to covenant, certify and agree, in the name of and on behalf of the City, for the benefit of the holders of such Refunding Revenue Bonds, that the City will file any required reports, make any annual financial or material event disclosure, and take any other action that may be necessary to insure that the disclosure requirements imposed by Rule 15c2-12 of the Securities and Exchange Commission, if applicable, are met;

17. That the Refunding Revenue Bonds authorized by this Order are in addition to any bonds previously authorized for the same or similar purposes;

18. That the Director of Finance be and hereby is authorized to negotiate, execute, and deliver, in the name of and on behalf of the City such contracts, agreements, and other documents, including refunding escrow agreements, contracts, leases, instruments, documents and certificates as may be necessary or appropriate as determined and approved by the Director of Finance in connection with the issuance of the Refunding Revenue Bonds and the refinancing of the Prior Bonds and the Project, which documents shall be in such form and contain such terms and conditions, not inconsistent herewith, as may be approved by the Director of Finance such approval to be conclusively evidenced by his or her execution thereof;

19. That the Director of Finance, Mayor and Clerk and other proper officials of the City be, and hereby are authorized and empowered in the name of and on behalf of the City to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale and delivery of the Refunding Revenue Bonds hereinabove authorized;

20. That if any of the officers or officials of the City who have signed or sealed the Refunding Revenue Bonds shall cease to be such officers or officials before the Refunding Revenue Bonds so signed and sealed shall have been actually authenticated or delivered by the City, such Refunding Revenue Bonds nevertheless may be authenticated, issued, and delivered with the same force and effect as though the person or persons who signed or sealed such Refunding Revenue Bonds had not ceased to be such officer or official; and also any such Refunding Revenue Bonds may be signed and sealed in the name of and on behalf of the City by those persons who, at the actual date of the execution of such Refunding Revenue Bonds, shall be the proper officers and officials of the City, although at the nominal date of such Refunding Revenue Bonds any such person shall not have been such officer or official; and

21. That if the Director of Finance, Mayor or Clerk are for any reason unavailable to approve and execute the Refunding Revenue Bonds in anticipation thereof or any other documents necessary or convenient to the issuance, execution and delivery of such Refunding Revenue Bonds, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, is authorized to act for such official with the same force and effect as if such official had performed such act;

22. That the original issue premium, if any, from the sale of the Refunding Revenue Bonds, and any investment earnings, if any, on the proceeds of the Refunding Revenue Bonds (including the original issue premium), be and hereby are authorized to be used to fund the refunding escrow for the Prior Bonds, to pay redemption premium on the Prior Bonds, to pay interest on the Prior Bonds or the Refunding Revenue Bonds, to fund a debt service reserve fund for the Refunding Revenue Bonds and to pay such other expenses and costs as may be incidental and related thereto, including issuance costs for the Refunding Revenue Bonds; and

23. That during the term any of the Refunding Revenue Bonds are outstanding, the Director of Finance be and hereby is authorized to issue and deliver refunding bonds to refund on either a current or advance refunding basis some or all of the Refunding Revenue Bonds then outstanding, and to determine the date, form, interest rate, maturities and all other details of such refunding bonds, including the form and manner of their sale and award. The Director of Finance be and hereby is further authorized to provide that any of such refunding bonds hereinbefore authorized be made callable, with or without premium, prior to their stated date(s) of maturity, and each refunding bond issued hereunder shall be signed by the Director of Finance and by the Mayor, either or both of whose signatures may be by facsimile to the extent permitted by law, attested to by the City Clerk, under the seal of the City, and shall be in such form and contain such terms and provisions not inconsistent herewith as they may approve, their approval to be conclusively evidenced by their execution thereof.

**LEGAL ADVERTISEMENT
NOTICE OF PUBLIC HEARING
PORTLAND JETPORT REFUNDING REVENUE BONDS (Green Bonds)
(Terminal Expansion Project)**

The Portland City Council will hold a public hearing on October 21, 2019 at 5:30 p.m. in the City Council Chambers at Portland City Hall, 389 Congress Street, to receive public comments on the proposed issuance of up to \$70,000,000 of the City's General Airport Refunding Revenue Bonds (Green Bonds) (the Bonds) to refinance and refund the City's currently outstanding General Airport Revenue Bonds, Series 2010 (the Prior Bonds), to pay redemption premium on the Prior Bonds, to pay interest on the Prior Bonds or the Bonds, to fund a debt service reserve fund for the Bonds and to pay such other expenses and costs as may be incidental and related thereto, including issuance costs for the Bonds. The Prior Bonds were issued to finance the following project:

LOCATION AND DESCRIPTION OF ORIGINAL PROJECT

Design, construction and equipping of an approximately 137,000 square foot expansion to and an approximately 10,000 square foot renovation of the existing Portland International Jetport terminal building, with a street address of 1001 Westbrook Street, Portland, Maine.

The expansion and renovation includes but is not limited to a new ticketing concourse, a new security screening checkpoint, a new baggage handling system with an inline explosives detection system, an over-roadway connection to the parking facilities, additional aircraft gates with passenger boarding bridges, enlarged concessions space, a new multilane terminal roadway, and additional surface parking totaling approximately 497 spaces, and a debt service reserve fund and other expenses incidental and related thereto including costs of issuance.

PROJECT OWNER: City of Portland, Maine

ANTICIPATED PROJECT USERS:

Concessions

Host International
Paradies Lagardere

American Airlines (and regional affiliates)
Cape Air
Delta Air Lines (and regional affiliates)
Elite Airways
Frontier Airlines
JetBlue Airways
Southwest Airlines
United Airlines (and regional affiliates)

MAXIMUM AMOUNT OF REFUNDING REVENUE BONDS TO BE ISSUED: \$70,000,000

Interested members of the public are invited to attend the hearing and will have an opportunity to comment on the project.

To be published twice and posted in two conspicuous places two weeks prior to the public hearing.

MEMORANDUM
City Council Agenda Item

FROM: Paul Bradbury, Jetport Director

DATE: October 9, 2019

SUBJECT: **Order 56-19/20 Appropriating Proceeds of General Airport Refunding Revenue Bonds (Green Bonds) - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to Order 55-19/20 above. It appropriates the money received from the sale of the General Airport Refunding Revenue bonds to refund those Jetport bonds.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Portland Jetport 2019 Refunding Appropriation Order (2 readings)

Prepared by:

Paul Bradbury, Jetport Director

Date: 10/9/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROPRIATING PROCEEDS OF
GENERAL AIRPORT REFUNDING REVENUE BONDS (GREEN BONDS)**

WHEREAS, the City previously issued its \$72,310,000 General Airport Revenue Bonds, Series 2010 dated April 28, 2010 (the “Prior Bonds”) to finance the expansion, renovation and equipping of the Portland International Jetport Terminal, which expansion and renovation included a new ticketing concourse, a new security screening checkpoint, a new baggage handling system with an inline explosives detection system, an over-roadway connection to the Jetport parking facilities, additional aircraft gates with passenger boarding bridges, enlarged concessions space, a new multilane terminal roadway, additional surface parking spaces, and other related improvements to the Portland Jetport; and

WHEREAS, due to a drop in interest rates, the City authorized its Refunding Revenue Bonds (defined below) to refinance and refund the Prior Bonds in order to obtain debt service savings on the Prior Bonds;

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. Subject to paragraph 2 below, the sum of \$70,000,000 be and hereby is appropriated to refinance and refund the Prior Bonds, and to fund the refunding escrow for the Prior Bonds, to pay redemption premium on the Prior Bonds, to pay interest on the Prior Bonds or the Refunding Revenue Bonds, to fund a debt service reserve fund for the Refunding Revenue Bonds and to pay such other expenses and costs as may be incidental and related thereto, including issuance costs for the Refunding Revenue Bonds; and
2. The appropriation set forth in paragraph 1 above is and shall be contingent upon the authorization and approval by the City Council of General Airport Refunding Revenue Bonds (Green Bonds), for such purpose (the “Refunding Revenue Bonds”) and the issuance and delivery of its Refunding Revenue Bonds for such purposes (the amount appropriated to be adjusted to reflect the principal amount of Refunding Revenue Bonds so authorized and issued).

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 8, 2019

SUBJECT: **Order 57-19/20 Establishing a Charter Commission - Sponsored by Danielle West-Chuhta, Corporation Counsel**

SPONSOR: Danielle West-Chuhta, Corporation Counsel

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

Recently, a citizen-initiated petition to add a public financing system for Council elections to the charter failed and was indefinitely postponed by a vote of 6-2 due to technical and procedural deficiencies. If approved, these orders would put the question of whether to establish a Charter Commission for the purpose of revising the Charter to voters in the same way that the citizen-initiated petition would have had it contained language, contemplated by 30-A M.R.S. 2104(4), seeking alternative treatment of the question as a revision.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Recently, a citizen-initiated petition to add a public financing system for Council elections to the charter failed due to technical and procedural deficiencies. As a result of the Council's determination on September 16, 2019 that the citizen-initiated proposal constituted a "revision" rather than an "amendment" of the charter, had the process and the petitions not been fatally flawed the following question likely would have been placed on the ballot for voter consideration at the June 9, 2020 election:

Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a new Municipal Charter?

Although the Council had no statutory authority on September 16, 2019 to order the above question to be placed on the ballot as a citizen-initiated petition, the Council does have its own independent statutory authority to put the question of a Charter Commission and charter revision to voters. See 30-A M.R.S. § 2102(1) & (5). In light of the interest among some Portland voters to pursue revisions to the charter, this order and its companion Order 58-19/20, are proposed to invite Council discussion and consideration of this option. If approved, these orders would put the question of whether to establish a Charter Commission for the purpose of revising the Charter to voters in the same way that the citizen-initiated petition would have had it not been fatally flawed.

For additional information on process, please see attached memo, which updates a memo authored by former Corporation Counsel, Gary Wood, in May 2008. A copy of the Mr. Wood's original memo and the Council Orders approved in July 2008 are also attached, for reference.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Order Establishing Charter Commission 10.7.2019
2. Memo on charter commission process 10.2.2019
3. Charter Commission Orders and Memo 2008
4. Title30-A Ch111

Prepared by:

Date: 10/8/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

ORDER ESTABLISHING A CHARTER COMMISSION

ORDERED, that pursuant to 30-A M.R.S. §2102(1), the Portland City Council hereby determines that the revision of the City Charter shall be considered or that the adoption of a new municipal charter shall be considered; and

BE IT FURTHER ORDERED, that a Charter Commission shall be established to carry out that purpose.

CITY OF PORTLAND

MEMORANDUM

TO: Mayor and Council
FROM: Danielle West-Chuhta
DATE: October 2, 2019
RE: Establishment of Charter Commission

Presented to the Council are two orders for consideration that, if approved, will initiate a vote on the establishment of a Charter Commission to either revise the existing City Charter or propose the adoption of a new City Charter.

As previously outlined by Gary Wood, former Corporation Counsel, in a memo dated May 21, 2008 (a copy of which is attached):

State law in Title 30-A sets out a process that requires two orders by the Council to effect [the establishment of a Charter Commission to either revise the existing City Charter or propose the adoption of a new City Charter]. The first order provides for the establishment of a Charter Commission (30-A M.R.S. § 2102(1)) . . . [t]he second order required by state law calls for the submission of a question for that purpose to the voters at the next general or special municipal election held at least 90 days after the first order is adopted by the Council (30-A M.R.S. § 2102(5)).

For our purposes, the next municipal election will be June 9, 2020. Alternatively, a special election might be called for March 3, 2020 to coincide with the presidential primary election scheduled for that date. In either event, the order submitting that question to the voters has to be passed at least 90 days before the election date.

By statute, the only question to be presented to voters is as follows:

Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a new Municipal Charter?

See 30-A M.R.S. § 2102(5).

State law permits members of a Charter Commission to be elected in a number of different ways. Historically, the City of Portland has modeled the election of commissioners on its current Council makeup in which we have a Mayor, 5 District councilors and 3 at-large councilors. Under this election model, there would be 9 members elected to the Charter Commission if voters approve the creation of the Charter Commission at the election on March 3. All elected members have to be registered voters in Portland.

The other two alternatives for electing members is for 6 voters to be elected at-large or one member to be elected from each of the 5 council districts. The Council selects which of the alternatives to submit to voters. A copy of the statute outlining the three options is attached.

By statute, the election of members of the Charter Commission can be at the same election as the vote on whether to create a Charter Commission or it can take place at the next scheduled regular or special municipal or state election that is *no more* than 200 days after the date on which voters approve the establishment of a commission (either March 3, 2020 if a special election is called or June 9, 2020, the next regular municipal election). If a special election were called for March 3, 2020, there would be 98 days between that vote and the June 9, 2020 municipal election. That time frame may not allow sufficient time for candidate registration and campaigning. Alternatively, if the question were put to voters at the June 9, 2020 election and approved, the 200-day period would allow such an election of Charter Commission members to be held at the November 3, 2020 election. Based on timing, it appears to this office that the preferable timing, should the Council choose to present the question of a Charter Commission to voters, is to place the question on the June 9, 2020 ballot and, if approved, place the election of members of the Commission on the November 3, 2020 ballot.

In addition to the elected members, the Council has to appoint 3 members. They do not have to be Portland residents but only one of them may be a municipal officer. That means that only one serving City Councilor could be appointed to the Commission. Other councilors who wanted to be on the Commission would have to run in the election.

*Order 273-07/08
Tab 20 6-2-08*

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUB (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LBEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

ORDER ESTABLISHING A CHARTER COMMISSION

ORDERED, that pursuant to 30-A M.R.S.A. § 2102(1), the Portland City Council hereby determines that the revision of the City Charter shall be considered or that adoption of a new municipal charter shall be considered; and

BE IT FURTHER ORDERED, that a Charter Commission shall be established to carry out that purpose.

**CITY OF PORTLAND
M E M O R A N D U M**

TO: Mayor and Council
FROM: Gary Wood
DATE: May 21, 2008
RE: Establishment of Charter Commission

Mayor Suslovic asked me to prepare the orders necessary to initiate a vote on the establishment of a Charter Commission to either revise the existing City Charter or propose the adoption of a new City Charter.

State law in Title 30-A sets out a process that requires two orders by the Council to effect that purpose. The first order provides for the establishment of a Charter Commission for the purpose of revising the municipal charter or establishing a new municipal charter (30-A M.R.S.A. § 2192(1))

The second order required by state law calls for the submission of a question for that purpose to the voters at the next regular or special municipal election held at least 90 days after the first order is adopted by the Council (30-A M.R.S.A. § 2102(5)). For our purposes that next municipal election will be on November 4, 2008 and the order submitting that question to the voters has to be passed at least 90 days before that date. That means that the last regularly scheduled Council meeting at which such an order could be passed is the one currently scheduled for August 4, 2008.

The question to be submitted to the voters is as follows:

"Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?" (see 2102(5)(A))

Under a recent amendment to State law that the City proposed and that was adopted as Public Law Chapter 495 (copy enclosed), the elected of the members of the Charter Commission can now be modeled on our current Council makeup in which we have 5 District councilors and 4 At-large councilors. Under this election model there would 9 members elected to a Charter Commission if the voters approve the creation of the Charter Commission at the election on November 4th. All elected members have to be registered voters in Portland.

The other two alternatives for elected members is for 6 voters to be elected at-large or one member to be elected from each of the 5 council districts.

The Council selects which of the alternatives to submit to the voters.

The election of the members of the Charter Commission can be at the same election as the voters on whether to create a Charter Commission or it can take place at the next scheduled regular or special municipal or state election that is no more than 200 days after November 4, 2008.

The 200 day period would allow such an election to be held at the May referendum on the school budget, if that referendum requirement stays in place. If that election does not go forward next year then we would have to call a special municipal election to elect the members of the Charter Commission if the voters approve the creation of that commission on November 4th.

In addition to the elected members, the Council has to appoint 3 members. They do not have to be Portland residents but only one of them may be a municipal officer. That means that only one current councilor could be appointed to the Commission. Other councilors who wanted to be on the Commission would have to run in the election.

GCW:tlb

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Clarify the Election of Municipal Charter Commission Members

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the municipal charter is equivalent to a constitution for the City of Portland, and voters should be able to separate the choice between the need for a charter commission and an election of the members of that charter commission; and

Whereas, the City of Portland intends to hold an election in June 2008, which is less than 90 days after statutory adjournment; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §2103, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. Voter members ~~shall~~must be elected by one of the following methods:

(1) Six voter members ~~shall be~~are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations; ~~or~~

(2) One voter ~~shall be~~member is elected from each voting district or ward in the same manner as municipal officers, except that ~~they~~the voter member must be elected without party designation; or

(3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission, ~~but must be held within 90 days of the referendum election~~ or at the next scheduled regular or special municipal or state election that is no more than 200 days after the referendum authorizing the charter commission. The names of the candidates on the ballot ~~shall~~must be arranged alphabetically by last name. If the elections are held at the same time, the names of the candidates ~~shall~~must appear immediately below the question relating to the charter

PUBLIC Law, Chapter 495, 123rd Maine State Legislature
An Act To Clarify the Election of Municipal Charter Commission Members

commission.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

~~Effective March 14, 2008.~~

Order 274-07/08
Tab 21 6-2-08

EDWARD J. SUSLOVIC (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DANIEL S. SKOLNIK (3)
CHERYL A. LEE MAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES I. COHEN (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**ORDER SUBMITTING THE QUESTION FOR THE ESTABLISHMENT
OF A CHARTER COMMISSION TO THE VOTERS
AT THE MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 4, 2008**

ORDERED, that the following question shall be submitted to the voters at the municipal election on November 4, 2008:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?”

Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 111: HOME RULE

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Part 2. MUNICIPALITIES

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Maine Revised Statutes
Title 30-A: MUNICIPALITIES AND COUNTIES
Chapter 111: HOME RULE

§2101. PURPOSE

The purpose of this chapter is to implement the home rule powers granted to municipalities by the Constitution of Maine, Article VIII, Part Second. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

§2102. CHARTER REVISIONS, ADOPTIONS, PROCEDURE

1. Municipal officers. The municipal officers may determine that the revision of the municipal charter be considered or that adoption of a new municipal charter be considered and, by order, provide for the establishment of a charter commission to carry out that purpose as provided in this chapter.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Petition by voters. On the written petition of a number of voters equal to at least 20% of the number of votes cast in the municipality at the last gubernatorial election, but in no case less than 10, the municipal officers, by order, shall provide for the establishment of a charter commission for the revision of the municipal charter or the preparation of a new municipal charter as provided in this chapter.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Petition procedure. The following procedure shall be used in the alternative method set out in subsection 2.

A. Any 5 voters of the municipality may file an affidavit with the municipal clerk stating:

- (1) That the 5 voters will constitute the petitioners' committee;
- (2) The names and addresses of the 5 voters;
- (3) The address to which all notices to the committee are to be sent; and
- (4) That the 5 voters will circulate the petition and file it in proper form.

The petitioners' committee may designate additional voters of the municipality, who are not members of the committee, to circulate the petition.

Promptly after the affidavit is filed, the clerk shall issue petition blanks to the committee. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The municipal clerk shall prepare the petition forms at the municipality's expense. The petition forms shall be printed on paper of uniform size and may consist of as many individual sheets as are reasonably necessary.

(1) Petition forms shall carry the following legend in bold lettering at the top of the face of each form.

"Municipality of"

"Each of the undersigned voters respectfully requests the municipal officers to establish a Charter Commission for the purpose of revising the Municipal Charter or preparing a New Municipal Charter."

Each signature to a petition must be in ink or other indelible instrument and must be followed by the residence of the voter with street and number, if any. No petition may contain any party or political designation.

(2) The clerk shall note the date of each petition form issued. All petitions must be filed within 120 days of the date of issue or they are void.

(3) Each petition form shall have printed on its back an affidavit to be executed by the circulator, stating:

- (a) That the circulator personally circulated the form;
- (b) The number of signatures on the form;
- (c) That all the signatures were signed in the circulator's presence;
- (d) That the circulator believes them to be genuine signatures of the persons whose names they purport to be;
- (e) That each signer has signed no more than one petition; and
- (f) That each signer had an opportunity to read the petition before signing. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Petition forms shall be assembled as one instrument and filed at one time with the clerk. The clerk shall note the date of filing on the forms. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Procedure after filing. Within 20 days after the petition is filed, the clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars which render it defective. The clerk shall promptly send a copy of the certificate to the petitioners' committee by mail and shall file a copy with the municipal officers.

A. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within 2 days after receiving the copy of the clerk's certificate.

Within 10 days after this notice of intention is filed, the committee may file a supplementary petition to correct the deficiencies in the original. This supplementary petition, in form and content, must comply with the requirements for an original petition under subsection 3. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Within 5 days after a supplementary petition is filed, the clerk shall complete and file a certificate as to its sufficiency in the manner provided for an original petition. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. When an original or supplementary petition has been certified insufficient, the committee, within 2 days after receiving the copy of the clerk's certificate, may file a request with the municipal officers for review.

The municipal officers shall inspect the petitions in substantially the same form and manner as a recount under section 2531-B and shall make due certificate of that inspection. The municipal officers shall file a copy of that certificate with the municipal clerk and mail a copy to the committee. The certificate of the municipal officers is a final determination of the sufficiency of the petitions. [2011, c. 255, §1 (AMD).]

D. Any petition finally determined to be insufficient is void. The clerk shall stamp the petition void and seal and retain it in the manner required for secret ballots. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[2011, c. 255, §1 (AMD) .]

5. Election procedure. Within 30 days after the adoption of an order under subsection 1 or the receipt of a certificate or final determination of sufficiency under subsection 4, the municipal officers shall by order submit the question for the establishment of a charter commission to the voters at the next regular or special municipal election held at least 90 days after this order.

A. The question to be submitted to the voters shall be in substance as follows:

"Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a New Municipal Charter?"

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, Pt. A, §2 (NEW). 1987, c. 737, Pt. C, §106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, Pt. C, §§8, 10 (AMD). 1993, c. 608, §4 (AMD). 2011, c. 255, §1 (AMD).

§2103. CHARTER COMMISSION, MEMBERSHIP, PROCEDURE

1. Membership. The charter commission shall consist of several voters in the municipality, elected under paragraph A, and 3 members appointed by the municipal officers under paragraph B.

A. Voter members must be elected by one of the following methods:

- (1) Six voter members are elected in the same manner as the municipal officers, except that they must be elected at-large and without party designations;
- (2) One voter member is elected from each voting district or ward in the same manner as municipal officers, except that the voter member must be elected without party designation; or

(3) Voter members are elected both at-large and by district or ward, as long as the number of voter members is the same as the number of municipal officers on the board or council of that municipality and the voter members are elected in the same manner as the municipal officers, except that they must be elected without party designation.

Election of voter members may be held either at the same municipal election as the referendum for the charter commission or at the next scheduled regular or special municipal or state election. The names of the candidates on the ballot must be arranged alphabetically by last name. If the elections are held at the same time, the names of the candidates must appear immediately below the question relating to the charter commission. [2009, c. 52, §1 (AMD); 2009, c. 52, §2 (AFF).]

B. Appointive members need not be residents of the municipality, but only one may be a municipal officer. The municipal officers shall make the appointments in accordance with municipal custom or bylaws within 30 days after the election approving the establishment of the charter commission. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[2007, c. 495, §1 (AMD); 2009, c. 52, §1 (AMD); 2009, c. 52, §2 (AFF).]

2. Organization. Immediately after receiving notice of the appointment of the members by the municipal officers, the municipal clerk shall notify the appointed and elected members of the charter commission of the date, time and place of the charter commission's organizational meeting. The clerk shall set the date, time and place of the meeting and give at least 7 days' notice of the meeting.

The charter commission shall organize by electing from its members a chairman, vice-chairman and a secretary and shall file notice of these elections with the municipal clerk. Vacancies occurring on the commission shall be filled by vote of the commission from the voters of the municipality, except that a vacancy among appointive members shall be promptly filled by the municipal officers. Members shall serve without compensation, but shall be reimbursed from the commission's account for expenses lawfully incurred by them in the performance of their duties.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Regulations, staff. The charter commission may adopt regulations governing the conduct of its meetings and proceedings and may employ any necessary legal, research, clerical or other employees and consultants within the limits of its budget.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

4. Funding. A municipality shall provide its charter commission, free of charge, with suitable office space and with reasonable access to facilities for holding public hearings, may contribute clerical and other assistance to the commission and shall permit it to consult with and obtain advice and information from municipal officers, officials and employees during ordinary working hours. Within 20 days after the members of a charter commission are elected and appointed, the municipal officers shall credit \$100 to the charter commission account. A municipality, from time to time, may appropriate additional funds to the charter commission account. These funds may be raised by taxation, borrowed or transferred from surplus.

A. In addition to funds made available by a municipality, the charter commission account may receive funds from any other source, public or private, except that no contribution of more than \$5 may be accepted from any source other than the municipality, unless the name and address of the person or agency making the contribution and the amount of the contribution are disclosed in writing filed with the

clerk. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Prior to its termination, the charter commission shall file with the clerk a complete account of all its receipts and expenditures for public inspection. Any balance remaining in its account shall be credited to the municipality's surplus account. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

5. Hearings, reports, time limits. The following requirements regarding hearings, reports and time limits apply to a charter commission.

A. Within 30 days after its organizational meeting, the charter commission shall hold a public meeting to receive information, views, comments and other material relating to its functions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The charter commission shall hold its public hearings within the municipality at the times and places set by the commission. At least 10 days before a hearing, the charter commission shall publish the date, time and place of the hearing in a notice in a newspaper having general circulation in the municipality. Hearings may be adjourned from time to time without further published notice. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Within 9 months after its election, the charter commission shall:

(1) Prepare a preliminary report including the text of the charter or charter revision which the commission intends to submit to the voters and any explanatory information the commission considers desirable;

(2) Have the report printed and circulated throughout the municipality; and

(3) Provide sufficient copies of the preliminary report to the municipal clerk to permit its distribution to each voter requesting a copy. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Within 12 months after its election, the charter commission shall submit its final report to the municipal officers. This report must include:

(1) The full text and an explanation of the proposed new charter or charter revision;

(2) Any comments that the commission considers desirable;

(3) An indication of the major differences between the current and proposed charters; and

(4) A written opinion by an attorney admitted to the bar of this State that the proposed charter or charter revision does not contain any provision prohibited by the United States Constitution, the Constitution of Maine or the general laws.

