

CITY OF PORTLAND, MAINE

HISTORIC PRESERVATION BOARD



Penny Pollard, Chair
Robert O'Brien, Vice Chair
Hilary Bassett
Joy Naifeh
Julia Tate
John Turk
Rob Whitten

AGENDA

HISTORIC PRESERVATION BOARD MEETING

The Historic Preservation Board will hold a remote meeting on Wednesday, May 18, 2022, 5:00 PM. This meeting will take place remotely using Zoom pursuant to the Remote Meeting Policy adopted by the Historic Preservation Board and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods.

Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available following the meeting. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

For more information on how to access the meeting remotely and how to give public comment, please go to <http://www.portlandmaine.gov/remotepud>. Public comments will be taken for each item on the agenda during the estimated allotted time and written comments should be submitted to hp@portlandmaine.gov.

Please note that the placement of each item on the agenda is subject to change. Please check the Agenda & Minutes Center prior to the meeting for the item start time.

You are invited to a Zoom webinar.
When: May 18, 2022 05:00 PM Eastern Time (US and Canada)
Topic: Historic Preservation Workshop and Public Hearing 5/18/2022

Please click the link below to join the webinar:
<https://portlandmaine-gov.zoom.us/j/89701648776>
Or One tap mobile : US: +13017158592,,89701648776# or +13126266799,,89701648776#
Or Telephone: Dial(for higher quality, dial a number based on your current location): US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
Webinar ID: 897 0164 8776

International numbers available: <https://portlandmaine-gov.zoom.us/j/89701648776>

1. ROLL CALL AND DECLARATION OF QUORUM

2. REPORT OF ATTENDANCE AT THE MEETING HELD ON MAY 4, 2022

- i. Public Hearing
504 Congress Street: *Bassett, O'Brien, Pollard, Tate, Turk, Whitten present; Naifeh absent*
Workshop
185 Commercial Street: *Bassett, O'Brien, Pollard, Tate, Turk, Whitten present; Naifeh absent*

3. REPORTS OF DECISIONS AT THE MEETING HELD ON MAY 4, 2022

- i. Certificate of Appropriateness for Storefront Window Replacement, 504 CONGRESS STREET, Arcadia Gaming and Pizza Parlor, LLC., Applicant. The Board voted 6-0 (Naifeh absent) to approve the application.

4. COMMUNICATION AND REPORTS

5. WORKSHOP

- i. Preliminary Review of Proposed Window Replacement; 32 THOMAS STREET (Williston West Church); Williston West, LLC, Applicant

6. PUBLIC HEARING

- i. Certificate of Appropriateness for Dormer Addition and Solar Panel Installation, 12 BAKERY LANE (Fort McKinley Jail); Susan and Jeffrey Welton, Applicants
- ii. Certificate of Appropriateness for Gate Installation, 143 SPRING STREET; Sidney Beardsworth and David Harvey, Applicants

7. CONSENT AGENDA

HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

WORKSHOP
32 THOMAS STREET, WILLISTON WEST CHURCH

TO: Chair Pollard and Members of the Historic Preservation Board
FROM: Rob Wiener, Historic Preservation Compliance Coordinator
DATE: May 13, 2022
RE: May 18, 2022 **WORKSHOP – Preliminary Review of Proposed Window Replacement**

Address: 32 Thomas Street
Williston West Church

Applicant: Williston West LLC

Project Architect: David Lloyd, Archetype

A sign announcing the Historic Preservation Board's meeting on May 18, 2022 was posted at the property on 4/26/22. A legal ad was published in the Portland Press Herald on 5/7/22, and 61 notices were sent to neighboring property owners within 100 feet of the subject property.

Introduction

David Lloyd, representing Williston West LLC., has requested a preliminary workshop to determine whether the Board could support the replacement of some of the original stained-glass windows at the former Williston West Church. Replacement with clear glass is proposed in conjunction with the applicant's plans to convert the former sanctuary to residential use. Although planning for the project is still at a preliminary stage, a total of three or four residential units are envisioned for the sanctuary space. A current application to the Planning Department to increase the number of dwelling units in the Parish Hall is undergoing a staff level review, but the larger project for the complex awaits further design development and a future review. As the status of the stained-glass windows is a threshold question for the proposed project, the applicant and architect are seeking input from the Board before proceeding further with design development.

Williston West Church was designed by Francis Fassett in 1877 in the High Victorian Gothic Style. Fassett was Portland's premier architect at the time. His former partner, John Calvin Stevens, designed the Parish House in 1905; that part of the complex has already been converted to five residential units, and is not under consideration as part of this review. Both buildings have local landmark status, and are listed in the National Register.

Note that the applicant proposes to retain a number of the original stained-glass windows; those proposed for replacement are in the residential units' living areas. In support of the proposed window replacements, Architect David Lloyd has provided a cover letter, preliminary plans of the renovated sanctuary and marked elevations showing which windows are proposed for replacement. Archetype has not yet provided product information on possible windows to be used in the affected openings – they are still researching.

For background on the history and current status of the church complex, staff has attached the 2021 Planning staff memo to the City Council, prepared for the contract zone amendment approved last year, and also the language of the Amended and Restated Conditional Zone agreement. Staff is also including some current photos of the property.

Background

The City Council recently approved an amendment (2021) to the contract zone that was established for the subject property in 2012, when the Williston West complex (church and parish hall) was sold by the congregation to a private buyer. A contract zone was created for the 32 Thomas Street property in response to the church's unique setting within the heart of a residential neighborhood and area residents' concerns about future uses of the property. The original contract zone allowed limited office use in the sanctuary and residential use in the parish building. In 2019 the complex was sold at auction, and the new owners proposed to increase the total allowed number of residential units to as many as 11, and eliminate the possibility of two office units, or the use of the sanctuary space for any form of assembly space. (See the Conditional Zone Agreement from 2021, Attachment 6.)

As indicated in the standing conditional zone agreement, parking will be onsite, and will involve modifications to the building, and a new entrance will be proposed on the west side (opposite Thomas Street.) When more detailed plans for the exterior alterations are more fully developed, the project will return to this Board for review; the focus of the workshop on May 18 is only the question of replacement of some of the stained-glass windows in order to facilitate the adaptive reuse of the sanctuary can be found to meet the Standards for Review of Alterations, given the present circumstances of the property.

Subject Structure

Please see the attached architectural description of the property and the Planning Department memo from 2021. As noted above, the Parish House was renovated in the last eight years to create five residential units. Some exterior alterations were included in that work. In terms of general condition, the church itself has been largely unoccupied for at least 10 years, and deferred maintenance is starting show visible effects and some deterioration.

Note that most of the windows currently have storm windows on the outside, which are mostly in fair to poor condition, and the plastic or glass glazing is quite dirty and cloudy, preventing a clear view of the windows from the exterior. A photo is provided of a window that has no storm

panel, which shows a much more revealing view of the historic stained glass, but it is assumed that for protection of the windows, weatherproofing, and energy efficiency, storm panels are desired.

Staff Comments

Preliminary plans for redevelopment of the church building and site modifications were provided just before the packet for 5/18/22 is to be published. The applicants will be presenting an overview of the project as way to introduce the discussion of the windows, but a full workshop discussion of the preliminary redevelopment plans is not anticipated on May 18, and will take place at a future workshop.

This proposal prompts some fundamental questions about adaptive reuse of historic buildings. Several of the Standards for Review of Alterations to Historic Buildings leap to mind anytime existing historic features are proposed to be removed and replaced, including Standards 1, 2, 3, 5, and 6, and depending on the nature of the alteration or substitute elements, Standards 9 and 10 as well.

Staff has to note that the permitted uses of the subject property are not the purview of the Historic Preservation Board. As members are no doubt aware, considerable thought and discussion have been invested in the future of Williston West over the last 15 years, and efforts of the current owners to find a compatible use for the buildings are obviously constrained by the zoning decisions that have been made. The task before the Historic Preservation Board at this time is to evaluate whether the developer's proposal can be justified under the Standards for Alterations, given the present status and circumstances of the property.

In considering the removal of some of the stained-glass windows from the church, staff offers some observations and findings that may be part of the Board's discussion:

- Standing City decisions have determined that the most viable adaptive reuse of the church is as housing. It may seem obvious, but use of the property "for its originally intended purpose" is extremely unlikely.
- The landmark status of this complex is a testament to its value to the neighborhood and to the City, as a building of social, cultural, historic, and architectural significance.
- Williston West's location at the corner of Thomas and Carroll Streets makes it highly visible and important to the neighborhood.
- As maintenance of a building of this nature is very expensive, finding a viable use for the 21st Century is vital to the survival of the historic structure.
- Natural light is a desirable feature in residences.
- Stained-glass windows are created primarily for the effects visible from the interior of the structure. Though one can tell from the outside that stained glass is present, and their existence is decorative, symbolically communicative, and important to our idea of a church, the windows' most significant character is an interior feature.
- It is impossible not to acknowledge that original stained-glass windows are a

- character-defining feature of a building so obviously built as church.
- The character of the architecture itself clearly denotes its original purpose as a church, and the applicants appear to be suggesting that one might be able to replace some of the windows without seriously undermining the character of the structure.
 - The architects and developers have only produced conceptual plans thus far, believing that it will be highly important to build residences with some natural light, and potentially, ventilation, though operation of windows has not been discussed.
 - If the Board appears open to considering some window replacements, the details of the locations chosen for replacement, and the type and appearance of the replacement windows will be critical details in the more advanced stages of the Board's review.
 - The architects are not currently proposing a specific window as a replacement model; more research is needed, but they are looking for a high quality, customizable, metal-framed window with emphasis on its compatibility.
 - Future discussions will no doubt need to include consideration of the preservation, repair, and weatherproofing of the windows that are to remain. This will undoubtedly include consideration of new storm windows.

Applicable Standards for Review

(1) Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.

(2) The distinguishing original qualities or character of a structure, object or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

(3) All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.

(5) Distinctive features, finishes, and construction techniques or examples of skilled craftsmanship which characterize a structure, object or site shall be treated with sensitivity.

(6) Deteriorated historic features shall be repaired rather than replaced wherever feasible. Where the severity of deterioration requires replacement of a distinctive feature, the new feature should match the feature being replaced in composition, design, texture and other visual qualities and, where possible, materials. Repair or replacement of missing historic features should be based on accurate duplications of features, substantiated by documentary, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects.

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

(10) Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.

Attachments:

1. Letter from project architect
2. Preliminary floor plan
3. 2012 Elevations, showing window replacement proposals
4. Staff photos
5. Preliminary Plans for Complex
6. Architectural Description (Historic Resources Inventory)
7. 2021 Planning staff report to City Council, on conditional zoning amendment
8. Amended and Restated Conditional Zone Agreement

A R C H I T E C T Y P E

March 23, 2022

Williston West Church

Dear Deb,

On Behalf of Williston West LLC we are submitting a rough layout and photos showing which stain glass windows we would like to remove and the ones that can stay. The glass that we can keep are circled in black. In any replacement window we can incorporate the grid pattern of horizontal bars approximately 24 inches on center to simulate the original. As you can see on the attached floor plan, we will be incorporating indoor parking and four dwelling units in the former sanctuary.

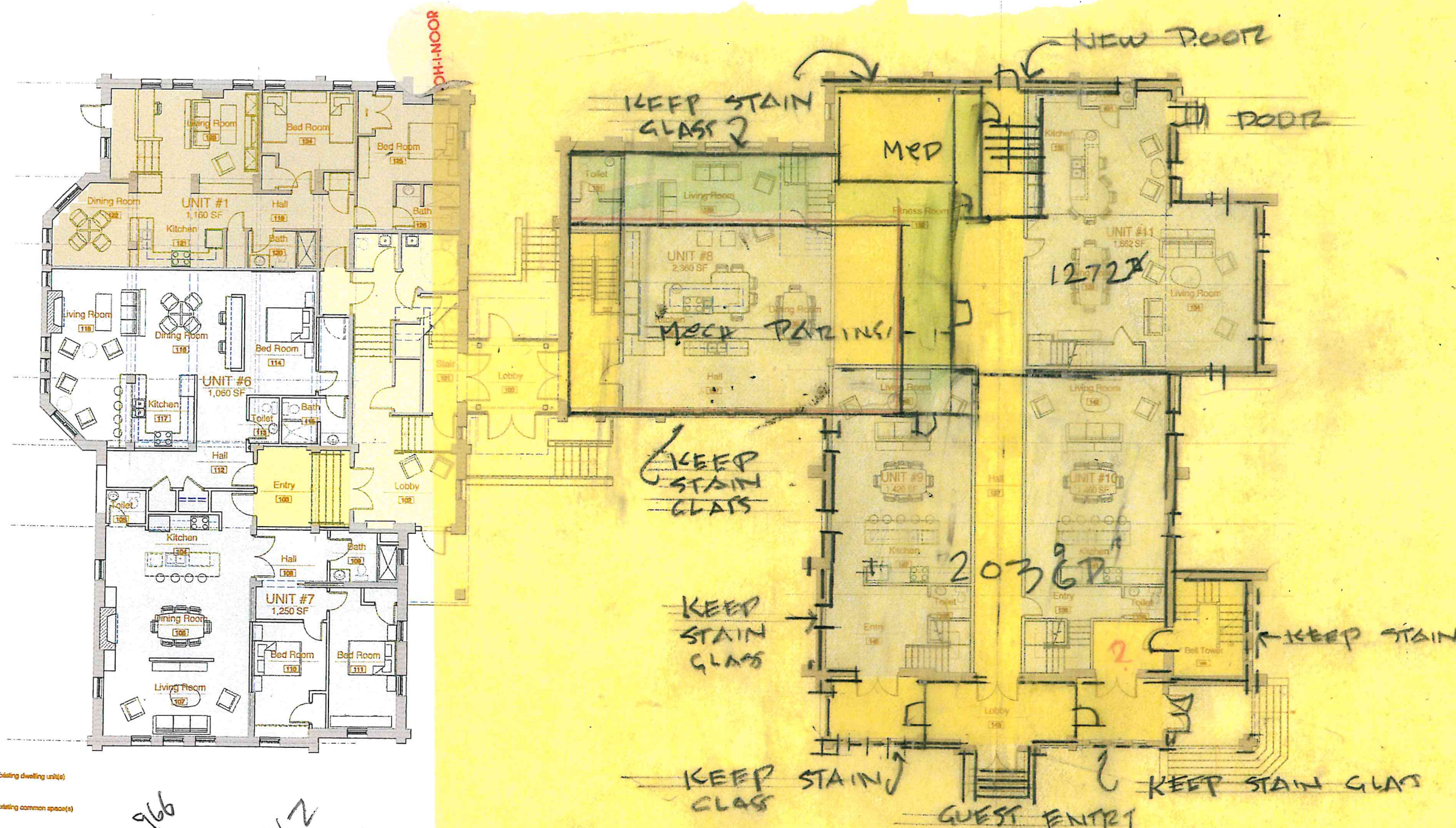
We will be looking to the board for a general approval to our approach.

Respectfully Submitted,



David Lloyd
Maine Licensed Architect #936

24 THURS
1000



± 3,308

PRIORITY ONE TREATMENTS

- 1 REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
- 2 PERFORM STRUCTURAL REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MASONRY REPAIR.
- 3 PERFORM MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REBUILD OF APPROX. 50 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
- 4 REMOVE SEVERELY DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
- 5 REPAIR OR REPLACE LEAKING OR MISSING DOWNSPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPOUTS AS REVIEWED BY CITY HISTORIC PRESERVATION MANAGER.
- 6 INSTALL TEMPORARY STORM PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
- 7 RE-GRADE THE COURTYARD TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
- 8 RESET, REPAIR OR REPOINT GRANITE STEPS AND RESET SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CARROLL ST. ENTRANCE.



1 PARISH HOUSE - EAST ELEVATION
1/4" = 1'-0"

0' 5' 10' 25' 100'

tli-architects, llc
28 DANFORTH STREET
SUITE 215
PORTLAND, MAINE 04101
TEL: 207.781.9982
FAX: 207.781.9986

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

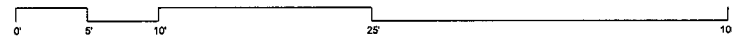
Title:
Parish House
East Elevation

Sheet No: A-1

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1 PARISH HOUSE - NORTH ELEVATION
A-2 1/8" = 1'-0"



ttl-architects, llc
25 DANFORTH STREET
SUITE 213
PORTLAND, MAINE 04101
TEL: 207.781.9882
FAX: 207.781.4098

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

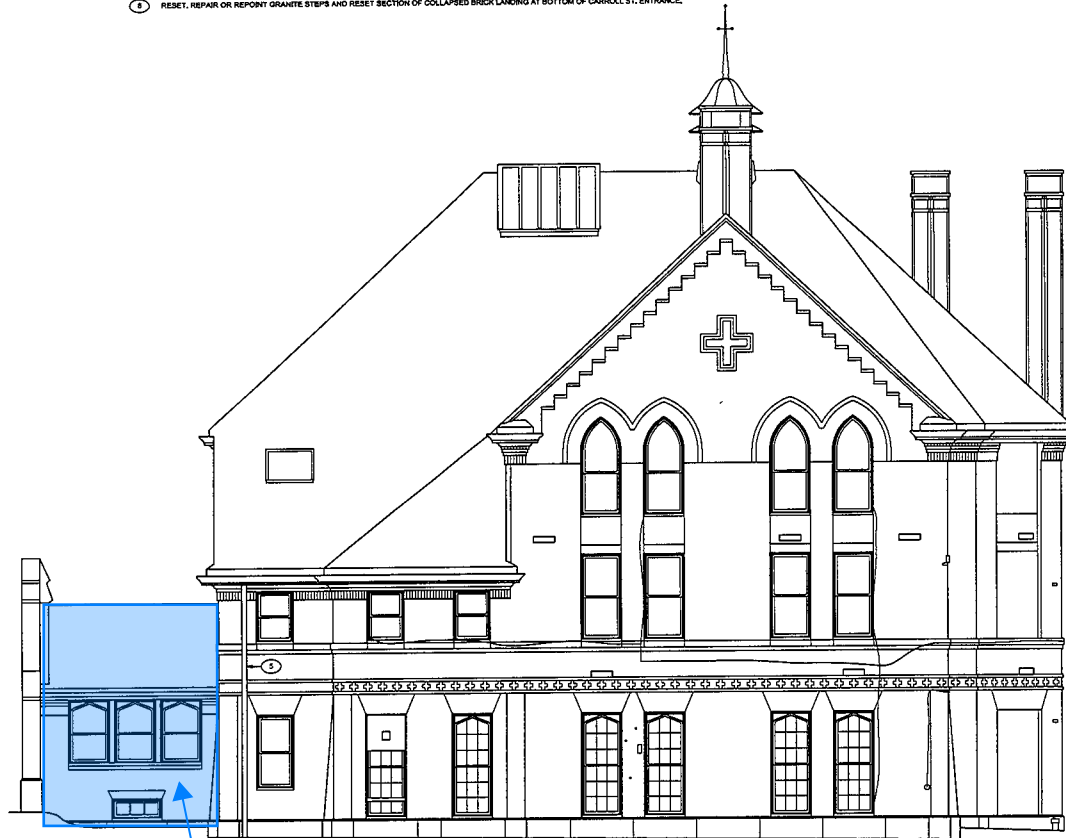
Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
North Elevation

Sheet No: A-2

ttl-architects, llc
28 DANFORTH STREET
SUITE 210
PORTLAND, MAINE 04101
TEL: 207.761.5662
FAX: 207.761.5666

- PRIORITY ONE TREATMENTS
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CONNECTOR TO
BE ELIMINATED

1 PARISH HOUSE - WEST ELEVATION
A-3 1/4" = 1'-0"

0' 5' 10' 25' 100'

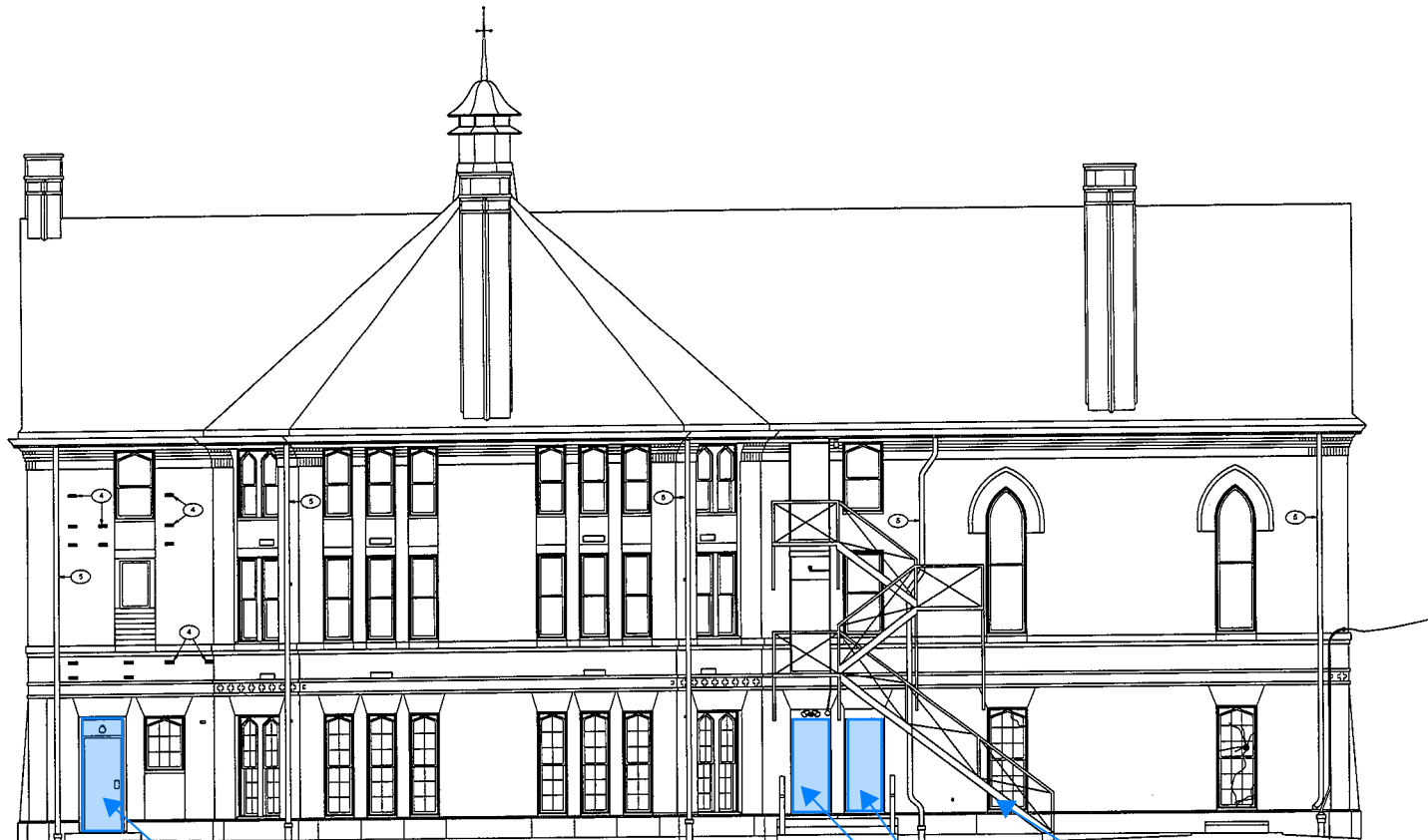
Exterior Conditions Assessment & Treatment Plan
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32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
West Elevation

Sheet No: A-3

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1 PARISH HOUSE - SOUTH ELEVATION
A-4 1/4" = 1'-0"

ttl-architects, llc
28 DANFORTH STREET
SUITE 212
PORTLAND, MAINE 04101
TEL. 207.761.9962
FAX. 207.761.2098

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
South Elevation

Sheet No: A-4

ttl-architects, llc
28 DANFORTH STREET
SUITE 212
PORTLAND, MAINE 04101
TEL. 207.781.9862
FAX. 207.781.9598