Minority reports if filed may not exceed 1,000 words. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

E. The municipal officers may extend the time limits for the preparation and submission of preliminary and final reports of the charter commission for up to 24 months after the election of the commission if the extension is necessary to:

- (1) Properly complete the reports;
- (2) Have them printed or circulated; or
- (3) Obtain the written opinion of an attorney. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

6. Election. When the final report is filed, the municipal officers shall order the proposed new charter or charter revision to be submitted to the voters at the next regular or special municipal election held at least 35 days after the final report is filed.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

7. Charter modification summaries. When a proposed charter revision is submitted to the voters in separate questions as charter modifications under section 2105, subsection 1, paragraph A, and the municipal officers, with the advice of an attorney, determine that it is not practical to print the proposed charter modification on the ballot and that a summary would not misrepresent the subject matter of the proposed modification, a summary of the modification may be substituted for the text of the proposed modification in the same manner as a summary is substituted for a proposed amendment under section 2104, subsection 6.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

8. Termination. Except as provided in paragraph A, the charter commission shall continue in existence for 30 days after submitting its final report to the municipal officers for the purpose of winding up its affairs.

A. If judicial review is sought under section 2108, the charter commission shall continue in existence until that review and any appeals are finally completed for the purpose of intervening in those proceedings. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 2007, c. 495, §1 (AMD). 2009, c. 52, §1 (AMD). 2009, c. 52, §2 (AFF).

§2104. CHARTER AMENDMENTS; PROCEDURE

1. Municipal officers. The municipal officers may determine that amendments to the municipal charter should be considered and, by order, provide for notice and hearing on them in the same manner as provided in subsection 5, paragraph A. Within 7 days after the hearing, the municipal officers may order the proposed

amendment to be placed on a ballot at the next regular municipal election held at least 30 days after the order is passed; or they may order a special election to be held at least 30 days from the date of the order for the purpose of voting on the proposed amendments.

A. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Alternative statements of a single amendment are prohibited. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Petition by voters. On the written petition of a number of voters equal to at least 20% of the number of votes cast in a municipality at the last gubernatorial election, but in no case less than 10, the municipal officers, by order, shall provide that proposed amendments to the municipal charter be placed on a ballot in accordance with paragraphs A and B.

A. Each amendment shall be limited to a single subject, but more than one section of the charter may be amended as long as it is germane to that subject. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Alternative statements of a single amendment are prohibited. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Petition procedure. The petition forms shall carry the following legend in bold lettering at the top of the face of each form.

"Municipality of"

"Each of the undersigned voters respectfully requests the municipal officers to provide for the amendment of the municipal charter as set out below."

No more than one subject may be included in a petition.

In all other respects, the form, content and procedures governing amendment petitions shall be the same as provided for charter revision and adoption petitions under section 2102, including procedures relating to filing, sufficiency and amendments.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Amendment constituting revision. At the request of the petitioners' committee, the petition form shall also contain the following language:

"Each of the undersigned voters further requests that if the municipal officers determine that the amendment set out below would, if adopted, constitute a revision of the charter, then this petition shall be treated as a request for a charter commission."

Upon receipt of a petition containing this language, the municipal officers, if they determine with the advice of an attorney that the proposed amendment would constitute a revision of the charter, shall treat the petition as a request for a charter commission and follow the procedures applicable to such a request.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

5. Action on petition. The following procedures shall be followed upon receipt of a petition certified to be sufficient.

A. Within 10 days after a petition is determined to be sufficient, the municipal officers, by order, shall provide for a public hearing on the proposed amendment. At least 7 days before the hearing, they shall publish a notice of the hearing in a newspaper having general circulation in the municipality. The notice must contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Within 7 days after the public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the final draft of the proposed amendment and a written opinion by an attorney admitted to the bar of this State that the proposed amendment does not contain any provision prohibited by the general laws, the United States Constitution or the Constitution of Maine. In the case of a committee report, a copy shall also be filed with the municipal officers. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. On all petitions filed more than 120 days before the end of the current municipal year, the municipal officers shall order the proposed amendment to be submitted to the voters at the next regular or special municipal election held within that year after the final report is filed. If no such election will be held before the end of the current municipal year, the municipal officers shall order a special election to be held before the end of the current municipal year for the purpose of voting on the proposed amendment. Unrelated charter amendments shall be submitted to the voters as separate questions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

6. Summary of amendment. When the municipal officers determine that it is not practical to print the proposed amendment on the ballot and that a summary would not misrepresent the subject matter of the proposed amendment, the municipal officers shall include in their order a summary of the proposed amendment, prepared subject to the requirements of section 2105, subsection 3, paragraph C, and instruction to the clerk to include the summary on the ballot instead of the text of the proposed amendment.

[1991, c. 622, Pt. X, §10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD). 1991, c. 622, §X10 (AMD).

§2105. SUBMISSION TO VOTERS

The method of voting at municipal elections, when a question relating to a charter adoption, a charter revision, a charter modification or a charter amendment is involved, shall be in the manner prescribed for municipal elections under sections 2528 to 2532, even if the municipality has not accepted the provisions of section 2528. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Charter revision or adoption. Except as provided in paragraph A, in the case of a charter revision or a charter adoption, the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under this paragraph and the number and content of these questions must be made by a majority of the charter commission.

(1) If a charter commission decides to submit the charter revision in separate questions under this paragraph, each question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter modification recommended by the charter commission and reprinted (summarized) below?"

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Charter amendment. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Voter information. Reports shall be made available and summaries prepared and made available as follows.

A. In the case of a charter revision or charter adoption, at least 2 weeks before the election, the municipal officers shall:

- (1) Have the final report of the charter commission printed;
- (2) Make copies of the report available to the voters in the clerk's office; and
- (3) Post the report in the same manner that proposed ordinances are posted. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. In the case of a charter amendment, at least 2 weeks before the election, the municipal officers shall:

(1) Have the proposed amendment and any summary of the amendment prepared under this section printed;

(2) Make copies available to the voters in the clerk's office; and

(3) Post the amendment and any summary of that amendment in the same manner that proposed ordinances are posted. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Any summary must fairly describe the content of the proposed amendment and may not contain information designed to promote or oppose the amendment. [1991, c. 622, Pt. X, §11 (AMD).]

[1991, c. 622, Pt. X, §11 (AMD) .]

4. Effective date. If a majority of the ballots cast on any question under subsection 1 or 2 favor acceptance, the new charter, charter revision, charter modification or charter amendment becomes effective as provided in this subsection, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election.

A. Except as provided in subparagraph (1), new charters, charter revisions or charter modifications adopted by the voters take effect on the first day of the next succeeding municipal year.

(1) New charters, charter revisions or charter modifications take effect immediately for the purpose of conducting any elections required by the new provisions. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Charter amendments adopted by the voters take effect on the date determined by the municipal officers, but not later than the first day of the next municipal year. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §C8,10 (AMD). 1991, c. 622, §X11 (AMD).

§2106. RECORDING

Within 3 days after the results of the election have been declared, the municipal clerk shall prepare and sign 3 identical certificates setting forth any charter that has been adopted or revised and any charter modification or amendment approved. The clerk shall send one certificate to each of the following: [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Secretary of State. The office of the Secretary of State, to be recorded;

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Law library. The Law and Legislative Reference Library; and

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Clerk's office. The office of the municipal clerk.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

§2107. EFFECT OF PRIVATE AND SPECIAL LAWS

Private and special laws applying to a municipality remain in effect until repealed or amended by a charter revision, adoption, modification or amendment under this chapter. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

§2108. JUDICIAL REVIEW

1. Petition. The Superior Court, upon petition of 10 voters of the municipality or on petition of the Attorney General, may enforce this chapter. The charter commission may intervene as a party in any such proceeding.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

2. Declaratory judgment. A petition for declaratory relief under Title 14, chapter 707, may be brought on behalf of the public by the Attorney General or, by leave of the court, by 10 voters of the municipality. The charter commission shall be served with notice of the petition for declaratory judgment.

A. If 10 voters petition for declaratory relief, they shall serve the Attorney General and the charter commission with notice of the preliminary petition for leave. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The Attorney General or the charter commission may intervene as a party at any stage of the proceedings. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. The petitioners are liable for costs. However, the court has discretion to award costs and reasonable attorney fees to the petitioners. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

3. Judicial review. Any 10 voters of the municipality, by petition, may obtain judicial review to determine the validity of the procedures under which a charter was adopted, revised, modified or amended. The petition must be brought within 30 days after the election at which the charter, revision, modification or amendment is approved. If no such petition is filed within this period, compliance with all the procedures required by this chapter and the validity of the manner in which the charter adoption, revision, modification or amendment was approved is conclusively presumed. No charter adoption, revision, modification or amendment may be found invalid because of any procedural error or omission unless it is shown that the error or omission materially and substantially affected the adoption, revision, modification or amendment.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

4. Resubmission upon judicial invalidation for procedural error. If the court finds that the procedures under which any charter was adopted, revised, modified or amended are invalid, the Superior Court, on its own motion or the motion of any party, may order the resubmission of the charter adoption, revision, modification or amendment to the voters. This order shall require only the minimum procedures on resubmission to the voters that are necessary to cure the material and substantial errors or omissions. The Superior Court may also recommend or order other curative procedures to provide for valid charter adoption, revision, modification or amendment.

[1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

§2109. LIBERAL CONSTRUCTION

This chapter, being necessary for the welfare of the municipalities and their inhabitants, shall be liberally construed to accomplish its purposes. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

1987, c. 737, §§A2,C106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,10 (AMD).

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MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 8, 2019

SUBJECT: Order 58-19/20 Submitting the Question for the Establishment of a Charter Commission to the Voters at the Election on June 9, 2020 - Sponsored by Danielle West-Chuhta, Corporation Counsel

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

This is a companion order to Order 57-19/20, above.

This item must be read on two separate days. It received its first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Question to Voters re Establishing Charter Commission 10.7.2019

Prepared by:

Date: 10/8/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SUBMITTING THE QUESTION FOR THE ESTABLISHMENT OF A
CHARTER COMMISSION TO THE VOTERS
AT THE ELECTION ON JUNE 9, 2020**

ORDERED, that the following question shall be submitted to the voters at the municipal election on June 9, 2020:

“Shall a Charter Commission be established for the purpose of revising the Municipal Charter or establishing a new Municipal Charter?”

MEMORANDUM
City Council Agenda Item

FROM: Katharine Cahoon

DATE: October 9, 2019

SUBJECT: **Order 59-19/20 Approving Amendment To Portland City Code Chapter 10 Re: Life Safety Code 2018 Edition - Sponsored by Health and Human Services and Public Safety Committee, Councilor Belinda Ray, Chair**

SPONSOR: The Health and Human Services and Public Safety Committee met on October 19, 2018 and voted 3-0 in favor of recommending the proposed changes be adopted by the City Council.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: Yes

PRESENTATION: Fire Chief Keith Gautreau will be presenting and Associate Corporation Counsel, Anne Torregrossa, will be available to answer questions.

I. SUMMARY

To make changes to Chapter 10, Fire Prevention and Protection, of the City Code.

II. AGENDA DESCRIPTION

The Health and Human Services and Public Safety Committee met on September 19, 2019, and voted 3-0 to forward this item to the City Council with a recommendation for passage.

This amendment updates Chapter 10 of the Portland City Code to adopt the 2018 Editions of the National Fire Protection Association 101, Life Safety Code and National Fire Protection Association 1, Fire Code.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

See attached memorandum.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

To adopt the proposed changes to Chapter 10.

V. FINANCIAL IMPACT

None anticipated, with the possible exception of a slight increase in reinspection and licensing fee revenue.

VI. STAFF ANALYSIS AND BACKGROUND

See attached memorandum.

VII. RECOMMENDATION

To adopt the changes as recommended by the Health and Human Services and Public Safety Committee and City staff.

VIII. LIST ATTACHMENTS

1. Life Safety Code 2018 Edition Amendment 10.7.2019
2. Amendment to Life Safety Code 2018 Edition Amendment 10.7.2019
3. 2019-09-20 Memo re Ch. 10 changes

Prepared by:

Katharine Cahoon

Date: 10/9/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 10
RE: LIFE SAFETY CODE 2018 EDITION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Chapter 10 is hereby amended to read as follows:

Chapter 10 FIRE PREVENTION AND PROTECTION*

ARTICLE I. LIFE SAFETY CODE

**Sec. 10-1. Adoption of National Fire Protection Association 101:
Life Safety Code.**

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, a code known as the National Fire Protection Association (NFPA) 101: Life Safety Code (hereinafter referred to as the "Life Safety Code") recommended by the National Fire Protection Association, being particularly the 20182009 edition thereof and the whole thereof, except for such portions as are added, deleted, modified or amended by section 10-3, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

...

Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is added to, amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Life

Safety Code as un-numbered sections, and shall modify or replace any provisions of the Life Safety Code to the contrary:

- (1) In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Life Safety Code, in the case of structures posing significant life safety risks that might result in the displacement of person(s), a fire watch, with specifications and criteria to be set by the authority having jurisdiction, may be required if said watch is approved by the authority having jurisdiction, in consultation with the City Manager and Corporation Counsel.
- (2) Where the Life Safety Code requires that a sprinkler system be installed, but permits a partial sprinkler system, a full sprinkler system shall be required such that the building is protected throughout as required by the applicable standard.
- (3) Notwithstanding any provisions to the contrary, Carbon Monoxide (CO) alarms and/or detection shall be subject to the following requirements:
 - a. The following shall be protected throughout with CO alarms and/or detectors:
 - i. Existing residential occupancies; and
 - ii. All new occupancies, other than industrial occupancies and storage occupancies.
 - b. CO alarms and/or detection shall be installed in accordance with NFPA 720, *Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment*, 2015 edition, except that:
 - i. All new construction must have CO alarms and/or detectors hardwired;
 - ii. All new CO alarm and/or detector installations, with the exception of new installations in one- or two-family dwellings, must be hardwired; and
 - iii. The authority having jurisdiction may approve new, alternative CO alarm and/or detector technology as it becomes available, so long as

it provides the same amount of protection as required by this Article.

(4) New decks or balconies with access from a common space shall be subject to the following requirements:

- a. They shall be reviewed as a new assembly occupancy; and
- b. An alarm notification device shall be installed at the balcony or deck level for occupant notification. The device shall operate upon activation of the fire suppression and/or detection system(s) inside the building.

(5) Notwithstanding any provisions to the contrary, smoke alarms and/or detection shall be subject to the following additional requirements:

- a. All smoke alarms and/or detection in new construction or major renovations shall be hardwired with battery backup, shall be interconnected, and shall use photoelectric technology.
- b. All smoke alarms and/or detection in new installations, except in existing one- and two-family dwellings shall be hardwired with battery backup and shall use photoelectric technology.
- c. All smoke alarms and/or detection in new installations in existing one- and two-family dwellings shall either meet the requirements for new installations above, or shall be 10-year sealed lithium battery alarms using photoelectric technology.
- d. The authority having jurisdiction may approve new, alternative smoke alarm and/or detection technology as it becomes available, so long as it provides the same amount of protection as required by this Article.

(6) Wherever the requirements governing stairs in the Life Safety Code conflict with the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S. § 1103 (MUBEC), the provisions in MUBEC shall control.

(b) Inspections. The authority having jurisdiction, upon proper identification, shall have the right to enter at any and all reasonable times for the purpose of inspecting in order to determine compliance with the provision of this Life Safety Code into or upon any premises subject to this article. It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(ca) Section 3.3.~~3732~~.8 shall be amended to read as follows:

Historic Building: A building designated a Landmark or Contributing Building within a local or National Register historic district, pursuant to Chapter 14, Article IX of the ~~Portland City~~ Code.

~~(b) Section 3.3.97 shall be amended to include the following:~~

~~“In the case of structures posing significant life safety risks that may result in the displacement of person(s), a fire watch not to exceed seven days, with specifications and criteria to be set by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections.”~~

(d) Section 7.2.2.5.5 shall be amended to add the following language:

Exit stair path marking shall also be installed for all new high-rise buildings in accordance with 7.2.2.5.5.1 through 7.2.2.5.5.11.

(ee) Section 9.7.1.1 shall be amended to add the following language-:

The authority having jurisdiction shall have power to ~~amend~~ modify the water supply requirements of ~~sections 9.7.1.1(1), 9.7.1.1(2), or 9.7.1.1(3)~~ this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, and provided such requirements shall not be less stringent ~~then~~ than the minimum water supply requirements for sprinkler systems in the State of Maine.

~~(ed) Sections—Subsections 12.3.5.3(3) and (4) shall be deleted.; and~~

~~(f) Sections—Subsections 13.3.5.3(1) and (2) shall be ; deleted.~~

~~(e) Unvented fuel-fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.~~

~~(f) Section 43.6.4.1; delete only the automatic sprinkler requirement for one and two-family⁷ dwelling units undergoing renovations.~~

~~(g) Section 39.3.4.4. Fire department notification shall be accomplished in accordance with section 9.6.4.~~

~~(h) Stair risers, guards, treads, and tread nosing. The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ³/₄" riser for newly constructed stairs in one and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least ³/₄" but not more than 1 ¹/₄" in depth for newly constructed one and two family dwellings.~~

~~New smoke alarm installations must use photoelectric technology.~~

~~Further, in new single or multiple-station smoke alarm installations in buildings subject to NFPA 101, Chapter 31, the primary power source must be the building's electrical service and the smoke alarms must be provided with a secondary (standby) power source. Therefore, the following sections shall be deleted:~~

~~Section 31.3.4.5.2~~

~~Section 31.3.4.5.4~~

~~(j) Section 7.2.2.5.5 is amended as follows:~~

- ~~7.2.2.5.5 Exit Stair Path Markings. Exit stair path marking shall be installed for all new high-rise buildings in accordance with 7.2.2.5.5.1 through 7.2.2.5.5.11.~~
- ~~(k) Annex B, Elevators for Occupant-Controlled Evacuation Prior to Phase I Emergency Recall Operations, is hereby incorporated by reference.~~
- ~~(l) All residential occupancies, and all new multiple occupancies containing parking structures shall be protected in accordance with NFPA 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment, 2009 edition.~~
- ~~(m) The provisions of the Life Safety Code shall apply to all rental units as that phrase is defined in Portland City Code Chapter 6, §6-151.~~
- ~~(n) Inspections. The authority having jurisdiction, upon proper identification, shall have the right to enter at any and all reasonable times for the purpose of inspecting in order to determine compliance with the provision of this Life Safety Code into or upon any of the following premises: any rental unit subject to registration under section 6-151; any premises subject to this article, with the exception of premises subject to Chapter 24 of NFPA 101; any premises when any governmental agency having jurisdiction over a particular premises should request it to do so; or any premises in response to a complaint regarding conditions governed by this Chapter. It shall be a violation of this article for any person either to interfere with or to prevent such inspection.~~
- ~~(o) Appeals. Appeals shall be governed by Chapter 10, Article III, Enforcement and Appeals, §10-23 of the Portland City Code.~~
- ~~(p) All new buildings shall comply with the authority having jurisdiction's Standards for Building, Stair, Floor, Suite and Room designation system.~~
- ~~(q) Existing buildings shall comply with the authority having jurisdiction's Standards for Building, Stair, Floor, Suite and Room designation system where~~

~~practicable as determined by the authority having jurisdiction.~~

- ~~(r) Section 4.6.4.3. Rehabilitation projects in buildings or structures shall not be considered historic buildings under the provisions of this Code by this fact alone. The provisions of section 43.10 shall apply to buildings or structures designated or eligible for designation or located within a historic district if deemed necessary by the Department of Planning and Urban Development or as required by Article IX of the Portland City Code or to comply with the Secretary of the Interior Standards for Historic Preservation under federal or state review requirements.~~

Sec. 10-4. Reserved. ~~Special Hazard Dwelling Units.~~

~~— (a) The following shall be located on-site in special hazard dwelling unit(s) in a fire resistant container and in a location fully accessible by the authority having jurisdiction at all times:~~

~~(1) A detailed floor plan depicting the existing conditions of the building and, if available, a full set of building blueprints; and~~

~~(2) Sufficient master keys to the building, as determined by the authority having jurisdiction; and~~

~~(3) A list of special hazards within the building; and~~

~~(4) Emergency contact information and location of any occupants requiring special assistance in the event of an emergency; and~~

~~(5) Plans for new special hazard structures shall be filed with the authority having jurisdiction in an approved electronic format.~~

~~(6) An approved sign shall be provided in a location approved by the authority having jurisdiction indicating the current building owner, property management company, or condominium association responsible for the building; and legal mailing address and phone number of said entity.~~

~~(b) Low proximity signage, identifying the number of each dwelling unit by number or letter or both, shall be installed on each access door as follows: The bottom of the sign shall be at~~

~~least six (6) inches but not more than eight (8) inches above the floor. Letters and numerals shall be retro reflective, three (3) inches high and comply with 7.10.8.2 of the Life Safety Code.~~

...

ARTICLE II. FIRE CODE

Sec. 10-16. Adoption of National Fire Protection Association 1: Fire Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain code known as the National Fire Protection Association (NFPA) 1: Fire Code (hereinafter referred to as the Fire Code) recommended by the National Fire Protection Association, being particularly the ~~2009-2018~~ edition thereof and the whole thereof, and except for such portions as are ~~added to,~~ deleted, modified or amended by section 10-18, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

...

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Fire Code as unnumbered sections, and shall amend any provisions of the Fire Code to the contrary:

(1) "In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Fire Code, in the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction in consultation with the City Manager and Corporation Counsel."

(2) All structures with a fire alarm system or fire suppression system shall be provided with a Knox box(es). The number, make and model and location of the

box(es) shall be determined and approved by the authority having jurisdiction. All keys required to operate the life safety signaling or fire suppression systems, and building keys, shall be placed within this box.

(b) The following shall be added to section 1.7.7.1:

It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(ca) Section 1.10 (Board of Appeals) ~~shall be~~ deleted.

~~(b) In addition to the requirements of 18.2.3.4, fire department access roads shall comply with the standards set forth in the City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards).~~

(de) Section 1.12.27 is ~~amended to read~~deleted and replaced as follows:

"All applications for a permit required by the Fire and Life Safety codes shall be filed electronically ~~with-in the manner, and in such form and detail, as~~ the authority having jurisdiction ~~in such form and detail as it~~ shall prescribe. Applications for permits shall be accompanied by ~~such~~ plans and other documentation in an approved electronic format, as required by the authority having jurisdiction. ~~In addition to the foregoing, the following must be submitted to the authority having jurisdiction prior to the issuance of the permit: state license and proof of insurance for blasting permits or fireworks permits; and documentation of code-specific fire inspection for any required permit.~~

(e) The introductory sentence to 1.12.8 is deleted and replaced as follows:

"In addition to the permits required by the Life Safety Code, the authority having jurisdiction shall have the authority to issue permits for any of the activities identified in Tables 1.12.7(a), (b), (c) and (d) and the operations listed below.

Permits for the following operations and materials, as described in Tables 1.12.7(a), (b), (c) and (d) shall be required and shall have the following fees:

Permit <u>Operations and Materials</u>	Fire Prevention Code Section	Permit Fee
Application for <u>Spraying or dipping of f</u> Flammable f <u>Finishes</u>	1.12.7	\$174.00 (A <u>D</u>)
<u>Aircraft fuel servicing</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Aircraft refueling vehicles</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Automotive fuel servicing</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Carnivals and fairs</u>		<u>\$141.00 (A)</u>
<u>Commercial rubbish-handling operation (formerly Bulk Waste Storage)</u>	1.12.7	\$174.00 (A <u>D</u>)
Certificate of Fitness for Fire Alarm Service and Installation Company	1.12.7	\$250.00 each
Cutting and w <u>Welding operations (Permanent Facilities)</u>	1.12.7	\$65.00 (D)
Dry <u>C</u> -Cleaning Plants	1.12.7	\$65.00 (A <u>D</u>)
Fire Alarm Inspections Sticker	1.12.7	\$25.00 each

Fireworks Display fireworks (also Flame effects and Pyrotechnics before a proximate audience)	1.12.7	\$141.00 (B) , (C) , (D) **
<u>Flame effects</u>		See <u>Display fireworks</u>
Flammable and combustible liquids, (other than motor fuel dispensing)	1.12.7	\$174.00* (A)
<u>Tier I</u> H azardous materials	1.12.7	\$65.00 (A) , (E)
Tier II h azardous Materials	1.12.7	\$263.00 (A) , (F)
Hot work -(Temporary)	1.12.7	\$ 174.00 25.00 (B)
<u>Liquified Petroleum Gasses</u>		<u>\$174.00 (A)</u>
<u>Marine craft fuel servicing</u>		See <u>Motor fuel dispensing and refueling</u>
<u>Marijuana growing, processing, or extraction facilities</u>		<u>TBD (G)</u>
Motor f Fuel d Dispensing and r Refueling (also <u>Aircraft fuel servicing and vehicles; Automotive fuel servicing; and Marine craft fuel servicing</u>)	1.12.7	\$174.00 (A)
<u>Pyrotechnics before a proximate audience</u>		See <u>Display fireworks</u>

<u>Operations and Materials</u>	<u>Permit Required</u>	<u>Cross Reference Section Number</u>	<u>Permit Fee</u>
<u>Blasting operations</u> <u>1) > 50 cu. yds.</u> <u>2) Utility trench</u> <u>3) 50-300 cu. yds.</u> <u>4) 300+ cu. yds.</u>	<u>For blasting operations.</u>		<u>1) \$50 (B), (D)</u> <u>2) \$50 (B), (D)</u> <u>3) \$100 (B), (D)</u> <u>4) \$500 (B), (D)</u>
<u>Certificate of Fitness for Fire Alarm Service and Installation Company</u>	<u>To engage in the business of fire alarm service and installation</u>	<u>1.13.1(3)</u>	<u>\$250.00 each</u>

Special Type Dispensing Systems, other than Flammable or Combustible Liquids	1.12.7	\$174.00 (A) (D)
Repair Garages and Service Stations	1.12.7	\$174.00 (A)
<u>Lumber Yards and woodworking plants (formerly Woodworking and Lumber Storage Plants)</u>	1.12.7	\$174 109.00 (D)

(f) Table 1.12.7(a) shall be amended to add the following:

<u>Certificate of fitness for special hazards systems</u>	<u>To engage in the business of special hazards system service and installation</u>	<u>1.13.1(3)</u>	<u>\$250 each</u>
<u>Certificate of fitness for marijuana growing, processing or extraction facilities</u>	<u>TBD</u>	<u>1.13.1(3)</u>	<u>TBD (G)</u>
<u>Fire Alarm Inspections Sticker</u>	<u>Acquisition and application of fire alarm inspection stickers</u>	<u>1.12.7</u>	<u>\$25.00 each</u>
<u>Special Type Dispensing Systems, other than Flammable or Combustible Liquids</u>		<u>Private and Special Laws of 1917, Chapter 160</u>	<u>\$174.00 (A)</u>

(A) Application and license issued through Permitting and Inspections Department after Fire Department review.

(B) Application and license issued directly through the Fire Department.

(C) Equal to fee charged by state.

(D) State license and proof of insurance required.

(E) For quantities of hazardous materials at or above the levels specified in Table 1.12.8, but below the levels required to be reported to the State of Maine.

(F) For quantities of hazardous materials at or above the levels required to be reported to the State of Maine.

(G) No permits may be issued until the City Council adopts licensing for marijuana uses.

~~License from Permitting and Inspections Department required, see: Private and Special Laws of 1917, Chapter 160.~~

~~Imposed by state statutes.~~

~~Building permit required.~~

~~Application and license issued through Permitting and Inspections Department after Fire Department review.~~

~~**Equal to fee charged by state~~

~~(d) Section 3.3.114 shall be amended to include the following:~~

~~— "In the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, not to exceed seven (7) days, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections."~~

(g) Section 13.3.1.2 is amended to add the following:

The authority having jurisdiction shall have power to modify the water supply requirements of this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, provided such amended requirements shall not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine."

(h) Subsections 13.3.2.5.3(3) and (4) shall be deleted.

(i) Section 13.3.2.6.3, shall be deleted.

(j) In addition to the requirements of 18.2.3, fire department access roads shall comply with the standards set forth

in the City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards).

(k) In addition to the requirements of Section 18.3, fire hydrants shall comply with the standards set forth in the City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards).

(l) Section 33.1.1 shall be deleted and replaced with the following:

Storage of more than 100 tires outside shall be in accordance with Chapter 33.

(m) The title of Section 33.2.1 shall be deleted and replaced with the following:

Outside Tire Storage Sites and Piles.

(n) Section 33.2.1.1 shall be deleted and replaced with the following:

Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft³ (232 m²).

(o) Section 33.2.1.2 shall be deleted and replaced with the following:

The dimension of tire storage piles shall not exceed 10 ft (3 m) in height, 30 ft (9 m) in width, and 30 ft (9 m) in length.

(p) Section 33.2.2 shall be deleted.

(q) Section 33.2.2.1 shall be deleted.

(r) Section 33.2.2.2 shall be deleted.

(s) Section 33.2.2.3 shall be deleted.

(t) Section 33.2.2.4 shall be deleted.

(u) Annex E, Fire Fighter Safety Building Marking System is adopted.

~~(e) Unvented fuel-fired heaters shall not be installed~~

~~and/or used in buildings other than one-family occupancies. Therefore, the following sections shall be deleted:~~

- ~~Section 20.2.3.5~~
- ~~Section 20.2.4.5~~
- ~~Section 20.3.2.1~~
- ~~Section 20.8.2.6~~
- ~~Section 20.9.2.2~~
- ~~Section 20.10.2~~
- ~~Section 20.11.2~~

~~(f) Sections 13.3.2.5.3(3) and (4) and 13.3.2.6.3, shall be deleted.~~

~~(g) Section 13.3.1.2.1 is amended to add the following:~~

~~"The authority having jurisdiction shall have power to amend the water supply requirements of section 13.3.1.2 for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, provided such amended requirements shall not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine."~~

~~(h) All structures with a life safety signaling system or fire suppression system shall be provided with a Knox box(s). The number, make and model and location of the box(s) shall be determined and approved by the authority having jurisdiction. All keys required to operate the life safety signaling or fire suppression systems, and building keys, shall be placed within this box.~~

~~(i) Section 33 is amended as follows:~~

~~(1) 33.1.1 Storage of more than 100 tires outside shall be in accordance with Chapter 33.~~

~~(2) 33.2.1 Outside Tire Storage Sites and Piles.~~

~~(3) 33.2.1.1 Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft³ (232 m²).~~

~~(4) 33.2.1.2 The dimension of tire storage piles shall not exceed 10 ft (3 m) in height, 30 ft (9 m) in~~

~~width, and 30 ft (9 m) in length.~~

~~(5) Section 33.2.2; delete.~~

~~(6) Section 33.2.2.1; delete.~~

~~(7) Section 33.2.2.2; delete.~~

~~(8) Section 33.2.2.3; delete.~~

~~(9) Section 33.2.2.4; delete.~~

~~(j) The following Annexes are incorporated by reference herein:~~

~~(1) Annex I Fire Hydrant Locations and distribution, in addition to the requirements of Annex I, fire hydrants shall comply with the standards set forth in the City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards); and~~

~~(2) Annex Q Fire Fighter Safety Building Marking System.~~

Sec. 10-19. Storage of explosives and blasting agents prohibited.

Notwithstanding any provisions to the contrary in the Fire Code, ~~t~~The storage of explosives and blasting agents is hereby prohibited on the mainland.

Fireworks to be used in a City of Portland sponsored event may be stored within the City of Portland for up to forty-eight (48) hours with a permit from the authority having jurisdiction.

...

Sec. 10-21.5. Hazardous materials.

(a) Where a Tier II hazardous materials permit~~reporting~~ is required the following shall also be required in locations approved by the authority having jurisdiction:

- (1) Hazardous Materials Management Cabinet: The cabinet shall be designed for exterior installation and shall contain the Hazardous Materials Management Plan, Hazardous Materials Inventory Statement, Materials Safety Data Sheet and current valid permit. The cabinet

shall also be red and have 2" white reflective letters on the face stating "Hazardous Materials Management Plan"; and

- (2) IN addition to the requirements contained elsewhere in this Article, a Knox Box shall contain all the keys necessary for the Hazardous Materials Management Cabinet; and Knox box: The make, number and model of which shall be approved by the authority having jurisdiction and shall contain all the keys necessary for the building, the fire suppression and alarm systems and the Hazardous Materials Management Cabinet; and
- (3) Hazard Identification Signs: These signs shall be installed in accordance with NFPA 704, *Standard System for the Identification of the Hazards of Materials for Emergency Response*, 2007 edition, and be on each side of a structure fronting on a right-of-way.

ARTICLE III. ENFORCEMENT AND APPEALS.

Sec. 10-22. Rules and regulations.

The authority having jurisdiction may promulgate all reasonable rules and regulations to carry out the purposes and provisions of this Chapter~~the Life Safety and/or Fire Codes~~. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

Sec. 10-22.1. Modifications.

The authority having jurisdiction shall have power to recommend modification of any of the provisions this Chapter, including codes adopted under this Chapter, of the Fire Code and/or the Life Safety Code upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such recommended modification shall be entered upon the records of the department and a copy signed by the chief of the fire department shall be furnished to the applicant. Such modification shall become effective thirty (30) days from and after the date of the recommendation.

Sec. 10-23. Appeal.

Whenever the authority having jurisdiction shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions this Chapter, including codes adopted under this Chapter, of the Fire Code and/or the Life Safety Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the authority having jurisdiction to the Board of Appeals within thirty (30)~~ten (10)~~ business days from the decision of the authority having jurisdiction. ~~The Board of Appeals may reverse the decision of the authority having jurisdiction and permit exceptions to or variances from the specific provisions of the Fire Code and/or the Life Safety Code in cases where the enforcement of the provisions of the code would result in undue hardship, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the code in promoting public health, safety and welfare.~~

Where the authority having jurisdiction determines that a violation of this Chapter poses an immediate threat to health and safety, an appeal pursuant to this section shall not stay the obligation to correct that violation.

...

Sec. 10-25.2. Notice of condemnation and posting; order to vacate.

The authority having jurisdiction shall give notice in writing to the property owner, operator, tenant-in-charge or property management company of such condemnation and posting, and in the event such property is occupied, it shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

...

Sec. 10-25.5. Property to be secured if not improved.

If the owner, operator, tenant-in-charge or property management company of any property which has been condemned does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this Chapter, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the City may take all reasonable steps to make the property safe and secure and recoup the costs from the owner or

operator, along with a \$500 administrative fee.
(Ord. No. 25-10/11, 8-16-10)

...

Sec. 10-25.7. Responsibility hereunder may not be transferred.

No contract or agreement between owner and/or operator and occupant relating to compliance with the terms of this Chapter ~~Chapter Ten (10)~~ shall be effective in relieving any person of responsibility for compliance with the provisions of this Chapter ~~Ten (10)~~ as set forth herein.

...

Sec. 10-25.9. Reinspection.

Following the issuance of a notice of violation and an order to correct violations, the authority having jurisdiction will reinspect once for no fee in order to determine whether the violations have been corrected in compliance with this chapter. If the violations have not been corrected in compliance with this chapter, the violator shall be assessed a fee of one hundred and fifty dollars (\$150.00) for the first reinspection; three hundred dollars (\$300) for the second reinspection; and five hundred dollars (\$500) for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property and the assessment and lien shall be collected and enforced pursuant to Section ~~§~~1-16.

Sec. 10-25.~~10~~91. Conflicts.

In the event of a conflict between the provisions of the Life Safety Code, ~~and/or~~ the Fire Code, and/or this Chapter and any other provisions of any other code including, but not limited to, the City Code of Ordinances, the more restrictive code provisions shall apply.

ARTICLE IV. HYDRANTS

...

~~Sec. 10-30. Enforcement.~~

~~This article may be enforced in any manner provided in section 10-25, including without limitation, the provision for emergency entrance onto any property.~~

~~Sec. 10-31. Rules and regulations.~~

~~The fire chief may promulgate all reasonable rules and~~

~~regulations to carry out the purposes and provisions hereof. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.~~

...

ARTICLE V. RESERVED.

...

ARTICLE VI. FIRE SUPPRESSION SYSTEMS.

Sec. 10-67. Supervision.

Where another section of this chapter requires a fire suppression system to be *supervised*, it shall be monitored by an approved ~~private central supervising~~ station for supervisory, trouble, and alarm signals.

Where a fire suppression system is installed in a building having a fire alarm system, it shall be supervised by the fire alarm system.

...

ARTICLE VII. OPEN BURNING

...

Sec. 10-95. Outdoor fireplaces.

(a) No permit shall be required to burn in a fixed outdoor fireplace that has been installed and is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and National Fire Protection Association 211 (~~2016~~2010); Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(b) No permit shall be required to burn in a recreational fire appliance that is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and the manufacturer's instructions. This paragraph shall not apply to the use of an open fire ring.

(c) All outdoor fireplaces and recreational fire appliances allowed under this section must be set back at least fifteen (15) feet from all structures, combustible material, and adjacent property lines.

...

ARTICLE VIII. SIGNALING SYSTEMS FOR THE PROTECTION OF LIFE AND PROPERTY.

Sec. 10-100. Purpose; definitions.

(a) Purpose. In order to protect public safety and welfare and ensure fully operational signaling systems for the protection of life and property, it is necessary to ensure that such systems are correctly designed, installed and maintained.

(b) For purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Alarm number means any number assigned by the fire chief to a building which is connected by a fire alarm system to an approved supervising ~~private-central~~ station.

Alarm user means an owner of any building, or part thereof, that has a master box alarm system or an approved private central station, or an agent of the owner who is responsible for the building.

Approved supervising ~~private-central~~ station means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, and approved by the authority having jurisdiction.

Dispatch Center (also known as the public safety answering point "PSAP") means any place utilized by the City of Portland for the receipt, monitoring or dispatching of alarms.

False alarm means any signal emitted from an approved supervising ~~private-central~~ station or master box alarm system that is not in response to heat, smoke or fire requiring an immediate response by the fire department. "False alarm" includes any signal emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate response by the fire department is not required, or by a malfunctioning alarm system. However, "false alarm" does not include any signal emitted by an alarm system activated by unusually severe weather conditions, or other cause beyond the control of the alarm

user. In case of any dispute, it shall be the burden of the alarm user to demonstrate to the satisfaction of the fire chief that an alarm signal was not a "false alarm."

Fire chief means the chief of the City of Portland fire department or his authorized representative or designee.

Master box alarm system means any mechanism or device approved by the authority having jurisdiction, including protective signaling systems, designed for the detection of heat, smoke or fire requiring an immediate response by the fire department and which automatically emits a signal to the dispatch center.

Person means any individual, firm or corporation.

Sec. 10-101. Certain master box connections required.

The following buildings, as classified by the NFPA 101 Life Safety Code, 2018 ~~2009~~ edition, shall be connected by AES master box alarm system to the dispatch center where another section of this code requires such buildings to have a fire alarm system:

(a) *New and existing structures including the following:*

(1) Assembly occupancy~~Places of assembly~~;

(2) Educational facilities including post-secondary;

(3) Day-care facilities, excluding day-care homes;

(4) Health care facilities;

(5) Ambulatory health care facilities;

~~(6) Nursing homes;~~

~~(67)~~ Large residential board and care facilities;

~~(78)~~ Detention and correctional occupancies;

~~(89)~~ Hotels, ~~motels~~ and dormitories;

~~(10) Apartments for the elderly;~~

~~(191)~~ Mercantile occupancies;

(1012) Industrial occupancies;

(1311) High-rise buildings.

(b) *New buildings including the following:*

(1) Residential occupancies (20 or more units).

(c) The following buildings shall be connected by AES master box alarm system to the dispatch center~~either the dispatch center or an approved private central station:~~

(1) Buildings containing high hazard contents;

(2) Special structures as determined by the authority having jurisdiction~~fire chief.~~

All such buildings shall be connected to a City-approved wireless Master Box Alarm System. New buildings shall be connected to a City-approved wireless Master Box Alarm System prior to the issuance of any certificate of occupancy. Prior to January 1, 2017, all buildings required to be connected by Master Box Alarm System shall convert their existing mechanical Master Box Alarm System to a City of Portland approved wireless Master Box Alarm System.

Each master box alarm system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the fire chief.

...

~~Sec. 10-103. Central station alarm number assignments.~~

~~—(a) New assignments. Any approved private central station may apply to the fire chief on a form to be devised by him for new alarm number assignments, whether or not for buildings listed in section 2.5-26 of this article. Said application shall contain insurance and indemnification requirements as determined by the fire chief. Applications shall be acted upon as completed and received, provided, however, that nothing herein shall require the fire chief to approve any application or to provide or maintain sufficient capacity for such assignments. No assignment shall be made without prior payment of the new assignment and annual maintenance fees prescribed in this section, and unless the fire chief first finds that the central station meets all applicable operating requirements.~~

~~—— (b) Existing assignments. Any approved private central station having existing alarm number assignments, whether or not for buildings listed in section 2.5-26 of this article, shall, within thirty (30) days of written notice by the fire chief, elect in writing whether or not to retain any or all of the assignments. Any central station electing to retain any assignment shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any central station electing not to retain any assignment, and any central station failing to make an election, shall forthwith be notified in writing by the fire chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.~~

~~—— (c) Assignment and maintenance fees. The following fees shall apply to each approved private central station alarm number assignment:~~

~~(1) New assignment fee \$100.00~~

~~(2) Annual maintenance fee \$50.00~~

~~First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of the payment and the following June thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. If payment is not made within thirty (30) days thereafter, the central station shall forthwith be notified in writing by the fire chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.~~

~~—— (d) Reassignments. Any alarm number recalled pursuant to subsection (b) or (c) of this section shall not be reassigned to the central station without prior payment of the maintenance fee prescribed in this section and a reassignment fee of fifty dollars (\$50.00), except that if reassignment is not made within thirty (30) days after recall, the reassignment fee shall be the same as the new assignment fee prescribed in this section.~~

Sec. 10-104. False alarm penalties.

(a) *Third response.* Once a third false alarm at a building within any twelve-month period has been identified by the fire chief or his/her designee, the fire chief shall give written notice of the false alarm to the alarm user ~~within ten (10) business days,~~

~~and the alarm user shall file a written report with the chief within five (5) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.~~

(b) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00) per instance and shall, in the case of any equipment failure, file with the fire chief within three (3) days of notice to do so a signed statement by a qualified private alarm agent that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the fire chief describing corrective action taken, if any.

(c) *Seventh and subsequent responses.* For the seventh and subsequent false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(d) *Written notice deemed complete.* Written notice by the fire chief shall be complete upon leaving such notice at or in the property at the time of response by the fire department or by mailing such notice ~~within ten (10) business days~~ by first class mail.

Sec. 10-105. Inspections by fire chief; evidence by the property owner.

(a) The fire chief may inspect or cause to be inspected any alarm system or any building protected thereby at all reasonable times to ensure compliance with the provisions of this article.

(b) At the time of annual maintenance fee payment, the property owner shall provide to the fire chief evidence from a certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.

(c) ~~Each~~ ~~On or before December 31, 2010, each~~ fire alarm system in the City of Portland shall have a fire alarm inspection sticker affixed to the fire alarm annunciator or the fire alarm control panel if there is no fire alarm annunciator. Fire alarm inspection stickers shall be obtained from the Fire Department. Only companies approved and registered with the Fire Department shall be permitted to obtain fire alarm inspection stickers.

~~Sec. 10-106. Rules and regulations.~~

~~The fire chief may promulgate all reasonable rules and regulations to carry out the purposes and provisions hereof. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.~~
~~(Ord. No. 25-10/11, 8-16-10)~~

. . .

AMENDMENT TO ORDER ____-19/20
PREPARED BY CORPORATION COUNSEL FOR COUNCILOR BELINDA RAY

RE: _____

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. That Chapter 10 is hereby amended to read as follows:

Chapter 10 FIRE PREVENTION AND PROTECTION*

ARTICLE I. LIFE SAFETY CODE

**Sec. 10-1. Adoption of National Fire Protection Association 101:
Life Safety Code.**

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, a code known as the National Fire Protection Association (NFPA) 101: Life Safety Code (hereinafter referred to as the "Life Safety Code") recommended by the National Fire Protection Association, being particularly the 2018 edition thereof and the whole thereof, except for such portions as are added, deleted, modified or amended by section 10-3, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

...

Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is added to, amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Life Safety Code as un-numbered sections, and shall modify or replace any provisions of the Life Safety Code to the contrary:

(1) In addition to the circumstances under which a fire watch

may otherwise be required or allowed by the Life Safety Code, in the case of structures posing significant life safety risks that might result in the displacement of person(s), a fire watch, with specifications and criteria to be set by the authority having jurisdiction, may be required if said watch is approved by the authority having jurisdiction, in consultation with the City Manager and Corporation Counsel.

- (2) Where the Life Safety Code requires that a sprinkler system be installed, but permits a partial sprinkler system, a full sprinkler system shall be required such that the building is protected throughout as required by the applicable standard.
- (3) Notwithstanding any provisions to the contrary, Carbon Monoxide (CO) alarms and/or detection shall be subject to the following requirements:
 - a. The following shall be protected throughout with CO alarms and/or detectors:
 - i. Existing residential occupancies; and
 - ii. All new occupancies, other than industrial occupancies and storage occupancies.
 - b. CO alarms and/or detection shall be installed in accordance with NFPA 720, *Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment*, 2015 edition, except that:
 - i. All new construction must have CO alarms and/or detectors hardwired;
 - ii. All new CO alarm and/or detector installations, with the exception of new installations in one- or two-family dwellings, must be hardwired; and
 - iii. The authority having jurisdiction may approve new, alternative CO alarm and/or detector technology as it becomes available, so long as it provides the same amount of protection as required by this Article.
- (4) New decks or balconies with access from a common space

shall be subject to the following requirements:

- a. They shall be reviewed as a new assembly occupancy; and
 - b. An alarm notification device shall be installed at the balcony or deck level for occupant notification. The device shall operate upon activation of the fire suppression and/or detection system(s) inside the building.
- (5) Notwithstanding any provisions to the contrary, smoke alarms and/or detection shall be subject to the following additional requirements:
- a. All smoke alarms and/or detection in new construction or major renovations shall be hardwired with battery backup, shall be interconnected, and shall use photoelectric technology.
 - b. All smoke alarms and/or detection in new installations, except in existing one- and two-family dwellings shall be hardwired with battery backup and shall use photoelectric technology.
 - c. All smoke alarms and/or detection in new installations in existing one- and two-family dwellings shall either meet the requirements for new installations above, or shall be 10-year sealed lithium battery alarms using photoelectric technology.
 - d. The authority having jurisdiction may approve new, alternative smoke alarm and/or detection technology as it becomes available, so long as it provides the same amount of protection as required by this Article.
- (6) Wherever the requirements governing stairs in the Life Safety Code conflict with the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S. § 1103 (MUBEC), the provisions in MUBEC shall control.

(b) Inspections. The authority having jurisdiction, upon proper identification, shall have the right to enter at any and all reasonable times for the purpose of inspecting in order to

determine compliance with the provision of this Life Safety Code into or upon any premises subject to this article. It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(c) Section 3.3.37.8 shall be amended to read as follows:

Historic Building: A building designated a Landmark or Contributing Building within a local or National Register historic district, pursuant to Chapter 14, Article IX of the Code.

(d) Section 7.2.2.5.5 shall be amended to add the following language:

Exit stair path marking shall also be installed for all new high-rise buildings in accordance with 7.2.2.5.5.1 through 7.2.2.5.5.11.

(e) Section 9.7.1.1 shall be amended to add the following language:

The authority having jurisdiction shall have power to modify the water supply requirements of this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, and provided such requirements shall not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine.

(e) Subsections 12.3.5.3(3) and (4) shall be deleted.

(f) Subsections 13.3.5.3(1) and (2) shall be deleted.

Sec. 10-4. Reserved.

...

ARTICLE II. FIRE CODE

Sec. 10-16. Adoption of National Fire Protection Association 1: Fire Code.

There is hereby adopted for the purpose of prescribing

regulations governing conditions hazardous to life and property from fire or explosion, that a certain code known as the National Fire Protection Association (NFPA) 1: Fire Code (hereinafter referred to as the Fire Code) recommended by the National Fire Protection Association, being particularly the 2018 edition thereof and the whole thereof, and except for such portions as are added to, deleted, modified or amended by section 10-18, of which code not less than one (1) copy has been and now is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the city.

...

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Fire Code as unnumbered sections, and shall amend any provisions of the Fire Code to the contrary:

- (1) "In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Fire Code, in the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, with specifications and criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction in consultation with the City Manager and Corporation Counsel."
- (2) All structures with a fire alarm system or fire suppression system shall be provided with a Knox box(es). The number, make and model and location of the box(es) shall be determined and approved by the authority having jurisdiction. All keys required to operate the life safety signaling or fire suppression systems, and building keys, shall be placed within this box.

(b) The following shall be added to section 1.7.7.1:

It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(c) Section 1.10 (Board of Appeals) shall be deleted.

(d) Section 1.12.2 is deleted and replaced as follows:

All applications for a permit required by the Fire and Life Safety codes shall be filed electronically in the manner, and in such form and detail, as the authority having jurisdiction shall prescribe. Applications for permits shall be accompanied by plans and other documentation in an approved electronic format, as required by the authority having jurisdiction.

(e) The introductory sentence to 1.12.8 is deleted and replaced as follows:

In addition to the permits required by the Life Safety Code, the authority having jurisdiction shall have the authority to issue permits for any of the activities identified in Tables 1.12.7(a), (b), (c) and (d) and the operations listed below.

Permits for the following operations and materials, as described in Tables 1.12.7(a), (b), (c) and (d) shall be required and shall have the following fees:

POperations and Materials	C	Permit Fee
ASpraying or dipping of flammable finishes	1	\$174.00 (A)
Aircraft fuel servicing		See Motor fuel dispensing and refueling
Aircraft refueling vehicles		See Motor fuel dispensing and refueling
Automotive fuel servicing		See Motor fuel dispensing and refueling
Carnivals and fairs		\$141.00 (A)

Commercial rubbish-handling operation (formerly Bulk Waste Storage)	1	\$174.00 (A)
Cutting and welding operations	1	\$65.00 (D)
Drycleaning Plants	1	\$65.00 (A)
FDisplay fireworks (also Flame effects and Pyrotechnics before a proximate audience)	1	\$141.00 (B), (C), (D)
Flame effects		See Display fireworks
Flammable and combustible liquids, (other than motor fuel dispensing)	1	\$174.00 (A)
Tier I hazardous materials	1	\$65.00 (A), (E)
Tier II hazardous Materials	1	\$263.00 (A), (F)
Hot work	1	\$174.00 (B)
Liquified Petroleum Gasses		\$174.00 (A)
Marine craft fuel servicing		See Motor fuel dispensing and refueling
Marijuana growing, processing, or extraction facilities		TBD (G)

Operations and Materials	Permit Required	Cross Reference Section Number	Permit Fee
Blasting operations 1) > 50 cu. yds. 2) Utility trench 3) 50-300 cu. yds. 4) 300+ cu. yds.	For blasting operations.		1) \$50 (B), (D) 2) \$50 (B), (D) 3) \$100 (B), (D) 4) \$500 (B), (D)

Motor fuel dispensing and refueling (also Aircraft fuel servicing and vehicles; Automotive fuel servicing; and Marine craft fuel servicing)	1	\$174.00 (A)
Pyrotechnics before a proximate audience		See Display fireworks
Repair Garages and Service Stations	1	\$174.00 (A)
Lumber Yards and woodworking plants (formerly Woodworking and Lumber Storage Plants)	1	\$174.00 (D)

(f) Table 1.12.7(a) shall be amended to add the following:

Certificate of Fitness for Fire Alarm Service and Installation Company	To engage in the business of fire alarm service and installation	1.13.1(3)	\$250.00 each
Certificate of fitness for special hazards systems	To engage in the business of special hazards system service and installation	1.13.1(3)	\$250 each
Certificate of fitness for marijuana growing, processing or extraction facilities	TBD	1.13.1(3)	TBD (G)
Fire Alarm Inspections Sticker	Acquisition and application of fire alarm inspection stickers	1.12.7	\$25.00 each
Special Type Dispensing Systems, other than Flammable or Combustible Liquids		Private and Special Laws of 1917, Chapter 160	\$174.00 (A)

(A) Application and license issued through Permitting and Inspections Department after Fire Department review.

(B) Application and license issued directly through the Fire Department.

(C) Equal to fee charged by state.

- (D) State license and proof of insurance required.
- (E) For quantities of hazardous materials at or above the levels specified in Table 1.12.8, but below the levels required to be reported to the State of Maine.
- (F) For quantities of hazardous materials at or above the levels required to be reported to the State of Maine.
- (G) No permits may be issued until the City Council adopts licensing for marijuana uses.

- (g) Section 13.3.1.2 is amended to add the following:

The authority having jurisdiction shall have power to modify the water supply requirements of this section for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, provided such amended requirements shall not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine."

- (h) Subsections 13.3.2.5.3(3) and (4) shall be deleted.

- (i) Section 13.3.2.6.3, shall be deleted.

(j) In addition to the requirements of 18.2.3, fire department access roads shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

(k) In addition to the requirements of Section 18.3, fire hydrants shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

- (l) Section 33.1.1 shall be deleted and replaced with the following:

Storage of more than 100 tires outside shall be in accordance with Chapter 33.