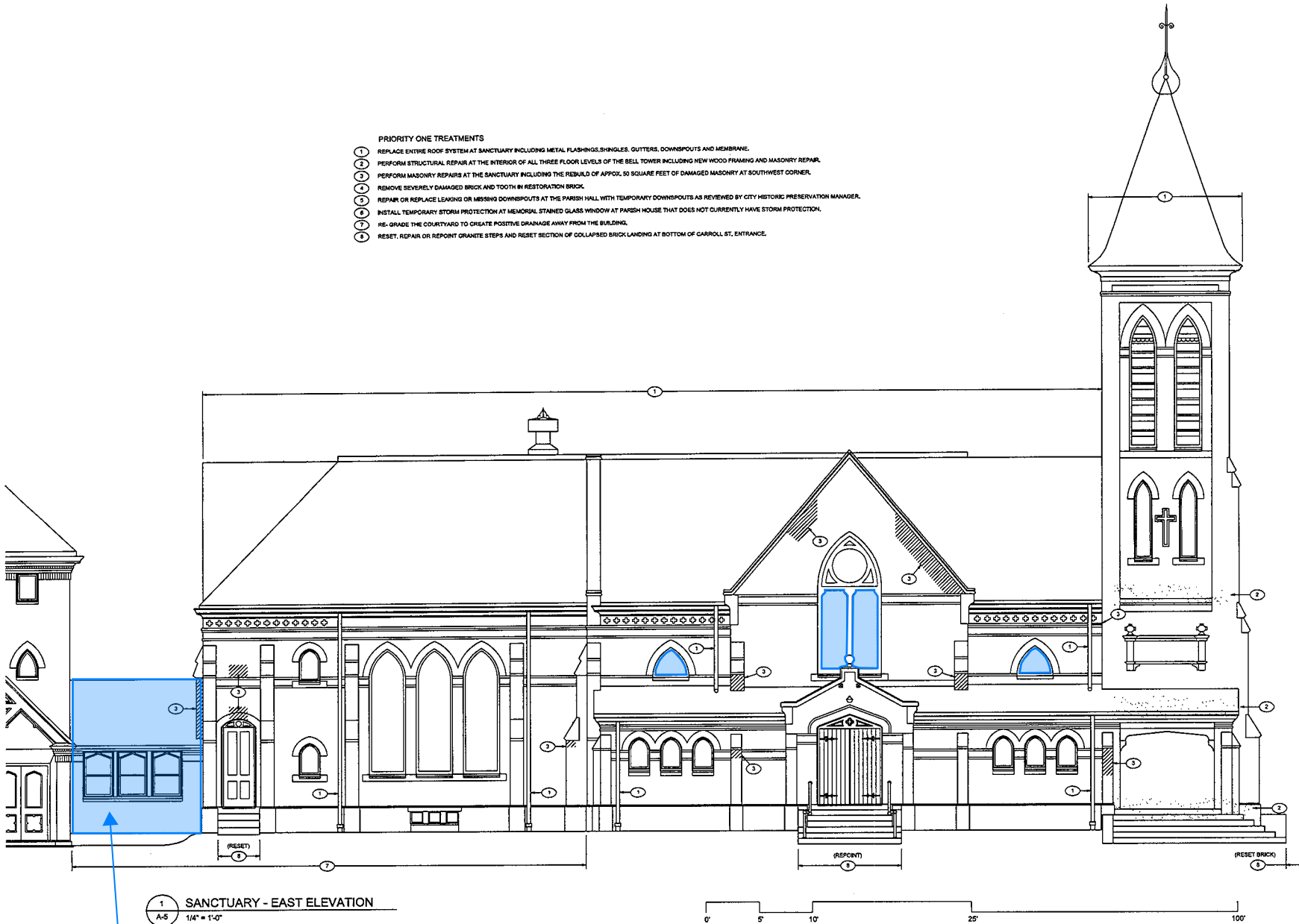
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

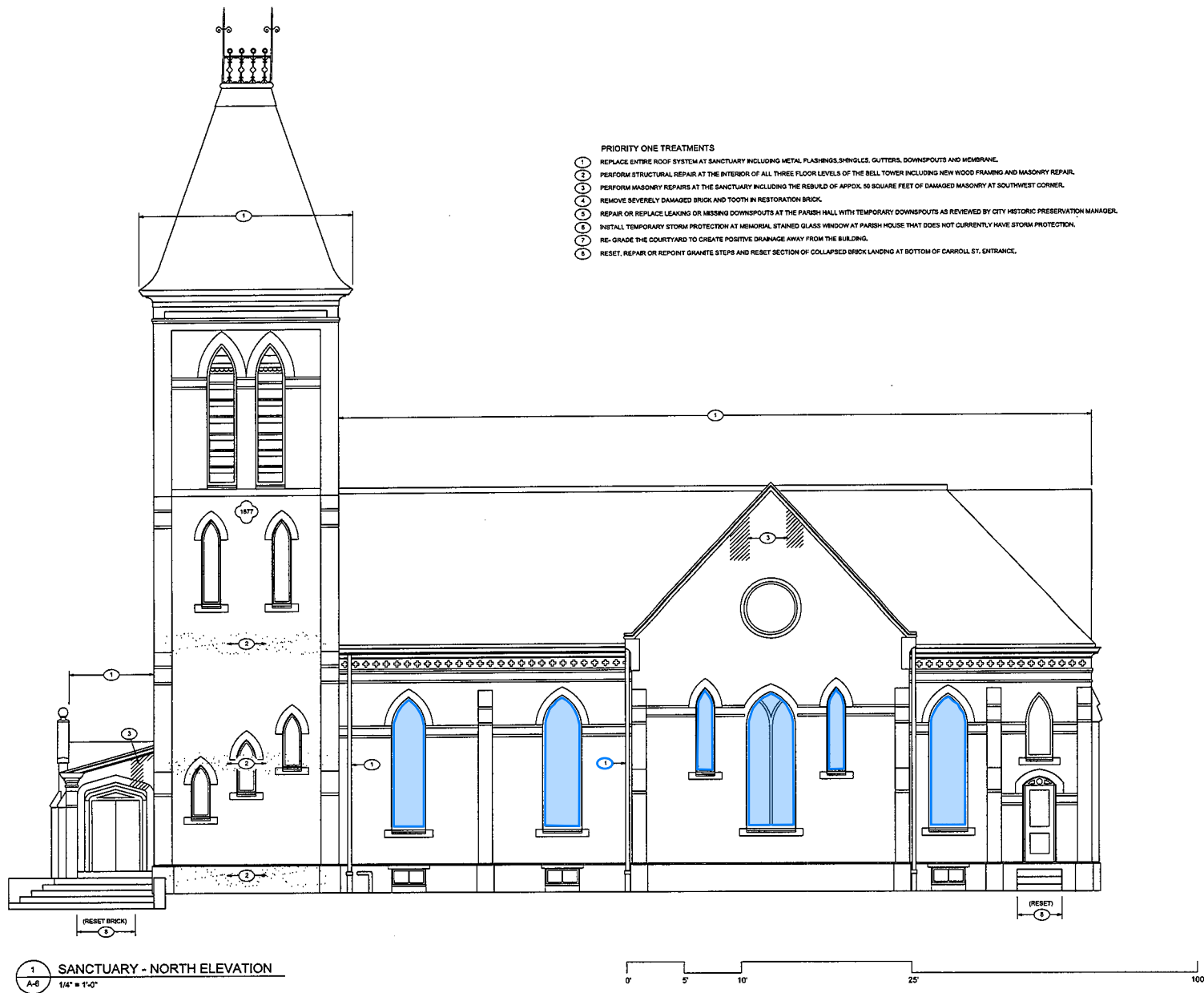
Title:
Sanctuary
East Elevation

Sheet No: **A-5**

- PRIORITY ONE TREATMENTS**
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CONNECTOR TO
BE ELIMINATED



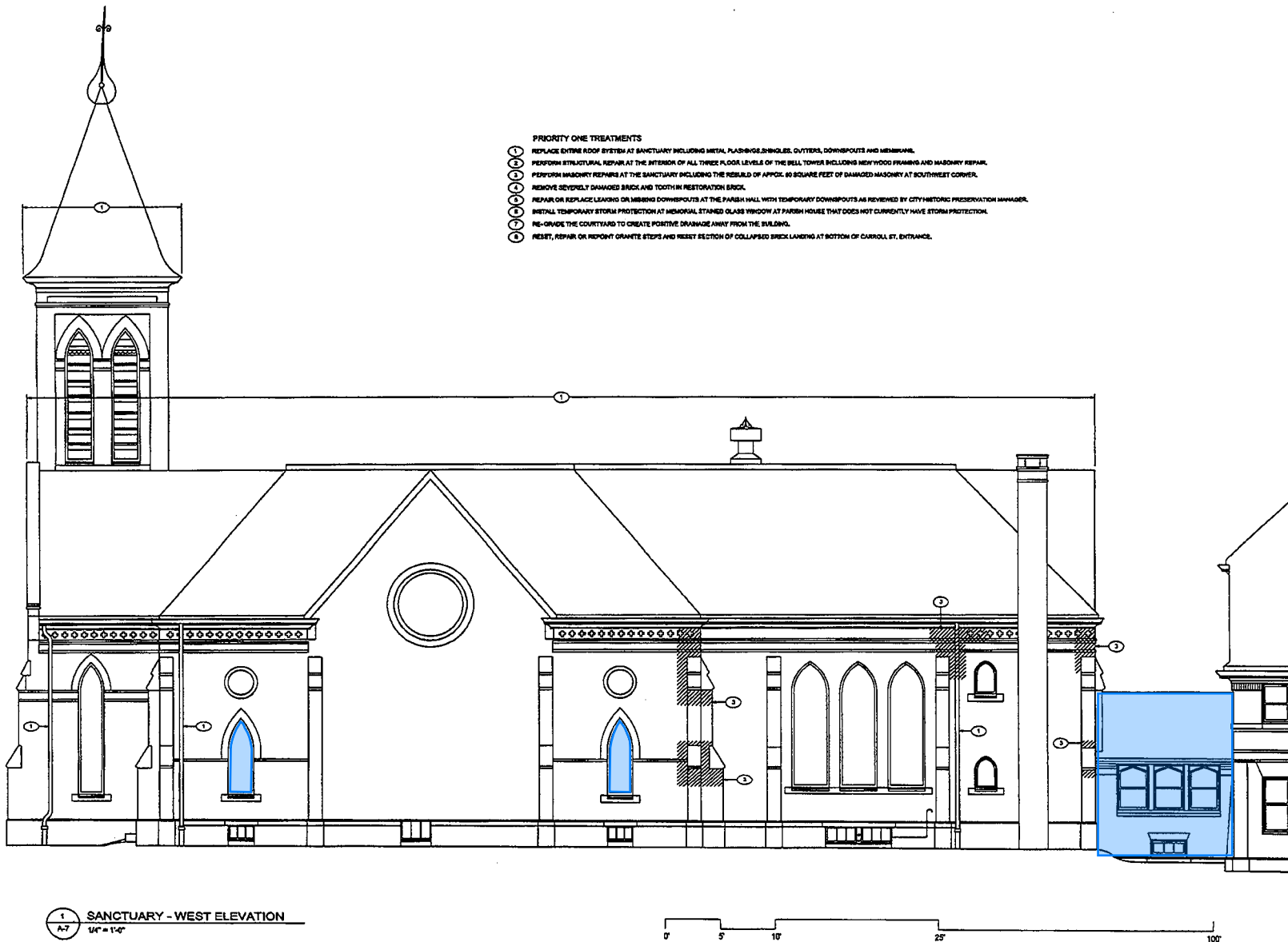
tll-architects, llc
28 DANFORTH STREET
SUITE 213
PORTLAND, MAINE 04101
TEL 207.781.9062
FAX 207.781.8908

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Sanctuary
North Elevation

Sheet No: **A-6**



tl-architects, llc
38 DANFORTH STREET
SUITE 213
PORTLAND, MAINE 04101
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FAX: 207.791.9996

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Sanctuary
West Elevation

Sheet No: **A-7**

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28 DANFORTH STREET
SUITE 213
PORTLAND, MAINE 04101
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FAX: 207.761.4958

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

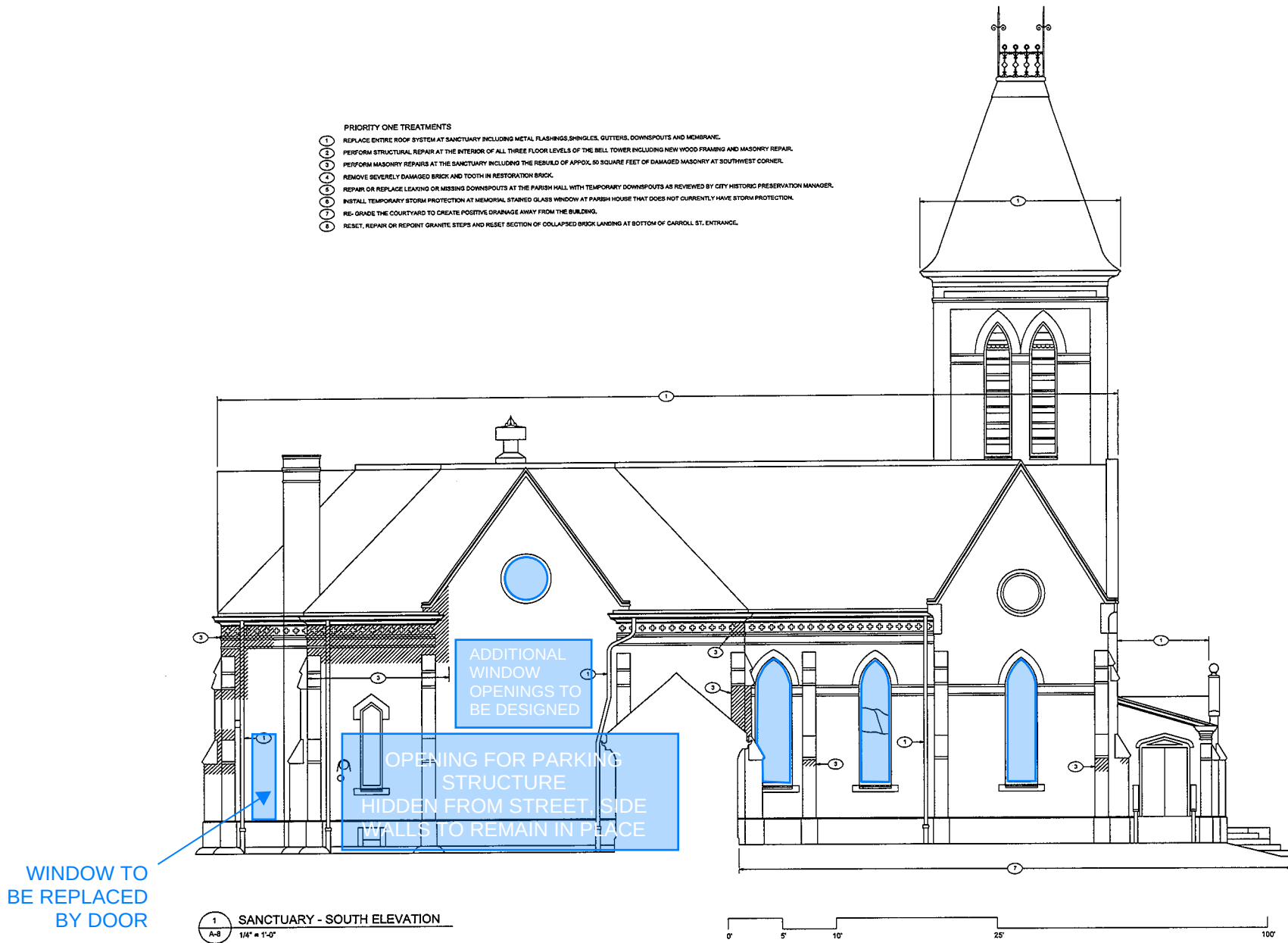
Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Sanctuary
South Elevation

Sheet No: A-8

PRIORITY ONE TREATMENTS

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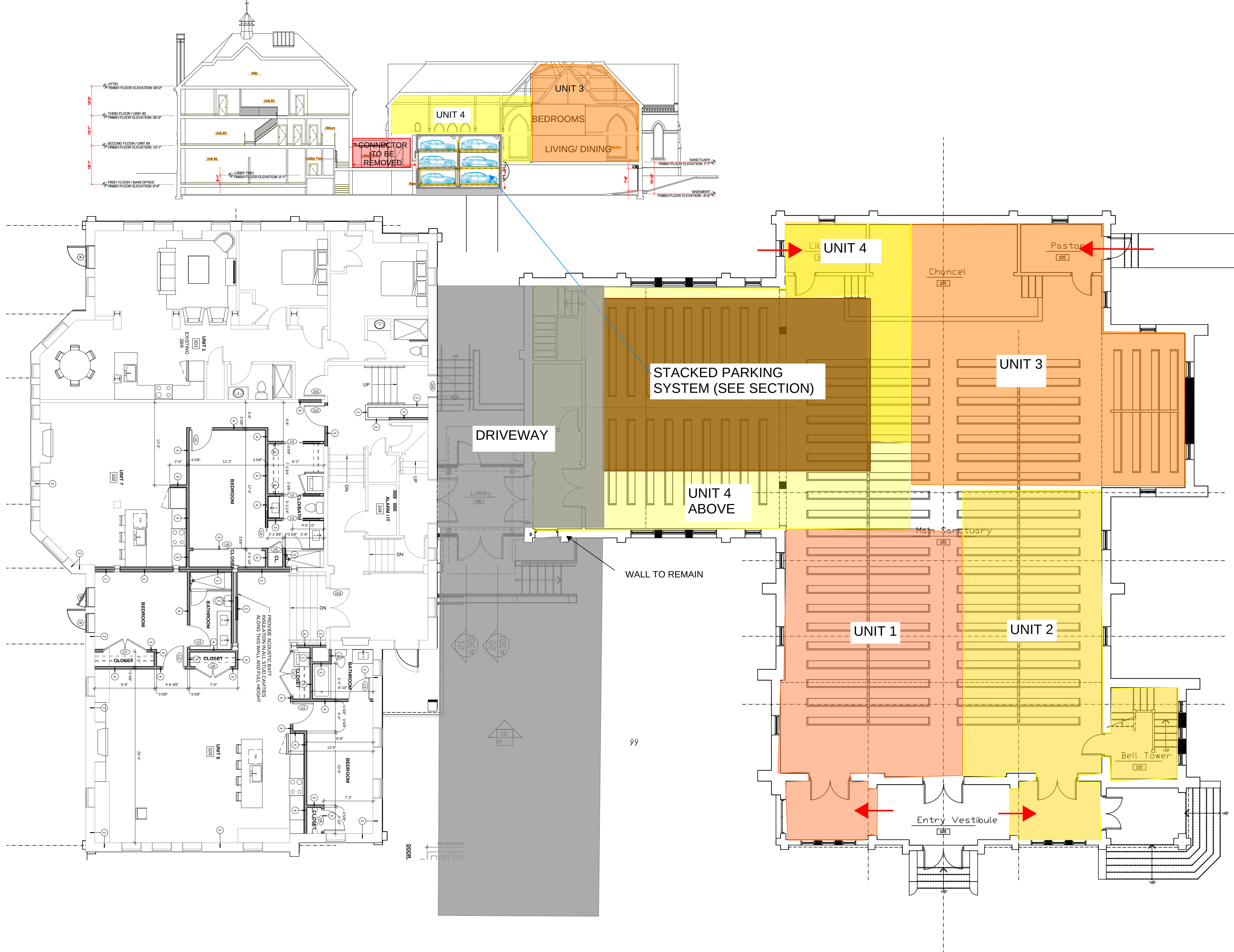




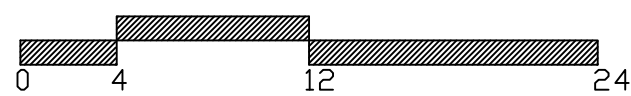
PRIVATE PARKING
FOR
MCELLELLAN RESIDENTS
ONLY

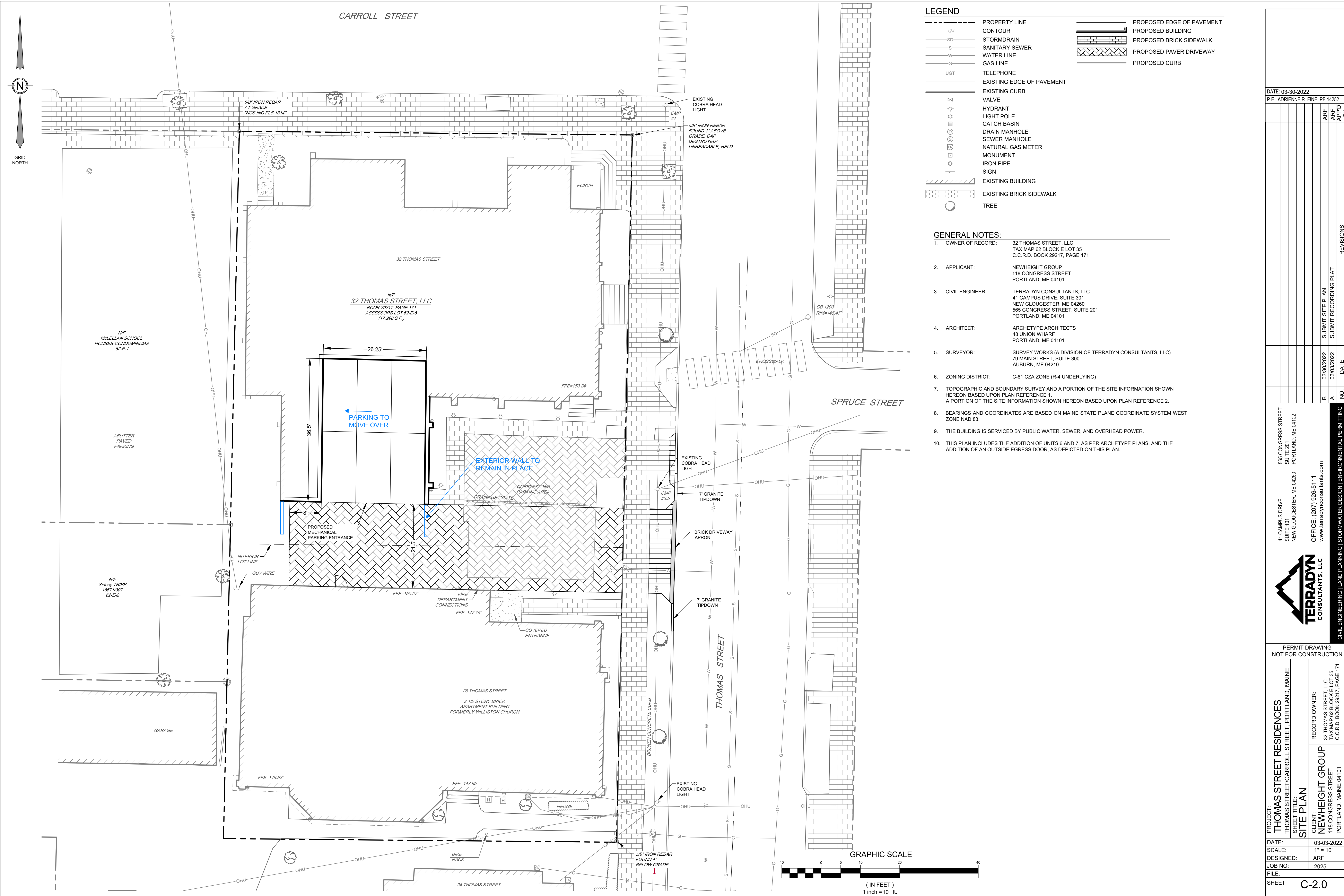






10 Ground Floor Plan





LEGEND

- PROPERTY LINE
- CONTOUR
- STORMDRAIN
- SANITARY SEWER
- WATER LINE
- GAS LINE
- TELEPHONE
- EXISTING EDGE OF PAVEMENT
- EXISTING CURB
- VALVE
- HYDRANT
- LIGHT POLE
- CATCH BASIN
- DRAIN MANHOLE
- SEWER MANHOLE
- NATURAL GAS METER
- MONUMENT
- IRON PIPE
- SIGN
- EXISTING BUILDING
- EXISTING BRICK SIDEWALK
- TREE
- PROPOSED EDGE OF PAVEMENT
- PROPOSED BUILDING
- PROPOSED BRICK SIDEWALK
- PROPOSED PAVER DRIVEWAY
- PROPOSED CURB

GENERAL NOTES:

- OWNER OF RECORD: 32 THOMAS STREET, LLC
TAX MAP 62 BLOCK E LOT 35
C.C.R.D. BOOK 29217, PAGE 171
- APPLICANT: NEWHEIGHT GROUP
118 CONGRESS STREET
PORTLAND, ME 04101
- CIVIL ENGINEER: TERRADYN CONSULTANTS, LLC
41 CAMPUS DRIVE, SUITE 301
NEW GLOUCESTER, ME 04260
565 CONGRESS STREET, SUITE 201
PORTLAND, ME 04101
- ARCHITECT: ARCHETYPE ARCHITECTS
48 UNION WHARF
PORTLAND, ME 04101
- SURVEYOR: SURVEY WORKS (A DIVISION OF TERRADYN CONSULTANTS, LLC)
79 MAIN STREET, SUITE 300
AUBURN, ME 04210
- ZONING DISTRICT: C-61 CZA ZONE (R-4 UNDERLYING)
- TOPOGRAPHIC AND BOUNDARY SURVEY AND A PORTION OF THE SITE INFORMATION SHOWN HEREON BASED UPON PLAN REFERENCE 1.
A PORTION OF THE SITE INFORMATION SHOWN HEREON BASED UPON PLAN REFERENCE 2.
- BEARINGS AND COORDINATES ARE BASED ON MAINE STATE PLANE COORDINATE SYSTEM WEST ZONE NAD 83.
- THE BUILDING IS SERVICED BY PUBLIC WATER, SEWER, AND OVERHEAD POWER.
- THIS PLAN INCLUDES THE ADDITION OF UNITS 6 AND 7, AS PER ARCHETYPE PLANS, AND THE ADDITION OF AN OUTSIDE EGRESS DOOR, AS DEPICTED ON THIS PLAN.