(m) The title of Section 33.2.1 shall be deleted and replaced with the following:

Outside Tire Storage Sites and Piles.

(n) Section 33.2.1.1 shall be deleted and replaced with the following:

Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft³ (232 m²).

(o) Section 33.2.1.2 shall be deleted and replaced with the following:

The dimension of tire storage piles shall not exceed 10 ft (3 m) in height, 30 ft (9 m) in width, and 30 ft (9 m) in length.

(p) Section 33.2.2 shall be deleted.

(q) Section 33.2.2.1 shall be deleted.

(r) Section 33.2.2.2 shall be deleted.

(s) Section 33.2.2.3 shall be deleted.

(t) Section 33.2.2.4 shall be deleted.

(u) Annex E, Fire Fighter Safety Building Marking System is adopted.

Sec. 10-19. Storage of explosives and blasting agents prohibited.

Notwithstanding any provisions to the contrary in the Fire Code, the storage of explosives and blasting agents is hereby prohibited on the mainland.

Fireworks to be used in a City of Portland sponsored event may be stored within the City of Portland for up to forty-eight (48) hours with a permit from the authority having jurisdiction.

...

Sec. 10-21.5. Hazardous materials.

(a) Where a Tier II hazardous materials permit is required the following shall also be required in locations approved by the

authority having jurisdiction:

- (1) Hazardous Materials Management Cabinet: The cabinet shall be designed for exterior installation and shall contain the Hazardous Materials Management Plan, Hazardous Materials Inventory Statement, Materials Safety Data Sheet and current valid permit. The cabinet shall also be red and have 2" white reflective letters on the face stating "Hazardous Materials Management Plan"; and
- 2) IN addition to the requirements contained elsewhere in this Article, a Knox Box shall contain all the keys necessary for the Hazardous Materials Management Cabinet; and
- (3) Hazard Identification Signs: These signs shall be installed in accordance with NFPA 704, *Standard System for the Identification of the Hazards of Materials for Emergency Response*, 2007 edition, and be on each side of a structure fronting on a right-of-way.

ARTICLE III. ENFORCEMENT AND APPEALS.

Sec. 10-22. Rules and regulations.

The authority having jurisdiction may promulgate all reasonable rules and regulations to carry out the purposes and provisions of this Chapter. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

Sec. 10-22.1. Modifications.

The authority having jurisdiction shall have power to recommend modification of any of the provisions this Chapter, including codes adopted under this Chapter, upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such recommended modification shall be entered upon the records of the department and a copy signed by the chief of the fire department shall be furnished to the applicant. Such modification shall become effective thirty (30) days from and after the date of the recommendation.

Sec. 10-23. Appeal.

Whenever the authority having jurisdiction shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions this Chapter, including codes adopted under this Chapter, do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the authority having jurisdiction to the Board of Appeals within thirty (30) business days from the decision of the authority having jurisdiction.

Where the authority having jurisdiction determines that a violation of this Chapter poses an immediate threat to health and safety, an appeal pursuant to this section shall not stay the obligation to correct that violation.

...

Sec. 10-25.2. Notice of condemnation and posting; order to vacate.

The authority having jurisdiction shall give notice in writing to the property owner, operator, tenant-in-charge or property management company of such condemnation and posting, and in the event such property is occupied, it shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

...

Sec. 10-25.5. Property to be secured if not improved.

If the owner, operator, tenant-in-charge or property management company of any property which has been condemned does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this Chapter, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the City may take all reasonable steps to make the property safe and secure and recoup the costs from the owner or operator, along with a \$500 administrative fee.

(Ord. No. 25-10/11, 8-16-10)

...

Sec. 10-25.7. Responsibility hereunder may not be transferred.

o contract or agreement between owner and/or operator and occupant relating to compliance with the terms of this Chapter shall be effective in relieving any person of responsibility for compliance with the provisions of this Chapter as set forth herein.

...

Sec. 10-25.9. Reinspection.

Following the issuance of a notice of violation and an order to correct violations, the authority having jurisdiction will reinspect once for no fee in order to determine whether the violations have been corrected in compliance with this chapter. If the violations have not been corrected in compliance with this chapter, the violator shall be assessed a fee of one hundred and fifty dollars (\$150.00) for the first reinspection; three hundred dollars (\$300) for the second reinspection; and five hundred dollars (\$500) for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property and the assessment and lien shall be collected and enforced pursuant to Section 1-16.

Sec. 10-25.91. Conflicts.

In the event of a conflict between the provisions of the Life Safety Code, the Fire Code, and/or this Chapter and any other provisions of any other code including, but not limited to, the City Code of Ordinances, the more restrictive code provisions shall apply.

ARTICLE IV. HYDRANTS

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...

ARTICLE V. RESERVED.

...

ARTICLE VI. FIRE SUPPRESSION SYSTEMS.

Sec. 10-67. Supervision.

Where another section of this chapter requires a fire suppression system to be *supervised*, it shall be monitored by an approved supervising station for supervisory, trouble, and alarm

signals.

Where a fire suppression system is installed in a building having a fire alarm system, it shall be supervised by the fire alarm system.

...

ARTICLE VII. OPEN BURNING

...

Sec. 10-95. Outdoor fireplaces.

(a) No permit shall be required to burn in a fixed outdoor fireplace that has been installed and is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and National Fire Protection Association 211 (2016); Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(b) No permit shall be required to burn in a recreational fire appliance that is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and the manufacturer's instructions. This paragraph shall not apply to the use of an open fire ring.

(c) All outdoor fireplaces and recreational fire appliances allowed under this section must be set back at least fifteen (15) feet from all structures, combustible material, and adjacent property lines.

...

ARTICLE VIII. SIGNALING SYSTEMS FOR THE PROTECTION OF LIFE AND PROPERTY.

Sec. 10-100. Purpose; definitions.

(a) Purpose. In order to protect public safety and welfare and ensure fully operational signaling systems for the protection of life and property, it is necessary to ensure that such systems are correctly designed, installed and maintained.

(b) For purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Alarm number means any number assigned by the fire chief to a building which is connected by a fire alarm system to an approved supervising station.

Alarm user means an owner of any building, or part thereof, that has a master box alarm system or an approved private central station, or an agent of the owner who is responsible for the building.

Approved supervising station means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, and approved by the authority having jurisdiction.

Dispatch Center (also known as the public safety answering point "PSAP") means any place utilized by the City of Portland for the receipt, monitoring or dispatching of alarms.

False alarm means any signal emitted from an approved supervising station or master box alarm system that is not in response to heat, smoke or fire requiring an immediate response by the fire department. "False alarm" includes any signal emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate response by the fire department is not required, or by a malfunctioning alarm system. However, "false alarm" does not include any signal emitted by an alarm system activated by unusually severe weather conditions, or other cause beyond the control of the alarm user. In case of any dispute, it shall be the burden of the alarm user to demonstrate to the satisfaction of the fire chief that an alarm signal was not a "false alarm."

Fire chief means the chief of the City of Portland fire department or his authorized representative or designee.

Master box alarm system means any mechanism or device approved by the authority having jurisdiction, including protective signaling systems, designed for the detection of heat, smoke or fire requiring an immediate response by the fire department and which automatically emits a signal to the dispatch center.

Person means any individual, firm or corporation.

Sec. 10-101. Certain master box connections required.

The following buildings, as classified by the NFPA 101 Life Safety Code, 2018 edition, shall be connected by AES master box alarm system to the dispatch center where another section of this code requires such buildings to have a fire alarm system:

(a) *New and existing structures including the following:*

- (1) Assembly occupancy;
- (2) Educational facilities including post-secondary;
- (3) Day-care facilities, excluding day-care homes;
- (4) Health care facilities;
- (5) Ambulatory health care facilities;
- (
- (6) Large residential board and care facilities;
- (7) Detention and correctional occupancies;
- (8) Hotels and dormitories;
- (9) Mercantile occupancies;
- (10) Industrial occupancies;
- (11) High-rise buildings.

(b) *New buildings including the following:*

- (1) Residential occupancies (20 or more units).

(c) The following buildings shall be connected by AES master box alarm system to the dispatch center:

- (1) Buildings containing high hazard contents;
- (2) Special structures as determined by the authority having jurisdiction.

11 such buildings shall be connected to a City-approved wireless

Master Box Alarm System.

Each master box alarm system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the fire chief.

...

Sec. 10-104. False alarm penalties.

(a) *Third response.* Once a third false alarm at a building within any twelve-month period has been identified by the fire chief or his/her designee, the fire chief shall give written notice of the false alarm to the alarm user.

(b) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00) per instance and shall, in the case of any equipment failure, file with the fire chief within three (3) days of notice to do so a signed statement by a qualified private alarm agent that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the fire chief describing corrective action taken, if any.

(c) *Seventh and subsequent responses.* For the seventh and subsequent false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(d) *Written notice deemed complete.* Written notice by the fire chief shall be complete upon leaving such notice at or in the property at the time of response by the fire department or by mailing such notice by first class mail.

Sec. 10-105. Inspections by fire chief; evidence by the property owner.

(a) The fire chief may inspect or cause to be inspected any alarm system or any building protected thereby at all reasonable times to ensure compliance with the provisions of this article.

(b) At the time of annual maintenance fee payment, the property owner shall provide to the fire chief evidence from a

certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.

(c) Each fire alarm system in the City of Portland shall have a fire alarm inspection sticker affixed to the fire alarm annunciator or the fire alarm control panel if there is no fire alarm annunciator. Fire alarm inspection stickers shall be obtained from the Fire Department. Only companies approved and registered with the Fire Department shall be permitted to obtain fire alarm inspection stickers.

...

MEMORANDUM

TO: City Council; Mayor Strimling
CC: Jon Jennings, City Manager
FROM: Keith Gautreau, Fire Chief; Anne Torregrossa, Associate Corporation Counsel
DATE: September 20, 2019
RE: Changes to Chapter 10 to adopt NFPA 2018 Codes

As part of Chapter 10 of the Code of Ordinances, the City has adopted the model codes by the National Fire Protection Association (NFPA), specifically the *Life Safety Code* (NFPA 101), and the *Fire Code* (NFPA 1). Currently, the City has adopted the 2009 versions of both NFPA 101 and 1, and staff is proposing to update these to the 2018 versions of both codes. It bears noting that the State Fire Marshal's Office is also working on updating to the 2018 codes, but has not yet done so.

Both NFPA 101 and 1 update some of the fire and life safety requirements. However, NFPA 1 also includes a new chapter (Chapter 38) that governs growing and processing of marijuana, including fire protection systems, ventilation, fumigation, equipment verification, and other requirements. Once adopted, this will provide an excellent starting point for ensuring that marijuana growing and processing operations are done safely.

In addition to the updated NFPA codes, we are also proposing some updates to the rest of Chapter 10, as well as some reorganization to make sure that the provisions were clearer and more usable. Many of the redlines in the proposed order are due to reorganization and clarification than to substantive changes. The list below explains the substantive changes.

ARTICLE I. LIFE SAFETY CODE (NFPA 101)

- 10-3(a)(2)** NEW. This provision will require that an individual install a full sprinkler system, where the NFPA codes might otherwise permit a partial sprinkler system. In part, this will address a discrepancy where the State Fire Marshal's Office will not grant a sprinkler permit for a partial sprinkler system.
- 10-3(a)(3)** UPDATED. Clarifies current requirements for CO alarms, and aligns them with the requirements for smoke alarms. This requires all new CO alarms to be hardwired, other than in one- and two-family dwellings. Also updates to the 2015 NFPA code that governs CO alarms.
- 10-3(a)(4)** NEW. This provision ensures that balconies, decks, and similar spaces that serve multiple units or businesses are sufficiently protected. This does not apply to single-unit balconies or decks. This clarifies the City's existing interpretation of the NFPA codes.

- 10-3(a)(5)** UPDATED. Clarifies requirements for smoke alarms, and aligns them with the requirements for CO alarms.
- 10-3(a)(6)** UPDATED. The City is required to adopt and follow the state-adopted building code (MUBEC). The provisions governing stairs in the Life Safety Code currently conflict with the MUBEC requirements, and this makes it clear that MUBEC controls.
- 10-3(b)** UPDATED. Aligns language with Chapter 6 to remain consistent with Housing Safety and Code Officer ability to inspect. Also aligns with inspection rights under NFPA 1 and state law.
- Former 10-3(f)** DELETED. Deleting this section will bring the City back into conformity with the suggested provisions of the Life Safety Code to require that a one- or two-family dwelling be sprinkled whenever there is a major renovation (more than 50%). This is consistent with the City's policy that one- and two-family homes must be sprinkled.

ARTICLE II. FIRE CODE (NFPA 1)

- 10-18(b)** NEW. The language about refusal to allow inspections mirrors the language that currently applies for inspections under NFPA 101 and state statute.
- 10-18(e), (f)** New and updated permits include:
- Carnivals and fairs – NEW fee to cover events that would not otherwise receive a permit or life safety review. Suggested permit fee is \$141.00 to track similar permits.
 - Hot works – UPDATED. Currently, hot works permits are supposed to be pulled each time someone engages in hot works operations (per day). Compliance with this scheme is fairly low, meaning that there is little accountability for proper hot works procedures. Staff proposes to make this an annual fee and to update the fee schedule to reflect this. The fee is increasing from \$25 per day to \$174 per year to be consistent with other yearly permits
 - Liquefied Petroleum Gasses – NEW. This would be a new permit, although the City has historically had one permit issued. Staff proposes a \$174.00 permit fee to be consistent with other fees.
 - Marijuana growing, processing, or extraction facilities – When this ordinance was initially drafted, the City was not as far along with their planning for licensing marijuana businesses. Staff supports the proposed amendment to remove this permit, as the costs of the Fire Department inspections and review will be covered by the licensing fee.
 - Certificate of fitness for special hazards systems – At the time of drafting, the City identified a need for certifying technicians working on special hazards systems (hoods, etc.) to ensure that they are qualified to perform the work. Staff

supports the proposed amendment removing this certificate from Chapter 10. The Fire Department still intends to implement such a certification program, but will do so through its rules, and at no charge to the technicians.

- Certificate of fitness for marijuana facilities – At the time of drafting, the City identified a need for certifying engineers who are signing off on complicated marijuana processing systems to ensure that they have experience with such systems and are qualified to perform the work. Staff supports the proposed amendment removing this certificate from Chapter 10. The Fire Department still intends to implement such a certification program, but will do so through its rules, and at no charge to the engineers being certified.

ARTICLE III. ENFORCEMENT AND APPEALS

- 10-23** UPDATED. This updates the appeal provisions to align them with the appeal rights under Chapter 6 (housing and building), including increasing the appeal period from 10 days to 30 days. It also removes the authority of the Zoning Board of Appeals to allow exceptions to Chapter 10 requirements where it would impose an undue hardship. There are currently no standards for what an undue hardship would qualify for an exception, and the Zoning Board of Appeals may not have the technical expertise to evaluate the impacts on fire and life safety.

For violations that pose an immediate threat to health and safety, it would be problematic to allow a 30-day appeal period during which the violations remain outstanding. This language adds a provision that an appeal does not excuse the obligation to remedy such violations.

- 10-25.5** UPDATED. The added language allows the Fire Department to secure a building, after notice to the owner and an opportunity to correct. It also allows the Fire Department to collect a \$500 administrative fee for doing so. This language mirrors that in Chapter 6 allowing the building authority to secure properties in the same manner and collect the same fee.

- 10-25.9** UPDATED. The added language provides for progressively increasing reinspection fees where violations have not been corrected. This mirrors the escalating reinspection fees provided in Chapter 6 for the building authority.

ARTICLE VIII. FIRE SUPPRESSION SYSTEMS

- 10-104** UPDATED. The time requirements for the Chief's notice and the owner's response has been deleted, but the requirement for a warning in writing has been retained. These timeframes are difficult to track, and owners often have notification on scene anyway.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 9, 2019

SUBJECT: **Order 60-19/20 Approving Traffic Schedule Amendment Re: Two-hour Parking on Waterville Street - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

PRESENTATION:

I. SUMMARY

The Department of Public Works requests City Council approval to amend the Traffic Schedule to convert the existing unrestricted parking spaces on both sides of Waterville Street to 2-hour time-restricted parking spaces between 9am and 6pm.

II. AGENDA DESCRIPTION

Waterville Street extends from Monument Street to Fore Street and is two-way with unrestricted parking on both sides of the street, except during weekly street cleaning events. The requested Council action would amend the Traffic Schedule to change unrestricted parking to two-hour parking between 9:00 a.m. and 6:00 p.m. for the entire length of Waterville Street. A map is included in the agenda backup.

This item must be read on two separate days. It was given a first reading on October 7, 2019. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The residents of Waterville Street have requested shorter term parking to allow for more turnover and to provide more options for residents. Staff met with several residents in the field who explained that they've seen more and more vehicles parking on Waterville Street for extended periods of time. (See attached petition)

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result of this conversion is to provide parking turnover to this section of on street parking.

V. FINANCIAL IMPACT

The financial impact will be approximately \$1000 for staff time, \$1000 in materials, and the required DigSafe fees related to the installation of signage.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

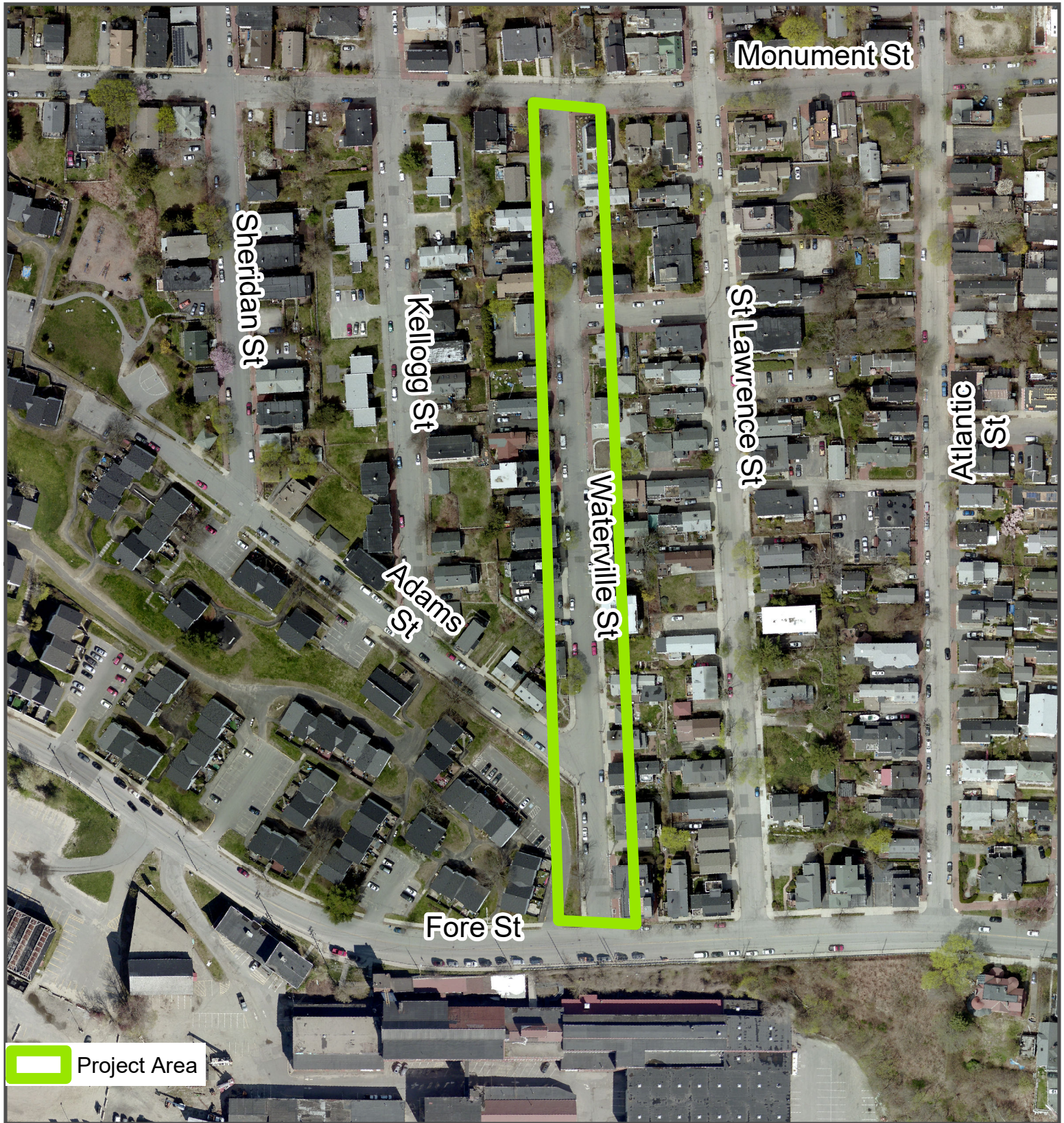
DPW staff, with support from the Parking Division, recommend this change.

VIII. LIST ATTACHMENTS

1. 1.Waterville_Street_Parking
2. 2.Petition_ParkingPermit_WatervilleSt_Opt

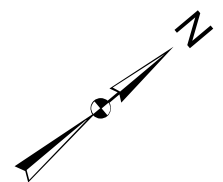
Prepared by:

Date: 10/9/2019

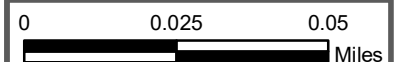


Waterville St Parking Changes

CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD, PORTLAND, MAINE 04103
PHONE (207) 874-8846 FAX (207) 874-8852



August 22, 2019



Petition for Time Limited Parking

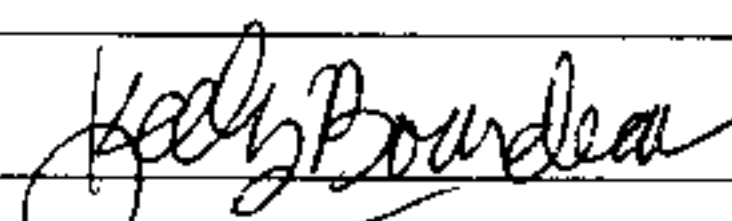
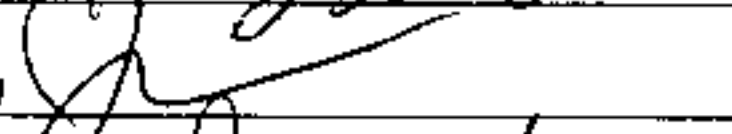
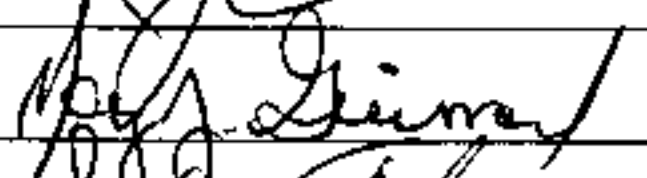
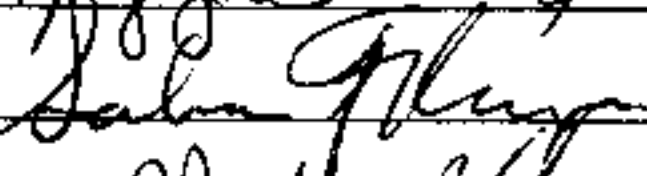
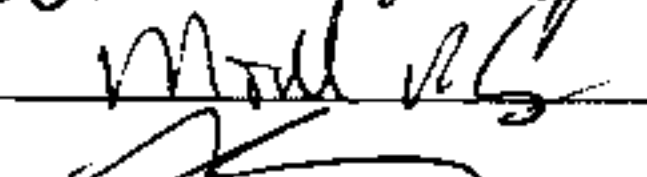
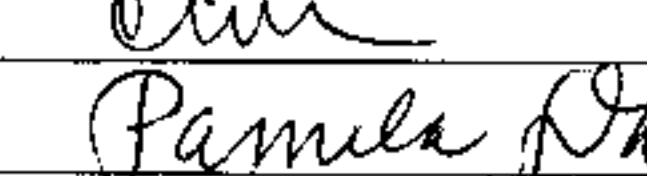
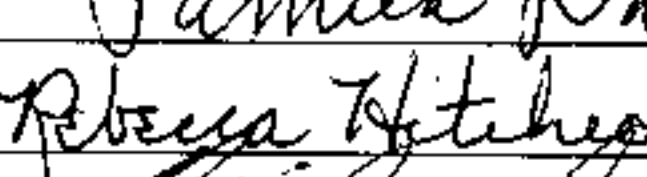
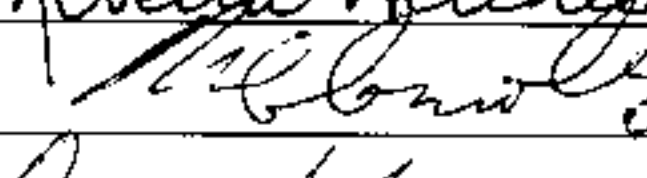
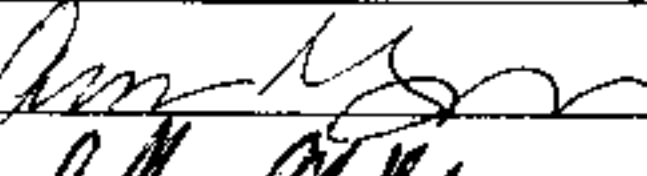
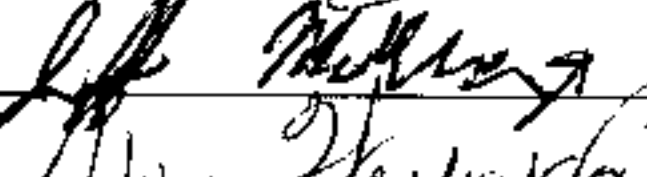
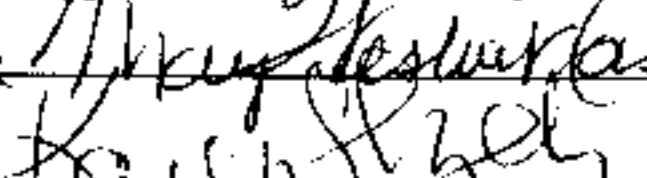
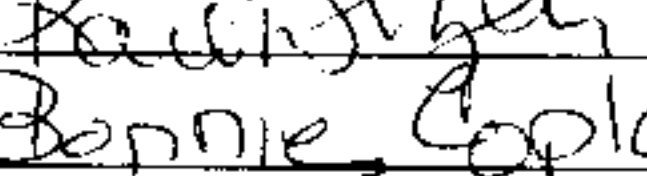
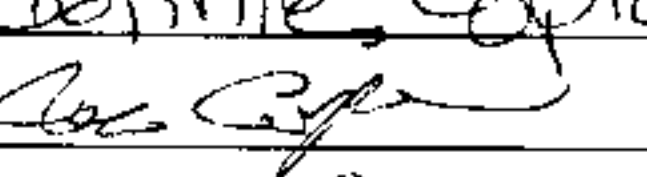
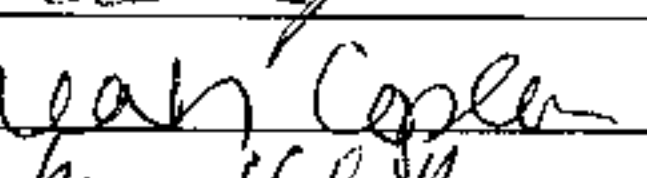
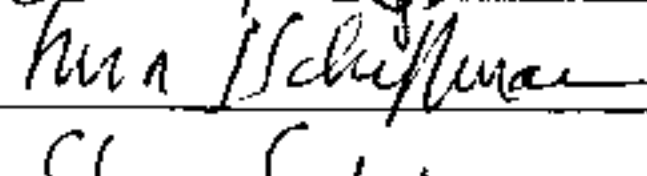
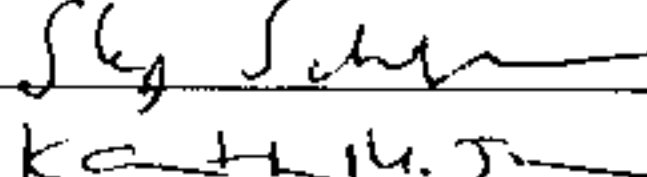
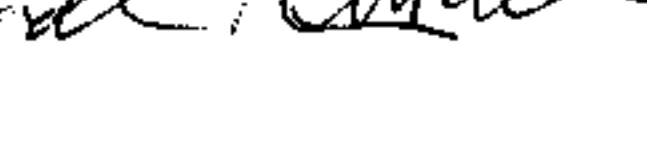
We, the undersigned, hereby petition the Portland City Council to implement time limited parking on:

Waterville Street

Name of Street or Portion of Street

We further state that:

1. Each signer is at least eighteen (18) years old; and
2. A resident or property owner on the specified street; and
3. Mary Westcott Casale, who has a mailing address of: 39 Waterville St
Portland Me, will act as a primary contact for future notifications.

NAME	SIGNATURE	ADDRESS	DATE	"X" IF OWNER
Kelly Bourdeau		17 Waterville St	Aug 5, 2018	X
Jacob Bourdeau		Same	8/5/18	X
Nancy J. Guimond		13 WATERVILLE ST.	8/5/18	
Sandra Flanagan		13 WATERVILLE ST	8/5/18	X
Michael R. Curren		41 Waterville St #7	8-10-18	
Jim Sweeten		13 Waterville	8/11/18	
Courtney Metson		13 Waterville	8/11/18	
Pamela Day		25 Waterville St	8/11/18	X
Rebecca Hitchcock		36 Waterville St.	8/14/18	X
Michael Connolly		36 Waterville St.	8/14/18	X
Amanda Guillemette		39 Waterville St.	8/17/18	
JEFF MORRISON		41 WATERVILLE ST #6	8/18/18	
Mary Westcott Casale		39 Waterville St	2/26/19	
Kevin Stroh		72 Waterville #3	3/1/19	X
Bonnie Coplon		9 Waterville #1	3/11/19	X
Michael Coplon		9 Waterville St. 1-C	3/11/19	X
Leah Coplon		74 Waterville St	4/12/19	X
LISA SCHIFFMAN		9 Waterville St. #3C	4/13/19	X
Stephen Schiffman		9 Waterville St. #3C	4/13/19	X
Katherine Jones		9 Waterville St #4C	4/16/19	
Patricia Jones		9 Waterville St #4C	4/16/19	
Philip von Staden		9 Waterville St 2C	4/17/19	X
Margaret von Staden		9 Waterville St 2C	4/17/19	X

Petition for Time Limited Parking

We, the undersigned, hereby petition the Portland City Council to implement time limited parking on:

Waterville Street

Name of Street or Portion of Street

We further state that:

1. Each signer is at least eighteen (18) years old; and
2. A resident or property owner on the specified street; and
3. Karen Snyder, who has a mailing address of: 72 Waterlilliest #3
Portland, ME 04101, will act as a primary contact for future notifications.

"X" IF

OWNER

[illegible]

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 12. GARBAGE, WASTES AND JUNK
RE: PLASTIC STRAWS, STIRRERS AND SPLASH STICKS**

**I. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

That Chapter 12 is hereby amended to read as follows:

Art. I. In General, § 12-1--12-15

**Art. II. Garbage and Solid Waste Removal/Recycling, §§
12-16--12-45**

Art. III. Health Nuisances, §§ 12-46--12-60

Art. IV. Public and Private Dumps, §§ 12-61--12-74

Art. V. Junked Motor Vehicles, §§ 12-75--12-99

Art. VI. Solid Waste Disposal, §§ 12-100--12-119

Art. VII. Rendering Wastes, §§ 12-120--12-205

Div. 1. Generally, §§ 12-120--12-149

Div. 2. Waste Transportation Licenses, §§ 12-150--12-199

Div. 3. Construction and Operation of Rendering Facilities,
§§ 12-200--12-209

Art. VIII. Polystyrene and Plastic, §§ 12-210--12-229

Div. Polystyrene §§ 12-211--12-219

Div. Plastic §§ 12-220--12-229

Art. IX. Waste Reduction, §§ 12-230--12-237

Art. X. Abandoned Bicycles, §§ 12-238--12-241

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ARTICLE VIII. POLYSTYRENE AND PLASTIC

DIVISION 1. POLYSTYRENE

Sec. 12-210. Findings; purposes.

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DIVISION 2. PLASTIC

Sec. 12-220. ~~Reserved~~Findings; purposes.

The City Council hereby finds as follows:

(a) The City of Portland is committed to environmental leadership; and

(b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and

(c) Discarded plastic beverage straws, stirrers, and splash sticks threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and

(d) Reducing the distribution of plastic beverage straws, stirrers, and splash sticks provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

(e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws, stirrers, and splash sticks; and

(f) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by enacting procedures and prohibitions regarding the distribution of plastic beverage straws, stirrers, and splash sticks to reduce waste.

Sec. 12-221. ~~Reserved~~Definitions.

As used in this Ordinance, the following words, terms, and phrases, including their respective derivatives have the following meanings:

Beverage means any liquid, including any slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

Beverage Provider means any business, organization, entity, group, or individual located within the City that offers beverages to the public for consumption.

Food Provider means any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store,

supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

On Request means any person located within the City seeking a beverage straw, stirrer, or splash stick must ask food and beverage providers for the items and not be able to access them on their own.

Non-Plastic Alternatives to Plastic Beverage Straws includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Non-Plastic Alternatives to Plastic Stirrers and Splash Sticks includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Person means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

Plastic Beverage Straw means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker.

Plastic Beverage Stirrer means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

Plastic Beverage Splash Stick means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed to prevent heat and/or liquid from escaping a lidded cup.

Plastic Beverage Straw, Stirrer, and Splash Stick definitions include compostable and biodegradable petroleum or biologically based polymer straws, stirrers, and splash sticks but do not include straws, stirrers, or splash sticks that are made from non-plastic materials, such as paper, sugar cane, bamboo, pasta, metal, etc.

Special Event Permittee means a person who has obtained a Special Event Permit from the City pursuant to Section 32-702 of the City Code.

Sec. 12-222. ~~Reserved~~Prohibition on Distribution, Sale or Use of Plastic Beverage Straws, Stirrers, and Splash Sticks.

(a) Plastic beverage straws, stirrers, and splash sticks shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-223 below.

(b) Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic alternatives to plastic beverage straws, stirrers, or splash sticks available to customers on request.

Sec. 12-223. ~~Reserved~~Exceptions

(a) Exceptions. The prohibition outlined in this ordinance shall not apply to:

1. Pre-packaged drinks sold at commercial establishments;
2. Bulk packages of plastic straws sold by food or beverage providers;
3. Use by medical or dental facilities;
4. Use during a locally declared emergency; or
5. Use on request by individuals with a disability or other impairment requiring use of plastic straw.

Sec. 12-224. ~~Reserved~~Violations and Enforcement.

(a) The City Manager or designee(s) shall have the primary responsibility for enforcement of this ordinance. If the City Manager or designee(s) determines that a violation of this ordinance has occurred, they shall issue a written warning notice to the person in violation notifying that person that a violation has occurred. Subsequent violations of the ordinance shall be subject to the penalties set forth below.

(b) Violations of this ordinance shall be punishable by fines as follows:

1. A fine not exceeding \$100 for the first violation in a one-year period;
2. A fine not exceeding \$200 for the second and each subsequent violation in a one-year period.

Sec. 12-225. ~~Reserved~~Severability.

Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Sec. 12-226. ~~Reserved~~Effective Date.

The provisions of this ordinance shall become effective utilizing a phased approach. As of April 1, 2020, a food provider may only supply a plastic beverage straw, stirrer, or splash stick on request. As of January 1, 2021, distribution or provision of plastic beverage straws, stirrers, and splash sticks is prohibited. Non-plastic alternatives to plastic beverage straws, stirrers and splash sticks may be provided on request.

**AMENDMENT TO ORDER 61-19/20
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR COOK
RE: Access to Plastic Straws on Request**

ARTICLE VIII. POLYSTYRENE AND PLASTIC

DIVISION 1. POLYSTYRENE

Sec. 12-210. Findings; purposes.

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DIVISION 2. PLASTIC

Sec. 12-220. Findings; purposes.

The City Council hereby finds as follows:

(a) The City of Portland is committed to environmental leadership; and

(b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and

(c) Discarded plastic beverage straws, stirrers, and splash sticks threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and

(d) Reducing the distribution of plastic beverage straws, stirrers, and splash sticks provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

(e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws, stirrers, and splash sticks;

~~(e)~~(f) The City Council recognizes the need to ensure that plastic beverage straws remain available to those who require them for consumption of hot and cold liquids and seeks to protect the privacy and dignity of those requesting a plastic beverage straw; and

~~(f)~~(g) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by enacting procedures and

prohibitions regarding the distribution of plastic beverage straws, stirrers, and splash sticks to reduce waste.

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Sec. 12-222. Prohibition on Distribution, Sale or Use of Plastic Beverage Straws, Stirrers, and Splash Sticks.

(a) Plastic beverage straws, stirrers, and splash sticks shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-223 below.

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Sec. 12-223. Exceptions

(a) Exceptions. The prohibition outlined in this ordinance shall not apply to:

1. Pre-packaged drinks sold at commercial establishments;
2. Bulk packages of plastic straws sold by food or beverage providers;
3. Use by medical or dental facilities;
4. Use during a locally declared emergency; or
5. ~~Use on request by~~Distribution individuals with a disability or other impairment requiring use of a plastic beverage straw on request by an individual for a plastic beverage straw.

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Sec. 12-226. Effective Date.

The provisions of this ordinance shall become effective utilizing a phased approach. As of April 1, 2020, a food provider may only supply a plastic beverage straw, stirrer, or splash stick on request. As of January 1, 2021, distribution or provision of plastic beverage straws, stirrers, and splash sticks is prohibited except as otherwise permitted herein. Non-plastic alternatives to plastic beverage straws, stirrers and splash sticks may be provided on request.

Art. I. In General, § 12-1--12-15
Art. II. Garbage and Solid Waste Removal/Recycling, §§ 12-16--12-45
Art. III. Health Nuisances, §§ 12-46--12-60
Art. IV. Public and Private Dumps, §§ 12-61--12-74
Art. V. Junked Motor Vehicles, §§ 12-75--12-99
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Art. VIII. Polystyrene and Plastic, §§ 12-210--12-229
 Div. Polystyrene §§ 12-211--12-218
 Div. Plastic §§ 12-219--12-229
Art. IX. Waste Reduction, §§ 12-230--12-237
Art. X. Abandoned Bicycles, §§ 12-238--12-241

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ARTICLE VIII. POLYSTYRENE AND PLASTIC

DIVISION 1. POLYSTYRENE

Sec. 12-210. Findings; purposes.

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DIVISION 2. PLASTIC

Sec. 12-219. Findings; purposes.

The City Council hereby finds as follows:

(a) The City of Portland is committed to environmental leadership; and

(b) The City Council desires to conserve resources and reduce greenhouse gas emissions, waste, litter, and pollution; and

(c) Discarded plastic beverage straws, stirrers, and splash sticks threaten wildlife and degrade and litter the beaches and water off Maine's coast, including areas within the City; and

(d) Reducing the distribution of plastic beverage straws, stirrers, and splash sticks provided to customers decreases the amount of plastic that may end up in our environment through litter, windblown debris, and overflowing trash cans; and

(e) The City finds there are reasonable, environmentally friendly alternatives to plastic beverage straws, stirrers, and splash sticks; and

(f) The City Council has determined that it is in the best interest of the residents of the City to promote the public health, safety, and general welfare by enacting procedures and prohibitions regarding the distribution of plastic beverage straws, stirrers, and splash sticks to reduce waste.

Sec. 12-220. Definitions.

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Beverage means any liquid, including any slurry, frozen, semi-frozen, or other forms of liquids, intended for drinking.

Beverage Provider means any business, organization, entity, group, or individual located within the City that offers beverages to the public for consumption.

Food Provider means any person located within the City that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

On Request means any person located within the City seeking a beverage straw, stirrer, or splash stick must ask food and beverage providers for the items and not be able to access them on their own.

Non-Plastic Alternatives to Plastic Beverage Straws includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Non-Plastic Alternatives to Plastic Stirrers and Splash Sticks includes those made from paper, sugar cane, bamboo, pasta, metal, etc.

Person means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

Plastic Beverage Straw means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker.

Plastic Beverage Stirrer means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

Plastic Beverage Splash Stick means a device made predominantly or in part of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources that is designed to prevent heat and/or liquid from escaping a lidded cup.

Plastic Beverage Straw, Stirrer, and Splash Stick definitions include compostable and biodegradable petroleum or biologically based polymer straws, stirrers, and splash sticks but do not include straws, stirrers, or splash sticks that are made from non-plastic materials, such as paper, sugar cane, bamboo, pasta, metal, etc.

Special Event Permittee means a person who has obtained a Special Event Permit from the City pursuant to Section 32-702 of the City Code.

Sec. 12-222. Prohibition on Distribution, Sale or Use of Plastic Beverage Straws, Stirrers, and Splash Sticks.

(a) Plastic beverage straws, stirrers, and splash sticks shall not be sold, or distributed within the City of Portland except as expressly permitted under Section 12-223 below.

(b) Nothing in this section precludes a food provider, beverage provider, special event permittee, or any person from using, providing, distributing, or selling non-plastic alternatives to plastic beverage straws, stirrers, or splash sticks available to customers on request.

Sec. 12-223. Exceptions

(a) Exceptions. The prohibition outlined in this ordinance shall not apply to:

1. Pre-packaged drinks sold at commercial establishments;
2. Bulk packages of plastic straws sold by food or beverage providers;
3. Use by medical or dental facilities;
4. Use during a locally declared emergency; or
5. Use on request by individuals with a disability or other impairment requiring use of plastic straw.

Sec. 12-224. Violations and Enforcement.

(a) The City Manager or designee(s) shall have the primary responsibility for enforcement of this ordinance. If the City Manager or designee(s) determines that a violation of this ordinance has occurred, they shall issue a written warning notice to the person in violation notifying that person that a violation has occurred. Subsequent violations of the ordinance shall be subject to the penalties set forth below.

(b) Violations of this ordinance shall be punishable by fines as follows:

1. A fine not exceeding \$100 for the first violation in a one-year period;
2. A fine not exceeding \$200 for the second and each subsequent violation in a one-year period.

Sec. 12-225. Severability.

Should any provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part declared to be invalid.

Sec. 12-226. Effective Date

The provisions of this ordinance shall become effective utilizing a phased approach. As of April 1, 2020, a food provider may only supply a plastic beverage straw, stirrer, or splash stick on request. As of January 1, 2021, distribution or provision of plastic beverage straws, stirrers, and splash sticks is prohibited. Non-plastic alternatives to plastic beverage straws, stirrers and splash sticks may be provided on request.

On September 18, 2019, the Sustainability and Transportation Committee will be taking up a proposed amendment to ban plastic straws, stirrers, and splash sticks in the City of Portland.

The proposal would utilize a phased approach. Effective April 1, 2020, food and beverage providers would be able to provide plastic beverage straws, stirrers, and splash sticks upon customer request. Beginning on January 1, 2021, distribution of plastic beverage straws, stirrers, and splash sticks would be prohibited. Food and beverage providers would be able to provide alternatives to plastic beverage straws, stirrers, and splash sticks only upon customer request. The proposed ordinance would allow for distribution of plastic beverage straws for individuals with disabilities. You can view the draft at: <http://www.portlandmaine.gov/586/Sustainability-Transportation-Committee>

The meeting will be held at Portland City Hall in City Council Chambers at 5:30 PM on September 18, 2019. Public comment will be taken. You may submit written comments to Ashley Krulik, Sustainability Associate at akrulik@portlandmaine.gov.



CITY OF PORTLAND
SUSTAINABILITY OFFICE
389 CONGRESS ST,
PORTLAND ME 04101

Presorted
First Class
US Postage
Paid
Portland, ME
Permit #6

TO: COMFORTABLE WATERS, LLC
THREE OF STRONG SPIRITS
35 DIAMOND ST
PORTLAND, ME 04101



**Portland Public Schools
Food Service Department
Plastic Reduction Plan for SY19-20**

Elementary Schools

We will be switching from a "Spork Kit" (spork, napkin, and straw)

To individual fork, spoon, napkin, and straw.

This will give students the option to take only what they need, or want.

The fork, spoon, and straw will continue to be wrapped for sanitation and safety.

The green club at Ocean Ave will be making us wraps for the straw boxes to encourage students not to take a straw. (ex: save a turtle, skip the straw)

Ocean Ave and Rowe will be piloting a "real" silverware program at each elementary school. This has been funded thru PTA at Ocean and the Sustainability Arm of the Food Fuels Learning Group. This is able to happen, because each of these schools currently have dishwashers in their buildings.

Middle Schools and High Schools

Use individual fork, spoon, napkin and straw

Straw is available for them on a "request basis"

I request that we continue to have the exemption in the proposed ban.

In cafeteria's and classrooms daily many students, as young as five, are opening milk cartons and juice cups, without the aid of a straw, I would anticipate more spills and messes in these spaces.

Straw prices

Fall 2018 Comparison

		<u>Pack size</u>	<u>Description</u>	<u>Price/case</u>	<u>Price/each</u>
833188	paper straw	12/500	8.3" wrapped R&W	138.55	0.0231
833161	plastic straw	24/500	7.75" wrapped	45.61	0.0038
833163	plastic straw	20/250	7.75 unwrapped	38.71	0.0077
833121	Plastic milk straw	24/500	5.75" slim wrapped	27.35	0.0023

Plastic Straws we bid 300 cases for the upcoming school year

<u>Description</u>	<u>pack size</u>	<u># of cases</u>	<u>Price/case</u>	<u>Yearly cost</u>
Paper straw	12/500	600 cases	\$138.55	\$83,130.00
Plastic Milk Straw	24/500	300 case	\$27.35	\$8,205.00

For more information
 please call 1-800-555-1234
 or visit our website at
 www.ourcompany.com

Our company is a leading provider of
 software solutions for the
 financial services industry. We
 have a proven track record of
 delivering high-quality products
 and services to our clients. Our
 team of experts is dedicated to
 providing the best possible
 experience for our customers.

We are currently seeking qualified
 individuals for the following
 positions. If you are interested,
 please send your resume and
 cover letter to the address
 listed below.

For more information, please
 contact our HR department at
 1-800-555-1234.

We are looking for individuals who
 are motivated, detail-oriented,
 and have a strong background in
 the financial services industry.

Financial Services Solutions			
Product	Price	Features	Availability
Basic Plan	\$100	10 users, 1GB storage	Available
Standard Plan	\$200	20 users, 2GB storage	Available
Advanced Plan	\$300	30 users, 3GB storage	Available
Enterprise Plan	\$500	50 users, 5GB storage	Available

Software Solutions			
Product	Price	Features	Availability
Basic Plan	\$100	10 users, 1GB storage	Available
Standard Plan	\$200	20 users, 2GB storage	Available
Advanced Plan	\$300	30 users, 3GB storage	Available

Committee Chair Thibodeau and Members of the Sustainability and Transportation Committee, my name is Greg Dugal and I am representing Hospitality Maine here this evening with some thoughts on how to deal with plastic straws. We believe a good first step would be an education initiative to alert restaurateurs and their consumers to the overuse of many single use plastic items, but specifically plastic straws. It would make sense to start an initiative that would train restaurants to use a straw upon demand approach for their customers. This would cover the concerns of individuals with disabilities that may result in swallowing disorders. Our preference would be to try this as a volunteer education-based program and then monitor its success in some way. If for some reason the program is not successful, then perhaps follow up with an ordinance that would require the straw upon demand approach. We do not support an all-out ban.

The ideal situation would be for a Maine based company like Huhtamaki to develop a good paper straw that could be used in Maine restaurant establishments, as well as, the same establishments around the US and the world. Currently none exists, most degrade too quickly. It would create an exporting opportunity for Maine's paper industry and a biodegradable product that would be good for the environment.

We are appreciative of the efforts put forth by the committee and its city staff liaison Tory Moon and look forward to helping in any way moving forward. We also appreciate having the ability to make public comments on this issue this evening.

OFFICE OF THE ATTORNEY GENERAL
MAINE

Committee Chair, Thibodeau and President of the Sustainability
and Transportation Committee, my name is Gary Hagan and I
am representing the town of Maine here this evening and
some thoughts on how to deal with plastic waste. It's better to
good first set, we had an education initiative to
recycling and then consistency in the use of
single use plastic items, but especially plastic straws. It's better
in the sense to start in bottles that would be the first step to
use a straw upon demand approach for their customers. This
would cost the consumers of individual items with the straws that
they want in recycling facilities that bottles would be
very close to a recycling standard and then the straws
would be an added in some way. If for some reason the
program is not successful, then I think it's better to
indicate that would require the straw upon demand
approach. We do not suggest an all-out ban.

The ideal situation would be for a straw ban to be implemented
in the state to develop a good practice that would be used in
the restaurant industry as well as the state.
at restaurants or food the US and the world. Certainly none
exists most people too easily it would create an opportunity
eventually for a paper industry and a plastic table
product. It would be good for the environment.
who are supportive of the efforts but for the for the
and the city staff. Gary Hagan and John and John
in any way moving forward. We also appreciate having the
ability to make public comments on this issue this evening.



Natural Resources Council of Maine

3 Wade Street • Augusta, Maine 04330 • (207) 622-3101 • Fax: (207) 622-4343 • www.nrcm.org

Comments in Support of a Plastic Straw Ordinance in Portland

Christine Adamowicz, Sustainable Maine Outreach Coordinator

June 19, 2019

Greetings Mr. Moon and members of Portland's Sustainability and Transportation Committee. My name is Christine Adamowicz and I am the Sustainable Maine Outreach Coordinator for the Natural Resources Council of Maine (NRCM). I appreciate this opportunity to submit comments in support of the ordinance prohibiting the sale, distribution, and public use of plastic straws.

Plastic pollution is a global crisis that deserves action from every level of government. Scientists predict that by 2050,¹ there will be more plastic in the ocean than fish, by weight. This crisis is hitting us here at home: The Shaw Institute of Blue Hill, Maine, has found an average of 177 pieces of microplastics in Penobscot Bay oysters.² We cannot continue to tolerate the use of plastic, a material that lasts for hundreds of years, in disposable products designed to be used for mere moments.

Disposable plastic straws are the fifth most common kind of plastic pollution³ and implementing an ordinance is a sensible way to reducing Portland's plastic impact. There are alternatives to disposable plastic straws, including not using any kind of straw at all, that don't have such a harsh impact on marine ecosystems or cause wildlife fatalities if they leak into the environment. Eco-friendly alternatives to plastic straws are abundant, accessible, and cost-effective, making straws an easy target for an ordinance.

Many businesses are already discontinuing their use of plastic straws, providing evidence and experience that it can be done and that people can adjust very easily. A city-wide ordinance will only help to strengthen this effort and make it more effective. History has shown that as Portland goes, so goes the state. Surely the work you are doing will inspire other communities to follow suit.

We commend Portland for taking action on single-use plastics. The City has proven itself a leader on this important issue. That is why in addition to the straw ordinance, we would like to suggest that the committee consider an additional ordinance for balloon releases.

Balloon releases are surprisingly common, and balloons are the 15th most commonly littered item found across the United States.⁴ In 2018 alone, the Blue Ocean Society for Marine Conservation

¹ The New Plastics Economy: Rethinking the future of plastics & catalysing action by the Ellen MacArthur Foundation

² The Shaw Institute Plastics & Microplastics Webpage: <https://www.shawinstitute.org/focus/plastics-and-microplastics>

³ Source: Better Alternatives Now (BAN) 2.0, An analysis and call-to-action to phase out the most polluting plastic products used in the United States

⁴ Source: Better Alternatives Now (BAN) 2.0, An analysis and call-to-action to phase out the most polluting plastic products used in the United States

in Portsmouth, NH, found more than 750 balloons littering the Gulf of Maine.⁵ Like plastics, balloons choke and tangle wildlife, and researchers have found that littered balloons are 32 times more likely to kill seabirds than hard plastic,⁶ and they are having a terrible impact on endangered sea turtle species. Contrary to popular belief, researchers have concluded that balloons do not meet the definition of biodegradable.⁷

Kennebunk recently passed a great ordinance prohibiting the outdoor release and display of balloons as a way to control balloon litter. Like with so many single-use plastic items, there are great alternatives to balloon releases for celebrations and commemorations. We have attached a draft ordinance for you to consider and would be happy to help the committee move forward on both of these policies.

Thank you for your consideration of common-sense policies that help us turn off the faucet for single-use plastic pollution.

Sincerely,

Christine Adamowicz, Sustainable Maine Outreach Coordinator

cadamowicz@nrcm.org

⁵ Source: BOSMC Beach Cleanup Results for 2018

⁶ Journal of Scientific Reports: Balloons the No. 1 marine debris risk of mortality for seabirds University of Tasmania, March 1, 2019 https://www.eurekalert.org/pub_releases/2019-03/uot-bt022719.php

⁷ Source: Standard soil biodegradation test on Balloon by Lynn Serbruyns, OWS, UK

Sample Balloon Release Ordinance Language

AN ORDINANCE of the [insert name of jurisdiction]

AMENDING [if ordinance is amended prior legislation, insert reference]

1. **Purpose.** The purpose of this Ordinance is to protect the wildlife and ecosystems of TOWN, the enjoyment of nature, and the health and safety of TOWN's residents and visitors by regulating the use of balloons in the Town. This Ordinance has been determined to be necessary because balloons are a common source of litter and pose a significant risk to wildlife, the environment, our economy, public health, and safety.