DATE: 03-30-2022
P.E.: ADRIENNE R. FINE, PE 14252

NO.	DATE	REVISIONS
1	03/30/2022	ARE
2	03/30/2022	ARE
3	03/30/2022	ARE
4	03/30/2022	ARE
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6	03/30/2022	ARE
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99	03/30/2022	ARE
100	03/30/2022	ARE

565 CONGRESS STREET
SUITE 201
PORTLAND, ME 04102

41 CAMPUS DRIVE
SUITE 101
NEW GLOUCESTER, ME 04260

OFFICE: (207) 926-5111
www.terradynconsultants.com

TERRADYN
CONSULTANTS, LLC

CIVIL ENGINEERING | LAND PLANNING | STORMWATER DESIGN | ENVIRONMENTAL | PERMITTING

PROJECT:
THOMAS STREET RESIDENCES
THOMAS STREET/CARROLL STREET, PORTLAND, MAINE

SHEET TITLE:
SITE PLAN

CLIENT:
NEWHEIGHT GROUP
32 THOMAS STREET, LLC
118 CONGRESS STREET
PORTLAND, MAINE 04101

RECORD OWNER:
32 THOMAS STREET, LLC
TAX MAP 62 BLOCK E LOT 35
C.C.R.D. BOOK 29217, PAGE 171

DATE:
03-03-2022

SCALE:
1" = 10'

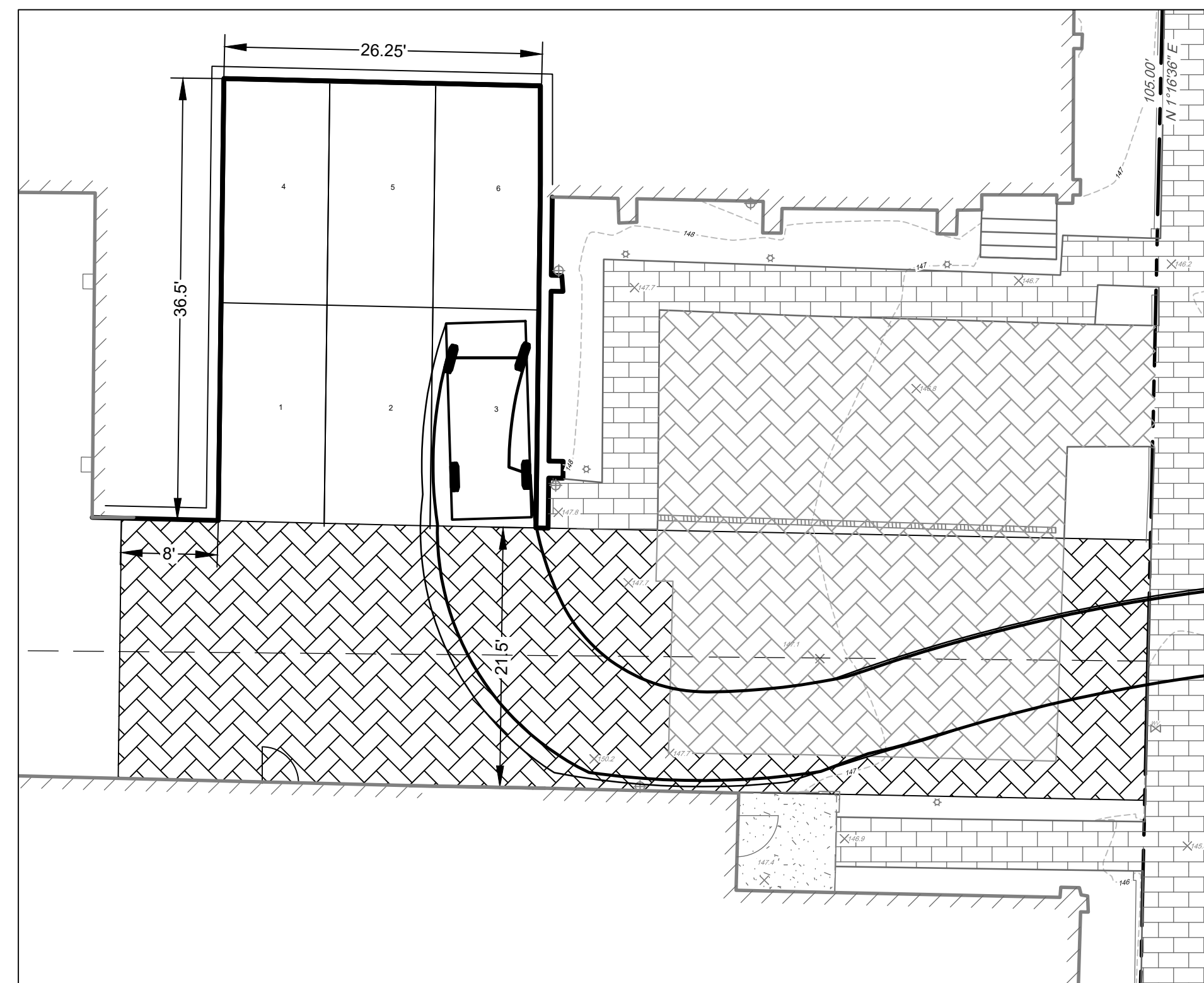
DESIGNED:
ARF

JOB NO:
2025

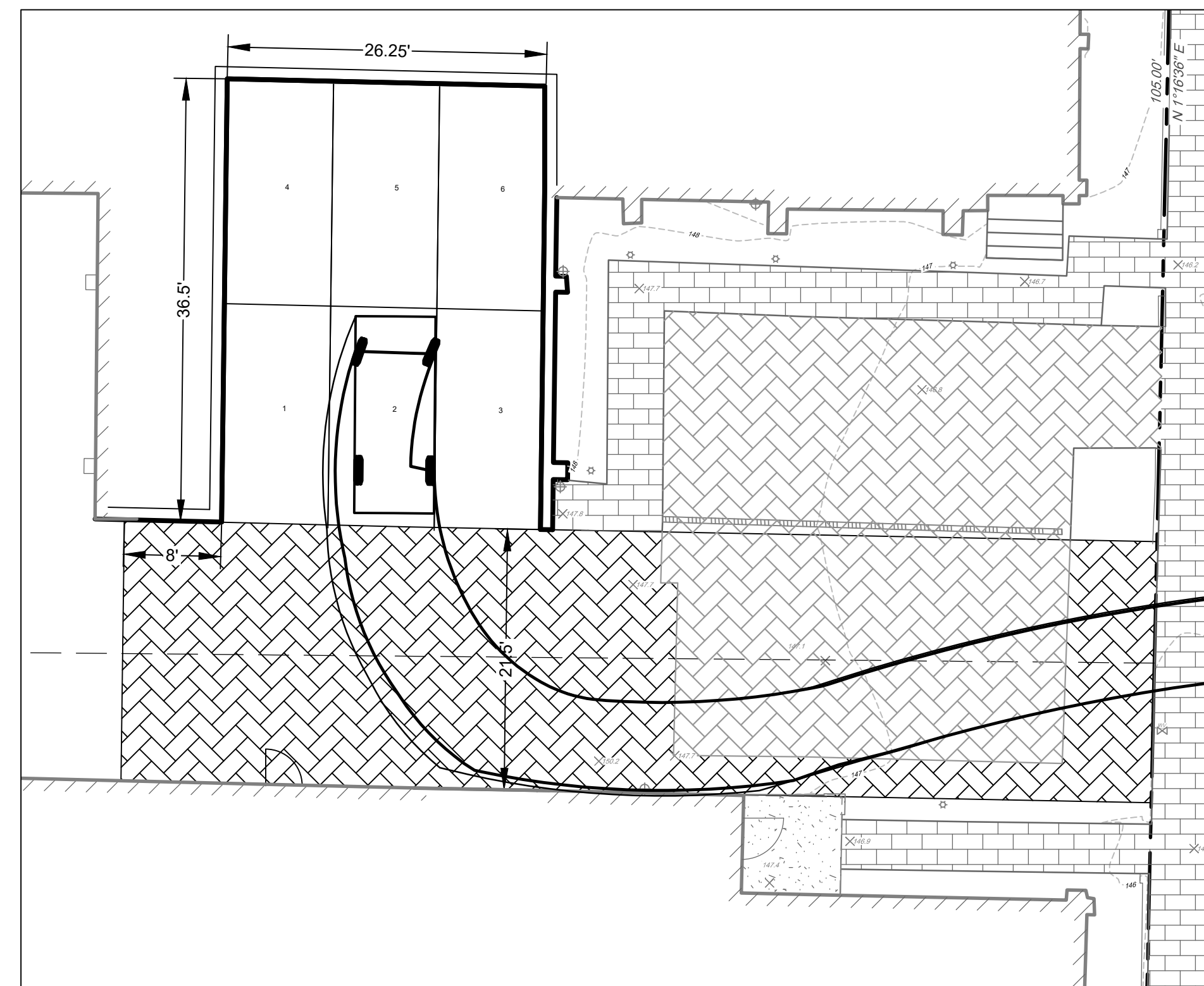
FILE:
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SHEET
C-2.0

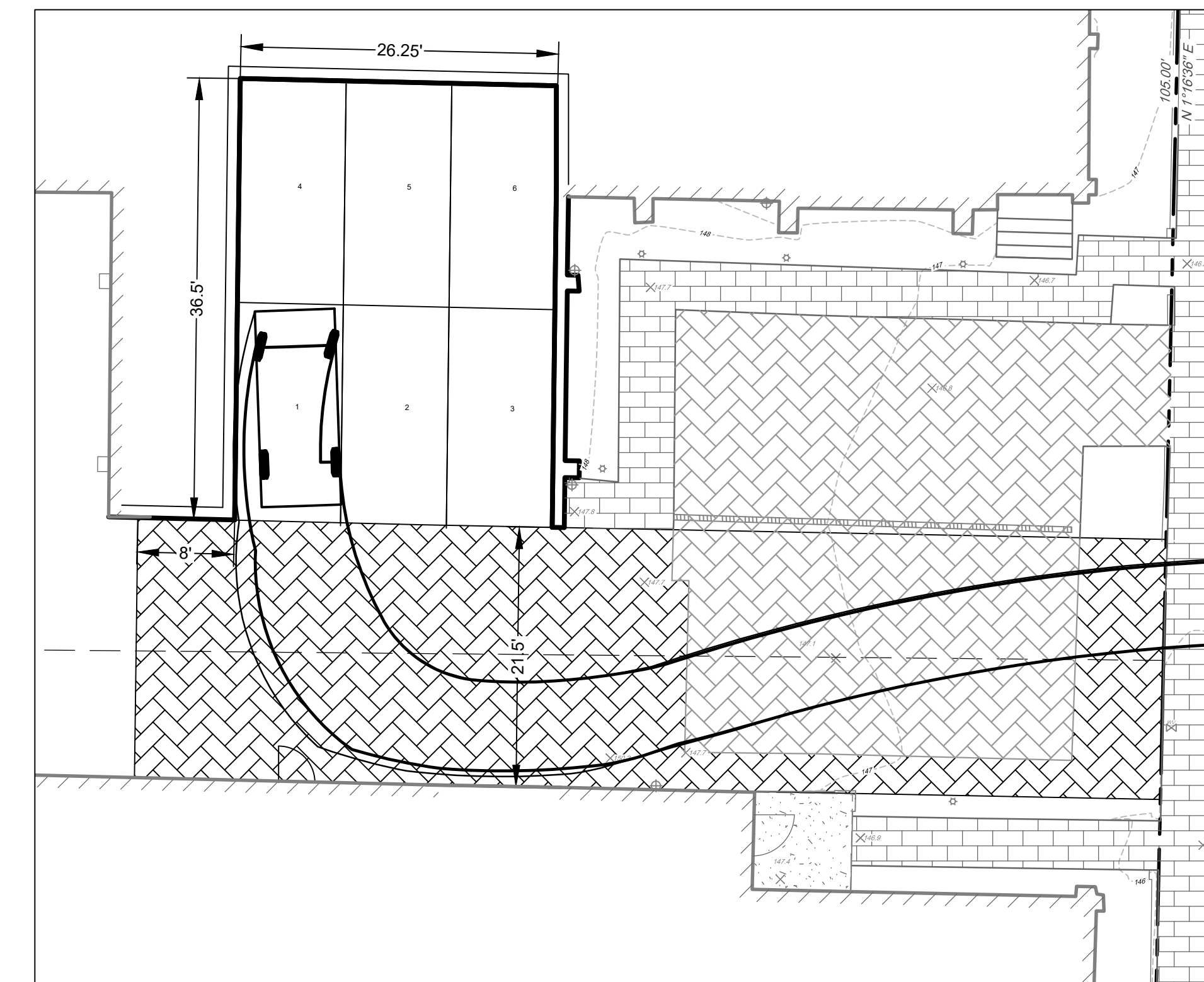
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NOT FOR CONSTRUCTION



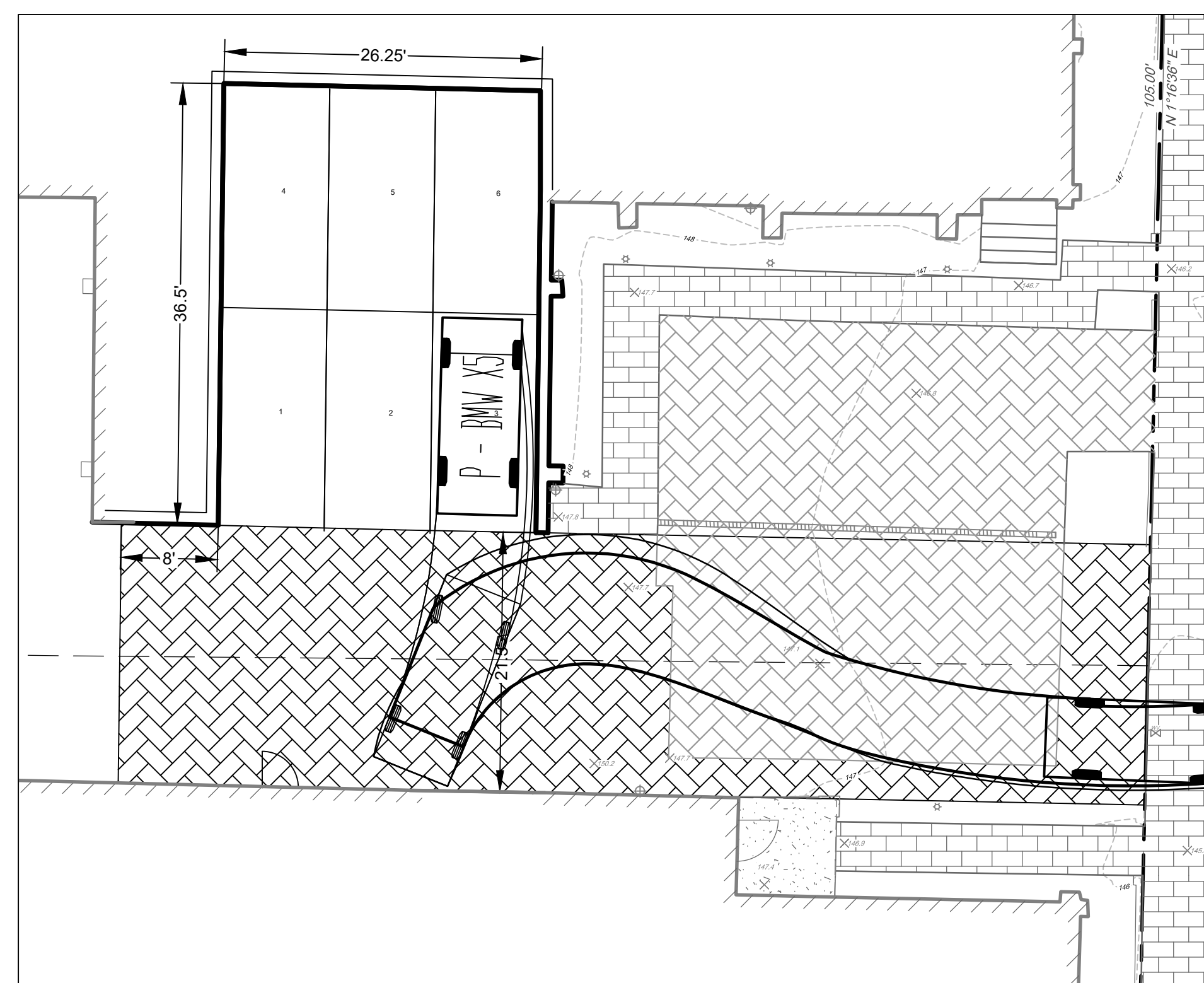
VEHICLE ENTERING SPOT 1



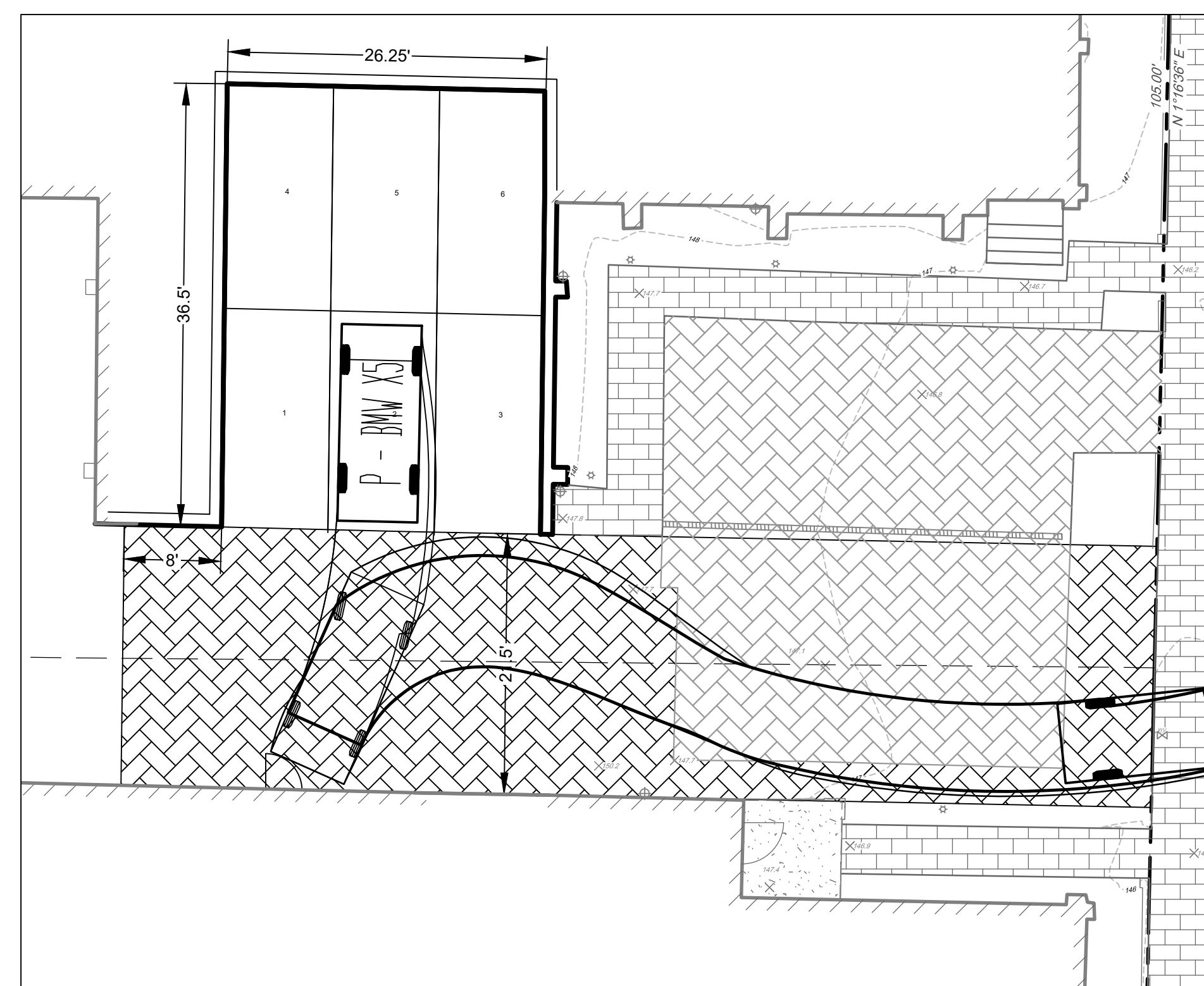
VEHICLE ENTERING SPOT 2



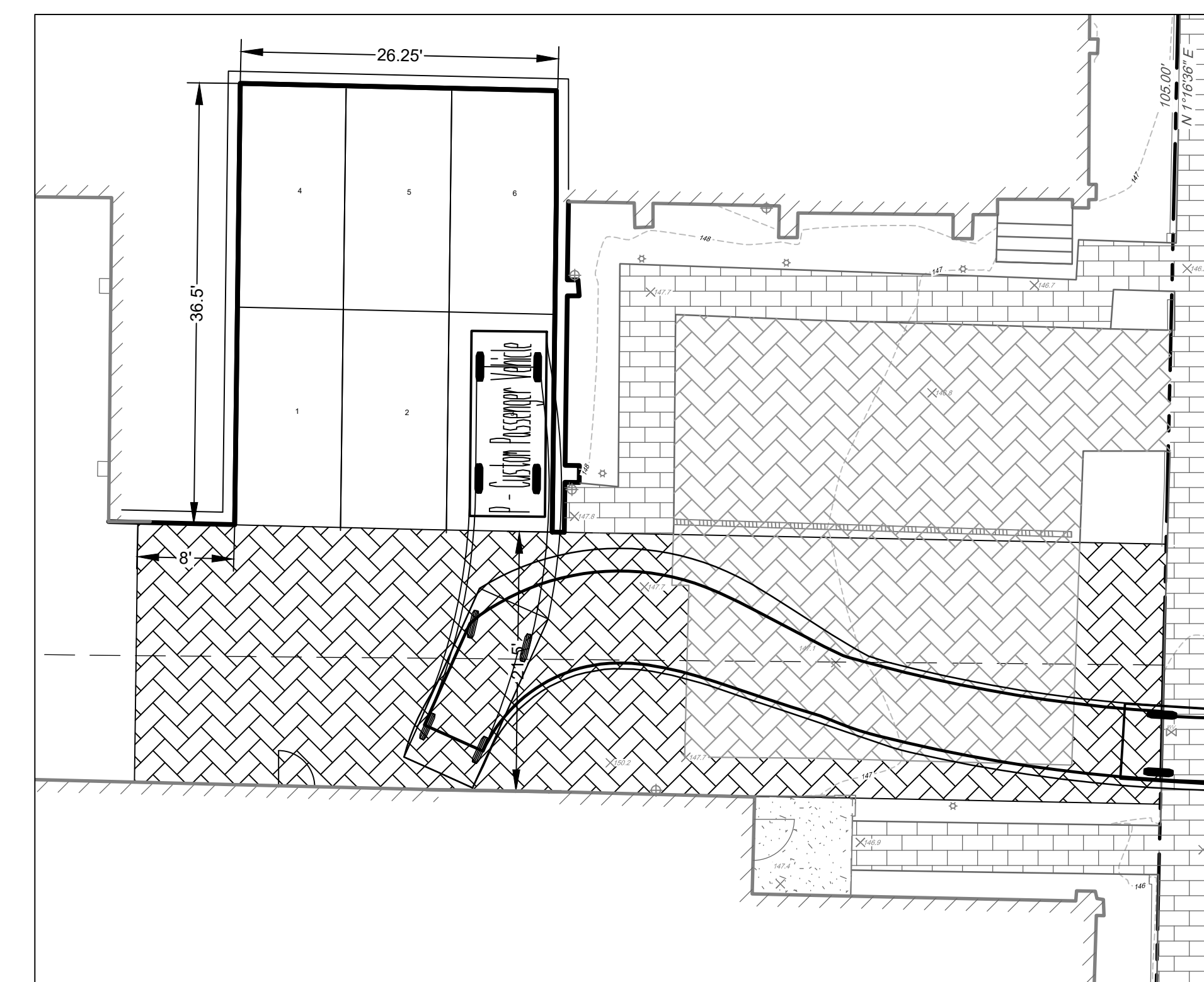
VEHICLE ENTERING SPOT 3



VEHICLE EXITING SPOT 1



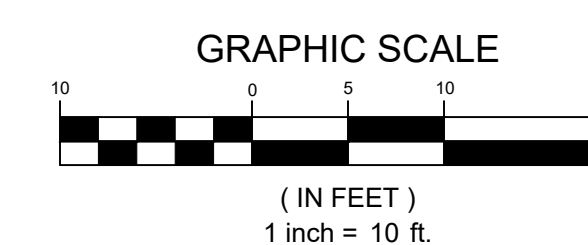
VEHICLE EXITING SPOT 2



VEHICLE EXITING SPOT 3

VEHICLE MOVEMENT NOTES:

1. VEHICLE MOVEMENTS:
VEHICLE MOVEMENTS SHOW HOW A VEHICLE MAY ENTER OR EXIT PARKING SPACES.
2. VEHICLE PATHS DEVELOPED USING AUTOTURN VEHICLE SWEEP PATH ANALYSIS SOFTWARE BY TRANSOFT SOLUTIONS.
3. VEHICLE PARAMETERS:
TOTAL LENGTH: 15.3'
TOTAL WIDTH: 6.21'
WHEEL BASE: 9.25'
TRACK: 5.3'
FRONT OVERHANG: 2.94'
REAR OVERHANG: 3.11'
STEERING LOCK ANGLE: 34.5°

[illegible]

PRIORITY ONE TREATMENTS

- 1 REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
- 2 PERFORM STRUCTURAL REPAIR AT THE INTERIOR OF ALL THREE FLOOR LEVELS OF THE BELL TOWER INCLUDING NEW WOOD FRAMING AND MASONRY REPAIR.
- 3 PERFORM MASONRY REPAIRS AT THE SANCTUARY INCLUDING THE REBUILD OF APPROX. 50 SQUARE FEET OF DAMAGED MASONRY AT SOUTHWEST CORNER.
- 4 REMOVE SEVERELY DAMAGED BRICK AND TOOTH IN RESTORATION BRICK.
- 5 REPAIR OR REPLACE LEAKING OR MISSING DOWNSPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPOUTS AS REVIEWED BY CITY HISTORIC PRESERVATION MANAGER.
- 6 INSTALL TEMPORARY STORM PROTECTION AT MEMORIAL STAINED GLASS WINDOW AT PARISH HOUSE THAT DOES NOT CURRENTLY HAVE STORM PROTECTION.
- 7 RE-GRADE THE COURTYARD TO CREATE POSITIVE DRAINAGE AWAY FROM THE BUILDING.
- 8 RESET, REPAIR OR REPOINT GRANITE STEPS AND RESET SECTION OF COLLAPSED BRICK LANDING AT BOTTOM OF CARROLL ST. ENTRANCE.