WHEREAS, the [relevant legislative body] of the [name of jurisdiction], has determined that balloons released into the atmosphere return to the earth as litter; and

WHEREAS, the [relevant legislative body] believes that the release (accidental or intentional) of balloons and sky lanterns into the atmosphere pose a danger and nuisance to the environment and wildlife who may ingest this debris; and,

WHEREAS, TOWN is home to [important organisms, habitats, nesting grounds, etc.]; and,

WHEREAS, animals, such as sea turtles [and abovementioned organisms, if applicable], mistake the remains from balloons as food, which may potentially damage their digestive systems, lead to starvation and/or death; and,

WHEREAS, even biodegradable balloons do not degrade quickly enough to avoid ingestion of the same by wildlife; and,

WHEREAS, the [relevant legislative body] wishes to prohibit the release of balloons; and,

WHEREAS, the [relevant legislative body] finds that these revisions to the TOWN's code will preserve, promote, and protect the health, safety, and welfare of its citizens.

Be it ordained by the [relevant legislative body] of the TOWN as follows:

2. **Authority.** This Ordinance is adopted pursuant to the Town's Home Rule Authority granted under Art. VIII, Pt. 2, Sec 1 of the Maine Constitution and 30-A M.R.S. §3001.

3. Definitions.

Balloon: a flexible nonporous bag made from materials such as rubber, latex, polychloroprene or nylon fabric that can be inflated or filled with gases and fluids, such as helium, hydrogen, nitrous oxide, oxygen, air, or water and then sealed at the neck, usually used as a toy or decoration.

Exterior display: Any display of one or more balloons that occurs outside for any purpose, including but not limited to advertisements, events, commemorations, and celebrations. An exterior display is one where the balloon is attached to any kind of real or personal property.

Person: This term shall include the singular and the plural and shall include any person, trust, firm, club, joint stock company, corporation, cooperative, partnership, society, or association.

Public Building: Any building owned or leased by TOWN.

Release: Any knowing or intentional act resulting in balloons being displayed or released out of doors and allowed to fly in any manner that results in the loss of control over the balloon or the abandonment of the balloon.

4. Prohibited Conduct.

- a) No person shall knowingly or intentionally release any balloon or balloons or cause balloons to be released in any outdoor setting or in a public building for any reason.
- b) No person shall cause or allow an exterior display of balloons as defined in Section 3.
- c) No balloons shall be used in any public building owned or leased by the TOWN, even if the balloons are not released or otherwise allowed to fly in any manner.

This subsection does not apply to the following:

- 1) Balloons that are used by any governmental or scientific institution for scientific or meteorological purposes.
- 2) Hot air balloons that are recovered after launching.
- 3) Balloons that are used or released indoors only in a privately owned building that is not leased to the TOWN.

5. Enforcement and Penalties.

This Ordinance shall be enforced by the Police Department and/or the Code Enforcement Officer. Any violation of this Ordinance shall be considered a civil violation and subject to penalties as established in the TOWN's Fee and Fine Schedule for each release.

6. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid or unconstitutional by the decision of any court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions of this ordinance. Such decision shall not affect the validity of the remaining portions of this ordinance, which shall remain in full force and effect.

7. Effective Date.

This ordinance shall take effect immediately upon its passage and approval, as provided by law.



Troy Moon <thm@portlandmaine.gov>

Tandem Coffee Cup Initiative

Kathleen Pratt <kathleen@tandemcoffee.com>

Thu, Apr 18, 2019 at 10:47 AM

To: sthibodeau@portlandmaine.gov

Cc: Thm@portlandmaine.gov

Hi Councilor Thibodeau,

It was nice to see your familiar face at the bakery this past Saturday amidst the crowds and I really appreciate your kind words about our new cup initiative at Tandem. We're pretty excited to already see some results from flipping the switch on how people think about single-use cups. Already our numbers of single-use cups have decreased by 30%. Here's hoping that will just continue to grow! If you or anyone else from the city would like to talk to Will or myself a little bit more about this initiative, we'd be more than happy to do so!

I thought to ask you shortly after you left, but where does the city stand on potentially banning plastic straws? Tandem is in full support of the ban and do think this is the direction that many cities are going and hope Portland will be on that list!

Again, we'd love to discuss either of these topics with you. Thanks again for all of your support of our business. We sure do appreciate it!

Thanks,
Kathleen Pratt

--

tandemcoffee.com[tumblr](#)[facebook](#)



Troy Moon <thm@portlandmaine.gov>

Fwd: Please consider banning plastic straws

Jon Jennings <jpj@portlandmaine.gov>
To: Troy Moon <thm@portlandmaine.gov>

Mon, Jan 14, 2019 at 5:29 PM

FYI--for the record.

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
Date: Mon, Jan 14, 2019 at 4:42 PM
Subject: Fwd: Please consider banning plastic straws
To: Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Robin Lea** <learob@portlandschools.org>
Date: Monday, January 14, 2019
Subject: Please consider banning plastic straws
To: jduson@portlandmaine.gov, nmm@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, jcosta@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, bsr@portlandmaine.gov, estrimling@portlandmaine.gov

Portland City, Council
389 Congress St,
Portland, ME 04101

Over 500 million, plastic straws are used daily on average, if you put the yearly amount of straws used together it's enough to circle the Earth twice according to the National Park Services. Plastic straws are harming our Earth, oceans and atmosphere.

Plastic lasts "forever" meaning it does not decompose or biodegrade well and may take a thousand of years to do so, there also to light for recycling, because of this we have to throw it in the trash. They then get burned and release CO2 into the atmosphere, which is leading to climate change. Sometimes the straws do not make it to the trash and get left by humans, there often left in places like football stadiums, parks, and outside of trash cans. These straws then get blown or washed away into the sewers or gutters, which lead to the ocean. When straws reach the ocean they break down into microplastics, Marine life mistakes these microplastics for food, and will digest them. Plastics builds up inside them and causes them not to feel hungry, when there body does need food causing them to starve. It also has toxic chemicals thats can kill them. According to the Strawless Ocean Foundation, by 2050 99% of marine life will have ingested plastic if we don't reduce plastic usage. Sometimes when these straws are left out the get blown into parks or just on the sidewalks, you then have land animals either getting stuck in them causing them to suffocate and panic. They may also eat them causing them to choke or have it build up inside of them.

Portland Should ban plastic straws. They are harming the environment. According to *USA Today* on coastal cleanup day 2017, over 643,562 straws were found and that's just in one day. Although banning straws may not end plastic on Earth, it is a big start and may set an example to other towns to do it as well. There are

alternatives for straws like decomposable, biodegradable, edible, metal and glass straws. They may cost more money to make and might be not as convenient, but it's better than ruining Earth for you and the new generation.

Sincerely,
Taylor A.
Lincoln Middle School Student
Portland, Maine

(sent from my teacher's email account)

Robin Lea
8th Grade Science Teacher, Lincoln Middle School
<https://msleablog.wordpress.com/>

*** Please Note: ***

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--
Nick Mavodones
City Council At-Large
389 Congress Street
Portland ME 04101
(207) 874-8685
nmm@portlandmaine.gov

Sent from Gmail Mobile

--
Jon P. Jennings
City Manager
City of Portland
389 Congress Street
Portland, ME 04101
(207) 874-8689 Office
(207) 874-8669 Fax
jppj@portlandmaine.gov
www.portlandmaine.gov
Twitter: @portlandmanager



Troy Moon <thm@portlandmaine.gov>

Tonight

Will Pratt <will@tandemcoffee.com>

Wed, Jun 19, 2019 at 3:16 PM

To: Troy Moon <thm@portlandmaine.gov>, Emily Simons <emilysimons@tandemcoffee.com>

Councilor Thibodeau and members of the Sustainability and Transportation Committee,

My name is Will Pratt, a co-owner of Tandem Coffee. I support your efforts to ban plastic straws in the City of Portland. Many businesses in Portland also support getting rid of straws but are afraid to do so because they don't want to upset their customers. Some months back we removed straws from our condiment bar forcing customers to ask for a straw if they needed one. After a few weeks this became quite a hassle and we ended up putting them back out for the taking. Having it legislated would help take the pressure off of the establishments that want to do the right thing without alienating their customers and staff.

Thanks,

Will

[Quoted text hidden]

10/15/80

Page 1

Director, Federal Reserve Bank of New York

Dear Sirs: I am writing to you regarding the proposed changes to the Federal Reserve Bank of New York's policies on the handling of checks. I am sure that you will find this information of interest.

Sincerely,

John J. McManus



**MEMO PREPARED FOR THE PORTLAND, MAINE CITY COUNCIL COMMITTEE ON
SUSTAINABILITY AND TRANSPORTATION**

10/19/18 BY MELISSA GATES

MGATES@SURFRIDER.ORG | 207.706.6378

List of U.S. straw action current through August 2018

Have adopted a ban

1. Carmel, CA
2. Deerfield Beach, FL
3. Edmonds, WA (ban being phased in, complete by 2020)
4. Fort Meyers, FL
5. Hallandale Beach, FL
6. Hollywood, FL
7. Malibu, CA
8. Manhattan Beach, CA
9. Miami, FL
10. Monmouth Beach, NJ
11. Richmond, CA
12. San Francisco, CA
13. Santa Barbara, CA
14. Santa Cruz, CA
15. Santa Monica, CA
16. Seattle, WA
17. Surfside, FL

Have limited straws (i.e. only provide upon customer request)

1. Alameda, CA
2. Davis, CA
3. Oakland, CA
4. San Luis Obispo, CA
5. State of California

Proposed bans

1. Berkeley, CA
2. Calabasas, CA

3. Encinitas, CA
4. Gulfport, FL (was tabled in Mid-May 2018)
5. Jupiter, FL
6. New York City, NY
7. Portland, OR

Proposed straws upon customer request

1. Los Angeles, CA
2. Monterey, CA
3. St. Petersburg, FL
4. Whittier, CA

Gathering information for action

1. Agoura Hills, CA
2. Mill Valley, CA
3. Novato, CA
4. Pacific Grove, CA
5. Portland, ME
6. San Francisco, CA
7. Watsonville, CA

Introduction and Summary: April 2018

This document provides a summary of current legislation in the U.S. relating to plastic straws. At the local level, as of April 2018, there are at least eight U.S. cities that explicitly ban plastic straws (some only allow alternative straws upon request), and two cities that only allow plastic straws upon request. Several U.S. cities are currently considering (or have considered) enacting straw legislation.

With respect to the state level, in January 2018, a bill was introduced in California, making it the first statewide legislative proposal to address plastic straws. That bill passed and was signed by Governor Jerry Brown on September 20, 2018, making California the first state to regulate plastic straws. The measure, Assembly Bill 1884, limits restaurants to giving out single-use straws only upon request of customers. It applies to full-service dining establishments but exempts fast-food restaurants.

A bill banning plastic straws was also introduced by Hawaii state Senator Karl Rhoads this year. The bill passed the HI Committee on Agriculture and Environment, despite resistance from some food and drink businesses, but was unable to pass remaining



**MEMO PREPARED FOR THE PORTLAND, MAINE CITY COUNCIL COMMITTEE ON
SUSTAINABILITY AND TRANSPORTATION**

10/19/18 BY MELISSA GATES

MGATES@SURFRIDER.ORG | 207.706.6378

legislative hurdles. The measure, SB2285 SD1, would have banned the distribution and sale of single-use plastic straws. Senator Rhoads intends to reintroduce the legislation in 2019.

Outside of the U.S., some countries have indicated a desire to ban plastic straws in the future, including Scotland and Taiwan (See

<https://www.nytimes.com/2018/03/03/climate/plastic-straw-bans.html>).

Local Plastic Straw Legislation

As of April 2018, there are currently eight U.S. cities that explicitly ban plastic straws.

Hollywood, Florida:

The City of Hollywood Code of Ordinances §97.05 prohibits restaurants, vendors, grocery stores, and any other person, entity or business engaged in the sale of food products located east of the Intracoastal Waterway from selling or dispensing straws made of plastic.

Miami Beach, Florida:

In March 2012, Miami banned the use of plastic drinking straws by restaurants, beachfront hotels, and other businesses that provide beverage services on the beach. The ban makes it unlawful for “any business to provide plastic straws with the service or delivery of any beverage to patrons on any beach within the city.”

Fines for violations are: \$100.00 civil fine for the first offense within a 12-month period; a \$200.00 civil fine for the second offense within a 12-month period; and a \$500.00 civil fine for the third and subsequent offense within a 12-month period.

Fort Myers, Florida:

In November 2017, Fort Myers adopted an ordinance banning persons, businesses,

corporations, nonprofit entities, agencies, and all other organizations from distributing (including the vending, sale, giving, or delivering for any purpose) of plastic straws in the town ([Ordinance No. 17-13](#)).

The prohibition does not apply to distribution of straws on private property used as a residence, by the County School Board, or with beverages prepared and packaged outside the town, so long as the beverage is not altered, packaged, or repackaged within the town. Violators will receive a \$100 fine for the first offense, a \$200 fine for the second offense, and \$500 fine for the third offense. After a 90-day grace period, the ban is now in effect.

Seattle, Washington:

Starting July 1, 2018, plastic straws and utensils are now banned in Seattle ([Seattle Municipal Code 21.36.086](#))

The ordinance requires food service businesses to transition from using disposable food service ware to compostable and recyclable alternatives. Food service businesses include “full-service restaurants, fast food restaurants, cafes, delicatessens, coffee shops, grocery stores, vending trucks or carts, business or institutional cafeterias, and other businesses, selling or providing food within the City of Seattle for consumption on or off the premises.”

Food service ware includes any “non-compostable and non-recyclable containers, plates, ‘clamshells,’ serving trays, meat and vegetable trays, hot and cold beverage cups, wrappers, and utensils that are intended only for one-time use, including so-called biodegradable products where any portion is not compostable.” While the text of the ordinance does not explicitly include “straws,” in other documents the City of Seattle makes it clear that straws are included. The [Seattle Public Utilities’ website](#), for example, states that the “City of Seattle requires all food service businesses to find recyclable or compostable packaging and service ware alternatives to all disposable food service items such as...straws, utensils, and other products.”

Plastic straws are not recyclable in Seattle, so single-use plastic straws must be compostable.

Seattle Public Utilities describes straws compliant with SMC 21.36.086 as “durable or



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SUSTAINABILITY AND TRANSPORTATION**

10/19/18 BY MELISSA GATES

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compostable” including those made of “compostable paper or compostable plastic.” Compostable options that Seattle Public Utilities has approved are available on their website.

"Compostable" means made solely of organic substances that break down into a stable product due to the action of bacteria in a controlled, aerobic commercial process that results in a material safe and desirable as a soil amendment meeting the compost quality standards found under WAC 173-350-220 for metals, physical parameters, pathogens, manufactured inert material and other testing parameters set by the local Health Department and has been found to degrade satisfactorily at the composting facility receiving the material. "Recyclable" means made solely of materials that are capable of being separated from a waste stream by a food service business and made available for collection and delivery to a processor for reuse or remanufacture into the same or other products.

While Seattle implemented the ban on straws beginning July 1, 2017, it allowed businesses to apply for waivers to use utensils, straws, small portion cups, and foil-faced, insulated wrap. These waivers expired on June 30, 2018. Only compostable straws are now permitted.

Santa Cruz, California:

On September 26, 2017, the city of Santa Cruz banned food providers (vendors, businesses, organizations, entities, groups or individuals, including essentially all establishments that serve food to the public) from using plastic “disposable food service ware” including straws, cutlery, and hot drink lids ([Santa Cruz Municipal Code § 6.48.015\(h\)&\(n\)](#)).

Food providers may provide compostable, biodegradable, and recyclable alternatives, but only upon request. However, there is an exception to the requirement to use only

compostable, biodegradable, and recyclable alternatives, where there are no “affordable” alternatives that cost no more than 15% higher than non-alternatives.

The City’s recycling program does not collect plastic straws. Both plastic and paper straws are too small to be sorted for recycling, and therefore go to a landfill. Therefore, food providers are limited to biodegradable or compostable alternatives. “Compostable” means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable disposable food service ware must meet ASTM standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. “Biodegradable” means the ability of organic matter to break down from a complex to a simpler form through the action of bacteria or to undergo this process. “Recyclable” means any material that is accepted by the city of Santa Cruz recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs.

Restaurants must therefore use compostable or other biodegradable alternatives. While the ban took effect on November 7th, the City granted businesses a six-month grace period before it begins enforcing the law. The City began issuing citations for violations beginning May 7, 2018. The ordinance encourages, but does not require, local businesses to pay their customers a 25-cent credit for bringing their own reusable containers for to go items, while charging customers this same amount for requesting disposable cups, lids, straws, stirrers and/or utensils.

Santa Cruz County, California:

All retail food establishments (including any restaurants, coffee shops, and essentially any place that serves food or beverages to consumers including movie theaters, hotels, and food trucks) may only use compostable, biodegradable, or recyclable straws, unless there is no affordable product available as determined by the County’s Director of Public Works (Santa Cruz County Code § 5.46.040(A))

Plastic straws are not recyclable in the county. The Director of Public Works is required to adopt a list of available, suitable, and affordable biodegradable, compostable, or recyclable alternatives, which he or she is required to update regularly. All county



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departments, county facilities, and county contractors and lessees working under contract with the county, are similarly required to only use compostable, biodegradable, or recyclable straws, unless there are no affordable alternatives (See Santa Cruz County Code § 5.46.040(B), (C)). “Affordable” means available at the same cost or less than the non-environmentally friendly alternatives.

A first violation is subject to a written warning; while subsequent violations are subject to the following fines: (1) \$100 for a second offense within 30 days of the first violation; \$200 for a third offense within 60 days of the first violation; and \$500 for a fourth offense within 90 days of the first violation. County vendors or special events lessees will be subject to different fines, based on the number of attendees at the specific event (See Santa Cruz County Code § 5.46.080).

Santa Cruz County Recycling and Waste Services operates and administers recycling services and solid waste disposal in the unincorporated area of Santa Cruz County.

Alternatives must be certified compostable by the Biodegradable Products Institute (“BPI”), a non-profit organization that maintains a list of certified compostable products (See:

<http://www.dpw.co.santa-cruz.ca.us/Portals/19/pdfs/Flyer.pdf?ver=2016-08-30-103427-393>; see also <https://bpiworld.org/>).

BPI has identified dozens of compostable straw options from a variety of different manufacturers for businesses in Santa Cruz County to choose from (see:

<http://products.bpiworld.org/?s=1&search=straw&type=1>).

Carmel, California:

Until April 22nd, 2018, restaurants in the city could only provide straws upon request (Carmel by the Sea Municipal Code § 8.68.041).

Beginning April 22nd, 2018, in addition to being provided only upon request, restaurants

and food vendors (including grocery stores, delis, farmers markets, food trucks, city events, and any other similar business) may only use biodegradable, compostable, or recyclable straws (Carmel by the Sea Municipal Code § 8.68.042)

“Hardship” exemptions may be granted by the City Administrator, Code Enforcement Officer, Environmental Compliance Manager, or her/his designated representative, upon a showing that using a biodegradable, compostable, or recyclable alternative would increase costs by more than 20% (Carmel by the Sea Municipal Code § 8.68.070).

“Biodegradable” means the entire product or package will completely break down and decompose into elements found in nature within a year after customary disposal.

“Compostable” means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch) in a safe manner and in approximately the same time as the materials with which it is composted. Compostable disposable food service ware must meet ASTM standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. “Recyclable” means that a material can be recycled, salvaged, composted, processed or marketed by any means other than landfilling or burning, whether as fuel or otherwise, so that they are returned to use by society. It includes any material that is accepted by the City’s franchise waste hauler for recycling (Carmel by the Sea Municipal Code § 8.68.020).

Malibu, California:

Starting in June 2018, restaurants and vendors within the city are prohibited from using, providing, distributing, or selling “plastic beverage straws” and “plastic stirrers.” Plastic beverage straws and plastic stirrers are also prohibited from being used or distributed at city facilities and city sponsored events (Malibu Municipal Code § 9.24.045(A)).

“Plastic beverage straw” means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. It includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials such as paper, sugar cane, and bamboo.



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Prohibited “plastic stirrers” are defined as devices used to mix beverages, intended for only one- time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. It includes compostable and biodegradable petroleum or a biologically based polymer stirrer, but does not include (and therefore does not prohibit) stirrers made from non-plastic materials such as paper, sugar cane, and bamboo.

Allowable “non-plastic alternatives” may only be provided to customers upon request.

Manhattan Beach, California:

Food providers cannot sell or distribute polystyrene straws, along with polystyrene cup lids and utensils, in conjunction with the sale of prepared food within the city (Manhattan Beach Municipal Code § 5.80.030(A)).

Polystyrene straws may also not be used at city facilities; or at city-sponsored events, city managed concessions, or city meetings open to the public. However, straws are also commonly made from polypropylene and polyethylene.

It therefore seems food providers in the city can use straws made from other types of plastic and remain in compliance with the ordinance. Food providers may only distribute disposable food ware, including straws, that exhibits a recycle code other than No. 6 or PS, and maintain documentation about the composition of the disposable food service ware. The City and its departments are prohibited from purchasing or acquiring polystyrene ware including straws.

While Manhattan Beach collects both polypropylene and polyethylene for recycling, when littered these materials do not break down easily and can pollute much the same as other plastics. Further, the law does not prohibit people from bringing polystyrene straws to city properties or facilities, including the beach. There is also an available

hardship exemption that may be granted by the City Manager or his or her designee.

San Louis Obispo, California:

On November 7th, 2017, the City Council unanimously voted to implement a “straws upon request” ordinance for all dine-in customers. The law became effective March 1st, 2018. Vendors, which include any business providing food or beverages within the city, are required to ask each dine-in customer if he or she would like a single-use straw before providing one with their order (San Luis Obispo Municipal Code §§ 8.09.020, 8.09.010(D)).

“Single use” is defined as a product that is designed to be used only one time in its same form by the customer, food vendor or entity. All take-out orders will be exempt, however, meaning these vendors can continue to give straws automatically for take-out orders. “Take-out food orders” are defined as prepared food or beverage that are purchased at an establishment and are intended to be consumed elsewhere.

Davis, California

Under Davis’ law, restaurants are required to ask dine-in customers if they would like a single use straw with their beverages before giving them one. The law applies to “restaurants,” defined to include any vendor located or providing food within the city that provides prepared food for public consumption on its premises (Davis Municipal Code §§ 17.03.010, 17.03.005).

However, the law does not apply to take-out food orders or fast-food service. Take-out food orders is defined by prepared meals or other food or beverage items that a customer purchases at a restaurant and intends to eat elsewhere. Fast food service means food service establishments that serve food and/or beverages: (1) via a drive-through; (2) in a packaged form for take-out/take-away; or (3) from stands or kiosks which provide no shelter or seating for customers. Therefore, this is a large gap in Davis’ law.

Persons caught violating this ordinance will receive a fine of up to \$100 for the first infraction, up to \$200 for the second infraction within 6 months of the first violation, and up to \$500 for a third infraction within a one-year period.



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Exploring a ban

Several cities within the U.S. have explored or are currently exploring a ban on plastic straws. As of March 2018, these include:

Treasure Island, Florida:

Treasure Island has not yet passed a ban on plastic straws. Although an ordinance was considered in 2016, the city council thought it would be more beneficial to put a voluntary ban in place

(http://www.mytreasureisland.com/document_center/2016_commission/CWPacket01_19_2016.pdf, and

<http://www.tampabay.com/news/localgovernment/treasure-island-decides-not-to-ban-plastic-straws-on-beach/2262054>). As of March 2018, it does not appear there has been any progress toward a straw ordinance.

Berkeley, California:

The city of Berkeley is exploring the adoption of an ordinance to prohibit the use of plastic drinking straws within the city by food-service businesses (see:

<https://www.sfgate.com/bayarea/article/Berkeley-plastic-straw-ban-vote-environment-11183903.php> and

<https://www.sfchronicle.com/bayarea/article/Plastic-straws-stir-up-environmental-debate-in-11192651.php>).

In May 2017, three members of the city council recommended that the Council refer to the Community Environmental Advisory Commission and the Zero Waste Commission exploring the creation of an ordinance to prohibit the use of plastic straws in bars, restaurants and coffee shops in the city. The recommendation was for the commissions to reach out to business owners and store managers and other stakeholders to get their input on the possibility of providing compostable or reusable alternatives to plastic straws, like paper and bamboo (See May 30, 2017 Consent Calendar Item, available at

https://www.cityofberkeley.info/uploadedFiles/Council_3/Level_3_-_General/2017-05-30%20Item%2036%20A%20Ban%20on%20the%20Use%20of%20Plastic.pdf).

In May 2017, a recommendation was expected within approximately 9 months (approximately February 2018; see: <https://www.sfchronicle.com/bayarea/article/Plastic-straws-stir-up-environmental-debate-in-11192651.php>). However, as of March 2018, it doesn't appear any additional progress has occurred to date.

Encinitas, California

In December 2017, the city's Environmental Commission voted to request the City Council to adopt an ordinance that would require restaurants to first ask customers if they would like a straw with their beverage rather than automatically giving them one (See http://encinitas.granicus.com/MetaViewer.php?view_id=7&clip_id=1640&meta_id=81255, and <http://www.sandiegouniontribune.com/communities/north-county/sd-no-encinitas-straw-20171215-story.html>).

The proposal was first considered at the Commission's November 2017 meeting, which drew approximately 25-30 members of the public (according to the staff report, possibly the Commission's largest audience ever). 15 speakers supported a complete ban on plastic straws. No speakers opposed an ordinance. On March 21, the Encinitas City Council unanimously approved the Environmental Commission's recommendation for an ordinance so that straws will be distributed only if a customer requests one (See <http://www.delmartimes.net/encinitas-advocate/news/sd-cm-enc-0330-plastic-straws-20180326-story.html>). If adopted, Encinitas would be the first city in San Diego County to pass a straw ordinance.

Huntington Beach, California:

Public support for a ban of single-use plastic straws in Huntington Beach first gained momentum in 2017. Unfortunately, it does not seem the City Council has taken any action thus far in moving towards a plastic straw ban, with at least one council member expressing firm opposition towards such a ban (<https://www.ocregister.com/2017/03/16/restricting-use-of-plastic-straws-the-latest-trend-to-clean-up-beaches-ocean/>). Some businesses, however, have said they would be willing to voluntarily stop providing straws to customers automatically



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(<http://abc7.com/news/oc-environmental-group-aims-to-reduce-plastic-straw-waste/1811890/>).