1 PARISH HOUSE - EAST ELEVATION
1/4" = 1'-0"

0' 5' 10' 25' 100'

tll-architects, llc
28 DANFORTH STREET
SUITE 215
PORTLAND, MAINE 04101
TEL: 207.781.9962
FAX: 207.781.9968

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
East Elevation

Sheet No: A-1

- PRIORITY ONE TREATMENTS
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1 PARISH HOUSE - NORTH ELEVATION
A-2 1/8" = 1'-0"

0' 5' 10' 25' 100'

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PORTLAND, MAINE 04101
TEL: 207.781.9882
FAX: 207.781.4998

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

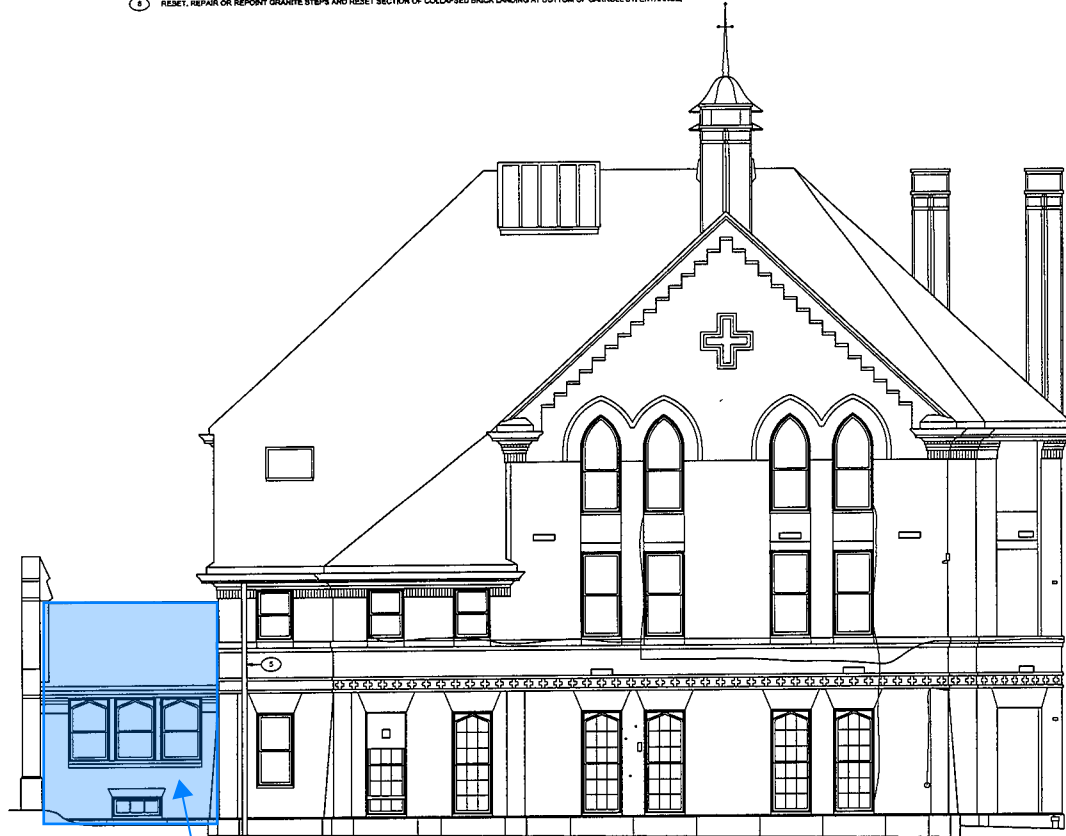
Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
North Elevation

Sheet No: A-2

ttl-architects, llc
28 DANFORTH STREET
SUITE 210
PORTLAND, MAINE 04101
TEL: 207.781.5862
FAX: 207.781.5898

- PRIORITY ONE TREATMENTS
1. REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
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CONNECTOR TO
BE ELIMINATED

1
A-3
PARISH HOUSE - WEST ELEVATION
1/4" = 1'-0"

0' 5' 10' 25' 100'

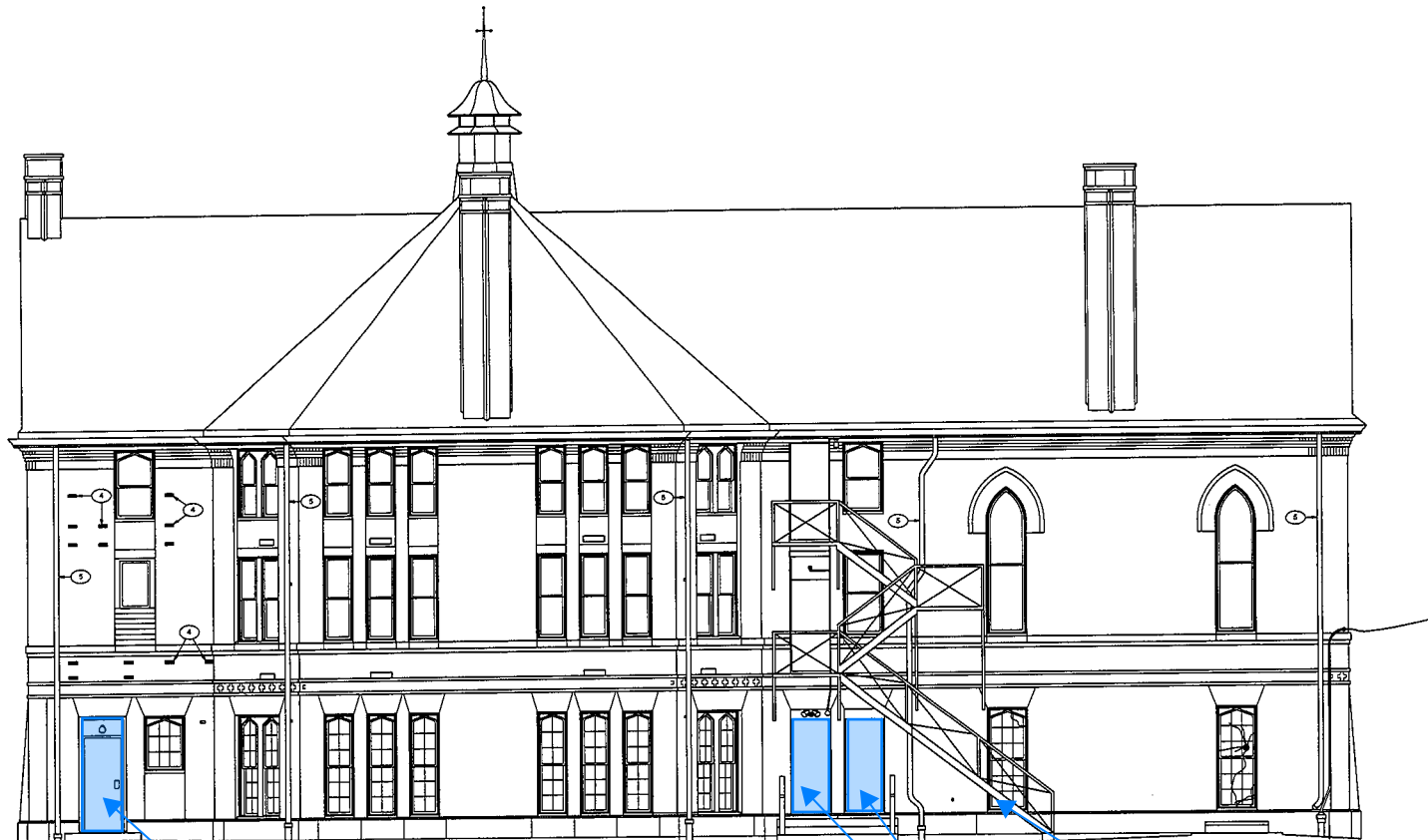
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
West Elevation

Sheet No: A-3

- PRIORITY ONE TREATMENTS
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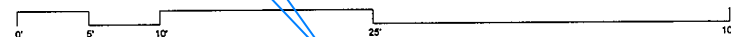


REPLACE DOOR WITH A WINDOW THAT MATCHES ADJACENT WINDOWS

EGRESS STAIR IS NOT THERE

REPLACE DOORS WITH WINDOWS THAT MATCH ADJACENT WINDOWS

1 PARISH HOUSE - SOUTH ELEVATION
A-4 1/4" = 1'-0"



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FAX. 207.751.2598

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Parish House
South Elevation

Sheet No: A-4

tlj-architects, llc
28 DANFORTH STREET
SUITE 212
PORTLAND, MAINE 04101
TEL. 207.761.9862
FAX. 207.761.2698

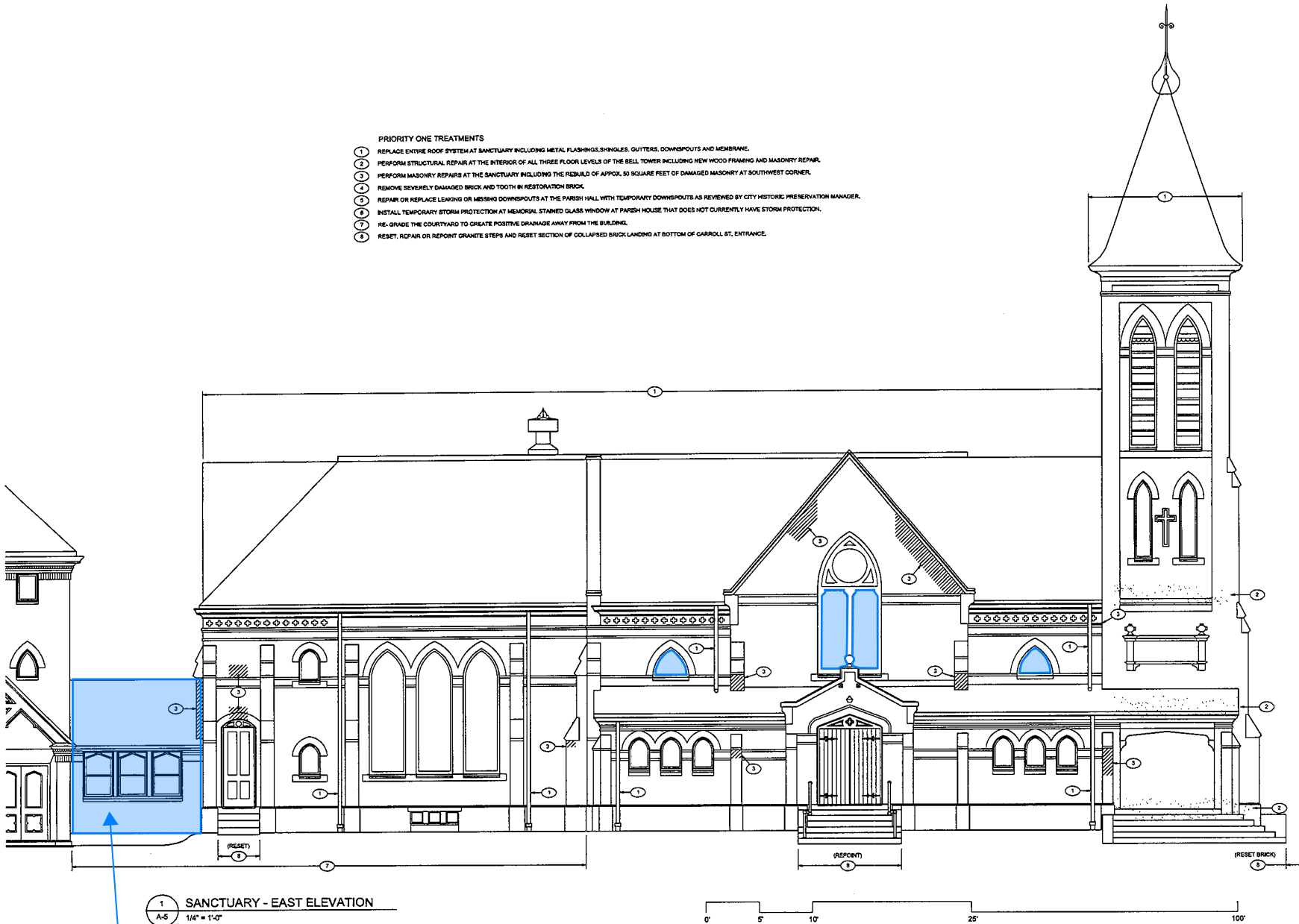
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

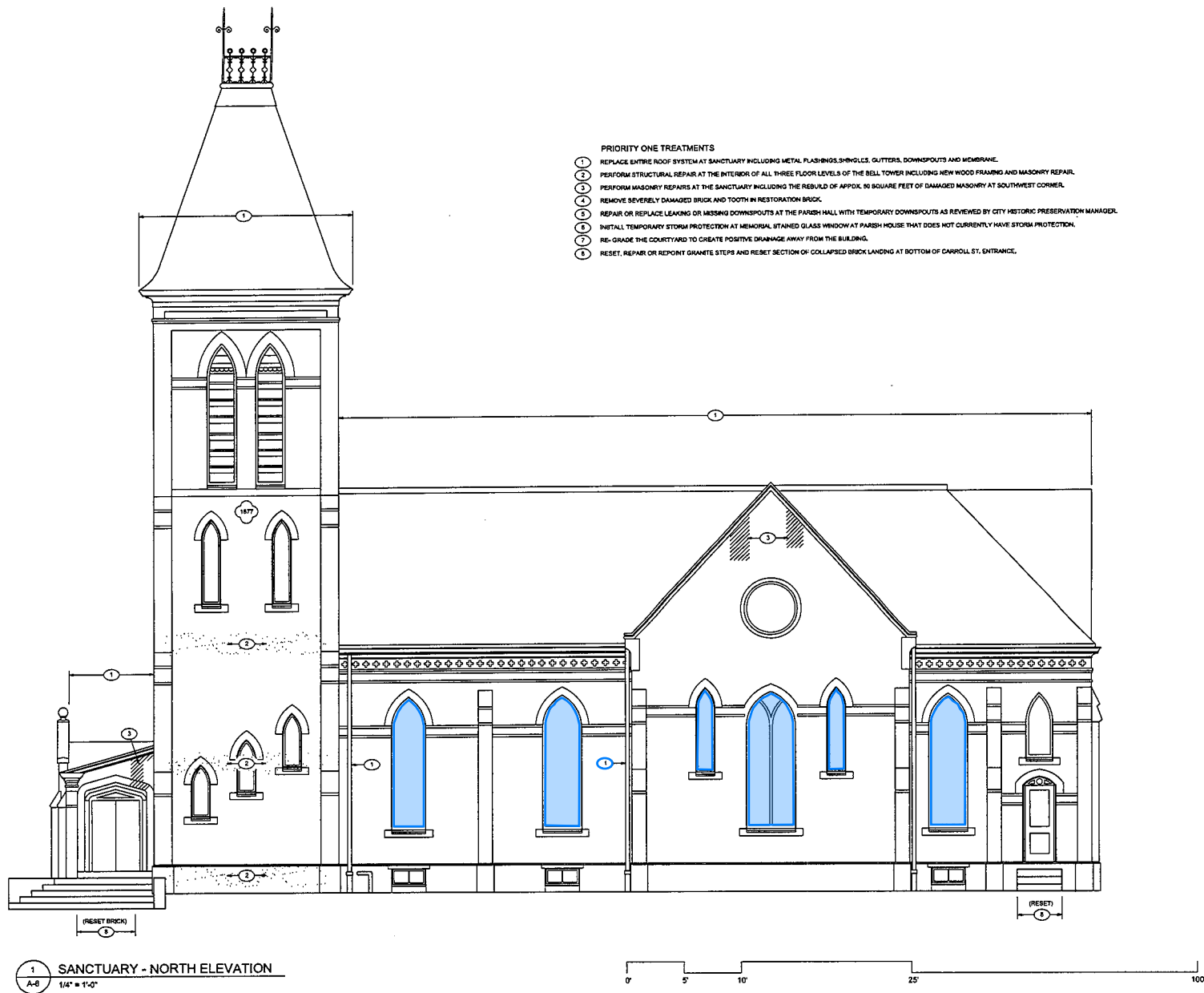
Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Sanctuary
East Elevation

Sheet No: **A-5**

- PRIORITY ONE TREATMENTS
- 1. REPLACE ENTIRE ROOF SYSTEM AT SANCTUARY INCLUDING METAL FLASHINGS, SHINGLES, GUTTERS, DOWNSPOUTS AND MEMBRANE.
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 - 5. REPAIR OR REPLACE LEAKING OR MISSING DOWNSPOUTS AT THE PARISH HALL WITH TEMPORARY DOWNSPOUTS AS REVIEWED BY CITY HISTORIC PRESERVATION MANAGER.
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PORTLAND, MAINE 04101
TEL 207.781.9062
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Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Sanctuary
North Elevation

Sheet No: **A-6**

tl-architects, llc
38 DANFORTH STREET
SUITE 210
PORTLAND, MAINE 04101
TEL: 207.261.1882
FAX: 207.261.0996

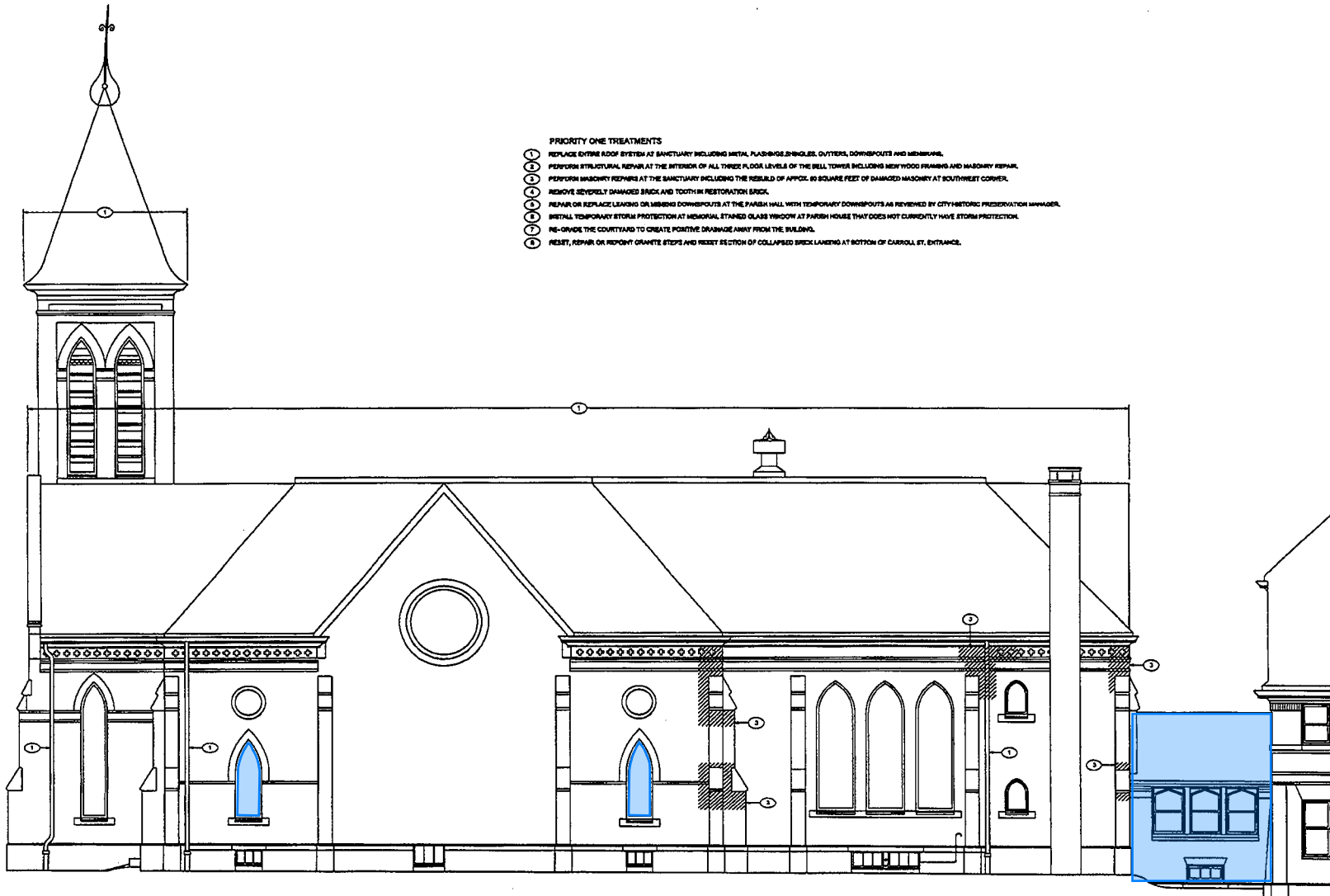
Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

Title:
Sanctuary
West Elevation

Sheet No: A-7

- PRIORITY ONE TREATMENTS
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1 SANCTUARY - WEST ELEVATION
A-7 1/4" = 1'-0"

0 5 10 25 100'

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28 DANFORTH STREET
SUITE 213
PORTLAND, MAINE 04101
TEL: 207.781.9682
FAX: 207.781.4888

Exterior Conditions Assessment & Treatment Plan
32 Thomas Street, LLC
32 Thomas Street
Portland, Maine

Date: 7 May 2012
Scale: As Shown
Revisions:

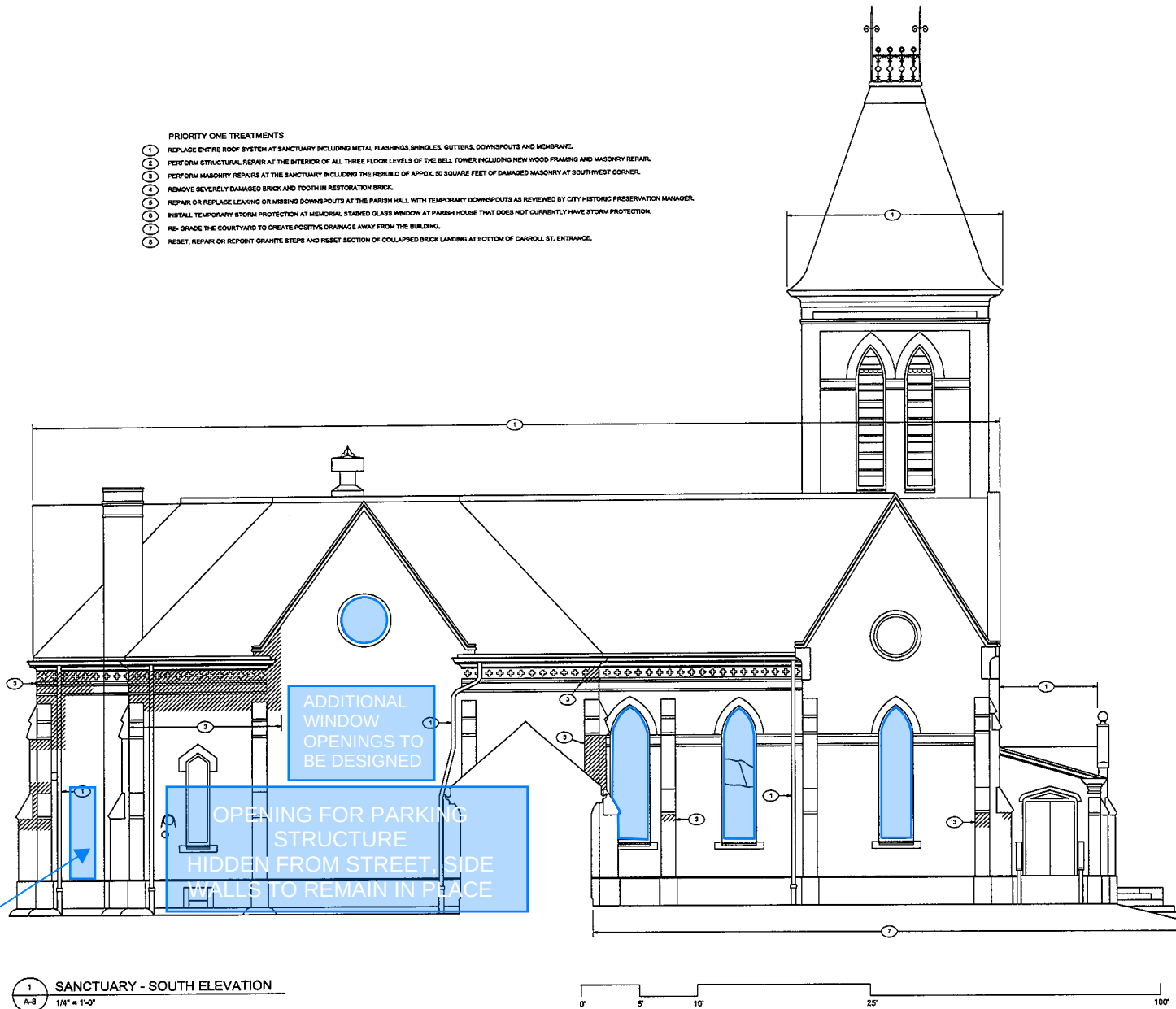
Title:
Sanctuary
South Elevation

Sheet No: A-8

PRIORITY ONE TREATMENTS

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WINDOW TO BE REPLACED BY DOOR



Portland Historic Resources Inventory

Property Address: 32 Thomas Street

Inventory #: WP-238

Assessor's C/B/L: 62-E-5

District: Western Promenade Map #: 238

Rating:

Local Code: LANDMARK

National Register: Ind. Listing N/A District Western Promenade

Date of Placement: Local 08/01/1990 National 02/16/1984

Description of Significant Features and Subsequent Alterations:

The Williston Church was designed by Francis H. Fassett in 1877 as an offshoot of the Second Parish Church. Fassett was Portland's leading architect in the 1870's and received choice commissions. In 1874 he completed the Maine General Hospital, and in 1876 built a double house for himself and his nephew at 117-119 Pine Street which provides a focal terminus at the end of Thomas Street.