States

California

On January 17, 2018, California Assemblyman Ian Calderon [proposed the first statewide plastic straw bill](#). The bill would prohibit food facilities (including restaurants, mobile food trucks, school cafeterias, and more), where food may be consumed on the premises, from providing single-use plastic straws, unless requested by a consumer. In February, the bill [was referred and re-referred to the Natural Resources Committee](#).

That bill passed and was signed by Governor Jerry Brown on September 20, 2018, making California the first state to regulate plastic straws.

Hawaii

On January 19, 2018, Senator Karl Rhoads introduced S.B. 2285 which would prohibit any "individual or business" in Hawaii from distributing, selling, or otherwise providing a straw comprised in full or in part of plastic (See Hawaii S.B. 2285 available at https://www.capitol.hawaii.gov/session2018/bills/SB2285_.HTM).

Although the bill passed the Senate Committee on Agriculture and Environment, it was unable to pass the legislature in time to become law (<http://www.kitv.com/story/37400783/senate-bill-to-ban-plastic-straws-in-hawaii-passe-s-committee>; see also

<http://www.newsweek.com/hawaii-plastic-straws-ban-hilton-modern-hotel-824725>).

However, Rhoads says he will introduce the bill again.

The bill defines "business" as any commercial enterprise or establishment operating in

the State, from individual proprietorships to corporations, including non-profits. The law would extend to all “employees of the business or any independent contractors associated with the business.”

"Plastic" includes any “material made of polymeric organic compounds and additives that can be shaped by flow.”

Violators would pay a fine no less than \$100, and no more than \$500 for each offense. Further, the bill would require the violator to spend four hours picking up litter or performing other community service in a public place for the first offense. For subsequent violations, the violator would be required to spend eight hours picking up litter or other community service.

NATIONS

	Location	Summary	Effective Date
Countries			
Belize		Belize announced in March 2018, that they are going polystyrene, Plastic Straw and multiple single-use items free by Earth Day 2019	April, 22,2019
EU		pending	
France		require all single-use dishware – cups, plates, flatware and so on – to be made from biologically sourced materials that can be composted by 2020. Passed in summer, 2017	2020
Philippines		Straws Upon Request w/ fee	Pending legislation: SBN 1873
Taiwan		Ban on plastic straws	pending as of July 2018
UK		Ban on plastic straws	pending as of July 2018
Vanuatu		single use plastic bags, polystyrene takeaway boxes and straws by	July 1, 2018

Committee Chair Thibodeau and Members of the Sustainability and Transportation Committee, my name is Greg Dugal and I am representing Hospitality Maine here this evening with some thoughts on how to deal with plastic straws. We believe a good first step would be an education initiative to alert restaurateurs and their consumers to the overuse of many single use plastic items, but specifically plastic straws. It would make sense to start an initiative that would train restaurants to use a straw upon demand approach for their customers. This would cover the concerns of individuals with disabilities that may result in swallowing disorders. Our preference would be to try this as a volunteer education-based program and then monitor its success in some way. If for some reason the program is not successful, then perhaps follow up with an ordinance that would require the straw upon demand approach. We do not support an all-out ban.

The ideal situation would be for a Maine based company like Huhtamaki to develop a good paper straw that could be used in Maine restaurant establishments, as well as, the same establishments around the US and the world. Currently none exists, most degrade too quickly. It would create an exporting opportunity for Maine's paper industry and a biodegradable product that would be good for the environment.

We are appreciative of the efforts put forth by the committee and its city staff liaison Tory Moon and look forward to helping in any way moving forward. We also appreciate having the ability to make public comments on this issue this evening.



Troy Moon <thm@portlandmaine.gov>

Tandem Coffee Cup Initiative

1 message

Kathleen Pratt <kathleen@tandemcoffee.com>

Thu, Apr 18, 2019 at 10:47 AM

To: sthibodeau@portlandmaine.gov

Cc: Thm@portlandmaine.gov

Hi Councilor Thibodeau,

It was nice to see your familiar face at the bakery this past Saturday amidst the crowds and I really appreciate your kind words about our new cup initiative at Tandem. We're pretty excited to already see some results from flipping the switch on how people think about single-use cups. Already our numbers of single-use cups have decreased by 30%. Here's hoping that will just continue to grow! If you or anyone else from the city would like to talk to Will or myself a little bit more about this initiative, we'd be more than happy to do so!

I thought to ask you shortly after you left, but where does the city stand on potentially banning plastic straws? Tandem is in full support of the ban and do think this is the direction that many cities are going and hope Portland will be on that list!

Again, we'd love to discuss either of these topics with you. Thanks again for all of your support of our business. We sure do appreciate it!

Thanks,
Kathleen Pratt

--
tandemcoffee.com
[tumblr](#)
[facebook](#)

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Portland Coffee Cup Initiative

Portland Coffee Cup Initiative

10/20/2010

Portland Coffee Cup Initiative

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Portland Coffee Cup Initiative



Troy Moon <thm@portlandmaine.gov>

Fwd: Please consider banning plastic straws

Jon Jennings <jpj@portlandmaine.gov>
 To: Troy Moon <thm@portlandmaine.gov>

Mon, Jan 14, 2019 at 5:29 PM

FYI--for the record.

----- Forwarded message -----

From: **Nick Mavodones** <nmm@portlandmaine.gov>
 Date: Mon, Jan 14, 2019 at 4:42 PM
 Subject: Fwd: Please consider banning plastic straws
 To: Jon Jennings <jpj@portlandmaine.gov>

----- Forwarded message -----

From: **Robin Lea** <learob@portlandschools.org>
 Date: Monday, January 14, 2019
 Subject: Please consider banning plastic straws
 To: jduson@portlandmaine.gov, nmm@portlandmaine.gov, pali@portlandmaine.gov, kcook@portlandmaine.gov, jcosta@portlandmaine.gov, bbatson@portlandmaine.gov, sthibodeau@portlandmaine.gov, bsr@portlandmaine.gov, estrimling@portlandmaine.gov

Portland City, Council
 389 Congress St,
 Portland, ME 04101

Over 500 million, plastic straws are used daily on average, if you put the yearly amount of straws used together it's enough to circle the Earth twice according to the National Park Services. Plastic straws are harming our Earth, oceans and atmosphere.

Plastic lasts "forever" meaning it does not decompose or biodegrade well and may take a thousand of years to do so, there also to light for recycling, because of this we have to throw it in the trash. They then get burned and release CO2 into the atmosphere, which is leading to climate change. Sometimes the straws do not make it to the trash and get left by humans, there often left in places like football stadiums, parks, and outside of trash cans. These straws then get blown or washed away into the sewers or gutters, which lead to the ocean. When straws reach the ocean they break down into microplastics, Marine life mistakes these microplastics for food, and will digest them. Plastics builds up inside them and causes them not to feel hungry, when there body does need food causing them to starve. It also has toxic chemicals thats can kill them. According to the Strawless Ocean Foundation, by 2050 99% of marine life will have ingested plastic if we don't reduce plastic usage. Sometimes when these straws are left out the get blown into parks or just on the sidewalks, you then have land animals either getting stuck in them causing them to suffocate and panic. They may also eat them causing them to choke or have it build up inside of them.

Portland Should ban plastic straws. They are harming the environment. According to *USA Today* on coastal cleanup day 2017, over 643,562 straws were found and that's just in one day. Although banning straws may not end plastic on Earth, it is a big start and may set an example to other towns to do it as well. There are alternatives for straws like decomposable, biodegradable, edible, metal and glass straws. They may cost more money to make and might be not as convenient, but it's better than ruining Earth for you and the new generation.

Sincerely,
 Taylor A.
 Lincoln Middle School Student
 Portland, Maine

(sent from my teacher's email account)

Robin Lea
 8th Grade Science Teacher, Lincoln Middle School
<https://msleablog.wordpress.com/>

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--

Nick Mavodones
City Council At-Large
389 Congress Street
Portland ME 04101
(207) 874-8685
nmm@portlandmaine.gov

Sent from Gmail Mobile

--

Jon P. Jennings
City Manager
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www.portlandmaine.gov
Twitter: @portlandmanager



Troy Moon <thm@portlandmaine.gov>

Straws + Schools

Melissa Gates <mgates@surfrider.org>

Tue, Jul 23, 2019 at 10:26 AM

To: Troy Moon <thm@portlandmaine.gov>

Good morning, Troy!

I thought you might find this video from the Falmouth Council meeting of 6/17/19 interesting with regard to movement in Maine schools to mitigate pollution from straws; the video features 5th grade students talking about why and how they banned straws in their school: <https://view.earthchannel.com/PlayerController.aspx?PGD=falmouthme&elD=487/>.

While this is not a town-mandated ordinance, I thought the impacts of the ban to school food operations could prove useful in the TE Committee deliberations, should someone in the Falmouth elementary program have intel to share.

Thanks,
Melissa

Melissa Gates | Northeast Regional Manager | [Surfrider Foundation](#) | 207.706.6378 | mgates@surfrider.org

[Quoted text hidden]

Page 1 of 1
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They also attend local, regional, and

Schools + Districts

Phoenix District Schools (PDS) is a public school district serving the Phoenix metropolitan area. The district is one of the largest in the United States, with over 1.5 million students and 10,000 teachers. PDS is committed to providing a high-quality education for all students, regardless of their background or ability.

Learn more about PDS

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Phoenix
District

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Phoenix District Schools (PDS)



Troy Moon <thm@portlandmaine.gov>

Suggested Amendments to the Proposed Straw Ordinance

5 messages

Melissa Gates <mgates@surfrider.org>

Wed, Jul 17, 2019 at 2:13 PM

To: bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, jduson@portlandmaine.gov

Cc: Troy Moon <thm@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

Dear Chairperson Thibodeau and Sustainability and Transportation Committee Member Councilors Duson and Ray:

In preparation for this evening's Committee meeting (and to save paper!), please find attached suggested amendments and a draft markup pursuant to the proposed straw ban ordinance sponsored by Councilor Batson. The requested amendments are to:

- Add stirrers and splash sticks to the prohibition along with straws; and,
- Require an ask-first policy for alternative straws, stirrers and splash sticks.

The suggested amendments are not substantive in terms of conflating the proposed regulation of straws, as the amendments are relative to the other two widely dispensed single-use plastic items used for beverage consumption that present persistent pollution problems in Portland's environment and watershed. While not substantive in altering or expanding the scope or nature of the proposed straw regulation, the suggested amendments would significantly strengthen the City's goals for protecting the environment by mitigating pollution from single-use plastics and urging a consumer paradigm shift away from single-use products and toward more sustainable, reusable products.

Stirrers and splash sticks are easily replaced by reusable spoons, lids and mugs, **or single-use natural-made products on request only**, such as those constructed of bamboo, wood, or other natural, non-plastic products that will degrade regardless of environmental conditions.

Please note that Governor Janet T. Mills signed [LD289](#) into law on April 30, 2019, effectively banning single-use plastic stirrers in the state of Maine beginning on January 1, 2021 (attached as Exhibit B). Portland has the opportunity under its currently proposed straw ordinance to proactively ban single-use plastic stirrers ahead of the effective date for the state prohibition, again leading by example and while more immediately protecting the City's environment from this persistent source of pollution.

The Surfrider Foundation Maine Chapter appreciates your consideration of our proposed amendments, and we thank you and Councilor Batson for your attentions to the serious issue of single-use plastic pollution.

Thank you,
Melissa

Melissa Gates | Northeast Regional Manager | [Surfrider Foundation](#) | 207.706.6378 | mgates@surfrider.org

Surfrider-Amendment recs-Portland Straw Ban Ord-7-17-19.docx
111K

Melissa Gates <mgates@surfrider.org>

Wed, Jul 17, 2019 at 3:17 PM

To: bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, jduson@portlandmaine.gov

Cc: Troy Moon <thm@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

All,

I noted a needed clarification: the state law earlier noted bans polystyrene foam food products, including stirrers made of polystyrene *foam* beginning on January 1, 2021 (attached as Exhibit B).

LD289 got a little jumbled from original intent to ban foam AND rigid forms of polystyrene food service ware (such as clamshell containers, cups, stirrers and utensils), to Revisor's draft, which was signed into law banning foam products only, including stirrers made of foam. However, most stirrers are made of rigid polystyrene and not foam.

The Maine Chapter will be championing legislation in the next state legislative session to account for the original intent of LD289, asking the Maine legislature to additionally ban splash sticks as well as stirrers made of rigid plastic (and other types of single-use plastic consumer products), in addition to those made of EPS foam that will be banned beginning 1/1/21.

Having Portland account for rigid stirrers and splash sticks in this proposed straw ordinance, therefore, would be helpful toward driving the state and other Maine municipalities in a positive direction for the environment, and to do so ahead of the effective date for the state prohibition on foam wares.

Thanks again for your consideration,
Melissa

Melissa Gates | Northeast Regional Manager | [Surfrider Foundation](#) | 207.706.6378 | mgates@surfrider.org

[Quoted text hidden]

Troy Moon <thm@portlandmaine.gov>
To: Melissa Gates <mgates@surfrider.org>

Wed, Jul 17, 2019 at 3:36 PM

Hi Melissa,

Looking at the text of the state law it looks like all plastic stirrers are banned:

2. Plastic beverage stirrers. A covered establishment providing beverages at a facility or function of the State or of a political subdivision may not provide beverage stirrers that are composed of plastic. For the purposes of this subsection, "beverage stirrer" means a device that is designed solely to mix liquids that are intended for internal human consumption and are contained in a single-serving container.

[Quoted text hidden]

--
Troy Moon
Sustainability Coordinator
City of Portland, ME
207-756-8362
oneclimatefuture.org



Melissa Gates <mgates@surfrider.org>
To: Troy Moon <thm@portlandmaine.gov>

Wed, Jul 17, 2019 at 3:57 PM

There's been a lot of back-and-forth on this one – I'll try to add some more context this evening!

What is very clear is that Portland has a good Opportunity to include stirrers and splash steaks in this current straw ban ordinance!

Melissa Gates
Northeast Regional Manager
Surfrider Foundation
207.706.6378

Sent from my SurfriPhone...sorry for brevity & typos!

On Jul 17, 2019, at 15:36, Troy Moon <thm@portlandmaine.gov> wrote:

Hi Melissa,

Looking at the text of the state law it looks like all plastic stirrers are banned:

<image.png>

[Quoted text hidden]

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Melissa Gates <mgates@surfrider.org>

Wed, Jul 17, 2019 at 4:20 PM

To: bsr@portlandmaine.gov, sthibodeau@portlandmaine.gov, jduson@portlandmaine.gov
Cc: Troy Moon <thm@portlandmaine.gov>, Brian Batson <bbatson@portlandmaine.gov>, Ethan Strimling <estrimling@portlandmaine.gov>

Last email before I see you at this evening's committee meeting – I promise!

Troy pointed out section 1532 with explicit prohibition of plastic stirrers; apologies, I've been on the road today and not directly in front of my computer, and misremembered which items were accounted for in LD289. Rigid plastic stirrers were accounted for in the ban, as Troy noted, and splash sticks and utensils, were not.

There was a lot of deliberation regarding whether or not utensils, lids and splash sticks would be banned under the law that passed, and that is what the Surfrider Maine Chapter will address with new legislation in the next state session.

Thanks to Troy for pointing that out, thanks to you all for your work on this, and apologies again for the confusion!

10/15/2019

City of Portland Mail - Suggested Amendments to the Proposed Straw Ordinance

I hope you will consider adopting the suggested amendments to include stirrers and splash sticks in the proposed straw ordinance, to get at an earlier effective date for the straw ban and including splash sticks that are made of rigid plastic.

Thanks again,

Melissa Gates | Northeast Regional Manager | [Surfrider Foundation](#) | 207.706.6378 | mgates@surfrider.org
[Quoted text hidden]

I hope you will consider adding the suggested amendments to the City's current and recent efforts in the proposed street plan. I am all in support of the plan and believe it is a great first step in the right direction.

Thank you,

Melissa Geller, Portland Regional Manager | 503.708.5378 | mgeller@portland.gov

MEMORANDUM
City Council Agenda Item

FROM: Camille Alden
DATE: October 1, 2019
SUBJECT: **Order 67-19/20 Releasing of Sewer Right of Way over Parcel 189-A-3 on Sewall Street - Sponsored by Jon P. Jennings, City Manager**
SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No

PRESENTATION:

I. SUMMARY

The City intends to release its interest in the 30 foot wide sewer right of way that was abandoned in place in 1976 over Parcel 189-A-3 on Sewall Street.

II. AGENDA DESCRIPTION

This order approves the release of the City's interest in the 30-foot-wide sewer right of way that was abandoned in 1976 and that crosses over Parcel 189-A-3 on Sewall Street.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

In 1929 the City acquired a 30 foot wide sewer easement over private land on Sewall Street via deed 1327/127. In 1976 the City built a new sewer in the Sewall Street. This new sewer made the older 1929 sewer unnecessary, so, the old sewer was abandoned in place. In 1979 the City released its interest in the portion of the 30' wide sewer right of way that crosses over parcel 189-A-14 through the recording of deed 4416/239. The City inadvertently did not release its interest in the remaining portion of the sewer right of way that crosses over parcel 189-A-3. The attached deed would remedy the situation by releasing the City's remaining interest in the sewer right of way.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The current owner's parcel will no longer be encumbered by the sewer right of way which will increase the possible uses of the parcel such as the creation of a buildable house lot.

V. FINANCIAL IMPACT

None

VI. STAFF ANALYSIS AND BACKGROUND

The current owner of parcel 189-A-3 approached the City to ask if the City would release its interest in the 30' sewer right of way. The DPW Water Resources group reviewed the Engineering Vault record plans and inspected the Sewall St sewer pipes in front of parcel 189-A-3 and abutting parcels. They determined that the 30' sewer right of way and the pipe within it have been abandoned and are no longer needed. The DPW Survey Group conducted deed research to determine if the sewer right of way had already been released. They determined that a large part of it had been released in 1979 to the property owner to the rear, but, that it had not been released over parcel 189-A-3.

VII. RECOMMENDATION

Release the City's interest in the sewer right of way which crosses parcel 189-A-3 by signing and recording the attached release deed.

VIII. LIST ATTACHMENTS

1. Releasing Sewer Easement on Sewall Street 10.21.2019
2. Release Deed Sewall St Sewer to Anderson with Plan
3. GIS Sketch of Parcel 189-A-3

Prepared by:

Camille Alden

Date: 10/1/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER RELEASING SEWER RIGHT OF WAY
OVER PARCEL 189-A-3 ON SEWALL STREET**

ORDERED, that the City of Portland hereby releases any and all easement rights with respect to sewers, drains and stormwater facilities that the City may have over Parcel 189-A-3 on Sewall Street in substantially the form of the Release Deed attached hereto as Attachment A; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or his or her designee to execute said documents and any other related documents necessary or convenient to carry out the intent of said documents and this Order.

RELEASE DEED

CITY OF PORTLAND, a body politic and corporate located in the City of Portland, County of Cumberland, and State of Maine, for consideration paid, hereby releases to Lucia M. Anderson of Portland, Maine, Cumberland County, State of Maine, both with a mailing address of 1326 Washington Ave, Portland, ME. 04103, all its right, title and interest in a certain 30 foot wide sewer right of way situated on the easterly side of Sewall Street in the City of Portland, Cumberland County, State of Maine, the centerline of which being described as follows:

BEGINNING at a point in the easterly sideline of Sewall Street, distant southerly along said easterly sideline of Sewall Street (as accepted in 1893) 215.23 feet from its intersection with the southerly sideline of Congress Street;

THENCE, easterly and making an included angle of 89° 33' with the northerly direction of said easterly side line of Sewall Street a distance of 162.95' feet more or less, to an intersection with the right of way of the Congress and Bolton Street Outlet Sewer as accepted by Order of the Portland City Council on October 1, 1923 and recorded in City Clerk Volume 50, Page 122.

Meaning and intending to release the portion of the 30 foot sewer right-of-way described in a deed from Dewer Rich to the City of Portland dated August 6, 1929 and recorded in Deed Book 1327, Page 137, Cumberland County Registry of Deeds and as shown on the attached Exhibit A, which passes over and under land now or formerly of Sarah Kate Green *et al.* as described in a deed from Stephen P. Hilton to Sarah Kate Green *et al.*, dated July 25, 2013 and recorded in said Registry in Deed Book 30878, Page 152. And as further described in a deed from Sarah Kate Green and Wilhelm K. Scherer to Lucia M. Anderson dated July 3, 2019 and recorded in Deed Book 35776, Page 210, Cumberland County Registry of Deeds. Said sewer right of way and the accompanying 12 inch vitrified clay pipe were abandoned in place in 1975.

IN WITNESS WHEREOF, the City of Portland has caused this instrument to be executed by Brendan O'Connell, its Finance Director, thereunto duly authorized, this ____ day of September, 2019.

CITY OF PORTLAND

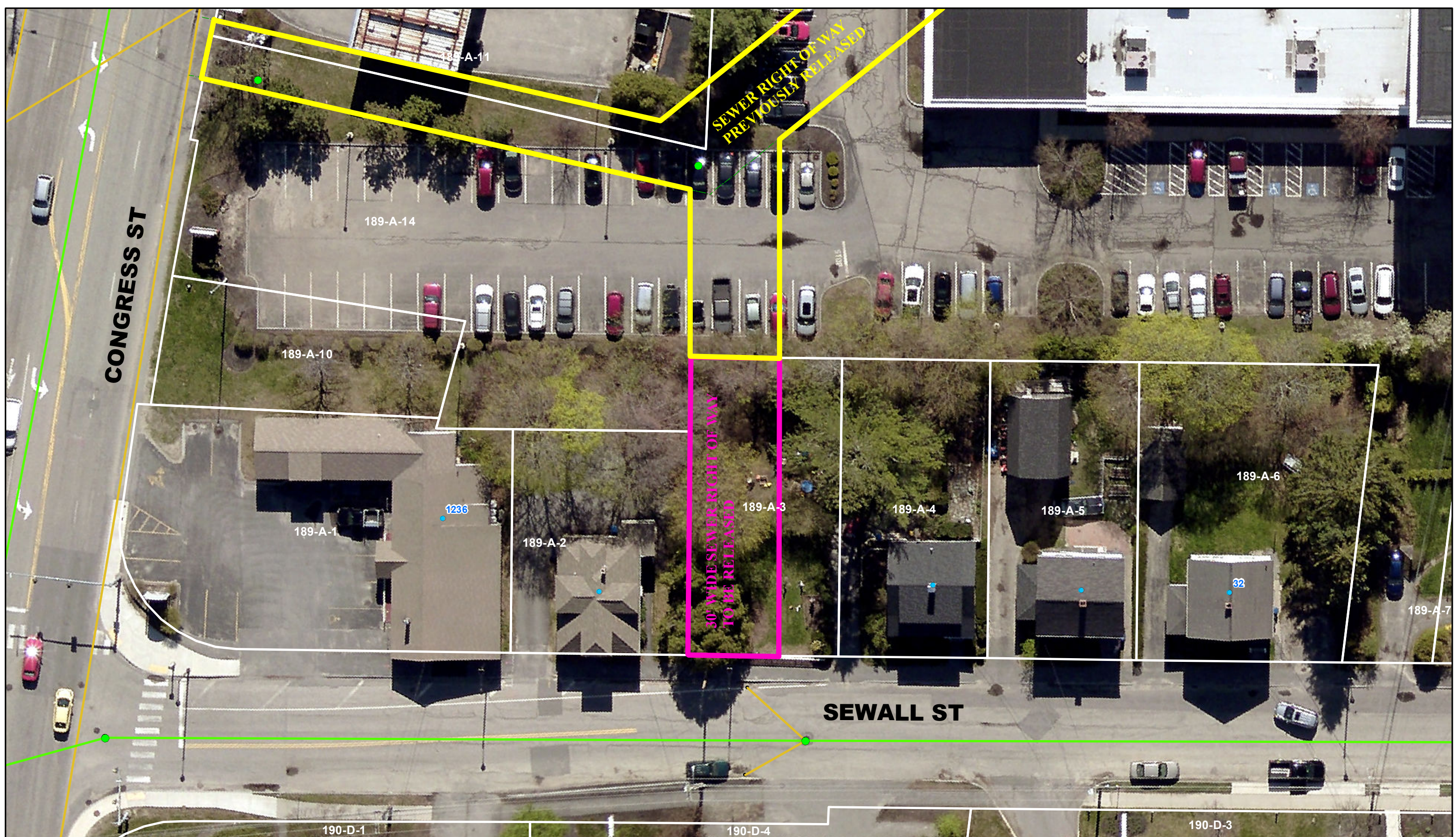
Witness
STATE OF MAINE CUMBERLAND, SS

By: _____
City Manager, Jon P.. Jennings.
September ____, 2019

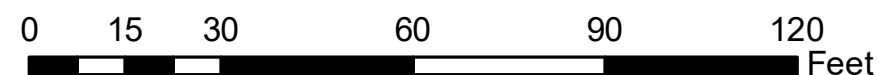
Personally appeared the above-named Jon P. Jennings Manager of the City of Portland as aforesaid and as acknowledged the foregoing instrument to be his fee act and deed in his said capacity and the free act and deed of the City of Portland.

Before Me,

Notary Public/Attorney at Law
Commission Expires:



**SKETCH OF SEWALL ST SEWER R/W
ACROSS PARCEL 189-A-3
SEPTEMBER 27, 2019 1"=30'**



CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 Canco Rd Suite B PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852



MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 2, 2019

SUBJECT: Order 68-19/20 Approving the Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor & Trades - Sponsored by Jon P. Jennings, City Manager

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

City staff has reached a tentative two (2) year contract agreement with AFSCME Labor & Trades which is within guidance received from Council on June 20, 2019. AFSCME Labor and Trades represents approximately 162 Trades, Maintenance, Mechanic and Custodial workers. The parties have tentatively agreed to a two (2) year contract with general wage increases of 2.50% effective July 7, 2019 and 2.75% effective July 1, 2018. The parties have further agreed to two (2) new longevity steps in the pay plan. A 12+ year step effective July 7, 2019 and a 15+ year step effective July 5, 2020. In addition, the parties have agreed to roll in \$.50/hour in the second year of the contract to all steps in the pay plan and eliminate several stipends, the meal allowance and the allowance for pants.

The parties also agreed to other minor contract language changes that do not add any costs to the City.

The Union has ratified the tentative agreement and the Administration recommends your support for the agreement.