The Hospital, his own house, and the Williston Church are all designed in the High Victorian Gothic style, though the Church, naturally, emphasizes ecclesiastical motifs and lancet arches appropriate to a religious building. The plan of the Church is influenced by the emerging Queen Anne aesthetic which turned away from symmetry and emphasized complex spatial arrangements and a variety of ornament and materials. The Williston Church creates a strong corner presence on Carroll and Thomas Streets through the placement of its three story picturesque tower. The sculptural massing is augmented by the pavilion in the center of the Thomas Street elevation that rises in a pedimented gable above the roofline, as well as the buttresses that surround the building.

Fassett's best work is distinguished by a polychromed surface achieved through the use of various stones, here used as window surrounds and sills. The surface of the building is animated by denticulated cornices, dog-tooth brick stringcourses, and cruciform corbeling.

The north elevation is dominated by a projecting wing with a pair of lancet shaped windows flanking a paired stained glass window below a stained glass oculus window. On the rear elevation, facing west, there is a large stained glass circular window.

In 1905, Fassett's former partner, John Calvin Stevens, was commissioned to add a parish house and a wing connecting the church to the Sunday school. At that time he removed some of the ornamentation on the tower and added an enclosed one story porch along the width of the Thomas Street facade. (For a discussion of the parish house see the separate form on it.) The slate sheathed roof, which added both to the polychromy and texture of the building, was replaced in 1957 with asphalt shingles.

City Review of Certificates:

Date	Action	Type	Summary of Work
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PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE

Conditional Zoning Agreement
32 Thomas Street
ZN-0001309-2020
32 Thomas Street LLC, Applicant

Submitted to: Mayor Snyder & City Council From: Chair Mazer and the Portland Planning Board Council Reading Dates: March 15, 2021 and April 5, 2021	Prepared by: Shukria Wiar Date: February 26, 2021
---	--

I. INTRODUCTION

On January 26, 2021, the Planning Board unanimously recommended (7-0) the adoption of the proposed amendments to the conditional zone agreement (CZA-57) in order to more accurately reflect the current status of the property, to permit the proposed programmatic changes to the site, and to facilitate the adaptive reuse of the building, which continues to be governed by a conditional zoning agreement.

32 Thomas Street in the West End is located in an area of the City generally zoned R-4. The existing building complex located on the parcel was formerly used as the Williston-West Church. At the request of a prior owner, and because of the unique nature of the parcel and the historic buildings located on it, the City of Portland altered the zoning for this parcel under the terms of a conditional zoning agreement dated July 13, 2012 (the "Original CZA"). Since that date, some, but not all of the improvements contemplated and authorized by the Original CZA have been completed.

In 2019, ownership of the subject property was transferred to the Applicant. Although the Applicant's development plan for the site is largely consistent with the provisions of the Original CZA, the Applicant does propose some deviations from the prior owner's proposals – many of which will more closely align with the underlying R-4 zoning. In order to facilitate its development of the site, the applicant initially proposed that the City dissolve the Original CZA in order to allow the dimensional and use standards governing the parcel to return to the underlying R-4 zone, with text amendments to the R-4 zone that would allow the proposed programmatic changes at the site, including reducing the R-4 lot area per dwelling unit requirements for sites

meeting specific criteria. The Board held a workshop on October 6, 2020 and a public hearing on January 26, 2021.

Figure 1: 32 Thomas Street – Subject Property



Currently, and consistent with the Original CZA, the subject property includes five residential condominium units and two commercial condominium units housed within the parish house and the sanctuary. The pending application proposes to reconfigure the interior floor area of the structures to remove the commercial spaces approved in the Original CZA and add six more dwelling units, yielding a total of eleven units.

If approved, the site would continue to be identified on the City's zoning map as CZA-57, and the Original CZA approved by the City in 2012 would be amended and superseded by a new agreement substantially in the same form as the draft attached to this report.

II. PROJECT DATA

Current Zoning:	Conditional Zone Agreement
Proposed Zoning:	New Conditional Zone Agreement (boundaries to remain as-is)
Current Uses:	Residential and Commercial (six units + 2 commercial spaces)
Proposed Uses:	Residential (11 units)
Parcel Area:	17,798 square feet
Area to be Rezoned:	17,798 square feet

III. BACKGROUND AND EXISTING CONDITIONS

a. History of the Site and Buildings

The Williston West Church was designed by Francis Fassett, Portland's leading architect in the 1870s, in the High Victorian Gothic Style. The building's form is defined by the large three-story bell tower and it originally had a slate roof which was replaced with asphalt shingles in 1957. Some of the stained-glass windows were created by well-known artists. The Parish Hall was added by John Calvin Stevens in 1905 and included a wing to connect to the church. Its architecture harmonizes with the church, and the Parish Hall is notable for the stained-glass windows on the upper floors. It also has historic interest as the meeting place of the Young People's Society of Christian Endeavor (a national organization that led to the Sunday School movement) which started there in 1881.

b. Existing Conditions

The building complex comprises two existing buildings (church and Parish Hall) that are linked via a connecting structure, and a courtyard area is located between the connector and Thomas Street. The site is 17,798 square feet in area and is located at the corner of Thomas Street and Carroll Street on the periphery of the underlying R-4 Residential zone, with the R-6 zone located immediately to the north and east.

Figure 3: Existing Conditions



Figure 2: Site in 1902



The Church and Parish Hall (the latter designed by John Calvin Stevens in 1905) are located within the West End Historic District and are both listed on the National Register of Historic Places, recognizing both the architectural and historical significance of the buildings. Additionally, both structures are landmarked by the City of Portland under its historic preservation ordinance.

The aerial photograph in Figure 4 illustrates that the existing buildings are very close to the lot boundaries. The parking lot to the west of the church is owned by the abutter and serves the adjacent condominiums.

c. Previously Approved Development

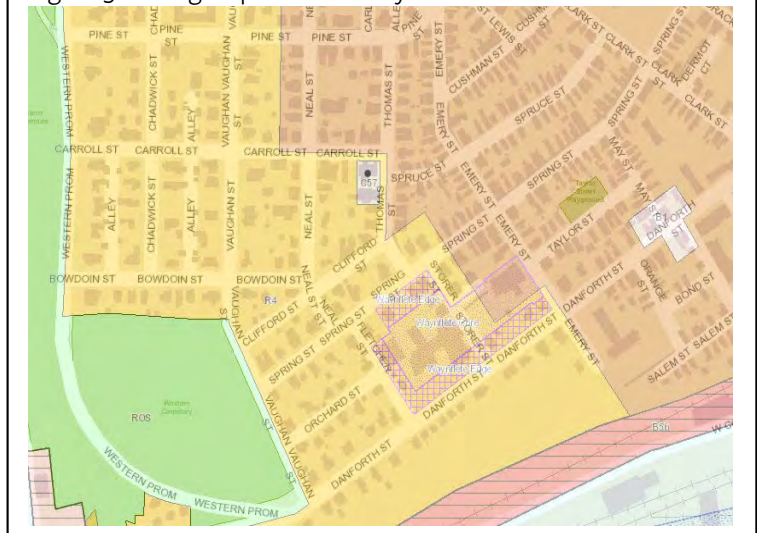
The original church building was constructed in 1888 and the Parish Hall in 1914. When the Williston-West Church merged with Immanuel Baptist Church in 2011, the property was sold and the adaptive reuse of the former church and Parish Hall was proposed. The reuse involved creating approximately 2,500 square feet of office space, a use that was not allowed in the R-4 zone. Other uses proposed at the time included an accessory unit on the first floor of the Parish Hall, a family residence and possibly one other dwelling on the second and third floors of the Parish Hall, and rehabilitation and use of the Williston West Church sanctuary as a residential space.

Figure 4: Subject Property



In order to allow the proposed uses within the 2012 redevelopment plan, the City Council approved the Original CZA, which outlined the permitted uses, dimensional standards, and performance requirements for the redevelopment of the site. According to the applicant, the work on the residential portion of the project was started, but the Conditional Zoning Agreement was the subject of a legal challenge, partially related to whether the commercial uses authorized under the agreement were consistent with the City's previous Comprehensive Plan. In the end, the CZA was upheld and is still in effect today. However, the adaptive reuse project stalled and the site was sold at auction in 2019.

Figure 5: Zoning Map of the Vicinity



IV. ANALYSIS OF PROPOSED CZA AMENDMENT

The applicant proposes to amend and reinstate the Original CZA to allow for the conversion of interior floor area into six additional dwelling units, yielding a total of eleven units. In order to permit higher residential densities via reduction in the minimum lot area per dwelling unit requirement from 3,000 square feet of lot area per dwelling unit to 1,500 square feet per dwelling unit. Below is a relevant excerpt from the proposed CZA; refer to Attachment B for the complete proposed language.

....

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

....

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- *Contributes a desirable, unique type of housing to the peninsula stock;*

- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City's comprehensive land use plan; and

....

According to the applicant, the underlying R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA – thus, in order for the project as-built to remain in conformance with zoning standards, zoning relief is required, whether via a CZA or via a text amendment. Future expansion of the number of dwelling units at the site, as per the applicant's business plans, would not be possible under the terms of the current CZA. Should the CZA amendment be approved by the City Council, the applicant is proposing to add six additional residential units to yield a total of eleven units, and this would be reviewed by the Planning Board under a future Major Site Plan application.

V. ZONING ANALYSIS

The applicant is requesting this conditional rezoning primarily to allow the higher density of residential units to be introduced into the existing building. Consideration of the request for conditional rezoning is guided by State Statute (Title 30-A Section 4352) which requires that all conditional or contract zoning must:

30-A M.R.S.A. section 4352(8): A municipal zoning ordinance may provide for any form of zoning consistent with this chapter, subject to the following provisions . . . A zoning ordinance may include provisions for conditional or contract zoning. All rezoning under this subsection must:

- A. Be consistent with the growth management program adopted under this chapter;
- B. Establish rezoned areas that are consistent with the existing and permitted uses within the original zones; and
- C. Only include conditions and restrictions that relate to the physical development or operation of the property. The municipal reviewing authority shall conduct a public hearing before any property is rezoned under this subsection. Notice of this hearing must be posted in the municipal office at least 13 days before the public hearing. Notice must also be published at least 2 times in a newspaper having general circulation in the municipality. The date of the first publication must be at least 7 days before the hearing. Notice must also be sent to the owner or owners of the property to be rezoned and to the owners of all property abutting the property to be rezoned at the owners' last known addresses. Notice also must be sent to a public drinking water supplier if the area to be rezoned is within its source water protection area. This notice must contain a copy of the proposed conditions and restrictions with a map indicating the property to be rezoned.

The City's Associate Corporation Counsel, Jennifer Thompson, has reviewed and approved the draft language of the proposed Conditional Zone Agreement. Ms. Thompson states that the proposed CZA meets the standards of the City's Code. In addition, the amendment to the CZA must accord with the City's ordinance regarding conditional rezoning as stated below:

5.3.1 Authority and purpose Pursuant to 30-A M.R.S. § 4352(8), conditional or contract zoning is hereby authorized for rezoning of property where, for reasons such as the unusual nature or unique location of the development proposed, the City Council finds it necessary or appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the City's

Comprehensive Plan. Conditional or contract zoning shall be limited to where a rezoning is requested by the owner of the property to be rezoned. The conditional or contract zoning must be consistent with the Comprehensive Plan, and rezoned areas must be consistent with the existing and permitted uses within the original zone. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the City's Comprehensive Plan.

5.3.4 Conditions and restrictions Conditions and restrictions imposed under the authority of this section shall relate only to the physical development and operation of the property and may include, by way of example:

- A. Limitations on the number and types of uses permitted.*
- B. Restrictions on the scale and density of development.*
- C. Specifications for the design and layout of buildings and other improvements.*
- D. Schedules for commencement and completion of construction.*
- E. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects.*
- F. Preservation of open space and buffers, and protection of natural areas and historic sites.*
- G. Contributions toward the provision of municipal services required by the development.*
- H. Provisions for enforcement and remedies for breach of any condition or restriction.*

Additionally, staff have reviewed the land uses proposed in the amendment and find that they are consistent and in harmony with existing and permitted uses in the R-4 zone. The R-4 zone is mapped within the West End neighborhood of the city and is bound by the Western Prom ROS zone to the west, the R-6 zone that extends along Bramhall Street to the north, additional R-6 along Neal Street and Vaughn Street to the east, and the B-5b zone that extends along West Commercial Street to the south. R-4 includes a number of development controls intended to limit residential conversions and to control the form of development to limit impacts to neighborhood character by regulating floor to ceiling heights, fire escapes, and other aspects of the building envelope. Specifically, the R-4 currently contains a number of residential condominiums and rentals similar to those proposed by the Applicant, therefore with the proposed higher density the proposal is consistent with the purpose statement.

According to the applicant, the existing R-4 zone creates limitations with respect to density and setbacks that would make the adaptive reuse project infeasible. The R-4 zone requires 3,000 square feet of land for the first three dwelling units, and then 6,000 square feet of land for each additional unit thereafter. This density requirement would limit development on this site to four residential units in the event of a new construction project; currently there are five units housed within the existing structures, facilitated by the CZA. The applicant is proposing to add six additional residential units to yield a total of eleven units.

VI. CONSISTENCY WITH THE COMPREHENSIVE PLAN

As part of the review of the proposed CZA amendment, the applicant was required to demonstrate, and the Planning Board was required to find, that the proposal is consistent with the City's Comprehensive Plan and with existing and permitted uses in the underlying R-4 zone. The applicant has submitted a Comprehensive Plan analysis (Attachment A). Staff have identified the following goals and policies which are relevant to the proposed text amendment and finds the proposal in conformance with both the housing, historic preservation, and sustainability goals of the Comprehensive Plan, as well as the future land use vision set forth within the Plan. As stated, the purpose of the R-4 Zone is:



To preserve the unique character of the Western Promenade area of the city by controlling residential conversions and by allowing the continued mix of single-family, two-family, and low-rise multifamily dwellings and other compatible development at medium densities.

The central vision of Portland's Plan 2030 is represented by the Venn diagram demonstrating the integral interrelation of the community's core belief that Portland is equitable, sustainable, connected, dynamic, authentic and secure. The vision conveys the message of the City's need to balance many competing interests to assure the advance of the vision as a unified concept. In this instance, that the City's goals for increasing and modifying the overall housing supply in a walkable, urban neighborhood must be balanced with the desire to ensure an appropriate balance of continuity and change as Portland grows and evolves.

Housing: A Livable City

State Goals:

- To encourage and promote affordable decent, housing opportunities for all Maine citizens

Local Goals:

- Increase, preserve, and modify the overall supply of housing City-wide to meet the needs, preferences and financial capabilities of all Portland households.
- Encourage additional contextually-appropriate housing density in and proximate to neighborhood centers, concentrations of services, and transit nodes and corridors as a means of supporting complete neighborhoods.
- Pursue policies to enable people who work in Portland to have the option to live in Portland.
- Encourage quality, sustainable design in new housing development.

Goals from Future Strategies:

3. Remove Housing Barriers

- Evaluate whether current zoning allows for new development consistent with historic patterns of form, density and/or use, as well as whether it allows for priority growth areas.
- Identify priority growth areas.
- Allow for a range of housing models in City codes, whether small units, co-housing, or others that may suit changing needs and demographics.

4. Promote Sustainability

- Encourage rehabilitation of existing historic buildings and materials.

An Enduring City

State Goals:

- To preserve the State's historic and archaeological resources.

Local Goals:

- Stabilize and enhance historic areas of the city by ensuring quality investment in existing structures and compatible infill development.
- Ensure an appropriate balance of continuity and change as Portland grows and evolves.

The Board found the proposed CZA amendment to be consistent with the above goals of the Comprehensive Plan.

VII. PUBLIC COMMENT

The application was noticed to 100 neighbors and interested parties. Although the prior proposal to amend the broadly applicable R-4 zone did receive a fair amount of public comment, staff did not receive any written public comment on revised proposal in advance of the Planning Board hearing. It is noteworthy that, after hearing neighborhood concerns about the initial text amendment proposal, this Applicant worked cooperatively with the neighborhood group on the details of this new proposal. It appears that the proposed language reflects an overall site development plan that satisfies the concerns articulated by interested parties. Staff did receive a phone call from Anne Pringle, President of the Western Promenade Neighborhoods Association, and from resident Charles Rimmel to express their support for the project. After the Planning Board workshop, the applicant met with the abutting neighbors in regard to the R-4 zone text amendment. The neighborhood expressed that they did not support the change. Though the text amendment was intended to be specific to this property by criteria intended to limit the

universe of applicable parcels, the neighbors felt that it could have implications for other properties in the R-4 zone as well. Neighbors in attendance supported the alternative of a new or amended CZA in lieu of an R-4 text amendment. As an amendment and reinstatement of an existing CZA, it was determined that this application did not require a neighborhood meeting. Public comment made at the January 26, 2021 Planning Board hearing public included one in support of the amendment focusing on the benefits of the CZA as it relates to facilitating the adaptive reuse of the structures while preserving historic elements, along with questions about the review of the application under the previous code rather than the current, newly adopted code, and general concerns about neighborhood outreach by applicants and the City for land use applications.

VIII. PLANNING BOARD RECOMMENDATION TO THE CITY COUNCIL

The Planning Board voted unanimously (7-0) to find the proposed amendment to the original CZA-57 for the property located at 32 Thomas Street to be consistent with the Comprehensive Plan and R-4 Residential Zone for the City of Portland and recommends to the City Council adoption of the amendment for 32 Thomas Street:

1. That, because of the unusual nature and unique location of the proposed development and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as outlined in the proposed Conditional Zone Agreement;
2. That the proposed Conditional Zone Agreement for the reuse and rehabilitation of 32 Thomas Street as described in this Report is consistent with the Comprehensive Plan of the City of Portland;
3. That the proposed Conditional Zone Agreement for the reuse and rehabilitation of 32 Thomas Street as described in this Report is consistent with existing and permitted uses in the R-4 Zone;
4. That the proposed Conditional Zone Agreement for 32 Thomas Street is in compliance with the standards of Article 5.3-4 Conditions and Restrictions of Conditional or Contract Zoning; and
5. That the Planning Board therefore recommends the approval of the Conditional Zone Agreement for 32 Thomas Street to the City Council.

The Planning Board's positive recommendation is based on a finding that the agreement achieves the comprehensive plan objectives related to encouragement of housing production, of historic preservation, and of adaptive reuse of historic structures. The proposed additional residential units result in minimal alterations to the character-defining features of the two church structures. The revised agreement has addressed staff's concerns. In addition, the applicant has worked and addressed the concerns raised by members of the West End neighborhood.

IX. ATTACHMENTS

PUBLIC COMMENTS

PC 1. Charles Rimmel 11.06.2020

APPLICANT'S SUBMITTAL

- A. Cover Letter Email
- B. Amended and Restated Conditional Zone Agreement
- C. 32 Thomas Street Zoning Application_9.23.2020
- D. Map and Text Amendment Checklist
- E. Deed

PLANS

Plan 1 Vicinity Map

Plan 2 Recording Plat

AMENDED AND RESTATED
CONDITIONAL ZONE AGREEMENT

RE:
WILLISTON-WEST CHURCH

THIS AMENDED AND RESTATED CONDITIONAL ZONE AGREEMENT is made this ____ day of _____, 2020 by 32 Thomas Street, LLC, a Maine limited liability company, having an address of _____, Portland, Maine (“Developer”), and its successors and assigns. This Amended and Restated Conditional Zone Agreement (“Agreement”) amends and replaces in its entirety an existing Conditional Zone Agreement dated July 13, 2012, and recorded in the Cumberland County Registry of Deeds, Book 29784, Page 123 (the “Original CZA”).

WITNESSETH

WHEREAS, the Developer owns real property located at 32 Thomas Street, consisting of the parcel shown on the City’s Tax Map 62, Block E, Lot 5, being more particularly described in a deed recorded in Cumberland County Registry of Deeds in Book 29217, Page 171 (collectively the “Property”); and

WHEREAS, the existing building complex located on the Property was formerly used as the Williston-West Church; and

WHEREAS, the building complex located on the Property is comprised of two principal portions, the former sanctuary and the former parish house; and

WHEREAS, the Property, located within the West End Historic District, is currently zoned R-4 Residential; and

WHEREAS, the building complex is listed in the National Register of Historic Places, the sanctuary is a designated local landmark as defined by Article IX of the Portland City Code and the Parish house is a contributing structure within the West End Historic District under Article IX; and

WHEREAS, the former sanctuary and the former parish hall are important large-scale non-residential historic structures that were designed by noted architects Francis Fassett and John Calvin Stevens respectively; and

WHEREAS, the building complex significantly contributes to the architectural fabric of the neighborhood and distinctive sense of place that defines Portland and therefore requires special consideration with regard to its rehabilitation and preservation; and

WHEREAS, historically appropriate and neighborhood compatible adaptive re-use of historic religious structures is often challenging, and reasonable use flexibility may enable

economically viable rehabilitation and productive use of such buildings for their long-term preservation; and

WHEREAS, the Property is currently improved with 5 residential units in the former parish hall, and Developer proposes to create up to an additional 6 units in the building complex and make other improvements and modifications as contemplated in this Agreement; and

WHEREAS to create this additional number of units the current R-4 zoning requirement of 3,000 square feet of land area per dwelling unit needs to be modified pursuant to and using this Agreement to 1,500 square feet per dwelling unit; and

WHEREAS, the Portland City Council previously re-zoned the Property pursuant to the “Original CZA”; and

WHEREAS, the underlying R-4 zoning and the Original CZA have dimensional requirements that the existing building complex does not meet, but is lawfully nonconforming, and may require additional setback modifications to accommodate minor exterior modifications; and

WHEREAS, the Developer has requested a rezoning in the form of an Amended and Restated Conditional Zone Agreement for the Property in order to permit the proposed residential development of the Property which will facilitate funding the comprehensive rehabilitation and long-term maintenance of the historic structures; and

WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommend the rezoning of the Property as aforesaid, subject, however, to certain conditions contained in this Agreement; and

WHEREAS, the City, by and through the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and §§ 14-60 to 14-62 of the Code, after notice, hearing and due deliberation thereon, has determined that because of the unique and historical nature of the Property, the proposed development:

- Contributes a desirable, unique type of housing to the peninsula stock;
- Promotes sustainability by allowing for rehabilitation of an existing historic building to provide new housing development consistent with the medium and high density urban residential development pattern typically found on the peninsula;
- Makes improvements to below-grade infrastructure, including parking, to accommodate new growth;
- Accommodates well-designed density, which is integral to healthy, walkable city neighborhoods; and therefore

it is necessary and appropriate to impose, by agreement, the conditions and restrictions set forth herein, in order to insure that said rezoning is consistent with the City’s comprehensive land use plan; and

WHEREAS, the Portland City Council has on _____, 2020 approved this Agreement in its entirety, by City Council Order No. _____, a true copy of which is attached hereto as an Attachment 1 (the “Order”);

NOW, THEREFORE, in consideration of the rezoning, the Developer covenants and agrees as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, Dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the Property conditional R-4, subject to the conditions contained below.

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council’s approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the underlying R-4 zone, but shall remain subject to and with the benefit of the Original CZA.

2. Permitted uses:

- a. All uses allowed in the R-4 Zone, as adjusted, modified or limited herein.
- b. Modifications and limitations: The existing land area requirement of 3,000 square feet per dwelling unit shall be reduced for the Property to a minimum of
 - i. One thousand five hundred (1,500) square feet of land area per dwelling unit;
 - ii. On-site parking shall be required as specified in Article 19 (off-street parking) of the Land Use Code, for the combined uses of the site;
 - iii. The project shall be subject to Article 14 (site plan) of the Land Use Code for site plan review and approval and the following additional standards:
 - 1. Any addition or exterior alterations such as façade materials, building form, and roof pitch shall be designed to be compatible with the architectural style of the existing structures;
 - 2. The scale and surface area of parking, driveways, car lifts, mechanical car parking systems, or car parking structures, and paved areas shall be arranged and landscaped to be compatible in size and scale with the neighboring properties in the area and where feasible to properly screen vehicles from adjacent properties and streets; and
 - 3. Pre-existing dimensions of the structure existing as of January 1, 1984

shall be considered conforming. Existing setbacks may be further reduced by up to three (3) feet, or 50%, whichever is less, to accommodate minor exterior modifications.

- iv. Use of the former sanctuary as a community hall as set forth in Section 14-103(b)(2)(a) of the Code is prohibited;
- v. No part of the Property shall be used as a bed and breakfast, hotel, treatment facility, congregate care facility, office, or commercial or business enterprise, excepting a home occupation as currently permitted in §14-102(b)(4).

3. Any increase in the volume or footprint of either the parish house or the sanctuary shall be prohibited, except as necessary to accommodate any improvements, such as ramps or stairs, required in order for the Property to comply with the American With Disabilities Act, Maine Human Rights Act, or similar laws, ordinances or regulations governing access for the disabled.

4. The provisions of this Agreement are intended to replace and/or supersede the associated provisions of the underlying R-4 zone and the Original CZA. As stated above, to the extent not otherwise altered or limited herein, the zoning requirements for the R-4 zone shall otherwise apply to the Property.

5. Under no circumstances shall the Developer be permitted to convert the residential dwellings as may be allowed by this Agreement to an institutional or business use.