The contract term is July 7, 2019 through June 30, 2021. The total direct costs of the general wage increases and other economic updates are approximately \$586,000.00 over the two-year term. The cost sheet is included the agenda backup.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. AFSCME Local 481-00 Labor & Trades Contract 10.21.2019
2. Labor & Trades Cost Sheet

Prepared by:

Date: 10/2/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE
COLLECTIVE BARGAINING AGREEMENT WITH
THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPLOYEES (AFSCME) LOCAL 481-00 LABOR & TRADES**

ORDERED, that the attached Collective Bargaining Agreement with the American Federation of State, County and Municipal Employees (AFSCME) Local 481-00 Labor & Trades for July 7, 2019 through June 30, 2021, is hereby approved.

LABOR & TRADES - ADMINISTRATIVE RECOMMENDATION						
ITEM	BASE COST	YEAR 1 (FY)	% INCR	YEAR 2 (FY)	% INCR	NOTES:
Base Wages	7,318,780	182,969	2.5%	206,298	2.75%	
Pay Plan Additional Steps		102,827	1.4%	73,528	1.0%	Add 10 Yr Step Yr 1, 15 Yr Step Yr 2
Pay Plan Increase				157,040		Increase Pay Plans by \$0.50 (excluding Jetport)
Specialty Pay	112,417			(46,992)		Give up Winter Stipend for increase in all pay plans and steps
Meal Allowance	20,910	947	4.5%	(21,857)	-100.0%	Inc Meal Allowance for 427 EE's from \$10 to \$11 and 104 EE's from \$160 to \$165, Give up Meal Allowance in Yr 2 for increase in all pay plans and steps
Sub-Total Wages	7,452,107	286,743	3.8%	368,017	4.8%	
Overtime	899,946	22,499	2.5%	25,367	2.8%	Based on increase in base wages
Clothing Allowance	58,100			(58,100)	-100.0%	Give up Pants & Boot Allowance for increase to all pay plans and steps
Total Direct Costs	8,410,153	251,142	3.0%	335,284	3.9%	
Health Insurance	1,635,737	163,574	10.0%	179,931	10.0%	Inflationary increase only
Pension	835,205	30,924	3.7%	39,338	4.5%	Based on increase in total wages
Workers' Compensation	239,213	5,980	2.5%	6,743	2.8%	Based on increase in total wages
Total Indirect Costs	2,710,155	200,478	7.4%	226,012	7.8%	
Total	11,120,308	451,620	4.1%	561,297	4.9%	

MEMORANDUM
City Council Agenda Item

FROM: Tom Caiazzo, Labor Relations

DATE: October 2, 2019

SUBJECT: **Order 69-19/20 Approving the Collective Bargaining Agreement with the City Employees Benefit Association of the American Federation of State, County and Municipal Employees, Local 1373 - Sponsored Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading **Final Action**

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

City staff has reached a tentative two (2) year agreement with our largest bargaining unit, the City Employees Benefit Association (CEBA) of the American Federation of State, County and Municipal Employees (AFSCME) Local 1373 representing approximately 500 City employees. The CEBA contract expired on June 30, 2019. Terms of the two-year agreement include a 2.50% general wage increase for Fiscal Year (FY) 2020 retroactive to July 7, 2019 and a 2.75% general wage increase effective July 1, 2020. The general wage increases are consistent with guidance received by Council on July 8, 2019 and they are consistent with other negotiated contracts for the same period. The contract term is July 7, 2019 through June 30, 2021. The total direct cost of the general wage increase is approximately \$810,000.00.

Other terms of the tentative agreement include: Article 26 – added \$75.00 per year for Support Team Workers to purchase non-slip footwear

Appendix B1 – upgraded the following positions:

Accountants Grade 11 to Grade 12

Customer Service Representative Grade 8 to Grade 9

Computer Operator Grade 10 to Grade 12

Geriatric Social Worker Grade 14 to Grade 15

There are also minor language changes that do not add any additional cost to the City. Other provisions of the contract remain intact for the term of the agreement.

The union membership has ratified the tentative agreement and the Administration recommends your support for the agreement.

The cost sheet is included in the agenda backup.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. CEBA of AFSCME Local 1373 Contract 10.21.2019
2. CEBA Cost Sheet

Prepared by:

Tom Caiazzo, Labor Relations

Date: 10/2/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER APPROVING THE
COLLECTIVE BARGAINING AGREEMENT WITH
THE CITY EMPLOYEES BENEFIT ASSOCIATION OF THE AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1373**

ORDERED, that the attached Collective Bargaining Agreement with City Employees Benefit Association (CEBA) of the American Federation of State, County and Municipal Employees (AFSCME) Local 1373 for July 1, 2019 through June 30, 2021, is hereby approved.

CEBA Union Costing FY20-FY21: City Proposal

*Based on 382.0 LIVE FTEs (458 EEs)

CITY PROPOSAL:

Item	FY19 06/14/19		Year 1 FY20	Base % Incr	Year 2 FY21	Base % Incr
#1 A) COLA (Base Pay):	\$15,168,672		\$379,217	2.5%	\$427,567	2.8%
B) Other Pay:						
(1) % Add Rates	\$10,176		\$369	3.6%	\$320	3.0%
(2) Fixed Add Rates	\$214,754		---	---	---	---
Additional Rates:	\$224,930		\$369	---	\$320	---
#1 Subtotal Wages :	\$15,393,602		\$379,586	2.5%	\$427,887	2.7%
#2 Union Upgrade Requests (FY19 Base Included in Above)	*	\$338,774	\$10,427	3.1%	\$10,605	3.0%
(a) Accountants (Pos # 3): C11 to C12 (8 FTEs)	*	\$338,774	\$10,427	3.1%	\$10,605	3.0%
#1 Overtime (Based on FY19 & FY18 Actuals)	\$1,541,927		\$38,548	2.5%	\$43,463	2.8%
Total Direct Costs:	\$16,935,529		\$428,561	2.5%	\$481,956	2.8%
Health Insurance	\$3,378,896		\$337,890	10.0%	\$371,679	10.0%
Pension (Excludes Clothing Allowance)	\$1,693,553		\$42,856	2.5%	\$48,196	2.8%
Workers' Compensation	\$543,630		\$13,757	2.5%	\$15,471	2.8%
Total Indirect Costs:	\$5,616,079		\$394,502	7.0%	\$435,345	7.2%
TOTAL:	\$22,551,608		\$823,063	3.6%	\$917,301	3.9%

* Base Already Included in Initial FY19 Wages (#1)

MEMORANDUM
City Council Agenda Item

FROM:

DATE: October 16, 2019

SUBJECT: Order 70-19/20 Setting a Public Hearing on an Amendment to the Portland City Charter Re: Ranked Choice Voting for Municipal Officials - Sponsored by the Legislative/Nominating Committee, Councilor Pious Ali, Chair

SPONSOR:

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

Final Action

Can action be taken at a later date: No (If no why not?)

PRESENTATION: (List the presenter(s), type and length of presentation)

I. SUMMARY

II. AGENDA DESCRIPTION

The Legislative/Nominating Committee met on October 15, 2019 and voted 3-0 to forward a ranked choice voting amendment to the Portland City Charter to the City Council with a recommendation for passage. This item sets the public hearing on the proposed amendment for November 18, 2019.

The amendment itself, as recommended by the Legislative/Nominating Committee, proposes to make Ranked Choice Voting used for the election of all City Council and School Board seats, and sends the proposed amendment to the voters in March 2020.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis and Background that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Setting Public Hearing Ballot Question re Ranked Choice Voting 10.21.2019

2. Final Charter Amendment for Ranked Choice Voting from Legislative Committee 10.21.2019
3. Legislative Committee Meeting - Oct 15, 2019-Draft - Google Docs

Prepared by:

Date: 10/16/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**ORDER SETTING A PUBLIC HEARING ON AN
AMENDMENT TO THE PORTLAND CITY CHARTER
RE: RANKED CHOICE VOTING FOR MUNICIPAL OFFICIALS**

ORDERED, that a public hearing regarding an amendment to the Portland City Charter allowing Ranked Choice Voting for School Board and City Council members shall be held by the City Council on November 18, 2019, at 5:30 p.m., or as soon as possible after said time, in City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine.

**AMENDMENT TO THE PORTLAND CITY CHARTER
RE: RANKED CHOICE VOTING FOR MUNICIPAL OFFICIALS**

As approved by the Legislative/Nominating Committee

Section 3. Ranked choice voting; instant runoff tabulation.

For the positions of mayor, city councilor, and school board member only, the city clerk shall implement a ranked choice voting protocol according to these guidelines:

- (a) The ballot shall give voters the option of ranking ~~mayoral~~-candidates in order of choice.
- (b) If a ~~mayoral~~-candidate receives a majority, i.e. at least one more than fifty percent (50%) of the first choice votes cast, that candidate is elected.
- (c) If no candidate receives a majority of first choice votes, an instant runoff re-tabulation shall be promptly conducted by the city clerk and completed within five (5) business days of the election. The instant runoff re-tabulation shall be conducted in successive rounds, with the majority determined for each successive round by the number of votes cast in that round. The candidate with the fewest votes after each successive round in which no candidate receives a majority of the votes cast in that round shall be eliminated, and the votes in the successive rounds shall be re-tabulated among the remaining candidates until one candidate receives a majority of the votes cast in that round. In each successive round, each voter's ballot shall count as a single vote for whichever candidate the voter has ranked highest who has not been eliminated in a prior round, if any.
- (d) After the first round, a majority is determined as at least one (1) more than fifty percent (50%) of the

votes cast for a remaining candidate in a particular round.

- (e) The city clerk may adopt additional regulations consistent with this subsection to implement these provisions. The ballot shall contain instructions on how to vote for each office. (Referendum 11/2/10)

...

ARTICLE IV. ELECTIONS

Section 7. Form of ballot.

All official ballots for use in all municipal elections shall be prepared by the city clerk and furnished by the city, consistent with the voting machines used and the form of any state ballot(s), and the use of ranked choice voting ~~for mayor~~. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence, and the office for which they are candidates, and instructions on how to mark the ballot. The candidates for each office shall be grouped under the title of each office, plainly and distinctly marked. There shall be as many blank spaces under the name of each office as there are vacancies to be filled. The procedure for counting write-in votes shall be governed by Title 21-A, Maine Revised Statutes, unless inconsistent with article II, section 3, in which case the charter provisions shall govern. Notwithstanding the foregoing, in the event of an emergency such as the illness, death or disqualification of a nominee for municipal office prior to the general election, the time frame for accepting a declared write-in candidate may be shortened by the city clerk. Such ballots may also contain such measures as may be submitted to the voters of the city by the legislature or by the city council and shall be without party mark or designation.

In preparing all ballots for election under this charter, the city clerk shall arrange the names of all qualified

candidates for each office in alphabetical order according to surnames. (Referendum 11/2/10)

...

Section 10. Canvass of returns.

The city clerk shall examine the records of the several voting places and within forty-eight (48) hours after such election shall determine and declare the successful candidates as follows: The person or persons, not exceeding the number to be voted for at any one time for any office, having the majority ~~highest number~~ of votes cast at such election, shall be determined and declared to be elected. ~~Notwithstanding the foregoing, if~~ If no candidate for mayor, city councilor, or school board has a majority of the votes cast as provided in article II, section 3, the city clerk shall conduct an instant runoff tabulation as provided in such section until the candidate ~~for mayor~~ with the majority of votes cast is determined. The city clerk shall provide written notice of the election results to all candidates. (Referendum 11/6/01; 11/2/10)

CITY OF PORTLAND
LEGISLATIVE COMMITTEE
October 15th, 2019 MEETING MINUTES

The October 15th, 2019 Meeting was called to order by Committee Chair Ali at 12:06 p.m. in Council Chambers, Portland City Hall, Portland, Maine

A. Attendance/Introductions:

Committee Chair City Councilor Pious Ali; City Councilor Jill Duson; Ethan Strimling, Mayor; Danielle West-Chuhta, Corporate Counsel; Jon Jennings, City Manager and Deivy Periana (Staff).

B. Approval of minutes:

October 7th meeting minutes - motion by Committee City Councilor Ali; move with comments by Councilor Duson; second by Mayor Strimling; 3-0 approved.

Comments about the meeting minutes:

Councilor Duson understands that it is difficult to try to capture the conversation that is moving fairly quickly. We had a lot of conversations last time trying to be clear which document we were working from because there was only one copy of the document. In her opinion the drafted minutes do not quite capture what seems to imply conflict when most of the conversation was about clarification. Councilor Duson wanted to note for the record there is no need to re-draft the minutes; but the gist of the conversation was trying to be clear with the document we were working from and, hopefully, that will be clear in this meeting.

Mayor Strimling asked if there was a specific paragraph in the meeting minutes that jumped out to you? Councilor Duson replied that she didn't quite understand "Councilor Duson said this is an action item", there is no public comment." The two pieces don't quite make sense for what we were doing.

Committee Chair Councilor Ali asked if Councilor Duson would like to amend the meeting minutes. Councilor Duson said there are several things in the minutes that were, and she is not suggesting inaccuracy, just suggesting tone of conflict versus what she thought we were just trying to be sure which draft we were working from, as the Mayor was trying to write down what we were doing while comparing both documents, and making sure he got all the notes in the right document. Councilor Duson said that she doesn't think it is worth redrafting the minutes; it was a difficult conversation for me to follow let alone for someone else to capture. I just wanted to make those general comments and vote to accept the minutes.

C. Discussion of Ranked Choice Voting:

Mayor Strimling said in a quick note that the draft that Councilor Ray and Councilor Costa brought forward was exactly what we were working from. What they brought forward was what was proposed in the original and was identical to what we were working from at the last meeting; and that the amended version ultimately came from those two. It is not a new one for us, just wanted to clarify that for the public.

Councilor Ali asked are you saying that this document has already been amended? Mayor Strimling said that the document that has already been amended is the one in the packet, and it was amended based on the original that was proposed and the one that Councilor Costa; we came up with a compromised. Councilor Ali asked for clarification if it is needed to discuss the documents again, Mayor Strimling agreed to move forward, and Councilor Duson stated that she will be happy for us to figure out which version we should work on today and move forward. I would like to understand what is in that version and get the public comment on that version. She asked the Mayor to specify which document she should follow.

Mayor Strimling asked Corporate Counsel which language from a legal perspective works better, if the language that the petitioners brought forward versus the original. Danielle from Corporate Counsel said that it was up to the Committee. Mayor Strimling said that if there is no need to change the original, then just keep it that way. Councilor Ali asked if Councilor Duson had any feedback. Councilor Duson said that all seemed to be worked out, Corporate Counsel believes there is no difference in substance by using different language would like to understand that instead of the first paragraph of the document that we said we would be working today that starts with "For", section three, we will substitute the paragraph on item three that begins with "The City Clerk shall"

Councilor Ali asked the Mayor for confirmation, which he did. Mayor Strimling said he will assume that that is a motion and he will accept, second that motion to substitute that language. All were in favor of the motion.

Councilor Ali asked if there are any other corrections. Mayor Strimling replied there are no more corrections but asked Danielle for clarifications on the reading if there are any constitutional issues with the amendment . Danielle replied that is correct, a memo was included when the item was presented to the Councilors previously.

Public Hearing

Councilor Ali opened up the floor for the public to comment.

Allen Cleveland - 3 Salem St in Portland and one of the organizers of Fair Elections in Portland campaign, they collected thousands of signatures to get Ranked Choice Voting as an amendment for City Council candidates and the School Board candidates on the ballot this November. We came short by seventy-eight signatures. We still proved that thousands and thousands of Portland voters are supportive of this going on the ballot, and I wanted to thank you all for your work and your support on the continued effort to make this happen. We are looking forward with your help to have the Portland voters voting on this as soon as possible. Thank you.

Councilor Ali asked if there was anyone else that would like to comment, no one else did.

Vote

Mayor Strimling made motion ought to pass . Councilor Duson seconded the decision. Councilor Ali asked if there are any comments. Councilor Duson said that she would like to note for the record that this item fell short of the required support in the public signature process; however the councilors have expressed unanimity about going forward with this anyway because we certainly hear from our constituents. From the get go, I thought why not let the voters decide what they want to do with their elections. I fully support this and look forward for it to be on the ballot and let the voters decide.

Mayor Strimling said that a decision has to be made in regards to when this should be sent out. He suggested March; it has to meet the minimum required for voters which he believes is ten thousand voters and asked Danielle for confirmation. Danielle said that that is what former attorney Gary Wood has suggested but she will have to look into it. The Mayor said that in March, the presidential primary will be going on and there will be a substantial number of voters; he has a concern that if they wait until June

there will be less voters. He believes that there is only an election for U.S Senate primary elections in June and prior campaigns numbers shows a remarkable low number of voters in the range of four to five thousand voters. He worries that if it goes out in June, they will not meet the threshold and he recommends for it to go out in March.

Danielle said I do not want to speak for the City Clerk, but in past conversations she mentioned to me that and I believe this is the correct characterization that the one issue with March is that she will have to produce a separate ballot, a municipal ballot. There will not be a municipal ballot at that time just a presidential primary ballot which will cost roughly ten to fifteen thousand. Danielle asked not be quoted on that, since it has been a while since they have discussed that issue. Mayor Strimling said if we move forward with that recommendation, maybe the City Clerk will come forward with what that estimate is; if they are substantial then the City Councilors can move it to another election and figure out how to do that.

Mayor Strimling made motion to put this on the March ballot, Councilor Duson seconded. Councilor Duson agrees with the reasons to go with the March ballot. There will be the maximum number of voters available, and I think we should go forward with the recommendation to the Councilors to put this on the March ballot and to approve the cost.

Councilor Ali asked Danielle, if for whatever reason the Councilors do not agree to put it on the March ballot and it ends up on the June ballot but doesn't get the threshold number, what will that mean. Danielle said she will have to look into the effect of that. She believes it is a requirement under the provision of the statute, which will be a concern, and she will have to have something in the backup materials for the Councilors.

Mayor Strimling mentioned that if it goes out in March, it will also give the clerks more time to get ready for the election. If it is in June, it will only allow them a couple of months. Councilor Ali also supported the decision to bring this forward to the Councilors and thanked the Committee for working on this.

All members of the committee were in favor of putting this on the March ballot.

Mayor Strimling stated that the motion to pass was already on the table and it was seconded by Councilor Duson. Councilor Duson wanted to clarify that the motion was not to pass but to bring this forward to the full council. Mayor Strimling made motion

to recommend ought to pass, it was seconded by Councilor Duson. All members of the committee were in favor.

Mayor Strimling asked the Committee Chair if this should go for first read on the agenda for the Council meeting scheduled for October 21st, 2019, then the public hearing will fall on November 4th, which is the night before the election. He also pointed out that the mid November meeting has a lot of items including the State of the School Address on the agenda. Councilor Duson doesn't have a strong opinion about it and is happy to have it moved to the full Council for recommendations and let it play out as the Mayor and Manager are working on filling out the agenda. She also suggested that the second read could be delayed.

D. Next Meeting Date

Not scheduled at this time

E. Adjournment

Councilor Ali asked for a motion to adjourn; Mayor Strimling called and seconded by Councilor Duson; vote 3-0 and the meeting was adjourned at 12:25 pm.

MEMORANDUM
City Council Agenda Item

FROM: Christine Grimando

DATE: September 23, 2019

SUBJECT: **Order 71-19/20 Approving Traffic Schedule Amendment Re: St. John and Valley Street Neighborhood - Sponsored by Jon P. Jennings, City Manager**

SPONSOR: Jon P. Jennings, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 10/7/2019

Final Action 10/21/2019

Can action be taken at a later date: No The traffic schedule changes contemplated by this agenda item must be made prior to the end of the construction season and prior to Maine Medical Center's request for a certificate of occupancy for their employee garage at 190 St. John Street.

PRESENTATION: Nell Donaldson, Director of Special Projects, Planning and Urban Development - 5 to 10 minutes total

I. SUMMARY

Staff from the Department of Planning and Urban Development, Public Works, and the Parking Division recommend three changes to the city's traffic schedule in the St. John/Valley neighborhood: 1) a change to the striping plan for St. John Street, in the interest of preserving on-street parking spaces (*with two options presented here for Council consideration*); 2) a conversion of C Street to two-way operation; and 3) a change to time restrictions for on-street parking on Valley Street.

II. AGENDA DESCRIPTION

On September 11, 2018, the City of Portland Planning Board conditionally approved a Level III site plan for Maine Medical Center's new 2,400 space employee garage at 190 St. John Street. The approved plan, which contemplates the introduction of a signal at the St. John Street/D Street intersection, includes numerous changes within the city's right of way on St. John Street, including the integration of new sidewalks, crosswalks, bicycle lanes, and turn lanes, and the elimination of approximately 13 spaces of on-street parking. As of October 15, 2019, Maine Medical Center has completed many of the changes to the right-of-way, including the striping of St. John Street, which has resulted in the elimination of on-street parking.

In the time since the site plan approval, and particularly since construction of the garage has affected the availability of on-street parking, neighbors have become increasingly aware of and concerned about the loss of on-street parking on St. John Street in the vicinity of D Street. The Department of Planning and Urban Development, the Parking Division, the City Manager's office, and the City Council have heard numerous complaints about potential impacts to residential and other properties in the area. In response, the Department of Planning & Urban Development has worked with the City Manager, the Department of Public Works, and the Parking Division to develop three potential changes to the city's traffic schedule, each of which would, either alone or in concert with the others, have the effect of restoring or creating neighborhood parking supply in the area of St. John Street. The goal of these changes is to address neighbors' concerns regarding loss of on-street parking while balancing the operational needs of MMC's garage and the city's broader street network.

The changes include: 1) a change to the striping plan for St. John Street at D Street (*with two options presented here for Council consideration*); 2) a conversion of C Street to two-way operation between St. John Street and Valley Street; and 3) a change to time restrictions for on-street parking on the east side of Valley Street between C Street and D Street.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The Council must review traffic schedule changes of the type presented here. The changes would preserve on-street parking for use by neighborhood residents and businesses while balancing the needs of MMC's employee garage and the function of the broader neighborhood street network.

V. FINANCIAL IMPACT

The implementation of the traffic schedule changes, including an alternative striping plan for St. John Street, the conversion of C Street to two-way, and the changes to parking restrictions on the east side of Valley Street, would require the coordination of staff-level resources at the Department of Planning and Urban Development, the Department of Public Works and the Parking Division.

VI. STAFF ANALYSIS AND BACKGROUND

Staff of the Department of Planning and Urban Development, the Department of Public Works, and the Parking Division worked collectively to develop the traffic schedule changes presented here. Staff has conducted technical analysis to confirm the viability of the two street network changes. Changes were also shared with Maine Medical Center, as well as members of the public.

VII. RECOMMENDATION

Staff recommends that the Council amend the traffic schedule to reflect the alternative striping plan for St. John Street originally developed by staff, Alternative A, as well as the conversion of C Street to two-way. Alternately, the Council may choose to pursue the striping plan for St. John Street represented in Alternative B, which would not require a conversion of C Street to two-way. The changes in the parking regulations on Valley Street are recommended regardless of the Council's direction on the St. John Street striping.

VIII. LIST ATTACHMENTS

1. MMC Parking Changes - Traffic Schedule Amendments 10.21.2019

Prepared by:

Christine Grimando

Date: 9/23/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
JUSTIN COSTA (4)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**TRAFFIC SCHEDULE AMENDMENTS
ON C STREET, ST. JOHN STREET & VALLEY STREET**

ORDERED, that the City of Portland's Traffic Schedule be and hereby is amended as follows:

1. RE: ST. JOHN STREET

By Deleting under St. John Street, From a point 20 feet north of the northerly D Street crosswalk centerline for a distance of 180 feet:

East Side

☐ **Schedule I – No Parking Anytime**

By Deleting under St. John Street, From a point 20 feet south of the southerly D Street crosswalk centerline for a distance of 160 feet:

East Side

☐ **Schedule I – No Parking Anytime**

2. RE: C STREET

By Deleting under C Street, from a point 0 feet easterly of the intersection of C and St. John Streets to a point 0 feet westerly of Valley Street:

☐ **Schedule XXII – One-Way Street**

3. RE: VALLEY STREET

By Deleting under Valley Street, From a point 274 feet southerly opposite the north curblane of C Street to a point 38 feet northerly of the north curblane of C Street:

East Side

☐ **Schedule I – No Parking Anytime**

By Adding under Valley Street from C Street to D Street:

East Side

☐ **Schedule XXI – 2-Hour Parking from 9:00 AM to 6:00 PM**

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
BRIAN E. BATSON (3)
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NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO THE PORTLAND CITY CODE CHAPTER 17
RE: FACIAL RECOGNITION TECHNOLOGY PROHIBITION**

WHEREAS, the residents of the City of Portland value privacy as an essential element of their individual freedom; and

WHEREAS, facial recognition technology and other biometric surveillance technology pose unique and significant threats to the civil rights and civil liberties of residents and visitors; and

WHEREAS, the use of facial recognition technology and other biometric surveillance is the functional equivalent of requiring every person to show a personal photo identification card at all times in violation of rights guaranteed by the First, Fourth, and Fourteenth Amendments to the United States Constitution; and

WHEREAS, this technology allows people to be tracked without consent, generating databases about law-abiding Portlanders that may chill the exercise of free speech in public places; and

WHEREAS, facial recognition and other biometric surveillance technology has been repeatedly demonstrated to misidentify women, young people, and people of color and to create an elevated risk of harmful "false positive" identifications; and

WHEREAS, facial recognition and other biometric surveillance would corrupt the core purpose of officer-worn body-worn cameras by transforming those devices from transparency and accountability tools into roving surveillance systems; and

WHEREAS, the use of facial recognition and other biometric surveillance would disproportionately impact the civil rights and liberties of persons who live in highly

policed neighborhoods, and its use would diminish effective policing and public safety by discouraging people in these communities, including victims of crime, undocumented persons, people with unpaid fines and fees, and those with prior criminal history from seeking police assistance or from assisting the police;

NOW, THEREFORE, BE IT ORDERED, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, that the Portland City Code is hereby amended by adding an Article, to be numbered XI, which said Article reads as follows:

ARTICLE XI. FACIAL RECOGNITION TECHNOLOGY

Sec. 17-129. Purpose.

The purpose of this Article to protect the privacy and civil liberties of the residents of the City of Portland.

Sec. 17-130. Definitions.

For the purposes of this Article, the following terms have the following meanings:

Employee means a regular employee of the City of Portland acting in their official capacity.

Facial recognition technology means an automated or semi-automated process that assists in identifying or verifying the identity of an individual based on an individual's face.

Official means an elected or appointed official of the City of Portland acting in their official capacity.

Sec. 17-130. Facial Recognition Technology Prohibition.

No city official or employee shall obtain, retain, access, or use any facial recognition technology or information provided by any facial recognition technology.