6. This AGREEMENT may also be enforced pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A §4452 and the Portland City Code.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Developer, any entity affiliated with the Developer that takes title to the Property, its or their successors and assigns, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Developer shall file a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

9. Except as expressly modified herein, the Property shall be governed by and comply with the provisions of the Portland City Code, including but not limited to, the maintenance requirements of historic structures set forth in section Article 17 of the Code, and any applicable amendments thereto or replacement thereof.

[Signature to Follow on Next Page]

WITNESS:_____

32 THOMAS STREET, LLC

By:

STATE OF MAINE
CUMBERLAND, ss

Personally appeared before me the above-named _____ in his/her capacity as _____ of 32 Thomas Street, LLC, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said corporation.

Before me,

Notary Public/Attorney-at-Law

HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

PUBLIC HEARING
12 BAKERY LANE
GREAT DIAMOND ISLAND

TO: Chair Pollard and Members of the Historic Preservation Board
FROM: Rob Wiener, Preservation Compliance Coordinator
DATE: May 13, 2022
RE: May 18, 2022 **PUBLIC HEARING –Proposed Dormer Addition
and Solar Panel Installation
HPBR-001951-2022**

Address: 12 Bakery Lane, Great Diamond Island (Fort McKinley)

Applicants: Susan and Jeffrey Welton

Project Architect: David Lloyd & Michael Hutchins, Archetype Architects

A sign announcing the Historic Preservation Board's meeting on May 18, 2022 was posted at the property on May 3, 2022. A legal ad was published in the Portland Press Herald on 5/7/22, and 23 notices were sent to neighboring property owners within 100 feet of the subject property.

Introduction

On behalf of owners Susan and Jeffrey Welton, David Lloyd and Michael Hutchins of Archetype Architects have requested a public hearing for a dormer addition and solar panel installation at 12 Bakery Lane, Great Diamond Island. The single-family house, originally a military jail (a.k.a. "The Guardhouse,) is a contributing building in the Fort McKinley Historic District. It is removed from the better-known parade ground, and though there is very limited visibility of the house when the surrounding trees are in leaf, it is visible at some distance for approximately half the year, from several roads in the district.

The primary façade of the hipped-roof house faces west and the Parade Ground, with a full porch, central entrance and chimney, and a wide, gabled dormer. Opposite this face, on the rear side, a shed dormer with a very shallow pitched roof is proposed. Between these two faces, the south roof is proposed to receive an array of solar panels, spaced around four existing skylights.

In light of the fairly isolated, wooded site, and the modest level of intervention proposed for the structure, staff is putting the applicants' first meeting with the Board on the agenda as a public hearing. Mr. Lloyd has submitted a brief cover letter, drawings, and some location and elevation photos. Mr. Welton provided a series of photos taken last week, to demonstrate the visibility of the house from various vantage points. Staff is providing several additional photos, and the Portland Historic Resources Inventory property description from 1990.

Subject Property

Please see the property description provided. The house was apparently in poor condition in 1990, but now appears very ably renovated and well cared for. Staff notes that the architectural description describes the front dormer siding as clapboard, but it appears to be slate at this time. The roofing material may also be slate, but staff is uncertain at this time.

Proposed Alterations – May 18, 2022 Public Hearing

Please see the cover letter and drawings provided by the architects; proposed additions are mostly self-explanatory, with some clarifications requested by staff:

- The side walls of the dormer are proposed to be sided with cement board.
- Proposed windows are aluminum clad wood windows by Pella. Mr. Lloyd is considering how the double-hung windows would be most suitably divided, or if they be best left as 1/1.
- Trim at the edge of the dormer will be a similar dimension or slightly smaller than the existing fascia on the main roof, and it appears to have no brackets, crown, or other decoration.
- Staff has not seen details of the solar installation, except for the partial panel arrangement shown in the drawings; it appears the goal is to fit as many panels as possible around the existing skylights.

Staff Comments and Questions

Staff has no significant concerns about the proposed alterations at the Fort McKinley Guardhouse, but a few questions about details may warrant discussion. Though visibility is extremely limited during the warmer months, the potential for the additions to be seen exists, and Fort McKinley's importance justifies this minor Board review. Staff notes several possible subjects for Board discussion:

- Dormer trim details appear appropriately sized and simple and for the added rear dormer.
- The Board may wish to discuss the configurations of the new windows in the dormer.
- The arrangement of solar panels proposed for the south face of the hipped roof appears a bit haphazard due to the constraints imposed by the skylights and some

panels oriented horizontally while most have a vertical orientation. Staff has not seen details for the solar proposal, including such details as color of panels, color of mounting frames, and location and appearance of electrical cables and connections. These are details that staff can typically review administratively; it is again noted that there is some visibility at a distance for half the year but visibility does not preclude solar installations – though it can prompt changes to the appearance of the array.

Applicable Review Standards

- (1) *Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.*
- (3) *All sites, structures and objects shall be recognized as products of their own time, place and use. Alterations that have no historical basis or create a false sense of historical development such as adding conjectural features or elements from other properties shall be discouraged.*
- (9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.*
- (10) *Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.*

Motion for Consideration

On the basis of plans and specifications submitted by the applicants for the May 18, 2022 public hearing and information included in the accompanying staff report, the Board finds that the proposed alterations at 12 Bakery Lane **meet (fail to meet)** the historic preservation ordinance's Standards for Review of Alterations **(subject to the following conditions.....)**

Attachments:

- 1. Attachment 1 – Summary cover letter by architect
- 2. Attachment 2 – Drawings

3. Attachment 3 – Location Maps
4. Attachment 4 – Location Aerial Photos
5. Attachment 5 – Architect's Photos
6. Attachment 6 – Owner's photos
7. Attachment 7 – Property Description (1990 Survey form)

A R C H E T Y P E

March 7, 2022

RE: 12 Bakery Lane, GDI

Dear Deb,

We are asking for a meeting with the board to discuss 12 Bakery Lane on Great Diamond Island. Jeffrey and Susan Welton own and live at what used to be the jail. Basically, we are requesting a new dormer on the east roof and the installation of solar panels on the south roof. The building is well back from the parade ground and is surrounded by woods on three sides.

Thank You



David Lloyd
Maine Licensed Architect #936



ARCHETYPE ARCHITECTS

DRAWING LIST

ARCHITECTURAL DRAWINGS
A0.01 EXISTING PLANS & ELEVATIONS
A1.01 NEW PLANS & ELEVATIONS
A3.01 SECTIONS

Client:
Jeff & Susan Welton
12 Bakery Lane
Great Diamond Island, ME
04109
207.766.5115

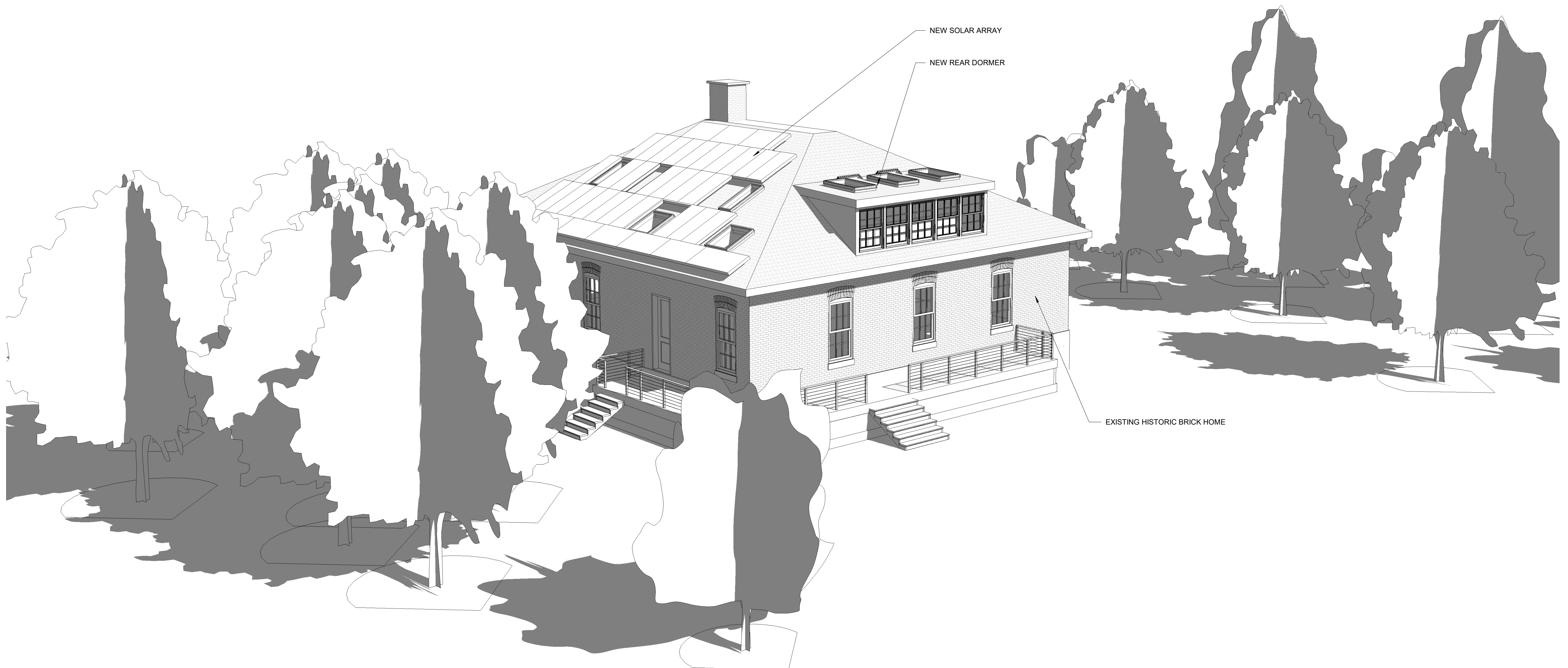
Architect:
Archetype Architects
48 Union Wharf
Portland, ME
04101
207.772.6022

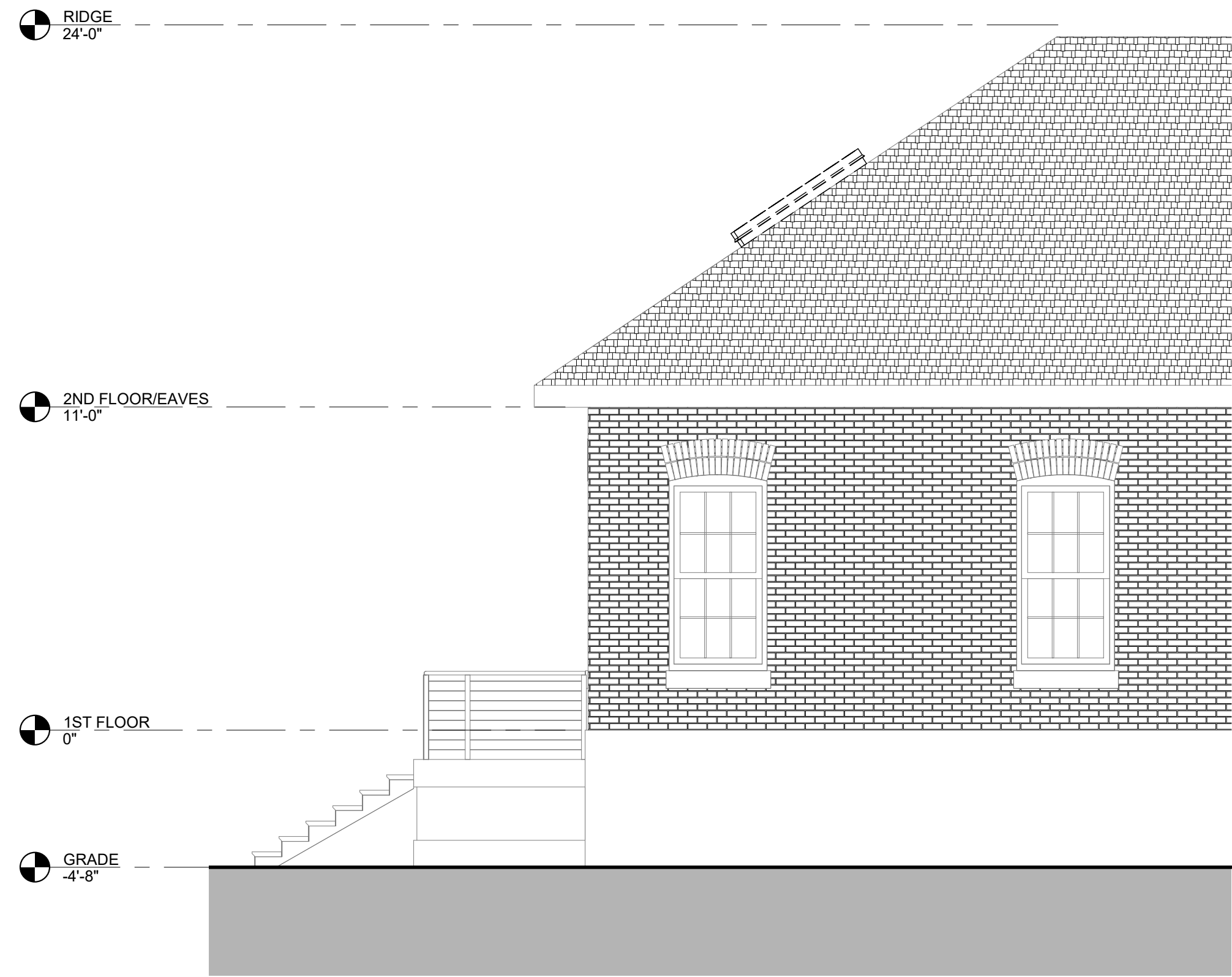
Structural Engineer:
Structural Integrity
46 Forest Ave
Portland, ME
04101
207.774.4614

WELTON RESIDENCE

12 BAKERY LANE

GREAT DIAMOND ISLAND, MAINE

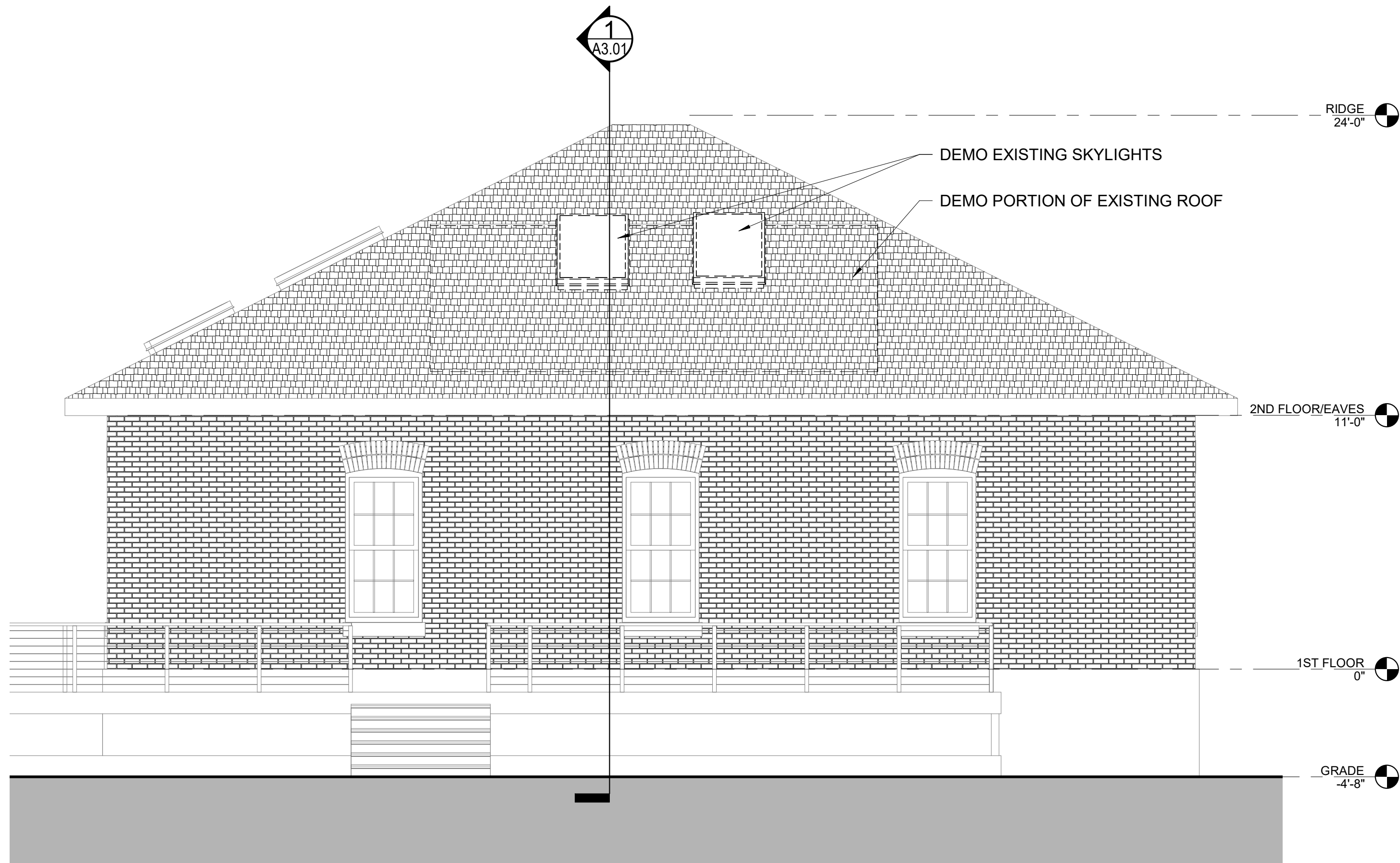




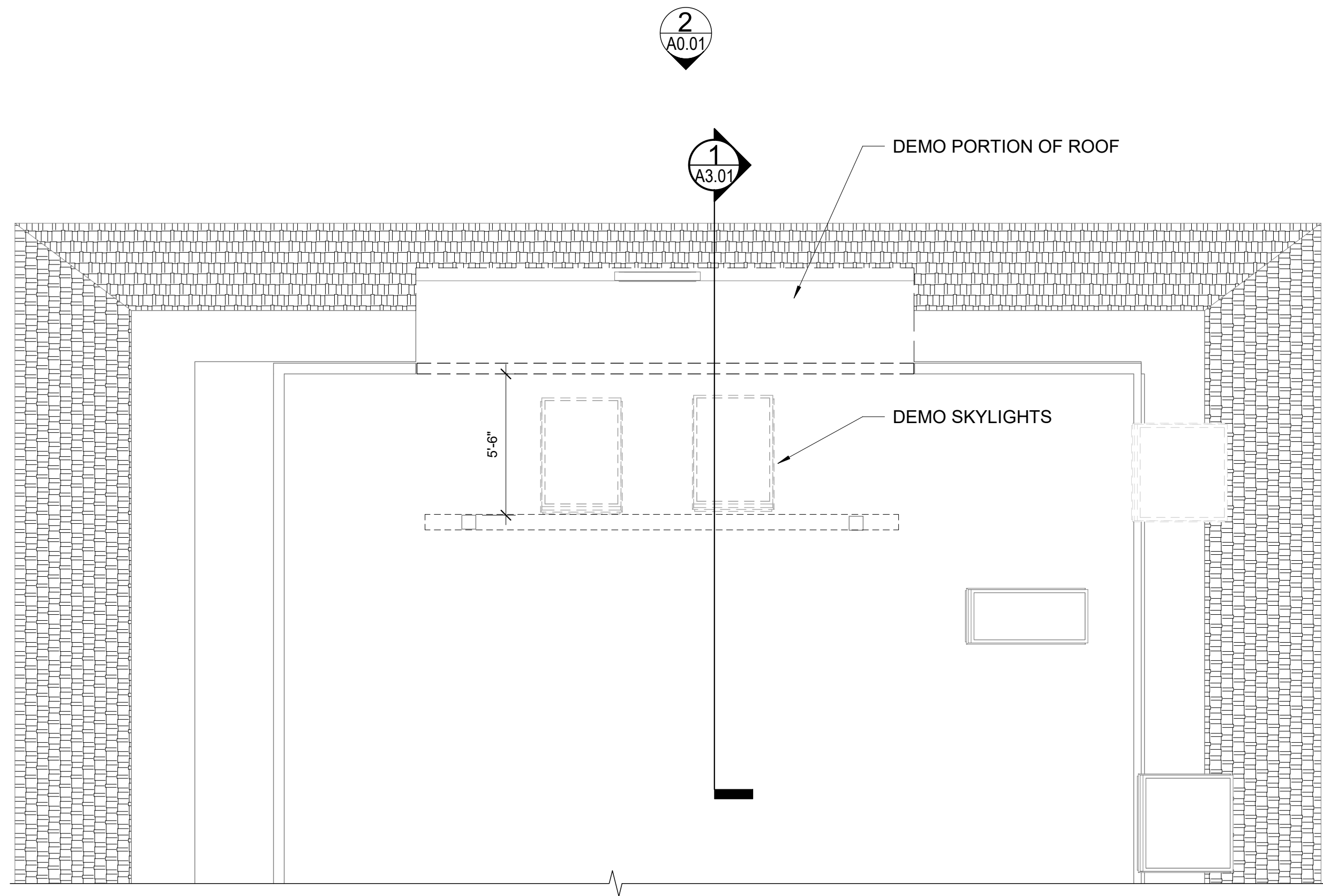
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1/4" = 1'-0"



3 | EXISTING PARTIAL RIGHT ELEVATION
1/4" = 1'-0"



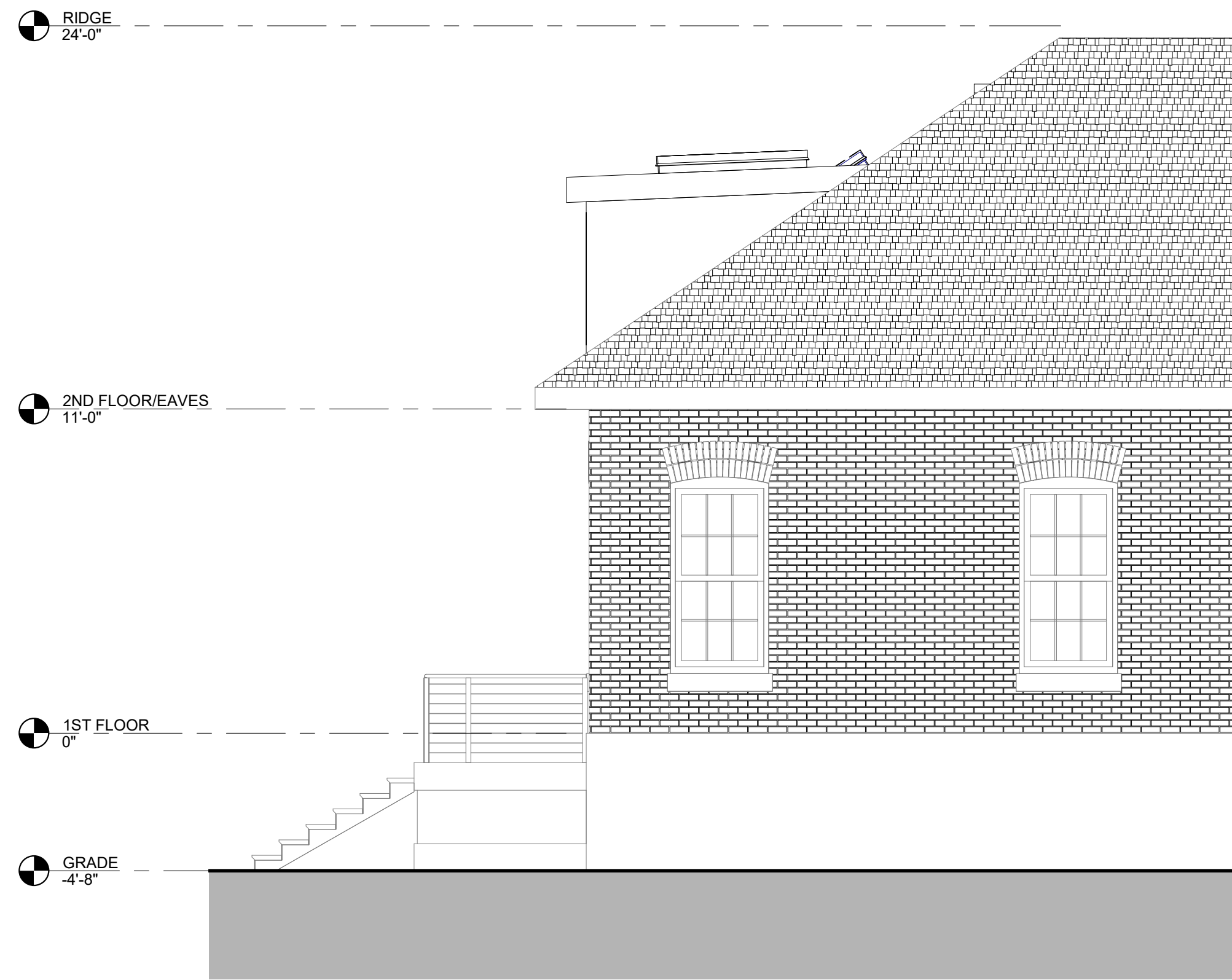
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1/4" = 1'-0"



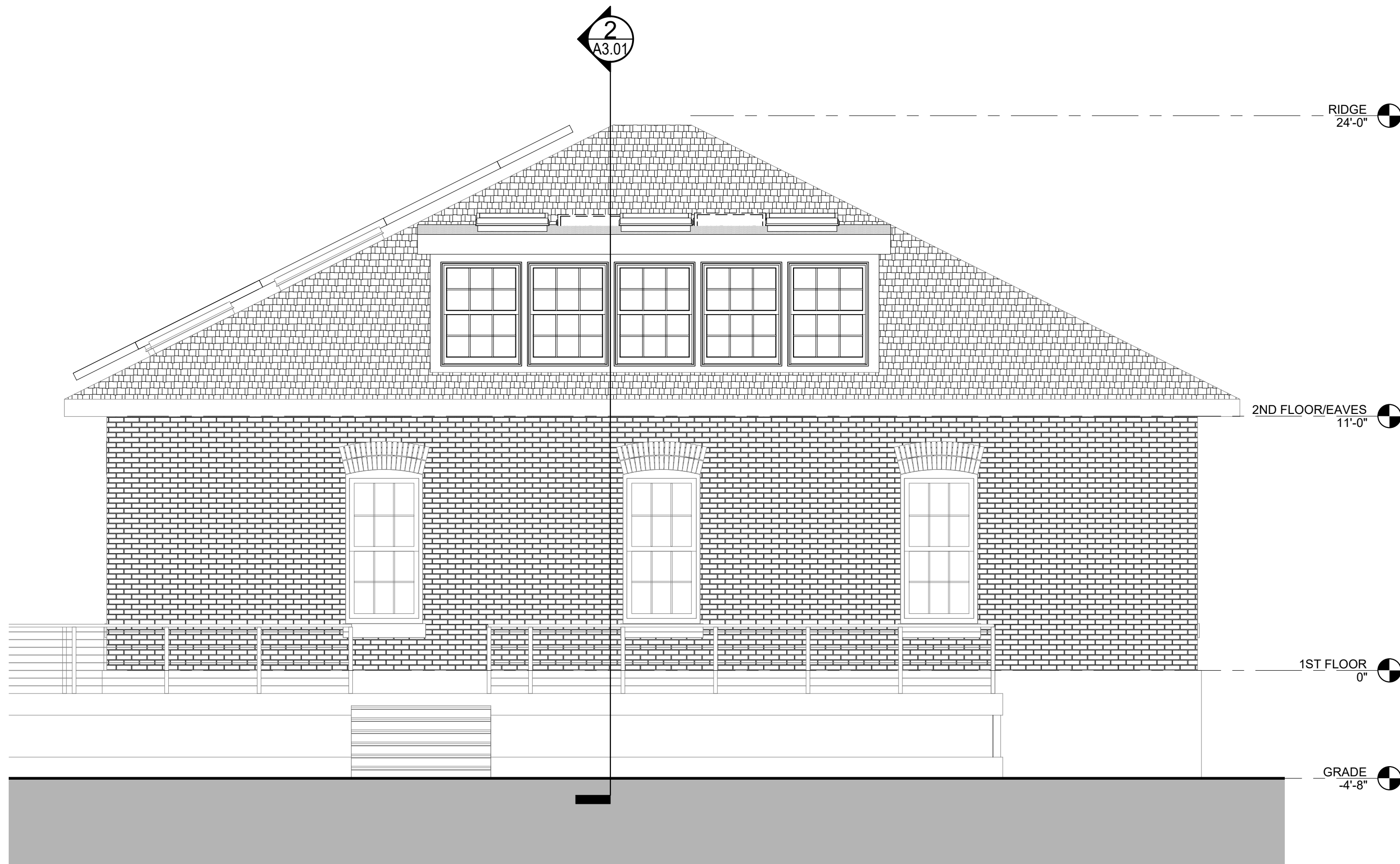
1 | EXISTING 2ND FLOOR PLAN
1/4" = 1'-0"



Prepared For:		Jeff & Sue Welton	
Consultant:		ARCHETYPE ARCHITECTS 48 Union Wharf Portland, Maine 04101 207.772.6022 ARCHETYPE@ARCHETYPEPA.COM	
Project:		WELTON RESIDENCE MODIFICATIONS	
Revisions:		12 Bakery Lane Portland, Maine 04109	
Date:	4 MAR 2022	Scale: 1/4" = 1'-0"	
		EXISTING PLANS & ELEVATIONS	
		A0.01	



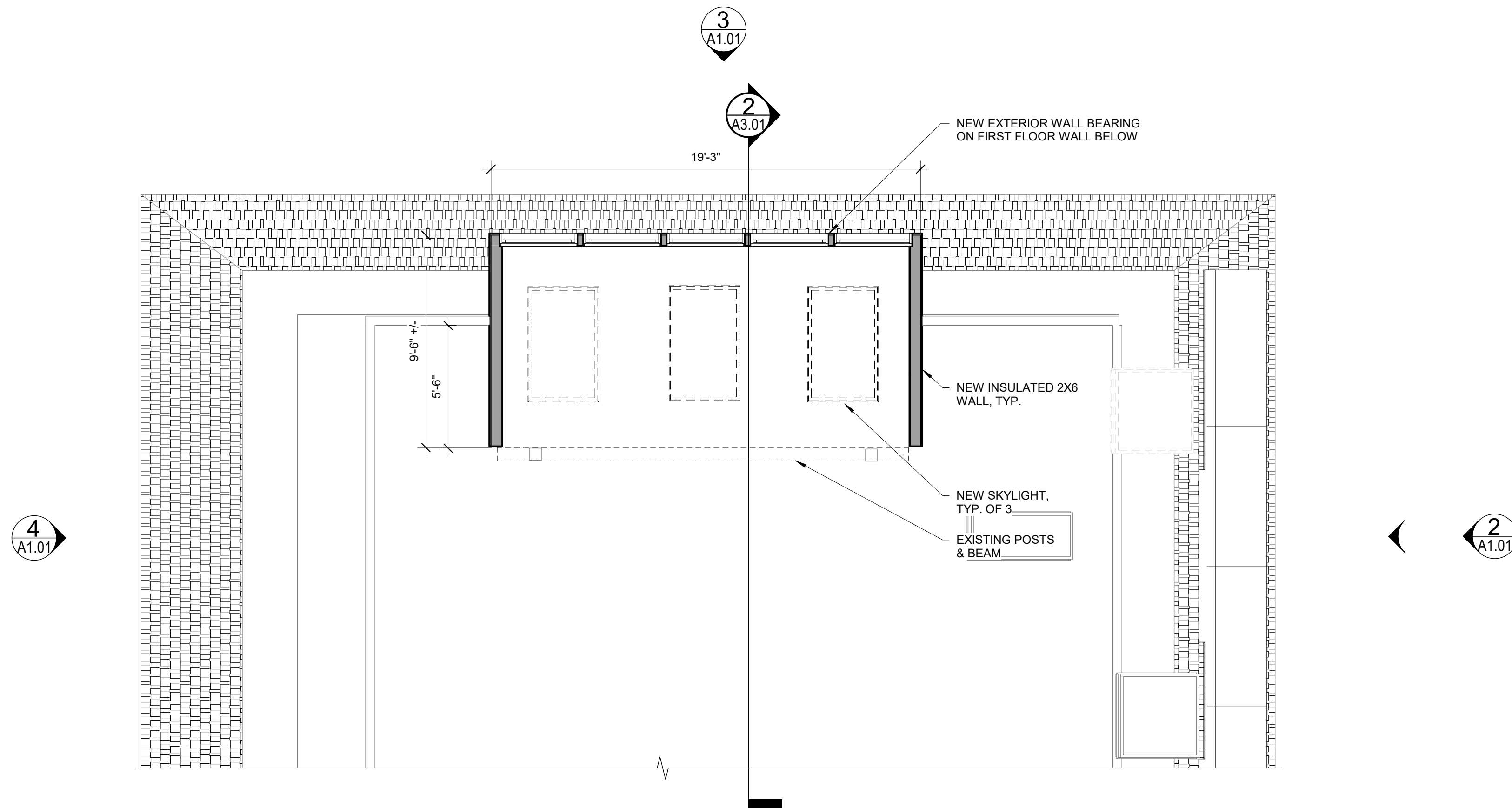
4 | NEW PARTIAL LEFT ELEVATION
1/4" = 1'-0"



3 | NEW REAR ELEVATION
1/4" = 1'-0"



2 | NEW PARTIAL RIGHT ELEVATION
1/4" = 1'-0"



1 | NEW PARTIAL 2ND FLOOR PLAN
1/4" = 1'-0"

Prepared For:
Jeff & Sue Welton

Consultant:

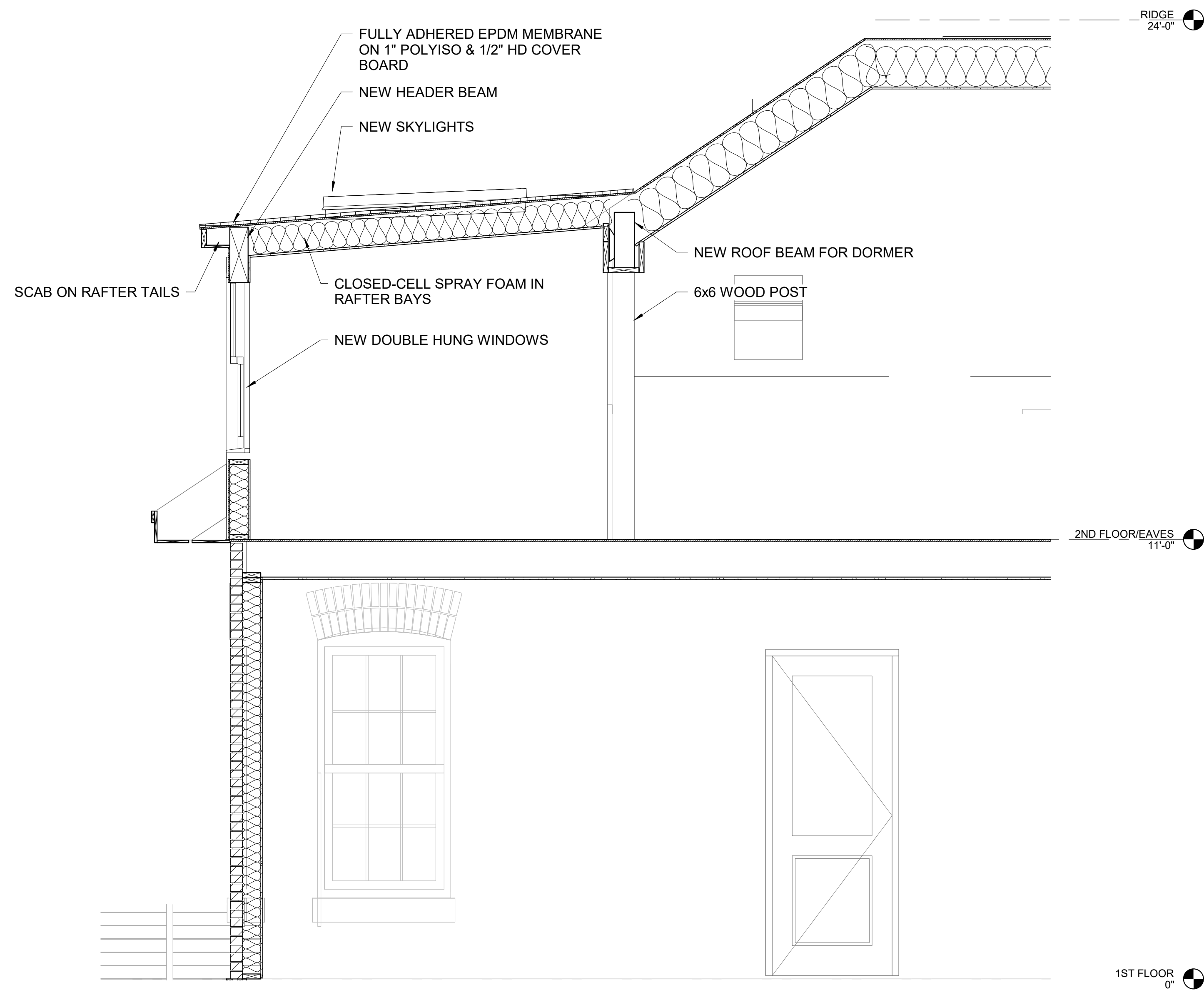
Architect:
**ARCHETYPE
ARCHITECTS**
48 Union Wharf Portland, Maine 04101
207.772.6022 ARCHETYPE@ARCHETYPEPA.COM

Project:
WELTON RESIDENCE
MODIFICATIONS
12 Bakery Lane
Portland, Maine 04109

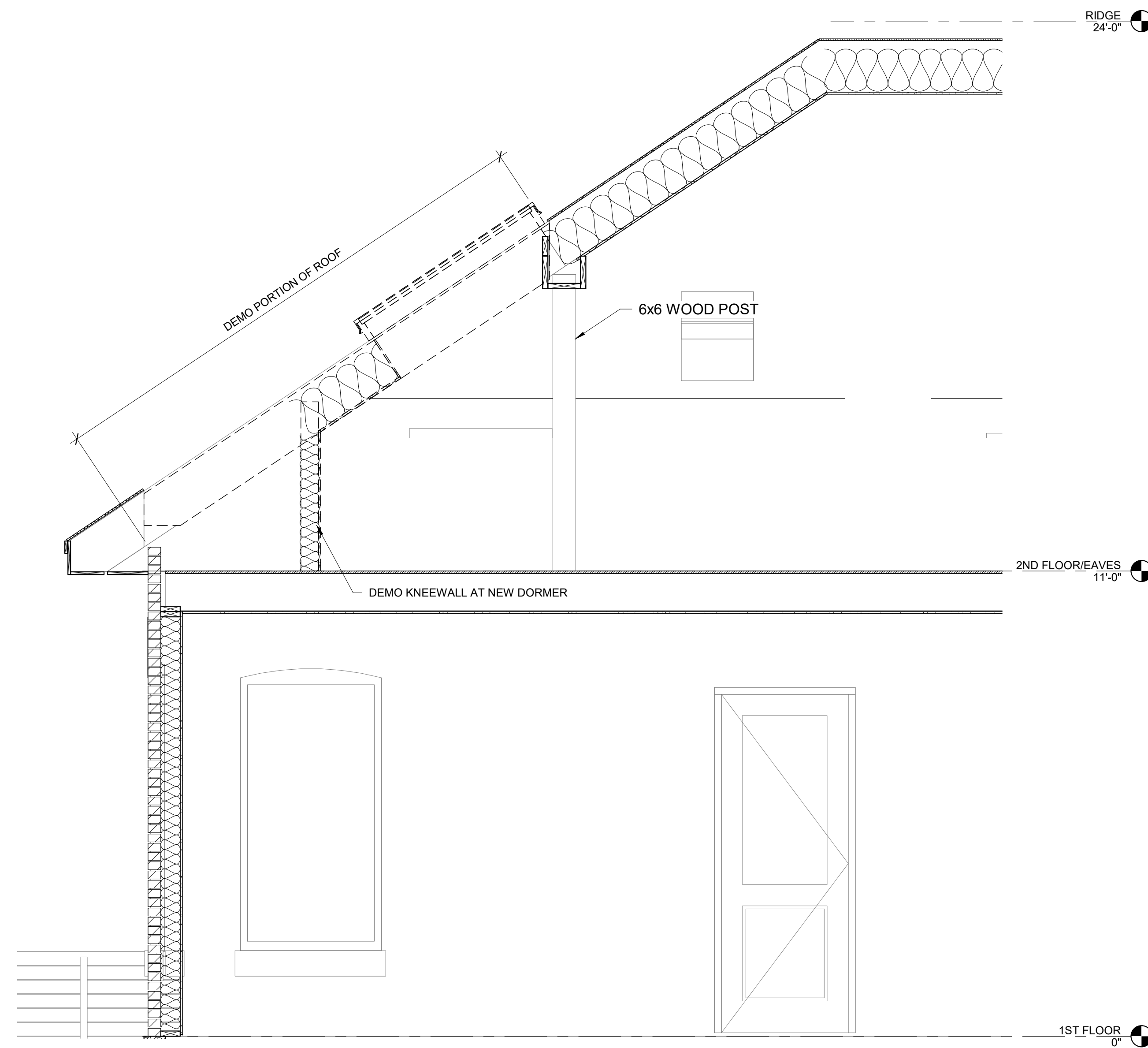
Revisions:

Date: 4 MAR 2022
Scale: 1/4" = 1'-0"
NEW PLANS &
ELEVATIONS

A1.01



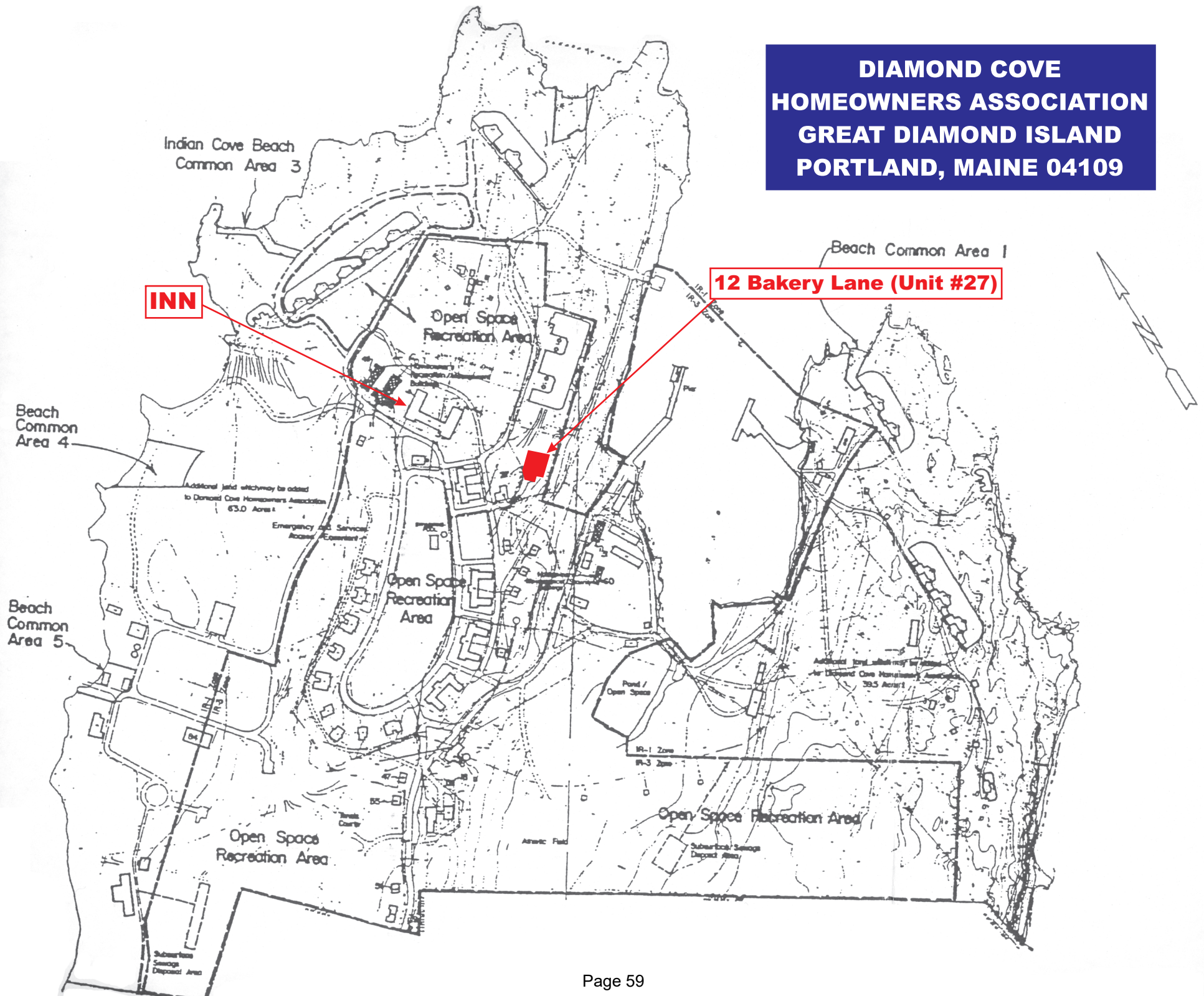
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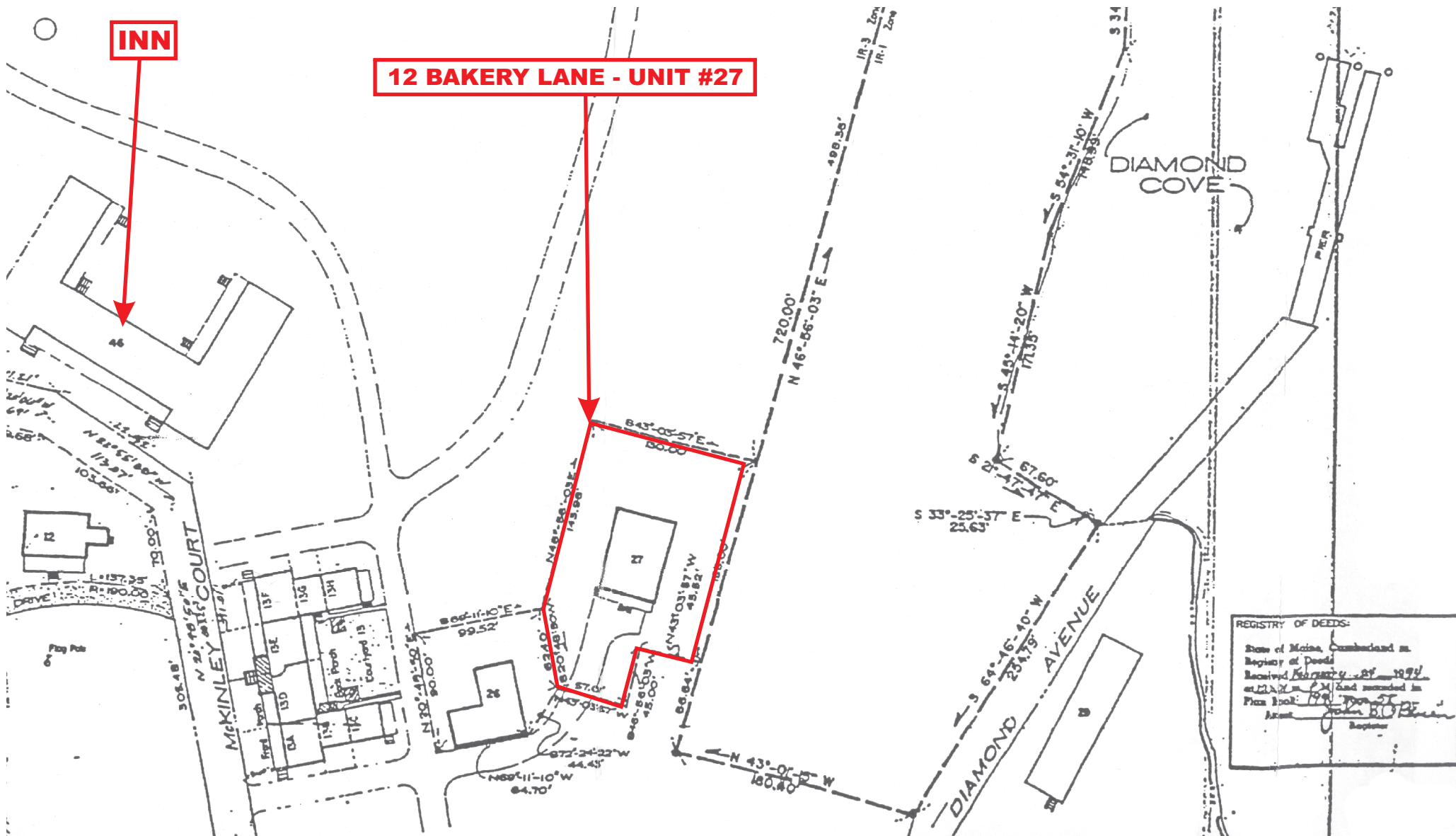


1 | EXISTING SECTION W/ DEMO
1/2" = 1'-0"

A3.01		Date: 4 MAR 2022	Scale: 1/2" = 1'-0"	SECTIONS				Project: WELTON RESIDENCE MODIFICATIONS	Architect: ARCHETYPE ARCHITECTS 48 Union Wharf Portland, Maine 04101 207.772.6022 ARCHETYPE@ARCHETYPEPA.COM	Consultant:		Prepared For: Jeff & Sue Welton	

**DIAMOND COVE
HOMEOWNERS ASSOCIATION
GREAT DIAMOND ISLAND
PORTLAND, MAINE 04109**





INN

12 BAKERY LANE (UNIT #27)

Parade Ground

Great Diamond I







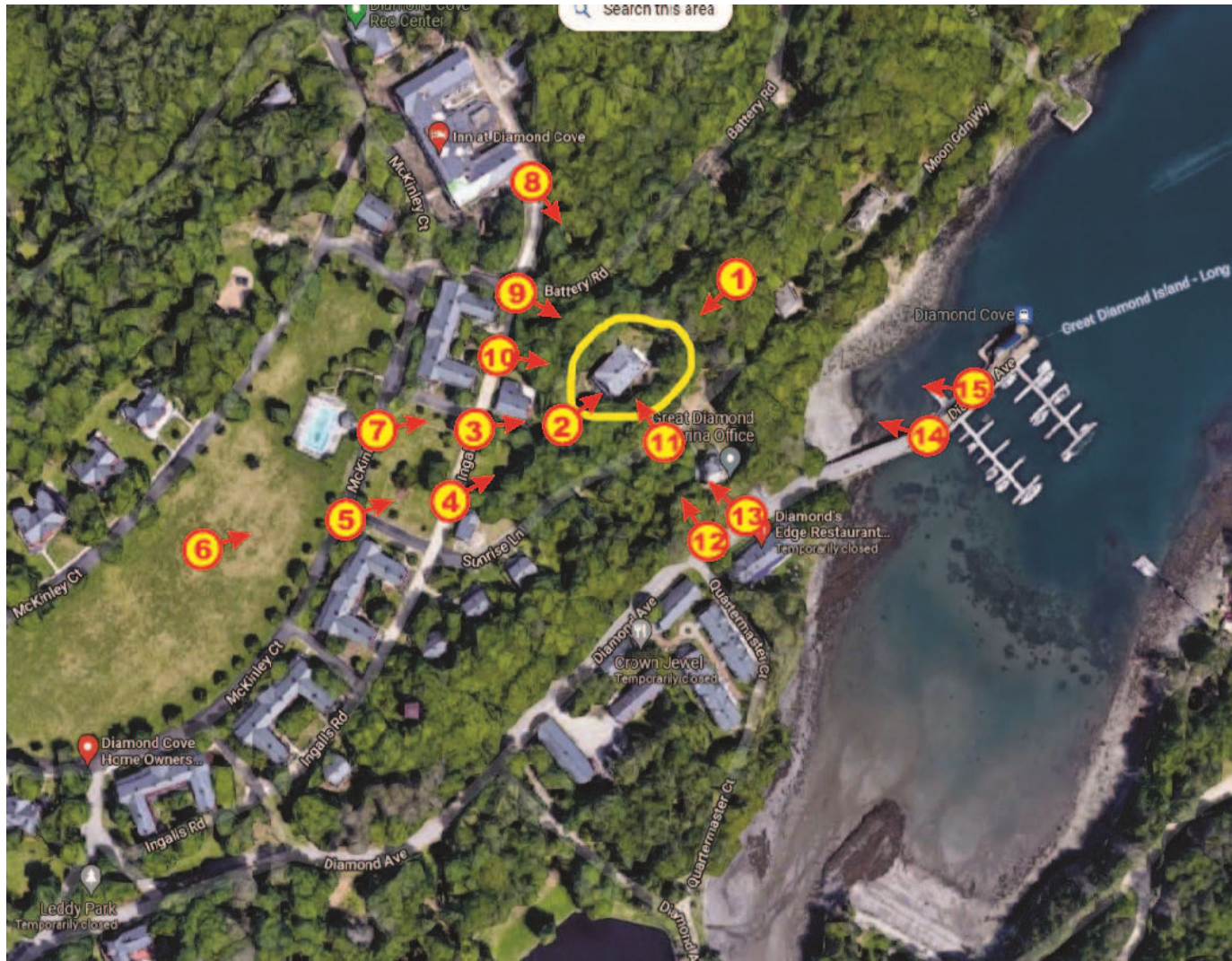
PRIVATE
RESIDENCE



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

1

Photos Locator Map



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

2

PHOTO #1: Looking towards back / north side of Guardhouse from Common Area Forest (No homes located in this area).



PHOTO #2: Looking at front of Guardhouse from end of Bakery Lane.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

3

PHOTO #3: Looking towards front of Guardhouse (Not Visible) from Intersection of Bakery Lane and Ingalls Road.



PHOTO #4: Looking towards front of Guardhouse from Ingalls Road.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

4

PHOTO #5: Looking towards front of Guardhouse (Not Visible) from Intersection of McKinley Court (Parade Ground) and Sunrise Lane.



PHOTO #6: Looking towards front of Guardhouse (Not Visible) from center of Parade Ground Area.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

5

PHOTO #7: Looking towards front of Guardhouse (Not Visible) from Parade Ground Pool entrance.



PHOTO #8: Looking towards north and west sides of Guardhouse from Inn at Diamond Cove.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

6

PHOTO #9: Looking towards west side of Guardhouse from intersection of Ingalls Road (driveway to Inn at Diamond Cove) and Battery Road.



PHOTO #10: Looking towards west side of Guardhouse from Ingalls Road behind Building 13.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

7

PHOTO #11: Looking towards east side of Guardhouse from middle of stairway leading to Parade Ground adjacent to Sunrise Lane.



PHOTO #12: Looking towards east side of Guardhouse from bottom of stairway leading to Parade Ground adjacent to Diamond Avenue.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

8

PHOTO #13: Looking towards east side of Guardhouse (Not Visible) from entrance to the Diamond's Edge Restaurant adjacent to Diamond Avenue.



PHOTO #14: Looking towards back / north side of Guardhouse (barely visible) from end of Diamond Cove Pier and beginning of Diamond Avenue.



GUARDHOUSE SPRING PHOTOS
MAY 5, 2022

9

PHOTO #15: Looking towards back / north side of Guardhouse (barely visible) from middle of Diamond Cove Pier.



Portland Historic Resources Inventory

Property Address: Great Diamond Island

Inventory #: FM-27

Assessor's C/B/L:

District: Fort McKinley Map #: 27

Rating:

Local Code: CONTRIBUTING

National Register: Inc. Listing N/A District Fort McKinley

Date of Placement: Local 08/01/1990 National 03/21/1985

Description of Significant Features and Subsequent Alterations:

The guard house, or jail, is a one and a half story brick structure that is in very poor condition. It is located at a remote location. It has a hipped roof with a central chimney crested by a corbeled cap at the point of the roof's juncture. Dominating the facade is a full-length porch on brick pilings. The bracketed cornice is supported by chamfered pilasters and posts and is crowned by a steeply sloped gable, also with a bracketed overhang.

Within the clapboarded pediment is a Palladian window. There is a metal railing, and a dilapidated set of wooden steps leading up to the doorways which are topped by transoms.

The building rests on a high foundation of rough-faced granite blocks. The fenestration is evenly spaced on the facade. Three windows with 6/6 double hung sash and granite sills and two doorways. On the side elevations are six bays with a doorway on the western elevation topped by large transoms that lead into the basement. The windows on the side elevations naturally have bars.

City Review of Certificates:

Date	Action	Type	Summary of Work
------	--------	------	-----------------

Property Name: Guard House

Property Name(Other):

Street Address: Great Diamond Island

Town: Portland County: Cumberland

Date Surveyed: 10/1992 Surveyor: Rick Redlon

Updated: by (date) (surveyor)

by
by

Owner Name:

Owner Address:

Primary Use (Present): ABANDONED

HISTORIC PRESERVATION BOARD
CITY OF PORTLAND, MAINE

PUBLIC HEARING
143 SPRING STREET

TO: Chair Pollard and Members of the Historic Preservation Board
FROM: Rob Wiener, Historic Preservation Compliance Coordinator
DATE: May 13, 2022
RE: May 18, 2022 **PUBLIC HEARING – Review of Proposed
Gate Installation - HPBR-001685-2021**

Address: 143 Spring Street
Applicant: David Harvey
Property Manager: Sidney Beardsley
Designer / Fabricator: Jason Hahne

A sign announcing the Historic Preservation Board's meeting on May 18, 2022 was posted at the property on 5/9/22. A legal ad was published in the Portland Press Herald on 5/7/22, and 59 notices were sent to neighboring property owners within 100 feet of the subject property.

Introduction

Owner David Harvey and property manager Sidney Beardsley have requested a public hearing for a Certificate of Appropriateness to install a new iron gate at 143 Spring Street. In June, 2021, Mr. Harvey and Mr. Beardsley applied to replace the existing, aging chain-link gate across the alley between Mr. Harvey's building and 145 Spring Street. Because the gate is situated at the front corners of the buildings and adjacent to the sidewalk, staff found that the decorative, free-form design would be better suited to a less prominent location, and that for the front façade it did not meet the standards for compatibility with adjacent buildings and context. Staff suggested that a quieter, more traditional design would better meet standards for compatibility.

After the applicants submitted a somewhat simpler but still flowing and curvilinear design staff suggested that if the revised design were not right at the front of the building but 8'-15' back from the corner instead, it could be approved administratively. If the owners desired the gate at the front corner of the building, staff communicated that the design would have to be further modified to assure compatibility with the character of the Greek Revival (with Italianate additions) row of four units, and its context. Following a long period of only intermittent communication that failed to resolve successfully the search for a design solution, the applicants have requested a Board review.

Mr. Harvey and Mr. Beardsley have submitted both the original design for the gate, which is still their preference, and the revised design received last summer. Mr. Harvey has provided a cover letter, and photos of several examples of gates and fences in the surrounding neighborhood. Staff has provided a photo of the property and the existing gate.

Subject Property

Please see the Historic Resources Inventory form for a full description. Despite some modifications, especially at the Park Street end of the row at 139 Spring, this four-unit rowhouse still conveys its significance as part of the dense development of this neighborhood in the Greek Revival Style. Though Italianate bays and porticos have altered the facades, and 20th Century shed dormers sit on the front roof, the row reinforces the formal 19th Century character of this immediate district, which is most well known for slightly earlier rowhouses on nearby Park Street.

A narrow alley separates the subject property from 145 Spring Street, to the west. The existing chain-link gate is rusty and is topped with barbed wire. It is supported by posts anchored in the ground.

Proposed Gate

Comments by Mr. Harvey and Mr. Beardsley indicate that the gate is important because of security concerns about intrusions into the back yard; staff is uncertain whether the intention is to lock it. (It is likely that utility rules would prohibit a locked gate on the street side of the gas meter and regulator.)

Mr. Harvey's initial gate proposal is included as Attachment 2, and Attachment 3 depicts the revision proposed last summer. The original proposal (Attachment 2) is still the applicants' first choice. Material dimensions as described by designer and fabricator Jason Hahne, are as follows:

- 2x2 square metal posts for the primary upright members
- ¼" x ½" flat bar for gate frame
- ½" square, ½" round, and ¾" square decorative pickets

The gate is proposed to be attached to the walls of the two buildings, though staff does not know whether the neighboring owner has been approached. Height of the gate has not been specified.

Staff Comments

Staff is fully supportive of finding a suitable gate design to replace the existing one. While agreeing that a design would not have to be fully rectilinear and conservatively composed

like the traditionally themed gates and fences in the neighborhood to be found compatible, the expressive and decorative character of the proposed design is not related very closely to the prevailing character of the context. Staff notes that while the proposed gate is made of black metal, and is certainly both distinct from the historic property and clearly modern, it is better suited to a garden environment than right at the sidewalk in this formal historic context.

In attempting compromise on a solution, staff offered to approve the revised, simpler design, but finding it still rather flowing and boldly contemporary for the front façade in this context, proposed to locate the alternate some distance back from the front. Mr. Harvey has asked the Board to review whether the proposal meets the applicable standards for review, particularly Standard 9.

Applicable Ordinance Review Standards (from Standards for Review of Alterations)

- (1) *Every reasonable effort shall be made to provide a compatible use for the property which requires minimal alteration to the character-defining features of the structure, object or site and its environment or to use a property for its originally intended purpose.*
- (9) *Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archeological materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the size, scale, color, material and character of the property, neighborhood or environment.*
- (10) *Wherever possible, new additions or alterations to structures and objects shall be undertaken in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the historic property would be unimpaired.*

Motion for Consideration

On the basis of plans and specifications submitted by the applicants for the May 18, 2022 public hearing and information included in the accompanying staff report, the Board finds that the proposed gate installation at 143 Spring Street **meets (fails to meet)** the historic preservation ordinance's Standards for Review of Alterations **(subject to the following conditions.....)**

Attachments:

- 1. Cover letter from the applicant
- 2. Drawing of preferred gate design
- 3. Revised proposal for gate (alternate)

4. Applicant photos of gates and fences
5. Existing gate – 143 Spring
6. Staff photo of location
7. Historic Resources property description

David Harvey

143 Spring Street • Portland • ME • 04101 | O: 415-545-8403 • C: 415-572-8432 • F: 866-755-8493 | david@lodah.com

May 13, 2022

City of Portland Department of Planning and Urban Development
389 Congress St., 4th Floor
Portland ME 04101
O: (207) 874-8719
F: (207) 756-8258
E: jmy@portlandmaine.gov

RE: HP Minor Board Review at 143 SPRING ST – Plan No: HPBR-001685-2021

Dear Board & Public:

The owners of 143 Spring Street (“Subject Property”) are submitting their application for board review for the purposes of replacing a pre-existing chain-linked fence and gate adorned with barbwire which opens to a breezeway and is adjoined to the Subject Property and the adjacent property.

The prior owners commissioned a simple black iron gate by local designer and metal fabricator Jason Hahne, which the current owners submitted for approval in 2021; however, HP staff initially disagreed with the design concept and then with the maintaining the current location of the pre-existing chain-linked fence and gate adorned with barbwire.

The owners note that Jason Hahne has spent several hours designing and re-designing the gate and that David Harvey and Sidney Beardsworth have spent collectively over a 100 hours attempting to reach a resolution to this matter with HP Staff. Combined with expended time, HP fees and project costs, replacing a chain-linked fence and gate, including barbwire, is approaching \$10,000.00.

The owners believe this is an inefficient and overly burdensome process for a minor home improvement, particularly considering the degree of enhancement of the aesthetic of the immediate neighborhood as well as in light of the use of iron in the immediate proximity of the property.

Below are photographs of the property and project along with a written overview and certification of public meeting certification. Furthermore, examples of the neighborhood design aesthetic and location

The owners’ objective is for the review board to approve the project as originally planned and in its current location without any further objections or delays.

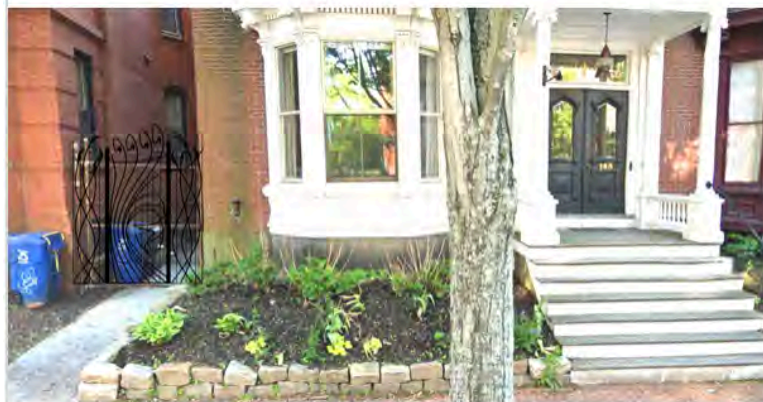
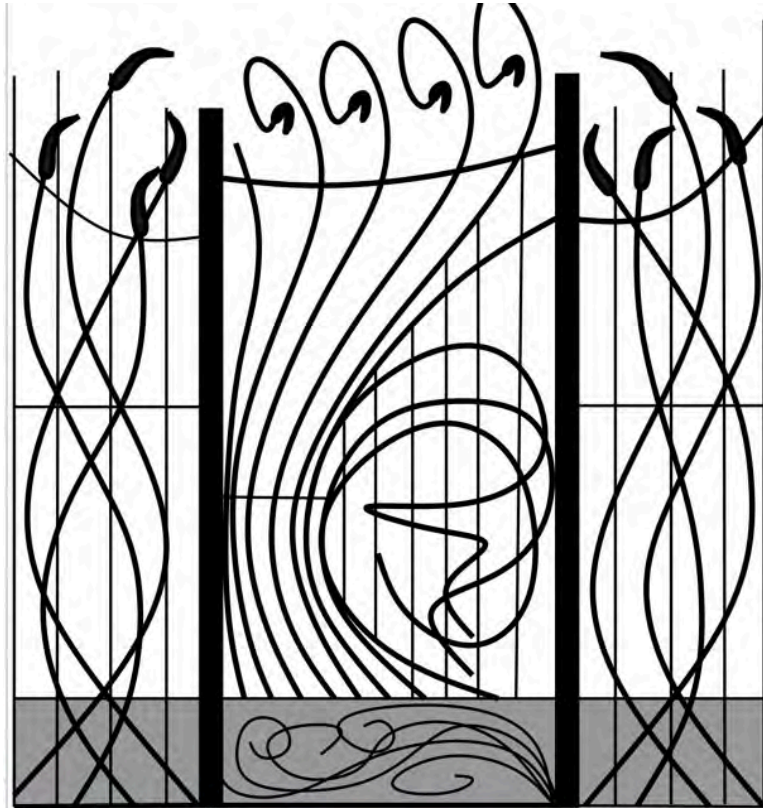
Very truly yours,

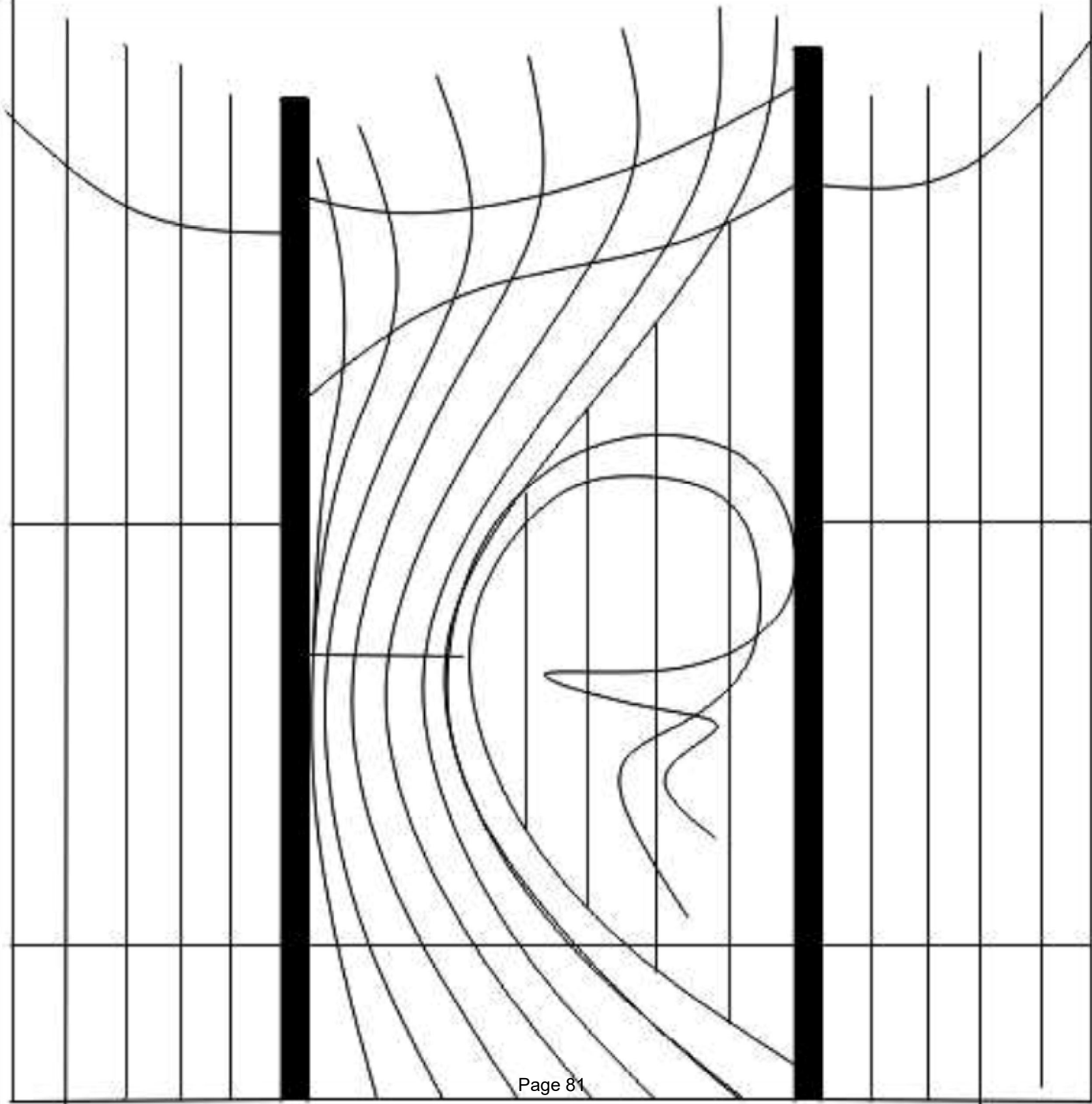
A handwritten signature in blue ink, appearing to read 'D. A. Harvey'.

David A. Harvey

Project Overview

Dimensions & Components: Main uprights 2"× 2" square tube, gate frame and door frame; 1/4"× 1 1/2" flat bar; decorative lines 1/2" square, 1/2" round and 3/8" square; plate mounted with epoxied anchors and expanding anchors on the side into the grout





Neighborhood Design Aesthetic and Location



Figure 1 Fence and gate at same offset from sidewalk as 143 Spring St's gate



Figure 2 Fence and gate at same offset from sidewalk as 143 Spring St's gate



Figure 3 Gate at property's edge with no offset from sidewalk (recently completed)



Figure 4 Gate at property's edge with no offset from sidewalk (recently completed)



Figure 5 Example of embellished iron



Figure 6 Example of embellished iron



Figure 7 Example of embellished iron



Figure 8 Example of embellished iron



Figure 8 Example of embellished iron



Figure 9 Example of embellished iron



Figure 10 Example of embellished iron



Figure 11 Example of iron gate



Figure 12 Example of chain-linked fence

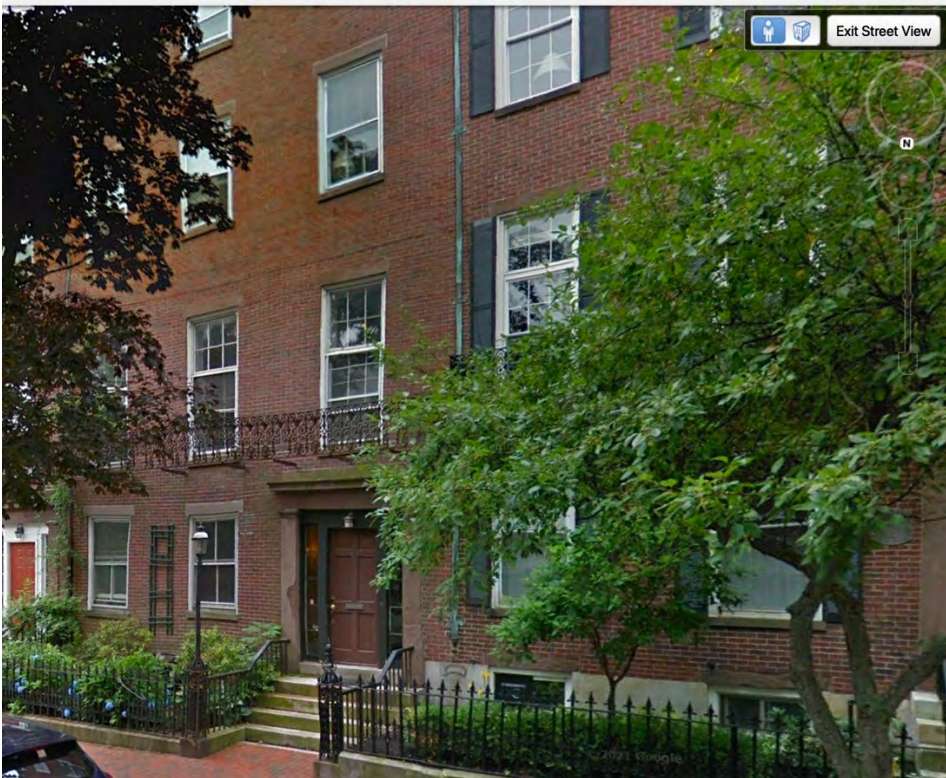


Figure 13 Example of embellished iron

Notice of Public Meeting Certification

I, David Harvey, hereby certify that a notice of neighborhood meeting sign was posted promptly after receiving notice of the requirement and prior to the hearing to be held on May 18, 2022 for the proposed project (see photograph below).



211.41

David A. Harvey



Portland Historic Resources Inventory

Property Address: 139-143 Spring Street

Inventory #: SP-125

Assessor's C/B/L: 45-A-12-14

District: Spring Street

Map #: 125

Rating:

Local Code: CONTRIBUTING

National Register: Ind. Listing N/A District Spring Street

Date of Placement: Local 08/01/1990 National 04/03/1970

Description of Significant Features and Subsequent Alterations:

This Greek Revival brick rowhouse, built by the same man as the rowhouse block at #129-135 Spring Street, has fared somewhat better. Though the end unit has been completely altered, the other three units have not had the change in use from residential to commercial which so altered the ground floor of the other block. Though there certainly have been additions to this block, particularly in the Italianate period, the facade is must more cohesive than the rowhouse block at #129-135 Spring. One can still appreciate the Greek Revival structure beneath the Italianate overlay of 2 story bracketed bay windows and porch hoods. In fact, the Italianate additions, having been added to each of the three units, provides a certain rhythmic interest to what could have been an austere facade of windows capped by flush granite lintels. The double Italianate doors remain though the steps have all been altered, particularly the middle section at #139-141 where the dividing brick section alters the sense of a unified entry to both units. The shed dormers on the roofs of #139-141 are less successful post-1924 additions. Nonetheless, the block adds to the dense urban rowhouse character of this neighborhood and relates well to the Park Street Proprietary Blocks nearby. The portico at #143 has been altered from Ionic columns to square posts and it has lost its Colonial Revival balustrade. There is a Corinthian columned portico at #139-141. The double doors all date to the Italianate additions, after 1882.

Owner's Names and Addresses

- #139: Pamela M. Murphy, 1771 Washington Avenue
- #141: Stephen C. Lesneski, 141 Spring Street
- #143: Alice L. Burke, 143 Spring Street

Portland Historic Resources Inventory

Property Address: 139-143 Spring Street

Inventory #: SP-125

Assessor's C/B/L: 45-A-12-14

District: Spring Street

Map #: 125

Rating:

Local Code: CONTRIBUTING

National Register: Ind. Listing N/A District Spring Street

Date of Placement: Local 08/01/1990 National 04/03/1970

Description of Significant Features and Subsequent Alterations:

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